

**CITY OF WIXOM
49045 PONTIAC TRAIL
REGULAR CITY COUNCIL MEETING MINUTES
TUESDAY, JULY 12, 2022**

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

Present:

Mayor: P. Beagle
Deputy Mayor: T. Rzeznik
Councilmembers: P. Behrmann
K. Gottschall
T. Gronlund-Fox
P. Sharpe
R. Smiley

AGENDA CHANGES: (None)

MINUTES:

CM-07-89-22: Moved and seconded by Councilmembers Gronlund-Fox and Sharpe to approve the Regular City Council meeting minutes of June 28, 2022.

Vote:

Motion Carried

CORRESPONDENCE:

- 1.) **Letter from Oakland County Announcing the New Equalization Director, Michael Lohmeier**

CALL TO THE PUBLIC: (None)

CITY MANAGER REPORTS:

- 1.) **Fire Monthly Report – May 2022**

Councilmember Behrmann asked if he had any information on Huron Valley Ambulance. Interim Fire Chief Geisler stated that they are still responding to calls; they just changed their software.

- 2.) **Police Monthly Report – May 2022**

Deputy Mayor Rzeznik noticed over the last few months there was a category under the Group A Crimes called Intimidation Stalking and we have never had cases like that before. Now they are doubling and tripling some months. He wondered if that was categorized as new or if it was under Other Crimes before. Director Moore said that it had fallen under the Assault category in the past. There was a slight change in the way he was presenting it in the report.

CONSENT AGENDA:

CM-07-90-22: Motion and seconded made by Deputy Mayor Rzeznik and Councilmember Gronlund-Fox to approve the Consent Agenda as presented which included:

- 1.) Approval to receive and file:
 - a.) Downtown Development Authority Minutes – April 26, 2022
 - b.) Special Library Board Minutes – May 16, 2022
 - c.) Planning Commission Minutes – June 6, 2022

Vote:

Motion Carried

UNFINISHED BUSINESS: (None)

NEW BUSINESS:

- 1.) **Recommendation to Approve the Introduction of an Ordinance to Replace in Its Entirety Title 18.00, Zoning, Chapter 18.16.00, Signs and to Amend the Definition for Signs in Section 18.24.110; and to Provide Penalties for Violations Thereof**

CM-07-91-22: Motion and seconded made by Councilmembers Smiley and Behrmann to approve the Introduction of an Ordinance to replace in its entirety Title 18.00, Zoning, Chapter 18.16.00, Signs and to amend the definition for Signs in Section 18.24.110; and to provide penalties for violations thereof.

Mr. Avantini explained that in 2015, there was the Reed v. Town of Gilbert case which had all the attorneys and planners scampering to amend their sign ordinances. We amended our sign ordinance in 2016 based on that. During the past 12 months, there have been some Circuit Court decisions that have not been favoring communities. It was becoming more and more difficult to regulate signs. He knew he would be bringing an update to the billboard regulations to Council in the next six months because they made drastic decisions that would make it even harder to regulate billboards. In the meantime, Attorney Rosati thought we should update the sign ordinance, especially where we talk about the purpose and why we are regulating signs. He felt there were a number of improvements made to the ordinance. The Attorney was of the opinion that by doing this, we are strengthening our position to defend ourselves in court. The changes do make this a better ordinance, but it is a work in progress.

Councilmember Sharpe asked where the areas of concern were in this ordinance. Mr. Avantini replied that one of the big areas was the Purpose and Intent, which were brand new. The definitions have been changed with new graphics to make sure things are clarified and defined. Throughout the ordinance there were small changes. For example, controlling the intensity of lights from signs, especially electronic message signs. Councilmember Sharpe confirmed that this was about clarifying everything down to things like actual scientific measurement ability on what we were trying to regulate. It was actually data-driven rather than personal preferences. Mr. Avantini said that was correct. When Reed v. Town of Gilbert first came out, planners were taught that we had to look at signs as if they were written in another language. You have to regulate based on size, location, duration, etc. You can't look at the message. It was difficult to change the entire ordinance because you run into situations where you are treating a garage sale sign the same as a sign for a shopping center. It becomes very challenging when you are looking at the differences. We are getting better while still protecting the things we think

are important. The attorneys were seeing court cases and thought we really needed to make these changes to be sure we are protected.

