



**CITY OF WALLED LAKE
REGULAR COUNCIL MEETING
TUESDAY, JANUARY 19, 2016
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 Ambrose

ROLL CALL: Mayor Ackley, Mayor Pro Tem Ambrose, Council Member Helke,
*Council Member Loch, Council Member Lublin, Council
Member Owsinek, Council Member Robertson

ABSENT:

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

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

REQUESTS FOR AGENDA CHANGES:

Finance Director Coogan requested to add agenda item to schedule dates for the 2017-2018 Budget Workshop Discussions. Mayor added under Council Consideration as item #6.

APPROVAL OF MINUTES:

**CM 01-01-16 APPROVAL OF THE DECEMBER 1, 2015 REGULAR COUNCIL
MINUTES**

Motion by Robertson, seconded by Owsinek, CARRIED UNANIMOUSLY: To
approve the December 1, 2015 Regular Council Minutes.

AUDIENCE PARTICIPATION:

Deputy Clerk Stuart read Audience Participation rules into the record.

Clayton Miller said he is a member of the local Alano Club in the community and they are a 501C3 in the process of requesting a gaming license from the State of Michigan. He said part of the requirement is to be recognized by the local municipality's governing body, our City Council. He said he is asking for Council to acknowledge their group. He said they are a nonprofit organization that provides a facility for Alcoholics Anonymous and Narcotics Anonymous meetings. He said with approval of a gaming license it would potentially allow for expansion of their group. He said they are in a suite at 1123 E. West Maple behind Subway and have been at that facility for over nine years.

City Manager Whitt said the club is asking for City Council to vote for a gambling license. He explained that the City has to do a due diligence review; the administration will do a due diligence review and bring it back before Council.

Mr. Miller said for clarification they do not want to host gambling events here in the city, they want to be approved so they can become a sponsor.

Gabriel Costanzo, 815 Bluffton - said he is here tonight on behalf of the Park and Recreation Commission. He said they have questions about when their budget is due. He said they are working on plans for this year's events.

Finance Director Coogan said she is scheduled to attend their February meeting.

Mark Adams, 1721 E. Lake Drive - said regarding the East Bay boating situation; around the lake a number of communities have negotiated with developers about their developments. He said Morgan Creek on East Lake Drive is not permitted to have docks or boats. He said he felt it would be a bad precedent to renegotiate these deals.

COUNCIL CONSIDERATION:

1. Proposed Resolution 2016-01 A Resolution confirming the City Manager's appointment of James Coomer as Fire Chief

City Manager Whitt said James Coomer has been employed with the City for many years, has served as Fire Marshal since September 2001 and has served as Interim Fire Chief since September 2013. He said the Fire Department and Police Department are part of the Public Services Department. He said he is recommending James Coomer for Fire Chief and is requesting Council's approval.

CM 01-02-16 APPROVAL OF RESOLUTION 2016-01 A RESOLUTION CONFIRMING THE CITY'S MANAGER'S APPOINTMENT OF JAMES COOMER AS FIRE CHIEF

Motion by Owsinek, seconded by Robertson, CARRIED UNANIMOUSLY: To approve of resolution 2016-01 resolution confirming the City's Manager's appointment of James Coomer as Fire Chief.

2. Oath of Office administered to new Firefighters: Michael Case and Aaron McGuire

Deputy Clerk Stuart provided the ceremonial Oaths of Office.

Council recessed 7:55 p.m.

Council reconvened 8:10 p.m.

3. Proposed Resolution 2016-02 A Resolution accepting the Mayor's nomination to fill a vacancy on the office of Planning Commission for an unexpired term

**CM 01-03-16 APPROVAL OF RESOLUTION 2016-02 A RESOLUTION
ACCEPTING THE MAYOR'S NOMINATION TO FILL A
VACANCY IN THE OFFICE OF PLANNING COMMISSION FOR
AN UNEXPIRED TERM**

Motion by Ambrose, seconded by Robertson, CARRIED UNANIMOUSLY: To approve Resolution 2016-02 a Resolution accepting the Mayor's nomination to fill a vacancy in the office of Planning Commission for an unexpired term.

