CITY OF WIXOM 49045 PONTIAC TRAIL REGULAR CITY COUNCIL MEETING MINUTES TUESDAY, OCTOBER 10, 2023

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

T. Gronlund-F

P. Sharpe R. Smiley

AGENDA CHANGES: (None)

MINUTES:

CM-10-145-23: Moved and seconded by Councilmembers Gronlund-Fox and Behrmann to approve the Regular City Council meeting minutes of September 26, 2023

Vote: Motion Carried

CORRESPONDENCE:

1.) RRRASOC Memo/Attachment

CALL TO THE PUBLIC:

There were no public comments at this time.

CITY MANAGER'S REPORTS:

1.) Fire Monthly Report – August 2023

Councilmember Behrmann was curious as to what the Fire Department was doing to make sure they could get around the road closure at Pontiac Trail and Wixom Road. Chief Geistler said that they have set up alternate routes and there is a lot of communication. He was confident that they could still cover everywhere in the City and he didn't feel it was necessary to rely on neighboring communities.

2.) Police Monthly Report – August 2023

Councilmember Gottschall asked for an update regarding the Homeland Security seizure. Chief Langmeyer replied that he didn't have an update because we had nothing to do with it. We just had a marked unit there while they conducted the raid. We were not informed ahead of time and we have not been updated at all on the case.

CONSENT AGENDA:

CM-10-146-23: Moved and seconded by Deputy Mayor Rzeznik and Councilmember Behrmann to approve the Consent Agenda as presented which included:

- 1.) Approval to receive and file:
 - a.) Library Board Minutes August 21, 2023
- 2.) Recommendation to Accept the Industrial/Commercial Property Detention/ Retention System Maintenance Agreements for Concord WP COL Wixom, LLC of Raleigh, NC for the Property Located at 49850 Grand River Avenue and Authorize the Mayor to Sign the Agreements.

Vote: Motion Carried

UNFINISHED BUSINESS: (None)

NEW BUSINESS:

1.) Recommendation to Adopt a Memorandum of Understanding and Approve the Data Sharing, Use and Non-Disclosure Agreement Between the City of Wixom and Families Against Narcotics for the Comeback Quick Response Team Program

CM-10-147-23: Moved and seconded made by Councilmembers Smiley and Gronlund-Fox to adopt a Memorandum of Understanding and approve the Data Sharing, Use and Non-Disclosure Agreement between the City of Wixom and Families Against Narcotics for the Comeback Quick Response Team Program.

Chief Langmeyer explained that overdose deaths are on a rise across the Country. Unfortunately, it is happening here in Wixom, too. In 2022, 3,000 people died in the State of Michigan from an overdose. Since January, Wixom has had 14 overdose cases and one death. At this time, there is really no follow up for the Police Department. The idea in partnering with Families Against Narcotics (FAN) with the Comeback Quick Response Team is that it brings resources to our Department. This is a program where we collaborate with FAN to help us address the overdoses and the substance abuse that is happening in the City. We will have one officer who will work with FAN. She will be trained by FAN and the team will go to the house to offer services. The team consists of our officer, a peer recovery coach and a family recovery coach. Our hope is to prevent any more occurrences from happening to that individual. If they want the help, the service begins immediately for both the family and person. If they decline, we leave some information with the hope that they will change their mind in a day or two and call back. He stated that this gives the Police Department a way to address this problem and hopefully prevent it in the future. There is no cost to the City, except for the overtime of the officer. The objective is to reduce the reoccurrence of overdoses in the community, get treatment to people and assist them through the recovery process.

Chief Langmeyer explained that this program was started back in 2020 in Sterling Heights. In one year, they saw a 30% reduction in their overdose cases and it has continued since then. This program has expanded across the metro Detroit area and we will be the first in western Oakland County. We will have one officer assigned to FAN, Officer Conner. She will be responsible for compiling the list of cases. He introduced Judge Linda Davis who is the Executive Director of FAN.

Judge Davis said they were very excited to work with Wixom. This will be the 21st Police Department and it has been incredibly successful across the tri-county area. They have received national attention for this program because it does reduce death and overdoses. It helps people find resources for not only them but for their families.

