



**CITY OF WALLED LAKE
REGULAR COUNCIL MEETING
MAY 6, 2014**

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

Pledge of Allegiance led by Mayor Ackley.

Invocation led by Mayor Pro Tem Robertson.

ROLL CALL: Mayor Ackley, Mayor Pro Tem Robertson, Council Member Ambrose, Council Member Loch, Council Member Owsinek, Council Member Yezbick

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

OTHERS PRESENT: City Manager Whitt, Police Chief Shakinis, Interim Fire Chief Coomer, Finance Director Coogan, Public Works Coordinator McGill, City Attorney Vanerian, Deputy Clerk Stuart, and Confidential Administrative Assistant Rodgers

CM 05-03-14 MOTION TO EXCUSE COUNCIL MEMBER STURGEON FROM THIS MEETING

Motion by Robertson, seconded by Owsinek, CARRIED UNANIMOUSLY: To excuse Council Member Sturgeon from tonight's meeting.

REQUESTS FOR AGENDA CHANGES:

Council Member Owsinek said based on tonight's public hearing, he requested a resolution he prepared concerning the N. Pontiac Trail Sidewalk Improvement be added to agenda, Mayor Ackley placed as New Business Item #9.

Public Works Coordinator McGill introduced Mike Csapo, General Manager of Resource Recovery Recycling Authority of Southwest Oakland County (RRRASOC). He was present to provide Council information on our current recycling program. Mayor Ackley added as Council Consideration Item #1.

City Manager Whitt said our Library Director and Board Members were present to address New Business Item #5, the Library Millage Renewal Proposal. He suggested they be heard prior to agenda item since they were present.

APPROVAL OF THE MINUTES:

CM 05-04-14 APPROVAL OF THE APRIL 1, 2014 REGULAR COUNCIL MEETING MINUTES, APRIL 14, 2014 SPECIAL COUNCIL

**MEETING MINUTES, APRIL 17, 2014 SPECIAL MEETING
MINUTES, APRIL 26, 2014 SPECIAL MEETING MINUTES**

Motion by Owsinek, seconded by Yezbick, CARRIED UNANIMOUSLY: To approve the April 1, 2014 Regular Council Meeting Minutes, April 14, 2014 Special Council Meeting Minutes, April 17, 2014 Special Council Meeting Minutes, and April 26, 2014 Special Council Meeting Minutes.

AUDIENCE PARTICIPATION:

Denise Hewitt, 1149 N. Eddie - stated as a result of her unsuccessful garage sales, she is requesting the ordinance be amended and include a "rain day" policy. She said when someone steals a sign, isn't against the law? She said she has spent more time trying to find her removed garage sale signs. She said she does not want to have a set period of time; three sessions of sales is not enough. She wants to make dollars; she does not want to wait 45 days in between sales. She asked why the City has this rule, because one resident, Oscar Leaser, does not want garage sales. She said last year she obtained 400 signatures to change the ordinance. She said neighbors have parties with tents, cars parked on their front lawns, and tables with chairs on their front lawns. She asked why the City is not doing anything about that. She said she wants to have her garage sales in peace. She said she has spoken with surrounding cities and no other cities have an ordinance like this. She has provided signatures to change the ordinance.

Thomas Levine, 1149 N. Eddie - stated the City should be in support of the voters/residents. He asked if any directional signs that are placed- a directional arrow sign, any directional sign, or colored cone- in the neighborhood indicating where the sale is, did they count as the permitted number of garage sale signs. He said the signs are gone. He said his time is spent getting his signs back from our Code Enforcement Officer. He said other cities around us do not have a garage sale ordinance. He stated they charge a fee, but they do not limit the number of sales you can have. He said if you are rained out, you should be able to schedule another sale.

COUNCIL CONSIDERATION:

1. Mike Csapo, General Manager of RRRASOC

Mike Csapo, General Manager of RRRASOC, said they are the municipal authority of which the City is a member. They help us put our recycling program together for our City. He said they don't just measure environmental performance, but also economic as well. He said our City's municipal expenditures are well below the regional median. He said City Council and staff have a very good contract with Duncan Disposal. He also feels our membership with RRRASOC helps bid our contracts in cooperation with neighboring communities. He said has reviewed the resolution on tonight's agenda. Even with the proposed change, the City is still well below the other communities. The performance of the environmental impact is a savings of \$2.7 billion BTUs as a result of the City's recycling efforts. He said our City's performance is high and cost is low. He said, in the future, the City will review a proposal from Oakland County on behalf of a private company who is proposing to host a servicing agreement with Oakland County. He introduced a new program for the recycling of clothing. They will distribute green bags to collect used clothing on the regular trash day and it would go to one of the local resale store. There is no cost to the City or its residents to participate. They do not want to detract from other charitable groups, but to join in the donation process.

