



**CITY OF WALLED LAKE  
REGULAR COUNCIL MEETING  
DECEMBER 3, 2013**

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:** None

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, and Deputy Finance Director Jaganjac, and Deputy Clerk Stuart

**REQUESTS FOR AGENDA CHANGES:**

Mayor Ackley requested agenda change to add the public hearing for CDBG Program Year 2014. The public hearing notice was published in the November 27<sup>th</sup> edition of the Spinal Column.

**Public Hearing Opened 7:33 p.m.**

Deputy Treasurer Stuart reviewed the CDBG 2014 proposed funding.

1. \$2,500 for Public Services to HAVEN (Emergency Services 730137)
2. \$2,500 for Public Services (Emergency Services 730571)
3. \$12,000 for Public Facilities and Improvements (Senior Center 731696)
4. \$4,458 to Oakland County Home Improvement Program (Housing Rehabilitation 730898)

There was no audience participation.

**CM 12-01-13 MOTION TO CLOSE PUBLIC HEARING FOR CDBG PROGRAM YEAR 2014**

Motion by Sturgeon, seconded by Robertson, CARRIED UNANIMOUSLY: To close the public hearing for CDBG Program Year 2014.

**Public Hearing Closed 7:34 p.m.**

City Attorney Vanerian requested first reading of the proposed Conditional Rezoning Ordinance amendment be moved under agenda heading Attorney Report. He said it is not ready for first reading at Council yet; it must go through the Planning Commission process. He has provided it for informational purposes.

**APPROVAL OF THE MINUTES:**

**CM 12-02-13                    APPROVAL OF THE NOVEMBER 19, 2013 ORGANIZATIONAL  
AND REGULAR COUNCIL MEETING MINUTES**

Motion by Owsinek, seconded by Robertson, CARRIED UNANIMOUSLY: To approve the November 19, 2013 Organizational and Regular Council Meeting Minutes.

**AUDIENCE PARTICIPATION:**

Rick Bryant 1450 Shaw - a few years back Michigan voters passed a medical marijuana law. The City granted licenses to three dispensaries that he knew of. The law is vague on dispensaries. There have been four raids in the City he is aware of. He reminded Council there have been no convictions and in the last raid, there were no charges. He is asking why the license renewal was not granted when no law was broken. He requested City Council consider that and review the renewal of licenses.

Anthony Virga owner of Bazonzoes, 1123 E West Maple – has been in business three years, has never had a problem, and was never charged with anything. The Moratorium hurt a lot of people. People are leaving the City to go elsewhere to obtain their medical marijuana. People don't feel safe going to Detroit, etc., to get their medication. They don't have the money to drive elsewhere. The customers that come to his business used other businesses within the City. He has put his whole life into his business. He can't keep it open because he can't cover the lease payment. He said the ordinance is solid or Council wouldn't have had it for three years. The whole country and state are moving forward with medical marijuana. Places like Detroit, Ypsilanti, and Flint are supporting it. It is not going anywhere. He had seven full-time employees that he had to let go. He is putting himself at the mercy of City Council. He hopes council realizes how many people it's affecting.

Aaron Lawson, Lawson Manufacturing, 920 Ladd – said he has heard from the Bazonzoes group about the laws and ordinances. His business has personally benefited from Bazonzoes. He has nothing to do with the medical marijuana part; he provides manufactured parts. He provides parts throughout the City; he feels his business is hurting because this business cannot use his product any longer and he is losing money.

Eugene Jenkins, Southfield, Michigan – said he was just watching CNN this morning and medical marijuana has been legalized in Colorado. He watched the City of Detroit with Mayor Young. He pushed for casinos back then and they were denied; look how many there are now. However, with the mismanagement of money, Detroit has fallen. A lot of police, teachers, ems, and fire fighter personnel are laid off due to declining property taxes. He worked at IBM, and manufacturing has steadily been leaving this area over time. We need new industries. This

whole area has been affected. Today we may look at medical marijuana negatively and have reservations about it. However, you have to look toward the future. The decision Council makes now will affect how the City operates now and into the future. The same people who use medical marijuana now will just go elsewhere. He felt dispensaries would be an asset for our community.

Kimberley Steel, 3337 George – said she is a breast cancer survivor. Since the closing of Bazonzoes, she has not had access to her medical marijuana medication. She is now back on eight of the thirteen medications she was on before utilizing medical marijuana. She is not comfortable driving to other locations like Detroit or Ypsilanti. She has spoken to hundreds of people online who prefer to travel to Walled Lake because they feel safe here. She lives in Wixom; she spent her money here in Walled Lake at our Farmers Market, our fast food establishments, and our businesses within the City.

Derrick Brown, 8760 Carthage – said he was once a patient of Bazonzoes, but his symptoms are now alleviated and he is no longer a patient. He said people don't come from Traverse City to come to Bazonzoes just for medical marijuana; people travel here because the staff at Bazonzoes is professional and they know their business. Bazonzoes provides safe access to good quality medicine to alleviate pains and symptoms. He said Council is a representative of the people of the city, they were voted in. The people have spoken; they want medical marijuana as a medical option. Council's decisions need to be based on the people's vote.

