

**CITY OF WIXOM  
49045 PONTIAC TRAIL  
REGULAR CITY COUNCIL MEETING MINUTES  
TUESDAY, JUNE 13, 2017**

Mayor Hinkley called the meeting to order at 7:03 p.m. at which time the Pledge of Allegiance was recited.

**Present:**

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

**AGENDA CHANGES:**

Under Presentations, Mr. Brown added the retirement of two more Wixom Elementary Teachers, Marie Smead and Linda Passerman.

**PRESENTATIONS:**

**1.) Proclamations Honoring Wixom Elementary Teachers David Blatt, Marie Smead and Linda Passerman on their Retirements**

Mayor Hinkley stated that Mrs. Linda Passerman has taught in the Walled Lake Schools for 32+ years. He read her proclamation and presented it to her.

Next, Mayor Hinkley said that Ms. Marie Smead is retiring after 21 years of service in the district. He read her proclamation and presented it to her.

Lastly, Mayor Hinkley said that Mr. David Blatt is retiring after 27 years of service in the Walled Lake Schools. He read his proclamation and presented it to him.

Councilmember Rzeznik commented that as we go through our adult lives, we always think back on other adults who, during our formative years, have left a positive impact. All three of these teachers have left their stamp on the three Rzeznik adult children during their early years, as they were trying to reintegrate into American life and move from Germany. He thanked all of them, on behalf of the Rzeznik family and the community, for the positive impacts that they have made.

Councilmember Beagle added "and the Beagle family."

Councilmember Smiley stated that his kids went to Loon Lake Elementary and Friday is their last day having an elementary student. Elementary years are the best years and there is nothing like elementary school teachers. He did some quick math and between the three of them, there was 80 years of experience leaving Wixom Elementary.

Mayor Hinkley said that he now lives across the street from Wixom Elementary. During the last three years, he has been a little more involved at the school meeting with cub scouts and boy scouts answering questions about being mayor. Recently,

he also met with a brownie troop. He thought it had been an interesting, long time of knowing these three and other educators at the school. It was nice to see they are retiring, but he knew many of their associates would miss them. He mentioned to his kids that they were retiring and they wished them all happy trails.

**MINUTES:**

**CM-06-83-17:** Moved and seconded by Councilmembers Beagle and Rzeznik to approve the Regular City Council meeting minutes of May 23, 2017.

**Vote:**

**Motion Carried**

**CORRESPONDENCE:**

- 1.) **Notice of Hearing before the Michigan Public Service Commission Regarding DTE Electric Company Case No. U-17762**
- 2.) **Notice of Hearing before the Michigan Public Service Commission Regarding DTE Electric Company Case No. U-18344**
- 3.) **Notice of Hearing before the Michigan Public Service Commission Regarding Consumers Energy Company Case No. U-18367**

**CALL TO THE PUBLIC:**

There were no comments at this time.

**CITY MANAGER REPORTS:**

**1.) Fire Report – April 2017**

There were no comments or questions on this report.

**2.) Police Report – April 2017**

Councilmember Rzeznik commented that the number of automotive and nonautomotive incidents was down quite a bit from last year. He wondered if we had the construction in front of Menards last year where we had a higher number of accidents and fender benders. Chief Yon thought so.

Councilmember Gottschall asked if any of the ICE (Immigration and Customs Enforcement) detentions he was reading about in the paper yesterday and today occurred in Wixom. Chief Yon said he was not notified if they were. Normally, if ICE is in our area, they let us know in case they need assistance.

Mr. Brown explained that the reason the Fire Chief was absent from this meeting was because there was a very serious vehicle accident that had occurred at Wixom Road and Grand River. Chief Yon added that the Oakland County Accident Investigation team was currently there.

