



**CITY OF WALLED LAKE
REGULAR COUNCIL MEETING
JANUARY 17, 2012**

The Meeting was called to order at 7:30 p.m. by Mayor Roberts.

Pledge of Allegiance led by Mayor Roberts.

Invocation led by Mayor Pro Tem Ackley.

ROLL CALL: Mayor Roberts, Mayor Pro Tem Ackley, Council Member Robertson, Council Member Sturgeon, Council Member Yezbick

ABSENT: Council Member Ambrose, Council Member Owsinek

There being a quorum present, the meeting was declared in session.

OTHERS PRESENT: City Manager Whitt, Deputy Clerk Williams, Deputy Treasurer Stuart, DPW Coordinator McGill, Police Chief Shakinias, Fire Chief Van Sparrentak, and City Attorney Vanerian.

CM 01-08-12 EXCUSE COUNCIL MEMBER AMBROSE AND COUNCIL MEMBER OWSINEK FROM THIS MEETING

Motion by Ackley, seconded by Robertson, CARRIED UNANIMOUSLY: To excuse Council Member Ambrose and Council Member Owsinek from this meeting.

REQUESTS FOR AGENDA CHANGES:

Mayor Roberts asked that Item #2 under New Business - Construction Board of Appeals Member Appointments be moved to Item #1 under Mayor's Report.

Also, that Item #1 under New Business – Oakland County North Pontiac Trail Parcel Exchange is moved to Item #1 under Council Consideration.

CM 01-09-12 APPROVAL OF THE JANUARY 3, 2012 REGULAR COUNCIL MEETING MINUTES

Motion by Sturgeon, seconded by Ackley, CARRIED UNANIMOUSLY: To approve the Minutes of the Regular Council Meeting on January 3, 2012.

AUDIENCE PARTICIPATION:

**Kimberly Ingram – 150 Sandy Lane – East Bay Condominiums
Laurie Ingram – 158 Sandy Lane – East Bay Condominiums**

01-17-12

Kimberly Ingram appeared before Council to inform them of issues concerning the building in which they live. Complaints and concerns were voiced in regards to venting and plumbing issues. Kimberly Ingram had mold testing conducted in her home and the results reported a toxic level of mold in her basement, living room and bedroom. She then stated she turned off her furnace to prevent the mold from spreading and has been using her fireplace. She said the "Fire Chief" has been in her home and recommended not using the fireplace. She has been to the hospital due to illness she contributes to the mold in her home. She is seeking justice for the home owners of Building 6 at East Bay Condominiums.

Mayor Roberts noted that the Building Official and City Attorney have been in contact with both ladies and they are assisting them in whatever way that they can.

City Attorney Vanerian stated that he has met with Laurie Ingram during office hours last week and was provided with more specific complaints and made contact with the attorney for the condominium complex. The attorney reported that they have done prior testing in response to prior complaints from Ms. Ingram. He did agree to perform additional testing and to comply with the requests of the Building Official by conducting a smoke test on the venting system and would follow up once complete.

Council Member Robertson asked if the basements in the units were insulated and dry walled. Ms. Ingram explained that they are partially finished. Council Member Robertson has a thought that issues are not plumbing related but rather damage from previous flooding.

Mayor Pro Tem Ackley explained to both ladies that she does understand the situation they are in but she does not feel that there is any further action that the Council can take to assist them. It appears that this is resulting in a civil issue between the owners and Management Company at East Bay.

City Attorney Vanerian explained that our role is limited and that we can enforce code compliance and that is what we are doing at this time.

Council Member Yezbick asked about the issue with the fireplace and Chief VanSparrentak stated that he has never been to this residence and never stated that. Ms. Ingram explained it may have been one of the captains but they fireplace was not deemed unsafe.

City Manager Whitt told the ladies that this is a civil issue and city staff is providing whatever information is available. It is important that we help with safety issues that we are qualified to deal with but he recommends her to find legal representation outside of the City to assist her with this.

