

**CITY OF WIXOM  
49045 PONTIAC TRAIL  
REGULAR CITY COUNCIL MEETING MINUTES  
TUESDAY, SEPTEMBER 27, 2016**

Deputy Mayor Ziegler called the meeting to order at 7:02 p.m. at which time the Pledge of Allegiance was recited.

**Present:**

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

**AGENDA CHANGES:**

Mr. Goodlein requested the addition of Correspondence #3 – Conveyance of Attorney-Client Privileged Information Concerning Conflict of Interest and Correspondence #4 – Correspondence from Brian Wilson of Trident-Barrow Management Company.

Councilmember Gottschall asked that the newly added Correspondence #4 be moved to New Business #10 and Consent Agenda 1A, Zoning Board of Appeals Minutes of July 11, 2016, be moved to New Business #11.

**PUBLIC HEARING:**

**1.) Public Hearing for OPS Solutions, LLC**

Ms. Barker explained that representatives from OPS Solutions, LLC recently submitted an application for Tax Abatement in accordance with Public Act 198 of 1974, as amended. OPS Solutions is a high tech company currently located in Novi. They have a very unique product that was invented by Mr. Paul Ryznar. This product will serve our manufacturing businesses in Wixom and nationally.

Deputy Mayor Ziegler read the Rules for Public Speaking at a Public Hearing and opened the Hearing at 7:07 p.m.

Mr. Ryznar, President and CEO of OPS Solutions, said he was excited about moving into the Wixom community. They are originally from Michigan, so this is a made-in-Michigan product called Light Guide Systems. It literally guides people through every step of a manual process by following lights. They always say it doesn't matter whether it is pizzas, pacemakers or powertrains. They just want to make sure they are built right every time. He said they have a patent on their system. They currently have 22 employees and they are growing at about a 100% year-over-year growth rate. They are continuing to innovate their product, which is now operating in about ten countries around the world. He said they appreciate the City of Wixom helping them to make the big decision to move out of Novi into Wixom and they expect to serve the community very well as they grow and prosper here.

Councilmember Gottschall asked if they would be leasing a unit and if the improvement was the buildout of that suite. Mr. Ryznar said that was correct. It is a seven-year lease.

With no further comments, the Public Hearing was closed at 7:09 p.m.

**MINUTES:**

**CM-09-167-16:** Moved and seconded by Councilmembers Beagle and Kennedy to approve the Regular City Council meeting minutes of September 13, 2016.

Councilmember Smiley thought that since the Council had waived their right to the Attorney-Client Privileged letter, it would be attached to the minutes. The City Clerk said that she would attach it to the minutes.

**Vote:**

**Motion Carried**

**CORRESPONDENCE:**

- 1.) **Notice of Hearing before the Michigan Public Service Commission for Customers of Consumers Energy Company – Case No. U-18127**
- 2.) **Notice of Hearing before the Michigan Public Service Commission for Customers of DTE Electric Company – Case No. U-18082**
- 3.) **Conveyance of Attorney-Client Privileged Information Concerning Conflict of Interest**

**CALL TO THE PUBLIC:**

Laure Dorchak, 2028 Huntingdon Drive and President of the Wixom Historical Society, indicated that she would be available to answer questions regarding New Business #7 about the Wire House.

**CITY MANAGER REPORTS:**

- 1.) **Departmental Monthly Reports – August 2016**

There were no comments regarding these reports.

**CONSENT AGENDA:**

**CM-09-168-16:** Moved and seconded made by Councilmembers Beagle and Kennedy to approve the Consent Agenda as presented which included:

- 1.) Approval to receive and file:
  - a.) Planning Commission Minutes of July 25, 2016
- 2.) Consideration of Setting October 11, 2016 as the Date for Public Hearings Associated with the Establishment of an Industrial Development District and the Issuance of an Industrial Facilities Exemption Certificate for Tremec Corporation in Accordance with Public Act 198 of 1974, as Amended

**Vote:**

**Motion Carried**

**UNFINISHED BUSINESS:** (None)

**NEW BUSINESS:****1.) Consideration of the Mayoral Appointment of David P. Gavron to the Downtown Development Authority with a term to expire June 30, 2020**

**CM-09-169-16:** Moved and seconded by Councilmembers Beagle and Gottschall to approve the appointment of David P. Gavron to the Downtown Development Authority with a term to expire June 30, 2020.

Dr. Gavron, owner of Alternative Healing Chiropractic, said he runs his business from the same building as Weller Chiropractic. He is excited to get involved with the DDA and help the community as much as he can.

