

**CITY OF WIXOM  
49045 PONTIAC TRAIL  
REGULAR CITY COUNCIL MEETING MINUTES  
TUESDAY, NOVEMBER 27, 2018**

The meeting was called to order at 7:00 p.m. at which time Boy Scout Troop #238 led the Pledge of Allegiance.

**Present:**

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

**AGENDA CHANGES:** (None)

**MINUTES:**

**CM-11-178-18:** Moved and seconded by Councilmember Smiley and Deputy Mayor Beagle to approve the Joint City Council, DDA, Planning Commission, and ZBA meeting minutes of October 29, 2018.

**Vote:**

**Motion Carried**

**CM-11-179-18:** Moved and seconded by Councilmembers Rzeznik and Smiley to approve the Special City Council meeting minutes of November 13, 2018.

**Vote:**

**Motion Carried**

**CM-11-180-18:** Moved and seconded by Councilmembers Smiley and Rzeznik to approve the Regular City Council meeting minutes of November 13, 2018.

**Vote:**

**Motion Carried**

**CORRESPONDENCE:**

**1.) Notice of Hearing before the Michigan Public Service Commission for Customers of DTE Electric Company – Case No. U-20221**

Mayor Ziegler mentioned that a resident who lives at the corner of Charms Road and Windingway sent an email to all of the Councilmembers regarding an issue that was on this agenda.

**CALL TO THE PUBLIC:**

There were no comments at this time.

**CITY MANAGER REPORTS:**

**1.) Departmental Monthly Reports - October 2018**

Councilmember Gottschall noted the Maintenance Cap Expenditures on page 13 of the Wastewater and Water Report that showed we were over budget already and the year isn't even half over. He wondered if this would be offset with the SAW

Grant or if we were eating into our fund balance. Mr. Delaney replied that the SAW Grant will not have any impact for any maintenance-related items. Councilmember Gottschall asked Mr. Delaney if there would be a lot more expenditures before the end of the fiscal year and he replied that was hard to say and that they will continue the preventative maintenances. Councilmember Gottschall then asked about the Maple North Lift Station. The report indicated that they have been working with their property management team to explain they can't flush flushable wipes and that they are resulting in a burden on the system. He asked if they had done a mailing to their residents. Mr. Delaney said they provided them with their "Toilets Aren't A Trash Can." He has talked to them on several occasions to express the concern with what this is doing to that lift station. He explained that the lift station is directly fed by that development. They will continue to look at this every week and will communicate with the management offices. He did think this has been somewhat success. Mr. Delaney said it would be great if he had the personnel to go door-to-door to better educate the residents on what can be flushed and what can't be flushed, but they don't have the resources for that. Councilmember Gottschall asked if there was any point where we would treat them like some of the restaurants who are fined. Mr. Delaney said he has been working with Mr. Sikma to try to recover some costs that are associated with the extensive cleaning at this station.

Councilmember Rzeznik asked if we have laid it out in the communication to the management of Maple North as to what the costs are for the pump repairs and the twice weekly visits for inspections. Mr. Delaney replied no. Councilmember Rzeznik thought that might be a good idea to show it is costing tens of thousands of dollars above and beyond. Mr. Delaney said they are gathering the costs right now and he agreed that would be a good deterrent in preventing future issues at that station. Councilmember Rzeznik then asked if the permanent filtration system was on site at Tribar. Mr. Delaney replied no. It was expected to arrive on December 28<sup>th</sup>.

### **CONSENT AGENDA:**

**CM-11-181-18:** Motion and seconded made by Deputy Mayor Beagle and Councilmember Kennedy to approve the Consent Agenda as presented which included:

- 1.) Approval to receive and file:
  - a. Planning Commission Minutes of September 24, 2018
  - b. Planning Commission Minutes of October 1, 2018
  - c. Zoning Board of Appeals Minutes of October 8, 2018

**Vote:**

**Motion Carried**

**UNFINISHED BUSINESS:** (None)

### **NEW BUSINESS:**

- 1.) **Recommendation to Approve a Request from Leo Soave to Approve Final Site Condominium/VCA Site Plan for Development of 38 Single-Family Residential Lots to be Called Milana Estates**

**CM-11-182-18:** Moved and seconded by Deputy Mayor Beagle and Councilmember Smiley to approve the request from Leo Soave for Final Site Condominium/VCA Site Plan for development of 38 single-family residential lots to be called Milana Estates.

