

**CITY OF WIXOM
49045 PONTIAC TRAIL
REGULAR CITY COUNCIL MEETING MINUTES
TUESDAY, DECEMBER 11, 2018**

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

Present:

Mayor: R. Ziegler
Deputy Mayor: P. Beagle
Councilmembers: K. Gottschall
N. Kennedy
B. Leder
T. Rzezniak
R. Smiley

AGENDA CHANGES:

Mr. Brown asked that New Business #6 (Discussion Regarding the Process of Filling Council Vacancies) be removed from the Agenda as he felt it would be best to discuss this at a later date for lack of information.

PRESENTATION:

1.) Presentation of Fiscal Year 2017-2018 City of Wixom Financial Audit

Mr. Brown introduced Doug Bohrer and Nicolette Acho from Plante Moran.

Mr. Bohrer said he appreciated the Council inviting them to the meeting to present the results from the June 30, 2018 financial statement audit. He indicated that Ms. Acho functions as a captain and manager on the audit engagement. He thanked the City staff that helped with the audit as they did a great job in having things prepared and on time with the schedule that they had set.

The Council received the financial statement audit, the end of audit letter, and the PowerPoint presentation in their packets. He started with the end of audit letter. This communication was the backend communication from the planning process of the audit. They sent a letter to the Mayor and the Councilmembers that described the responsibilities of the audit, risks that they had identified and how they plan to address those risks. He said that if they had any significant deficiencies or material internal control weaknesses they included those in this letter. He mentioned that there were two items this year. One item was a repeat item but had since gone away because it was during part of the year and that was the segregation of duties. He indicated how the Finance Director had unlimited access within the IT database and could make journal entries and do the accounting. That responsibility had been removed and only IT had full administrative access.

The second item was related to one journal entry that they found related to accounts payable. It was related to engineering services that spanned over June and July. They were booked in July but a portion of it did belong in June. Mr. Bohrer commented that for a city the size of Wixom, it was unusual to only have one journal entry. They often saw anywhere between five and fifteen journal entries in a typical audit year in other communities.

Mr. Bohrer stated that this was the first year that the City adopted the new accounting pronouncement related to the other post-employment benefits. He explained that the full liability was on the books as of June 30, 2018. He said it was the point in time before they issued bonds subsequent to year end to cover the unfunded obligations. Secondly, there were sensitive estimates that were included in the financial statements related to the pension liabilities and the OPEB liabilities. Both items were the result of actuarial assumptions that were estimated and found to be reasonable.

He indicated that it was important to look at the assumptions that go into the OPEB and pension liabilities then review them with MERS to make sure the assumptions made sense.

Mayor Ziegler noted that MERS was the Municipal Employee Retirement System.

Next Mr. Bohrer reviewed a couple legislative items. He explained that Public Act 57, the Consolidation of Tax Increment Authorities, impacted the DDA and the LDFA and that meant there was some additional reporting requirements.

Councilmember Rzeznik wondered why the cutoff for the fiscal year was a material deficiency. Mr. Bohrer replied that the dollar amount was large enough to meet the threshold for being a material weakness. He indicated that the threshold was a relatively low threshold based on the standards.

Mr. Bohrer said Plante Moran issued an unmodified opinion on the financial statements, which was the highest form of assurance they could receive from a third party independent audit firm. That meant the numbers were materially correct and the disclosures were materially correct for the City of Wixom for the audit year ending June 30, 2018.

He said that the general fund came within 3% on the revenue and 5% on the expenditure side related to the budget. He felt that was a pretty good measure. Both of the variances that occurred on the revenue and expenditure side were favorable. He mentioned the City planned to move about \$2.6 million from the budget stabilization fund this past audit year over to the capital improvement fund. He said that approximately \$1.2 million was spent in fiscal year 2018 and the City invested over \$5 million in its capital assets. He talked about how the City paid down about \$1.6 million in debt and took on no new debt as of June 30, 2018. He said the City issued about \$22 million in bonds to fund the unfunded OPEB and pension liabilities.

Ms. Acho reviewed the five year trend of the general fund revenue and expenditure and the fund balance trends (unrestricted) including the budget stabilization. She indicated that this information was a combination of committed and unassigned, which was the fund balance that was truly available to the City to spend. She thought the City had done a nice job of managing within its means increasing the unrestricted portion each year and in 2018 taking those reserved funds then putting them back into capital improvements. She said when they reviewed the health of a fund; they tended to look at the available fund balance compared to annual expenditures. She noted that for a City this size, it was usually a range of 15-40%. As of June 30, 2018, the City was at 43%, which puts them in a nice spot.