Councilmember Kennedy thanked him for stepping up. He looked forward to him serving on the DDA.

**Vote:**

**Motion Carried**

**2.) Consideration of a Renegotiated Lease Agreement with 123.NET, a Michigan-Based Utility Providing Broadband Service, to Place Additional Equipment on Top of the City Water Tower, Located at 48534 Alpha Drive**

**CM-09-170-16:** Moved and seconded by Councilmembers Kennedy and Beagle to conditionally approve the proposed replacement water tower lease agreement with 123.NET, Inc., as prepared and presented by the City Attorney's Office, and authorize Mayor Kevin W. Hinkley to sign the lease agreement on behalf of the City after 1) the City Public Works Department letter referenced in the City Planner's August 31, 2016 letter is provided; and 2) 123.NET has signed and delivered at least two (2) original copies of the Lease Agreement to the City Manager or City Clerk for Mayor Kevin W. Hinkley's signature.

Councilmember Beagle asked if we would have to go through Adept Plastics because of the contract we have with them for the water tower. Mr. Goodlein answered no.

In talking with the City Manager earlier, Deputy Mayor Ziegler said he had the impression that this and some other items on this agenda have to be acted upon sooner rather than later and might not wait until the Mayor returns to town. He suggested that the motion include language allowing him to sign these documents in the absence of the Mayor.

**CM-09-170-16:** Moved and seconded by Councilmembers Gottschall and Beagle to amend the motion to allow the Deputy Mayor, Richard Ziegler, to sign the lease agreement in the absence of the Mayor, Kevin Hinkley.

**Vote:**

**Motion Carried**

Councilmember Kennedy thought that as a matter of the Charter, if the Mayor is not here, the Deputy Mayor is already authorized to do this. Mr. Goodlein said that wasn't his impression. He thought the Deputy Mayor had to have specific

authorization from Council to sign contracts just as the Mayor would have to have specific authorization. Councilmember Kennedy thought it was automatic that if the Mayor was out of town, the Deputy Mayor would have that authority.

**Vote:**

**Motion Carried**

**3.) Consideration of a Resolution Approving Renewal of a Uniform Video Service Local Franchise Agreement with Michigan Bell Telephone Company, dba AT&T Michigan**

**CM-09-171-16:** Moved and seconded by Councilmembers Gottschall and Kennedy to approve the following resolution renewing the current Uniform Video Service Local Franchise Agreement (UVLFA) with Michigan Bell Telephone, dba AT&T Michigan, in accordance with provisions of its current UVLFA and Public Act 480 of 2006 and the recommendation of staff and the City Attorney, Mr. Gary Dovre, and authorize Deputy Mayor Richard Ziegler to sign the Agreement in the absence of the Mayor:

**RESOLUTION 2016-63 APPROVING RENEWAL UNIFORM VIDEO SERVICE LOCAL FRANCHISE AGREEMENT WITH MICHIGAN BELL TELEPHONE COMPANY, dba AT&T MICHIGAN**

**WHEREAS**, under Public Act 480 of 2006, the Uniform Video Service Local Franchise Act (the "Act"), on May 9, 2007, the City approved a Uniform Video Service Local Franchise Agreement ("Video Franchise") with Michigan Bell Telephone Company, dba AT&T Michigan ("AT&T"), for a period of ten (10) years; and

**WHEREAS**, on September 7, 2016, AT&T applied to the City for the renewal of the Video Franchise allowed by Section 3 of the Act, by the submission of the attached Uniform Video Service Local Franchise Agreement ("Renewed Agreement"), that has been reviewed and determined by the City Attorney to be complete under the Act; and

**WHEREAS**, the 5% of gross revenue annual video service provider fee in Section VI.A, and .5% of gross revenue PEG fee in Section VIII.A of the Renewed Agreement are the same as those fees under the City's Uniform Video Service Local Franchise Agreement with Comcast of Colorado/Florida/Michigan/New Mexico/Pennsylvania/Washington, LLC, as required by Section 6 of the Act; and

**WHEREAS**, the Council has accepted that the Renewal Agreement is complete and meets the technical requirements of the Act, understands that there has been no change in the law since 2007 when Video Franchise was required to be approved, that provides the City with denial or conditional approval authority, and therefore undertakes to adopt this Resolution approving the Renewed Agreement as required by the Act.

**NOW THEREFORE, BE IT RESOLVED** that the City finds the Renewal Agreement is complete and meets the technical requirements of the Act, and solely for that reason, and not because the City agrees with or assents to any provisions of the Act or the Renewal Agreement, the City hereby approves and authorizes and directs the Mayor to sign the Renewal Agreement, and its Attachment 1, as a renewal of the May 9, 2007, Franchise Agreement.

