

**CITY OF WIXOM
49045 PONTIAC TRAIL
REGULAR CITY COUNCIL MEETING MINUTES
TUESDAY, JULY 26, 2016**

Mayor Hinkley called the meeting to order at 7:00 p.m. at which time the Pledge of Allegiance was recited. A moment of silence was held for the Police Officers recently assassinated and injured in the line of duty.

Present:

Mayor: K. Hinkley
Deputy Mayor: R. Ziegler
Councilmembers: P. Beagle
K. Gottschall
N. Kennedy
T. Rzeznik
R. Smiley

AGENDA CHANGES:

Mr. Goodlein stated that he had an update to his Memo regarding Wixom's Fireworks' Ordinance. It was decided that he would provide that update during the City Manager's Reports.

MINUTES:

CM-07-132-16: Moved and seconded by Councilmembers Rzeznik and Beagle and to approve the Regular City Council meeting minutes of July 12, 2016.

Councilmember Rzeznik requested that the word "solvency" be changed to "insolvency" on Page 12.

Vote:

Motion Carried

CORRESPONDENCE:

- 1.) Letter from Jaime Omera Tuck
- 2.) Memo from the City Manager Regarding Wixom's Fireworks' Ordinance
- 3.) Memo from the City Manager Regarding the Wixom Senior Center

CALL TO THE PUBLIC:

Melani Robinson, 2043 Lamella, wished to talk about the cell phone tower to be considered in Gilbert Willis Park. She was there the day that park was dedicated 40 years ago on July 4th. That land was set aside then because the people on the Council knew that the City was growing. They set aside green space for the residents. Wixom is probably growing faster than they ever imagined. They are building a subdivision in her backyard right now. She is very opposed to a cell tower being in a park that was set aside to be natural. Those woods have been kept natural. If a tree limb falls down, they kick it to the side. If we cut down a bunch of trees and put up a cell phone tower, it is not green space any more. That was not the original intent of any park. We only have three green spaces in the City. Have them find another spot. She suggested they put it behind City Hall. These are her feelings and those of some of her neighbors. She hoped the Council felt the same. Wixom is growing and growing and we need some green space.

CITY MANAGER REPORTS:**1.) Departmental Monthly Reports – June 2016**

Councilmember Kennedy wondered if there was a set price for the rentals of the Community Center, or if they were negotiated differently. Mr. Goodlein said that everyone gets charged the same price if they use it for the same length of time. There is a different schedule if only part of the ballroom is rented for less than a day compared to the entire ballroom being rented all day on a Saturday. If there are ten rentals listed on the report, you wouldn't be able to divide by ten to get the price of the rentals. He indicated that we could break it out differently so Council could see how many rentals are done for each price. We could even deliver the schedule of rental rates. Councilmember Kennedy said he was interested in how much money we were actually getting on our return of the \$150,000 we are putting into it.

Mayor Hinkley said that the rentals are pretty much ala carte. If you don't use the kitchen, you don't pay for it.

Councilmember Kennedy asked about the Economic Development meeting with Jon Booth to discuss the engineering for the Hopkins Barn. Ms. Barker stated that when the Historical Society did their research on the barn for the DDA, they asked us to refer to it as the Hopkins Barn because they were the family that built it. Councilmember Kennedy asked if we were already involved in the engineering and Ms. Barker replied no. She wanted to get a ballpark figure to use it for an event like a farmers' market next year. She has basic numbers but she is working on other things before she brings it to Council.

Councilmember Kennedy asked what was happening with the Quiet Zone. Mr. Goodlein said that 10 to 14 days ago, he received notice from CSX that they were ready to meet with the contractor to move forward with that project. We expect that within the next three weeks they will begin construction. It is expected that the construction will take about three weeks. Once that is done, there will be another three weeks for them to create the pedestrian crossing. When it is completed, we will notify the residents to describe to them the process that CSX will go through to transition from sounding the train whistle to not sounding the train whistle. This should all be completed before November 1st.

In regard to the Fireworks Ordinance, Mr. Goodlein explained that after the report was sent to Council, we discovered that the deficiency in the memorandum relative to it not being consistent with Public Act 65 of 2012 was actually incorrect. The Ordinance is consistent with the current State law. The reason for the confusion is that when we sent the amended Ordinance to Municode, they did not make the changes. Municode will now make the changes and there are no deficiencies in the City Ordinance.

Attorney Rosati further explained that after the amendment to the State statute in 2013, we did amend our Ordinance so it is now consistent with State law.