Councilmember Gronlund-Fox said Mr. Avantini mentioned that he would be coming back to Council in the next six to eight months and she wondered if that was because of the court cases that had not yet been decided. Mr. Avantini thought there was a recent court case having to do with billboards where a decision was made or they were waiting for it to be published. We have always considered them off-premise signs. They will take away the ability for us to differentiate between off-premise and on-premise because then you are dealing with content. We will have to start limiting based on size. We are waiting for the decision.

Councilmember Smiley he thought this was nice and clear. He knew that clarity was what was most valuable. He wondered what prompted this and thought he saw what was going on and decided we needed to take a look at what we've got. Mr. Avantini said that was correct.

Mr. Avantini said the attorneys deserve all the credit for moving forward on this. We appreciate the effort they put into this to improve the ordinance.

Councilmember Behrmann thought this was presented very well. He liked the pictures to explain it. He asked where we were in the process of the other amendments that previous came to Council, like the Village Center Area. Mr. Avantini said those would be coming forward soon. Mr. Benson added that the last discussion on that was to look at segregating areas of the Village Center Area District for density. That ordinance update is being drafted now. He thought it would go to the Planning Commission in August.

Vote:

Motion Carried

2.) Recommendation to Adopt a Resolution to Establish a Neighborhood Sidewalk Replacement Assistance Policy to Improve Neighborhood Sidewalks Through the Safety Path Capital Program Fund and Authorize the City Manager or Director of Public Works to Sign Agreements and Disperse Funding

CM-07-92-22: Motion and seconded made by Councilmembers Smiley and Sharpe to adopt the following resolution to establish a Neighborhood Sidewalk Replacement Assistance Policy to improve neighborhood sidewalks through the Safety Path Capital Program Fund and authorize the City Manager or Director of Public Works to sign agreements and disperse funding.

CITY OF WIXOM RESOLUTION 2022 – 41

ESTABLISHMENT OF THE NEIGHBORHOOD SIDEWALK REPAIR ASSISTANCE PROGRAM AND ADOPTION OF THE NEIGHBORHOOD SIDEWALK REPAIR ASSISTANCE POLICY

WHEREAS, The Wixom Municipal Code, Chapter 12.04, Sidewalks and Bike Paths, provides for the construction and repairs of sidewalks within the City that requires property owners to take responsibility for sidewalk repairs within subdivisions; and

WHEREAS, The electorate of the City of Wixom approved a 0.3 mill levy for the purpose of providing additional funding for safety path and sidewalk construction to improve pedestrian mobility in 2008; and

WHEREAS, The City of Wixom, Oakland County, Michigan desires to utilize Safety Path millage proceeds to assist homeowners in making sidewalk repairs in Fiscal Years 2022/2023 utilizing a portion of the Safety Path Capital Program Fund; and

WHEREAS, City Council supports a 50% cost-sharing program, funded by the Safety Path Capital Program Fund; wherein the City will pay 50% the cost of repairing dangerous or deteriorated sections of sidewalk heretofore the responsibility of the property owner; and

WHEREAS, City Administration has developed a policy for the evaluation and identification of sidewalk sections in need of repair, for the notification of property owners of the sidewalk issues and the 50% cost sharing available on sidewalk repairs, with a cost sharing agreement which requires payment to the City within six months, with the requirement that homeowners otherwise complete the repairs at their own expense within 90 days of notice; and

WHEREAS, City Management has also proposed a policy to govern and manage the Neighborhood Sidewalk Replacement Assistance Program; and

NOW, THEREFORE, BE IT RESOLVED that this Council authorizes City Administration to implement the Neighborhood Sidewalk Repair Assistance Program and the provision of funding of up to half the cost of the sidewalk repairs for property owners, not to exceed \$200,000.00 annually from the Safety Path Capital Improvement Fund in Fiscal Year 2022/2023.

