

**CITY OF WIXOM
49045 PONTIAC TRAIL
REGULAR CITY COUNCIL MEETING MINUTES
TUESDAY, AUGUST 27, 2019**

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

Present:

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

AGENDA CHANGES:

First, Mr. Brown introduced Lisa Hamameh from our law firm and Justin Sprague who was representing CIB Planning. He welcomed them to the meeting.

Mr. Brown requested the addition of New Business #6 – Recommendation to Approve a Consulting Agreement with Black & Veatch of Grand Rapids, Michigan to Provide Technical Assistance with the Review of the Operation, Maintenance and Management Request for Proposal Responses for Water and Wastewater Services for an Amount Not to Exceed \$14,500.

PUBLIC HEARING:

1.) Rezoning of Parcel Number 17-31-401-013, a 16.34 Acre Parcel at 3400 Theodore Street, from R-3, One-Family Residential to R-4, One-Family Residential

Mr. Sprague indicated that we refer to this project as Creekside. It has come before the City on multiple occasions. The first was when they were looking to develop both properties on Maple Road and Theodore as a PUD with three levels of housing including single family attached, townhouses and apartments. That plan was denied; consequently, the applicant has returned and will present a plan going forward on the Maple Road property for a single family subdivision in the R-3 zoning, which it is today, utilizing the cluster option as allowed by the zoning ordinance. The second piece of property, the Theodore property, which is bound by a drain and a railroad track, went before the Planning Commission last month as a public hearing for a straight rezoning from R-3 to R-4. This would give them the ability to lower the size of the lot that is needed to build on from 12,500 square foot to 7,200 square foot. Through that process, we have a memo that was presented to Council dated August 27, 2019. After that public hearing, the Planning Commission recommended to deny the rezoning request for three reasons.

The first reason was that the applicant failed to demonstrate that it was not financially feasible due to the cost related to the infrastructure to develop the site as presented as R-3. Throughout the course of the project, the applicant has mentioned on several occasions that it would not be feasible financially to develop that property R-3 and that R-4, to get a little extra density, would be the way to go

so they could sell more homes. The Planning Commission was hoping the developer could show that there was a financial disconnect between R-3 and R-4 and, therefore, not feasible.

Mr. Sprague stated that the second reason why the Planning Commission recommended denying this rezoning request was that the applicant had not demonstrated that there was no reasonable use of the property as zoned.

Lastly, the Planning Commission felt that the City's traffic consultant erred in their report. They stated that there would be far more negative impacts to the added traffic along Wixom Road, Theodore and Maple Road with this development and that it didn't take into account the school stacking that currently occurs on Theodore during school drop off and pick up. The Planning Commission was hoping that the traffic consultant would potentially address that or reconsider their report.

Mr. Sprague said that the Council had a list of standards that were provided to them within the zoning ordinances. These are standards A through H, Chapter 18.23.040. He said that when the Council is considering the rezoning, it is to be laid against those standards. In most instances, if it is found that the applicant has met those standards, then that rezoning should be approved. Clearly the Planning Commission felt those standards were not met and they have recommended to the Council that they deny.

Mr. Michael Powell, the design engineer and president of Powell and Associates, said he was here to try to convince the Council that the rezoning to R-4 was the appropriate zoning for this piece of property. The property is approximately 16 acres and lies north of the railroad tracks, north of the industrial property on the other side of the railroad tracks, west of Wixom Road, south of Maple Road and bounded by the Norton Creek.

He wanted to go back to offer a little more detail on the history of this project. He wanted to show the lengths at which the applicant has gone in order to satisfy the concerns of the City. Back in the fall of 2017, they started working with City staff on the development of two sites, one to the north owned by the Walled Lake Schools and the one to the south that was currently before the Council. He said that this piece of property was right on the fringe of the downtown area and might be better handled as part of the downtown area versus the single family residential further to the north. He explained that a plan was developed based upon discussions that the schools had for years before that, as well as what they developed as they were working with the City. That plan consisted of 350 home sites, a combination of townhouses and apartments. They requested to be heard before the Planning Commission and then the Council for the rezoning to multiple with the PUD classification or option for developing the site. During the public hearings, it was extremely obvious that the people were very upset. They came out in large numbers led by some very active residents and the public made it very clear they did not want any more apartments. They thought we had enough apartments in this City, so they went back to look at it again. Therefore, the Planning Commission and the Council turned down the rezoning to multiple and the site plan for PUD. The owner went back and re-evaluated the opportunity to still develop this piece of property knowing that it had some major drawbacks to it,

knowing there have been multiple developers into the City asking about this piece of property, that it could not be developed under R-3 because of the inherent conditions of the existing piece of property and the surrounding area. The owner listened to the public when they said they wanted less density and they wanted no apartments.

During the summer of 2018, they started working with the City again and toward the end of the summer they presented another plan in which the owner eliminated all apartments and went with all townhouses. There would be no rentals. He dropped the density count to 150 units as opposed to the 350 units that were originally proposed. They brought that before the public and the public came out again in droves, saying they didn't want any multiples on this piece at all. It was way too dense. The thought of apartments, they didn't want. Now the public didn't want townhouses and felt 150 was also too dense. The Planning Commission and the Council denied the rezoning of multiple and the new PUD site plan. The residents said they wanted single family. Based upon that, the owner trimmed all of the amenities out of the project and presented a proposal to the Planning Commission last month for all single family residential. It is currently zoned R-3 and the developer is asking for R-4, which provides for a little more density than R-3. However, it is exactly what the residents were looking for – all single family residential, all for-sale homes. The site plan that was presented to the Planning Commission was for 70 single family home sites. It went from 350, to 150, now down to 70 single family home sites. The Planning Commission recommended denial for the three reasons that Mr. Sprague previously mentioned, but also for another reason in that there didn't seem to be enough details on the site plan that was presented to them. Mr. Powell apologized that he wasn't there to remind the Planning Commission that the zoning ordinance request for a site plan to be submitted for just the intent reasons of the developer. It was not a requirement of the enabling legislation, the zoning ordinances of the State. It is there just as a guideline for the community, what is going through the developers mind, what might we get if it was rezoned as requested. In that presentation, this single family residential development was shown to the Planning Commission. It had R-4 zoning. It allowed for a total of 60 units on this piece – single family residential only. No townhouses, no apartments. As part of that, he also wanted to show that it was the intent to do this as a cluster option. This is way down the line. This is after it is rezoned. They will have to come back before the Planning Commission and the Council for site plan approval. If a standard development was done like this, it takes up the entire piece of property. The intent of a cluster option is to preserve open space, natural resources, trees, and wetlands. It also provides for open space for the residents. This plan was presented to the Planning Commission for their benefit. The worst case scenario is a standard single family residential development and the best case scenario, in his opinion, is a cluster option which preserves open space and provides useable property for the residents. Mr. Powell said not that it is critical, but this development is intended to be joining Maple Road and come back through Theodore Street out onto Wixom Road. This size lot that they are proposing is the same size lots on Theodore (55 feet by 110 feet). The existing homes on Theodore Street are exactly what they are proposing as a lot size in this development.

In regard to the three items that Mr. Sprague mentioned as to why the Planning Commission recommended denial, Mr. Powell wanted to talk about the last one first, which was the stacking of the school piece. Right now it is set up that where the people drop off or pick up their children, they have no alternative but to drive down Theodore Street, make a U-turn in people's driveways and then stack up on the south side of Theodore. When that side is full, then it stacks up on the north side of Theodore. If this project is developed, the intent is to extend Theodore Street into this development. It would be a public roadway all the way to Maple, and it would prevent the need to stack up and clog all of the driveways. They would be able to stack up in a single row to pick up their children at the school. It would eliminate the traffic jam that occurs there. In working with the Walled Lake Schools, that was one of the stipulations of selling their piece of property.