**CONSENT AGENDA:**

**CM-06-84-17:** Motion and seconded by made by Councilmembers Smiley and Beagle to approve the Consent Agenda as presented which included:

- 1.) Approval to receive and file:
  - a. Wixom Library Board Minutes of April 24, 2017
  - b. Planning Commission Minutes of April 24, 2017

- c. Downtown Development Authority Minutes of April 25, 2017
- 2.) Request for Approval of the 2017 Permit Application for a Public Fireworks Display at the City of Wixom by Great Lakes Fireworks, LLC of Eastpointe, Michigan

**Vote:**

**Motion Carried**

**UNFINISHED BUSINESS:**

- 1.) **Consideration of the Enactment of an Ordinance for the City of Wixom Code of Ordinances to Amend Title 12, Streets, Sidewalks, and Public Places, by Adding a New Chapter 12.18, Michigan Air Line Trailway, and to Provide a Penalty for Violation Thereof**

**CM-06-85-17:** Moved and seconded by Councilmembers Gottschall and Smiley to approve the enactment of an ordinance to the City of Wixom Code of Ordinances Title 12, Streets, Sidewalks, and Public Places, by adding a new Chapter 12.18, Michigan Air Line Trailway, and to provide a penalty for violation thereof.

Councilmember Gottschall asked how this was different from New Business #3. They seemed redundant to him. Ms. Magee replied that the enactment incorporates what the Trailway approved into the ordinances. The New Business item was the one recommended by the Trailway Council to have our governing bodies approve those ordinances separate. Councilmember Gottschall clarified that this was actually our ordinance and New Business #3 would be the approval of the idea all of the cities approved it. Ms. Magee replied yes.

**Vote:**

**Motion Carried**

- 2.) **Consideration of the Enactment of an Amendatory Ordinance to the City of Wixom Code of Ordinances to Amend Title 5, "Building Licenses and Regulations – Chapter 5.10" and to Replace it in its Entirety with Chapter 5.10, Articles I Through IV Through the Adoption of a New Ordinance Regarding Peddlers, Solicitors, and Canvassers and to Provide Penalties for Violations Therein**

**CM-06-86-17:** Moved and seconded by Councilmembers Gottschall and Rzeznik to approve the enactment of an ordinance to the City of Wixom Code of Ordinances Title 5, "Building Licenses and Regulations – Chapter 5.10" and to replace it in its entirety with Chapter 5.10, Articles I through IV through the adoption of a new ordinance regarding Peddlers, Solicitors, and Canvassers and to provide penalties for violations thereof.

Councilmember Rzeznik said he attended a homeowners' association meeting and the question came up about the prohibition of solicitors within an entire platted subdivision. Section 5.10.079 says that if each entrance of a subdivision is posted, it would be unlawful to do soliciting within that subdivision. He thought it might be a good idea to highlight that in the next Crossroads. We could notify the associations that there is a new ordinance and that State law has changed. They could read through it in its entirety and decide what to do as a subdivision association.

Mayor Hinkley asked if we could email this information to the associations. Ms. Magee said that could be done.

Councilmember Gottschall wondered if we were going to encourage subdivisions to put signage out, where does the line get drawn. He knew a year or two ago, we had a discussion regarding canvassing and how that was different than soliciting. Leisure Co-op has no soliciting, but they intend for it to be no anything.

Councilmember Rzeznik said he was not encouraging posted signs but wanted to inform them because the question does come up at the homeowners' association meetings. The complaint he heard was about solicitors, the ones that leave the glued sticky things on the glass that can only be removed with a razor blade.

Mayor Hinkley noted that his comment was not about adding a sign either. He just wanted to let the homeowners know that we have a new ordinance. He'd rather notify them now than have them say they didn't know at a meeting.

**Vote:**

**Motion Carried**

**NEW BUSINESS:**

- 1.) Consideration of a 2017-2018 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-06-87-17:** Moved and seconded by Councilmembers Rzeznik and Beagle to approve the 2017-2018 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 authorize the Mayor to sign this contract on behalf of the City.

Councilmember Gottschall noted that under "Service Area" on Exhibit A, Monroe and Macomb were spelled incorrectly. Mr. Brown said that he noticed that as well and the corrections would be made before it was turned in.

**Vote:**

**Motion Carried**

- 2.) Consideration of the Introduction of an Amendatory Ordinance to Rezone Approximately 22 Acres of Property Located at 28987 S. Wixom Road and Identified by Tax Parcel Numbers 22-07-200-013 and 22-07-426-011 from M-2 (General Industrial) to GPUD (Gateway Planned Unit Development) as Requested by Assembly Park, LLC**

**CM-06-88-17:** Moved and seconded by Councilmembers Gottschall and Smiley to approve the introduction of an amendatory ordinance to rezone tax parcels 22-07-200-013 and 22-07-426-011, located at 28987 S. Wixom Road, from M-2 (General Industrial) to GPUD (Gateway Planned Unit Development) as requested by Assembly Park, LLC.

