

**CITY OF WIXOM
49045 PONTIAC TRAIL
REGULAR CITY COUNCIL MEETING MINUTES
TUESDAY, AUGUST 9, 2016**

Mayor Hinkley called the meeting to order at 7:01 p.m. at which time the Pledge of Allegiance was recited.

Present:

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

AGENDA CHANGES:

Mr. Goodlein requested the Presentation of the Risks of Coal-Tar-Based Sealcoat by Rebecca Esselman be removed from the Agenda and placed on a future agenda as Ms. Esselman was ill and not able to attend this meeting.

PRESENTATION:

1.) Risks of Coal-Tar-Based Sealcoat by Rebecca Esselman of the Huron River Watershed Council

(Rescheduled to a later date.)

MINUTES:

CM-08-143-16: Moved and seconded by Councilmembers Rzeznik and Kennedy to approve the Regular City Council meeting minutes of July 26, 2016.

Vote:

Motion Carried

CORRESPONDENCE: (None)

CALL TO THE PUBLIC:

There were no comments at this time.

CITY MANAGER REPORTS:

1.) Fire Monthly Reports – June 2016

Councilmember Beagle commented that June was the busiest month in the Fire Department's history and the fifth consecutive month with call volumes in excess of one hundred calls per month. He expressed how easy it would be for the fire-fighter's to ignore the tone, especially when they already had a hard day at work and had their feet up ready to relax. He appreciated that they still get up and take care of the citizens even at the most inopportune times.

2.) Police Monthly Report - June 2016

There were no comments regarding this report.

CONSENT AGENDA:

CM-08-144-16: Moved and seconded by Deputy Mayor Ziegler and Councilmember Smiley to approve the Consent Agenda as presented which included:

- 1.) Approval to receive and file:
 - a. Library Board Minutes of June 27, 2016
- 2.) Appointment of Delegates to the Annual Meeting of the Municipal Employees Retirement System

Vote:

Motion Carried

UNFINISHED BUSINESS: (None)

NEW BUSINESS:

- 1.) **Consideration of Mayoral Appointment of Eddie Osman to the Tax Abatement Review Board with a term to expire December 31, 2016**

CM-08-145-16: Moved and seconded by Councilmembers Beagle and Rzeknik to appoint Eddie Osman to the Tax Abatement Review Board with a term to expire December 31, 2016.

Councilmember Gottschall noted that Mr. Osman was not a resident of the City of Wixom. He researched the City Charter and found that Section 4.12(E) stated that each member of a City Board or Commission had to be a resident of the City for at least one year and should be a qualified and registered elector of the City from such day through their tenure in office. It read that an exception to the residency requirement could be granted if the reason for appointment of a particular individual conflicted with the explained paragraph. To his belief, that meant we could have representatives from the School Board or County on various City Boards and Commissions because they held specific positions with those bodies. He raised a question as to whether or not they really could appoint Mr. Osman to this position without being non-compliant with the City Charter. He felt it raised a question of having another business owner on a Board that may or may not solicit for a future tax abatement. Additionally, he did not believe there was precedent for having a business owner on the Abatement Review Board currently. He expressed that he was not in favor of this appointment because Mr. Osman was also on the LDFA Board. He hoped to include more people as they had a population of nearly fourteen thousand and he did not want to see the same people put on multiple Boards. He thought they could pull people from outside their circle of influence. He explained that this was his criteria going forward and had been for the other appointments but he was just now stating it. He expressed that he was not speaking of Mr. Osman but the circumstance of this particular appointment. He added that he would not be in favor of any political donors for any Board or Commission.

Mayor Hinkley asked what they should do with all the Board and Commission members that were currently serving that were not residents of the City.

Councilmember Gottschall thought business owners on the DDA Board made sense and understood they did not need to live in the City as they own a business in the City.

Mayor Hinkley explained that he was appointed to the Tax Abatement Board in 1994 and since then he witnessed several members serve on the Board who had businesses in the community but did not live in the City of Wixom.

Councilmember Rzeznik noted that Mr. Bell was neither a resident nor business owner and he has served on the Board for three years now. He added that in this particular case, he sat on City Council and had a business interest in the City. He always recused himself when a vote would affect something that was related to his business.