**BE IT FURTHER RESOLVED** that notwithstanding the term of the 2007 Franchise Agreement has not expired, the term of the Renewal Agreement shall be ten (10) years from the date of this approval.

**BE IT FURTHER RESOLVED** that on page 11 of the Renewal Agreement, the "Date submitted" shall be completed by insertion of September 7, 2016, with the "Date completed and approved" to be

completed by inserting September 26, 2016, and that the following language shall be inserted below the "Date completed and approved" line:

Determination of completeness and approval and authority for this Franchise Agreement to be signed was by adoption of a Resolution by the City Council at a meeting on September 27, 2016.

**BE IT FURTHER RESOLVED** that by approving the Renewal Agreement, the City shall not be found to have waived its rights to challenge any provisions of the Act and/or any related provisions of the Renewal Agreement, including AT&T's confidential designation of the video service area footprint map that is part of Attachment 1, on the basis that such provisions are invalid and unenforceable as violations of law, including on the grounds that a particular action is an unconstitutional impairment of contractual rights, with the City further reserving any and all rights stemming from any successful challenge to such provisions undertaken by any other local franchising entity.

**BE IT FURTHER RESOLVED** that the City Clerk shall provide a copy of this Resolution to AT&T by one of the methods for Notice in Section XV of the Franchise.

**Vote:**

**Motion Carried**

**4.) Consideration of a Request to Approve a Preliminary Condominium/Village Center Area Site Plan for the Development of Forty-Two (42) Single-Family Residential Lots to be Called "Cambridge Lane"**

**CM-09-172-16:** Moved and seconded by Councilmembers Smiley and Beagle to approve the Preliminary Condominium/Village Center Area Site Plan for Cambridge Lane be approved, conditioned upon the following: 1) Approval of the waivers to allow a one (1) foot decrease in the road surface width and two (2) foot decrease in the right-of-way width; and 2) Review and approval from other applicable consultants, departments, and agencies.

Mr. Avantini commented that this is for preliminary approval from the Council so the applicant can come back for final site plan. We are locking into the configuration of the roads, the lots and where the storm water system is going. When they come back for the final site plan approval, they will be dealing with lighting, landscaping, etc. There is one waiver being requested and that is to bring the right-of-way width from 50 feet to 48 feet and the streets width from 27 feet to 26 feet wide. The reason they are asking for that is to match the development immediately to the west, the Anthem Development. We want to make sure that all the streets are interconnected. It was approved a while ago by the Planning Commission and the City Council to have slightly narrower streets.

Councilmember Beagle asked if there would be sidewalks in this development and Mr. Avantini replied yes.

**Vote:**

**Motion Carried**

**5.) Acceptance of Easement and Restrictive Covenants Including the Industrial/Commercial Property Detention/Retention System Maintenance Agreement, Vehicular Ingress and Egress Easement, Sanitary Sewer Easement, Water Main Easement, and the Pedestrian**

**Ingress and Egress Easement Being Granted by Menard, Inc. located at 28955 Assembly Park Drive in the Total Amount of \$4.00**

**CM-09-173-16:** Moved and seconded by Councilmembers Beagle and Gottschall to accept the easements and restrictive covenants including the Industrial/Commercial Property Detention/Retention System Maintenance Agreement, Vehicular Ingress and Egress Easement, Sanitary Sewer Easement, Water Main Easement, and the Pedestrian Ingress and Egress Easement being granted by Menard, Inc. located at 28955 Assembly Park Drive in the total amount of four dollars (\$4.00) and, in the absence of the Mayor, authorize the Deputy Mayor, Richard Ziegler, and the City Clerk, Catherine Buck, to execute the Industrial/Commercial Property Detention/Retention System Maintenance Agreement on behalf of the City.

**Vote:**

**Motion Carried**

**6.) Consideration of a Land Division Request by Menard, Inc. and by Desine, Inc., Representatives of ALDI Food Market**

Ms. Barker stated that any land division from the former Ford property has to come before Council. Most land divisions do not need approval from the Council unless it is a subdivision. There was a question as to whether Council approval was part of the PUD. Mr. Avantini clarified that it wasn't part of the PUD itself since that is the zoning application. We had discussed early on that there would be a limited number of splits of this development. There is a relationship between the two but not a requirement of the PUD.