Next, Ms. Acho went over all of the governmental funds, many of which had money restricted for certain things due to the revenue source. She stated that there was the same upward trend as the fund balance continued to grow. She explained that the capital improvement and road fund accounts were the majority of the fund balance.

She reviewed the water and sewer funds. She explained that the water fund had an operating loss of \$500,000 this year but asked the Council to take into account the depreciation expense of \$750,000, and the rates were now being set to cover the operating expenses. She indicated that the sewer fund had an operating loss of \$340,000 with depreciation of about \$1 million. Again, those rates were set appropriately to cover the operating expenses.

Ms. Acho showed the trend of the capital investment compared to the depreciation of assets currently in place. She felt it was important to know that they had been reinvesting in infrastructure at the same pace as the useful life of the current assets were decreasing. She showed the same information for the enterprise funds.

Mr. Bohrer commented that they found a lot of deferred capital investment in other communities back in 2013 because everyone was trying to watch their resources closely as it wasn't clear what direction the economy was heading. He explained that on the enterprise fund, they had invested above where the annual depreciation had been and that was mainly in water and sewer. On the governmental side, they were starting to catch up now and were budgeting additional capital items.

Mayor Ziegler thanked Mr. Bohrer and Ms. Acho. Mr. Brown congratulated Marilyn Stamper and the others in the Finance Department on the outstanding job they did. They had a great grasp of what was going on financially within the City and that was due to the great efforts of Ms. Stamper and her staff.

MINUTES:

CM-12-186-18: Moved and seconded by Councilmember Smiley and Deputy Mayor Beagle to approve the Regular City Council meeting minutes of November 27, 2018.

Vote:

Motion Carried

CORRESPONDENCE:

1.) Escanaba Letter of Thanks

Mayor Ziegler mentioned that the City of Wixom supported their efforts in the litigation they were involved in.

CALL TO THE PUBLIC:

Brian Mitchell has been a resident of Wixom for 18 years. He wanted to address the ordinance amendment that was being proposed. He watched the video from the last City Council meeting. Also, he mentioned that he was representing the Loon Lake Woods Homeowners Association and he was currently the vice president of the Board. There were five board members present as well as some of the homeowners. He explained that about a year ago, he received word through email that this ordinance was being approved and it was music to their ears because for the first time solicitors could be barred from the sub, and they could actually have some control keeping them out. He told the Board that they had an opportunity to put signage in the subdivision to keep out solicitors, peddlers and canvassers. The signs went up and for the first time, they felt a little protected from solicitors coming into the subdivisions. He mentioned that he recently learned that there were some issues regarding these signs being a violation of people's first amendment right. He didn't think very many of the homeowners within their sub had any issues with the signs as he had not heard of any complaints since the sign was erected. In fact, he thought the homeowners felt more secure and appreciated the signs. He felt taking the signs down would be taking a step backward. He read within the

proposed amendment that each homeowner would be given the opportunity to post their own sign or sticker notifying the solicitor that they cannot trespass but he felt that astatically it wasn't appealing nor was it universal. He proposed that when someone came into the City Hall to apply for a peddling/solicitor permit they would be given a list of homes that authorized soliciting at that time. He felt that would be another approach that could accomplish the same results without having mix matched signs throughout the neighborhood.

Gary Ackland of 1398 N. Creek Drive indicated that he had been a resident of Wixom for 22 years. He said that he and his wife supported the changes made within the Ordinance. He felt to canvass was a First Amendment Right and approved by the Supreme Court. He was surprised that the city attorney would provide such poor recommendations within the ordinance. He felt a simple Google search would teach a person that canvassing was a protected right. He found the posted signs to be un-American and that was a unique statement as he was not born in this country. He noted that he was now an American citizen.

Kelly Schrubba of 2047 Grasmere Lane indicated that during the last election she canvassed. She said that when the homeowners didn't want her at their door step, she politely left. She followed the rules if signs were posted. She felt putting a sign up in a neighborhood was assuming the opinions of everyone that lived in that neighborhood. She felt that free speech was being denied.