Mayor Beagle asked if the family of the overdose victim wants help when the victim does not, would we still offer the family help. Judge Davis replied yes. They have several family programs that are unique to FAN. This is a special way to love someone who has a substance use problem. They do not give up on someone; they may call a second or third time. She said it was not unusual for the person to decline but call the hope line two or three days later. Mayor Beagle was excited about this program.

Deputy Mayor Rzeznik noticed in the report that the officer would go in plain clothes in an unmarked vehicle. He asked if we had such a vehicle. Chief Langmeyer replied that they would take one of the investigation vehicles. Deputy Mayor Rzeznik commented that if we can prevent even one death, that would be great.

Councilmember Smiley thanked Judge Davis for being here. This sounds like a wonderful program and he was fully supportive of it. Of the 14 overdoses since January, he wondered what particular opioid showed up the most. He also

wondered about the age range. Chief Langmeyer said that he wasn't positive about the age range. They mostly saw fentanyl and heroin.

Judge Davis commented that they had a very robust collection system and those questions would be easily answered as this program moves along. They track every kind of drug that is used and how many times that person has called. She said they would be glad to share that data.

Councilmember Gronlund-Fox commended Chief Langmeyer and Administration for doing this. It is needed. She questioned the confidentiality piece. Judge Davis said that there are all kinds of caveats in the HIPAA laws that allow this type of program to exist. When there is an eminent threat of great bodily harm or death, there is a caveat that allows information to be shared on a limited basis. All of their information is HIPAA compliant. Confidentiality is very important to them.

Councilmember Gronlund-Fox asked if our officers and firefighters carried Narcan. Chief Langmeyer replied yes. Judge Davis added that they also leave Narcan behind so if there is an overdose, the family can administer it. Councilmember Gronlund-Fox hoped that this would help.

Councilmember Behrmann thought this was a great opportunity for our residents. He mentioned that he went through a Narcan training at his office in case a client needed it. He asked if any of the 14 overdoses in Wixom this year were repeats. Chief Langmeyer said that he didn't check on that data. Councilmember Behrmann hoped that number would decrease with this program.

Vote: Motion Carried

2.) Recommendation to Adopt a Resolution Authorizing the City Manager to Pursue the Sale of Surplus City Property at 119, 121, 131, 201, 205 and 221 N. Wixom, as well as 3343 and 3360 Renton in Accordance with Section 3.16.050 (Sale of Economic Development Property) of the Code of Ordinances

CM-10-148-23: Moved and seconded made by Councilmember Gronlund-Fox and Deputy Mayor Rzeznik to adopt the following resolution authorizing the City Manager to pursue the sale of surplus City Property at 119, 121, 131, 201, 205 and 221 N. Wixom, as well as 3343 and 3360 Renton in Accordance with Section 3.16.050 (Sale of Economic Development Property) of the Code of Ordinances:

CITY OF WIXOM AUTHORIZING RESOLUTION 2023-51 DISPOSITION OF REAL PROPERTY

3343 Renton – Parcel Number 96-17-31-477-001 205 N. Wixom – Parcel Number 96-17-31-477-002 201 N. Wixom – Parcel Number 96-17-31-477-003 119 N. Wixom – Parcel Number 96-17-31-477-006 221 N. Wixom – Parcel Number 96-17-31-477-008 121 N. Wixom – Parcel Number 96-17-31-477-009 3360 Renton – Parcel Number 96-17-31-477-010

- WHEREAS, the City of Wixom owns property located at 119, 121, 131, 201, 205 and 221 N. Wixom, along with 3343 and 3360 Renton; and,
- WHEREAS, the City purchased these properties with the intention of facilitating the redevelopment on these parcels as an economic development project in Downtown Wixom; and,
- WHEREAS, City Management has developed a Request for Qualifications solicitation for these parcels of real property to solicit interested developers to redeveloping these parcels; and,
- WHEREAS, it is the City's intention to review each set of qualifications that are received and select a prospective development firm whose qualifications best meet the City's vision and intent for the properties; and

WHEREAS, there are certain requirements for the disposition of such City-owned real property established by the City's Code of Ordinances, specifically Section 3.16.050.