Mr. Powell felt it was very important that the Council understood the difference between this site and a normal R-3 zoned site. He said we could debate back and forth all day as to the quality of one R-3 versus another R-3. It was his intent to show the Council the difference between this site and every other R-3 zoned site in the City, not the least of which is the property to the north owned by the Schools that they will be bringing before the Council as an R-3 residential development, which meets the current zoning. In trying to lay this site out, it has some major costs inhibitors to the development of this piece. The intent was to have a through street from Maple, down through the school piece, across the wetlands and County drain, back to Theodore Street, and out to Wixom Road. It is quite critical for the Council to know the National Fire Protection Association requires that there be two entrances into a single family residential development with over 25 lots. This is very clear because if you have one entrance only and that gets plugged, you can't get emergency vehicles in or out. As a professional engineer, he said he would never suggest something like that. Therefore, in analyzing the cost of developing this piece, subjectively determining how much someone should make or how much property should be worth was not his goal. His goal was to convince the Council that this piece of property was very unique and cannot be developed as a typical R-3 zoned property. The property to the north has an entrance coming in off Maple Road with a loop road. This piece cannot stand on its own. To access this piece, whoever buys and develops it has to extend a roadway from the piece, across the large wetland and drain. His construction cost estimate for that access was \$250,000 just to get to the property itself. All of the other R-3 properties in the City have access to a roadway. They don't have to build a roadway or major bridge over a County drain in order to access it. Also, he brought up the fact that you have to have two entrances and that is very critical. There is also a very large wetland and county drain across that portion in order to access the property. He estimated the construction cost of this one at \$200,000 because it does not have to cross the drain. There is a 25-foot drop in grade between the two sites at the drain. He proposed two ten-foot wide by ten-foot high culverts at each location. It has two main strikes against it right up front just to start the construction to access the site. There is a huge difference from any other R-3 piece in the City. They would start out with a \$450,000 deficit right from square one. Let's assume that the owner does that and he puts those crossings in, now there is another issue. That is how much the market value would be for the single family homes. Even the public is asking why anyone would want to develop along the railroad tracks. The developer has plans to be able to buffer the railroad tracks the best he can. At the same

token, there is going to be a drop in market value between this piece of property and all of the other R-3 properties in the City. He said they have analyzed it and taken an analysis from local realtors. The developer has hired a professor at the University of Michigan who is an expert in real estate. It is their opinion that the market value of the homes on this piece of property will be 20-30% lower than the market value of the homes off Maple Road or that don't back up to the railroad tracks. The homes that backup to the railroad tracks also have the industrial zoned property (Korex Company). To not realize that there is a major construction cost to be able to make this site even viable, but then the market value for this piece is going to be substantially lower than the other similarly zoned R-3 properties.

Mr. Powell felt this was a very good approach for the City to take a piece of property that is extremely difficult to market, construct and sell. He asked for their consideration for rezoning from R-3 to R-4.

Mayor Ziegler read the Rules for Public Speaking and opened the Public Hearing at 7:29 p.m.

Peter Behrmann, 693 Kingsley, said he has been coming to all of these meetings regarding this development since 2017. He believed Mr. Powell's synopsis was somewhat truthful that they started the process looking for some feedback, but they never really took that feedback into account until they were denied. He said he was at the first couple meetings that were held at Wixom Elementary School where it was adamant then that a single family development was what the community wanted. Yet, they still brought an apartment complex. He said he has been to all of the meetings since then and he didn't remember a proposal for 150 townhomes only. That might have been something more conceptual, but he didn't believe that actually made it to the Planning Commission. More importantly, he felt the bigger issue with this was that it didn't fit the Master Plan. That was what has been shared over and over with this developer. The Master Plan for this property is single family residential with the same lot sizes that we are all accustomed to west of the Village Center Area. What they have proposed was simply an extension of the Village Center Area. At previous meetings, they indicated that the lot sizes could be down to close to 5,000 square feet. Tonight he said the lot sizes were going to be slightly above 6,000 square feet. Mr. Behrmann said that the smallest lot size he could find in the Village Center Area was 6,200 square feet. They are proposing lot sizes that are going to be smaller or the exact same size as the Village Center Area. All they are doing is extending the Village Center Area west of where it currently is. He felt that was what the public did not want. The public wants a single family residential development that would fit with the character of the rest of the neighborhoods that surround there. He said he would love to see the property developed and he didn't care if the road connects or not. He remembered one of the first meetings for the front piece of property before this developer was looking at the back piece. He wasn't even proposing a road to connect the two. It was brought up then that he should consider a connection. He found it hard to believe that there was a stipulation from the beginning that he had to do that because it wasn't in the first conceptual plan that was proposed for single family homes on the north east part of the property. Mr. Behrmann asked the Council to simply keep the zoning as it currently is and stick to the Master Plan.

Scott Peterson, 1425 Wren Street, said for the record, he doesn't live near this development and doesn't have any bias either way. He said he has been to almost all of the meetings and felt this was the best presentation Mr. Powell has made in terms of trying to get into something that was a little more detailed-oriented. He was still upset that the only views were for the Council to see and not the audience. He brought up a little more of a plan than he brought to all of the other Planning Commission meetings. He said the audience members had to go from memory on what they might have seen previously. He also felt this piece of property should not be rezoned from R-3 to R-4. We are getting tired of hearing the developer say "this property is so hard to develop." If he was a good developer and he hired good people, they would have told him right off if they didn't think he would be able to do this. He agreed with Mr. Behrmann regarding this being an extension of the Village Center Area. One of the ideas for the Master Plan was to extend the Village Center Area and that did not make it into the final Master Plan. He believed that was because we found out people did not want the Village Center Area increased. Most people are not happy with the Village Center Area as it is and we are wondering what the effects will be on Wixom in 15 or 20 years. When he first moved to Wixom, there were four or five apartment buildings along Pontiac Trail from Wixom to Walled Lake. He knew a lot of that was Commerce and Novi, but Wixom thought it would be a great idea to put a whole bunch of apartments into their plan. He thought most people now would think we would've been better to put in some apartments and stay with single family homes on decent sized lots. People would move into those homes and not think in five years that they needed to go somewhere else because they don't have room outside. Mr. Peterson thought it would be nice if Wixom tried to keep what we have right now. He thought some of the lots that we have now are way too small. Wixom was settled a long time ago. Many of the lots are very small. A lot of the places were actually summer cottages that were converted into homes. Since then it seems that there have been larger lots and he thought that was better for everybody. He hoped the Council listened to the people who spoke about this development and decide that they can keep it zoned as R-3. If this one piece of property cannot be developed, then we will have some vacant property in the City of Wixom, which wouldn't be that bad. The developer started off with his first plan indicating it was the only way he could make it pay. It was amazing to him what he has come down to already. This was not a matter of financing. He is going to make money and he is going to walk away. We will be the ones sitting here. Let's have development that is R-3 and has decent sized lots.