Chuck Villeneuve of 1385 Woodbridge Court said that he lived in Loon Lake Wood Subdivision for 23 years. As the President of their HOA, he received an email from one of the neighbors that indicated that Majic Windows had ignored the posted signs and came into the neighborhood to solicit. He explained that just the other day, a man approached his house from Majic Windows and claimed that he had been invited into the neighborhood by a homeowner on Forest Bay Court. He indicated there was another time he had to call the police because Majic Windows violated the posted signs and were soliciting. He wondered if they could get some assistance in handling this specific company as they did not seem to care they were trespassing or ignoring the posted signs. He said they contacted Majic Windows regarding this but never received a response. He felt upset because there were people that lived in the subdivision that did not want to be bothered, and this sign helped to keep people out of their subdivision.

Vance McCormick of 2098 Hopkins Drive wondered if the amended ordinance would result in taking down the signs already posted. Mayor Ziegler indicated that it did not require them to be taken down but it would not support future posted signs of this nature. Mr. McCormick said that he'd been approached by Majic Windows before and the solicitors had called him names and don't leave unless he threatens to call the police. He did not know how to handle this because he understood that you may want some solicitors.

Melissa Klaban of 1563 Forest Bay Court explained that she resided in the home that the Majic Windows solicitor claimed to give permission to enter into their subdivision. She explained how that couldn't be more false. She said they noticed stones in her front yard that had her family's name and used that to their advantage as they never answered the door to them. She felt they had a problem with Majic Windows something needed to be done. She said they have a meat truck that enters into their subdivision regularly. She mentioned how she and her husband witnessed solicitors approaching homes, walking properties, walking in back yards, not identifying themselves, etc. Because of how unsafe this made them feel, they installed security at their residence. She mentioned they called the police regarding this matter but they did not

want to keep bothering the police all the time. She suggested keeping the sign posted as it acted as a deterrent for people that did not belong in the neighborhood.

Nicholas Spagnuolo of 3066 Bennington Drive said he lived at this residence for 2 years. He thought there was some confusion of what some of the terms meant within the ordinance, and it sounded like Majic Windows were peddling. He indicated that soliciting was defined by the ordinance the request for funds for political, charitable, religious organizations. He did not retain a copy of the proposed amended ordinance but he wanted to make sure the people understood the protected right of canvassing, specifically with regards to political and religious canvassing. He shared a letter with the City Manager and Police Department that he received from the ACLU and lawyers acting on their behalf. He indicated that this letter was sent to the City of Wixom in July 2017. He said the letter indicated how they had concerns with Chapter 5.10 of the Wixom City Ordinances as it restricted much more than the commercial activities and the solicitation of funds, and it extended its reach to constitutionally protected unanimous political and religious speech, and they requested Chapter 5.10 should be amended to conform with the law. The letter indicated that Chapter 5.10 violated the free right to speech guaranteed by the First Amendment. The violations included restricting canvasser's the access to certain premises and they felt the ordinance was unconstitutional. Mr. Spagnuolo understood why residents did not want sales people in their neighborhoods but he thought it was important to differentiate those people exercising their First Amendment rights. He was not sure what the solution would be but believed that allowing no-canvassing to be posted on signs should be unenforceable. He believed some members of the Council didn't worry about this matter as they had not received any legal action taken against them or the City but he believed the time to act was before any legal action was taken.

Bob Obremski of 1538 Forest Bay Court felt Loon Lake Woods should be a gated community. Given that it was not gated, the no peddling/soliciting sign was one step closer to becoming a gated community. He thought the ordinance should stay the same as it kept unwanted folks out of the neighborhood. In his line of work, he came across people that work within the service industry that had a shady character. He felt that there were other ways to get business besides knocking on doors. He urged City Council to keep the ordinance as it stood.

Julia Long-Ackland of 1398 N. Creek Drive thought this was unconstitutional. She canvassed many times and always left if a homeowner asked her to. She suggested if a Majic Windows solicitor came to your home just let them know that your husband wasn't there and they would leave as they did not want to talk to a woman anyway. She said that she wasn't kidding and even in 2018 people were still treating her that way. She was unsure as to why nobody understood the difference between canvassing and soliciting. She quoted the Supreme Court as they ceased the permit requirement for door-to-door canvassers by indicating that it was offensive not only to the values protected by the First Amendment but to the very notion of a free society that in the context that everyday discourse a citizen must first inform the government of their desire to speak to her neighbors and obtain a permit to do so. She mentioned that ruling was from the Watch Tower and Track Society of New York vs. the Village of Stratton.