Councilmember Kennedy thought this had already gone through the Planning Commission when he was a member. Ms. Barker said that Ford Motor set the lot splits in their covenant agreement with Menard. The purpose of this is because we had all those easements, and the lawsuits against Menard by contractors, staff wanted the Council to be aware. Now that the easements are complete, we are moving forward.

Councilmember Gottschall noticed in the recommendation that this was based on the fulfillment of the City getting the title commitment documents. He asked if we had received any of those yet. Ms. Barker answered that all have been satisfied except one. That one was with Blue Restoration and Menards. They are set to go to mediation on October 4th. She said she would hold onto the processing of this. She would not forward any of this to Oakland County for further processing until that has been satisfied. Councilmember Gottschall said that there is still one outstanding and they have a limited number of lot splits. If we split it now and Menard and Blue Restoration can't work it out, he wondered if it would impact our ability to re-split it. Ms. Barker said she would not complete the process until we have the documents saying they have settled their dispute. It is not technically a lot split until she hands it over to the County for final review. The approval all comes from the Council. The Council can approve it tonight with the idea that we will wait until the final resolution has cleared.

**CM-09-174-16:** Moved and seconded by Councilmembers Beagle and Gottschall to approve the land division requested by Menard, Inc. and by Desine, Inc., representatives of ALDI Food Market based on the fulfillment of staff's expectations.

**Vote:**

**Motion Carried**

**7.) Discussion of Need for Emergency Repairs to the Wixom Wire House, 687 North Wixom Road, in an Amount not to Exceed \$54,000**

**CM-09-175-16:** Moved and seconded by Councilmembers Beagle and Smiley to discuss the need for emergency repairs to the Wixom Wire House foundation, as well as approval of a budget amendment to the Parks and Recreation Capital Plan for \$54,000 for Wixom Wire House repairs should they so see fit.

Councilmember Beagle said he was happy to see this on the agenda. His concern was when the engineering was done on this. Mr. Goodlein said that there was an engineering report obtained by the Historical Society this past April. Councilmember Beagle thought we needed to act on this tonight. We need to preserve things that are history-related to our City. He wanted to make sure this would not exceed \$54,000. Mr. Goodlein stated that because this was a non-budgeted item, the intent was to provide for the emergency repairs. The foundation is in such a state of deterioration according to the analysis of not only the structural engineers at H2A, but also engineers from HRC, that it is questionable as to whether or not anybody can enter the premises. Mr. Goodlein thought that was a little different than where we were two years ago when we were discussing this. At that time, no structural engineer had made any representation that the building was unsafe to enter. It is different now. It is a product of the way these old buildings were constructed and the state of the construction technology for foundations at the time they were built. He agreed with Councilmember Beagle that it is important to consider funding this emergency repair because it does provide for the continuation of our residents their ability to understand the history of the City and how the City came to be what it is today. He thought that was important for people of all ages who live in the City.

Councilmember Gottschall said that with respect to the actual process, it says not to exceed \$54,000. He asked if all of the work would be bid out and Council would be reviewing bids at a later time and Mr. Goodlein replied yes. There will have to be a competitive bidding process for something like this. The steering process will be through the architects. The architects, H2A, will develop the specifications for the repair. Since they provided some of the information and used their structural engineers, he thought we would use them for that purpose. We would also do some oversight with HRC.

Deputy Mayor Ziegler asked Ms. Dorchak to provide a little information about the Wire House. Ms. Dorchak said it was built in 1855 by one of the original settlers of Wixom. It was built for the use of Rev. Wire and his wife. He was the pastor of the Baptist church. In those days, the church was central to a community. Once it was established, that was where they held all of their activities. The house was used for church services until the church was built. It was also used for funerals. After the funeral, the body would be taken right across the street to the cemetery. Later,

the house was used for the Tiffin family who had at least ten children. They lived in the home until 1973, at which time the last two members of the Tiffin family, Bill and Charlie, passed away. One was 104 and the other was 93. The house is very typical of early construction. Even the basement has log timbers for beams. It has stones that were gathered on the property to build the basement. This is one of the few examples in the County of the common man's home in the 1800s.

Mr. Goodlein estimated that the house was 800-900 square feet at the most. It is amazing that a family of that size was raised in a home of that size. Ms. Dorchak added that it never had plumbing. It always had an outhouse, even in 1973.