CONSENT AGENDA:

CM-07-133-16: Moved and seconded made by Deputy Mayor Ziegler and Councilmember Smiley to approve the Consent Agenda as presented which included:

- 1.) Approval to receive and file:
 - a. Parks and Recreation Commission Minutes of April 11, 2016
 - b. Zoning Board of Appeals Minutes of April 11, 2016

Vote:

Motion Carried

UNFINISHED BUSINESS: (None)

NEW BUSINESS:

1.) Consideration of a Resolution Authorizing Village Center Area Businesses to Conduct Sidewalk Sales during Scheduled City Hosted Events within the Village Center Area under Guidelines of Code and Other Specific Criteria

CM-07-134-16: Moved and seconded by Councilmembers Smiley and Rzeznik to approve by the following Sidewalk Sales Resolution during scheduled and hosted City events under the guidelines of the Wixom Municipal Code and administrative protocols currently in effect or established for this purpose:

**CITY OF WIXOM
 AUTHORIZING RESOLUTION 2016-56
 Village Center Area Businesses to Conduct *Sidewalk Sales***

WHEREAS, the City of Wixom hosts events within the Village Center Area; and,

WHEREAS, the City has received interest from a business owner within the Village Center Area to conduct a *Sidewalk Sale* during events hosted by the City; and,

WHEREAS, there are certain requirements under the Wixom Municipal Code (Sec. 5.10.060, Sec. 5.10.120, Sec. 5.10.140, Sec. 5.10.180, Sec. 5.10.190) and additional specific requirements for this type of event and of which businesses would be required adhere to so as to be authorized to conduct *Sidewalk Sales*, to wit:

- Business must be located in the Village Center Area
- Must display/sell only their wares in front of their address
- Must have approval of landlord, if applicable
- Must conduct only on the date of, and during hours of, a City hosted event
- Must not obstruct access on the sidewalk
- Must maintain a clear barrier-free walkway
- Cannot be located within 25 feet of any handicapped parking space or access ramp
- *Sidewalk Sale* items must be removed and trash cleaned up within one hour after end of event; trash must be placed in dumpster and not in receptacle in front of building, which is for customer/pedestrian traffic

NOW, THEREFORE, BE IT RESOLVED, that the City Council herein authorizes the Village Center Area businesses to conduct *Sidewalk Sales* on the date of, and during the hours of, a City hosted event within the Village Center Area;

BE IT FURTHER RESOLVED that the City Council has determined that this activity would promote and enhance the growth of the downtown area for the community's benefit.

Councilmember Gottschall commented that depending on what is being sold outdoors, it might create a need to have police foot patrol. He wondered if our VCA boundary lined up with the DDA. Ms. Barker said that they are fairly close. There is just a slight difference on the south side near Total Soccer. Councilmember Gottschall said that looking at the way this is proposed now, it is sort of exclusionary to some businesses that are in the VCA but not in the downtown area. If we are having a concert in the park, it isn't going to make sense for those businesses that aren't on this strip to take part. He wondered if we had looked at setting up a separate area for those other businesses to have an assigned space. Ms. Barker thought that was something we should look at. She also thought it was a question for Deanna Magee. In the past, they have charged Buttercream Bakery for a booth. Councilmember Gottschall looked at it as not for charge. He thought Buttercream Bakery could set up right outside their front door. We have other businesses that aren't going to have that foot traffic and he didn't want us to exclude members of our community. Right now it says that you can only display, sell in front of their address. He wondered if there was a way to amend that in some form to set aside a contingency for another business that wants to join in and doesn't have store front on Pontiac Trail.

Mr. Goodlein didn't think that was the intent. The intent was to provide businesses in the DDA the ability to participate in downtown events. The purpose was never to bring a business from outside of the DDA and provide them with access.

Ms. Barker stated that a business like The Purple Door, who is inside of the VCA, would not benefit by having a sidewalk sale in front of her business when the event is going on in the downtown.

Councilmember Gottschall said that The Purple Door is one business, but he has also seen the for sale sign for the strip in between those houses. He wanted to make sure we weren't excluding what could happen in the future.

Councilmember Kennedy asked what would preclude Enterprise Car Rental from leasing out space to another company to use the space in front of their business. Ms. Barker said that it says, "Sidewalk Sale providers must only sell and display their goods." Councilmember Kennedy said he was not against Buttercream Bakery putting items outside of their facility. He just didn't see anybody else that would be doing that. Ms. Barker said that when we start having events like the Block Party, there will be businesses there that would like to bring items out. The veterinarian and the hair salon would like to display items. There is an opportunity. We are hoping we will have boutiques in the future. Councilmember Kennedy thought it would be better if we waited until that was developed a little more.