CITY MANAGER REPORTS:**1.) Fire Report – October 2018**

There were no comments or questions regarding this report.

2.) Police Report – October 2018

There were no comments or questions regarding this report.

3.) Monthly Budget and Quarterly Investment Report – June 2018

There were no comments or questions regarding this report.

CONSENT AGENDA:

CM-12-187-18: Motion and seconded made by Councilmember Kennedy and Deputy Mayor Beagle to approve the Consent Agenda as presented which included:

- 1.) Approval to receive and file:
 - a. Library Board Minutes of October 22, 2018
 - b. Downtown Development Authority Minutes of October 23, 2018

Vote:

Motion Carried

UNFINISHED BUSINESS:

- 1.) **Consideration of the Enactment of an Ordinance to Amend the Code of Ordinances for the City of Wixom, Chapter 5.10, Peddlers, Solicitors and Canvassers, Sec. 5.10.079, by Removing Language Pertaining to the Private Posting of Signs Prohibiting Peddling, Soliciting, Canvassing or Trespassing at Each Entrance to Subdivisions, Condominiums or Other Neighborhoods**

CM-12-188-18: Moved and seconded by Councilmembers Gottschall and Smiley to approve the enactment of an ordinance to amend the Code of Ordinances for the City of Wixom, Chapter 5.10, Peddlers, Solicitors and Canvassers, Sec. 5.10.079, by removing language pertaining to the private posting of signs prohibiting peddling, soliciting, canvassing or trespassing at each entrance to subdivisions, condominiums or other neighborhoods

Councilmember Gottschall indicated that he brought this forth to City Council because he noticed signs while driving through neighborhoods recently and he believed they could pose an issue. He thought it sounded as if there was a Majic Windows problem and the City administration needed to review the situation. He noted that peddling was when people came to your door that worked for a profit business. He indicated that he lives in another phase of Loon Lake Woods that doesn't have the signs but he is still being affected by other sections' decisions and signs if canvassers or solicitors came in through two of the other neighborhood entrances where the signs were posted. He explained that he felt individual "no soliciting" signs did not give them best appearance. He thought he could amend the original motion to remove the solicitors and canvassers section of the ordinances on signage but continue to allow no peddlers signage to be posted.

CM-12-189-18: Moved and seconded by Councilmembers Gottschall and Kennedy to amend the approval of the enactment of an ordinance to amend the Code of Ordinances for the City of Wixom, Chapter 5.10, Peddlers, Solicitors and Canvassers, Sec. 5.10.079, by removing language pertaining to the private posting of signs prohibiting soliciting, canvassing or trespassing at each entrance to subdivisions, condominiums or other neighborhoods

Councilmember Leder believed the problems or situations that had come before the court regarding canvassing was when permits were being asked of canvassers. He indicated that Wixom did not require canvassers to get permits.

Mr. Brown apologized if this sounded callous but cautioned the Mayor and City Council from taking advice from a law firm that submitted a letter to the City. He said that the City had legal counsel and felt they needed to take advice from them. He felt that a letter could just be a way to get the City to respond the way they want without filing a lawsuit. He stated that the Supreme Court ruling about permitting canvassers was irrelevant because the City of Wixom did not require canvassers to get a permit. He noted that the City Attorney's letter which he gave to the Mayor and City Council subsequent to the packet spoke to that regard. Another point the attorney mentioned was the restrictions on canvassers and solicitors were far less onerous and voluntary as it would not be a violation of the City ordinance if they didn't register with the City. He indicated that the attorney letter recognized the rights of a private property ownership to the right to prohibit canvassing on a person's property. He understood that while there was right to free speech, there was also a right to not having someone express their free speech on your personal property. He said the content of the letter from the attorney brought to light some of those questions of having signs at the subdivision and how it was different than signs on individual properties. She stated the right of a subdivision to post a sign at the entrance "appears" to pass constitutional muster. He asked that the focus on the word appears. Mr. Brown asked for clarification from Councilmember Gottschall what the amended motion means.

Councilmember Gottschall indicated that everything that was red-lined in the proposed amended ordinance given to the Mayor and City Council by the City Manager, Section 5.10.079 (a); no peddlers, solicitor, or canvasser shall engage in peddling, soliciting, or canvassing, etc. He said that his amended motion would remove any solicitor, soliciting, canvassing, canvasser, trespassing, trespasser and only allowing the ability to post signs that prohibit peddling and peddlers.