New Business Item #5, Library Millage Renewal Proposal

Library Director Lobert and two members from the Board spoke on behalf of the millage renewal. Director Lobert stated they have over 3,500 active card members and over 28,000 visitors annually. She introduced Board President Barbara Garbutt and Board Member Vi Owsinek, both of whom serve on the Millage Review Committee.

Board Member Owsinek said she volunteers at Guest Elementary for reading time with the students. She said she has noted, especially last year, the drop in hours of the school librarians. She said the local libraries are the alternative to the schools'. She said she understands the Internet is used to obtain information for school work, but hard copy resources are always necessary. Our Walled Lake library also offers computer use to the public.

Board President Garbutt stated the average millage cost to each citizen is \$55.26, and less than half the cost for a non-resident library card. She said the library is really important. She said if this millage renewal does not pass, the hours would be reduced dramatically and the library would close in the near future. The millage proposal is a renewal; it is not asking for more money. She said the Board has spent a lot of time reigning in their budget. She is asking Council support for Library Millage Renewal Proposal.

2. Request Civic Fund Fireworks

Ron Johnston, 325 South Lake Drive, President of Walled Lake Civic Fund - said this is their third year hosting the fireworks display. He requested that their banners be placed June 9-21, 2014. He also asked if this event could be posted on the City's website or calendar of events, and the marquee. He introduced Jason Troudeau from Gen X Pyrotechnics who will provide the security and firework barges.

CM 05-05-14 MOTION TO APPROVE THE WALLED LAKE CIVIC FUND FIREWORK DISPLAY FOR JUNE 21, 2014 WITH RAIN DATE OF JUNE 22, 2014

Motion by Ambrose, seconded by Yezbick, CARRIED UNANIMOUSLY: To approve the Walled Lake Civic Fund Firework display for June 21, 2014 with rain date of June 22, 2014.

3. Request to host Public Hearing for 2015 Fiscal Year Budget

Discussion was held to host the Public Hearing for the 2015 Fiscal Year Budget on Monday, May 19, 2014 at 8:00 p.m. The Charter reads to adopt the budget by the second Monday in June, which is the ninth. The next regularly scheduled Council meeting is June 17, 2014. City Manager Whitt stated Council has the authority to move the budget adoption as done in the past. The 2015 Fiscal Year budget adoption will be hosted at the next regularly scheduled Council meeting of Tuesday, June 17, 2014.

CM 05-06-14 MOTION TO HOST THE PUBLIC HEARING FOR THE 2015 FISCAL YEAR BUDGET ON MONDAY, MAY 19, 2014 AT 8:00 P.M. AND THE 2015 FISCAL YEAR BUDGET ADOPTION TUESDAY, JUNE 17, 2014 AT 7:30 P.M.

Motion by Owsinek, seconded by Yezbick, CARRIED UNANIMOUSLY: To host the Public Hearing for the 2015 Fiscal Year Budget on Monday, May 9, 2014 at 8:00 p.m. and the 2015 Fiscal Year budget adoption on Tuesday, June 17, 2014 at 7:30 p.m.

MAYOR'S REPORT:

Mayor Ackley nominated Jannette DeCourcy as a Zoning Board of Appeals Alternate.

**CM 05-07-14 MOTION TO ACCEPT NOMINATION AND APPOINT
JANNETTE DECOURCY AS AN ALTERNATE TO THE ZONING
BOARD OF APPEALS**

Motion by Ambrose seconded by Yezbick, CARRIED UNANIMOUSLY: To accept nomination and appoint Jannette DeCourcy as an alternate to the Zoning Board of Appeals.

COUNCIL REPORT:

Council Member Owsinek reported on the Rails to Trails project. The pole barn has been removed and all the remediation work has been done.