Bryan Zoner, 2395 E. Commerce Road – said he is neither a patient of Bazonzoes nor a citizen of Walled Lake. He said the people have voted on medical marijuana, city after city, 22 states have legalized medical marijuana, 2 states legalized it recreationally. There is an obvious direction here. He asked if this was Council's agenda to keep dispensaries out of the City or something else. Is it the product? The citizens have voted positively for it. He asked that they please follow the numbers; when people vote, they vote for a reason.

Paul Butrey said he just moved to Walled Lake - he currently works at Bazonzoes. He would spend his income in Walled Lake at the local businesses. Bazonzoes donates to several charities and currently there are no donations given because of the business closing. He felt with professionalism of Bazonzoes and our City ordinances; it could become a place that people would come to. There are outside sources suffering from their business closing down.

Jerry Takis, 1868 Union Lake – said he was an employee of Bazonzoes until his life was flipped upside down. He said the cops came in and destroyed his home looking for things they didn't find such as guns, illicit drugs - nothing. The people who work at Bazonzoes are stand up individuals. They don't have criminal records or carry guns. He asked Council to look at the situation, and realize the employees of Bazonzoes are professional and they run a good establishment.

Ryan McMullen, 1745 Decker – asked about the 120 day moratorium. He asked if there would be a vote after the 120 day moratorium. City Attorney Vanerian said the moratorium was set for 120 days. City Council would have option to revisit, take further action, or do nothing at all and it expires. Mr. McMullen asked if this would be discussed at the next Council meeting. How could he get it on the agenda? Attorney Vanerian said if it is not on agenda and there is no vote on it, the moratorium expires. However, if it is on agenda, then council could vote to continue the moratorium.

City Manager Whitt stated City Council does not issue a license. If the moratorium expires, and an application is available, then you could apply for a license. It doesn't guarantee an issuance of a license. Mr. McMullen asked what the earliest time frame would be to apply. He said their livelihood depends on renewing their license.

City Manager Whitt said there are no licenses issued by vote of City Council. The licenses are issued after due diligence of City officials. If the application clears that hurdle, then licenses could be issued. He said absent moratorium, the license could be issued.

**COUNCIL CONSIDERATION:**

**1. CDBG 2014 PY Recommendation**

**CM 12-03-13 APPROVAL OF THE CDBG PY 2014 RCOMMENDATION**

Motion by Sturgeon, seconded by Robertson, CARRIED UNANIMOUSLY: To approve the CDBG PY 2014 Recommendation

**2. Proposal for Stoneman Dry Triathlon from Brandon Gugala**

Mr. Brandon Gugala introduced himself and his proposal for a Stoneman Dry Triathlon. He is also involving the City of Novi. Mayor Ackley asked if he has spoken with the Police Chief or Fire Chief yet. She asked how this made it to agenda. Deputy Clerk Stuart said it was on the agenda to get approval from Council to even move forward with this proposal.

Council Member Yezbick asked who would be in charge of the lake during this race. Mr. Gugala said Oakland County, and he has also spoken with the World Paddle Association (WPA). The logistics are provided in his proposal.

**CM 12-04-13 TO REFER STONEMAN DRY TRIATHLON TO CITY STAFF FOR REVIEW, COORDINATE WITH CITY OF NOVI, AND PROVIDE FINAL LOGISTICS BACK TO CITY COUNCIL FOR REVIEW**

Motion by Ambrose, seconded by Robertson, CARRIED UNANIMOUSLY: To refer Stoneman Dry Triathlon to City staff for review, coordinate with City of Novi, and provide final logistics back to City Council for review.

**MAYOR'S REPORT:**

**1. Discussion of Nominations of Boards of Commissions**

Mayor Ackley said there is a Board of Review meeting December 10, 2013. The board has an open position. She has received application from Mr. Richard Gunther.

**CM 12-05-13 APPROVE RECOMMENDATION OF RICHARD GUNTHER TO THE BOARD OF REVIEW**

Motion by Owsinek, seconded by Ambrose, CARRIED UNANIMOUSLY: To approve recommendation of Richard Gunther to Board of Review.

Mayor Ackley said the Tree Lighting Ceremony had a great turnout. The weather was good. She commended the staff on a job well done.

**COUNCIL REPORTS:**

Council Member Owsinek reported that the phase two environmental study has been completed and submitted for the Rails to Trails. The next Trailway meeting is December 18, 2013 at 3 p.m. at the Commerce Township Hall. He reported the Walled Lake parcels that are part of the Trailway now have appropriate sidwell numbers assigned to them as well as Wixom and Commerce Township parcels.

Mayor Ackley asked how long the state takes to review the grant application. He said about a month; he will have an update at the January Council meeting.

