

**CITY OF WIXOM
49045 PONTIAC TRAIL
REGULAR CITY COUNCIL MEETING MINUTES
TUESDAY, AUGUST 28, 2018**

The meeting was called to order at 7:00 p.m. at which time the Pledge of Allegiance was recited.

Present:

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

AGENDA CHANGES:

Mr. Brown requested the addition of New Business #4 – Recommendation to Authorize the Mayor and City Clerk to Sign the Executed Restrictive Covenant on the Property Located at 29311 South Wixom Road.

MINUTES:

CM-08-137-18: Moved and seconded by Councilmember Rzeznik and Deputy Mayor Beagle to approve the Regular City Council meeting minutes of August 14, 2018.

Vote:

Motion Carried

CORRESPONDENCE: (None)

CALL TO THE PUBLIC:

There were no comments at this time.

CITY MANAGER REPORTS:

1.) Departmental Monthly Reports - July 2018

There were no questions or comments regarding this report.

CONSENT AGENDA:

CM-08-138-18: Motion and seconded made by Councilmembers Gottschall and Kennedy to approve the Consent Agenda as presented which included:

- 1.) Approval to receive and file:
 - a. Tax Abatement Review Committee Minutes of March 1, 2018
- 2.) Acceptance of Two Water Main Easements Granted by Robert and Sharon Resnick Located at 49232 Shafer Avenue, Wixom, Michigan, in the Total Amount of \$1.00
- 3.) Acceptance of the Water Main Easements Granted by Trijicon North, LLC, Located at 49361, 49385 and 49397 Shafer Avenue, Wixom, Michigan, in the Total Amount of \$2.00

Mayor Ziegler noted that the Resnick mentioned in #2 was not related to Councilmember Rzeznik.

Vote:

Motion Carried

UNFINISHED BUSINESS: (None)

NEW BUSINESS:

1.) Recommendation to Approve a Land Division Request for the Address Identified as 2345 Fairbury, Wixom, Michigan, by NG Group Homes LLC, within the Platted Subdivision Known as Hickory Hill / Rolein Subdivision

CM-08-139-18: Moved and seconded by Councilmember Gottschall and Deputy Mayor Beagle to approve a land division request for the address identified as 2345 Fairbury, Wixom, Michigan, by NG Group Homes LLC, within the platted subdivision known as Hickory Hill / Rolein Subdivision.

Ms. Barker stated that on August 7th, the City received a parcel split division application from NG Group Homes LLC. (NG stands for Nick and George.) They purchased the property at a bank auction in June. It was their desire to split the property into three lots for building single family homes.

For additional background, Mr. Brown stated that 2345 Fairbury was the property that was demolished after a long period of time. It was unfortunate that it had to be demolished and the land cleared because of what happened there. We thought the outcome could be more than just one single family home on that lot. This will allow three new single family homes to be built on this property because it was a large lot.

Mr. George Vulaj said he appreciated the opportunity to ask for this land split. He said they purchased this property in June on behalf of NG Group Homes LLC. They created this company about eight years ago. They started buying bank-owned properties to fix them up and flip them. That market has dried up but they still look for those kinds of homes. About four or five years ago, they started looking for lots and land where they might demolish a home or buy a lot to split. They have done this in Rochester Hills, Bloomfield Hills and Green Oaks Township. Mr. Vulaj saw this property on Fairbury on auction and paid just less than \$70,000. The property is 235 feet wide by 120 feet and they figured that was ideal for three homes. Each lot will be 78.25 feet x 120 feet. They are planning to build 1,800 to 2,200 square feet homes.

Councilmember Rzeznik asked if 78.25 feet was about the size of lots eight and nine. Ms. Barker replied that those were about 70 feet wide. These lots will be approximately eight feet larger on the width.

Deputy Mayor Beagle confirmed that these would be single family homes and Mr. Vulaj replied yes. Deputy Mayor Beagle was concerned that they may be group

homes because of their name. Mr. Vulaj indicated that was just their name and that they would not be group homes.