CITY MANAGER'S REPORT:

1. Report on N. Pontiac Trail Sidewalk Improvements

City Manager Whitt stated he is required to notify Council of any objections to the project. The public hearing notifications were provided and there have been objections noted at the public hearing held just prior to tonight's meeting. He reminded Council that the City of Walled Lake Master Plan has specified sidewalk improvements in this area as early as 1982. This Council took action after the Decker Road improvements to pursue this. He said the Kennedy's purchased property at 1617 N. Pontiac Trail in 1985. He said if Council chooses to proceed a resolution and a majority plus one vote is required. Council previously instructed the City Attorney to review easements and possible acquirement by eminent domain, and that has been completed.

2. Monthly Departmental Statistical Reports

**CM 05-08-14 MOTION TO RECEIVE MONTHLY DEPARTMENTAL
STATISTICAL REPORTS**

Motion by Robertson, seconded by Yezbick, CARRIED UNANIMOUSLY: To receive monthly departmental statistical reports.

Walled Lake Thunder update provided by Interim Fire Chief Coomer and Police Chief Shakin. Part of the boat race requirement is to have Advanced Life Support (ALS); our City ambulance provides Basic Life Support. However, our Fire Department would provide random inspections of the pit area where the gasoline is for refueling. The race directors will have to contract with an ambulance service that provides ALS. Police Chief Shakin explained that is part of Walled Lake Thunder boating requirement, not the City's.

Police Chief Shakinas said with other events in the City, there were charges for police services. It is a tough event. He recommended a \$300/day for police services to be paid prior to the event. It does not come close to cover the cost, but it helps.

Discussion was held if a fee should be charged for Fire Department Services as well. City Manager Whitt said the City has staff present specifically for the event.

CM 05-09-14 MOTION TO CHARGE \$300 PER DAY FOR POLICE SERVICES PROVIDED FOR WALLED LAKE THUNDER EVENT JUNE 14 AND 15, 2014

Motion by Owsinek, seconded by Ambrose, CARRIED UNANIMOUSLY: To charge \$300 per day for police services provided for Walled Lake Thunder event June 14 and 15, 2014.

CORRESPONDENCE: None

ATTORNEY'S REPORT:

City Attorney Vanerian reported on the City's Planned Unit Development (PUD) agreement with East Bay Village concerning mooring and docking at the development's lakefront. The PUD approval prohibits motorized watercraft and boat docking of either motorized or non-motorized watercraft. He was contacted by the East Bay Village Condominiums Association's attorney this morning and they will prepare an amendment to their PUD. It is ultimately up to Council.

He reported the new July 2012 liquor license transfers no longer require local approval. The City doesn't really have a review process requirement in place. Part of the reason is because the City was always a part of the State approval process, which required local approval. He said the concern now is what level of approval does the City have? He said some other neighboring communities do have local liquor license ordinance requirements. He asked Council if they wished to adopt a similar ordinance or regulation that requires establishments who transfer a liquor license into the City.

Mayor Pro Tem Robertson said his understanding is: currently, if a business owner wished to transfer a liquor license from anywhere in Oakland County into the City, there is no requirement of local review. City Attorney Vanerian replied the only review would be from the local Zoning Ordinance which places use restrictions. He said he understood that the City would not have any involvement in transfers of the liquor licenses into the City. However, if the Planning Commission amended the Zoning Ordinance, to permit bars and restaurants serving alcohol where they currently are not allowed, and if the license was a transfer, a local review would not be required because it was already a permitted use within the zoning district.

City Attorney will review further and bring back to Council.

UNFINISHED BUSINESS: None

NEW BUSINESS:

1. **Traffic Control Order 14-03 Common Street 25 MPH**

Police Chief Shakinas explained Common Street is designated as a 25 MPH street. The traffic is busy and the department has had several requests to have the speed limit posted. The cost for labor and parts to have sign erected is approximately \$200

**CM 05-10-14 MOTION TO APPROVE TRAFFIC CONTROL ORDER 14-03
COMMON STREET 25 MPH**

Motion by Owsinek, seconded by Robertson, CARRIED UNANIMOUSLY: To approve Traffic Control Order 14-03 Common Street 25 MPH.

2. Traffic Control Order 14-04 Memorial Day Parade Road Closure

**CM 05-11-14 MOTION TO APPROVE TRAFFIC CONTROL ORDER 14-04
MEMORIAL DAY PARADE ROAD CLOSURE**

Motion by Owsinek, seconded by Ambrose, CARRIED UNANIMOUSLY: To approve Traffic Control Order 14-04 Memorial Day Parade Road Closure.