Council Member Yezbick said on behalf of Parks and Recreation Commission, he thanked the Police, Fire and DPW departments. He felt this was the largest crowd they have ever had. The reindeer was a nice touch.

**MANAGER'S REPORT:** None

**CORRESPONDENCE:** None

**ATTORNEY'S REPORT:**

City Attorney Vanerian said in the past, the Planning Commission has had requests for rezoning or spot rezoning. He said it would be helpful for the City to have an ordinance that well defines conditional rezoning. He has provided a draft for Council. The ordinance has to go before the Planning Commission for public hearing. He has brought it before Council to see if they wished to move forward.

**CM 12-06-13                    MOTION TO REFER CONDITIONAL REZONING ORDINANCE  
TO PLANNING COMMISSION FOR REQUIRED PUBLIC  
HEARING**

Motion by Sturgeon seconded by Ambrose, CARRIED UNANIMOUSLY: To refer conditional rezoning ordinance to Planning Commission for required public hearing.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

City Manager Whitt explained the resolutions before Council tonight are a formal written understanding with the unions and their representatives for what was already agreed upon during contract negotiations. This is not anything new; this will implement the movement of previously agreed upon sick payouts with the unions.

Deputy Finance Director Jaganjac explained Council previously approved the new Collective Bargaining Agreements (CBA) that eliminated the use of sick and vacation time in favor of paid time off. The agreements directed payouts of all June 30, 2013 sick leave balances. These Letters of Understanding (LOU) are the implementation process by which they will distribute the sick leave balances. There are three resolutions she is requesting approval for – one for each bargaining unit except for police. These agreements allow the employees to contribute a portion of their payout to a health retirement plan.

Mayor Ackley understood all sick leave payouts would be addressed by January 2014. Finance Director Coogan concurred and said moving this liability off the books is huge progress. The first payout will be December 2013 and the final will be January 2014. Anything remaining will be put towards their healthcare retirement account. February 2014 will begin with a clean slate.

**1. Resolution 2013-35, Letter of Understanding for Clerical Unit regarding Sick Leave Payout**

**CM 12-07-13            APPROVE RESOLUTION 2013-35, LETTER OF UNDERSTANDING FOR CLERICAL UNIT REGARDING SICK LEAVE PAYOUT**

Motion by Sturgeon, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve resolution 2013-35, Letter of Understanding for Clerical Unit regarding sick leave payout.

**2. Resolution 2013-36, Letter of Understanding for Department of Public Works Unit regarding Sick Leave Payout**

**CM 12-08-13            APPROVE RESOLUTION 2013-36, LETTER OF UNDERSTANDING FOR DEPARTMENT OF PUBLIC WORKS UNIT REGARDING SICK LEAVE PAYOUT**

Motion by Owsinek, seconded by Yezbick, CARRIED UNANIMOUSLY: To approve resolution 2013-36, Letter of Understanding for Department of Public Works regarding sick leave payout.

**3. Resolution 2013-37, Letter of Understanding for Fire Fighter Unit regarding Sick Leave Payout**

**CM 12-09-13            APPROVE RESOLUTION 2013-37, LETTER OF UNDERSTANDING FOR FIRE FIGHTER UNIT REGARDING SICK LEAVE PAYOUT**

Motion by Robertson, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve resolution 2013-37, Letter of Understanding for Fire Fighter Unit regarding sick leave payout.

**4. First Reading of C-312-13 Vacant Property Registration**

Attorney Vanerian said the proposed vacant property registration ordinance was created pursuant to request of Council. The ordinance will provide the identity of vacant properties and their owners. It will require properties be registered with the City and contact information of the owner be provided. There are provisions that also require for periodic inspections of vacant properties.

**CM 12-10-13                    APPROVE FIRST READING OF C-312-13 VACANT PROPERTY REGISTRATION**

Motion by Sturgeon, seconded by Ambrose, CARRIED UNANIMOUSLY: To approve first reading of C-312-13 Vacant Property Registration.

**AUDIENCE PARTICIPATION:** None

**COUNCIL COMMENTS:**

Council Member Owsinek wished everyone a Merry Christmas and Happy New Year.

Council Member Sturgeon wished everyone a prosperous new year.

Council Member Ambrose wished everyone a happy holiday.

Council Member Yezbick agreed and be safe.

Mayor Pro Tem Robertson said happy holidays to all. He said the tree lighting was great, he has never seen such a crowd.

Mayor Ackley wished everyone a happy holiday season.

**CM 12-11-13                    BILLS FOR APPROVAL**

Motion by Robertson, seconded by Owsinek, CARRIED UNANIMOUSLY: To authorize the Treasurer to make disbursements and transfers on Warrant #17-2013 in the amount of \$150,827.96 this being in the best interest of the City.

Meeting Adjourned at 8:20 p.m.

  
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Jennifer Stuart, Deputy Clerk

  
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Linda S. Ackley, Mayor