4. Proposed Resolution 2016-03 A Resolution authorizing advancement of funds to the Commerce, Walled Lake, & Wixom Trailway Management Council

Council Member Owsinek said this resolution provides approval for the Council to advance the required 25% local match of the MNRFT grant expected to be reimbursed by the Michigan Department of Transportation (MDOT) TAP grant that is payable post-closing. He said Wixom is required to advance 25% and Commerce 50%. He said the MDNR have done their review and are very close to presenting for closing. He said the City needs to expedite this approval. He said Wixom will be discussing next week at their council meeting and Commerce has already approved the required advancement. He said the next Trailway meeting is the following week, Wednesday, and he will report back to council at the next meeting.

Mayor Ackley asked if there is a due date for the Council to approve the requested advancement of funds. Council Member Owsinek said by the end of the month, if there is a delay, the Trailway Council will be asking for a 30 day extension.

Council Member Lublin asked if City is in full committal to this purchase. He said he understands the maintenance plan of the trail is not on the table at this time.

City Manager Whitt said the resolution explains that the Trailway Council is paying for the purchase. He said what happens after the purchase as far as maintenance, still needs to be decided. He said he is recommending council approve this resolution.

*Loch arrived 8:15 p.m.

**CM 01-04-16 APPROVAL OF RESOLUTION 2016-03 A RESOLUTION
AUTHORIZING ADVANCEMENT OF FUNDS TO THE
COMMERCE, WALLED LAKE, & WIXOM TRAILWAY
MANAGEMENT COUNCIL NOT TO EXCEED \$225,000**

Motion by Robertson, seconded by Lublin, CARRIED UNANIMOUSLY: To approve Resolution 2016-03 a Resolution authorizing advancement of funds to the Commerce, Walled Lake, & Wixom Trailway Management Council not to exceed \$225,000.

5. Resignation of Lori Seit from the Zoning Board of Appeals

**CM 01-05-16 MOTION TO RECEIVE AND ACCEPT MS. SEIT'S
RESIGNATION FROM THE ZONING BOARD OF
APPEALS**

Motion by Robertson, seconded by Owsinek: CARRIED UNANIMOUSLY: To receive and accept Ms. Seit's resignation from the Zoning Board of Appeals.

6. Budget Workshop 2017 – 2018 dates

Finance Director Coogan said the budget is to be submitted to council the third Monday in May. She said in order to achieve the May 17, 2016 date, she would like council to schedule the 2017-2018 budget workshop sessions. Discussion was held for date selection. The dates selected were:

- Saturday, February 20, 2016 from 9:30am – 1:30pm
- Tuesday, March 22, 2016 from 6:00pm – 9:00pm
- Monday, April 11, 2016 from 6:00-9:00pm

MAYOR'S REPORT:

1. Proposed Resolution 2016-04 A Resolution of Recognition for Walled Lake Central High School Band for Outstanding Performance and Activities at New York City's 2015 Annual Macy's Thanksgiving Day Parade

Mayor Ackley said she is offering a resolution of recognition this evening to the Walled Lake Central Marching Band. Deputy Clerk Stuart read resolution into the record.

***A Resolution of Recognition
For the
Walled Lake Central High School Band
For Outstanding Performance and Activities at the New York City's***

Annual Macy's 2015 Thanksgiving Day Parade

WHEREAS, the Walled Lake Central Viking Marching Band worked hard to reach their dream of being one of the finest marching bands in the U.S.; and

WHEREAS, the annual Macy's Thanksgiving Day Parade is a three-hour event held in New York City starting at 9:00 a.m. Eastern Standard Time on Thanksgiving Day, and has been televised nationally on NBC since 1952; and

WHEREAS, this hard work was rewarded when the Viking Marching Band was one of ten marching bands selected out of 175 applicants to journey to New York to perform in the 2015 Macy's Thanksgiving Day Parade; and

WHEREAS, for the first time in the school's history, the Walled Lake Central Viking Marching Band was selected to represent Walled Lake, Walled Lake Schools and the great state of Michigan at the 2015 Macy's Thanksgiving Day Parade; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Walled Lake, County of Oakland, State of Michigan that:

Section 1. The City of Walled Lake recognizes the Walled Lake Central Viking Band as one of the best marching bands in the entire nation.

Section 2. The City of Walled Lake recognizes the Principal Chuck Morgan, Director of Bands Dave Rogers and Director of Winter/Color Guard Baron Creutz for their leadership & perseverance in helping the student at Walled Lake Central High School achieve their dreams.

RESOLUTION DECLARED UNANIMOUSLY ADOPTED.