3. Traffic Control Order 14-05 Walled Lake Thunder Boat Races

**CM 05-12-14 MOTION TO APPROVE TRAFFIC CONTROL ORDER 14-05
WALLED LAKE THUNDER BOAT RACES**

Motion by Ambrose, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve Traffic Control Order 14-05 Walled Lake Thunder Boat Races.

4. Resolution 2014-11 Delinquent Water, Sewer, and Refuse Receivables

**CM 05-13-14 RESOLUTION 2014-11 DELINQUENT WATER, SEWER, AND
REFUSE RECEIVABLES**

Motion by Ambrose, seconded by Yezbick, CARRIED UNANIMOUSLY: To approve Resolution 2014-11 Delinquent, Water, Sewer and Refuse Receivables.

5. Resolution 2014-12 Library Millage Renewal Proposal

Finance Director Coogan emphasized this proposal is a renewal of the existing millage that expires July 2014. The Library Board is requesting the proposal go out to the voters. She was requested to read the resolution into the record.

*A RESOLUTION TO APPROVE A LIBRARY MILLAGE RENEWAL
FOR A PERIOD OF TEN (10) YEARS BEGINNING WITH THE
JULY 2015 LEVY AND ENDING WITH THE JULY 2024 LEVY*

RESOLUTION 2014-12

At a regular meeting of the City Council of the City of Walled Lake, Oakland County, Michigan, held in the Council Chambers at 1499 E. West Maple, Walled Lake, Michigan 48390, on the 6th day of May, 2014, at 7:30 p.m.

WHEREAS, under the authority of Public Act 164 of 1877 Section 397.201 as amended, the Council of the City of Walled Lake, on September 4, 1962, did establish, by resolution, a public library and a reading room for the benefit of the inhabitants of the City of Walled Lake; and

WHEREAS, pursuant to Public Act 164 of 1877 Section 397.201 as amended, voters of the city may levy a maximum of 2 mills on all taxable property in the City for support; and

WHEREAS, in April 1963, a majority of the voters did approve a one (1) mill levy of unlimited duration to be collected for the support and maintenance of the library, said mill is subject to the legally required rollbacks and has been permanently reduced to .7975 mills by the 2014 levy; and

WHEREAS, in November 2004, a majority of the voters did approve an additional one (1) mill levy to be collected for the support and maintenance of the library for a period of ten (10) years commencing with the July 2005 levy and ending with the July 2014 levy, said mill is subject to the legally required rollbacks and has been permanently reduced to .9846 mills by the 2014 levy; and

WHEREAS, pursuant to Public Act 164 of 1877 Section 397.210c as amended, the Walled Lake City Library board of directors, has, by resolution determined that the support and maintenance of library operations cannot be sustained without the expiring levy; and

WHEREAS, the Walled Lake City Library board of directors, has, by resolution determined that a renewal request to the voters of the .9846 mills is in the best interest of the library.

NOW, THEREFORE, BE IT RESOLVED that the City Council, in agreement with the determination of the Walled Lake City Library board of directors, will present to the electors of the City of Walled Lake the following ballot language:

LIBRARY MILLAGE RENEWAL

This millage, a renewal, will enable the continued operations of the Walled Lake City Library.

Shall the City of Walled Lake be authorized to levy a tax annually upon the taxable value of all property subject to ad valorem taxation in an amount not to exceed .9846 mills (\$.9846 per \$1,000 of taxable value) for a period of ten (10) years, 2015 through 2024, inclusive, which will raise in the first year of such tax levy an estimated \$172,000, for the purpose of providing funds for all library purposes permitted by law. If approved this would be a renewal of the current library millage levy.

Should this proposal extending the current library millage be approved?

Yes _____
No _____

BE IT FURTHER RESOLVED that the City Clerk is authorized and directed to promptly submit this resolution along with the above ballot language and the petition to the County Clerk for inclusion on the August 5, 2014 election ballot; and

BE IT FURTHER RESOLVED that the City Clerk is authorized and directed to modify said language if so directed by the Oakland County Election Division while maintaining the integrity of intent of the ballot language as written in this resolution.

CM 05-14-14 RESOLUTION 2014-12 LIBRARY MILLAGE RENEWAL PROPOSAL

Motion by Robertson, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve Resolution 2014-12 Library Millage Renewal Proposal.

