

**CITY OF WIXOM
49045 PONTIAC TRAIL
REGULAR CITY COUNCIL MEETING MINUTES
TUESDAY, JUNE 25, 2019**

Deputy Mayor Beagle called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

Present:

Mayor:	R. Ziegler (Excused)
Deputy Mayor:	P. Beagle
Councilmembers:	K. Gottschall
	T. Gronlund-Fox (Excused)
	B. Leder
	T. Rzeznik
	R. Smiley

AGENDA CHANGES:

Mr. Brown added a Presentation By Matthew Muir Regarding the Coalition Against Bigger Trucks.

Matthew Muir, the Michigan State Director for the Coalition Against Bigger Trucks, stated that he spoke previously to Councilmember Gottschall and it sounded to him like there were issues regarding semi-truck traffic in Wixom. That's a good thing; truck traffic means the growth of businesses and industry and commerce. But we need to balance that with the needs of public safety and infrastructure.

There are two federal proposals that would increase semi-truck size and weight that would disrupt that balance. The first would be a nationwide weight increase from 80,000 to 91,000 pounds. Michigan currently allows 164,000 pound trucks statewide due to a grandfather clause. This weight increase would still have an effect on Michigan roads because only 6% of trucks run at that heavier weight due to the fact that they can't leave the State at that weight. The second proposal involves double trailer trucks. Currently, they are 28-feet each. The US Senate defeated a bill in 2015 that would increase them to 33-feet each. At 66-feet each, 13-feet longer than the standard semi-truck, that would become the new standard in the industry.

Mr. Muir said that the reason they have been successful in pushing these back each and every year comes down to their Coalition. The first is municipal governments and their associations. He is currently working with the Michigan Municipal League encouraging them to get active and they do seem interested. At the national level, there is the League of Cities, Conference of Mayors, American Public Works, and County Engineers. The second group is law enforcement. A bigger, longer truck is more difficult to control, more likely to be involved in an accident and the accidents tend to be more severe. The third group that they work with is Transportation. He stated that they are primarily funded by the rail industry because of the concern that bigger, heavier trucks mean that freight diverts from rails onto our roads. He said they work with the Truckload Carriers Association, the Teamsters, and independent owner operators because they would not financially benefit from this.

In fact, they end up losing money due to increased costs and equipment retrofitting.

He indicated that this fundamentally comes down to a 2015 US DOT study that ultimately recommended against increasing truck size and weight. Michigan is in the midst of an infrastructure crisis. Roads and bridges are crumbling. Sixty percent of bridges in the State are rated in poor or fair condition by the FHWA. Over 40% of roads in the region are rated in poor or mediocre condition. As Lansing debates measures like large gas tax increases and registration fee increases to start the process of fixing these roads, the last thing we want to do is add more weight to the roads and bridges. When US DOT looked at those heavier trucks, they only looked at the federal system with billions of dollars in additional costs on the interstate system. When it came to crash rates, they examined 97,000 pound trucks that do currently operate in a very limited fashion, that are four times as likely to crash when compared to a standard vehicle. The longer, double trailer trucks had 11% higher fatal crash rates as well as a 22-foot stopping distance.

Mr. Muir stated that their philosophy is simple – maintain existing truck size and weight laws. They are not looking to roll things back or make trucks smaller. He said he is meeting with local officials across the region. We have a lot of new members in Congress so they are encouraging letters to those members to introduce them to the issues that local governments face. He said that every Council he works with is different. A lot of times they prefer a unified resolution or a joint letter. Other times he works with individual Councilmembers. He said he could get in touch with everyone during the next couple of days to see what the approach, if any, would be. He then distributed a packet of information to each Councilmember.

Councilmember Rzeznik asked if he had a factual letter already written so we wouldn't be misrepresenting anything in this letter. Mr. Muir said that he did. He would localize that letter and we can make it our own. He will include facts and figures, as well as the contact information for members of Congress.

It was agreed that a joint letter from the Council would be appropriate.

MINUTES:

CM-06-108-19: Moved and seconded by Councilmembers Gottschall and Rzeznik to approve the Regular City Council meeting minutes of June 11, 2019.