Mr. Avantini explained that this project came before Council during the preliminary phase about two years ago. Last time, they provided the general layout of how this development would occur. There have been some changes based on the significant amount of wetlands they found on this site, as well as the Cambridge site. He said that we want to integrate them between each other and with the Anthem project across the street. All of the houses will have the same design standards. Milana Estates will have their own entrance onto Maple Road. He said they have worked hard with both developers to get a road under the ITC powerlines to eventually be able to connect to Gunnar Mettala Park. There is a requirement for each development that there is 1,000 square feet of space for each unit that is dedicated to recreation. With all the wetlands and the small size of these particular developments, it didn't make sense to have a tiny pocket park that wouldn't have significance for the people who lived there. Instead, we wanted to make sure that we obtained a connection that would take them to Gunnar Mettala Park so they could use those facilities. The applicants for both Milana Estates and Cambridge have worked with us to come up with an agreement to help participate in the financing of that connection underneath the ITC lines in exchange for the small pocket parks. Where the two projects meet each other there will also be a pathway that goes from the sidewalk to the trail that goes behind the properties on the south side of the projects. It will be user-friendly for the people who live there. He added that the City Attorney has drafted a Development Agreement. It has been a challenging project for the developers of Milana Estates and Mr. Avantini gave them a lot of credit for sticking with it and getting to this point where they are ready to move forward on it. He said we would see the Cambridge project coming to Council soon.

Councilmember Kennedy asked if we had an easement from ITC yet. Ms. Barker said we have a contract. Once both Cambridge and Milana have been approved, we will proceed with the easement. The easement is in place as far as the design but it has not been finalized with ITC. Councilmember Kennedy asked what would happen if ITC would not give us an easement. Ms. Barker said she didn't know. We have something in place that says they will move forward with this but there is no timeline on it. Mr. Brown added that it is an agreement in principle. Councilmember Kennedy said that he got that but it just wasn't done yet. He asked if there were dollars committed for that roadway. Ms. Barker said that we have the two developments on the west side of the property and they were considering the Cavallaro property on the far side. She said they were going to split the cost of the easement plus the construction of the road \$20,000-\$20,000-\$20,000. We have not reached an agreement with the Cavallaros so we felt it was not appropriate to even consider that at this point. Both Milana and Cambridge will still commit to the \$20,000, which will allow us to get the easement in place, and we will have \$20,000 for the future road connection to Gunnar Mettala. Councilmember Kennedy asked if the road between the two developments to Gunnar Mettala would only be \$20,000. Ms. Barker said that the easement would be \$20,000. The road construction was considered at approximately \$40,000. Councilmember Kennedy asked what would happen if the Cavallaros didn't allow an easement to go across

their property to Gunnar Mettala. Ms. Barker said that was why we are not building the road to nowhere halfway through. We will get the easement so that hopefully at some point the Cavallaros will agree to this. Councilmember Kennedy said that if they don't give it, we would have no pocket parks for those two developments. We cannot connect to Gunnar Mettala without the easement. Ms. Barker replied that was correct.

Councilmember Gottschall asked what would happen with the other sites to the south since this development was disconnected from another road system. He asked if this would prevent them numbers-wise from wanting to develop this. Mr. Avantini said they have to have access from Cambridge or the other side, which includes accessing through the park. They are dependent upon the Cambridge project and they are working on getting everything together for their final Council review. The Planning Commission has already approved this. They want to get this project going soon, so he thought the Council would be seeing it soon.

Councilmember Rzeznik said that in the past, ITC would not grant easements. When we did the Potter Road Safety Path, we had to seek a lease agreement for that land underneath the wires. He wondered if that had changed. Mr. Avantini said that they will grant an easement to put a road underneath the wire. Councilmember Rzeznik then asked about the 26-foot roadway width. He wondered if it would be like Anthem with no parking on one side of the street. Mr. Avantini said this will match exactly what we have in Anthem. We will still be able to get our equipment down the streets in case of fire. Councilmember Rzeznik asked if there were accel-decel lanes foreseen at the Maple Road entrance. Mr. Sikma replied that since it is on the curve, we didn't have room to do that. There will be something there but not as long as the other one because of the curve that is there.