Councilmember Gottschall believed that Mr. Bell would fall under the exception as he was a representative from the School. He did not believe Mr. Osman fell under that type of exemption.

Councilmember Kennedy hoped to hear from the City Attorney with regard to the City Charter. This was an issue that clearly needed some type of legal advice.

CM-08-146-16: Moved and seconded by Councilmembers Kennedy and Gottschall to table the appointment of Eddie Osman to the Tax Abatement Review Board with a term to expire December 31, 2016 until they obtained direction from the City Attorney on this related topic.

Mayor Hinkley wondered if this had anything to do with political reasons.

Councilmember Kennedy called Point of Order.

Mayor Hinkley would not recognize the Point of Order.

Councilmember Kennedy thought the Mayor was out of order as the motion was made with a second.

Mayor Hinkley stated he was not out of order because the motion was made with a second so now discussion could be held.

Councilmember Kennedy said there was no discussion allowed when the Point of Order was called.

Mayor Hinkley believed he was within the limits because the original motion was made and the dais held a discussion, then a second motion was made and now they could discuss that motion. He wondered if the motive was more political driven or personally driven. He could not believe it was driven by the City Charter because they had several individuals serve on committees that did not live in the City. Many of the requirements were that they needed to own a business or be a resident to serve on a Board or Commission.

Mr. Goodlein noted that he just read the portion of the Charter that Councilmember Gottschall referred to. He supposed there might be case law or a statute that would supersede this section of the Charter that may need to be considered. The way the section was written was somewhat confusing. It stated that each member of a City Board or Commission shall have been a resident of the City for at least one year prior to the date of his appointment, and shall be a qualified and registered elector of the City on such day and through his tenure of office. Exception to this residency requirement may be granted if the reason for appointment of a particular individual conflicts with this paragraph. He was not really sure what the intent of that exception was as you could probably pick out several different things that it could mean. He thought another interesting factor was that there were a number of people currently serving that did not reside in the City. If this was found to be binding, he would guess that those people would have to be removed.

Councilmember Gottschall explained that to him that entire section would not be in the Charter if you could exempt everyone for the residency requirement. The exemption to him was if the individual was on the Board because they served within another organization such as the County or School. He stated that he was not raising question because of the particular individual they were trying to appoint. He was only reading the Charter and stating the criteria that they would use for an appointment and what he would expect as well. It was not political as he never met the person that was being appointed.

Mr. Goodlein agreed that was a possible understanding of the section but he thought there were also other interpretations. He thought Councilmember Gottschall's interpretation was fair but it may be incorrect and in that regard he suggested they needed to get further advice relative to whether or not it applied and if there was case law or a statute.

Vote:

Motion Carried

2.) Request for Approval of the Application for a Michigan Council for Arts & Cultural Affairs Minigrant in order to Partially Fund the Planned Art Exhibit Entitled *Forbidden Art*

CM-08-146-16: Moved and seconded by Deputy Mayor Ziegler and Councilmember Smiley to adopt the following Resolution to show approval of the application for an MCACA minigrant which would partially fund the planned art exhibit entitled *Forbidden Art*:

**CITY OF WIXOM
AUTHORIZING RESOLUTION 2016-59
APPROVAL OF MICHIGAN COUNCIL FOR ARTS & CULTURAL AFFAIRS MINIGRANT
APPLICATION**

WHEREAS, the City of Wixom has applied to the Michigan Council for Arts & Cultural Affairs Minigrant Program; and

WHEREAS, the City of Wixom has an established policy of equal opportunity without regard to race, color, religion, national origin, age, sex or disability and has an established policy to provide equal opportunity on all programs; and,

WHEREAS, the City of Wixom agrees in all promotional materials and advertisements to state that

all programs, activities and services will be provided equally, and agrees to post in conspicuous places, notices setting forth the law on equal opportunity in employment and public accommodations; and

WHEREAS, The City of Wixom, if the grant is awarded, warrants and represents to the Michigan Council for Arts and Cultural Affairs, that the support funds will be administered by the applicant; and

WHEREAS, any funds received under this grant shall not be used to supplant funds formally budgeted for same and any funds received will be used solely for the contracted activities; and

WHEREAS, the Project Director has read and will conform to the Minigrant Guidelines;

NOW, THEREFORE, BE IT RESOLVED, that the City Council herein duly approves this grant application.