Mayor Hinkley explained that when we had the Farmers' Market downtown on Thursday nights and different vendors rented space for the season or by the week that was for those particular vendors. The key is foot traffic. He doubted when we have an event in the downtown area that Enterprise Car Rental would have foot traffic. He thought everyone was missing that we are trying to take the DDA from where it was at its inception of deciding what color brick we were going to have downtown, what kinds of lights, what the curb cuts were going to be, etc. to now

trying to create a destination with the downtown. Everything that we do with our Oakland County Mainstreet, our One Stop Ready, or DDA, all point to driving business to the downtown. As it grows, then it could be modified to include those other businesses. However, if our businesses have asked that we give them some sort of variance to allow them to have sidewalk sales, he thought we should give it to them. It could be modified or even revoked a year from now. This is similar to the Farmers' Market that went away. It was great and he missed it. But the true vision of the Farmers' Market went away. This just allows these potential businesses the opportunity to sell their wares. If we need to modify it, then we modify it.

Councilmember Rzeznik thought the DDA brought this forth. Ms. Barker said that a DDA business came to her and then she took it to the DDA for their opinion. The DDA felt it was in line with the mission statement to do everything they can to help support the businesses. Councilmember Rzeznik asked if the DDA supported this and Ms. Barker replied yes.

Councilmember Gottschall said he was in support of this but wanted to make sure it is inclusionary of all the businesses. Right now, if a business is not on our strip, he wants to give them the opportunity to come down here. If we are going to charge them increased taxes, like DDA taxes, then we have to include them. They either are or are not a part of the DDA. He didn't think we should have it one way here and another way there. He would rather make this inclusionary of the entire DDA and VCA right now, rather than have to hope we remember to do it a year or two from now. He wanted to make sure we had space for everyone that is part of the VCA, even if they are not in the main downtown area.

Mayor Hinkley wondered if we take it outside the DDA, what would happen when Intimate Ideas decides they would like to display their ware in the downtown area. He thought we should stick with the DDA to see how it goes. We don't want to open Pandora's Box. What about the other people up the street that are only a block and a half away? Councilmember Gottschall asked if they were in the VCA and Ms. Barker replied no. The Purple Door is in the VCA and DDA. Councilmember Gottschall thought everyone in the VCA now needs to be able to have a space to do this. We have businesses in the VCA that are not in the downtown area and we need to set space aside for them. Mayor Hinkley wondered where we would set the space aside. Councilmember Gottschall said that would be something to be figured out.

Deputy Mayor Ziegler said he was in support of this Resolution. The problem he was having with this conversation was that this was the Resolution before us. If he wanted to change the Resolution to include something, it would be incumbent on him to put something out to say this is what he would like to do. The Council would then have something to vote on. Deputy Mayor Ziegler said he couldn't vote on what Councilmember Gottschall just said because it is wide-ranging and he didn't know exactly what it was that would be included. He thought Councilmember Gottschall needed to make a motion to amend this, get a second, and then Council would have something to discuss. As it stands, the only thing we are focused on now is the Resolution before us. Deputy Mayor Ziegler supported what the DDA

was recommending, but he would be open to an amendment if he had something they could look at.

CM-07-134-16: Moved and seconded by Councilmembers Gottschall and Kennedy to amend the motion to include a bullet point to the Sidewalk Sales Resolution that says "For any businesses not located in the direct downtown area, but a part of the VCA, the City shall set aside space for them during these events to sell their goods."

Attorney Rosati thought that would be a problem. Councilmember Kennedy said he was sorry but if the people are paying taxes in the VCA and they are getting charged additional taxes, why aren't we going to afford them the same kind of opportunity? Attorney Rosati explained that Councilmember Gottschall just made a motion that would make it mandatory for the City to provide space for anyone in the VCA that wants to do this. She wasn't sure where we would provide this space. Councilmember Kennedy stated that they were in the parking lot before and he wondered why they couldn't be in the parking lot again. Attorney Rosati said that this motion makes it mandatory to open it up to everyone. If everyone wants to do it, where are we going to put all of them? We have to remember where this all came from. The festivities are taking place downtown. They are paying different rent from someone who is located a ways away. Councilmember Kennedy said that they are all paying additional taxes at the same rate; they are paying to be in the VCA. We have been having tents in that parking lot for years so this is not something new. This has been going on for years. Anybody that pays the additional taxes for being in the VCA or the DDA should have the opportunity. He is not saying make it mandatory; he is saying that they should have the opportunity since they are paying additional taxes.

Mr. Goodlein didn't think that was the problem. Everybody recognizes Councilmember Kennedy's point, but Attorney Rosati's point is if everybody decided that they wanted to come down to an event, we would have no place to put everybody.

CM-07-134-16: Moved and seconded by Councilmembers Kennedy and Gottschall to amend the Resolution to have ten to fifteen spaces available on a lottery system where the first ten to fifteen applicants get the spaces.