Mr. Brown wondered if that was for subdivision signage only or on an individual basis as well. Councilmember Gottschall indicated subdivision signage only. Mr. Brown indicated that was the clarification he was looking for.

Councilmember Leder thought it came back to an enforcement question because if Council chose to change this ordinance than it would come back to the enforcement of the ordinance and thought the Director of Public Safety would have valuable input.

Director Moore said that at the end of the day his desire was the men and women of the police department protect the constitutional rights of the public they were sworn to protect. He mentioned that they would also follow the guidance and advice from the City of Wixom's legal team. Councilmember Leder wondered how the police department would handle a situation with a Majic Windows peddler. Director Moore said if a peddler violated the ordinance either by failing to come to the City and obtain the appropriate credentials or were in violation of an ordinance such as a sign, the officer could issue a civil infraction ticket (non-criminal matter).

Director Moore said that he agreed with Councilmember Gottschall in that it sounded like Majic Windows was a problem so their company may receive very few verbal warnings.

Councilmember Leder thought the City could notify the peddler when they applied for their permits of those neighborhoods or residences that did not want peddling, and maybe that could be considered their warning. Mr. Brown said he would look into that.

Councilmember Rzeznik said he always asked to see their peddler license when they were in his neighborhood. He thought they should take the guidance of their City Attorney and leave the ordinance as written because it did not appear to prohibit free speech.

Councilmember Smiley liked the amended motion because he felt that peddlers were the problem.

Councilmember Kennedy said that some of the residents made comments about the Home Owners Associations not representing them and taking away their voice but he felt differently as he thought the homeowners were electing the individuals knowing they were making decisions when sitting on the Board. He agreed with Councilmember Gottschall about the soliciting and canvassers being removed from the sign because he saw that as a future problem.

Mayor Ziegler considered this ordinance a very confusing topic because in the last 20 years its come before Council a half dozen times for one reason or another. He knew this ordinance was an ever changing situation and he felt what was being proposed tonight was not going to make it clearer. He preferred not do anything on this tonight and refer it back to the legal staff and do a complete a re-write of this ordinance to make it clear.

CM-12-189-18: Moved and seconded by Councilmembers Gottschall and Kennedy to amend the approval of the enactment of an ordinance to amend the Code of Ordinances for the City of Wixom, Chapter 5.10, Peddlers, Solicitors and Canvassers, Sec. 5.10.079, by removing language pertaining to the private posting of signs prohibiting soliciting, canvassing or trespassing at each entrance to subdivisions, condominiums or other neighborhoods

Roll Call Vote: (2) AYES – Gottschall, Smiley
(5) NAYS – Beagle, Kennedy, Leder, Rzeznik, Ziegler

Motion Failed

CM-12-188-18: Moved and seconded by Councilmembers Gottschall and Smiley to approve the enactment of an ordinance to amend the Code of Ordinances for the City of Wixom, Chapter 5.10, Peddlers, Solicitors and Canvassers, Sec. 5.10.079, by removing language pertaining to the private posting of signs prohibiting peddling, soliciting, canvassing or trespassing at each entrance to subdivisions, condominiums or other neighborhoods

Roll Call Vote: (2) AYES – Gottschall, Smiley
(5) NAYS – Beagle, Kennedy, Leder, Rzeznik, Ziegler

Motion Failed

NEW BUSINESS:**1.) Recommendation that City Council Accept and File the Fiscal Year 2017-2018 Financial Audit**

CM-12-190-18: Motion and seconded by Councilmembers Rzeznik and Kennedy to accept and file the Fiscal Year 2017-2018 Financial Audit.

Mayor Ziegler congratulated Ms. Stamper and the Finance Department for doing such a good job.