Councilmember Gottschall said that when this first came before Council, there was discussion about having a boulevard entrance onto Maple so emergency equipment could get in easily if it was a standalone subdivision. Mr. Avantini said it would be a single entrance because they didn't have the land available to put the boulevard there. For the second access point, we are really counting on the connection to Cambridge. Councilmember Gottschall said that the Cambridge part would only cover those few lots to the south. It looked like there was wetland between the north and south areas. Mr. Avantini said that there is a connection on the northern end too. It is near the turnaround. Access was from Maple and through Anthem. This is such a challenging site with a lot of different pieces. We recognize that the easement on the south end and the ultimate connection to Gunnar Mettala is a challenge, but it is one of those things that if we are persistent and we keep at it long enough, eventually we can make that happen. This is the approach we are taking. Councilmember Gottschall asked if this was fine with the Fire Department and Fire Chief to just have the one single entrance going into the northern part. Director Moore replied that during the preconstruction meetings, the Fire personnel would have had their eyes on these plans. Captain Geisler and Chief Roberts would have had input and he had no doubt that they were comfortable with this or they never would have agreed to it. Mr. Avantini added that the Fire Department writes

letters to the Planning Commission for each review and they did recommend approval conditioned upon review of the final construction drawings, which is typical.

**Vote:****Motion Carried**

**2.) Consideration of Addendum No. 3 to the Organic Recycling Site Development and Ground Lease Agreement with Spurt Industries, LLC, of Zeeland, Michigan, for a Five-Year Lease Extension of the Compost Site and Operation Adjacent to the Department of Public Works Facility**

**CM-11-183-18:** Moved and seconded by Councilmember Smiley and Deputy Mayor Beagle to approve the Addendum No. 3 to the Organic Recycling Site Development and Ground Lease Agreement with Spurt Industries, LLC, of Zeeland, Michigan, for a five-year lease extension of the compost site and operation adjacent to the Department of Public Works Facility.

Mr. Sikma indicated that they were recommending the extension of the Spurt Industries lease. He indicated the compost facility had been in use since 2008. Although they had their share of issues over the last ten years, Spurt was under new ownership and they have reduced the odor and addressed the other concerns. He said to keep in mind that they utilized this facility to dispose of the leaves they pick up throughout the City and the residents use this facility to dispose of their landscape materials. He said that compost facilities can be difficult to have in your community if it's not controlled properly; however, Spurt was located in a unique site because it used to be the Wastewater Treatment Plant. It is kind of in a bowl with clay lining which is a seal from any organics leaking into the soil.

Bill Whitley, Spurt Industries, LLC, mentioned that he purchased this company in 2016 and since then made improvements at the site in Wixom. In addition to his work at Spurt, he serves as President of Compost Council of Michigan, he is on the Executive Committee of the Michigan Organics Council and he serves on the Board of Directors of the Michigan Recycling Coalition. He is also a member of the US Compost Council and he has completed the training course to achieve industry certification as a certified compost operations manager. He said they worked hard to make improvements in operations by improving the processing speed, reducing the amount of materials on site, widening and creating roads, tripling the number of operators employed and adding equipment to enhance the ability to process yard waste. He felt they have done their best to be good citizens of the community. They accept all the material collected by the City's DPW at no charge per the terms of the contract and so far this year nearly 500 times residents have dropped off their yard waste to our site which they accept at no charge. He indicated they had 22 other Wixom businesses that were customers of Spurt Industries, LLC. They take odor complaints seriously and made adequate adjustments to some key components to that issue which were achieving a perfect ratio of carbon to nitrogen, moisture levels, bulk density and free air space. They installed a weather station, improved the screened overs, etc. He hoped all the improvements and progress they were making would be enough to move forward in executing the extension.

