



**CITY OF WALLED LAKE  
REGULAR COUNCIL MEETING  
TUESDAY, SEPTEMBER 16, 2014  
7:30 P.M.**

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 Owsinek, Council Member Sturgeon, Council Member Yezbick

**ABSENT:** Council Member Loch

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

**OTHERS PRESENT:** City Manager Whitt, Police Chief Shakinas, Interim Fire Chief Coomer, Finance Director Coogan, Public Works Coordinator McGill, City Attorney Vanerian, and Confidential Assistant Rodgers

**CM 09-01-14 EXCUSE COUNCIL MEMBER LOCH FROM THIS MEETING**

Motion by Sturgeon, seconded by Yezbick, CARRIED UNANIMOUSLY: To excuse Council Member Loch from this meeting.

**REQUESTS FOR AGENDA CHANGES:**

Finance Director Coogan would like to add the proposed resolution on the SMART Contract under New Business.

Council Member Sturgeon would like to add the Consignment Agreement (with the Comcast cable company) under Unfinished Business.

**APPROVAL OF MINUTES:**

**CM 09-02-14 APPROVAL OF THE AUGUST 19, 2014 REGULAR COUNCIL MEETING MINUTES**

Motion by Sturgeon, supported by Yezbick: CARRIED UNANIMOUSLY: To approve the August 19, 2014 Regular Council Meeting Minutes.

## **AUDIENCE PARTICIPATION:**

Gabriel Costanzo, 815 Bluffton Street, he stated he knows the City Council has been dealing with budget constraints for the last few years but the City should be moving into the 21<sup>st</sup> century. He said the City's website, walledlake.com, and the City has been trying to build up revenue but versus the City of Wixom and other cities is outdated. He explained that information is not current and gave an opinion that it is not being used to the best of the City's ability. He said the Downtown Development Authority (DDA) tab takes residents to a website in China. He said he would like to get our website up to the 21<sup>st</sup> century.

City Manager Whitt explained the City Council had instructed that the website be improved and that work on a new website is in progress and may soon go live. He explained that even with the City's limited staff, the staff is working on the updates but progress was slow.

Council Member Yezbick said Mr. Costanzo is the newest member to the Parks and Recreation Commission. He said Mr. Costanzo has been working hard doing a lot of research, taking pictures of Walled Lake's parks, and starting a Facebook page.

Mark Shurmur, 1249 Wanda, he said he came to the last City Council meeting and discussed the gate at the end of Wanda. He explained there was never a lock on it. He said he hasn't heard any feedback and asked for a gate to put up at the end of Wanda.

City Manager Whitt said the City may be able to accommodate with Mr. Shurmur but not in the manner he did.

## **COUNCIL CONSIDERATION:**

### **1. Request by Lions Club for Candy Mint Days**

**CM 09-03-14            APPROVE THE REQUEST OF THE LIONS CLUB TO HOLD  
                                 THEIR CANDY MINT DAYS**

Motion by Robertson, seconded by Yezbick, CARRIED UNANIMOUSLY: To approve the request of the Lions Club to hold their Candy Mint Days.

## **MAYOR'S REPORT:**

Mayor Ackley said this past weekend the City had Pet Awareness Day that was a success for everyone and had almost double of vendors from the last year. She said maybe make a few changes next year if the DDA decides to have the event again. She explained, overall, it was a good event.

## **COUNCIL REPORT:**

Council Member Owsinek said he has heard no communication from Commerce Township about the next trail meeting. He explained that there is no update on the appraisal.

City Manager Whitt explained that there is no failure with the Public Works department or the City staff about cutting the railroad property. He explained that this is still private property and not a park or trail. He said it could become a liability if the City makes improvements to the property. He explained until the purchase is completed and the Trail Council purchases it with the money given by the State, the City will not be in the business of cleaning the property.

Council Member Sturgeon said he went to a meeting with the cable company and the sale between Comcast and Time Warner is going through. He said City Council has an agreement with the cable company; one handling the billing and one handling the maintenance. He explained that Huron Schools and Walled Lake Consolidated Schools have been funding some of their operations for TV, and St. Patrick's church would like to participate and they should be allowed to participate in that fund.

Council Member Yezbick said at that the Parks and Recreation meeting discussed ideas of how they could get more people to come to the City concerts. He said the Commission discussed having more concerts for next year.

Mayor Pro Tem Robertson explained that the Foster Farmhouse water tap has been completed, but plumbing must still be installed inside.

#### **CITY MANAGER'S REPORT:**

##### **1. Monthly Departmental Statistical Reports**

#### **CM 09-04-14            MOTION TO RECEIVE MONTHLY DEPARTMENTAL STATISCAL REPORTS**

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

##### **2. Request Executive Session to discuss City Personnel Item**

#### **CM 09-05-14            MOTION TO ENTER INTO EXECUTIVE SESSION TO DISCUSS CITY PERSONNEL ITEM**

Motion by Sturgeon, seconded by Owsinek, CARRIED UNANIMOUSLY: To enter into Executive Session to discuss City Personnel item.