STATE OF MICHIGAN)
)SS
COUNTY OF OAKLAND)

L. DENNIS WHITT
City Manager/City Clerk

LINDA S. ACKLEY
Mayor

**CM 01-06-16 TO APPROVE RESOLUTION 2016-04 A RESOLUTION OF
RECOGNITION FOR WALLED LAKE CENTRAL HIGH
SCHOOL BAND**

Motion by Owsinek, seconded by Ambrose, CARRIED UNANIMOUSLY: To approve Resolution 2016-04 Resolution of Recognition for Walled Lake Central High School Band.

COUNCIL REPORT:

1. Report from Trailway Council representative Council Member Owsinek

Council Member Owsinek reported during Council Consideration item #4.

CITY MANAGER'S REPORT:

1. Departmental / Divisional Statistical Reports

- a. Police**
- b. Fire**
- c. Code Enforcement**
- d. Finance – Warrant Report #1-2016**

**CM 01-07-16 TO RECEIVE AND FILE THE MONTHLY DEPARTMENTAL /
DIVISIONAL STATISTICAL REPORTS**

Motion by Owsinek, seconded by Ambrose, CARRIED UNANIMOUSLY: To receive and file the monthly departmental / divisional statistical reports.

2. Financial Report presented by Finance Director on settlement of 1974 State Court Case: Northville Area Non-Profit Housing Corporation, et al v. City of Walled Lake with an Amended and Restated Consent Judgement

Finance Director Coogan provided a presentation of the Walled Lake Villa consent judgement. She explained not everyone in the city pays the same tax rate. She said some pay a reduced rate or have a payment in lieu of taxes (PILOT). She said the City of Walled Lake was approached previously by the Walled Lake Villa to grant a tax exemption. She said the City chose not to approve the tax exemption which led the City to enter into a consent judgement, a payment in lieu tax program (PILOT) on June 15, 1976. She said on May 10, 1977 the consent judgement was amended and it was that modification that allowed the Walled Lake Villa to stay exempt from the taxes permanently via the tax PILOT. She said in May of 2014 an opportunity arose to open up the consent judgement because the Walled Lake Villa wanted to add a brand new addition and renovate their building. She said in order to modify the building the Walled Lake Villa needed to modify their consent judgement. She said Mr. George Larimore from Colliers International approached the City for the PILOT renewal and a request to be granted permission for construction. She said the City conducted a full analysis of the existing consent judgement. She said Mr. Larimore attended the August 2014 city council meeting and basically said if the City did not grant their approval they would do it anyway.

She said currently in 2016 an amendment was agreed upon; a \$270,000 onetime contribution to the City for public safety services and the City would receive \$20,000 annually towards those public safety services provided to the Villa residents. She said the City Attorney also drafted language that when the current mortgage is paid in full or there is no longer any interest, if the Walled Lake Villa wishes to continue their PILOT they will have to come back before City Council for approval. She said this modified agreement leaves the City in a much better position for the future.

CORRESPONDENCE:

1. Patty Baker correspondence

City Council acknowledged Ms. Baker's correspondence. Read into the record by Deputy Clerk Stuart.

*Patty Baker
993 Sycamore Court
Wixom, Michigan 48393*

December 11, 2015

*City of Walled Lake
1499 E. West Maple Road
Walled Lake, Michigan 48390*

To Whom It May Concern:

I have been a resident of the lakes community for 19 years. I am so thrilled every Christmas to see the nativity, Santa's sled, and the Jewish menorah as well, outside the City offices. I appreciate that the City of Walled Lake still is willing to show the true meaning of the season with their holiday display. It is beautiful and our family really appreciates it each year. As I drive in the evening it looks so beautiful and my family enjoys the Christmas season all the more.

With sincere appreciation,

Patty Baker

ATTORNEY'S REPORT:

City Attorney Vanerian said the consent judgement has been signed and entered into the courts and is a done deal. He said it does bring an end to the current PILOT if mortgage is paid in full.