The ladies thanked Council for their assistance in this matter.

Jeff Rondeau – 1159 Wabasso

Mr. Rondeau is the Code Inspector for the City of Walled Lake. He came before Council to discuss the potential of implementing a Rental Property Ordinance. He stated that it was reviewed a few years ago and was not agreed with at that time. He stated that he is seeing more

rental properties and situations where they do not take care of the homes as well as they should. A majority are houses that people are renting. His hope is that we require a generic safety inspection of the rental properties. He understands the economy is not getting better and that rental properties will likely continue to increase.

Mayor Pro Tem Ackley feels that this is a valid concern and it should be proposed to City Administration and then further direction should come from the City Manager.

A concern of cost to conduct such inspections was a question. Mr. Rondeau stated that in Waterford Township he owns a rental home and must pay \$60 a year for a safety inspection and then advertises his home as being inspected by the municipality.

Council advised Mr. Rondeau to start this process with administration.

COUNCIL CONSIDERATION:

1. Oakland County North Pontiac Trail Parcel Exchange

Art Holdsworth, Director of Facilities Management for Oakland County spoke to Council regarding a fiber optic hub that currently is at the former Oakland County Office Building on Maple. This hub is vital for the County to maintain and thus they are requesting this exchange to relocate the hub. They do not plan on relocating the hub until the building on Maple has sold. Once the time is appropriate, they will pull the necessary permits to relocate the shed.

Council Member Robertson asked Mr. Holdsworth how much of that land did the County actually need? He stated approximately about 100 square feet and right-of-way access to it.

Mayor Pro Tem Ackley stated that she does not think this swap is advantageous for the City and she would like us to research alternate locations for the placement of the hub.

City Manager Whitt stated that we should accommodate the request of the County and he would like to work with Mr. Holdsworth to find alternate locations that would be more suitable.

**CM 01-10-12 TO APPROVE THE CITY MANAGER TO WORK WITH
OAKLAND COUNTY TO FIND AN ALTERNATE LOCATION TO
SATISFY THE NEEDS OF THE RELOCATION OF THE FIBER
OPTIC HUB**

Motion by Ackley, seconded by Sturgeon, CARRIED UNANIMOUSLY: To approve the City Manager to work with Oakland County to find an alternate location to satisfy the needs of the relocation of the Fiber Optic Hub.

MAYOR'S REPORT:

Mayor Roberts recommends to the Council to appoint the Andrew Maltese, Andrew Miller and Wendell Allen to the Construction Board of Appeals for a two-year term.

CM 01-11-12 TO APPOINT ANDREW MALTESE, ANDREW MILLER AND WENDELL ALLEN TO THE CONSTRUCTION BOARD OF APPEALS FOR A TWO YEAR TERM

Motion by Ackley, seconded by Sturgeon, CARRIED UNANIMOUSLY: To appoint the three applicants to the Construction Board of Appeals for a two year term.

COUNCIL REPORT:

Council Member Robertson reported on the Planning Commission and a concern was that there have been several issues of individuals moving in without a Certificate of Occupancy. He feels that consideration of a penalty be added to the Ordinance.

City Attorney Vanerian believes that this is a Zoning Ordinance violation and is a municipal civil infraction.

There was discussion as to whom the citation is issued to. City Manager Whitt asked for a review of the Ordinance.

CM 01-12-11 TO DIRECT THE CITY MANAGER AND CITY ATTORNEY TO REVIEW THE ORDINANCE AND MAKE NECESSARY REVISIONS AND THEN PRESENT IT TO COUNCIL

Motion by Robertson, seconded by Ackley, CARRIED UNANIMOUSLY: To direct the City Manager and City Attorney to review the Ordinance and make necessary revisions and then present it to Council.

CITY MANAGER'S REPORT:

CM 01-13-12 ACCEPT AND RECEIVE THE DEPARTMENTAL STATISTICAL REPORTS OF THE POLICE, FIRE, BUILDING/PLANNING AND DPW

Motion by Robertson, seconded by Ackley, CARRIED UNANIMOUSLY: To accept and receive the departmental statistical reports of the Police, Fire, Building/Planning and DPW.