Councilmember Gottschall said that regarding Section 6, Phasing of the Development Agreement, the second paragraph talks about the timing of phases for the development. He would like for us to strike that and remove any timing requirements for phases. The market will dictate that as will development in general.

Mr. Avantini stated that since Councilmember Gottschall mentioned that to him, he thought we would want to keep the first sentence and eliminate everything after that. It could say, "The project is planned as a multi-phased development each of which shall include the associated infrastructure improvements within, or necessary to serve, the phase." The next sentence could be moved down as part of the next paragraph.

Mr. Brown indicated that staff has agreed to make the change. Mr. Avantini added that this change will be reflected at the next Council meeting when it comes back for the enactment.

Councilmember Rzeznik asked if buildings A, B and C would be up to three stories. Mr. Avantini replied yes, that was the plan. We have a site plan that just came in for two of the three buildings and they are three-story buildings. They are multi-tenant. They already have one floor committed to General RV. If the third building came in and they had a need for a fourth-story, he thought the Planning Commission had the authority to grant a waiver on the height.

Mayor Hinkley asked what if they wanted a ten-story building. Mr. Avantini thought that would be considered a significant change and would be referred back to Council for a major amendment. Under the GPUD, there are minor things we can review administratively. If it was more than minor, like an extra floor, the Planning Commission would have to make that decision. If they got a request that was a significant change, the Planning Commission would recommend it go to Council for final approval. The review process was built right into the ordinance.

In other words, Mr. Brown said that if they would have come in with a plan for eight stories, would we have batted an eye and the answer would be it would depend on the use. If it is a hotel, it is appropriate to be eight stories. If it is office space, that might be over-reach and we might not be in favor of an eight story building that might have five floors unoccupied because we don't think the demand would be there for it.

Mr. Avantini commented that they have shown office buildings, research and development, and light industrial buildings. Even though the two office buildings are going to go in soon, it is possible that the rest of the buildings could be office buildings or two or three research and development buildings. There is flexibility. It can change as long as they are in compliance with the IRO district.

Mayor Hinkley asked how much space was left of the Assembly Park property to be developed other than the 182 acres owned by Brian Wilson. Mr. Ken Burzinski, of Schonscheck Inc., replied that Assembly Park has 23 acres and Menards has two five-acre outlots.

Mr. Avantini noted that we do have a site plan before us for a Community Credit Union right next to the detention basin.

**Vote:**

**Motion Carried**

**3.) Request for Approval of the Commerce, Walled Lake, and Wixom, Michigan Air Line Trailway Ordinance**

**CM-06-89-17:** Moved and seconded by Councilmembers Rzeznik and Beagle to approve the 2017 Michigan Air Line Trail Ordinance.

Mayor Hinkley stated that he saw part of a Trailway along US-131 and he wondered where the name Michigan Air Line Trailway came from. Ms. Magee replied that it was the old railroad. It is just the name that was adopted. The Trailway goes all the way across the State.

Councilmember Rzeznik commented that today in the news, West Bloomfield was being requested by some residents to post "Dangerous Geese" signs on the Trailway because of people getting attacked by geese.

**Vote:**

**Motion Carried**

**4.) Request for the Approval of a Local Road Improvement Pilot Program Cost Participation Agreement with the Road Commission for Oakland County for Joint and Crack Sealing of Local Roads and Pavement Markings in the Amount of \$18,814 with a Local Share of \$30,000**

**CM-06-90-17:** Moved and seconded by Councilmembers Rzeznik and Beagle to approve the Local Road Improvement Matching Fund Pilot Program Cost Participation Agreement with the Road Commission for Oakland County and authorize the Mayor, Kevin W. Hinkley, to execute the agreement on behalf of the City.

Councilmember Rzeznik said that when the crews are going out to do the crack sealing, there are sometimes certain areas that the majority of the area surrounding it just needs crack seal, while other larger chunks of asphalt are out. He asked if they could patch at the same time. Mr. Sikma said that the DPW does cold patch before putting the crack seal overband down. Councilmember Rzeznik commented that there was a little section of Potter Road coming westbound about midway where you can tell over the years we did a lot of crack sealing there. There was a certain portion, about 50 yards of it that was really deteriorated. Mr. Sikma said that this was primarily for industrial areas as part of an economic development plan with Oakland County. They have allocated over a million dollars to this over the entire County and this was Wixom's portion.