Deputy Mayor Beagle appreciated the efforts of controlling the odor situation as he was aware it had been an issue with residents. He suggested that Spurt Industries, LLC send a letter to all their customers indicating there was no Jake braking along Charms Road as that road is only 30 mph and has residential neighborhoods and a school. Mr. Whitley said they would send a letter and indicated they had a flyer posted in their office reminding the drivers that Jake braking was not allowed.

Councilmember Rzeknik appreciated all the research done as the presentation they provided answered a lot of the questions he had. He also appreciated how they were taking care of the odor issues they had at the site as he felt the fermenting smell was prevalent in the surrounding neighborhoods. He mentioned that the windrow turning was absolutely necessary. He asked how they would guarantee that practice would continue throughout the length of the contract. Mr. Whitley said they needed to turn regularly to produce high quality compost. The prior owner did not own equipment to turn piles; however, Mr. Whitley purchased equipment and hired full time staff to perform these tasks regularly.

Councilmember Rzeknik wondered if they had active watering at the site. Mr. Whitley said no but they had been looking into this. Councilmember Rzeknik was aware the contract was written with the hours of operation being concurrent with the City of Wixom DPW hours of operation; however, residents along Charms found the decibel level too high even though it was below the federal level. Because of the noise being caused by the trucks and the trucks often speeding down Charms Road, he suggested maybe they could adjust the hours of operation from 10 am – 3 pm vs. 7 am – 5 pm. Mr. Sikma thought it would be difficult to limit that because most of the companies that came in were landscapers and they have their job to do as well. If they couldn't get into the compost facility until later in the morning, it would make their job difficult. Councilmember Rzeknik thought anything that could be done to limit the hours would be beneficial to those residents that make most of the complaints.

Councilmember Leder asked how many trucks come through per hour. Mr. Sikma said in 2016 a traffic study was performed and found of the 43 residential sites along Charms Road there were no decibel levels greater than 57. He thought that there were approximately 4 trucks per hour. Councilmember Leder thought if you were to reduce the hours but maintain the same level of traffic, it would ultimately bring on a negative impact to the residents.

Councilmember Rzeknik thought the tipping fees were changed throughout the duration of this last contract from 50 cents to 75 cents. He wondered what was typical. Mr. Whitley thought it was a fair rate. Councilmember Rzeknik thought it would be good to look at other communities.

Mayor Ziegler knew that the two complaints they heard most often were the odor and the traffic complaint. He appreciated the efforts they made to reduce the odor. He wondered if we needed to look at law enforcement to address the traffic complaints. He suggested this could be addressed during the budget meetings next

year. He was convinced that Mr. Whitley had done a good job in turning Spurt Industries around and was in support of the extension.

**Vote:**

**Motion Carried**

**3.) Recommendation to Enter into a Winter Maintenance Agreement with Robertson Brothers Anthem Development Phases 2 and 3 for Goodrich, Fletcher, Madison, Curtis, Theodore, and Center Roads by Adopting the Authorizing Resolution and Authorizing the Mayor and City Clerk to Sign the 2018 Agreement on Behalf of the City**

**CM-11-184-18:** Moved and seconded by Councilmembers Kennedy and Rzeznik to enter into a Winter Maintenance Agreement with Robertson Brothers Anthem Development Phases 2 and 3 for Goodrich, Fletcher, Madison, Curtis, Theodore, and Center Roads by adopting the following authorizing Resolution and authorizing the Mayor and City Clerk to sign the 2018 Agreement on behalf of the City.

Mr. Sikma said the development asked that we perform the winter maintenance for these streets again this year. He utilized the Oakland County rates as it was fair.

**Vote:**

**Motion Carried**

**4.) Consideration of the Introduction 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-11-185-18:** Moved and seconded by Councilmembers Gottschall and Smiley to consider the Introduction 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 explained this particular ordinance had been discussed and changed various times. He recalled conversations held and apprehension to ban canvassing as it included the right of free speech. He also recalled some conversations held with apprehension regarding soliciting as it could potentially ban the selling of Girl Scout cookies, popcorn, etc. He wanted this ordinance to be addressed again because since the amended ordinance passed in 2014, some neighborhoods have placed signs at their entrance indicating "No Soliciting," "No Canvassing," and "No Peddling." He felt these signs do not follow the spirit of what was trying to be accomplished. He did not feel it was right to prohibit canvassing and potential soliciting just based on trying to rid those individuals selling certain items at your door step. He read the report where the City Manager suggested they rid the signs altogether except those signs that residents could place directly on their homes. He felt that may be going too far and suggested allowing signs at the neighborhood entrances but prohibit them from saying no canvassing and soliciting.