Vote:

Motion Carried

CORRESPONDENCE: (None)

CALL TO THE PUBLIC:

There were no comments at this time.

CITY MANAGER REPORTS:**1.) Departmental Reports - May 2019**

In regard to the Construction and Development Report, Councilmember Gottschall noted that it appeared the concrete demolition on the ICP property has slowed down or stopped and he wondered why. Mr. Brown said he has had conversations with them about what was going on there and they haven't provided a lot of information. He has had multiple interactions with the Chief Operating Officer and he has talked about other concerns that weren't related to that issue. Mr. Brown said he would follow up on this. Councilmember Gottschall said that this was a road we have been down before and he wanted to make sure we get back on track quickly. We amended the Brownfield recently as well so they are working with that. This was a particular property that has had a lot of big talk and no action. It seems it has been a number of weeks since anything has happened there.

Councilmember Gottschall also questioned the DPW overtime on their report. Right now we are considerably over our three-year average. He recalled that was roughly \$55 an hour in overtime. In addition to that, there was double time. Some of the categories that are over are Building Maintenance and Ordinance Enforcement. He requested some explanation as to why that couldn't be fit into the normal day schedule rather than calling it overtime. He understood the Parks and Recreation Event set-up and take-down, but items like weed cutting seemed like normal day activity. Mr. Brown said he would check into this with the DPW Director and report back. He anticipated it would get better with their new position that was budgeted in the next fiscal year.

CONSENT AGENDA:

CM-06-109-19: Motion and seconded made by Councilmembers Gottschall and Rzeznik to approve the Consent Agenda as presented which included:

- 1.) Approval to receive and file:
 - a. Cemetery Board Minutes of June 6, 2018
 - b. Planning Commission Minutes of April 22, 2019
 - c. Planning Commission Minutes of May 8, 2019

Vote:

Motion Carried

UNFINISHED BUSINESS: (None)

NEW BUSINESS:

- 1.) Request for Authorization to Participate in the State of Michigan Cooperative Purchasing Program (MiDeal) for the Purchase of a Gator Utility Vehicle from Weingartz Supply Company, of Farmington Hills, MI in the amount of \$6,920.14**

CM-06-110-19: Moved and seconded by Councilmembers Rzeznik and Smiley to authorize participation in the State of Michigan Cooperative Purchasing Program (MiDeal) for the purchase of a Gator Utility Vehicle from Weingartz Supply Company of Farmington Hills, MI in the amount of \$6,920.14.

Councilmember Rzeznik stated that we got 21 years out of the old one and he wondered if we could expect such a long life out of the new one. Mr. Brown said he would not be optimistic that we would get 21 years out of the next vehicle. Councilmember Rzeznik didn't think there would be much auction value from the old one. He suggested that this be given to the kids at Oakland Schools Technical Center.

Vote:

Motion Carried

2.) Recommendation to Approve a Three-Year Contract with Michigan State University to Provide Geographic Information System Review, Recommendations, Data Collection, Maintenance and Training in an Annual Amount of \$49,500 and Authorize Mayor Ziegler and City Clerk Catherine Buck to sign the Contract

CM-06-111-19: Moved and seconded by Councilmembers Smiley and Gottschall to approve a three-year contract with Michigan State University to provide geographic information system review, recommendations, data collection, maintenance and training in an annual amount of \$49,500 and authorize Mayor Ziegler and City Clerk Catherine Buck to sign the contract.

Councilmember Smiley asked who used this data. Mr. Brown replied that Suez, HRC, DPW and many of the other departments use this. In fact, there was recently an application related to cemetery plots. It has a lot of impact on many of our operations. This is something we rely on more and more each year. Councilmember Smiley thought that was good. It increases the value.

Councilmember Rzeznik said that when this came up three years ago, he asked if we would investigate the Oakland County system. They provide this service to 62 of our local communities. He said he used it today and it seemed a lot richer than it was three years ago. Ms. Barker said that it was free for our use. The challenge is that Oakland County will not make maps or add any of our own Wixom information, like fire hydrants or water mains.