Councilmember Rzeznik explained that he was in support of this. He thought these activities were healthy for the City.

Councilmember Kennedy asked for more information. Ms. Banks said this was called *Forbidden Art* and it was brought to the City by the Polish Mission. It was called *Forbidden Art* because it was created by concentration camp prisoners that were forbidden to express themselves artistically. A lot of the artwork was hidden within the cells in the concentration camps which made it more valuable. It has been shown at the United Nations, West Point, the Hoover Museum, Dwight D. Eisenhower Presidential Library and UCLA but we would be the first municipality to host the exhibit.

Vote:

Motion Carried

3.) Consideration of a Resolution Authorizing an Event on Saturday, September 17, 2016, known as Wixom Block Party, and the Closure of Pontiac Trail between Old Wixom Road and Wixom Road

CM-08-147-16: Moved and seconded by Councilmembers Beagle and Rzeznik to adopt the following Resolution authorizing the closure of Pontiac Trail from 7:00 a.m. to 9:00 p.m. between Old Wixom Road and Wixom Road on September 17, 2016 for the DDA sponsored event known as Wixom Block Party:

**CITY OF WIXOM
AUTHORIZING RESOLUTION 2016-60
DDA COMMUNITY EVENT ON SATURDAY, SEPTEMBER 17, 2016**

WHEREAS, the City of Wixom received from the Road Commission for Oakland County an Annual Permit for Community Events, Permit No. E 56500, on September 4, 2015; and,

WHEREAS, the Downtown Development Authority, which falls under the umbrella of the City, will be hosting an event called Summer's End Block Party to be held on Saturday, September 17, 2016; and,

WHEREAS, there are certain conditions the City must meet under the assigned Permit from the Road Commission;

NOW, THEREFORE, BE IT RESOLVED, that the City Council herein authorizes the closure of Pontiac Trail between Old and New Wixom Roads from 7:00 AM to 9:00 PM for the purpose of hosting the

event called Summer's End Block Party.

Vote:

Motion Carried

4.) Consideration of a 2016-2017 Suburban Mobility Authority for Regional Transportation (SMART) Contract in the amount of \$13,262 to be Funded through SMART with the Local Match Funded through Oakland County Public Transportation Authority (OCPTA) and Authorize the Mayor to Sign the Contract on Behalf of the City

CM-08-148-16: Moved and seconded by Councilmembers Rzeznik and Smiley to approve the 2016-2017 Suburban Mobility Authority for Regional Transportation (SMART) Contract in the amount of \$13,262 with \$6,631 (50%) funded through SMART and the local match of \$6,631 (50%) through Oakland County Public Transportation Authority (OCPTA), and furthermore, it is recommended that City Council authorize the Mayor to sign this Contract on behalf of the City.

Vote:

Motion Carried

5.) Recommendation to Adopt a Resolution to Amend the Water Rate Fee Schedule for the Sale of Water for Construction and Hauling

CM-08-149-16: Moved and seconded by Councilmembers Rzeznik and Beagle to adopt the following Resolution effective August 15, 2016, establishing a water system rate schedule for hydrant connection and usage charges, thereby allowing for water distribution to contractors/developers and distributors for water-only uses:

**WATER RATE RESOLUTION
RESOLUTION NO. 2016-61**

WHEREAS, The City has established a Water Supply System ("Water System") for residents and businesses of the City of Wixom; and

WHEREAS, by terms of the Wixom Municipal Code, Chapter 13.04, Water Supply System, and as required by State and Federal law, the City establishes rates and charges for the services of the Water System in amounts sufficient to pay (i) the expenses of administration and the costs of operation and maintenance of the Water System, (ii) principal of and interest on the bonds secured by lien on the net revenues of the Water System, and all other requirements of each ordinance authorizing the issuance of bonds secured by lien on the net revenues of the Water System; and

WHEREAS, the City has investigated several methods of apportioning the cost of a Water System among the users of the system in the City of Wixom; and

WHEREAS, the City Council finds that the following rates and fees and methods of allocating those rates and fees to users of the Water System are proportionate to the necessary costs of providing the service at the levels demanded by the users.