AND BE IT FURTHER RESOLVED that this City Council adopts the Neighborhood Sidewalk Replacement Assistance Program Policy dated July 12th, 2022 to govern the Neighborhood Sidewalk Repair Assistance Program.

AND BE IT FURTHER RESOLVED that the City Council authorizes the City Manager and the Director of Public Works to sign agreements and disperse funding in accordance with the adopted policy.

Mr. Sikma indicated that at the last Council meeting, the Council approved the Neighborhood Funding Program with the caveat that we would produce a policy that we felt measured the quantity and quality of the work for the sidewalks in neighborhoods. He felt this policy did that. The DPW plans to walk the neighborhoods to outline portions of sidewalks that need repair. They will be marked for the contractor and we will go back to each of the homeowners with a letter stating that these repairs need to be made. We will have an agreement that will need to be signed. Once the agreement is signed, we will schedule the work at the individual homes. The City would pay the contractor and be reimbursed by the homeowners for their share. If the homeowner does not pay, they will be applied to their tax bill.

Councilmember Gronlund-Fox thanked him for getting this to the Council as most have talked about the importance of this program. She asked when this would start. Mr. Sikma said he anticipated this would be a multi-year program. The

contractor was prepared to start as early as possible. If this was approved tonight, his guys would be out on Friday. The sidewalks would be marked within two to three weeks and the letters would be ready to go. He hoped we would have sidewalks by the end of August or mid-September. Councilmember Gronlund-Fox asked if the plan was to start in the older neighborhoods. Mr. Sikma said that was what was anticipated. He was confident we would get them all in the next couple of years. Councilmember Gronlund-Fox asked if we could do that with existing DPW staff and Mr. Sikma said that was the plan. Mr. Brown added that we are prepared to be flexible. It will depend on how well it goes. This will be the first time we are trying this. We might have to look at a different alternative if it becomes problematic. He mentioned that if the homeowner fails to make payments in six months, it will be placed on their tax bill.

Mr. Sikma added that if the homeowner does not wish to participate with the 50%, they would still be required to repair their sidewalks within 90 days. Mr. Brown said the idea was to address trip hazards and make it safe for people walking the neighborhoods. Once we are aware of the sidewalk issue, it has to be corrected.

Councilmember Gronlund-Fox asked what the plan was for educating the residents. This will be a hot topic because there are still people who think the sidewalks are the City's responsibility and they don't understand it is the homeowner's responsibility. Mr. Sikma said that we will work with the homeowners' associations as we go through the City. Once we have the policy, we can distribute that to the homeowners. Councilmember Gronlund-Fox thanked him again. She thought this was fair. It will be a lot of work, but she thought it was a great program.

Councilmember Gottschall said we had previously approved .3 mill levy, which was less due to the state laws. He asked what we were taking away from moving forward. He wondered if we were removing the ability to complete other sidewalks that are non-existent right now, or if this was extra money. Mr. Sikma said he would not call it extra money. There are a number of gaps that we still need to do. We have had roadblocks with the easement acquisitions. We feel rather than have it sit until these easement issues get settled, we would move forward with at least a portion of this funding now. The funding we have now will be satisfactory. Councilmember Gottschall asked if this would take away from our ability to complete those gaps if we got the easements soon. Mr. Sikma replied no. Councilmember Gottschall asked what the expectation was for how often we would have to replace the sidewalks in front of people's houses. Mr. Sikma replied that most of these subdivisions have been in place for 15-20 years and this was the first of its kind in Wixom. There have been complaints in various areas for small pieces, but this is the first program he was aware of. He thought the sidewalks that were in place would last 15 years or better. Councilmember Gottschall wondered if this initial year of the program would be the heaviest spending as we take care of a lot of projects and then it will be more stable after that. Mr. Sikma said we have it budgeted to spend the major portion of that money during the first two years. Each year, he would come back for Council approval with the contractor and we would know better how much we can do each year and plan for the following year as well.