Steve Forgacs, 3034 Bennington Drive, appreciated the time the Council spends providing their services to the City. First he wanted to take some exceptions to the remarks made by Mr. Powell. He has been at meetings since this started and he thought it was clear that residents want larger lots. He thought Mr. Powell had indicated that it was clear as he listened to the public that we somehow wanted smaller lots. Mr. Forgacs thought lot size was critical to this issue, not only for himself but for a number of his neighbors. If you talk to any self-improvement coach, you will get lots of advice. Some of that advice is about setting expectations and aspiring to be the best you can be. You get truly what you expect. Set your expectations high and you will achieve great things. Set your expectations low and that is exactly what you will get. Can you imagine a self-improvement coach advising you to settle? We have heard from the developer about Creekside. Funny,

this is the same developer who previously tried to cram apartments down our throat, smashing them into an area that has no legitimate outlet, like Theodore Street. He tried to tell us that it would be a good thing for the City. The same developer who at the beginning of this process told us about all the successful developments he had in multiple states, and yet somehow managed to forget or there was some understanding and he didn't put up the public notice sign about the zoning change. Here he comes again with another proposed development asking Wixom once again to lower its standards and settle for smaller lots. Talk about settling. Since when does it look good to jam roughly two and a half lots and houses on those lots, as they abut full sized lots on Maple Road and full sized lots on Maplewood Lane? Think about what that will look like. It could be described as a cut and paste job from a kindergartener. Respectfully, Mr. Forgacs asked if that was the legacy the Council would be leaving our City. Any development would last longer than he or the Councilmembers. Creekside will be the Council's legacy. He asked if anyone on Council would think it was a good idea to have all of those people in those small homes on tiny lots empty onto Theodore Street with all of the problems that there are with traffic, school traffic and related congestion. Maybe the question is what are the Council's individual expectations and aspirations for the City. He was sure, given the fact that they spend the time that they do on the Council, they would want Wixom to be the best it can be. Wixom is not desperate. We shouldn't act like we are desperate. We aren't an undesirable location that has to lower its standards to get responsible development. He hoped the Council knew that and believed that. We are capable of better. The City and its residents deserve better than what was being proposed. He said the residents were counting on the Council and their aspirations that they have for the City to make Wixom the best it can be. He asked that the Council not settle. Don't allow the lowering of our zoning standards, the lowering of the lot size for the benefit of this or any other developer. Hold out and reject this proposal. We can do better. The Council can do better.

Diane Burt, 3395 Theodore, stated that her home has been up for sale since March and because she has this big sign in front of her house, nobody wants to buy the house. She too would be a little hesitant to look at a home when the sign has been changed three different times. This needs to come to an end. She was tired of wondering what was going to happen. She has no objection to them opening Theodore, but they really have to look at the street. The street isn't all that wide. There is a lot of parking. They have issues with the school and she was told that the City can't do anything about that. It is a school issue. She said she would really like to sell her house. She was sure there would be termite issues. She has had Terminex for over 25 years. From her understanding, the first proposal was to open Theodore and put a gate in there so the Fire Department can get in and out. Pedestrians can also walk into town. She said she had no objection for him putting homes in, but this has gone on long enough. This has been almost two years. She has had 3 people look at the home when she put it up for sale in March and she has had nothing since. She said she had to take the sign down because she is in competition with the City sign regarding all of the meetings. She hoped the Council could make some kind of determination as to what was going on. Also, she thought we needed to have another sign put up. She didn't know where the property on Theodore Street was, unless it was between him and the guy across the street. She thought that was City-owned property. She didn't know it even had an address. She said she doesn't have much of a front yard but she does have a fire hydrant there.

It is a nice street and she has been there for years. Now there is talk about bridges going in. First she understood that the City told the builder he would have to pay for the bridges. Now she doesn't know what is going on there. He doesn't want to disturb any of the wildlife, so for every tree he knocks down, she wondered if he would have to put another tree in its place. She said she is on a natural habitat. She has almost three acres. She asked the Council to make some kind of decision as to what is going on.

Mike Dornan, 2192 Hedigham, said he was strongly opposed in its entirety to the rezoning of 3400 Theodore Street, Case #002-19, from single family residential minimum lot size of 12,500 square feet to minimum lot size of 7,200 square feet. He supported the Planning Commission's July 22nd unanimous recommendation to deny. He was prepared if necessary to go through some of the data, statistics, lot sizes. He thought the previous speakers had done a great job in describing the evolution over the last two years or more of this development. The difference between a 12,500 square foot lot in the current zoning and a 7,200 square foot lot as requested and the cluster development under the rezoning request would bring the lots into 5,000 to 6,200 square feet and that is what Mr. Powell has presented. These are 55 foot wide by 100 foot deep lots. He said he has been at all of the meetings like just about all of the audience. He said they have gotten to know their neighbors pretty good over the last two years. At the May 8th Planning Commission meeting when it became clear that the Planning Commission was getting frustrated and the rezoning was possibly going to be denied, the applicant requested that his application be pulled and the hearing ended. At the July 22nd meeting of the Planning Commission where they unanimously resolved to recommend to Council the denial of the rezoning, they went through a 40+ minute presentation by the applicant. They talked about the business of the two entrances. He has intently listened to the applicant's presentations, the Planning Commission's discussion with and questions of the applicant, and relevant comments by residents and staff. After it was all said and done, Mr. Dornan could only conclude that the applicant has not supplied sufficient evidence, or the rationale to justify the rezoning request. Therefore, he failed to meet the criteria for amendment of the zoning map in the Wixom Zoning Ordinance, Section 18.23.040. The City Council has no resolve but to accept the Planning Commission's July 22nd recommendation to deny and he wholeheartedly supported that action.

Tori Heglin, 3203 Bennington, supported what the Planning Commission recommended. It has been many years and people have been to these meetings. She believed for every person that was present at this meeting, there were many more that were grateful that somebody else was standing up for them and putting the word out about how strongly they felt about this rezoning. She knew people were not present at this meeting because they firmly believed the Council would honor what the Planning Commission recommended, which was to stay with R-3 and not rezone the property. There have been many reasons given again and again. She thought people trusted the Council to listen to what the public has been saying for the last two years. She asked the Council to support what the Planning Commission recommended.

Kevin Hinkley, 3250 Johanna Ware, supported the recommendation from the Planning Commission to deny this request for rezoning for a number of reasons. He

wanted to share with the Council the cluster idea. He distributed pictures that he took at the Village Apartments. He said these pictures were taken looking north on Pontiac Trail at the Village Apartments. The other picture was right behind City Hall, just the other side of Pontiac Trail. He thought it was a cluster award for making extra property for dog runs. There were ten buildings in the picture. If the Fire Chief could negotiate a fire truck down there for a fire, he would like to see it. This was an example of the cluster. The continuation of the VCA does not need to happen. We have plenty of this right here. For a number of reasons for which he still hasn't heard the developer, he keeps talking about solving the school's problems. The developers are not here to solve the school problems. We all bellied up for \$350 million for the schools in a renewed millage. The school has money to fix that problem if they want. All they have to do is bring the parking lot behind the school and run the cars back there. If they do extend Theodore, he wanted to know how we would get cars to turn north onto Wixom Road. That is a challenge and he knows because he lives there. He can barely turn south to get into the center lane. He thought it was an issue for fire trucks with these clusters. They keep coming to us but they still haven't given us any reason of why they can't turn a buck with what is there. He hasn't given us any solution. It is Master Plan, Master Plan, Master Plan. That is not part of the Master Plan.

Richard Gadd, 593 Hampton Court, said he hasn't spoken in the past and he didn't plan to speak tonight. Like a lot of people, they show their presence but they just don't feel comfortable getting up to talk. He said he couldn't speak about numbers or lot sizes. But he could talk to the Council about his experience of living on Maple. In the morning, driving from Hampton Court toward Wixom Road, he sees for sale signs going up. As one person has testified, what would normally be a desirable housing location for potential buyers, she has no interest. Housing prices are dropping because of this. People have made lifetime investments in their homes to be potential lifetime residents. They are being pushed to move because they don't like the change in atmosphere. He comes by this area many times and he sees turkeys in this lot and it is nice to see some open property that is not developed. As he understood it, the school property has already been bought and paid for. He wondered why it had to be developed. If the school needs more property for a playground or a parking lot, he thought it could be used for that. The suggestion now is to wrap the road back to Maple. He told the Council that coming down Maple toward Wixom Road, the light turns green for people going down Wixom Road and they pull into the intersection and the light turns red so they can't move. They are stuck there with traffic blocking the throughway to go down Maple. You are now suggesting looping more traffic onto Maple, which didn't make sense to him. There is also the development on the east side of Wixom Road which will compound it. The road system just doesn't allow for it. It doesn't make sense to him. He said that if the Council got in their own cars and drove over there in the morning, they would see this doesn't make sense.