City Manager Whitt stated he is in strong support of putting the vote to the people. He is tremendous supporter, a card holder, felt the library serves a great purpose, and in his opinion the library millage renewal proposal should have full support.

Mayor Ackley concurred and hopes the people of Walled Lake receive this proposal positively and vote in favor of it.

ROLL CALL VOTE:

Ayes (6)	Robertson, Ambrose, Loch, Owsinek, Yezbick, Ackley
Nays (0)	
Absent (1)	Sturgeon
Abstentions (0)	

MOTION CARRIES

6. Resolution 2014-13 Public Safety Millage Proposal

Police Chief Shakinis was requested to read the Public Safety Millage Proposal into the record.

A RESOLUTION TO APPROVE BALLOT LANGUAGE FOR A PUBLIC SAFETY MILLAGE

RESOLUTION 2014-13

At a regular meeting of the City Council of the City of Walled Lake, Oakland County, Michigan, held in the Council Chambers at 1499 E. West Maple, Walled Lake, Michigan 48390, on the 6th day of May, 2014, at 7:30 p.m.

WHEREAS, pursuant to the City Charter, the City of Walled Lake has the authority to levy and collect taxes; and

WHEREAS, due to the need for additional support and funding for the Public Safety Department which includes the Fire and Police Departments, additional millage proceeds are necessary; and WHEREAS, the City desires to ask voters to approve a ballot proposal in an amount not

to exceed 3.95 mills (\$3.95 on each \$1,000 of taxable value) for five years, 2015 to 2019 inclusive, for operating, equipping and purchasing for the Public Safety Department and any other Fire or Police purpose authorized by law; and

WHEREAS, the City has determined that the millage is in the best interest of the public health, safety and welfare of the City residents.

NOW, THEREFORE, BE IT RESOLVED that the City Council resolves to present to the electors of the City of Walled Lake at the August 5, 2014 election a proposed increase in the amount of ad valorem taxes as described in the following ballot language:

PUBLIC SAFETY MILLAGE

Shall the City tax limitation imposed on all taxable real and tangible personal property within the City of Walled Lake, Oakland County, Michigan, be increased in an amount not to exceed 3.95 mills (\$3.95 on each \$1,000 of taxable value) for five (5) years, 2015 to 2019 inclusive, to provide funds to staff, equip, maintain and operate the Public Safety Department and for any other Fire, Police, or Public Safety purposes authorized by law? The revenue the City will collect if the millage is approved and levied in the 2015 calendar year is estimated to be \$692,000. An incremental portion of this revenue may be subject to capture by the Walled Lake Downtown Development Authority according to existing laws and regulations generally applicable to taxable property within the City of Walled Lake.

Yes _____
No _____

BE IT FURTHER RESOLVED that the City Clerk is authorized and directed to promptly submit this resolution along with the above ballot language and the petition to the County Clerk; and

BE IT FURTHER RESOLVED any resolution inconsistent with this resolution is hereby rescinded.

CM 05-15-14 RESOLUTION 2014-13 PUBLIC SAFETY MILLAGE

Motion by Owsinek, seconded by Robertson, CARRIED UNANIMOUSLY: To approve Resolution 2014-13 Public Safety Millage.

Mayor Ackley said if the City residents wish to continue with the current police and fire services they have become accustomed to, the people will have to vote.

Finance Director Coogan said this equates to less than \$20 a month to the average parcel (land owner) property owner in the City. She said this Administration has made significant cut backs and improvements, and restructured as much as possible. The income/revenue the City receives is not keeping pace with inflation. The City has lost one third of its revenue. The City Manager has directed her to provide a comprehensive history at the May 19th public hearing. The residents have not seen much reduction in their services. The City has reduced as much as possible; if the millage does not pass, the only other option is to reduce public services.

Police Chief Shakinas said his department had 47 employees in 2007 and currently it is down to 25 employees. The department is still delivering the same service.

Council Member Ambrose requested the budget presentation be recorded so anyone who wishes to see how this decision was made can.

City Manager Whitt stated this is the first time in his four years here he has supported a tax millage. He is recommending Council put the vote to the people. If this is not allowed to move forward to the people, the changes will occur more rapidly. He stated he has to prepare Council for a "No" vote by the people. If this does not pass by the people, there will be a change in services.