NOW, THEREFORE, BE IT RESOLVED, that the City Council herein authorizes the City Manager to proceed with City Ordinance requirements to issue the Request for Qualifications solicitation dated October 10, 2023 and proceed with the negotiations in the sale of Parcel Numbers 96-17-31-477-001, 96-17-31-477-002, 96-17-31-477-003, 96-17-31-477-006, 96-17-31-502-007, 96-17-31-477-008, 96-17-31-477-010.

BE IT FURTHER RESOLVED the City Council has determined that the potential sale of the subject property is to promote and facilitate economic development within the City.

Mr. Benson said we were in the pre-planning process for the eventual disposition of multiple city-owned properties in the downtown area, calling it the Renton Redevelopment Area. Given we didn't have one particular developer in mind, the goal was to advertise a Request for Qualifications (RFQ) in order to find a development partner that shared in the City's vision as to what happens within these eight parcels. He was seeking authorization from the Council to go with the current RFQ as presented in order to publish it and start the process. He indicated that the feedback from the various Boards and Commissions was to settle on the concept of focusing less on a pre-disposed concept and leaning more on the Village Center Area Ordinance and Design Guidelines. The plan was to create a review committee encompassing members of City Council, Downtown Development Authority (DDA), Planning Commission (PC) and staff that would review each RFQ.

Councilmember Gottschall noticed that the RFQ didn't include the lot in front of the elementary school. He recalled sitting in on a meeting where they talked about including that property so he was curious what happened. Mr. Benson said it could still become an option but the Planning Commission and DDA thought including that property caused some complications with crossing over the Air Line Trail and having to become more involved with the school. Councilmember Gottschall noticed throughout the documents many notations referencing the Air Line Trail; however, he recalled comments made during the meetings he attended where they specifically said to pretend the Air Line Trail wasn't there as it could always be moved by the developer if it needed to be. Additionally, he saw the designs had many visual references similar to what they already had. He wanted to make sure they were not leading developers into a certain direction.

Mr. Benson said the Planning Commission expressed a preference to having the Air Line Trail stay in place because it's already been constructed and to separate bike traffic from pedestrians. He said the Planning Commission specifically wanted to lean on the Design Guidelines they already had in place. Councilmember Gottschall said that he had zero interest in making this "Retail West at Renton". He appreciated the input from the Planning Commission but felt this came down to the decision of the Council. He was hoping they would have something more exciting and nicer to look at.

Councilmember Sharpe appreciated we were going to open this up to allow the experts to tell us what this space could be used for. He understood the concerns about retail and what it would look like, but he felt it was important to get this out soon so they could obtain feedback. He didn't think the RFQ should indicate that we needed to retain the Air Line Trail easements.

Councilmember Behrmann recalled in both meetings he attended discussions about moving the Air Line Trail so he was confused as to why that's changed. He thought the language was too tight regarding the Air Line Trail and we should give the impression we were open to whatever proposal was put forward. Additionally, if we mandated all the design qualifications, we could miss out on a great proposal that would make them look past the design guidelines. He did not see a benefit to restricting the developers.

Mr. Brown said we would tweak the RFQ to indicate that the Air Line Trail could be moved

Mr. Benson said we have received mixed messages about the design as City Council was way more open to ideas; whereas, the Planning Commission was much more specific of what they wanted to see. Given the Planning Commission was one of the reviewing bodies, we tried to incorporate the precedent in some of the pieces that were put in place. He reminded them the review committee would have the opportunity to make those decisions. Councilmember Behrmann understood but felt the way this was written could turn some developers off before we even had a chance to see their proposal.

Mr. Carlisle, of Carlisle Wortman & Associates, said all property owners faced turmoil when it came to exactly how they should advertise a piece of property as they didn't want to appear too misleading. This was a little different because the City would also be the regulator, and that was the fine line that staff had been walking. Although, he agreed with City Council, he also had to present this to the Planning Commission who would be in charge of making the decision. He thought this needed to be set up as a process where we see what the development community had to offer.

Deputy Mayor Rzeznik agreed with the dais but thought flexibility for the Air Line Trail needed to be part of the RFQ and the openness of the design. He thought we should really let someone come in and tell us what they could do.