Jeffrey Fantich, 474 Maplewood Lane, said that his street abuts this property. There has been talk about what is happening by creating smaller lot sizes as actually extending the VCA. If that were to happen, his street would be enveloped by the VCA. His neighborhood is zoned R-3 and they have appropriate lot sizes. When the builder purchased this property, he knew what he was purchasing. It was zoned R-3. He was asking to change it to R-4 so it was profitable to him. He would be the

only one to profit. The community does not profit. Mr. Fantich said that if you leave his street, which is the very first street west of Wixom Road, there might only be two cars in front of you but it will take four or five lights to get through. The infrastructure as it stands cannot support it. Knowing it was zoned R-3 when he purchased his house over three years ago, he had no problem with an R-3 development going in there. That was his investment. But if the VCA swallows his street, they lose and the builder wins.

Alan Stephens, 439 N. Wixom, commented that he attempted to develop his property a couple of times due to some circumstances, like the economy, but he pulled back. He said he wasn't here to make enemies or to make friends. He has worked with the City and the Planning Commission and he appreciated what they do. He knew they looked at this very seriously and they put their heart and soul into this. He also knew Mike Powell as an engineer and he knew he works very diligently. He is a very talented and educated man. He stated that he is in the building and real estate business. Most developers and builders want to maximize the property. They want to make money on the property. But they also want to make a nice product. Sometimes the City, the developer and the engineers really have to work hard and together to make this happen. He personally loved real estate. That property is a difficult piece of property. It has the soap factory, the railroad tracks, the water issues and the bridges, so it is difficult. He asked the Council to take a closer look and consider all of those options. He liked the cluster option. A lot of people have said that they don't. He liked it for saving trees and things of that sort. As we continue to lose property in the area, we have fewer places to develop and less places to put people. In regard to the apartments, he said that years ago he wasn't too keen on the amount of apartments that we have in Wixom. He also knew that we need people to work in our businesses that we have attracted in Wixom and we need places for them to live. He knew that they put a lot of time and effort into that and he appreciated it. He asked the Council to take a close look at that rezoning and the cluster.

Mr. Powell wanted to address a couple concerns. He wanted to make it very clear. If the Council read the Planning Consultant's letter, this was not a change to the Master Plan. The request to rezone is covered in the Master Plan. It calls this out as a single family residential property and it is being proposed as a single family residential property. It was not intended to extend the business district at all and it does meet the requirements of the Master Plan as presented by the Planning Consultant. Also, he thought the Council would understand the question of how this was going to impact the area. (At this time, he showed the audience members an aerial view of this location as it currently exists.) The property is 655 feet south of Maple Road. No one traveling on Maple Road can possibly see the development of this property. It is also 650 feet west of Wixom Road. If you look down Theodore, you cannot possibly see this piece of property even after developed from Wixom Road. As far as the visual impact, there was no visual impact at all to the surrounding neighbors. Mr. Powell indicated that Mr. Peterson brought up the fact of a decent lot size. That was an extremely subjective term. Decent lot size means something totally different. Out of state, it means nothing less than five acres. The lot sizes in Troy are 4,000 square feet. In this particular case, this developer is proposing to market to millennials and to empty nesters who don't want a big yard. It is a different life style than the residents that have spoken this evening, but it is

no less real to the people who want to move into the City. Other communities are requesting developers to not build standard developments but do cluster options because it does save the natural environment. It provides open space and people are looking for smaller lots. He said that the people here don't have to buy them. The developer has done the studies and he believes that is the market for the future. Just as a point of interest, there is a cluster option in the ordinance for a reason. There are benefits to the cluster option. He reminded the Council that was not before them this evening. It was just the rezoning. Mr. Powell indicated that the cluster option in the zoning ordinance was developed a number of years ago under the leadership of Michael Dornan. The residents here have to understand that not everybody thinks like they do. The people that move into Wixom want options and this is a great example of an option that is not available right now.

Councilmember Gottschall asked Mr. Powell to arrange the boards so they could see what he was proposing on one and the cluster on another.

Mr. Powell stated that this was a standard development. If R-4 were to be approved, it provides for 59 lots and the lots are larger. The lots on Theodore Street are smaller than these standard lots. The cluster option allows the developer to provide for a buffer between the railroad tracks and the lots. It keeps all of the open space along the drain as undeveloped. That is one of the major options of cluster options. We would preserve open space in the areas to protect the existing environment. We end up shrinking the lot size and put that area to the location that needs to be protected. This was a way to develop differently per the City's ordinance.

Mr. Brown asked Mr. Powell to turn the display around for the benefit of the audience members. He then explained the same to the audience.

Councilmember Gronlund-Fox clarified that with the cluster option, there are no more homes but smaller lots. Mr. Powell said that was not quite correct. The zoning ordinance sees such a benefit to offer the cluster option that it does award the developer some additional lots if it actually is developed as a cluster option. It allows up to 25%. In this particular layout, he said they were allowed 59 lots and he was proposing 69 lots. Councilmember Gronlund-Fox asked what size homes they would be without the cluster. Mr. Powell replied that was a market question down the line. It could be the exact same size home. The intent here was that these homes would be about 1,800 square feet. The homes on the R-3 zoning near the school property are approximately 2,200 square feet. Councilmember Gronlund-Fox asked about the screening along the south side of this development. Mr. Powell stated that would be a berm, vegetation and potential sound barrier of some kind to keep the train from interfering with the quiet life.

Councilmember Leder asked if Mr. Powell was saying that with the cluster, you get 25% more of the 60 that was proposed and you could go up to 75 lots. Mr. Powell answered that the ordinance allows that but the intent was not to ask for all of that.

Mr. Sprague noted that the cluster option does give the applicant the ability to request a density bonus. That is not a given that they will receive a density bonus. The ordinance states, "The City Council shall have the discretion to grant the

density bonus of up to 25% based upon the recommendation of the Planning Commission for projects that meet the following requirements." He indicated there were a number of requirements. It was not a given that by using the cluster option the density bonus would be granted.

Councilmember Leder asked how the 25% density bonus was calculated. Mr. Sprague said we require them to prepare two plans. One plan would show what was standard for the property if it were to be built exactly according to the ordinance. A parallel plan would show what the cluster option would look like. It would require the amount of open space and usable recreation land to be at least 50% more than the minimum requirement (i.e., 30% of the site must be open space and 15% of the site must be usable recreational). It would create a walkable neighborhood with continuous pedestrian circulation that links all areas of development. The project would take advantage of compact design through clustering of development and walkable neighborhood. The development reserves significant open space. The plan would first go to the Planning Commission for them to determine if the criteria had been met. If they did believe the criteria had been met and they were going to recommend an award of density bonus, it would come back to Council.

Mr. Brown clarified that was on the proposed zoning. Mr. Sprague stated that was for any development that would use the cluster option. This would be under the R-4 zoning.

Councilmember Leder asked if the cluster option was available under the R-3 and Mr. Sprague replied yes. Councilmember Leder asked why it wasn't done at one time. Mr. Sprague said that part of it was because of the way the ordinance was written and part of it was based on the State Act and noticing requirements. Any time we have a rezoning, we have to have two levels of public hearing (one before the City Council and one before the Planning Commission). There are multiple layers of noticing. Once that was all done, in a lot of cases as you see by the condominium developments, they come for preliminary review and then a final approval by the City Council. It is the way the law is written. Mr. Brown said that originally it was proposed for both developments at the same time. This time they came with just one development. Councilmember Leder asked if the scenario in May was both properties. Mr. Brown said that the original development proposal under the PUD was going to be both. Councilmember Leder said that the developer withdrew and decided to bring piecemeal back. Mr. Powell did not want it defined as piecemeal. He said there are two different requirements. Once the developer decided to propose a development on the school piece at R-3 current zoning, nothing had to be done on that piece except the site plan. This required a different set of applications before the Planning Commission and City Council before it could catch up to where the school property was. It wasn't done piecemeal. It was done because the laws require this to take a different step than that one.