ROLL CALL VOTE:

Ayes (6)	Ambrose, Loch, Owsinek, Robertson, Yezbick, Ackley
Nays (0)	
Absent (1)	Sturgeon
Abstentions (0)	

MOTION CARRIES

7. Resolution 2014-14 Solid Waste, Recycling, and Compost Removal Consumer Fees

Finance Director Coogan said at the last budget meeting, Council directed the Refuse Fund be reviewed and asked what it would take to make the fund solvent. The Refuse Fund is in a constant negative position with numerous delinquencies. She and the Public Works Coordinator reviewed the process and services provided. The fee schedule is subdivided into four (4) areas and referenced on page 45 in the Council packet.

Discussion was held on, all four areas: allocate pro rata share of the curbside pick up costs as a pass through to residents; allocate pro rata share of RRRASOC; include an Administrative Fee up to 3.5%; and include an Administrative Chipping Service Fee of 10%.

It costs approximately \$32,000/year for the DPW chipping service. This is not a service provided by neighboring communities. This service is paid by the General Fund. The City Manager pointed out that these are the types of services that could be discontinued as a result of the budget deficit.

Discussion was held on the inclusion of the chipping services as part of the refuse collection fees and Council determined it wanted more time to reflect on this staff proposal.

CM 05-16-14 MOTION TO TABLE DISCUSSION OF RESOLUTION 2014-14 UNTIL JUNE 17th MEETING

Motion by Ambrose, seconded by Robertson, CARRIED UNANIMOUSLY: To table discussion of Resolution 2014-14 Solid Waste, Recycling, and Compost removal consumer fees until the June 17th meeting.

8. Resolution 2014-15 Water and Sewer Charges for Other Services

Finance Director Coogan explained this resolution lists charges for services rendered to specific customers- costs that are currently being borne by all users. One of the fees is a commercial industrial waste pre-treatment charge from the waste water treatment plant. The resolution recommends a direct pass-through without markup of the cost of this process. The current pre-treatment user rate has been in place since 1984 and has not been amended since then to cover increased purchase cost of the pre-treatment process.

Discussion was held on the proposed curb box repair charges and educating residents that they are responsible for damages they cause to their curb boxes. Repair work to curb boxes is currently done at no cost to the customer. Public Works Coordinator McGill stated the Code of Ordinances outlines the responsibility of property owner and their curb boxes. It was suggested to post notification on the monthly water bills and send letter to residents.

CM 05-17-14 RESOLUTION 2014-15 WATER AND SEWER CHARGES FOR OTHER SERVICES AS OUTLINED IN ITEMS 1-6, LESS THE CURB BOX REPAIR FEE

Motion by Ambrose, seconded by Robertson, CARRIED UNANIMOUSLY: To approve Resolution 2014-15 Water and Sewer charges for other services as outlined in items 1-6, less the curb box repair fee.

ROLL CALL VOTE:

Ayes (6)	Loch, Ambrose, Owsinek, Robertson, Yezbick, Ackley
Nays (0)	
Absent (1)	Sturgeon
Abstentions (0)	

MOTION CARRIES

CM 05-18-14 MOTION TO NOTIFY RESIDENTS OF CURB BOX RESPONSIBILITIES AND COSTS INCURRED FOR REPAIR OF DAMAGES

Motion by Ambrose, seconded by Owsinek, CARRIED UNANIMOUSLY: To educate and notify residents of curb box responsibility, and costs incurred for repair of damages.

9. Resolution 2014-16 designation sidewalk improvement area on N. Pontiac Trail and Decker Road

RESOLUTION TO DESIGNATE A SIDEWALK IMPROVEMENT AREA ALONG THE NORTH SIDE OF N. PONTIAC TRAIL EAST AND WEST OF DECKER ROAD, AND ALONG THE EAST SIDE OF DECKER ROAD SOUTH OF N. PONTIAC TRAIL

RESOLUTION 2014-16

At a regular meeting of the City Council of the City of Walled Lake, Oakland County, Michigan, held in the Council Chambers at 1499 E. West Maple, Walled Lake, Michigan 48390, on the 6th day of May, 2014, at 7:30 p.m.