**Vote:**

**Motion Carried**

**8.) Consideration of a Resolution in Support of Use of Public Park Land for M-5 Pedestrian Bridge and Approaches**

**CM-09-176-16:** Moved and seconded by Councilmembers Beagle and Kennedy to approve the following Resolution supporting the construction of the M-5 pedestrian bridge ramps within the Michigan Air Line Trail in addition to the placement of this bridge and associated structures within the M-5 state highway road right-of-way:

**RESOLUTION 2016-64 OF THE CITY COUNCIL OF THE CITY OF WIXOM  
IN SUPPORT OF USE OF PUBLIC PARK LAND FOR M-5 PEDESTRIAN BRIDGE AND  
APPROACHES**

**WHEREAS**, the City of Wixom (City) is a member of the Commerce, Walled Lake, and Wixom Trailway Management Council (Trailway Council) formed pursuant to authority of Public Act 451 of Michigan Public Acts of 1994, as amended, to acquire, improve, maintain, and manage an abandoned railroad right-of-way located in the Cities of Walled Lake and Wixom and the Charter Township of Commerce, as a public multi-use pathway to be known as the Michigan Air Line Trail, and

**WHEREAS**, the Trailway Council has entered into an agreement to purchase the right-of-way of the Michigan Airline Railway, and has applied for grants from the Michigan Department of Transportation (MDOT) and Michigan Department of Natural Resources (MDNR) to fund the purchase, and

**WHEREAS**, at the request of the Trailway Council and its constituent communities, MDOT has committed to construct a pedestrian bridge over State Highway M-5 to permit Trailway users to safely cross its six (6) traveled lanes of traffic, and

**WHEREAS**, construction of the pedestrian bridge will require bridge approaches, ramps, and other improvements to be constructed in the multi-use pathway property owing to inadequate space for these improvements in the M-5 highway right-of-way, and

**WHEREAS**, the City has concluded that there is no feasible and prudent alternative that will permit the bridge to be constructed for necessary and safe crossing of the M-5 highway without utilizing the proposed pathway property for approaches, ramps, and other necessary improvements, and

**WHEREAS**, the City has determined that the use of the pathway for permanent placement of bridge ramps, approaches, embankments, or other improvements necessary to construct a pedestrian bridge over highway M-5 and any related temporary construction activities is both necessary and appropriate and promote the use of the pathway for its intended purpose and will not adversely affect the activities, features, and attributes of the pathway, but rather, will enhance same, and

**NOW, THEREFORE, BE IT RESOLVED THAT:** the City of Wixom hereby supports MDOT's construction of a pedestrian bridge over State Highway M-5 in alignment with the proposed Michigan Air Line Trail and commits to cooperating with the Trailway Council and MDOT in the grant of all easements, licenses, or other approvals and consents necessary to use the proposed Trailway property in the vicinity of the proposed pedestrian bridge for the purpose of constructing bridge ramps, approaches, embankments, or other bridge related improvements for the proposed pedestrian bridge.

Mr. Goodlein explained that this has to do with the Trailway of which we are a member with Commerce Township and Walled Lake. Essentially, the three communities, through an inter-local agreement, decided they would try to purchase the railroad bed to create a walkway that would connect to other walkways in other communities. We have been successful in doing that. Now, to complete the process, MDOT has committed to build a pedestrian bridge over M-5 to link both sides of the walkway. In doing so, they have to put part of the approach on the property that will be ultimately owned by the three Trailway communities. They have to seek permission from all of the communities so they can move forward. There has been a question concerning who would be responsible for the costs and maintenance. In Michigan, all bridges that span any type of major highway (M-5 is a good example) are built and maintained by the Michigan Department of Transportation. There is no cost to the communities for either the construction or the maintenance of the pedestrian bridge.

Councilmember Kennedy asked if Commerce had just allocated some money to beautify that concept. Mr. Goodlein said that they increased the amount of money to \$500,000 to make it more visually appealing.

Councilmember Gottschall said that in reading about the initial proposal that MDOT had in front of Commerce, it sounded like all of the board members and the people in attendance were quite underwhelmed with the options, hence the \$500,000 to make it more aesthetically pleasing. It was strange for him to say we support something when we don't know what is being built. We just know we have to say we support it in order to give them the ability to build it. Mr. Goodlein said that the important thing is it is a pedestrian bridge in Commerce Township. Matters concerning the aesthetics and appearance would be left to Commerce Township. The Michigan Department of Transportation has their own specifications for how they build both pedestrian bridges and bridges that carry automobiles and trucks. They follow those specifications. As communities upon which part of our property is going to be used for the approach, we don't really have the ability to do anything else except to grant them permission to build the structure. They will pay for the structure and they will be responsible for maintaining the structure. They will insure the structure for any type of a mishap that occurs. It is difficult for the communities that own the property to say we think you ought to build your bridge this way or it ought to look this way. They build them the same all over the state. Councilmember Gottschall's main concern was if this might be construed as support just for MDOT's initial underwhelming approach to it versus us supporting our neighbor and their endeavor of making it prettier. Mr. Goodlein thought if we were to look at the proposals that MDOT made across the state for new bridge construction, whether for the movement of automobiles and trucks or pedestrians, he would say that all of the proposals are underwhelming. It is not for any other