Councilmember Gottschall said there appeared to be an issue because the Council wanted openness and a blank canvass but the Planning Commission wanted to really push on the Design Guidelines. He would be in favor of removing the Design Guidelines from the proposal entirely. He didn't believe it benefited them as they were almost twenty years old and the bullet points on pages 7 and 8 didn't really apply. If they removed the Design Guidelines from the proposal, the developer would have a true blank canvass to work with and they could use their judgement in the review stages. He asked if the Planning Commission was making the decision on this or would it be their recommendation to the City Council. Mr. Benson said the Planning Commission had the authority to approve a typical site plan review. Councilmember Gottschall said within the last few years we have chosen to have City Council retain their right to have the last look. He asked if that was only for Planned Unit Developments. Mr. Benson said that pertained to condominium subdivisions because those plans went to Planning Commission and City Council for preliminary review, then back to the Planning Commission for final approval; however, the Council decided there would be a fourth step and that would be approval of the City Council. Councilmember Gottschall said the City Council needed to be in the same meeting as the Planning Commission when it came to final approval for this. He really wanted the Planning Commission to hear what the City Council had to say because it appeared there was an over-reliance of what the Planning Commission wanted and that could hold the City back. He thought it was sad to see the decision-making body did not want to see a nice, beautiful set of buildings but more retail.

Councilmember Gronlund-Fox was on board with the other members of the dais in having flexibility with the Air Line Trail and design. She preferred they send out a proposal request that was less restrictive without causing a problem. She wanted to know if the Design Guidelines could be removed from this proposal. Mr. Carlisle said if the ordinance made a reference to them then they became a standard that you needed to at least consider. Mr. Benson said they still had to follow their own ordinances and some of the design fell within the ordinance. The Village Center Area (VCA) Ordinance did allow for some flexibility because they offer a waiver process. Mr. Carlisle cautioned the Council that a proposal accepted that was not approved by the normal development process could potentially become a liability. He suggested these could be some of the concerns they work through with the City's legal counsel to avoid any liabilities.

Councilmember Smiley liked the idea of flexibility but got a little spooked when it was suggested the Design Guidelines be tossed out because they could be wasting a developer's time if they realized after the fact there were some design standards to follow.

Councilmember Gottschall did not believe they would descend into architectural lawlessness if they didn't include the Design Guidelines. He assumed that everybody that sent proposals would have some idea of what they're capable of and use the City's current buildings as a reference. When it came to some of the language within the proposal mandating story size, awnings, marquees, etc., those become concerns. There was so much in the bullet list that became restrictive that it could really limit the developer's ingenuity. If we cut the proposal down to the very basics but removed the restrictive language, we would have the opportunity to really see what could be done in that location.

Councilmember Smiley thought we needed to notify the Planning Commission it was their desire to be more flexible with the Design Guidelines.

Mr. Benson explained that if City Council decided to move forward with this RFQ, we would have 120 days between now and when the proposals were due to get a better consensus of the Planning Commission and City Council. He reminded them there would be a proposal review committee that would have the opportunity to bring the different perspectives to light. He said we would have to be flexible with whatever RFQ we receive because we won't receive a perfect proposal. He believed this RFQ achieved what we wanted and that was a building that complimented the downtown, attributes to this walkable community and inviting sense of place.

Councilmember Sharpe supported the flexibility. He said we either needed to remove this from the VCA, change the VCA Ordinance or include the VCA Ordinance in the package. He couldn't imagine any developer that saw this opportunity would let an ordinance stop them from making a proposal.

Deputy Mayor Rzeznik said the Design Guidelines are only a guide, but the VCA Ordinance was regulation. If most of the heartburn was with the Design Guidelines, then the committee could have those discussions and hatch things out. He thought we should move forward and see what we receive.

Mr. Carlisle did not believe there was anything that lacked flexibility within the ordinance itself. The Design Guidelines present images that were no longer relevant.

Councilmember Behrmann asked if we would have to amend the motion in order to make the RFQ less restrictive. Mr. Benson said they wouldn't need to amend the motion as they could do that internally. The action before City Council was just the resolution authorization to pursue the RFQ.

Mayor Beagle didn't think we would get anywhere if we didn't move forward so he suggested moving forward with this process.