Councilmember Leder asked for a definition of peddling. Councilmember Gottschall said the ordinance stated that peddling meant to travel by foot or automobile from place to place or from street to street, carrying or conveying transporting goods, wears, merchandise, including food, produce, offering of exposing sale or making sales in delivering articles to purchaser, taking or attempting to take orders for the sale of goods, wears or merchandise, books, magazines, personal property of any nature for future delivery or services to be furnished or performed in the future whether or not the individual carries or exposes a sample of the subject of such sale.

Councilmember Leder wondered if that included things like Girl Scout cookie sales. Councilmember Gottschall indicated that fell under the Solicitor Ordinance because the Solicitor Ordinance indicated that soliciting was a direct or indirect request to buy or on behalf of a charitable, religious, or political organization to any person in the City for the payment, delivery, donation, pledge or commitment of money, credit, financial assistance, membership, property, goods, services or other things of value. He felt selling Girl Scout cookies fell under the Solicitor Ordinance because the money went back to a charitable organization. Councilmember Gottschall indicated canvassing meant to enter upon private property, without any prior specific invitation or appointment, to inform, educate, advocate, petition, secure petition signatures, request or enlist support or opposition, or to convey any other message regarding religion, philosophy, ideology, politics, including parties, candidates, initiatives and issues, charitable organizations, or other cause or issue, by verbal, written, or other forms of communication, including the distribution of handbills, flyers, or other materials. In closing, he supposed canvassing was for religion, ideology and politics. Soliciting was more for charitable organizations mainly and peddling was for profit business. He believed the City could continue to allow having "No Peddling" on the signs posted at the neighborhood entrances but the ordinance needed to be changed to reflect the removal of "No Canvassing" and "No Soliciting" from neighborhood signs.

Councilmember Rzeznik thought back to his childhood when going door-to-door with his Boy Scout Troop was a rite of passage to develop social skills. He felt the decision to allow people to canvass, solicit or peddle should be made by individual households and not a subdivision as a whole. When something like this may be voted on at a neighborhood association meeting and only 2% show up, that doesn't seem right to have the 2% regulate if there was to be a sign posted at a subdivision entrance banning it from all the houses.

Mayor Ziegler wondered how we would deal with the subdivisions that already erected signs at their expense at their entrances.

Councilmember Kennedy asked what the lawyers and/or Supreme Court say in regards to this issue. Mr. Brown said the City Attorney was comfortable with the way the Ordinance was written. In other words, it was not a question of legality. He said when Councilmember Rzeznik mentioned his concern about a minority of people being able to make a decision for an entire neighborhood, the attorney was comfortable with that from the perspective as a representative democracy. It became more a question of what City Council wanted to do to restrict or regulate

that activity or if they were interested in modifying the Ordinance. Mr. Brown said he did not get into the details about what to do with the signs already erected and certainly that would need to be addressed.

Councilmember Leder questioned how it was enforced now regarding licensing. He was trying to figure out what the protocol was if someone canvassed when they had a sign up saying "No Canvassing."

Director Moore said recently one of the officers told a large religious organization they could not canvass within a certain neighborhood because they had a sign posted in the subdivision entrance. He noted they received a letter from this organization's counsel saying they had a right to canvass. Director Moore thought if the City continued this, it would subject the City and Police Department to difficulties.

Councilmember Leder wondered if the person or persons canvassing, peddling or soliciting without a license are asked to leave or are ticketed. Director Moore said if someone was peddling without a license the officer would give a verbal warning. If it was a repeat offender they may receive a citation. He noted that he had instructed his officers to not cease the canvasser even though the neighborhood sign is posted in fear of subjecting the City to litigation. Councilmember Leder said it appeared the sign is posted more as a deterrent because there seemed to be no way to enforce the matter so he wondered why they would change the Ordinance.