WHEREAS, the City of Walled Lake Master Plan, as early as 1982, stated that non-motorized improvements are needed for public safety and to improve the appeal of city neighborhoods; and

WHEREAS, the City of Walled Lake, Master Plan further states "stronger efforts are needed to accommodate non-motorized travel by constructing and linking sidewalks"; and

WHEREAS, in July 21, 2010, City Council, in conjunction with the Downtown Development Authority authorized and received a Comprehensive Sidewalk Survey which recommended the City focus on those areas which are not in compliance with current Americans with Disabilities Act of 1990 requirements and which force pedestrians to walk in streets with higher traffic volumes; and

WHEREAS, said Comprehensive Sidewalk Survey listed N. Pontiac Trail as a highest priority section and Decker Road as a medium priority section; and

WHEREAS, City Council, on September 17, 2013, did order and authorize city administration to move forward with a Pontiac Trail repaving, sidewalk and pedestrian signalization project; and

WHEREAS, Section 70-120 of the Code of Ordinances states City Council may by resolution designate any area within the city as a sidewalk improvement area; and

WHEREAS, Section 70-120 of the Code of Ordinances further states that any sidewalk improvement area so designated "may be built, rebuilt or repaired by the direction of the city manager" if so needed; and

WHEREAS, city administration determined that a public hearing for property owners in the potential sidewalk improvement area was in the best interest of the public and said hearing was held May 6, 2014 at 7:15 p.m.; and

WHEREAS, in compliance with Section 70-123 of the Code of Ordinances, the required Notice on the "upcoming sidewalk improvement project" and Notice of public hearing was served via hand delivery to the property owners on May 2, 2014 sent via certified mail on May 2, 2014; and

WHEREAS, Section 70-124 of the Code of Ordinances requires that the city manager report any objections from owners in a sidewalk improvement area to the city council at the next council meeting; and

WHEREAS, Section 70-124 of the Code of Ordinances specifies that council shall hear the objection and "if the work is determined by at least three-fifths of the city council elect to be necessary, the city council shall order the work to be done".

NOW, THEREFORE, BE IT RESOLVED that Council designates the following sidewalk improvement area:

*N. Pontiac Trail from Walnut Run to approximately 400' east of Decker Road
(north side only)
Decker Road approximately 60' south of N. Pontiac Trail (east side only)*

BE IT FURTHER RESOLVED that Council orders the City Manager to proceed with the construction and improvement of sidewalks in the designated area as per the engineering plans on file in the Office of the City Clerk.

Motion to approve Resolution offered by _____ and seconded by _____.

City Attorney Vanerian addressed the necessary steps to proceed with the sidewalk. He stated the following items would be prepared for sidewalk property acquisition: a good faith written offer to purchase, a letter that complies with statutory requirements customized to each property owner; and a proposed deed of each property owner of proposed sidewalk location. They have option of accepting offer. If they do, that resolves easements issues; provides City legal authority to place sidewalk. If they choose not to the City would institute the Court Condemnation Process.

Mayor Ackley asked how long the Court Condemnation process is. Attorney Vanerian stated is can vary 60 to 120 days.

Mayor Ackley said she travels along Pontiac Trail often she owns property along there, and she sees people walking and riding bicycles along Pontiac Trail all the time. She disagrees with opposed comments that it would not be used. Council Member Owsinek stated he regularly walks that section and he feels there is definitely a safety issue. He said he takes his life into his hands, and walks in the roadway, to complete his travels.

**CM 05-19-14 RESOLUTION 2014-16 SIDEWALK IMPROVEMENT AREA ON
N. PONTIAC TRAIL AND DECKER ROAD**

Motion by Owsinek, seconded by Ambrose, CARRIED UNANIMOUSLY: To approve Resolution 2014-16 Sidewalk Improvement Area on N. Pontiac Trail and Decker Road.

Council Member Yezbick asked what is the cost and is any of the funding from a grant. He asked how can cost be discussed when the City has not acquired the property.

City Manager Whitt stated the Code of Ordinances does allow for charge back to the property owner, half the cost to acquire the property/easements, if the City chose to take that approach. He said the repaving of Decker Road, signalization, and sidewalk installation was approved in September 2013. He said Council initially instructed Administration to acquire property by eminent domain.

He said if the resolution passes, it would be his approach to negotiate to make everybody a little happy. If, however, we get to the part of charging half the cost back to the residents, he will move forward in that direction. He has every intention of working with the residents. The first approach is to sit down and negotiate the easements. It is preferable to work this through

negotiation outside of court. This plan has been plan since 1982. He does not subscribe to the sidewalk that goes nowhere theory. He said there is no doubt the City has a right, if not, a duty to place a sidewalk.