- 1. Executive Session to discuss pending Federal litigation: Bailey Xenos Holdings, LLC et al v. Walled Lake: Case No. 2:15-cv-12125-LJM-RSW**

CM 01-08-16 REQUEST FOR EXECUTIVE SESSION

Motion by Owsinek, seconded by Robertson, CARRIED UNANIMOUSLY: To enter into executive session to discuss pending Federal litigation: Bailey Xenos Holdings, LLC et al v. Walled Lake: Case No. 2:15-cv-12125-LJM-RSW

Roll Call Vote:

Yes: (7) Ambrose, Helke, Loch, Lublin, Owsinek, Robertson, Ackley
No: (0)
Absent: ()
Abstain: (0)

(7-0) MOTION CARRIED

- 2. Executive Session to discuss pending State court litigation: City of Walled Lake v. O'Dell**

CM 01-09-16 REQUEST FOR EXECUTIVE SESSION

Motion by Owsinek, seconded by Loch, CARRIED UNANIMOUSLY: To enter into executive session to discuss pending State court litigation: City of Walled Lake v. O'Dell.

Roll Call Vote:

Yes: (7) Helke, Loch, Lublin, Owsinek, Robertson, Ambrose, Ackley
No: (0)
Absent: (0)
Abstain: (0)

(7-0) MOTION CARRIED

3. Executive Session to discuss pending labor dispute and personnel issue

CM 01-10-16 REQUEST FOR EXECUTIVE SESSION

Motion by Lublin, seconded by Ambrose, CARRIED UNANIMOUSLY: To enter into executive session to discuss pending labor dispute and personnel issue.

Roll Call Vote:

Yes: (7) Loch, Lublin, Owsinek, Robertson, Ambrose, Helke, Ackley
No: (0)
Absent: (0)
Abstain: (0)

(7-0) MOTION CARRIED

4. Report on Amended and Restated Consent Judgement in the Northville Area Non-Profit Housing Corporation, et. Al v. City of Walled Lake case

Addressed during Finance Director's presentation.

UNFINISHED BUSINESS:

1. Second Reading C-323-15 Repealing Chapter 40, Historic District & Historical Commission of the City Code of Ordinances

CM 01-11-16 APPROVE SECOND READING OF C-323-15 REPEALING CHAPTER 40, HISTORIC DISTRICT & HISTORICAL COMMISSION OF THE CITY CODE OF ORDINANCES

Motion by Owsinek, seconded by Loch, CARRIED UNANIMOUSLY: To approve second reading of C-323-15 Repealing Chapter 40, Historic District & Historical Commission of the City Code of Ordinances.

2. East Bay Village Condominium Association Dock – Petition Appeal, Ben Henry

East Bay Village Association's attorney Mr. Ben Henry said he is here on behalf of the East Bay Village dock and boat slip petition appeal. He said East Bay Village is looking to put in a boat dock and slips on their lakefront property. He said the Association applied for an amendment to their Planned Unit Development agreement (PUD) and went before the January 13, 2015 Planning Commission, at that time East Bay's request was for 25 boat slips. He said the Planning Commission recommended denial of this PUD amendment request. He said his firm was present with the association for the first time on July 21, 2015. He said at that time the association had reduced their number of slips from 25 to 15. He said his firm submitted a memorandum in support of the 15 boat slips for tonight's meeting. He asked Council if they had any questions. He said he will be discussing three main sections. He said section 16.02 of the zoning ordinance sets out seven criteria to amend the PUD that led to approval of East Bay

Village Condominium. He said there were three specific sections that the Planning Commission said the Association had not met on its initial application. He said under section 2A of his memo outlines the recognizable benefit. He said they believe the association has met this requirement. He said having the ability to dock a limited a number of boats; the members of the association would benefit. He said the members of the association are riparian land owners just like anyone else on the lakefront. He said they own property on the lake. He said they don't have the ability to moor or dock there right now due to the agreement made by the developer when the PUD was originally approved. He said the association feels it would improve the desirably to live in the condominium units. He said it would potentially discourage rentals. He said only owner occupied units would be able to apply for boat slips and have the use of them. He said if the owner sells that owner loses the ability to use the boat slip. He said the boat slips themselves cannot be rented out. He said having this ability would increase the property values. He said as far as the benefit to the community; the Master Plan already recognizes that East Bay Village provides a benefit to the downtown area by expanding the residential market.