Mr. Dornan stated that Mr. Powell credited him for coming up with the cluster option. He said he was also credited for coming up with the Village Center Area and the design. In looking forward in a rearview mirror, we all make mistakes and we all re-evaluate what we've done and where we've been. If he had an opportunity to do the Village Center Area again, he said he would do it differently. He would put a little more brick and widen it. Likewise, he would rethink the enthusiasm in which

we entered into the cluster option era. The cluster option era was faddish. We used terms like we do with the Village Center – millennials, empty nesters. The cluster option allowed us to give lip service to saving the trees. It was just another excuse to increase density and profits.

Mr. Peterson said that Mr. Powell mentioned there are other people that want to move into Wixom because they want something different than what we have in Wixom. We have plenty of places in the Village Center Area where Mr. Powell could move to if he wanted. There are plenty of places and they are building more. At all the meetings, the overwhelming comments from people were that they didn't want smaller lots. We have lived in Wixom. We are part of the community. We live here. We are the ones left dealing with what the developer puts in here, not the developer and not Mr. Powell. He wanted to just leave Wixom the way the people who have been coming to these meetings would like Wixom to be. These are the people who have been in Wixom for 20 to 30 years. Not the people who moved in a year ago and want to make some decisions.

Mayor Ziegler commented that at the Council seats this evening, they all had letters from concerned citizens opposing the project and in favor of the Council affirming the Planning Commission's recommendation. He requested that these letters be added to the record. There are 29 letters in opposition. (These letters are attached at the end of the minutes.)

Being no further comments, the Public Hearing was closed at 8:25 p.m.

MINUTES:

CM-08-137-19: Moved and seconded by Deputy Mayor Beagle and Councilmember Rzeznik to approve the Special City Council meeting minutes of August 13, 2019.

Vote:

Motion Carried

CM-08-138-19: Moved and seconded by Councilmembers Smiley and Gronlund-Fox to approve the Regular City Council meeting minutes of August 13, 2019.

Vote:

Motion Carried

CORRESPONDENCE:

- 1.) Notice of Hearing for the Electric Customers of DTE Electric Company Case No. U-20373
- 2.) Letter from HRC regarding the City's new representative, Mike Darga

CALL TO THE PUBLIC:

Kevin Hinkley, 3250 Johanna Ware, said he wished to speak regarding New Business #1 on the rezoning. Some of the residents may not have seen the actual 18.23.040 criteria for amendment for the zoning map. He read the following:

"In considering any petition for an amendment to the zoning map (rezoning) and zoning ordinance text, the Planning Commission and City Council shall consider the following criteria in making its findings, recommendations and decision:

- A. *Consistency with the goals, policies and future land use map in the City of Wixom Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.*
- B. *Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.*
- C. *Evidence the applicant cannot receive a reasonable return on investment through developing the property with any of the uses permitted under the current zoning.*
- D. *Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.*
- E. *Capacity of City infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the City.*
- F. *Apparent demand for the types of uses permitted in the requested zoning district in the City in relation to the amount of land in the City currently zoned to accommodate the demand.*
- G. *Where a rezoning is reasonable given the above criteria, a determination that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.*
- H. *The request has not previously been submitted within the past one year, unless conditions have changed or new information has been provided.*

Mr. Hinkley said that he and his wife are thinking their two-story condo could be a challenge in ten or twelve years. He said their health is good but things could change. He said they are trying to find either existing ranches or ranches that are affordable and what they are looking for. Many he has seen outside of Wixom are \$275,000 to \$300,000 and they are selling as quickly as they go up. He thought that was what this developer should be looking at. He'd be happy to get in line to buy one.

CITY MANAGER REPORTS:

1.) Departmental Reports - July 2019

Councilmember Gottschall had a question regarding the Community Services monthly report regarding rentals. He was looking over the last few months since the remodel and it seems that the actual paid rentals have not been increasing. Actually, between June and July of this year, we went from five rentals to zero. He knew that was tied into allocating money for remodeling that space. He thought we would see an increase in rentals and we would hear about new marketing that has been done. He asked what new actions we are taking to increase the rentals. Ms. Magee replied that they are still working on the marketing. We still face one of the major problems that we had in the past. When we have senior programming and rentals, we are back to the same circle. We have senior programming during the day, which doesn't allow us to rent to businesses. We do move some programs, but we are continuing to promote it on our Facebook page, as well as on the website. Councilmember Gottschall thought during the Budget Hearing we talked about who

took precedence if we had someone who wanted to rent. Ms. Magee said that we do try to do that, but we are moving the senior programming frequently and they get upset. It is a vicious cycle. Councilmember Gottschall thought he was getting different answers. It seems that we are trying not to displace the seniors and that was affecting rentals. That was the opposite of what the Council was told would be happening. Ms. Magee said that we do move the seniors to City Hall, but there are other activities that are at City Hall also. We are trying to juggle several schedules.

Mayor Ziegler recalled during the Budget Hearings that was a concern of Councilmember Gottschall and perhaps that concern was shared by one or two others. He thought it made it difficult for staff to follow because his comments were quite contrary to that. He thought that if we could rent the place out and make some money to help offset cost, it was a great thing, but he believed it is a community center and should be used to service the community. Anything we make is helpful. The money to fix it up was not contingent on anything like they have to rent it out more times. That was what he recalled and that was his position. He thought it was more important that we have a viable community center that is available to the people of the community rather than renting it out to somebody that isn't paying any taxes. To him, it made sense to remodel it. He thought it put Ms. Magee in a tough spot to have different orders being shot over to her. He thought his comments were supported by other Councilmembers at the time.

Councilmember Gottschall said that he was restating what we were told at a meeting. As part of the marketing plan, he knew that was a big discussion years ago. We haven't seen any progress forward. In terms of the rental going from five to zero, we were told those were weddings and most of those are not occurring when there are senior activities in the ballroom. To see that big of a drop off in a month's time was his concern. It doesn't show progress forward.

In regards to the household hazardous waste, Councilmember Gottschall knew we had a lot of traffic in that event. He believed the City was paying for it and we pay a different rate structure for residents versus non-residents. Mr. Sikma said that was correct. He explained that there were 240 residents that participated last time at our event. If they would've gone to another community, the City would have paid \$14 more per car. Having it housed here, we pay \$25. Councilmember Gottschall asked if only a third were actual Wixom residents. Mr. Sikma said that was typically what we see. Even with the 900 we had in April, there were only a third of Wixom residents. The one in April is the first one within RRRASOC's group and we get a lot of people who come to this one from outside our community. Councilmember Gottschall asked if there was any financial benefit to the City. Mr. Sikma said that there is a financial benefit in that they don't have to go as far to drop off and we get a reduction for housing it here. Mr. Brown further explained that there is a rate structure for residents and non-residents. If you are the host and your residents come to the event, it costs a lower amount than if they visit another event in another City. Councilmember Gottschall understood that. He was curious to know what we paid to have a third of the 600 be Wixom residents as opposed to if they were all going to another city's event. Mr. Brown said that we could evaluate that. He said that the Director of RRRASOC, Mike Csapo, commented on how successful that event was. He was reluctant to add a second event in Wixom and it exceeded his expectations.

Councilmember Rzeznik had a question regarding the June Wastewater Treatment Plant report. He noted that the Maple North Apartment Lift Station suffered some maintenance issues due to the fats, oils, greases and flushable wipes (which are not flushable). He asked what we were doing in terms of public service announcements. Mr. Sikma replied that Suez has been active in working with Maple North. Every time we have maintenance there, they talk with the residents and the management company. We have also given them flyers of the reasons why we need them to reduce those fats, oils, greases and flushable wipes. To some extent it has been useful. He wasn't sure how often we were maintaining that. Councilmember Rzeznik stressed that flushable wipes are not flushable.