Vote: Motion Carried

3.) Recommendation to Waive the Bid Process and Extend the Contract for Sexton Services for the City of Wixom Cemetery to Huron Cemetery Maintenance of Highland, MI

CM-10-149-23: Moved and seconded by Councilmembers Smiley and Gronlund-Fox to waive the bid process and extend the contract for Sexton Services for the City of Wixom Cemetery to Huron Cemetery Maintenance of Highland, MI.

Mr. Sikma said three years ago, we put this out for bid and we only received one bid. The sexton from Huron Cemetery Maintenance has agreed to extend his contract for another three years. The work that they do has been very good and we would like to retain them for another three years.

Councilmember Behrmann asked how many burials we were doing in a year. Ms. Buck thought there were probably an average of about ten a year. Mr. Sikma added that the City doesn't have an investment in this. Councilmember Behrmann said he was fine with this.

Deputy Mayor Rzeznik noticed there was no hold harmless clause in the contract. He thought it would be important because of the heavy equipment they operate. Mr. Sikma said he would work on that.

Vote: Motion Carried

4.) Recommendation to Approve a 10-Year Michigan Uniform Video Service Local Franchise Agreement with WideOpenWest Mid-Michigan, LLC and Authorize the Mayor to Sign the Agreement

CM-10-150-23: Moved and seconded by Deputy Mayor Rzeznik and Councilmember Behrmann to approve a 10-year Michigan Uniform Video Service Local Franchise Agreement with WideOpenWest Mid-Michigan, LLC and authorize the Mayor to sign the agreement.

Ms. Magee stated that pursuant to the Michigan Uniform Video Service Local Franchising Act, any provider seeking to provide video service in one or more service areas in the State of Michigan shall file an application for a Uniform Video Service Local Franchise Agreement with the local unit of government. The act also requires the local franchising entity, upon the receipt of the agreement, to either approve or disapprove the agreement submitted by the video service provider within 30-days of receipt. If there is no response, it is considered approved and complete. This would be the same percentage of franchise fees (5%) as the other two, Comcast and AT&T.

Councilmember Behrmann asked if they would be boring through all the neighborhoods to run cable lines throughout the City. Mr. Sikma said they would have to make that connection. If they are putting new cabling, they would need a right-of-way permit or Metro Act permit. Councilmember Behrmann hoped we would stay on top of this and remediate when they are finished.

Councilmember Gottschall asked if the excess PEG fees were still going to WOCCA. Ms. Magee replied that was only through the Comcast contract. These fees, and the AT&T fees, go directly to the City. Councilmember Gottschall asked if this would have any impact on any current customers of AT&T or Comcast. Ms. Magee said that they would have a choice. It is high speed internet with a smaller operation and it is cheaper than the other two options.

Councilmember Gronlund-Fox asked if there was something in the contract regarding the whole restoration piece. She has seen AT&T come in, they put up these big structures, tear up the yard and then they leave. She wanted to make sure our residents would be covered. Mr. Sikma said that we did have that instance here with another communication group a couple of years ago. We do have some say as long as it is within the Metro Act permitting process. He said that was what they do with the road right-of-way permits. They go through each one to make sure they are repaired. Councilmember Gronlund-Fox didn't want our DPW to have to clean it up. Mr. Sikma said we have bonds for that.

Vote: Motion Carried

5.) Recommendation to Accept the Proposal from Fonson Construction, Inc., of Brighton, MI for the Construction of Sidewalk Improvements Along the North Side of 12 Mile Road Between Napier Road and Helfer Boulevard for a Total Not to Exceed \$310,619.85, Accept the Proposal for Construction Engineering Services from Hubbell, Roth & Clark for a Cost Not to Exceed \$29,530 and Approve the Associated Budget Amendment

CM-10-151-23: Moved and seconded by Deputy Mayor Rzeznik and Councilmember Gronlund-Fox to accept the proposal from Fonson Construction, Inc., of

Brighton, MI for the construction of sidewalk improvements along the north side of 12 Mile Road between Napier Road and Helfer Boulevard for a total not to exceed \$310,619.85, accept the proposal for Construction Engineering Services from Hubbell, Roth & Clark for a cost not to exceed \$29,530 and approve the associated budget amendment.