reason except for the economy. They do it to turn out a bridge at the least cost. Sometimes when that occurs in communities, the communities will choose to add money to the construction process to change it. One example is in Auburn Hills with a grand bridge over I-75. That is not a regular bridge that MDOT built. They had help from Auburn Hills. He didn't think the vote to support is made a statement about either of those things. It is more of a statement that we support the initiative to link these walking paths across this part of the County.

**Vote:**

**Motion Carried**

**9.) Recommendation that Council Approve of the Community Development Block Grant Program Year 2016 Subrecipient Agreement between Oakland County and the City of Wixom**

**CM-09-177-16:** Moved and seconded by Councilmembers Kennedy and Beagle to approve the 2016-2017 CDBG Program Year (PY) Subrecipient Agreement with Oakland County and authorize the Deputy Mayor, Richard Ziegler, in the absence of the Mayor, Kevin W. Hinkley, to sign the agreement on behalf of the City.

Ms. Magee said this is a revised agreement that they took into account from the application that Council passed last November. There is a deadline. It has to be approved by September 30<sup>th</sup> in order for the money to be available October 6<sup>th</sup>.

**Vote:**

**Motion Carried**

**10.) Correspondence from Brian Wilson of Trident-Barrow Management Company**

Deputy Mayor Ziegler explained that the Council received a letter from a property owner in the City questioning some possible problems at the Wastewater Treatment Plant.

Mr. Sikma said that they did look at the Trident-Barrow Management's letter. Historically, the system that the EPA uses to collect data is very efficient and effective. This information is found on the internet. The EPA shows the historical information of a community system and this particular one showed in three different types of categories. One was the drinking water through the well systems. The well systems were type 2 wells in the City of Wixom. The second piece was for surface water issues that have arrived throughout the past years. The last one was directly related to the Treatment Plant itself.

The SDWIS Federal Reporting Services showed the drinking water systems. The Health Department of Oakland County regulates type two well systems and the majority of these well systems were listed there. When he researched the initial violations that were implied, the water system for the City of Wixom, the violation was a reporting violation for the Consumer Confidence Report of 2005. That occurred in August 2005. The reporting was corrected in August and MDEQ said we were then in compliance and the reporting issue noted that. The rest of the items on pages one through ten indicated violations of various items. There were many stated contaminants. However, those contaminants were not types of violations. It

was more again a reporting-type of issue. When Mr. Sikma contacted the Health Department, they looked up a few of these issues. One of them was for a child day care center that failed to collect a sample. In some instances, metal samples are required to be sampled every nine years. As a day care center focusing on children, they may not know exactly when they are supposed to do that. They do get letters from the Health Department. When they failed to collect the sample in December of 2013, they sampled it and they found the samples were good. They were in compliance after that, so it was just a reporting violation. It is listed as a contaminant because they failed to collect it. But once they collected it, it showed up okay.

The second items were for impaired water bodies for the historical reports. This one is primarily for Norton Creek. The City is a member of the Huron River Watershed and they participate in educating the public on surface water conditions in this watershed. A lot of the sampling that has been conducted over the years has been for total design capacity in the system which outlines specific characteristics of the water. If it doesn't meet the water quality for surface water, it is noted. These were all noted in that report. We are in the process with MDEQ to apply for a permit for storm water discharges throughout the City. Part of that storm water discharge permit will require future sampling. Some of that sampling is looking at non-point contaminants, such as the ones listed in the report. The reason we see them as non-point is we can't point to the specific place where that came from. It could have come from the roads and into the storm water collection system and then into the Creek. With the education that is required for our permit in that situation and the collection of waters in that permit, we hope to narrow down the issues to better the water quality for the State.

The third piece was the ECHO, or Enforcement of Compliance History Online. This notice indicated that over the last seven months, we have been in non-compliance at the Treatment Plant for a particular violation. As he read it, it was because of cyanide. The Wastewater Treatment Plant Operators are required to sample cyanide on a monthly basis. The regulation for the permit for that is the low detection. In other words, we can't have a detection of cyanide in our effluent. They report back and we don't ever get any hits. When we report on a perimeter like that, we put a less than sign and .02 micrograms per liter for cyanide. The new reporting system, which happened to start in August of 2015, is called MiWaters. Initially, we were entering it as zero because it was non-detection. The MDEQ had requested that we put a less than zero point as our reporting factor. The less than sign is indicated as an outlier and is not a digit. By entering it, it is considered a violation in the EPA's eyes. Although we are in compliance, we are still working out the bugs and the details of reporting this. This is an ongoing thing with MDEQ and MiWaters that we will eventually figure out.