Councilmember Gottschall stated that the Council was authorizing the Mayor to sign this, but he would not be back before the contract was finished on June 30th. He wondered if the motion needed to be amended so the Deputy Mayor could sign or if it could wait until the Mayor returned. Mr. Brown said that we were okay leaving it as is and allowing the Deputy Mayor to sign on behalf of the Mayor. He added that the Deputy Mayor takes on the duties of the Mayor in the absence of the Mayor, so he felt we were covered.

Vote:

Motion Carried

3.) 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 \$28,655 with a Local Share of \$50,000

CM-06-112-19: Moved and seconded by Councilmembers Rzeznik and Smiley to approve the Local Road Improvement Matching Fund 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 \$28,655 with a local share of \$50,000.

Vote:

Motion Carried

4.) Year-End Budget Amendments and Request for Commitments of Fund Balance to Comply with the Uniform Budget Act 621 and Governmental Accounting Standards Board Pronouncement – GASB 54

CM-06-113-19: Moved and seconded by Councilmembers Smiley and Rzeznik to approve the budget amendments to reflect more accurately the revenues and expenditures for Fiscal Year 2018-2019 and to comply with the Uniform Budget Act 621 and GASB 54.

Ms. Stamper explained that since this was the last Council meeting of this fiscal year, it was standard procedure to come back to Council for final amendments on the budget in order to fall within the guidelines of the Uniform Budget Act 621. In addition, she was asking the Council to commit a portion to Fund Balance in the event there were shortages, although she didn't anticipate that to happen. It did happen several years ago with the Safety Path Fund and it was a lot harder to clean up at the State once it did occur. We decided to always do this resolution before the end of the fiscal year to prevent the extra work.

Councilmember Rzeznik was curious on the interest income for each of the larger accounts. It happened to be a round number. Ms. Stamper stated that we never do pennies in our budget numbers; they round them to the closest number.

Mr. Brown mentioned that Ms. Stamper was celebrating her 22nd work anniversary.

Vote:

Motion Carried

5.) Recommendation to Support a Resolution to Adopt the Updated Wixom Emergency Operations Support Plan

CM-06-114-19: Moved and seconded by Councilmembers Smiley and Rzeznik to support the following resolution to adopt the updated Wixom Emergency Support Plan:

**A RESOLUTION OF THE WIXOM CITY COUNCIL TO ADOPT THE WIXOM
EMERGENCY OPERATIONS SUPPORT PLAN**

WHEREAS, the City of Wixom elected to be incorporated into the Oakland County Emergency Management Program and that by becoming part of the Oakland County Emergency Management Program, the City of Wixom and Oakland County have certain responsibilities to each other; and

WHEREAS, this Wixom Emergency Operations Support Plan has been developed to identify the responsibilities between the City of Wixom and Oakland County in regards to emergency management activities; and

WHEREAS, the Support Plan provides a framework for the City to use in performing emergency functions before, during, and after a natural disaster, hostile attack, technological incident or other emergency; and

WHEREAS, this Support Plan is to be used in concurrence with Oakland County's Emergency Operations Plan as it is a supporting document; and

WHEREAS, the Support Plan will be maintained in accordance with the current standards of the Oakland County Emergency Operations Plan and review of this plan shall be accomplished every four years.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Wixom adopts the Wixom Emergency Operations Support Plan, in support to the Oakland County Emergency Operations Plan.

Director Moore said every four years the Emergency Operations Support Plan is updated. It has been determined that it was not efficient for us to establish our own program or department because of our size. Therefore, we piggyback on the Oakland County Emergency Operations Plan. The Wixom plan is called a Support Plan, which supports the Oakland County Emergency Operations Plan. This Plan is overseen by the Oakland County Division of Homeland Security. There are not a lot of changes to it. He updated a couple of names and contact information. He then sent a draft to the Oakland County Division of Homeland Security who also made a couple of minor amendments.

Councilmember Rzeznik stated that in the past, we had a primary, secondary and tertiary in the line of succession. We have the City Manager as the primary and the Director of Public Safety as the secondary. He asked who was the tertiary. Director Moore stated that it would probably be the Fire Chief, but it would depend on the situation. If it was a law enforcement issue, such as an active shooter, the Incident Commander would be the highest ranking police official. If it was a hazardous material incident, the Incident Commander would be the Fire Chief.