Vote:

Motion Carried

2.) Recommendation that the Council Authorize the 60-Month Lease of a New IN-600 Digital Mailing System from Neopost through the State of Michigan Cooperative Purchasing Program at a Monthly Rate of \$136.66, with Funds to be Derived from Postage Expense, Account #101-283-730.321, and Authorize the Mayor to Execute the Lease Agreement on Behalf of the City

CM-12-191-18: Motion and seconded by Deputy Mayor Beagle and Councilmember Kennedy to accept the recommendation that Council authorize a 60-Month Lease of a new IN-600 Digital Mailing System from Neopost through the State of Michigan Cooperative Purchasing Program at a monthly rate of \$136.66, with funds to be derived from Postage Expense, Account #101-283-730.321, and authorize the Mayor to execute the lease agreement on behalf of the City

Councilmember Rzeznik asked how much daily volume was the City mailing. Deputy Clerk Opalko indicated that it all depends as there may be public hearing notices or election mail that needed to be sent and that would certainly increase the volume but she figured the daily average would be 50-75 pieces. Councilmember Rzeznik knew businesses were going away from the postage meters but he figured they had a lower mail volume.

Vote:

Motion Carried

3.) Recommendation to Amend a Construction Services Agreement with D'Angelo Brothers for a Second I-96 Water Main Crossing for an Additional Amount of \$11,250 for Construction Engineering

CM-12-192-18: Moved and seconded by Councilmember Smiley and Deputy Mayor Beagle to accept the recommendation to amend a Construction Services Agreement with D'Angelo Brothers for a Second I-96 Water Main Crossing for an additional amount of \$11,250 for construction engineering

Mr. Sikma explained that this recommendation was to approve additional services for the water main construction as they added approximately 40' of water main to the project in order to move a fire hydrant that they were using to flush that main while the rest of the services were under construction. He indicated that this was in an area that would be a no-parking for the most part so it would benefit the Fire Department, and Wilson Marine found it logical to move the fire hydrant in that location. The other additional services were for the removal of concrete as there was an enormous amount of concrete in that particular area. He mentioned how they completed a number of borings under I-96 but did not find the concrete so it was unbeknown to them until they excavated.

Vote:

Motion Carried

4.) Request for Authorization to Participate with Michigan Inter-Governmental Trade Network (MITN) to Sell Surplus City Vehicles and Designate Tim Sikma as the Authorized Agent for the Sale of This Property

CM-12-193-18: Moved and seconded by Councilmember Rzeznik and Deputy Mayor Beagle to authorize the participation with Michigan Inter-Governmental Trade Network (MITN) to sell surplus city vehicles and designate Tim Sikma as the authorized agent for the sale of this property.

Mr. Sikma said they recently acquired two pickup trucks and installed plows on both. They hoped to take advantage of the winter season and sell them for a great price.

Vote:

Motion Carried

5.) Recommendation to Approve the Wage and Salary Committee Recommendation to Make Changes to the Wages/Salaries and Benefits of Non-Union Full-Time and Part-Time Employees of the City as Follows:

- **Increase Wages/Salaries by 2.5% for Fiscal Years 2018/2019, 2019/2020 and 2020/2021, on July 1st of Each Fiscal Year**
- **Increase the City Contribution to the Defined Contribution Pension Plan to 9%, 10% and 11% for Fiscal Years 2018/2019, 2019/2020 and 2020/2021, on July 1st of Each Fiscal Year**
- **Increase the City and Employee Contributions to the Retiree Health Care Savings Plan to 3.5% and 1.5% Respectively on July 1, 2020**
- **Authorize the City to Sign the MERS Documents to Modify the Defined Contribution and Health Care Savings Plan Documents to Reflect the Adopted Changes**

CM-12-194-18: Moved and seconded by Councilmember Rzeznik and Deputy Mayor Beagle to accept the recommendation to approve the Wage and Salary Committee recommendation to make changes to the wages/salaries and benefits of non-union full-time and part-time employees of the City as Follows:

- **Increase Wages/Salaries by 2.5% for Fiscal Years 2018/2019, 2019/2020 and 2020/2021, on July 1st of Each Fiscal Year**
- **Increase the City Contribution to the Defined Contribution Pension Plan to 9%, 10% and 11% for Fiscal Years 2018/2019, 2019/2020 and 2020/2021, on July 1st of Each Fiscal Year**
- **Increase the City and Employee Contributions to the Retiree Health Care Savings Plan to 3.5% and 1.5% Respectively on July 1, 2020**
- **Authorize the City to Sign the MERS Documents to Modify the Defined Contribution and Health Care Savings Plan Documents to Reflect the Adopted Changes**

Mayor Ziegler noted that these benefits and salary changes were identical to what was negotiated with the bargaining unions.