Mr. Sikma said that the long story short is that we are in compliance with the water and wastewater systems in the City of Wixom. The Oakland County Health Department does maintain a very good quality system that maintains the different well systems and monitors them on a consistent basis.

What brought this all up was our discussion with Schupan. Mr. Sikma talked with Matt Delaney at SUEZ and he indicated that Schupan has secured an engineer for

their treatment system and they will now be batch-treating the system moving forward. Their industrial pretreatment will also be in compliance.

Councilmember Gottschall said it sounds like most of these were just failures to report and they are businesses, not the City of Wixom. Outside of the failures to report, he asked if there were any hazards. Mr. Sikma said that when he spoke with the Health Department, if it does become an issue, they immediately require that they have an alternate water source. For example, if a child day care center has a problem with their well system, they are flagged immediately. Nobody can drink the water and they bring in bottled water for the children. Sometimes the wells will have a bacteria problem that may arise from sampling. They come back and sample that within the next couple days to prove it is operational and it is safe to drink. The system, from what he can see, works. The Health Department is very concerned about water quality, especially in Oakland County. He said he has worked with a number of them in the past where when something like this has happened they get the bottled water as necessary.

Councilmember Gottschall wondered if there was a plan to get those businesses that are still on well onto City water. Mr. Sikma said that we currently have water available to most of the residents in the City. He couldn't think of any that were not within 500 to 600 feet of a water main. The water mains are primarily brought in for fire suppression. We happened to have valuable drinking water along with it. It is not a requirement in our Ordinance right now. Should there be a failure, they have the opportunity at that time to connect. A lot of residents have connected since we made the final sweep in the early 2000s to interconnect all of our well systems. We have made it available to just about everyone. They can have both as long as they are separate systems. He said that you can irrigate with a well system. It is an effective way to treat grass. If they keep it separate from their drinking water, it makes environmental sense to him. Why would you spend money to bring drinking water 55 miles from Lake Huron and pump it onto your grass? He said he would prefer to drink it because the water quality is exceptional from Detroit.

Councilmember Gottschall said that given his findings and speaking with SUEZ, he wondered if we needed to take any steps as a City with the Water or Wastewater Treatment Plant at this time. Mr. Sikma said not at this time. They had a couple of routine visits from them and they have recommendations. We are in compliance with what has been presented. They do inspect on occasion and from everything that he has seen, we will continue to be in compliance.

Deputy Mayor Ziegler thought it would be a good idea if the property owner that made that report gets some kind of communication from us to address the points he made. Mr. Goodlein said that he would put together a response and send it to him within the next week.

### **11.) ZBA Minutes of July 11, 2016**

Councilmember Gottschall said that there was a lot of talk about reducing the number of ZBA board members from 9 members to 7 members. It seemed like one of the justifications being given was that appointments weren't being made to fill all

nine members of the board. To him, using that as a justification didn't really sit well. He would rather appoint people rather than cut our residents out of the process. The other item that was addressed was having a member on both the Planning and ZBA. He recalled reading in a report that State law frowns upon that because you can't vote on the same matter on both boards. With that, we are kind of taking away checks and balances of our residents. He hoped we would try to resolve that so we don't have a potential issue in the future. He knows everyone is aware that you can't vote on both, but he would rather have a resident on each one so we have more input from our residents as well as not cutting down boards because we are not making appointments.

Mr. Goodlein thought those were all good comments. He said there have been internal discussions concerning the number of people on the ZBA. Part of the problem that he thought Mr. Avantini has faced has been that many times we haven't been able to get a quorum in order to move people's matters to the ZBA in an expeditious manner. We also found that typical communities like Wixom don't have the number of people on the ZBA that we do. When we put those two facts together, along with the fact that a lot of people were being frustrated with ZBA applications, we started to consider the fact that perhaps a smaller number of people on the ZBA would be an appropriate direction in which to move. It would decrease the number of people that would be required for the purposes of a quorum and would allow some of these issues to come forward to the board. It wasn't because we just couldn't get people appointed to the Board. It really was the fact that matters were going unheard because of the fact that we couldn't get a quorum.