Councilmember Smiley said he liked the idea of changing the ordinance to become posting a sign on an individual basis. He added if the current signs were not hurting anything and could be a deterrent than they could just leave them.

Councilmember Gottschall explained that peddling required a license and solicitors and canvassers give notice to the City but that was not required. He thought it was important to remove that section of the ordinance because those signs mean something and someone with big pockets may come after the City.

Mayor Ziegler found a disconnect with what the attorney said and what Director Moore told us in regards to this religious organization indicating it was unconstitutional to prohibit them from canvassing because of free speech. He was unsure how you would connect with constituents when you run for office if you were prohibited from going door-to-door. He recognized this was an issue but was unsure how to deal with it. He did not know if we would ever get a perfect ordinance. He was uncertain if the ordinance needed to be changed because we have not had any specific problems. He explained that when he canvassed, he told the Police Department and received a tag and license to walk the neighborhood. He was open to changing the ordinance if he thought it would solve the problem. He was certain that language for an ordinance needed to be pretty specific before it was passed.

Mr. Brown clarified that this ordinance would come back to City Council for enactment at the next meeting. He thought he heard some various concerns from the dais and would circle back to the attorney to get perspective. He figured Councilmember Gottschall was concerned about the possibility of excluding only

peddlers as opposed to solicitors and canvassers. He would like to get more clarification of first amendment citations from certain groups so he would consult the attorney regarding that. He was concerned that the attorney did not write an ordinance that she felt was unenforceable. He wanted to get that reconciled with what the Police Department articulated was happening and what the attorney's standpoint was. He would prefer to get more information from the attorney. He said that the Council could vote on this tonight but it would not go into effect until it was to be voted upon a second time at the enactment.

**CM-11-185-18:** Moved and seconded by Councilmembers Gottschall and Smiley to adopt the introduction 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.

**Vote:**

**Motion Carried**

**CALL TO THE PUBLIC:**

Nick Spagnuolo, 3066 Bennington, said he was here to speak about the canvassing ordinance. He was canvassing during this most recent election cycle and he ran into a number of issues trying to canvass in neighborhoods where these signs were posted. He was not aware of this ordinance being in existence and he wasn't sure how to handle it when citizens of those neighborhoods would say they were going to call the Police if he did not leave immediately. It seemed to him to be a first amendment protected right. He reached out to the ACLU after these incidents took place and they have been in contact with him. Mr. Spagnuolo had a certified letter that they sent to former Mayor Hinkley, former Manager Goodlein and Carol Rosati back in May 2017 about some of the constitutional issues that they had with previous wording of this ordinance. According to this letter, it appeared they made a number of recommendations that were taken up by the City. One was the requirement that they register with the City to canvass rather than voluntary as it currently is. There were concerns about the time limitations and that had been removed. He said that the last part of their letter was regarding the specific language about canvassing being included in neighborhood-wide banning and the unconstitutionality of that. He believed with the Council's previous acquiescence to their concerns about the other topics that nothing further came from that. He did know that in addition to some of the case language included from the Watch Tower Organization for the Jehovah Witnesses (who he has seen personally in his neighborhood over the past couple of weeks) that banning of religious and political canvassing on a neighborhood-wide basis is an area of concern of theirs and that they have had similar legislation with towns in the surrounding area about that as well. He thought it was a possibility that if that language was not removed for canvassing on a neighborhood-wide banning that could open up the City to some potential legal issues and he would hate to see that happen. He thanked the Council for the discussion and he looked forward to further discussion at the December 11<sup>th</sup> meeting. He said he was in favor of removing the canvassing language from that particular line of the ordinance with this signage. He thanked the Council for their time.

Mayor Ziegler said that the points Mr. Spagnuolo made are interesting because it makes it tough for someone new to make themselves known if they can't go door-to-door. He was thinking of a local public office. He didn't know there would be anything illegal about a subdivision putting a sign up, but the City might end up in trouble if they have an ordinance and they enforce the ordinance.

Mr. Spagnuolo commented that the signage itself is not an issue; only the inclusion of canvassing on that sign is the problem.