Vote:

Motion Carried

6.) Recommendation to Introduce an Ordinance to Amend the Code of Ordinances for the City of Wixom, Chapter 9.16, Offenses Pertaining to Property, Section 9.16.130, Trespassing, Subsection A. III, to Prohibit Trespassing on All Fenced or Posted Private Property

CM-06-115-19: Moved and seconded by Councilmembers Smiley and Rzeznik to introduce an ordinance to amend the Code of Ordinances for the City of Wixom, Chapter 9.16, Offenses Pertaining to Property, Section 9.16.130, Trespassing, Subsection A. III, to prohibit trespassing on all fenced or posted private property.

Councilmember Gottschall asked for a point of clarification. In Section 1(B), there was wording that says, "cutting down what is standing or growing on the land of another." In the real estate world, they are instructed that if a neighbor's tree that is rooted in their yard and the limbs are growing into your yard crossing the property line, you are allowed to remove it back to the property line. He wanted to make sure that was the same as this. Mr. Brown said he would ask the City Attorney to verify that.

Councilmember Leder added that if it lands on their yard, then it is a trespass. It has to fall in your yard.

Vote:**Motion Carried**

7.) Recommendation to Introduce an Ordinance to Amend the Code of Ordinances for the City of Wixom, Chapter 9.32, Controlled Substances and Paraphernalia, Article 1, by Amending and/or Adding Sec. 9.32.030 Through 9.32.035 Related to Dispensing, Selling or Giving Product to an Individual Under 18 Years of Age, to Exempt Matters Covered by State Statute; Article III, Possession of Marihuana, to Exempt Matters Covered by State Statutes Related to Marihuana; and to Provide Penalties for Violations Thereof

CM-06-116-19: Moved and seconded by Councilmembers Gottschall and Smiley to introduce an ordinance to amend the Code of Ordinances for the City of Wixom, Chapter 9.32, Controlled Substances and Paraphernalia, Article 1, by amending and/or adding Sec. 9.32.030 through 9.32.035 related to dispensing, selling or giving product to an individual under 18 years of age, to exempt matters covered by State statute; Article III, Possession of Marihuana, to exempt matters covered by State statutes related to marihuana; and to provide penalties for violation thereof.

Councilmember Gottschall thought the wording was at odds with itself at times. We are adding the whole section taken from the new recreational marihuana law with regard to accessories, definitions and prohibited uses. However, in Section 9.32.032, Subsection 8, we are using the term "paraphernalia" and the State statute uses the term "accessories" or "marihuana accessories." We have two sections talking about the same thing but using different terms. He thought we should have the same terminology. He did like the addition of the whole section but he thought we should be consistent. Mr. Brown said he would also address that with the City Attorney.

Councilmember Leder said the way he was reading the last section, the paraphernalia would include other drugs outside of the traditional Medical Marihuana Act, which was still considered paraphernalia. Councilmember Gottschall agreed but looking at the definition in the existing section, it still talks about things that you would use to plant. It isn't until the very next section that it says what the new law is. He thought there needed to be an addition that gives reference to marihuana accessories. Councilmember Leder said he read it as it included both the marihuana approved accessories as well as what would be considered (for lack of a better term) television paraphernalia, like needles, scales, syringes, etc.

Mr. Brown clarified that he was referring to anywhere that says "drug paraphernalia." It should reference instead "accessories or marihuana accessories." Councilmember Gottschall said yes, because that was under the list of exemptions. It was still using paraphernalia instead of accessories.

Vote:**Motion Carried****CALL TO THE PUBLIC:**

Jameson Schmaltz, 3504 West Maple Road, was concerned about the trespassing ordinance. He asked if this was about a lemon tree. He said he has a couple of acres, it is posted and he has a partial fence. He wondered if this was pertaining to him at all. Councilmember Gottschall explained that there was reference of farm property in this ordinance. The City has changed since this was first implemented, but the ordinance was never changed. This amendment was correcting that. It wasn't about any one particular property or instance.