Attorney Henry said the second item was that the association had not met the use of public services. He said the specific objection made was that it would increase the use of public safety services. He said the associated use of parking spaces and requirements would not significantly add to the demand of enforcement. He said there would not be any additional parking or storage requirements for the installation of the dock. He said the enforcement would not increase. He said the association already meets the local zoning and parking requirements. He said the enforcement is laid out in detail in his memo. He said there are no increased requirements for the installation of the dock for the 15 boat slips. He said the association and board already have enforcement mechanisms in place to prevent its own members from storing boats and equipment. He said the association can fine members if they are in violation of East Bay's rules

Attorney Henry said the third item was that it was not compatible with the City's Master Plan and surrounding area. He said the Master Plan already recognizes the benefit of having East Bay Village Condominium in this area. He said this area is zoned RM-1 which already allows for boat clubs, public boat docks and ramps. He said this is not something the association is seeking; they are seeking a private dock for its owners to dock 15 boats. He said the Master Plan does include as a negative trait, lack of public access, a dock, and boat storage. He said while this is not proposing public access, it does address the negative point in the Master Plan by allowing more residents access to the lake. He said this is not a public access; it is not key holing. He said every member of the association is a riparian owner, this portion of the property on the lake is owned in common by everyone who owns a unit at East Bay. He said what the association is proposing does not meet the zoning ordinance definition because the Easy Bay Village owners are riparian owners. He said one of the suggestions made last time was a vote be taken to approve this pending an application to the Department of Environmental Quality (DEQ). He said he and the association had a pre application meeting with the DEQ; they are finalizing the actual application for the permit for a boat dock with 15 slips.

Attorney Henry said it is titled a Marina Permit because it meets the state definition of a marina. He said East Bay Village Condominium is seeking a Marina Permit. He said most people think of marina as a public marina and renting space this is not the case, this is a private dock for the association. He stated they are seeking a Marina Permit. He said when they met with the DEQ, they said they did not see why the association shouldn't have boating rights. He explained it is simply a matter of how many boat slips would be granted. He said the association is asking for a boat dock to dock 15 boats.

City Attorney Vanerian said Mr. Henry correctly laid out the legal process he has to go through for the proposed amendment to the PUD. He said council does have discretion when someone comes before them seeking a PUD, CPD, or an amendment, the zoning ordinance does offer council broad discretion in taking action on those requests. He said the permit with state is still pending and that is something needed legally before they can do this amendment. He said the seven criteria outlined in the zoning ordinance, Council has the discretion to agree or not on the findings provided. He said the applicant has proved their view on each of those seven criteria whether council agrees or not for each of those is up to council. He said Council may feel there are additional factors they are overlooking or not giving as much weight to as much as you think and council may disagree.

Mayor Ackley asked about the application to the State, if the council disapproves, does the State permit allow it anyway. City Attorney said correct, the state permit does not mean they can put in the dock regardless of the council's vote. He said it would still require an amendment to the bylaws, Master Deed, and their PUD approval, plus meet the City's requirements.

Mayor Ackley asked the city attorney to explain the definition of riparian rights. City Attorney Vanerian said the rights that attach to the lakefront property. He said the East Bay Village property fronts on a body of water. He said putting out a dock, launching boats, having a boat, and using a boat, are rights that are inherent in the property but it does not mean that everyone who has property that affronts the lake can exploit their riparian rights to their full advantage. He said the City still has the right, through the zoning ordinance, to regulate those rights and the City has done that. He said everybody that has property that affronts the lake has certain restrictions and limitations under the zoning ordinance.

Mayor Ackley said under the PUD restrictions originally placed on this property when developed, their rights are to use the lakefront but they have no docking or mooring privileges.

City Attorney said yes, that was one of the conditions the City imposed to the approval of their PUD. He said the City further required those actions be incorporated into the condominium documents themselves and that's why it is written in the Master Deed and Bylaws.

Council Member Helke asked about exhibit C or D of Mr. Henry's packet, the results of the vote on the amendment. She said asked for classification 49. Ms. Novitsky said they are the units not built it is all relative to the total. They explained even without the owners 49 undeveloped units, the numbers still reach the 2/3 vote requirement.

Attorney Henry said they can submit new documentation to better explain the votes.

Council Member Helke asked if East Bay would be installing a mechanism to launch boats from the dock. Mr. Henry said it will be up to the owners to find their own launch onto the lake but once on the lake those that are granted one of 15 spots to dock and moor their boat.

Ms. Novitsky said they have spoken to the Leon Association president and there has been discussion of using their ramp and having East Bay contribute to the maintenance of the ramp.

Attorney Henry said the Association is asking approval for the amendment to be approved subject to the MDEQ approval of 15 boat slips and one dock.