Mr. Brown said that initially there will be a year or two process where we will hit it heavy and there will be a larger amount of activity. After that, we will be in a sweet

spot where newer subdivisions won't be having problems for some time, except smaller issues like tree roots. Someday when the subdivisions begin to age and the replaced sidewalks get older, you will have an experience where it will come back.

Councilmember Smiley supported providing the residents with a heads up. Times are tight and it might be more shocking to get a notice like this from the City. He thought 50-50 was fair and he hoped people would see it that way. Some homes will have extreme cases, like corner lots with more sidewalks to deal with than someone with one or two squares. He hoped we could give them consideration of a payment plan if necessary. He asked if there would be any lifting of the sidewalks or if it would all be replaced. Mr. Sikma said that we plan to replace the sidewalks because there is usually a base issue. Some are tree issues and we can take care of the tree at the same time.

Deputy Mayor Rzeknik asked how he planned to mark the sidewalks. Mr. Sikma said that they would be using orange paint. A portion of it can be done in GIS.

Councilmember Behrmann thanked him for putting this together. He has been a fan of getting this going for a long time. There are a lot of neighborhood sidewalks that really need some work. The fact that we are willing to share the expense and cover 50% was more than fair.

Mayor Beagle agreed with Councilmember Behrmann. There are not many communities that have a program like this. It is a great thing that we are doing and he hoped the residents would see it that way, too.

Councilmember Gottschall commented that one of the bullet points in the policy said, "Should the property owner fail to pay for their portion of the work within 6 months, the City will place the balance on the property tax bill for collection." In essence, they failed to be a part of the program. He wondered why we were treating them differently than the people we tell that they need to take care of their sidewalk. If they say no, they are responsible for 100%. To him, nothing would prevent every homeowner from lying and saying they will pay us but they don't. There is no penalty. He said he would rather see this say that if they are not on a payment plan within six months, then they are responsible for the full cost. Mr. Sikma thought this was the way it was stated in the ordinance, that they would pay the full price. Councilmember Gottschall said being this is 50-50, to him, that means the balance is half and the City got duped. He wanted to make sure that was not the case.

Councilmember Sharpe said sometimes there are unintended consequences in a new program and he was trying to think through some of those. Essentially, he thought we were writing a \$400,000 blank check to the concrete company. They could go mark every panel in the first subdivision and get them all done in one weekend. He knew the City was marking them. He asked if the City had a way of knowing how many were marked and how many were repaired. Mr. Sikma replied yes. Councilmember Sharpe asked if there was any kind of arbitration. What if a neighbor says that we didn't mark any of his next-door neighbor's sidewalks and we are doing ten of his. He wondered if there was an explanation. Mr. Sikma said he would meet with those homeowners. That was the best way to avoid the blank

\$400,000 check. We didn't want to have the homeowner pay the contractor because the contractor could raise his rates. Our guys know what ones they have to do. He thought we would get 85%-90% of what needs to be done.

Mr. Brown said that if the Council would like us to change the policy, we could add that the homeowner would pay the full amount if they fail to follow through on the good faith promise to pay the 50%.

Councilmember Smiley suggested implementing some kind of fine or interest on the amount if they agree but don't follow through. Mr. Brown said that it was a valid concern. If you treat upfront refusal to participate, it would incentivize bluffing to do anything other than to treat them the same way if they don't follow through on the agreement. He said we could either leave it as is or change it to make it equivalent to refusing to participate because it is essential what happens if they don't follow through. Councilmember Smiley said he was fine with that.

Deputy Mayor Rzeznik concurred.

Councilmember Behrmann suggested that the administration have some discretion if we get a family with lower income and they are making payments. If they haven't made the sixth payment yet, don't double them up because they are one payment behind. Mr. Brown indicated that the discretion would be easily handled.