Vote:

Motion Carried

2.) Recommendation to Authorize Participation in the State of Michigan MiDEAL Purchasing Program for the Purchase of a Toolcat 5600 G-Series with an 84-Inch Grader Attachment from Bobcat of Lansing at a Cost of \$60,916.47 After Trade-In of the 2005 Toolcat

CM-08-140-18: Moved and seconded by Deputy Mayor Beagle and Councilmember Rzeznik to authorize participation in the State of Michigan MiDEAL Purchasing Program for the purchase of a Toolcat 5600 G-Series with an 84-inch grader attachment from Bobcat of Lansing at a cost of \$60,916.47 after trade-in of the 2005 Toolcat.

Mr. Sikma explained that this was a replacement for the toolcat that they currently have. There are two toolcats and they are replacing the older of the two. This was a budgeted item. He indicated that he went through the MiDEAL Purchasing Program, which is a State bid process. All of the implements that they have on site are operational so they didn't opt for any replacements of those at this time. They did opt for a new grader for the toolcat. He said the grader is like a small bulldozer that they will use for maintaining the fields at Gilbert Willis Park and Gunnar Mettala Park.

Councilmember Rzeznik commented for the record that this line item was included in the 2018/2019 budget in the amount of \$60,000 and it was discussed at length back in April.

Councilmember Smiley asked if the accessories that are on the existing toolcat were transferrable. Mr. Sikma replied yes. That was why they purchased the identical model.

Deputy Mayor Beagle wondered if we were getting more for the trade-in cost than if we auctioned it off ourselves. Mr. Sikma thought that we were getting more by trading it in.

Councilmember Gottschall asked if there was a separate cost built in for the grader. Mr. Sikma said that the grader was approximately \$9,000. Councilmember Gottschall was worried that the grader would be a little rough for the dirt on the baseball diamonds. After we pave the trails and the work was done on the little league fields, he wondered what other kinds of uses we had for the grader. Mr. Sikma said that the mile trail at Gilbert Willis Park was one of the intentions. It would not be used on the Air Line Trail. We could also use it at the Habitat.

Councilmember Kennedy asked if we used the toolcat for plowing sidewalks. Mr. Sikma replied yes. We have a flat blade that can't articulate back and forth but this one will do that. The only thing that was different was the actual tool itself.

Vote:

Motion Carried

3.) Recommendation to Waive the Competitive Bid Process and Accept the Proposal to Enter into a Three-Year Lease Agreement with Snethkamp Chrysler Dodge Jeep RAM of Redford, Michigan for Two Replacement Vehicles for Use by Police Detectives for a Total not to Exceed \$22,616

CM-08-141-18: Moved and seconded by Councilmembers Smiley and Kennedy to waive the competitive bid process and accept the proposal to enter into a three-year lease agreement with Snethkamp Chrysler Dodge Jeep RAM of Redford, Michigan for two replacement vehicles for use by police detectives for a total not to exceed \$22,616.

Director Moore said that in 2015, the Council allowed his predecessor to enter into an agreement with Snethkamp to lease two all-wheel Dodge Chargers. The Department has been very satisfied with them. He asked his staff to reach out to approximately seven different Chrysler Dodge dealerships to make sure Snethkamp was still the favorable dealership and they were by over \$2,000 over the life of the lease. The gentleman who takes care of us at Snethkamp is a Wixom resident so if the vehicle needs service, he will come to the Police Station to take it to the dealership.

Councilmember Rzeznik wondered why this wasn't considered a competitive bid since we received seven different responses from seven different dealerships for the same make, model and year vehicle. Mr. Brown indicated that with a formal bid process, we have to publicize it so that not just people you are contacting can respond. It is an open bid process. He thought this was the way auto dealerships do business in terms of soliciting a price on a specific vehicle and comparing it to prices from other dealerships as opposed to doing a formal bid process. He said we didn't see the utility in taking on the added administrative burden and cost of publicizing it when we could do this quote process. Councilmember Rzeznik was surprised at how varied the lease prices were for the same vehicle.

Mr. Brown added that the prior lease was \$292 per month and this one was just above that three years later.

Director Moore commented that the Northland Chrysler Dodge dealership has the Michigan State Police bid and his assistant asked them what the likelihood was of us getting in on that State Police bid. They said there was no chance because it wouldn't be part of a patrol fleet.