Jane Kleban, 507 Natures Cove Court, thanked Cathy Buck and Crystal Opalko who did a fantastic job on training all of the workers for the recent election. She thanked Tim Sikma for getting the parking lot finished in time for the Friends of the Library's book sale. They were able to donate almost \$5,000 to the Library. She thanked Andrea Dickson, the Library Director, who is an all-around gem and a good citizen for the City. She thanked Director Ron Moore for his Facebook page. She said that a lot of people really enjoy reading his tips on Facebook. She thanked the City and the Senior Center for doing their weekly news announcements. All of the City employees really do a great job and she wanted to give a public thank you. She wanted to make a few budget observations as we are going into that season for the next fiscal year. She asked that the Council make sure they spend the taxpayers' money wisely. We are fortunate that the people of Wixom generally support the millages or tax increases and she thought that was a nice trait to have. She didn't want the Council to spend every penny just because it was there. We might need to save it for roads or sewers or things down the line. Just because we have it, she asked again that the Council not spend it frivolously. She asked if it was necessary that we have so many police cars particularly when the parking lot was being done. There are four or five police cars parked, as well as undercover vehicles. Do we really need that many? Maybe it would be a good idea to put one of them on Charms Road where all the garbage trucks are going by. It might slow traffic down. She thought it was nice that we have extra vehicles so we can fill them with toys for Hospitality House. It is great that we have our new 30-foot Christmas tree. She was looking forward to seeing that lit up this week. But did we need to buy the \$150,000 cherry picker just to be able to put the Christmas tree up. Why couldn't we borrow that from another community? She knew they have offered. Was it wise to spend \$400,000 on renovating the ballroom? It will take five to seven years before we even recuperate those expenses. She wanted the Council to make sure that when they do put items together that there is something that really benefits the City. She said her final request was if we could accelerate putting the signage on the Senior Center. She knew there was some discussion if we need a sign there. She thought the seniors would like to have a sign up. Someone suggested putting something like, "The 50 Plus Club" which would be kind of nice. She wanted to put it on the table that the seniors would like to have that done.

Mayor Ziegler believed that the Council spends a lot of time at the budget meetings and try their best to responsibly spend the City's money. The Council is aware of where the money comes from and they pay taxes themselves. They know it is their responsibility to watch the expenditures and they take this responsibility very seriously.

Mike Smith, 1692 Norton Creek, commented that none of the Council has ever seen an email from him about Spurt. He said that this year, with changes they have made, he has only smelled it maybe once or twice. You may smell it in the evening and then you wouldn't smell it in the morning, which was a huge change from what it was. He recognized that this was a good revenue source for the City and it did provide benefits for the residents. He challenged the Council to stay on top of them to make sure they continue what they are doing and operating the way they are now. He suggested the City look into a way to put money aside to fix the DPW driveway that these trucks are going up and down. He didn't think the driveway was designed for the traffic it gets now and he thought that was something we should be prudent about. He thought maybe we should take some of that money or charge a surcharge to those trucks for using that road so the taxpayers don't get stuck redoing a road that a private business utilized the most.

At this time, several of the Boy Scouts from Troop #238 asked questions of each of the Councilmembers.

Mayor Ziegler told the boys that the Council loved having them in attendance at this meeting and that they led the Pledge of Allegiance tonight. The Council was proud of them for serving.

Josh Springer, 2300 Trillium Hills in Commerce, thanked the Council for having the Boy Scouts and letting them speak. They appreciated the opportunity to lead the Council in the Pledge of Allegiance. Specifically, he thanked Councilmember Smiley for coordinating it. He commented that he liked the idea of setting up the speed trap for the speeders on Charms Road. He suggested a service level agreement with the smell. He used to be an intern for Dow Corning and there is tooling you can use to determine how many particles are in the air. He didn't know how much they cost.