Councilmember Rzeznik also asked about the PFAS at Tribar Plant #5. He said that it looks like they will have to go to an active carbon filtering system as well. Mr. Sikma said they met with them last week and they are working with us on trying to come up with solutions. We are monitoring them frequently. Because of the lab results we are seeing, there are some qualifiers that were not explained well from the lab. There is other research that is going on there. They have been working at getting their results into compliance. Councilmember Rzeznik asked if #5 was the newest plant and Mr. Sikma said that was correct. They came on line after the State regulation change. We are still trying to determine why there were higher numbers there. One result was a less than, so the results that the lab gave us was less than 200 parts per trillion. Mr. Brown added that there was a bit of an outlier in the test results during that one particular time period that is being evaluated to see what the cause was. Also, we are right to question Plant #5. We shouldn't have the chemicals present because it came on line after they stopped using them in 2015. There are some operational processes or habits they are changing to see if that would have an impact. We are also looking at other chemical usages.

Councilmember Gronlund-Fox asked if he or his staff ever go to HOA meetings to talk about the flushable wipes. Mr. Sikma said that we have not done that recently, but agreed it would be good to do. He said that they have printed flyers and they are working at getting them mailed out.

CONSENT AGENDA:

CM-08-139-19: Motion and seconded made by Councilmember Smiley and Deputy Mayor Beagle to approve the Consent Agenda as presented which included:

- 1.) Approval to receive and file:
 - a. Downtown Development Authority Minutes of June 25, 2019

Vote:

Motion Carried

UNFINISHED BUSINESS: (None)

NEW BUSINESS:

- 1.) **Consideration of a Request to Rezone a 16.4 acre Parcel Located at 3400 Theodore Street (Parcel Number 17-31-401-013), from R-3, One-Family Residential to R-4, One-Family Residential**

Councilmember Gottschall said that there was a large difference in the minimum lot size between R-3 and R-4. He wondered if it was possible to approve a rezoning but stipulate a separate minimum within it. Mr. Sprague replied that if the applicant were to propose a conditional rezoning, that could be a condition of that rezoning. The City could not ask the applicant to do that under a conditional rezoning. If the Council felt that this was close to something they would be interested in seeing but concerned about the cluster option and the sizing, the applicant could come back with a conditional rezoning of lot sizes no less than 6,500 square feet, for example. The process would start over again and they would go back to the Planning Commission as an application for conditional rezoning. Councilmember Gottschall said that there was mention in the packet of conditional rezoning or approval. He asked if there were any conditions that the City could ask for or if all the conditioning had to be done by the applicant. Mr. Sprague replied that the conditioning has to be provided by the applicant. The City does not have to accept those and has the ability to deny that application or the rezoning request if they are not satisfied with those conditions, but the City cannot impose those conditions.

Councilmember Gottschall said he didn't know why you would want to have a development where nine or ten months of the year you would have a consistent traffic jam backing up into a neighborhood for schooling. He thought that was an issue for the City and that the City should address with the school district. This was partly because of their decision to stop bussing students within a certain distance. He didn't think it was up to the developer to deal with and he didn't think the City should be allowing it either. In regard to Mr. Powell's comments regarding a lot of negative issues, like the industrial facility and the cost of both bridges, he wanted to know what the thought process was behind wanting to move forward with this parcel instead of just the other parcel. Mr. Powell explained that when they first started dealing with the City, the only project the developer was interested in was the Walled Lake School piece. They had a layout that had been provided to them by the Walled Lake Schools which they were very interested in allowing to be completed. It was presented to the City and it was at least accepted as an option. That layout provided for rear-yard access so garages were off of an alley versus off of the street. In working with the City, it was discussed that the only way to access the southern piece was through the school parcel. It was thought it might be a good idea to take the two together. The developer approached the owner of the southern piece and struck an option with the thought it would be a multiple piece of property. The original cost of that was based upon a very dense multiple development. The access to that piece to the south was extended out through Theodore. That was how the two parcels were originally tied together. Once it was identified that the March piece was going to be extremely difficult to develop and not have the return, it was pulled back. It was then presented to the Planning Commission and the Council as two separate parcels. They might be developed separately. The goal and the wish were to develop them together; however, the approval process is taking a different path.

Councilmember Gottschall said that Mr. Powell had mentioned parcel values for this parcel were estimated 20-30% less than the other property values. He asked what the offering price would be if these were approved. Mr. Powell believed the price for a similar lot in the school property was about \$420,000 on the smaller lots. The other piece was closer to \$320,000-\$330,000. It drops approximately \$100,000

because of the problem of the railroad tracks and the industrial parcel. Councilmember Gottschall indicated that was still pretty comparable to what the Tribute property started out at before they were getting sold out. Part of this was lack of discussion in terms of reasonable rate of return. He asked if Mr. Powell could speak on that or if that was up to the developer to discuss. Mr. Powell said that was not his expertise. His intent was to show Council, ignoring land cost and development cost, the comparison of a typical R-3 zoned parcel and this one to show the hardship that had to be addressed.

Councilmember Rzeznik said Mr. Powell had mentioned the initial plan was just the school district property that was presented to the City. He asked if that was to CIB Planning or staff. Mr. Powell explained that was sit-down meetings with CIB Planning and staff. It was just to get some idea on how to proceed forward. It was not an official presentation. He said that they actually appeared before the Planning Commission a couple of times informally with no request. Councilmember Rzeznik asked if it remained R-3, would a cluster option still be available. Mr. Powell said it was still available. He said that R-1 through R-4 was allowable to be clustered.

Mayor Ziegler stated that he supported the Planning Commission's recommendation for a number of reasons. He thought our history has been that we pretty much stick with our Master Plan. He was uncomfortable changing the Master Plan because we need to maintain it the way we have it.

CM-08-140-19: Moved and seconded by Councilmembers Leder and Smiley to accept the Planning Commission's July 22, 2019 unanimous recommendation to deny rezoning case #002-19 for rezoning the property located at 3400 Theodore Street from R-3 to single residential R-4 with the minimum lot size 70 to 100 feet for the following reasons:

- A. That the Planning Commission reviewed the rezoning request after considering comments from the applicant, residents, staff, consultants, to recommend denial for failing to meet ordinance Section 18.23.040.
- B. Failure to meet ordinance standards B and D by not providing sufficient evidence that the potential uses in the R-4 district would be compatible with the surrounding uses particularly on the environment due to the increased density, the traffic impacts and the potential influence on property values.
- C. The applicant also failed to meet the standards of Section 18.23.040 C by not providing sufficient evidence that a reasonable rate on return on investment cannot be achieved through development under the current zoning.
- D. The applicant failed to meet the ordinance standards of Section F by not providing sufficient evidence demonstrating that there is an apparent demand for uses permitted in the proposed zoning district relative to the amount of land currently zoned to accommodate that demand, specifically what he is proposing is currently available in the Village Center Area where it is properly zoned and part of the Master Plan.
- E. The applicant failed to meet Section G by not providing sufficient evidence demonstrating that the requested rezoning is more appropriate than the current zoning district or by amending the list of permitted or special uses within the R-3 district without creating disharmony and negative impacts on the character of the adjacent neighborhoods.

Councilmember Leder said that there has been no evidence related to the economic hardships. He said he would love to take Mr. Powell's word, but there has been no documentation, no studies, no presentations related to R-3 versus R-4. He cited studies, he cited things that have been done, but he hasn't shown the Council things that have been done. The Planning Commission has provided significant discussion within their minutes that we can rely upon that failed to continue to do so. This is really a backdoor extension of the VCA. It is extending the downtown type housing into areas that are not downtown. That is inconsistent with what the Master Plan is looking for, even though the Master Plan recommends single family housing. He thought the consideration of the R-3 related to lot sizes, as well as keeping the integrity of the surrounding neighborhoods and the intentions of the City of Wixom, this should be denied for all of those reasons.