Because there were three motions on the table, Councilmember Kennedy rescinded his motion so that Councilmember Gottschall could amend his motion.

CM-07-134-16: Moved and seconded by Councilmembers Gottschall and Kennedy to amend the motion to include a bullet point to the Sidewalk Sales Resolution that says "For any businesses not located in the direct downtown area, but a part of the VCA, the City shall set aside space for them during these events to sell their goods and to include a lottery of up to ten spaces for VCA businesses not located in the direct downtown area to be given out per event."

Councilmember Smiley said he liked the spirit of this discussion. He liked the original idea, as well. He felt that there were some logistics that needed to be worked out. He wondered if there was anything wrong with going along with this

and then taking the time between meetings to work out the details. He felt we were doing this too quickly.

Councilmember Gottschall said he would rather table this and in the interim have the details hammered out with Ms. Magee since she has been handling the Artisan Market. The Council could then come together as a whole.

Councilmember Smiley asked if we tabled this, would anybody not get to do this at our next event. Councilmember Kennedy said our next event is this Thursday. Councilmember Smiley still didn't see the harm in letting this happen and then grow it.

Councilmember Rzeznik said he would support Councilmember Smiley's recommendation that we get this Resolution passed and then we let the City Attorney and City Manager figure out what the nuance is behind guaranteeing space for other businesses in the community.

Deputy Mayor Ziegler thought it was a good idea to have it looked at that way. We pay the attorneys for their legal advice. They are not a party to the issue and they are not arguing with us. He thought the attorney was just trying to voice her opinion and she was trying to give us some guidelines so we don't get ourselves into trouble. He said he appreciated Ms. Rosati's comments. He supported the initial Resolution and wanted to move forward. If it needs to be amended down the line, we could do it at the next meeting or two meetings from now. The DDA could talk about it at their next meeting.

Ms. Barker said that in planning some of the DDA events, like the Block Party, they actually discussed having some of the other DDA businesses who aren't going to be in that area set up a free booth in the event area. The thought is already there. They aren't calling it a Sidewalk Sale. Those outside would be paying for a booth whereas the DDA businesses would not be paying for theirs.

Councilmember Kennedy said he liked that. They are not paying the taxes if we charge them additional for being down there. He was glad we were giving consideration to companies who are in our VCA and DDA for spaces. He could support the amendment as long as the City Manager was able to bring it back at the next meeting with some kind of consideration for a lottery system. He was sure there wouldn't be more than five that wanted a spot. He thought it would be very easy to handle.

The Council then voted on the amended motion.

Roll Call Vote: (2) AYES – Gottschall, Kennedy
(5) NAYS – Beagle, Hinkley, Rzeznik, Smiley, Ziegler

Motion Failed

Next, the Council voted on the original motion. (It was unanimous.)

Vote:

Motion Carried

2.) Consideration of a Resolution Authorizing Execution of a Renewed Agreement for Information Technology (I.T.) Services between Oakland County and the City of Wixom

CM-07-135-16: Moved and seconded by Councilmembers Beagle and Rzeznik to approve renewal and amendment of its I.T. services and support agreement with Oakland County, by Resolution, and authorize the Mayor, Kevin W. Hinkley, to sign the agreement on behalf of the City of Wixom.

**RESOLUTION 2016-57 APPROVING
EXECUTION OF A RENEWED AGREEMENT BETWEEN
OAKLAND COUNTY CLEMIS AND THE CITY OF WIXOM**

WHEREAS, Oakland County offers a range of services to municipalities so as to facilitate their abilities to provide cost effective local government; and

WHEREAS, these services include Information Technology services and support as well as the provision of software and hardware as well as software training; and

WHEREAS, the City has avoided and reduced expenditures since 1977 when it first began receiving Police Records Management Services from Oakland County CLEMIS; and

WHEREAS, the City, today, continues to avoid and reduce its expenses by obtaining Information Technology services and support for the Assessing, Building, Finance, Fire, and Police Departments as well as the City Clerk's Office and the Department of Public Works; and

WHEREAS, these factors cause renewal of an Information Technology Services and Support agreement between the City and Oakland County to be in the best interest of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF WIXOM AS FOLLOWS:

That the City Council approves execution of a renewed Information Technology Service and Support Agreement between the City of Wixom and Oakland County, as proposed, the same being in the best interest of the City.

Councilmember Kennedy questioned the GIS support. He thought we just approved an agreement where the City was paying a guy from Michigan State for our GIS. Mr. Sikma replied that Oakland County supports the geo-grid, which is what we use for our information. There are two separate sets. There is the information we utilize here at the City and we use Oakland County's GO Grid for that information. We feed into that.