#### **ROLL CALL VOTE:**

Yes (6)            Ambrose, Owsinek, Robertson, Sturgeon, Yezbick, Ackley  
No (0)

Absent (1) Loch  
Abstain (0)

6-0 MOTION CARRIED

City Manager Whitt explained that his office is involved with the yearly audit this week. He explained to City Council that they have a draft traffic study on the traffic impact downtown that was prepared for Foremost Development. He suggested that City Council only move to receive and file the draft traffic study. He explained that the Council's job at this point is to listen to what the developer has to say. He said that no Council members had received this report before the meeting.

**CM 09-06-14 MOTION TO RECEIVE AND FILE THE DRAFT TRAFFIC STUDY PREPARED BY FLEIS & VANDENBRINK FOR FOREMOST DEVELOPMENT AND SUBMITTED BY TERRY BAILEY OF FOREMOST DEVELOPMENT**

Motion by Owsinek, seconded by Robertson, CARRIED UNANIMOUSLY: To receive and file the draft traffic study prepared by Fleis & VandenBrink for Foremost Development, and submitted by Terry Bailey of Foremost Development

**CORRESPONDENCE:** None

**ATTORNEY'S REPORT:**

City Attorney Vanerian said he is attending a meeting tomorrow morning to discuss the transition of Comcast to the new company. He said he hopes to learn more about the transition tomorrow, and see if there are any legal issues that the City should be concerned with and bring back to the City Council the outcome of the meeting.

Mayor Ackley said that last month everything was already discussed with the representative from Comcast and explained her understanding is whether this Council passes the proposed resolution or not, it will not impact the transition.

City Manager Whitt advised to hold off on any decision at this moment because the attorney is going to a meeting tomorrow. He suggested City Council to delay any action until next meeting. He said Comcast wants approval so they can speed along the process. He said it is controlled by the Federal government and the local governments don't have much say.

Council Member Yezbick said if people do not like Comcast, can we choose another company.

City Manager Whitt explained that the City doesn't have much jurisdiction.

**CM 09-07-14 MOTION TO TABLE PROPOSED RESOLUTION 2014-35 PROVIDING FOR A CONTINUING AGREEMENT TO MAINTAIN A CABLE TELEVISION SYSTEM WITH COMCAST**

**CORPORATION: PROVIDING CONSENT TO ASSIGNMENT  
AND CHANGE OF CONTROL TO NEW FRANCHISEE**

Motion by Owsinek, seconded by Ambrose, CARRIED UNANIMOUSLY: To table proposed resolution 2014-35 providing for a continuing agreement to maintain a cable television system with Comcast Corporation: providing consent to assignment and change of control to new franchisee.

City Attorney Vanerian said he has taken action filing the direction from City Council after executive session last meeting.

**UNFINISHED BUSINESS:**

**1. Second Reading C-317-14 Amendment to Chapter 6, "Alcoholic Liquors"**

**CM 09-08-14 MOTION TO APPROVE SECOND READING C-317-14  
AMENDMENT TO CHAPTER 6, "ALCOHOLIC LIQUORS"**

Motion by Owsinek, seconded by Robertson, DISCUSSION

City Attorney Vanerian explained he had made changes to the proposed ordinance after the first reading, specifically to expand it so it would apply to establishments serving alcohol for consumption on the premises and also providing standards across the board: stores and retail sellers of alcohol. He said he also added a provision that exempted current establishments from the scope of the ordinance going forward since they have already gone through a review and approval process. He said it would be burdensome to have them have to repeat something they have already gone through.

City Manager Whitt suggested the City Council amend the original motion with a motion to amend by substitution with the new paragraphs the City Attorney has proposed.

Motion to substitute with the attorney's revisions to second reading of C-317-14 Amendment to Chapter 6, "Alcoholic Liquors" was made by Owsinek, seconded by Robertson, CARRIED UNANIMOUSLY. A vote on the main motion followed.

Original motion by Owsinek, seconded by Robertson called to vote. CARRIED UNANIMOUSLY: To approve second reading C-317-14 Amendment to Chapter 6, "Alcoholic Liquors" as amended.

**2. Second Reading C-318-14 Amendment to Chapter 58, "Planning," Article II,  
"Commission"4**

City Attorney Vanerian said it explains the legal background (in the memo to City Council). He further explained the ordinance is essentially the same with exception to several items in the memo with recommendations.

**CM 09-09-14                    MOTION TO APPROVE SECOND READING C-318-14  
AMENDMENT TO CHAPTER 58, "PLANNING," ARTICLE II,  
"COMMISSION"4**

Motion by Owsinek to approve second reading C-318-14 Amendment to Chapter 58, "Planning," Article II, "Commission"4, seconded by Sturgeon: Discussion:

City Manager Whitt said this action would require similar action as the prior ordinance and suggested the City Council amend the original motion with a motion to amend by substitution with the new paragraphs the City Attorney has proposed for this ordinance.

Motion to substitute with the attorney's revisions to second reading of C-318-14 Amendment to Chapter 58, "Planning," Article II, "Commission"4, was made by Owsinek, seconded by Sturgeon, CARRIED UNANIMOUSLY. A vote on the main motion followed.