Mr. Sikma stated that this has been a targeted area for us because of the gap in sidewalk there. Since the development and paving in that area, he felt it was in the best interest of our residents and the residents of Novi to have that pathway installed. He noted that the bids were considerably higher than we had hoped but we feel it is still a benefit for the area. Fonson was the contractor that did the Air Line Trail and they will also be helping with work on Grand River. This project would be completed this fall.

Councilmember Gottschall asked if this would impact 12 Mile being open in both directions. Mr. Sikma said that he didn't expect delays on 12 Mile.

Councilmember Behrmann said he went there to see where it was projected to go. He noticed a lot of trees and assumed we would be removing a lot of them. Mr. Sikma said that was part of the quote. Councilmember Behrman said the report indicated the sidewalk was going all the way to Napier but it looked like it already extended on the school property. Mr. Sikma said that we will have sidewalk to that area. This is going in front of Meadowood and the Co-Op. Councilmember Behrmann said he saw a lot of people walking right down 12 Mile and he was in favor of this project.

Councilmember Sharpe supported the project. He saw that the adopted budget was \$200,000, and he wondered if that was just for that portion of the Safety Path Program for 2023-2024. Mr. Sikma said yes. Councilmember Sharpe noted that we went over budget by about 70%. He asked if we wanted to adjust the budget or if we wanted to come in at our budget. Even though expenses were higher than our budget, he wanted to know if we really needed to adjust our Safety Path Construction budget now. He wondered if we could just wait until we got down to the last project. Mr. Sikma explained that we have a Safety Path budget and it is part of the millage. We have a certain amount of funds in that account. We monitor that over a ten-year period in our Capital Improvement budget. We estimate each year to spend a certain amount allotted as the funds come in. If we miss that mark, we need to adjust this year. We will be losing projects in the future. We still have to budget each year separately for accounting purposes.

Mr. Benson added that the fund balance that was referenced is the Safety Path fund balance. We are projecting to spend more than we take in in revenue from that fund. That was why it was a negative number. We are adding more to the negative number. We are spending extra today because we have the fund balance to do it.

Vote: Motion Carried

CALL TO THE PUBLIC:

Two students from Lakeland High School were present to fulfill their AP Government requirement.

CITY MANAGER'S COMMENTS:

Mr. Brown said that there was a memo from RRRASOC under Correspondence for tonight's meeting. The purpose of that document was to demonstrate the low cost/value achieved by Wixom through our participation with RRRASOC. The actual attachment to the memo from their General Manager, Mike Csapo, was a 57-page document that was covered at a recent RRRASOC meeting. The figures communicate how well we are doing in managing our costs in this important area.

Mr. Benson had no comments.

COUNCIL COMMENTS:

Councilmember Gottschall reminded everyone about the Fire Open House from 10-2 p.m. on Saturday. Also, the Panther Hunt will be held on Saturday from 5-8 p.m. and registration is at the park.

Councilmember Smiley had no comments.

Councilmember Sharpe thought the closure of Pontiac Trail and Wixom Road would be a burden for everybody for the next ten days. He was glad to see it started on time and hoped it would finish on time.

Councilmember Behrmann noticed the Wixom Logistics Park never added the signs that they said they would add regarding exiting the property. He was looking at the mountain of concrete that was piling up behind it since we approved the concrete crushing plant there. There are a lot of trucks. He hoped we could take a look at why the signage hasn't gone up and use the increased truck traffic to our benefit to get them to expand the road. He also noticed the Welcome Logistic's sign they put up before they built the place. It has been blown over and grass has grown over it. It has been like that for some time. It doesn't seem like they are keeping the property up since they built it. Mr. Benson said that they are working through punch list of items now. The signage will have to be addressed. He said he would take a look at the marketing sign they have in front of the property.

Councilmember Gronlund-Fox had no comments.

Deputy Mayor Rzeznik had no comments.

Mayor Beagle said he was looking forward to seeing everyone at Fire Open House and the Panther Hunt.

ADJOURNMENT:The meeting was a

The meeting was adjourned at 8:33 p.m.

Respectfully Submitted,	
Catherine Buck City Clerk	
Approved 10-24-2023	Patrick Beagle, Mayor
	Catherine Buck, City Clerk