Confidential Assistant Rodgers said a resident had provided a letter of correspondence just before the meeting pertaining to East Bay; Mayor Ackley asked it be read into the record. Deputy Clerk Stuart read.

1-19-2016

To: Walled Lake City Council

Subject: East Bay Condominium PUD

East Bay condominium would like to modify the PUD agreement with the city regarding boat dockage and motorized boat usage. The Condominium developer came to the city for increased building density; adjust height restrictions, site elevations and other request. They volunteered to give up any right to dockage or motorized boats in return. After lengthy negotiations the city agreed to the deal.

The Walled Lake Planning Commission held numerous public hearings and voted 5-1 to reject the proposal. Please follow their recommendation.

No original, past or current owner has been harmed by this agreement. Their bylaws state that no boats are allowed and any buyer knew this upfront.

I think a terrible precedent would be set if modify past agreement when no hardship or unintended consequences involving health or public safety are involved.

I do not want the city to get entangled in the possible issues created when one group of owners are pitted against the majority that would not have access.

This proposal should not be considered.

*Gerald Anderson
127 S. Pontiac Trail
Walled Lake, MI 48390*

Council Member Robertson said he had a resolution prepared and he requested it be read into the record. Deputy Clerk Stuart read resolution into the record.

*STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF WALLED LAKE*

*A RESOLUTION OF THE CITY COUNCIL AFFIRMING THE
DECISION OF THE PLANNING COMMISSION TO DENY EAST
BAY VILLAGE CONDOMINIUM ASSOCIATION'S REQUEST TO
AMEND THEIR PUD, MASTER DEED AND BYLAWS;*

Proposed RESOLUTION 2016-05

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 19th day of January, 2016, at 7:30 p.m.

WHEREAS, the East Bay Village Condominium Association (the "Association") submitted an initial Planned Unit Development (PUD) Review application to the City of Walled Lake; and

WHEREAS, their application sought the City's approval to amend their PUD, as well as the Master Deed and Bylaws so that the Association may dock and moor up to 25 non-commercial motorized watercraft; and

WHEREAS, a public hearing was conducted before the Walled Lake Planning Commission meeting of January 13, 2015 at 7:40 p.m. and after such public hearing and public input the matter was tabled until February 10, 2015; and

WHEREAS, at the Planning Commission meeting of February 10, 2015, after considerable discussion as outlined in the Commission minutes, the request for amendment of the East Bay Village Condominium Association's PUD, the Associations' Master Deed and the Association's Bylaws was denied by vote of the Planning Commission; and

WHEREAS, the Association through their representatives have appealed the Planning Commission's decision to the City Council.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Walled Lake, County of Oakland, State of Michigan that:

Section 1. The city policy regarding motorized boats or watercraft at the East Bay Village Condominium shall remain as stated in the Bylaws shown as "Exhibit A" to the East Bay Village Condominium Master Deed executed on July 3, 2002 and recorded with the Clerk/Register of Deeds of Oakland County, Michigan on July 24, 2002 which states in pertinent part that:

...No motorized boats or watercraft shall be launched from or used at the Condominium lakefront property and no boats or other watercraft may be docked or moored at any time at the Condominium property or any dock located thereon...Co-owners shall not construct any boat dock, ramp, launch or raft anywhere in the Condominium; provide that the Developer or the Association shall be permitted to install and remove from time to time such dock or docks as are approved by the City of Walled Lake. No boat trailers or other vehicles may be used to launch watercraft from the Condominium Property. There shall be no outside storage of boats or watercraft anywhere on the Condominium Property.

Section 2. The decision of the Planning Commission to deny the East Bay Village Condominium Association's request to change their PUD agreement to add 25 boats slips to the existing leisure dock is affirmed.

Section 3. The East Bay Village Condominium Association's modified request to change their PUD agreement to add 15 boat slips to the existing leisure dock is denied.

Section 3. The City Clerk is instructed to provide the necessary written notifications to the East Bay Village Condominium Association.