Ms. Barker clarified that Oakland County provides all of the parcel information and we add information to those parcels. Councilmember Kennedy asked if we send the information from our contract to Oakland County and Ms. Barker replied no.

Councilmember Rzeznik asked if Oakland County ever sent personnel to our site for support of their hardware and Mr. Goodlein replied yes. Some of the hardware comes to us with maintenance agreements and they provide that maintenance either directly to us or through a vendor. Councilmember Rzeznik asked if there would ever be a possibility of marrying these services with some of our general IT services within our City facilities. Mr. Goodlein replied no. We actually made that inquiry before we did the RFP for our IT services. He had long discussions with the people at Oakland County to see if that was possible and it is not.

Councilmember Gottschall asked if there was a cost associated with this. Mr. Goodlein said that the most significant costs would be for Police and Fire to access and add information to the database. There is a CLEMIS user fee of about \$893 a year, a mobile data computer fee of about \$1,900 a year, a live scan or fingerprinting fee of about \$920 a year, a mugshot camera capture of about \$1,000 a year, a Fire Records Management System access fee of about \$1,000 a year, a data line access fee of about \$700 a year, and a Fire Department basic cost of about \$1,700 a quarter. The total is roughly \$6,800 a year.

Councilmember Smiley asked if the prices were about the same as they were previously. Mr. Goodlein replied no. These amounts are not part of the agreement. The amounts have already been approved through the budgetary process. We just haven't renewed the contract in such a long time. Some of the references in the previous contract did not include some of the services that are provided by Oakland County CLEMIS, particularly as they relate to the Police and Fire Departments.

Councilmember Smiley confirmed that there was no overlap of what Michigan State did for us and what Oakland County did for us. Ms. Barker replied no, there is not.

Mayor Hinkley asked how many years we have been doing this with the County. Mr. Goodlein replied that we started with CLEMIS in 1977.

Vote:

Motion Carried

3.) Request for Authorization to Execute a New (Revised) Michigan Mutual Aid Box Alarm System (MI-MABAS) Agreement and Authorization Empowering the Fire Chief to Sign the Amended Michigan Mutual Aid Box Alarm System Association Agreement on Behalf of the City of Wixom and Serve as the City's Member Representative for the MI-MABAS Board of Directors

CM-07-136-16: Moved and seconded by Deputy Mayor Ziegler and Councilmember Smiley to authorize execution of a revised and new MI-MABAS Agreement and empower the Fire Chief to sign the amended Michigan Mutual Aid Box Alarm System Association Agreement on behalf of the City of Wixom and authorize him to serve as the City's member representative for the MI-MABAS Board of Directors.

Vote:

Motion Carried

4.) Consideration of a Resolution of Participation in the Oakland County Law Enforcement Mutual Aid Agreement dated May 11, 2016

CM-07-137-16: Moved and seconded by Councilmembers Rzeznik and Kennedy to adopt the following resolution agreeing to participate in the Oakland County Law Enforcement Mutual Aid Agreement dated May 11, 2016.

**RESOLUTION 2016-58 OF PARTICIPATION IN THE OAKLAND COUNTY
LAW ENFORCEMENT MUTUAL AID AGREEMENT DATED MAY 11, 2016**

WHEREAS, the City of Wixom acknowledges that emergencies requiring a large number of trained public safety personnel and specialized emergency equipment

sometimes exceed the ability of any community to cope effectively with them; and

WHEREAS, the Mutual Police Assistance Agreements Act, 1967 PA 236, MCL 123.811, *et seq.*, as amended, the Urban Cooperation Act, 1967 PA 7 (Ex Sess), MCL 124.501 *et seq.*, as amended, and the Intergovernmental Contracts between Municipal Corporations Act, 1951 PA 35, MCL 124.1 *et seq.*, as amended, provide that communities may enter into agreements to provide mutual police assistance to each other in case of emergencies, and for certain standards to be included in such agreements; and

WHEREAS, the Oakland Chiefs of Police Association wishes to replace the Oakland County Law Enforcement Mutual Aid Agreement Dated June 1988 and make the benefits of such an agreement available to all Oakland County communities, including local community colleges and public universities that have a campus and public safety department in Oakland County; and

WHEREAS, the Oakland County Chiefs of Police Association has adopted the Oakland County Law Enforcement Mutual Aid Agreement dated May 11, 2016 and recommends that all Oakland County communities agree to participate therein;

NOW THEREFORE BE IT RESOLVED: That the City of Wixom on the date below does hereby agree to participate in the **OAKLAND COUNTY LAW ENFORCEMENT MUTUAL AID AGREEMENT DATED MAY 11, 2016** and to give effect to its provisions to the best of its ability. An original of this Resolution shall be sent to the President of the Association.