**CITY MANAGER COMMENTS:**

In regards to the PFAS situation, Mr. Brown stated that the temporary filtration system has had a good impact on the situation at Tribar reducing the amount of their exceedance of the standard by 90%. However, it is still substantially above the water quality standards that are set by the State. We are hoping to see that improve more. Next, he said the Tree Lighting Ceremony is this Friday from 5:30 until 11 p.m. The new Christmas tree went up this past week and we have a time lapse on that, which will be posted to the City's website soon. There will be carriage rides, carolers, a beer tent and Santa. He encouraged all residents of Wixom to participate. He noted that there is an opening in the City Manager's Office. The Administrative Secretary, Wendy Brink, has gone on to a new opportunity. We have posted that position on Indeed.com as well as the Michigan Municipal League's classified site. He encouraged all that are interested to apply. He wished everyone a Happy Hanukkah and he looked forward to all the things that will be happening during the coming holiday season.

Mayor Ziegler asked Mr. Brown to share the news regarding the savings he noted in his City Manager's Update. Mr. Brown explained that we have a loss control consultant who comes to the City from the Michigan Municipal League. The loss control mod figure that he refers to is basically a measurement of how many

employee injuries we have and the cost associated with those employee injuries. Obviously we are interested in eliminating workplace injuries completely if possible. In the past we have had some challenges in those areas. The most recent mod was 1.69 and during this past period of time we were successful in reducing that mod to .82. He stated that 1.0 is considered average for an organization of our size. This improvement has already resulted in year-over-year cost savings of over \$110,000. He congratulated the employees for being careful and taking care of themselves in their work that they do for the City.

### **COUNCIL COMMENTS:**

**Councilmember Kennedy** reminded everyone of the Tree Lighting Festival this Friday and the Historical Society Wassail Open House this Sunday. Also, Breakfast with Santa is Saturday, December 8<sup>th</sup>. He wished a Happy Hanukkah to our Jewish community.

**Councilmember Gottschall** thanked the Scouts for coming to this meeting and for leading us with the Pledge of Allegiance.

**Councilmember Smiley** thanked the Scouts for coming out. They did a fantastic job. He encouraged people to attend the Tree Lighting Festival. He was sorry he missed Ms. Brink's farewell lunch. She was a delightful lady to have in the office and he will miss her. Happy Hanukkah.

**Councilmember Rzeznik** said that Mr. Smith's comments were right on regarding the roads. His question about the tipping fee increases was related exactly to that. We should look at what surrounding communities are charging for tipping fees and put it to good use for the wear and tear on Charms Road and the DPW entrance. With that volume of traffic Monday through Friday, 200 days of operation, that is quite a bit of wear and tear. He thought it would be worthwhile to have a communication regarding the positive steps taken by the new Spurt operator, the dollars generated from the tipping fees, dollars saved by having the operation there for our City and residents, and the metrics from the studies in 2016 so residents can be apprised of that. It was mentioned by one resident that the odor was still very bad but everyone he talked to said they hadn't smelled it in about a year. Personally, he has not smelled it either. He hoped to see everyone at the Tree Lighting and wished all a Happy Hanukkah.

**Councilmember Leder** thanked everyone for the Hanukkah wishes. He encouraged everyone to come to the Tree Lighting Ceremony. He was interested to see how the one day and the new event schedule would change the dynamics of the event. He thought it would be a positive experience for everybody. Also, he said he was very impressed with the owner of Spurt Industries. He thought he was well-spoken and knowledgeable and he was impressed with his dedication to addressing concerns of the community. He thought the ongoing relationship would be a positive one. To the rest of the Jewish community, he wished a Happy Hanukkah.

**Deputy Mayor Beagle** thanked the Scout Troop for leading the Council with the Pledge of Allegiance and for their questions. There were three employees celebrating work anniversaries and he thanked them for their service to the City. He was looking forward to seeing everyone Friday at the Tree Lighting Ceremony.

If they will have him again, he was looking forward to being at the Breakfast with Santa on December 8<sup>th</sup>. That is a great event hosted by the Fire Department and he was pleased to be able to help. He wished everyone a Happy Hanukkah.

**Mayor Ziegler** wished the Jewish community a Happy Hanukkah. He thought this was a good meeting tonight.

**ADJOURNMENT:**

The meeting was adjourned at 8:43 p.m.

Catherine Buck  
City Clerk

Approved 12-11-2018
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