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

AYES: ()

NAYS: ()

ABSENT: ()

ABSTENTIONS: ()

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
)SS
COUNTY OF OAKLAND)

L. DENNIS WHITT
City Manager/City Clerk

LINDA S. ACKLEY
Mayor

**CM 01-12-16 APPROVAL OF RESOLUTION 2016-05 A RESOLUTION
AFFIRMING THE DECISION OF THE PLANNING
COMMISSION TO DENY EAST BAY VILLAGE CONDOMINIUM
ASSOCIATION'S REQUEST TO AMEND THEIR PUD, MASTER
DEED AND BYLAWS**

Motion by Robertson, seconded by Owsinek

DISCUSSION: None

Roll Call Vote:

Yes: (5) Lublin, Owsinek, Robertson, Ambrose, Ackley
No: (2) Helke, Loch
Absent: (0)
Abstain: (0)

(5-2) MOTION CARRIED

Motion by Robertson, seconded by Owsinek, MOTION CARRIED: To approve Resolution 2016-05 A Resolution affirming the decision of the Planning Commission to deny East Bay Village Condominium Association's request to amend their PUD, Master Deed and Bylaws.

Attorney Henry asked when the written documentation from the City Clerk outlining the specific details for denial would be sent to him.

NEW BUSINESS: None

AUDIENCE PARTICIPATION:

Audience to approach the Podium, state their name and address before being authorized by the Chair to speak.

Gabriel Costanzo said he wanted to thank the council for their consistent approach to the docking topic. He said the lake already has a high density. He said people launch from Novi and drive over and park in Walled Lake. He said he lives two streets over from East Bay and if boat slips were ever to be approved it would open a can of worms. He said he speaks for many of the residents in his neighborhood, he said he attended the previous meetings when this development first came to the city.

Mike Walker, 100 East Bay Drive – said there are 400 boats around the lake. He said to counter what was said previously, 15 out of 400 is not a major shift in the occupation on the lake. He said he is disappointed with the Planning Commission and City Council.

Marybeth Novitsky, 138 Sandy Lane – said she is on the East Bay Village Association board and she said she is very disappointed with the decision. She said there are 54 boats registered in the City. She said the docking requirements changed in 2010 when docking at other's resident's docks became prohibited, they could not even dock at friends or neighbors dock. She said when she came in she knew they could not dock at East Bay but they could dock elsewhere. She said in 2010, the residents of East Bay cannot put any boats anywhere in the city. She said they police everything there and if in violation they tag it. She said the swimmers coming to the city swimming in front of dock at East Bay are coming from an outside camp. She said they are respectful to the City, they pay their taxes. She said this is not over. She said she is very disappointed.

Gerry Anderson, 127 S Pontiac Trail – said when the City makes agreements, it is very unfair to have someone come 20 years later to cherry pick one item to change. He said if agreements are opened in the future it is not good. He said there were a lot of moving parts to make East Bay Village development happen.

COUNCIL COMMENTS:

Council Member Lublin said he would like to be a liaison to the Library Board. He asked for council approval.

Mayor Pro Tem Ambrose said the council did set a precedent to have someone from Council on the boards and commission as a liaison to Council.

**CM 01-13-16 MOTION TO APPOINTMENT BENNETT LUBLIN ON LIBRARY
BOARD AS A LIAISON TO COUNCIL**

Motion by Ambrose, seconded by Owsinek, CARRIED UNANIMOUSLY: To
appointment Bennet Lublin as the Library Board liaison.

Mayor Ackley said the Parks and Recreation Commission is need of a liaison as well. Council
Member Loch volunteered.

**CM 01-14-16 MOTION TO APPOINTMENT TAMRA LOCH AS THE PARKS
AND RECREATION COMMISSION LIAISON**

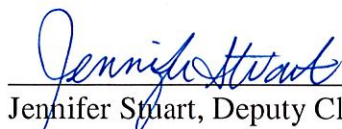
Motion by Robertson, seconded by Ambrose, CARRIED UNANIMOUSLY: To
appointment Tamra Loch as the Parks and Recreation liaison.

Council recessed 9:34 p.m.

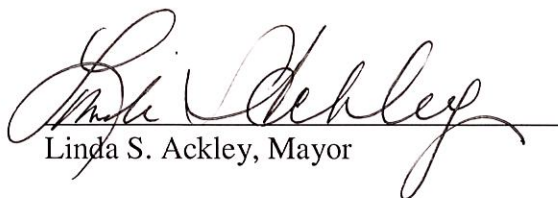
Council entered into executive session at 9:49 p.m.

Council rose from executive session at 10:38 p.m.

Meeting adjourned at 10:39 p.m.



Jennifer Stuart, Deputy Clerk



Linda S. Ackley, Mayor