Vote:

Motion Carried

5.) Request for Approval to Waive the Bid Process and Purchase Roadway Deicing Salt from the Detroit Salt Company through the Michigan Intergovernmental Trade Network (MITN) for the 2016-2017 Winter Season, Along with Authorization to Purchase Roadway Deicing Salt at \$58.61 per Ton Should Seasonal Conditions Warrant

CM-07-138-16: Moved and seconded by Deputy Mayor Ziegler and Councilmember Kennedy to authorize the purchase of roadway deicing salt from the Detroit Salt Company of Detroit, Michigan for the unit price of \$58.61 per ton, and that City Council waive the requirement for the DPW to perform its own competitive bid process for the purchase of this product since the aforementioned pricing was obtained through a comprehensive MITN competitive bid process that was conducted by Farmington Hills, Michigan, and authorize the DPW to purchase this product in whatever quantities and frequency that it believes will best allow it to control roadway snow and ice since both the waiver of the competitive bid process and this authorization was in the best interest of the City.

Councilmember Rzeznik wondered how much salt was left in the barn from last year. Mr. Sikma said there were approximately 800 tons of salt left from last year. Councilmember Rzeznik asked how many events that would cover. Mr. Sikma said it depended on the event but roughly three to six.

Vote:

Motion Carried

6.) Request for Authorization to Purchase a Hustler Super Z Zero-Turn Mower from Munn Tractor Sales of Auburn Hills, Michigan in the amount of \$10,500

CM-07-139-16: Moved and seconded by Councilmembers Beagle and Rzeznik to authorize the purchase of a Hustler Super Z Mower from Munn Tractor Sales in Auburn Hills, Michigan in the amount of \$10,500.

Councilmember Kennedy realized Mr. Sikma had looked at other lawnmowers and decided that the Super Z Zero-Turn Mower was the standard in which they wanted to operate. He believed this was similar to when Mr. Sikma told them that Freightliners were the desired truck they wanted. He expressed that the City would have been fine had they went with a Ford truck. He wondered if Mr. Sikma had looked at the costs of other lawnmowers. Mr. Sikma said they had looked at other lawnmowers before, but not for this particular bid as it would have involved new parts when they could continue to utilize the stock they had. Their whole fleet of lawnmowers had Kawasaki motors and used the same blades, spark plugs, etc., resulting in the parts being available for quicker service.

Councilmember Kennedy understood that Mr. Sikma had been an employee for a short period of time. He wondered when the last time Mr. Sikma looked at the cost for new mowers. Mr. Sikma explained that he recently went out for bids for this type of lawnmower. Councilmember Kennedy asked if he looked at any other brands. Mr. Sikma said he looked at the Z Mower. Councilmember Kennedy felt that Mr. Sikma still had not answered his question as he was only looking for a yes or no answer. He asked Mr. Sikma again if he had looked at any other lawnmowers. Mr. Sikma said that he had in the past. Councilmember Kennedy asked Mr. Sikma if he looked at other lawnmowers for this bid process. Mr. Sikma noted that for this bid process he found the Z Mower to be the best. Councilmember Kennedy stated he hoped to retrieve a simple yes or no answer to his question. Mr. Sikma said he had. Councilmember Kennedy clarified that he did look at other lawnmowers. Mr. Sikma indicated that he had looked at other lawnmowers. Councilmember Kennedy asked him if he looked at other lawnmowers for this request. Mr. Sikma said he had not looked at other lawnmowers for this request. They found these mowers were the most beneficial for the City as they are fast and mowed well.

Councilmember Rzeznik noted that this was a budgeted line item for the amount of \$15,000 in the 2016/2017 Budget.

Mr. Goodlein assumed that all the lawnmowers at the DPW were of this same model. Mr. Sikma agreed. Mr. Goodlein noted that part of the effectiveness in selecting this mower was that the mechanic and some of the simple repairs were familiar and they had some of the parts on hand.

Councilmember Gottschall wondered if there was a warranty that came with this mower. Mr. Sikma said there was a ninety-day warranty.

Councilmember Kennedy thought that he and Mr. Goodlein had a discussion in the past about the difference between Caterpillar and the cost of Hitachi heavy equipment. When it came to lawnmowers, there were many manufacturers that used the Kawasaki engine. He was looking to see if they looked at any other

manufacturers that used a Kawasaki engine where they could still carry the parts and make the repairs as that was what Mr. Sikma seemed to focus on. He felt there were other manufacturers that used Kawasaki engines but they were not looked at.

Mr. Sikma said the DPW operated other mowers in the past and they recommended this type of lawnmower. He trusted their recommendation as they were the people that drove the mowers eight to ten hours a day, used the mowers and worked on the mowers. He noted that the DPW crew felt this make and model of mower was efficient and that was what they based their decision.