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

The cost of a fire hydrant use permit shall be changed to include the following fees:

1. Water backflow preventer deposit: \$200 (one inch meter); \$520 (1.5 inch meter); \$585 (2 inch meter)
2. Hydrant meter deposit: \$200 (one inch meter); \$455 (1.5 inch meter); \$510 (2 inch meter)
3. Administration and inspection: \$220
4. Backflow preventer and meter rental fee: \$3 per day or \$20 per month

Water consumption shall be calculated at 1.5 times the current water rate.
Are hereby approved and adopted, effective August 15, 2016.

Councilmember Rzeznik questioned if the pools were filled on off hours by the construction groups or large tankers. Mr. Delaney said not always and they often asked for them to contact them or schedule those things in advance.

Vote:

Motion Carried

6.) Recommendation to Award the 2016 through 2018 Holiday Markt Outdoor Rental Equipment Contract to the Low and Qualified Bidder, Great Lakes Tent Company of Warren, Michigan in an Annual Amount of \$10,597 to \$11,126

CM-08-150-16: Moved and seconded by Councilmembers Smiley and Beagle to award the bid for the 2016 through 2018 Holiday Markt Outdoor Equipment Rental to the sole and low qualified bidder, Great Lakes Tent Company of Warren, Michigan, in the annual amounts of \$10,597 for 2016; \$11,126 for 2017; and \$11,126 for 2018 and authorize the Mayor and City Clerk to sign the contract agreement on behalf of the City.

Councilmember Gottschall noticed that the bid breakdown included the tents being set up and taken down. He asked if that was something they used to use the DPW overtime for in the past. Ms. Magee said it was not. Councilmember Gottschall wondered if the total budget for the Holiday Markt was \$28,000 to the City and an additional \$11,000 in donations, making the total for the event \$39,000. Ms. Magee said that was not correct. The total expenditure was \$28,000 which is offset by sponsorship donations and in-kind contributions. She only noted the \$11,000 in donations because that was given to the City in sponsorship to help defer some of the cost. Councilmember Gottschall confirmed the actual City cost was \$17,000. Ms. Magee said that was correct and explained that \$2,500 was donated in cash and the other donations were in-kind donations.

Vote:

Motion Carried

7.) Request to Waive the Bid Process and Purchase Six In-Car Camera Recording Unit Upgrade Kits along with the Required Associated Wireless and Server Hardware and Software Upgrades

CM-08-151-16: Moved and seconded by Councilmembers Beagle and Rzeznik to waive the competitive bid process due to L-3 Communications being the sole source of the police patrol in-car camera system upgrade and since a comprehensive bid process was previously completed by the City of Ann Arbor, Michigan and the State of Michigan with bid awards subsequently being available to municipalities through BidNet and the State of Michigan and authorize the purchase of the police patrol in-

car audio and video recording system upgrade kits for the cost of \$39,146.78 from L-3 Communications.

Vote:

Motion Carried

8.) Authorization to Waive the Bid Process and Purchase Sensus IPerl Water Meters and MXU Electronic Radio Meter Readers from SUEZ for the next three (3) years in an amount not to exceed \$25,000 Annually

CM-08-152-16: Moved and seconded by Councilmembers Beagle and Kennedy to waive the bid process in accordance with Section 12.1 of the City Charter as there was no benefit to the City by utilizing the competitive bid process, and approve the purchase of Sensus IPerl Water Meters and MXU Electronic Radio Meter-Readers from SUEZ for the next three years not to exceed \$25,000 annually.

Councilmember Rzeznik questioned if the Sensus IPerl Water Meter was the same meter that they bought in the past and if so, how many years had the City been buying this meter. Mr. Delany said that it was the same meter and they had used this meter for five years. Councilmember Rzeznik wondered if other municipalities banded together for commodities like this. Mr. Delany said he was a contracted employee and believed they had a pretty competitive cost with Sensus. Mr. Sikma noted that ETNA was the only authorized dealer in Michigan for water meters. If they were not purchased through Suez, we would buy them from ETNA. There was no cost advantage with buying them from ETNA because they were cheaper buying them from Suez.

Vote:

Motion Carried

CALL TO THE PUBLIC:

There were no comments from the public at this time.