Vote:

Motion Carried

4.) Recommendation to Authorize the Mayor and City Clerk to Sign the Executed Restrictive Covenant on the Property Located at 29311 South Wixom Road

CM-08-142-18: Moved and seconded by Councilmembers Smiley and Kennedy to authorize the Mayor and City Clerk to sign the Executed Restrictive Covenant on the property located at 29311 South Wixom Road.

Mr. Brown explained that we were originally going to have this on this agenda as opposed to doing it as an add-on but there were some questions related to the City easements. Those questions have been answered today. This Agreement is between Ford Motor Company (the original owner of the property) and the successor owner (who recently just sold it to Industrial Commercial Properties). This has been a bone of contention between Ford and the successor buyer for a period of time where that buyer would not sign off on this restrictive covenant. That part of it broke loose just before the transaction to sell in April and was signed by that party in March. Once that was done, it became appropriate for them to talk to the City about it because we have easements on the property as well as the International Transmission Company. This acknowledges that we are aware of the fact that this restrictive covenant limits the use of the property to non-residential uses. Obviously, we are not real estate or residential developers and that doesn't trouble us in the least. We are signing off that we know this restrictive covenant is in place.

Councilmember Rzeznik clarified that as the property through ICP gets developed, each planned use will come before the Planning Commission who will be looking for anything in terms of the restrictive covenant. Mr. Brown said that was correct. It will have to be in compliance with that restrictive covenant language which was what we would want to see anyway. We are looking for industrial and commercial uses on that property and he thought that was the preference of the current owner as well. This would be consistent with the zoning that was there. Until this gets cleared, Ford can't close out this chapter of the property and the development cannot proceed.

Councilmember Gottschall asked if this was in the confines of what they have included in the map or if it was the entire parcel. Mr. Brown replied that this was for the entire property. Councilmember Gottschall said that the map shows a dash-circle centered on the entire parcel that says 7.982 acres restrict covenant. Mr. Brown explained that there are two properties that are circled in that area. There is a 7.982 acre property and a 2.67 acre property that are subject to even more stringent restrictions on what can be done there because of the nature of some contaminated soils in those areas. The reason for the delay was that Ford was saying we had some easements in that area that we needed to sign off on and we disagreed. He said that we came to an agreement that we were not affected by those circled areas; we were only affected by the rest of the parcel's restriction on residential development and not on those circled areas that are subject to some further restrictions. There is additional language in the document for those two smaller pieces of circled properties that make it more difficult to do something on those sites. Mr. Brown had some concerns if we did have easements that were affected because if we had a water main underneath there, we would potentially have an issue with working in an area with contaminated soil present. We worked through those questions and we are not subject to those additional restrictions because the easements that we have are not in that area.

Councilmember Gottschall asked if this applied to Menards, Duluth Trading or AtHome. Mr. Brown replied no. This referred to the remaining 182 acres; it was not related to the Menards property. Councilmember Gottschall stated that this talked

about infrastructure and putting storm sewer drains not below groundwater level. He asked if that was common. Mr. Sikma said that would not be a problem in those restricted areas. Councilmember Gottschall wondered if there was any chance of us putting storm sewer drains below the groundwater level on any general piece of land. Mr. Sikma said there was a potential but not on this property. There will not be a need for it. It will be developed around that property with the restrictive covenant in place.

Mr. Brown added that once this was executed and finalized, it will govern any developments that would go there. Anything put in place would have to comply with the restrictions.

Councilmember Gottschall understood that. He was just trying to think ahead. He wondered if this was making it more difficult to develop or undevelopable. He asked if we had a measurement in there where groundwater level is x and it didn't really make sense. Mr. Brown stated that the new purchaser, IPC, was well aware of the restrictive covenant and they have raised no concerns about what impact that would have on their ability to develop the property. They know that the City will have to proceed in this fashion.

Vote:

Motion Carried

CALL TO THE PUBLIC:

There were no comments at this time.