Councilmember Rzeznik added that when he moved here 24 years ago, there was a different feeling when you turned right onto Maple coming down Wixom Road on your bicycle. Back then, you saw horses, chickens, turkeys. In listening to members of the public through the series of meetings over the year and a half, it became evident that people like a choice in housing. Larger lots are desirable, even for some millennials. He loved the VCA area. He has kids there and they are raising their families there. There are also millennials and Gen Xers and even baby boomers who like that extra lot size. He thought we needed to keep it that way. It keeps a variety of housing in the area. It is clearly not a visual connection to the VCA, so he didn't think we needed to increase the density and clustering in that area. Our Master Plan calls for a variety of housing and he felt it was right to deny this request.

Councilmember Smiley said he came here expecting to hear the evidence on those 3 items that needed to be addressed and Mr. Powell did his best, but it wasn't what we were looking for. Something that bothered him during the presentation was the portrayal of the many residents who have talked to the Council and have come to several meetings. They have done a lot on their own time to make sure that everyone knows what they think. The public did not want apartments when they were proposed and that was fair. Mr. Powell said we didn't want townhouses. Councilmember Smiley said that all of the residents he spoke to have made it clear that they don't want to stop any kind of development. They want to keep the zoning the way it is and hold it to the Master Plan to keep the character of the City. He didn't like them being portrayed that they keep changing their minds as to what they will accept. They have been very clear from meeting #1.

Councilmember Gronlund-Fox stated that she was not necessarily opposed to the R-3. She would be happier if they were a bigger size. She wouldn't like the cluster and she knew that was a separate issue. What she was having trouble with was Theodore Street. She saw it as being just a mess. She drives by there every day on her way to work and she couldn't imagine the residents currently on Theodore, as well as the residents in this new development with all the cars lined down the street. She wouldn't like that and couldn't imagine they would like that. Those were her concerns.

Vote:

Motion Carried

2.) Recommendation to Renew the Winter Maintenance Agreement with the Road Commission for Oakland County for Pontiac Trail (from the Western City Limits to Beck Road) and Loon Lake Road (from Benstein Road to the Northern City Limits) by Adopting the Authorizing Resolution and Authorizing the Mayor and City Clerk to Sign the Agreement on Behalf of the City

CM-08-141-19: Moved and seconded by Councilmembers Rzeznik and Gronlund-Fox to renew the Winter Maintenance Agreement with the Road Commission for Oakland County for Pontiac Trail (from the western City limits to Beck Road) and Loon Lake Road (from Benstein Road to the northern City limits) by adopting the Authorizing Resolution and Authorizing the Mayor and City Clerk to sign the Agreement on behalf of the City.

Mayor Ziegler commented that this is routine. We've been doing this for many years.

Vote:

Motion Carried

3.) Recommendation to Adopt Resolutions to Adopt and Implement a Local Pavement Warranty Program Consistent with the Guidelines for Local Agencies Pavement Warranty Program as Approved by the Michigan Department of Transportation

CM-08-142-19: Moved and seconded by Councilmember Gronlund-Fox and Deputy Mayor Beagle to adopt resolutions to adopt and implement a Local Pavement Warranty Program consistent with the Guidelines for Local Agencies Pavement Warranty Program as approved by the Michigan Department of Transportation.

Councilmember Rzeznik asked if this was for anything over \$2 million in funding or total cost. Mr. Sikma replied it was total cost. We can choose to ask for that warranty, but at that point it gets rather expensive. For items larger than that, MDOT is requesting that warranty program to be in place. We don't want to overlook any funding in the future so we want to abide by their rules.

Vote:

Motion Carried

4.) Recommendation to Approve the Confirmation of the Mayoral Appointment of Robert J. Zwald to the Tax Abatement Review Committee

CM-08-143-19: Moved and seconded by Councilmember Smiley and Deputy Mayor Beagle to approve the confirmation of the Mayor's appointment of Robert J. Zwald to the Tax Abatement Review Committee.

Councilmember Gottschall said that as he has shared in the past and consistent with his previous votes, the proposed board member is not a resident in the City of Wixom. He still believed that to be seated on the Tax Abatement Review

Committee, you should be and the Charter says you need to be a Wixom resident, so for that reason he was opposed to the appointment.

Mayor Ziegler commented that part of the makeup of the Tax Abatement Review Board is the Walled Lake School District. The current member, and past member, of the committee haven't lived in the City. They are representing the taxing authority of the Walled Lake Schools. This is not a new concept and this would be the third person the committee who does not live in the City.

Roll Call Vote: (6) AYES – Beagle, Gronlund-Fox, Leder, Rzeznik, Smiley, Ziegler

(1) NAY - Gottschall

Motion Carried

5.) Recommendation to Approve the Brownfield Plan Amendment for 49342 and 49500 Pontiac Trail aka Downtown Wixom Development Company aka Country Corners for up to \$624,192 in Eligible Costs or for up to 30 Years, Whichever Comes First, Subject to Final Action by Oakland County

CM-08-144-19: Moved and seconded by Councilmembers Rzeznik and Gronlund-Fox to approve the Brownfield Plan Amendment for 49342 and 49500 Pontiac Trail aka Downtown Wixom Development Company aka Country Corners for up to \$624,192 in eligible costs or for up to 30 years, whichever comes first, subject to final action by Oakland County

Mayor Ziegler indicated that the draft minutes came out earlier today because the Committee met just last week. There was a robust discussion and he felt all the different viewpoints were stated in the documents submitted for Council's review.

Vote:

Motion Carried

6.) Recommendation to Approve a Consulting Agreement with Black & Veatch of Grand Rapids, Michigan to Provide Technical Assistance with the Review of the Operation, Maintenance and Management Request for Proposal Responses for Water and Wastewater Services for an Amount Not to Exceed \$14,500

CM-08-145-19: Moved and seconded by Councilmembers Rzeznik and Gronlund-Fox to approve a consulting agreement with Black & Veatch of Grand Rapids, Michigan to provide technical assistance with the review of the Operation, Maintenance and Management Request for Proposal responses for Water and Wastewater Services for an amount not to exceed \$14,500.

Mr. Brown said this was something we thought we might want to pursue when we are dealing with the contract award like this. Upon receiving the proposals, we felt there was enough ambiguity in terms that it wasn't as clear cut of a choice as you may have expected. There was a band of lower costs proponents, a band of middle cost proponents and a higher end. When we have those distributions of proponents and cost, we came to the conclusion that we actually did want to pursue the

involvement of a consultant. The current provider is Suez and the City has had a 25 year relationship with them under a variety of names. We had an initial five year contract and then three different renewals for various periods of time that have added up to the 25 years. With an operations change that the City implemented, Suez has stated that they have been experiencing a sharp increase in costs related to chemicals, which under the contractual arrangement was the responsibility of Suez. They were looking to have that revisited because they felt it was a fundamental change in the terms of the contract due to the increase in cost for the chemicals. They were asking us to basically re-extend, but at a cost of over 26% increase. Because of that, he didn't feel comfortable doing that as a renewal without going to the market to see what the going rate was. We did the RFP and they came in after the presentation of the packet last week. He said there are not a lot of companies in this field that aren't providers of operation, maintenance and management services. Staff talked to two firms that were involved in the business and they were comfortable making a recommendation to proceed with Black and Veatch. They have a larger staff that they are proposing to use on the consultant engagement. Their costs were much higher than they were currently so City Administration approached them about looking into ways to bring the cost down. Instead of having two people participate in the interview process, they reduced that to one person. This resulted in a substantial reduction in cost. They also agreed to provide a straight decrease in cost on their original proposal so the new cost is \$14,500, which is a 25% reduction over their initial price proposal. He said he has had experience in evaluating this type of RFP in other communities and they didn't have the wherewithal to make the investment as the City of Wixom does to invest in having a consultant participate. While he thought he could come to a good recommendation without the involvement of a consultant, he did recommend that we involve a consultant because he thought it would provide us with as much information as we can in awarding what would likely be a five year contract. This would be about a quarter of one percent of the contract cost. He felt this warranted that we come up with the best choice possible. There is lots at play here – the water quality of the region, our regulatory compliance with the State of Michigan and making sure we get the most effective and efficient proposal award that we can. He thought it was worth investing that \$14,500.