CITY MANAGER COMMENTS:

Mr. Goodlein noted that the circus was coming to the City on August 19th. He thought they did a great job providing good entertainment for children and families. It was important to note that in the past, he and the Fire Chief routinely got to the circus early in the morning to examine the animals and determine if they were well taken care of, had sufficient shade, water and food. He mentioned that because he was aware that some people were concerned for the animals' well-being. He noted that they had never found any of the animals to be abused or neglected in any of the visits they made in the past years and had no reason to expect any change for this year. He then indicated that the Wixom Senior Citizens were hosting a "Back to School Supply Drive." Stacey Banks volunteered to shop for the supplies if people wanted to provide a monetary donation. Detective Gerry Doyle celebrated fifteen years of service with the Police Department this past weekend. They learned Oakland County would be sending the first wave of road grants totaling \$18,814 which would help with road maintenance. Jim Watt has been an employee of the Police Department for sixteen years and worked in a variety of assignments in the Police Department. Mr. Watt was very ill and had not worked during the past three weeks. He was unsure if he would return to work. He asked for the Council to keep him in their thoughts and prayers.

COUNCIL COMMENTS:

Councilmember Gottschall said that his thoughts were with Mr. Watt for a full recovery back to good health. He explained that he read something that talked about the bidding process at the Federal level. It made him wonder if they looked into digitalizing the pre-bid meetings. Maybe they were missing potential contractors that could not make the drive to be physically present. It just made him wonder if they were to get more bids with more competitive bidding if something like that was looked into. Mr. Goodlein said that for particular bids, there had to be a walk through. For example, at the last bid for IT services, there was a pre-bid meeting where they walked through the facility to review the equipment and ask questions. He thought they could see if they could digitalize the process but he guessed many times there were a lot of subtle nuances that would make it difficult. They will certainly look into it.

Councilmember Smiley thanked Gerry Doyle for his fifteen years of service. He also said that the Smiley family would be praying for Mr. Watt.

Councilmember Beagle noted that his thoughts and prayers were with Mr. Watt and his family for a full recovery and thanked Gerry Doyle for his service. He thought it was nice to see one of the local businesses featured on a TV show a few weeks ago.

Councilmember Rzeznik echoed all the comments made regarding Mr. Watt and Mr. Doyle. He thought it was good to see a resounding yes for the Library Millage and the Zoo Millage at this past election. The final concert was on Thursday and it was also the food drive. The Walled Lake Eagles will collect food that will be donated to the Hospitality House.

Councilmember Kennedy said that his thoughts and prayers were with Jim Watt for a speedy recovery. He thanked Gerry Doyle for his fifteen years of service. He asked Ms. Banks when the money was needed for the school supply drive. Ms. Banks said that she would accept money throughout the month of August. He thanked Mr. Goodlein and Chief Roberts for going to the circus early in the morning and checking on the animals as it was a big concern for a lot of people.

Deputy Mayor Ziegler congratulated the City Clerk for another flawless election. He thanked the volunteers that helped out. He congratulated the Library on the millage passing. He commented that the Council receives the Council Packets in the middle of the week prior to each meeting. He thought if there was an issue with something on the Agenda, they had plenty of time to touch base with the Mayor ahead of time to let him know that there was an issue with the appointment of Mr. Osman. He was unsure if Mr. Osman would be embarrassed as he was the focal point of a public discussion. He thought it would have been a good idea to bring it up ahead of time so they could have pulled it from the Agenda to perform research before a discussion was held. It was the first time in his memory that they had a discussion over an appointment but a point was made to have it looked at and that was what would be done.

Mayor Hinkley echoed Deputy Mayor Ziegler's comments. He said that one of the reasons they received the packets early was so there would be an opportunity for

fellow Councilmembers to contact each other, the manager, etc. The way he saw it was this was political posturing because communication could have been made before the meeting. He had not seen this before in the many years he'd been on Council. He looked forward to the day the newer Councilmembers realized they were here to move the City forward and not on a political agenda. It was one of the things he liked about Wixom - the fact they don't have an aisle but there seemed to be one here and it was very disingenuous.

ADJOURNMENT:

The meeting was adjourned at 7:48 p.m.

Catherine Buck
City Clerk

Approved 8-23-2016