Councilmember Gottschall asked if there have been any enforcements of the attendance policy for our board members or if anybody had been in violation. Mr. Goodlein said that we have had people who have not attended. Those people's terms have expired and they are no longer on the board. Mr. Avantini said there was one particular member whose job changed and he was having a difficult time getting to the meetings. He was not reappointed. He was a really good member on the board; he just couldn't come to the meetings. We are hoping that at some point in time he will reapply when he does have time to attend. That was the only attendance issue that we had.

Mr. Avantini wanted to address the other point about the joint membership. The Planning and Zoning law now does encourage the cross membership between the ZBA and the Planning Commission. The big issue is the voting. He has talked to three different attorneys and gotten three different opinions on that issue. He thought that we needed to reassess under what situations and cases the member of the Planning Commission or the ZBA cannot vote on the same case. The way he looked at it, they are voting on totally different criteria. They are voting on the same case, but not the same request. He thought that was something they would investigate a little more with the City Attorney to get some additional clarification. It has actually been very helpful to have Joe Barts on both the ZBA and the Planning Commission. He has been extremely valuable to both boards and he has been able to step up and explain what the Planning Commission thought when they were discussing something. We are going to look into that a little further so he knows under what conditions he can vote.

Councilmember Gottschall said it was a concern given our trips to court lately. It is a potential issue. If there were different members, it wouldn't even be a question. We should avoid court at all costs with most of these things.

**CM-09-178-16:** Moved and seconded made by Councilmembers Gottschall and Beagle to approve to receive and file the ZBA Minutes of July 11, 2016.

**Vote:**

**Motion Carried**

**CALL TO THE PUBLIC:**

Nancy Dingeldey, 2220 West Euna, said that on behalf of the Wixom Historical Society, she thanked the Council for their support and care of the museum. She hoped we could get to work because it is suffering.

Jason Renade, Breanna Cotellas and Clayton Biony, all Lakeland High School students, were present at this meeting to fulfill a government class requirement.

**CITY MANAGER COMMENTS:**

Mr. Goodlein reminded the Council that on October 5<sup>th</sup>, City Hall will be closed until 1:00 p.m. due to a Police Active Shooter Assailant Training with City staff. It will involve a field exercise. Also, he announced the passing of Ann Olson, the wife of Gary Olson of Gary's Catering. Gary has been very active in supporting the community. Ann suffered from cancer and at the time of her death, she and Gary were married 52 years. The viewing will be at the O'Brien Sullivan Funeral Home on Grand River in Novi on Thursday. The funeral service is on Friday at 3:00 p.m. at the funeral home.

Deputy Mayor Ziegler suggested notifying the seniors about the closing of the City offices so they aren't concerned. Mr. Goodlein indicated that the entire campus would be closed that day. The Police will be stationed at the walkway and driveway entrances to the building. No one will be able to come onto the campus.

**COUNCIL COMMENTS:**

**Councilmember Kennedy** passed on his condolences to Gary and his family on the passing of his wife. He saw that Ms. Banks has garnered the mini-grant from the MCACA for the *Forbidden Art*. He congratulated her on that. He also congratulated Dr. Gavron on his appointment to the DDA.

**Councilmember Beagle** said his thoughts, prayers and condolences go to Gary and his family at this time. He thanked Dr. Gavron for stepping up to volunteer for the DDA. He reminded everyone of the Fire Station Open House on Saturday, October 8<sup>th</sup>, from 10 a.m. until 2 p.m. and the Fall Fest and Panther Hunt the same night from 5 p.m. until 8 p.m. at Gilbert Willis. Lastly, he congratulated the City Clerk on her five-year anniversary with the City.

**Councilmember Gottschall** said his thoughts are also with Mr. Olson and the Gary's Catering community. He commented that the Council received a lot of attorney-client privileged communication and he wondered if they should be turned back in or destroyed. The City Clerk asked that they all be returned to her after the

meeting. Lastly, he and Deputy Mayor Ziegler have attended many homeowners' association meetings lately and the big question that has been raised has to do with the Gunnar Mettala Park. A lot of residents do not know what is going on with the potential swap. He thought it was about time that the City made an official statement one way or the other so we can give the best information to our residents. He hoped we could make that statement soon.

**Councilmember Smiley** congratulated Dr. Gavron on his appointment and offered his condolences to the Olson family. He then congratulated City Clerk Buck on her five years with the City.

**Deputy Mayor Ziegler** echoed his fellow Council members' sympathies for Gary Olson.

**ADJOURNMENT:**

The meeting was adjourned at 8:24 p.m.

Catherine Buck  
City Clerk

Approved 10-11-2016
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