Mayor Hinkley noted the report said the DPW had been using the Hustler Super Z mower since 2005. They found that the Hustler Super Z mowers had performed exceptionally well and required less maintenance due to their design. He explained that although another manufacturer may have used a Kawasaki engine, other things on the mower may be different (i.e. bearings, belts, parts, etc.). He thought Mr. Sikma did his homework and bid it out adequately with a low bid of \$10,500. It made sense and he felt that Mr. Sikma did a good job.

**Roll Call Vote: (6) AYES – Beagle, Gottschall, Hinkley, Rzeznik, Smiley
Ziegler
(1) NAYS - Kennedy**

Motion Carried

7.) Request for Consideration of a Lease Agreement with Verizon Wireless of Basking Ridge, New Jersey to erect and maintain a Cell-Tower Monopole at Gilbert Willis Park Subject to Satisfactory Completion of a Site Plan Process including Approval by the Planning Commission of the Submitted Site Plan

CM-07-140-16: Moved and seconded by Deputy Mayor Ziegler and Mayor Hinkley to approve the Lease Agreement with Verizon Wireless of Basking Ridge, New Jersey that would allow for them to erect and maintain a cell-tower monopole at Gilbert Willis Park subject to satisfactory completion of the City's Site Plan process including approval by the Planning Commission of their submitted Site Plan.

Councilmember Gottschall noted that his opinion had not changed. He wished we would ask this company to continue with their search for other sites. There were a number of park users that would have to look at this.

Mr. Goodlein noted that the whole idea was to give an idea of what the monopole looked like. He thanked Councilmember Rzeznik for helping him with Google Earth in trying to give a better idea of where the monopole would be placed but it was still by no means exactly where it would be located. The purpose of the report was to give Council an idea of what a lease agreement with Verizon could look like and show Verizon's position on this. Before Verizon proceeded with spending money and going through the site plan process, they wanted to be sure that Council wanted to proceed. In that regard, the lease agreement was prepared and presented. Should Council like the idea and want to proceed to approve the lease, then subsequently Verizon would have greater confidence in moving forward to prepare the formalities. He thought there was merit to the discussion in having the

cell tower in the park but thought that Council should know that the cell tower would be erected someplace in that area whether it be in the park, golf course or near Glengary Road. Verizon was determined that was the best area for the tower.

Councilmember Gottschall noted that even if it was in the park at any point feasibly the trees were not 196' tall so it would be visible. He admitted that he was not thrilled about that. He understood that it could bring revenue to the City but he didn't think there was any point in putting revenue over having and maintaining green space and natural parks especially if the City hoped to become a recreation hub in this area. Additionally, if the fireworks were to go back to being launched at Gilbert Willis, he was unsure how that would affect the cell tower. He did not want to limit ourselves for an event that usually drew a huge crowd annually for the sake of \$14,000 a year. He remained opposed to moving forward with this.

Councilmember Beagle asked if there was any way they could move the tower to the other side of the walking path, closer to Glengary Road. Mr. Goodlein did not think the topography would be able to accommodate the foundation for the pole there. Additionally, he did not think there was enough space between Glengary Road and the walking path because they needed a 40' x 40' location. Councilmember Beagle indicated that he could not support this with the towers going in on this side of the park where it was closer to the baseball diamonds. If it could be moved closer to Glengary Road, he may consider it. Otherwise he was not in support of the plan the way that it was presented.

Councilmember Rzeznik said he walked the site several times. His vision was that the tower would be put closer to the fence, more in-line with the golf course but would not support this when the tower would be placed on the inside of the perimeter of the walking path.

Deputy Mayor Ziegler noted that he had mixed feelings about this. We just put a lot of effort into fighting for something that was not even in our jurisdiction down Charms Road. He said he did understand they were different types of towers. Nonetheless, he thought it was a little bit difficult to support it when there were arguments made just a short while ago. He didn't mind sending this to the Planning Commission because he didn't mind having more research done. If Verizon was looking for whether or not the Council was in support of this, he guessed they would not be unless a real strong recommendation from the Planning Commission was made.

Mr. Goodlein said the matter before the Council tonight was to enter into a lease agreement with Verizon and that would just about seal the deal unless the Planning Commission was to reject it.

Ms. Rosati said this would be subject to Planning Commission review of the site plan. If the site plan complied with the Ordinance, the Planning Commission would have to approve it. She thought Council should be aware that Verizon needed a tower within this immediate area. They had come to the City first because they hoped to give the City revenue. There was a drop-dead date and now they were coming to Council to find out if the lease would be approved. If it was not approved, as of tomorrow, they would locate another site in the immediate area. She explained that we would see a tower somewhere in that area.