Mayor Hinkley clarified that our portion was \$30,000 and the County was giving us \$18,814 and Mr. Sikma said that was correct. We did budget for the \$30,000 as part of our normal crack sealing repairs.

Councilmember Gottschall didn't think any of these roads overlapped with any of the LDFA projects. Mr. Sikma said that was correct. These pieces are part of the LDFA, but they are not part of the LDFA projects we are currently doing.

**Vote:**

**Motion Carried**

**5.) Recommendation to Grant Authorization to Utilize the Michigan Inter-Governmental Trade Network (MITN) to Sell Surplus Vehicles and Designate Public Works Director Tim Sikma as Authorized Agent to Sign Necessary Documents**

**CM-06-91-17:** Moved and seconded by Councilmembers Gottschall and Smiley to authorize the utilization of the Michigan Inter-Governmental Trade Network (MITN) to sell surplus vehicles and designate Public Works Director Tim Sikma as Authorized Agent for the City of Wixom to sign necessary documents.

**Vote:**

**Motion Carried**

**CALL TO THE PUBLIC:**

There were no comments at this time.

**CITY MANAGER COMMENTS:**

Mr. Brown extended kudos to the Clerk and Deputy Clerk for an outstanding audit result by the National Passport Agency. They checked the procedures and processes, security, signage, materials and training in conjunction with accepting passports and they gave the Clerk's Office a stellar review. He thanked them for their hard work. Mr. Brown explained that there was an order to demolish the home located at 2345 Fairbury as it has been declared a danger. The owner has the opportunity to take care of it or the City would step in. Mr. Brown said that Director Charlie Yon had decided to retire from Wixom with his last day of work being on June 27, 2017. He noted that Director Yon has had an outstanding career with the Police Department with an awesome service record. They would miss him and certainly wished him all the best in his new adventures. He thanked him for his service to the City. Next, Mr. Brown explained that the American Red Cross Blood Drive would be held on Wednesday at the Community Center and the summer concerts would be on Thursday, June 15<sup>th</sup>, June 22<sup>nd</sup> and the concert/ fireworks on June 29<sup>th</sup>. Additionally, he noted that the municipal offices would be closed on Tuesday, July 4<sup>th</sup>, in observance of Independence Day.

**COUNCIL COMMENTS:**

**Councilmember Smiley** congratulated Ms. Buck and Ms. Opalko on their perfect score by the National Passport Agency. He enjoyed the elementary teachers' proclamations tonight and thanked Councilmember Beagle for setting that up. He thought elementary teachers deserved all the love and appreciation they could get.

**Councilmember Gottschall** congratulated the Clerk's Office on the passport audit. He thought the Clerk's Office was doing very well if they received a perfect score. He was surprised to hear that Director Yon was retiring and wished him all the best. He thanked him for the help and direction he has given to him over the last year and for

his service to the City.

**Councilmember Beagle** congratulated Mr. Blatt, Mrs. Smead and Mrs. Passerman on their retirements at the end of the school year. He thanked the City Manager's office for their hard work in putting together the proclamations for those deserving teachers. He congratulated the Clerk for her perfect score on the passport audit. He looked forward to some nice weather for the Wixom T.E.A.M. Golf Outing that was officially sold out. Lastly, he congratulated Director Yon on his retirement.

**Councilmember Rzeznik** said that he attended the summer concert and thought the turnout was great. The Parks and Recreation Department did an excellent job as it was nicely organized. He received positive comments about the band and suggested they come back to Wixom again. He wished Director Yon well and said he would be missed. He noted that they were going to tap a beer named Wixom's Finest in honor of Director Yon on June 24<sup>th</sup> at the Drafting Table Brewery. He noted that school was out so watch the foot and bike traffic, especially the left turns at Wixom and Charms Road.

**Mayor Hinkley** congratulated Director Yon and wished him all the best. He thought the second part of his career was a great opportunity. Also, he thought it was neat to have the teachers at tonight's meeting.

**ADJOURNMENT:**

The meeting was adjourned at 8:04 p.m.

Catherine Buck  
City Clerk

Approved 6-27-2017
-----------------------