CORRESPONDENCE: None

ATTORNEY'S REPORT:

East Bay updates were already discussed during the Audience Participation portion of the Agenda.

City Attorney Vanerian updated the Council on the Downtown Development Authority Lease Agreement. After review, he determined that there is a provision in the DDA ordinance to obtain Council approval for DDA contracts. City Attorney Vanerian prepared and presented his legal opinion on the matter. It was explained that the provision is enforceable and the court upholds it and not uncommon as other cities do the same.

Mayor Pro Tem Ackley would like City Attorney Vanerian to research the issue of the DDA leasing from one of their Board Members. Her primary concern is if this is considered right or wrong.

Council Member Sturgeon stated that this should be enforced as part of the ordinance. This way they can address the problem of the contract and the ethical concerns together.

City Attorney Vanerian stated that he did review the DDA bylaws and did not find anything that would address this situation and recommends that the Council amend the DDA rules and bylaws to make this clear.

**CM 01-14-12 AUTHORIZE THE CITY ATTORNEY TO REVIEW THE
BYLAWS AND TO REVISE THEM TO INCLUDE MATTERS OF
ETHICAL CONCERN**

Motion by Sturgeon, seconded by Robertson, CARRIED UNANIMOUSLY: To authorize the City Attorney to review the bylaws and to revise them to include matters of ethical concern.

**CM 01-15-11 RECEIVE A COPY OF THE DOWNTOWN DEVELOPMENT
AUTHORITY LEASE AGREEMENT**

Motion by Robertson, seconded by Yezbick, CARRIED UNANIMOUSLY: To receive a copy of the Downtown Development Authority Lease Agreement.

AGENDA CHANGE: City Manager Whitt requested an Executive Session to discuss labor negotiations

NEW BUSINESS 1: 2012 Poverty Exemption Application and Resolution

Deputy Treasurer Stuart presented the 2012 Poverty Exemption Application and Resolution to Council. She explained this is a standard form necessary for approval by Council to allow residents to file for poverty exemption.

**CM 01-16-12 APPROVE THE APPLICATION PROCEDURE FOR THE 2012
POVERTY EXEMPTION**

Motion by Ackley, seconded by Sturgeon, CARRIED UNANIMOUSLY: To approve the application procedure for the 2012 Poverty Exemption.

**CM 01-17-12 ADOPT THE RESOLUTION FOR THE 2012 POVERTY
EXEMPTION**

Motion by Ackley, seconded by Robertson, CARRIED UNANIMOUSLY: To adopt the resolution for the 2012 Poverty Exemption application.

**CM 01-18-12 ENTER INTO EXECUTIVE SESSION TO DISCUSS LABOR
NEGOTIATIONS AFTER BILLS FOR APPROVAL**

Motion by Ackley, seconded by Robertson, CARRIED UNANIMOUSLY: To enter into Executive Session to discuss labor negotiations.

Roll Call Vote:

Yes: Ackley, Robertson, Sturgeon, Yezbick, Roberts
No: None
Absent: Ambrose, Owsinek

AUDIENCE PARTICIPATION: None

COUNCIL COMMENTS:

Council Member Yezbick noted that during Audience Participation we need to move the microphone because you cannot hear their comments when watching on television.

CM 01-19-12 BILLS FOR APPROVAL

Motion by Ackley, seconded by Yezbick, CARRIED UNANIMOUSLY: To authorize the Treasurer to make disbursements and transfers on Warrant #02-2012 in the amount of \$296,201.61 this being in the best interest of the City.

Council entered into Executive Session at 8:30 p.m. to discuss labor issues and employee contracts and ended this session at 9:15 p.m.

Meeting adjourned at 9:15 p.m.



Tamara Williams, Deputy City Clerk



William T. Roberts, Mayor

FOR: L. Dennis Whitt, City Clerk