Mayor Hinkley realized that the tower was going to be erected somewhere in that area. The reality was that it was still a 195' tower and someone else was capturing the revenue. He thought the towers behind City Hall collected \$12,000 - \$15,000 for each tower.

Ms. Rosati noted that because of the size of the Verizon tower, there could be a co-location through a ground lease with the City. So there was potential to have some additional revenue coming in from the tower.

Councilmember Gottschall said setting aside the revenue and getting back to this tower, there was still the question of the potential fireworks he raised earlier. If the tower was not on our property, then the quiet enjoyment did not apply to us. If there was a need to change the location of the fireworks or another event to the park, they would not be faced with a conflict if they denied this.

Mayor Hinkley asked Councilmember Gottschall what he meant by quiet enjoyment. Councilmember Gottschall explained that quiet enjoyment was found in most leases and it was stated in this lease. Basically, they could operate peacefully without interference from anyone else.

**Roll Call Vote: (1) AYES – Hinkley
(6) NAYS - Beagle, Gottschall, Kennedy, Rzeznik, Smiley,
Ziegler**

Motion Failed

8.) Recommendation and Request to Convene a Closed Session of the City Council in Accordance with the Open Meetings Act, after "Council Comments" for the Purpose of Discussing Litigation pursuant to and authorized by MCL 15.268(e) and Attorney-Client Privileged Communication Pursuant to and authorized by MCL 15.268(h)

CM-07-141-16: Moved and seconded by Councilmembers Rzeznik and Kennedy to convene a closed session of the City Council in accordance with the Michigan Open Meetings Act (PA 267 of 1976, as amended) for the purpose of discussing litigation and attorney-client privileged communication pursuant to and authorized by MCL 15.268(e) and MCL 15.268(h).

**Roll Call Vote: (7) AYES – Beagle, Gottschall, Hinkley, Kennedy, Rzeznik,
Smiley, Ziegler
(0) NAYS**

Motion Carried

CALL TO THE PUBLIC:

There were no comments at this time.

CITY MANAGER COMMENTS:

Mr. Goodlein congratulated Officer McKaig for celebrating 20 years of service with the City on July 12, 2016. He reminded everyone that Camp 911 wrapped up this Friday. There would be a presentation and everyone was invited to attend.

COUNCIL COMMENTS:

Councilmember Smiley noted that during the Hot Blues and BBQ, he was a judge in the rib contest. He took that as a privilege in representing the City and found it to be lots of fun. He stated that Sean Patrick Collins was killed last week in an accident. He was a student at Central High School. In addition, he understood there was an accident at the Hampton Inn with a worker. His thoughts were with both families.

Councilmember Gottschall thanked Mr. Sikma for the reports on DPW overtime. He was thrilled to get an invite for the Camp 911. He thought this program was fantastic and he remembered attending it a long time ago.

Councilmember Rzeznik thanked Deanna, Parks and Recreation, and DPW for a wonderful Hot Blues and BBQ Festival. He noted that at tonight's meeting he found it to be very encouraging that an issue could come back on the agenda with further explanation. He appreciated the public that voiced their opinion but the site plan did not fit the plan for our parks.

Councilmember Beagle congratulated Officer McKaig on 20 years of service. Also, he noted that Saturday, July 30th, the Wixom Firefighters would host their Annual Car Wash from 10 a.m. until 2 p.m. with all the proceeds going to the 911 Memorial.

Councilmember Kennedy thought the Fire Department did a great job with Camp 911. He congratulated everyone that was part of the Hot Blues and BBQ. He indicated that Congressman Trott was excited to come to the Hot Blues and BBQ event. He congratulated the scholarship winners for the Wixom Community Foundation and thanked the Rzeznik family for the Rzeznik Family Scholarship.

Deputy Mayor Ziegler had no comments.

Mayor Hinkley explained they received a letter from Congressman Trott inviting young adults and their parents to attend a Military Academy Applicant Reception on Wednesday, August 10th, at the Suburban Collection Showplace. This would be the opportunity for young adults with an interest in attending one of the military academies to obtain information from Congressman Trott and his staff. You were encouraged to RSVP to Craig Stigleman at craig.stigleman@mail.house.gov or 248-528-0711.

Council recessed at 8:24 p.m.

Council entered the Closed Session at 8:39 p.m. and rose at 9:30 p.m.

Council reconvened at 9:31 p.m.

CM-07-142-16: Moved and seconded by Deputy Mayor Ziegler and Councilmember Rzesnik to authorize the City Attorney to take action consistent with discussions held in Closed Session regarding the Lamar lawsuit.

Vote:

Motion Carried

ADJOURNMENT:

The meeting was adjourned at 9:32 p.m.

Catherine Buck
City Clerk

Approved 08-09-2016