CITY MANAGER COMMENTS:

Mr. Brown mentioned that there are many workaversaries for the month of September. His report also included various project updates, including what was happening with the parking lot. He said that was moving along pretty well and we are happy with the progress. We are not happy with some of the complications that have arisen. We had an odd occurrence with this project where a dump truck was leaving the property, making a left turn onto Pontiac Trail from Center Boulevard. The driver made the bad decision of not lowering the bed before he made that move and the bed caught on the streetlights, traffic signals and street sign arm that was functioning for westbound Pontiac Trail causing that to shift and pivot to a useless point of view facing our parking lot. In addition, it wrecked the wiring inside of the pole. The Road Commission of Oakland County was very quick on the scene and took action to make the situation much safer. They instituted a blinking yellow light for Pontiac Trail in both directions, as well as the blinking red light for Center Boulevard. Because of the electrical issue, we anticipated this would be a multiple day delay in getting those signals working again. Instead, the Road Commission had the signals and street sign in operation within hours. Mr. Brown felt that was an outstanding performance by the Road Commission of Oakland County and he wanted to express his appreciation to them publicly. He sent an email to them today saying the same.

COUNCIL COMMENTS:

Councilmember Smiley stated that the kids went back to school today. He wished them and the teachers a good 2018-2019 school year.

Councilmember Rzeznik said school was back in session and he hoped people would be mindful of the TSI initiative and continue their slow driving on Loon Lake, Maple and Charms Roads. He said he will really miss the concert series. He thought Ms. Magee and her staff did a great job this year. We had great weather. Even the one day that it rained, there were people there with umbrellas. The extension of two extra weeks was welcomed by everybody. He hoped we would get as many corporate sponsorships next year for the same thing.

Councilmember Gottschall asked if it was the same contractor that damaged the wire last week and the traffic signal this week. Mr. Brown replied that he could not blame the contractor for the first issue with the wire. It was a private line of fiber optic cable that wasn't registered with Miss Dig. He didn't feel that was an error on their part but an error that existed decades ago when the work was done in the first place. We will address that with Miss Dig and make sure it is on the maps for the future. The second issue was a result of the subcontractor and they will be responsible for any costs there. Councilmember Gottschall echoed Councilmember Rzeznik's comments regarding the concert series. He heard a lot of families really enjoyed the band selections this year. There were people playing that they would go see at dinner clubs so they were familiar with them. Many people appreciated that. Lastly, another thing sticking out to him was the political signs. We are now well past the election and he wondered at what point we start collecting the leftover signs that were still left at some street corners and vacant lots. Mr. Brown thought the limit was 60 days after an election. Councilmember Gottschall thought it was 10 days. City Clerk Buck didn't think there was a limit for political signs as it was an expression of free speech. Councilmember Gottschall said that there wasn't a limit before an election but after the election we are allowed a limit. He thought we had some kind of limit and if we didn't, he wanted to put that on the agenda at some point in the near future. We have folks that didn't win who still have signs out and that is an eyesore. Mr. Brown said we did have some talk about what that deadline was and if that had any weight. He said we could revisit it. He wanted to allow a period of time to elapse and then direct the DPW to collect them.

Councilmember Kennedy commented that school was now open. Be careful driving around. He wished everyone a happy and safe Labor Day.

Deputy Mayor Beagle congratulated Amber at More Fit for being selected the best aerobic studio by WDIV's Vote for the Best Contest. There are several work anniversaries and he congratulated Fire Chief Jeff Roberts on 26 years and City Clerk Cathy Buck on seven years. He thought Ms. Magee and her team did a great job on the concerts this year. There was a lot of positive feedback. Another big hit was the Family Fun Zone. He would like to see that continued longer throughout the night and throughout all of the concerts. School was in session so please be careful driving. Lastly, he indicated that we receive newsletters from Huron Valley Ambulance periodically and inside one was our own firefighter, Dave Stewart, who was presented with an Achievement of Excellence Awards by the Oakland County Medical Control Authority for his actions on one of their calls. He thought that was great. That was why they train all the time and they keep our residents safe. We appreciate that. He congratulated Mr. Stewart.

Mayor Ziegler concurred with everything his fellow Councilmembers said.

ADJOURNMENT:

The meeting was adjourned at 7:36 p.m.

Catherine Buck
City Clerk

Approved 9-11-2018