Mr. Benson said the adjustment would be made in the policy.

Vote:

Motion Carried

3.) Recommendation to Convene a Closed Session of the City Council, in Accordance with the Michigan Open Meetings Act, after "Council Comments" to Consider the Purchase or Lease of Real Property

CM-07-93-22: Motion and seconded made by Deputy Mayor Rzeznik and Councilmember Gronlund-Fox to convene a Closed Session of the City Council, in accordance with the Michigan Open Meetings Act, after "Council Comments" to consider the purchase or lease of real property.

Roll Call Vote: AYES (7) – Beagle, Behrmann, Gottschall, Gronlund-Fox, Rzeznik, Sharpe, Smiley

NAYS (0)

Motion Carried

CALL TO THE PUBLIC:

Russ Meredith, 378 Fletcher, wanted to speak about two things related to the tornado alarm that went off last night at 11:00 p.m. He asked if there was any way to send out an email blast stating what the alarm was for. It woke him up last night and he looked at his phone which told him it was north of Wixom and we weren't at all affected by it. Secondly, he didn't know where else we had any alerts. He spoke to one man who didn't even hear the alarm. We might want to consider some way of letting the outer parts of the City know what was happening. Mayor Beagle said all of the alarms were working because he gets notification every first Saturday of

the month. It was a policy that was changed a few years ago from Oakland County where before just the north end of the sirens would have gone off. Now it is a severe weather siren, not a tornado siren. It goes off throughout the whole County. Councilmember Behrmann indicated that it was not the City setting the sirens off, but the County.

Samuel Gonzalez, from Troup 272 in Milford, said he was here because he was earning his Communication Merit badge. He needed to attend a public meeting to see how City officials communicate with each other and to the public. The Council thanked him for attending.

CITY MANAGER COMMENTS:

Mr. Brown said that the new Senior Coordinator, Melisa Burnham, started yesterday and we are excited to have her here. Also, GFL performed their first collection last Thursday (a day late because of the holiday). Residents with any concerns, issues and/or compliments can call the DPW. The next Household Hazardous Waste Collection Event is July 16th at the Wixom DPW. Lastly, he provided a short update on Phase 2 of the Michigan Air Line Trail.

Councilmember Behrmann asked about the hawk signal installation being delayed. He knew the concrete would be poured soon. He asked if we could put barricades up to direct the traffic to Pontiac Trail until the signal was installed. Mr. Brown said that would be discussed at tomorrow's Trailway meeting.

Mr. Benson stated that we had the opportunity to host the Countywide Economic Development Forum at the Wixom Community Center today. It was a great event of regional, local and statewide Economic Development folks. He stated there were about 50-60 attendees and they talked a lot about electric vehicle charging stations and infrastructure. The Community Service staff helped to get the room all set up and he appreciated that. Mr. Brown gave kudos to Mr. Benson for getting that event in Wixom. He spent a lot of time soliciting interest from people in the field to host it here. Mr. Benson said he heard a lot of compliments about Wixom.

COUNCIL COMMENTS:

Councilmember Gronlund-Fox welcomed Melisa Burnham as our new Senior Coordinator. In regards to the Air Line Trail, she knew several people who don't live in Wixom but they come to use the Trail and they have all been very complimentary. She shared her condolences with Mayor Beagle and his family on the passing of his father-in-law.

Councilmember Behrmann said that they cut the street into the Pine Cone subdivision several months ago and he knew there was a delay in potentially integrating the property of the house that burned down. The sidewalk has been out for two months and he recently saw a father with two young kids on bicycles having to go into Maple Road. He thought there was no reason why the developer couldn't do something to make that more passable. It was a shame it has been two months in that kind of condition. If there was something with Code Enforcement that could be done, he would appreciate it. They are trying to invest in our community, yet they are making the residents that live here deal with that. That is not acceptable.