Susan Schmaltz, 3504 W. Maple Road, was concern regarding the repaved West Maple Road, which was great. But now it has turned into a racetrack. The speed limit is 30 mph and people are going 40 or 50 mph. They pass you if you are going the speed limit. She said they have been to the Police several times, asking for more patrolling and that hasn't happened. Gravel and dump trucks use this road and it isn't really a residential road but more of a truck route. She wondered if there was any way there would be a bypass to go to Pontiac Trail. She hoped something could be done in the future about the traffic. There are children that live on that road. Deputy Mayor Beagle commented that the Council approved a new police officer to do nothing but traffic patrol beginning with the new fiscal year, which is July 1. That person will be a dedicated traffic officer. As far as the bypass, he didn't see anything like that in the near future.

Councilmember Rzeznik said that there was a portable speed sign on Charms Road. He asked if those got moved throughout the summer. Director Moore replied yes. They respond to citizen feedback. He added that on Monday, July 15, he plans on rolling out the new traffic officer who will engage in traffic enforcement, traffic education and traffic engineering.

Mr. Schmaltz felt a wiser placement of the signs would make a difference.

Two girls were present to get their Citizen in the Community Merit Badge and Communication Badge.

CITY MANAGER COMMENTS:

Mr. Brown stated that there are many work anniversaries included in his update. There was a handout at the Council seats regarding the One Stop Ready Training Program that was available on July 24th. Anyone interested can let his office know and they will be happy to get them signed up. DPW Director Tim Sikma was attending a MWEA Conference for the water industry. He actually did a presentation with HRC and the DEQ where they talked about the PFAS situation in Wixom. It was a popular session with rave reviews so he congratulated Mr. Sikma on his successful presentation.

COUNCIL COMMENTS:

Councilmember Gottschall noticed that we charge people to look up property tax information on our website while other communities don't charge. He wondered if we had the ability to make it free for everyone or if that meant we had to incur a fee. Ms. Stamper stated that if we chose to do that, we would incur an annual fee. It has been a long time since she checked into this, so she was not aware of the current fee but she would check into this. Homeowners can sign up for free to look at their own, but anyone else would have to pay. Councilmember Gottschall thought it would be interesting to at least know the fee and then make a decision if it wasn't too high. Also, with all of the traffic issues around the City, he noticed we were missing a lot of right turn lanes that should be at some intersections. He hoped we could have a discussion in the near future about places where we can add a right turn lane to help traffic flow and talk to HRC about projected costs. This all plays into how much traffic backs up and it makes longer lights. He shared his condolences to Councilmember Gronlund-Fox on the passing of her family member recently. He congratulated Deputy Mayor Beagle and former Councilmember Cutright and all the volunteers for the Wixom TEAM Golf Outing last week. It was his second year golfing in this outing and he had a great time. After they left, everyone in his group wanted to be invited back next year. Everyone loves this event. It was a fantastic event and he thanked them for their work and time spent.

Councilmember Smiley passed on his condolences to Councilmember Gronlund-Fox on the passing of her grandmother. He wished everyone a happy Independence Day. Be safe and enjoy Lite the Night on Thursday.

Councilmember Rzeznik shared his condolences to Councilmember Gronlund-Fox. He said he would be absent from the July 9th Council meeting as he will be on vacation. He shared the concerns and looked forward to the traffic safety officer. He noticed that the speeds have been increasing during the morning rush hour on Potter Road, Charms Road and West Maple. He talked to the family of John Momberg and they were very honored and thankful that we approved the naming of the new pocket park at the trailhead in memory of John.

Councilmember Leder offered his condolences to Councilmember Gronlund-Fox. Lite the Night has been a great event for as long as he has lived in Wixom. It was safe and he hoped it would continue that way. Watch the parking. Enjoy the holiday. Hopefully summer has officially started.

Deputy Mayor Beagle offered his thoughts and prayers to Councilmember Gronlund-Fox on the loss of her family member. We had 13 employees celebrating their work anniversaries and he thanked them for their service. Lastly he wished everyone a happy and safe 4th of July. He was looking forward to seeing everybody at Lite the Night.

ADJOURNMENT:

The meeting was adjourned at 7:50 p.m.

Catherine Buck
City Clerk

Approved 7-9-2019