Vote:

Motion Carried

CALL TO THE PUBLIC:

Bob Obremski of 1538 Forest Bay Court hoped the City Council would keep in mind when rewriting the solicitor ordinance of those people that wanted to sell candy for school or trick or treat on Halloween. He thanked the Council for not changing the ordinance tonight.

Nicholas Spagnuolo of 3066 Bennington Drive agreed that the solicitor ordinance required further investigation and just removing all the signs might have gone too far. He indicated that he was not a lawyer but appreciated the City Manager's comments. He said that he was not trying to pass whatever he had to say as gospel but it was the best advice he had. He said that he would appreciate the next time this came back to Council, the attorney be present at the meeting as well. He felt the solicitor ordinance was confusing and encouraged Council to look for another avenue to clarify a lot of terminology within the ordinance.

CITY MANAGER COMMENTS:

Mr. Brown mentioned the Tree Lighting Festival had a strong attendance at 4,000 plus people and Santa seeing over 400 children. He felt the downtown businesses were happy in terms of the volumes they'd experienced within their business. He thanked everyone involved in the event, especially the Community Service folks. He appreciated the Historical Society coming together on the National Day of Mourning of President George H. W. Bush by displaying memorabilia from his visit to Wixom on September 27, 1992. He felt it was a great add on to that day. On his City Manager Update, he noticed a date error of the Wine Tasting then clarified the date of that event was Friday, February 15, 2019.

COUNCIL COMMENTS:

Councilmember Smiley thanked Marilyn and her staff for a great audit. Was happy to hear the Tree Lighting was such a success as the weather was good so that helped. He mentioned that the Sarah Banks Middle School was hosting School House Rocks Jr. this weekend.

Councilmember Gottschall thanked Marilyn and her staff for their hard work all year long. He thanked the Community Service Department for their hard work in planning the Tree Lighting Festival. He thanked the Fire Department for hosting their Breakfast with Santa. He said while he was at the event he heard that people that attended that event for 40 years.

Councilmember Rzeznik said he attended Wixom's Business Forum at Wilson Marine and thought they did a great job renovating the property and making it an exciting place to look and shop for boats. He thought the Tree Lighting was a wonderful success and would like to see the event continue to grow into something bigger. He gave kudos to the Community Services for their hard work. He mentioned how he heard from patrons that evening that they were disappointed that some of the vendors were not there this year. Specifically, the vendors that sold chocolate covered bacon, the Boy Scouts selling wreaths, the vendor that sold maple syrup and the vendor that sold hot spiced wine. He thanked Chief Roberts and the rest of the Fire Department for hosting their Annual Breakfast with Santa. He said that his family really enjoyed the event. He thought the DDA did a really great job with the Downtown Dazzle and was happy that so many businesses participated.

Councilmember Leder thanked everyone that was involved with the audit. He thought all of the City's holiday events were well done. He thanked the residents for coming to the meeting to provide their input regarding the solicitor ordinance. He thought it was always a better discussion with the residents participated. He explained the reason he voted against it was

simply for clarification purposes because any minor changes to the ordinance would just become band aids.

Councilmember Kennedy thought that Community Services put on a great event with Tree Lighting Festival. He thought that Chief Roberts did a great job with Breakfast with Santa and was sorry he could not attend to serve pancakes as he really enjoyed that. He congratulated Marilyn on a great audit. He echoed Councilmember Leder's comments in regards to the ordinance as he wanted the lawyer present and hoped this ordinance came back to Council right next time. He appreciated all the residents that came to the meeting.

Deputy Mayor Beagle gave kudos to Marilyn and her staff regarding the audit. He thanked Community Services for their great job on the Tree Lighting. Based on the attendance of that event, he thought it was well preserved and had a lot of potential to grow in the future. He expressed his appreciation in participating in the Breakfast with Santa event as he thinks that event is wonderful. He thought the Fire Department did another outstanding job.

Mayor Ziegler echoed the members of his fellow Councilmembers in regards to the Tree Lighting and Breakfast with Santa events. He was happy people attended the meeting to express their opinions. He expressed how he had been a little reluctant to record live meetings for one reason or another; however, when he learned that residents watched the last Council meeting it may have changed his mind as it seemed to be a great opportunity to get people to participate.

Mr. Brown noted that the next regular City Council meeting was on December 18th because of the way that the Christmas holiday fell on the calendar.

ADJOURNMENT:

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

Crystal Opalko
Deputy City Clerk