Mr. Benson said that he and Mr. Pike were there late this afternoon on the phone with the developer trying to coordinate with their concrete contractor to have some sort of ability to slope down from the sidewalk. Councilmember Behrmann said they should put gravel down until they can get it done. Doing nothing is not appropriate. He knew the developer was contacted by homeowners and he has not done anything. Also, a few meetings ago, Councilmember Behrmann brought up trash cans at the concerts. Last Thursday night, there were more pizza boxes piled next to all the trash cans. He thought there was something we could do to get a few more trash cans there. With all the construction going on, he hoped our police officers could spend more time patrolling in the areas where people are turning left off Wixom Road onto Pontiac Trail and now down at the freeway where people are making U-turns to get onto the freeway. Lastly, he offered his condolences to the Mayor and his family. It is never easy.

Councilmember Gottschall welcomed the new Senior Coordinator. He mentioned this to Mr. Avantini, but he keeps reading about Wixom Meadows in the other board minutes. We already have an apartment complex called Wixom Meadows. He wasn't sure if we told them they will have to come up with a different name. Mr. Benson said that we have told them; they just haven't come up with a different name yet. Councilmember Gottschall said he has had a handful of people reach out to him who are upset with how things are looking near Mack Park. He wondered when that structure would be going up. Mr. Benson said that would be one of the later things to happen but it would be during this calendar year. That part was not funded by grant money. Councilmember Gottschall said that people are worried about the traffic slowdowns and the hawk signal going up with people riding out into Wixom Road. People see a quick clearing and try to risk crossing the street. One person he spoke with recommended signs telling people to walk their bikes across the street until there is a signal. The education level needs to be cranked for drivers and Trail users. He hoped the County would match the Hawk signal to the intersection signal. He thought we needed signs on the Trail as well as the roadway telling people they do not come to a complete stop at these signals. He hoped to get that worked out before someone gets killed.

Councilmember Smiley welcomed our new Senior Coordinator, Melisa Burnham. We have wonderful seniors and she was sure to enjoy the job. The GFL switchover appeared to go well. Mr. Brown commented that they were a little late in the day which caused people to worry a little bit but they did meet the deadline. Councilmember Smiley welcomed Phil Langmeyer and knew his first day was on Monday. Chief Moore will still be with us for a little longer. He then offered his condolences to Mayor Beagle and his family on the passing of his father-in-law.

Councilmember Sharpe passed along his condolences to Mayor Beagle and his wife, Maureen, on the passing of her father. Petoskey is a great place to have the services. He thanked Mr. Sikma and the DPW for filling those pot holes at the CVS on Charms Road. No body touched the ones on Wixom Road and he hoped they could throw a little cold patch in there. He thanked the Building Department for patrolling. He knew they were prompted by him about an issue on Charms Road and they took care of it. Lastly, he asked when we could turn left from Wixom Road onto Pontiac Trail. Mr. Brown did not have an answer but said he would try to find as estimate. He knew it was a major source of aggravation.

Deputy Mayor Rzeznik offered his condolences to the Mayor and his wife. He tested GFL by throwing out an old bunk bed and it was gone by the time he got home from work. He thanked Mr. Pike and Mr. Benson for having the dead bushes removed after the last Council meeting. He welcomed Ms. Burnham and reminded everyone about the Hot Blues and BBQ on July 21st.

Mayor Beagle welcomed Melisa Burnham. He has heard good things about her and he was excited to have her here. He thanked everyone for their kind words, thoughts and prayers on the passing of his father-in-law. He was a great man and will be missed.

The Council recessed at 8:03 p.m. They went in to the Closed Session at 8:08 p.m. and rose from the Closed Session at 8:50 p.m.

CM-07-94-22: Motion and seconded made by Councilmembers Gottschall and Smiley to authorize the City Manager to proceed as directed, and move forward with the proposal from HRC.

Vote:

Motion Carried

ADJOURNMENT:

The meeting was adjourned at 8:51 p.m.

Catherine Buck
City Clerk

Approved 7-26-2022