ROLL CALL VOTE:

Ayes (6)	Owsinek, Ambrose, Loch, Robertson, Yezbick, Ackley
Nayes (0)	
Absent (1)	Sturgeon
Abstentions (0)	

MOTION CARRIES

AUDIENCE PARTICIPATION:

Jack Kennedy, 715 South Forest – asked Council why they have a prayer at the beginning of their meetings. Mayor Ackley said it is City Council policy. He said is that not then the government unconstitutionally imposing religion on non-believers. He asked what the process is to submit to Council a request not to have prayer at the beginning of their meetings. He said he is not opposed to prayer in general; he is opposed to prayer by a government body. Council Member Robertson said it was recently upheld in the Supreme Court. Mayor Ackley said a written request may be forwarded to Council and they would choose to address.

Jean Kennedy, 1617 N Pontiac Trail -- stated she is not happy. She said she has put tons of time into her lot; she is out there every day working on her property. She said she is concerned with the thousands of dollars she has put into her landscaping. She said when the City tears it up, what the City offers her, will that include cost for her to move it further back onto her property. She has asked how she is to recover to make her yard look as beautiful as it now after the property is acquired. City Manager Whitt said discussions will be had and negotiations will take place. Mayor Ackley said she needs to sit down and discuss with Administration before she draws an unhappy conclusion. Mrs. Kennedy said she is also concerned with maintenance of the sidewalks. She and her husband are older and sidewalks crack every year; maintenance is a huge concern. She said it is a long stretch of sidewalk and they can't afford to maintain it. She said if she doesn't maintain it, she is cited for not clearing it and she can't afford to pay someone to maintain it. She has put her heart and soul into her property and she feels this project is being pushed on her and it was already decided upon. She said she is being bullied and threatened with court and eminent domain. She said she had a telephone conversation with City Manager Whitt and was told Council already decided on this, and property will be acquired via eminent domain. She said the notice was given to her on Saturday for a public hearing on Tuesday. She said her husband is out of town and out of the country. There was no time to prepare for this meeting. She said she can't imagine that she will get 1/10 of what she has poured into her property.

Council Member Ambrose said he appreciates everything Mrs. Kennedy has said. He said in the past when the City widened Maple Road, they did it all without eminent domain. They sat down with all of the residents and worked out a plan. Council is here as shepherds of the City and they want to work it out and they are working towards everybody's best interest.

City Manager Whitt stressed the importance of starting the discussions with Mrs. Kennedy and other property owners who will be affected, and said everything she brought up this evening is

negotiable. The public hearing was scheduled to begin discussions. The ordinance does provide for charge backs to residents. The City Council began this process to pay entirely. The proposed sidewalks have been planned since the 80's, if not sooner.

Denise Hewitt, 1149 N. Eddie Street, asked why her garage sale issue is not being addressed at tonight's meeting. She will be paying a private detective to watch her signs and report to her who is removing her signs. Mayor Ackley said the garage sale ordinance was not on the agenda.

COUNCIL COMMENTS:

Council Member Loch said Hiram Sims Park looks fantastic. She walks there every day.

Council Member Owsinek – None

Council Member Ambrose – None

Council Member Yezbick – None

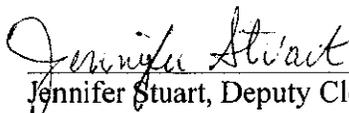
Mayor Pro Tem Robertson – None

Mayor Ackley said it was good to have Mayor Pro Tem Robertson feeling better and at tonight's meeting.

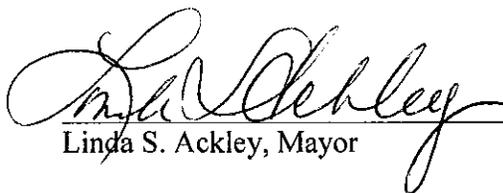
CM 05-20-14 BILLS FOR APPROVAL

Motion by Robertson, seconded by Owsinek, **CARRIED UNANIMOUSLY:** To authorize the Treasurer to make disbursements and transfers on Warrant #06-2014 in the amount of \$752,931.53 this being in the best interest of the City.

Meeting Adjourned at 10:00 p.m.



Jennifer Stuart, Deputy Clerk



Linda S. Ackley, Mayor