Councilmember Smiley asked how long this agreement was for. Mr. Brown said that this agreement just covers the participation in the RFP review process. They will help us break down the proposals that were submitted and summarize them. They will pick out details we might miss. The consultant will provide multiple eyes on it with multiple experiences in careers they can bring into play to make sure we are evaluating it properly and making a good choice. They will look at the proposals, participate in the interviews, and once a decision is made to award, they will renew the contract until it is implemented with the new provider.

Mayor Ziegler added that this is not a long term relationship. Mr. Brown said that was correct. They are just serving as consultant.

Councilmember Rzeznik said his concern was the delta between their operations level process engineer and their senior process engineer was over \$100. If we took the lowest hourly rate of the \$160, that was only a 90 hour engagement with the not to exceed \$14,500. He suggested that they watch the timesheets carefully. If

we have qualified people on staff here, we can probably get by with some of the junior rates.

Councilmember Leder asked how many proposals were received. Mr. Brown answered that there were five, which was pretty healthy. He was satisfied.

Vote:

Motion Carried

CALL TO THE PUBLIC:

Edwin Jones, 2184 Maple North Trail, stated that last week he put a smile on a hundred thousand faces. He said he does things a little different. This is the way he has been all his life. Unfortunately, a year ago he was confronted by Mr. Moore and Mr. Brown regarding his attitude and his action at the Community Center. Since the City has done the quarter of a million dollar renovation, the seniors have been squashed. When you have a woman who is 80 years old who says she doesn't want to complain because she might be yelled at, you have a problem. He asked the former Senior Coordinator, Tracy, how many times she called the police and she laughed. The situation and the environment there really went downhill. He has been there twice in the last year. When he was seven, he lived over a bar and he shined shoes. He only shined shoes in the bar he lived over because a block away was another bar he didn't want to go into. He thought he was an ombudsman for the seniors. He had a lot of conflict with Ms. Magee. He made some derogatory statements about some things that happened and he felt he was unjustly humiliated a year ago. In the meantime, there are a lot of people there that feel the attitude and the environment at the Senior Center has dwindled. This started with the renovation. As far as the grease situation with Maple North, they have been talking to the people there. They have gone to the point to give the young people who are bilingual to explain to them about the wipes and the grease. Mr. Jones said he researched it a little bit. He got involved when he found out ten years ago that they upgraded the system and we didn't have a problem before that. He wondered if the upgrading was outdated like the Community Center. He said he doesn't come here anymore. He goes to the bar a block away.

Mr. Peterson asked if there was a new play structure going into the Gilbert Willis Park. He also asked what the timeframe was for that. His daughter, who lives in Midland, knew more about it than he did. Mayor Ziegler said that one has been delivered. We need help in putting it together. Volunteers are needed September 11-14.

Mr. Dornan said he didn't meet one soul in the course of the last two years who was not-in-my-backyard person. The friends he has made on this Creekside issue all understand that development is here, development is fair, development is right. If you don't want the development, you better have the money to buy the land. He thought Councilmember Gronlund-Fox hit the nail on the head with her comments regarding Theodore Street. People who live on Theodore Street are currently living in a difficult situation with the existing conditions. Just imagine what it would be like if Theodore Street was extended with the school stacking. As the Council moved forward, he couldn't emphasize enough how important it was to remember that fads come and go, like the days when we all got excited about the cluster option plan. We used different terms to say different things. Shakespeare said,

"Well, what is in a name." Under the cluster option plan, we say we are saving trees. If we dig deeper and fly higher we will conclude that the cluster option is not what it is presented to be. There are huge bonuses. He thought the Council did a good job. They do great work for the City and we have a great City.

CITY MANAGER COMMENTS:

Mr. Brown said that the City Clerk was named to a Risk Limiting Audit Working Group, which was put together through the Michigan Bureau of Elections to use mathematical formulas to select ballots to make sure things are consistent in an election. Also, the Community Build, September 11-14, is still in need of volunteers. This is an opportunity for people to volunteer their time to help assemble a play structure. There is information in the Crossroads Newsletter, our website and Facebook. Anyone interested can contact Deanna Magee or the City Manager's Office.

COUNCIL COMMENTS:

Deputy Mayor Beagle congratulated the Parks & Recreation on another great concert series. All of the concerts he attended were very well attended. With the addition of the Family Fun section, it brought a lot of our citizens out. He reminded people that school started today. Be careful while driving, and have a safe holiday.

Councilmember Rzeznik congratulated Deanna Magee and the Parks & Recreation Commission on a great season for the concerts and Family Fun nights. It was great to see families out there and everyone staying for the concerts. He thought the food truck vendors worked out great. No level of deterrent could have stopped the high speed accident that occurred on Pontiac Trail over the weekend. He said he drove through three more communities this week that have the very simple painted zebras and yield to pedestrian signs that give the apparent narrowing of the road. He thought they were very effective in slowing traffic down. He had pizza outside at Alex's and he was amazed at how fast people drive right outside of the Police Station. He thought we should take that into consideration. He hoped people would come out to the Community Build. A number of businesses have expressed an interest and he hoped they have signed up.

Mayor Ziegler said we invested a couple of years ago in those flashing signs that tell the speed you are going. He has driven by the one on Loon Lake Road and sometimes it works while other times it doesn't. It seemed that it was a little outdated. He has seen one in Milford that is newer and it flashes. It is more noticeable. He thought we might want to take a look in the budget to see if we can come up with some updated ones.

Councilmember Gottschall had no comment.

Councilmember Leder thought the turnout tonight was impressive. He appreciated all of the people who spoke. Most of what the Council does is routine, like proposals for RPFs, waiving the bid process or other things that the community is not that interested in. Every once in a while there has been an issue that has really sparked public sentiment. To see the turnout that the City of Wixom provides and the information that they express goes to show that the Planning Commission and the Council live here. The City Planner doesn't live here, the developer doesn't

live here and the City engineer doesn't live here. They provide ideas and options for the Council to consider. These are the things that we have to live with and the legacy that the Councilmembers and Planning Commissioners leave. He said that the Councilmembers are basically stewards of the City. They operate within the boundaries of the statutes and ordinances and they do what they can to make this community better for all of us. The input from the residents is what the Council is supposed to do. It is how they can evaluate the positions and determine whether it is something that is good for the City. Continuing to participate helps the Council to do their jobs better. He thanked everybody for coming out.

Councilmember Gronlund-Fox had no additional comments.

Councilmember Smiley thanked Walled Lake, Wolverine Lake and Oakland County for their help in getting that crazy accident cleaned up. He knew our guys did a fantastic job and it was very much appreciated. He wished everyone a happy and safe Labor Day weekend.

Mayor Ziegler said that at the end of the last meeting, he brought up the possibility of scheduling a meeting to talk about the future and to give some of the new members of Council an opportunity to take a look at some of the finance issues that are confronting us and will confront us in the future. He hoped to schedule a meeting for the first week of October.

ADJOURNMENT:

The meeting was adjourned at 9:42 p.m.

Catherine Buck
City Clerk

Approved 9-10-2019