Original motion by Owsinek, seconded by Sturgeon called to vote: CARRIED UNANIMOUSLY: To approve second reading C-318-14 Amendment to Chapter 58, "Planning," Article II, "Commission"4 as amended.

**NEW BUSINESS**

**1. Traffic Control Order 14-09 Decker Road**

Police Chief Shakinias explained since last fall with completion of the Decker Road improvements, he called for a traffic study. He explained in the traffic study speed limits are determined by taking all the speeds that day and averaging the speeds out to the eighty-fifth (85th) percentile. He said during a three (3) day period the average speed was thirty-five (35) miles per hour (mph). He said he would like City Council to amend the speed limit on Decker Road from twenty-five (25) to thirty-five (35); between Maple Road and Pontiac Trail. He said the speed will stay twenty-five (25) mph by the school, but the speed is artificially low there right now.

**CM 09-10-14                    MOTION TO APPROVE TRAFFIC CONTROL ORDER 14-09  
DECKER ROAD**

Motion by Sturgeon, seconded by Ambrose, CARRIED UNANIMOUSLY: To approve Traffic Control Order 14-09 Decker Road

**2. Proposed Resolution 2014-36 an annual contract with Suburban Mobile Authority for Regional Transportation (SMART) for reimbursement of expenditures used to provide public transportation services to City residents.**

Finance Director Coogan explained the SMART contract that the City signs every year and explained that the residents have approved a millage. She said the millage money goes straight to

SMART and SMART also receives money from the state and federal governments, so SMART reimburses the City for our operating expenses up to the amount of the credits listed in the contract. She said the City needs the contract to receive the reimbursement.

**CM 09-11-14            MOTION TO APPROVE PROPOSED RESOLUTION 2014-36 AN ANNUAL CONTRACT WITH THE SUBURBAN MOBILE AUTHORITY FOR REGIONAL TRANSPORTATION (SMART) FOR REIMBURSEMENT OF EXPENDITURES USED TO PROVIDE PUBLIC TRANSPORTATION SERVICES TO CITY RESIDENTS**

Motion by Sturgeon, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve proposed resolution 2014-36 providing an annual contract with Suburban Mobile Authority for Regional Transportation (SMART) for reimbursement of expenditures used to provide public transportation services to City residents.

**AUDIENCE PARTICIPATION:**

Delphine Hall, 105 Liberty, said last year there was a presentation on the redevelopment liquor license and she said she is looking for an update on it. She said she thought downtown is zoned for walking traffic, for people to go to stores and retail, but it doesn't work that way. She asked if the Planning Commission or DDA send information out about what is going on in the City.

Mayor Ackley said the redevelopment liquor license has not been received with a lot of enthusiasm by City Council. She said Council doesn't think the City has the potential to develop like the City of Brighton. She said at this time it is not suitable for the City of Walled Lake.

Mayor Pro-Tem Robertson stated that another obstacle is that a majority of the downtown is zoned a C-3 and restaurants with liquor license are currently not allowed in the C-3 district, but Bayside is zoned C-2. He said it is the ordinance currently.

Delphine Hall, 105 Liberty, said there is a grass cutting invoice for her property. She said she told the Enforcement Officer not to cut the grass and she has been billed from the City for the last three (3) years. She said she hired contractors and they told her they cut her property. She said she gets no warning from the City about the grass being cut. She said she feels she is being singled out and she does not want it to go onto her tax bill.

Finance Director Coogan said that there is no letter that goes out for grass cutting; it was stopped several years ago.

City Attorney Vanerian said there is a publication in local newspaper that go out two (2) to three (3) times a year.

Mayor Ackley said if the grass gets to a certain length, it is cut by the City. She said it doesn't matter if it is resident property or business, everyone must abide to the ordinance.

Nancy Kent, 463 Winwood- said she recently found out about the land on Witherall for sale and was told that there is a high-rise apartment complex being built.

City Manager Whitt explained that City Council has not authorized the construction of anything downtown. He said it will go through Planning Commission. He said all that City Council has done at this time is listen to a proposal. He said staff has also only listened to the developer and that is it. He said if it goes far enough there will be public meetings, but there is not a time frame. He said Planning Commission and City Council will be the place to get your information on any development.

**COUNCIL COMMENTS:**

Council Member Owsinek- None

Council Member Sturgeon said there were twice as many vendors as the previous year at Pet Awareness Day and it was great event.

Council Member Ambrose said he hopes everyone enjoyed the summer and see everyone in the fall.

Council Member Yezbick- None

Mayor Pro Tem Robertson- None

Mayor Ackley said that Deputy Clerk Stuart lost her mother this week and City Council should send their condolences.

**CM 09-12-14            BILL FOR APPROVAL**

Motion by Robertson, seconded by Owsinek, CARRIED UNANIMOUSLY: To authorize the Treasurer to make disbursements and transfers on Warrant #10-2014 in the amount of \$283,458.66 this being the best interest of the City.

Council recessed at 8:25 p.m.

Council entered into Executive Session at 8:35 p.m.

Council rose from executive session at 8:39 p.m.



Chelsea Rodgers, DEPUTY CITY CLERK



Linda S. Ackley, MAYOR