

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, DECEMBER 20, 2010 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE RD**

Mayor Landry called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Landry, Mayor Pro Tem Gatt, Council Members Fischer, Margolis, Mutch, Staudt, Wrobel

ALSO PRESENT: Clay Pearson, City Manager
Victor Cardenas, Assistant City Manager
Tom Schultz, City Attorney

APPROVAL OF AGENDA

**CM-10-12-160 Moved by Gatt, seconded by Fischer; CARRIED UNANIMOUSLY:
To approve the Agenda as presented.**

**Roll call vote on CM-10-12-160 Yeas: Gatt, Fischer, Margolis, Mutch, Staudt, Wrobel, Landry
Nays: None**

PUBLIC HEARING - None

PRESENTATIONS

1. Presentation of James Farrell Award of Excellence, to the City of Novi for ASA National Championship Tournament 2010 - Derek Smith, President, Metro-Detroit ASA

Mr. Smith said several years ago Mayor Landry, Novi City Council, and the Parks, Recreation & Cultural Services Department had the foresight to renovate Ella Mae Power Park with the vision of improving the safety of it's participants, improving the quality of it's programs and hosting major tournaments to promote economic stewardship. Mr. Smith stated during the week of August 4-8, 2010 the City of Novi and the Metro Detroit Amateur Softball Association hosted the 2010 ASA Girls Fast Pitch Northern Nationals at Ella Mae Power Park. The tournament registered 45 teams from several states. According to the Detroit Sports Commission the tournament impacted the local economy with an estimated \$854,000 of direct spending and \$1.4 million if you include their economic multipliers.

On November 8, 2010 Mr. Smith attended the 79th Annual ASA Council Meeting in Shreveport, Louisiana; awards were given for excellence for conducting the ASA National Championships in 2010. All ASA National Tournaments were scored on a scale of 100 points. As surveyed by the participants, the ASA Umpire and Chief, and the ASA Representative assigned by the National ASA office, Mr. Smith said the Novi Northern National scored 99 points out of a possible 100 points. Mr. Smith thanked the Detroit Sports Commission for their assistance throughout the event, the Novi Sheraton for providing excellent accommodations; our ASA Representative, our Umpire and Chief, and our Metro Detroit ASA Board, some of whom

volunteered 16 hours a day to make sure that we put on an excellent tournament. People were very impressed with the level of service that was provided. Thanks to the efforts of the City and the efforts of the mentioned partners, the City of Novi will be hosting Excellence ASA Tournaments at Ella Mae Power Park for the next two years.

Mr. Smith said he was fortunate to attend the 79th Annual ASA Council Meeting, and he was able to accept the James Farrell Award of Excellence for the 2010 Northern National Tournament in which he presented to Rachel Zagaroli, of the Novi Parks, Recreation & Cultural Services Department.

REPORTS

1. MANAGER/STAFF

Mr. Pearson mentioned this was the last meeting of the year and he thanked City Council for all of the tremendous work and accomplishments they had made over the year. He said he believed this was another successful year for Novi, and he felt we had made the most of it. Mr. Pearson also noted that the popular City of Novi Calendar would be going out to residents in the next couple of weeks and encouraged all community members to take a look at it so they could plan out all of the great events.

2. ATTORNEY - None

AUDIENCE COMMENT

Phillip Seymour and Charles Cooper introduced themselves from the Law Firm Gabe, Quinn and Seymour and said they wanted to thank the Consultant Review Committee for their recommendation of their law firm to the City Council and also thanked City Council for allowing them to continue to be the City's Prosecutors for the next two years.

Tom Dragon, 21864 Bedford Dr. – Mr. Dragon stated that Bedford Dr. had been repaired the summer of 2010 and said the work was poorly done. Mr. Dragon was involved in collecting signatures on a petition, and said he was thanked by many residents who have not been happy with the repairs in which they felt the poor repairs would affect their property values. Mr. Dragon said he delivered a packet of information to City Council, which stated their concerns, included photos, and a signed petition. He proposed the City take another look at the road and let the North Hills Estate Association know what the City plans on doing to correct the problems.

CONSENT AGENDA REMOVALS AND APPROVALS (See items A-K)

**CM-10-12-161 Moved by Fischer, seconded by Gatt; CARRIED UNANIMOUSLY:
To approve the Consent Agenda as presented.**

Roll call vote on CM-10-12-161

**Yeas: Fischer, Margolis, Mutch, Staudt, Wrobel,
Landry, Gatt
Nays: None**

- A. Approve Minutes of:
 - 1. November 29, 2010 – Special meeting
 - 2. December 6, 2010 – Regular meeting
- B. Enter Executive Session immediately following the regular meeting of December 20, 2010 in the Council Annex for the purpose of discussing privileged correspondence from legal counsel.
- C. Approval to award an amendment to the design engineering services contract for the 2010 Regional Detention Basin Improvements project to include the design of four failing culverts under Christina Lane to URS Corporation (URS) for a not-to-exceed design fee of \$3,950.
- D. Approval to award an amendment to the construction engineering services contract for the Novi Way/Ten Mile Intersection Improvements to Anderson, Eckstein & Westrick, Inc (AEW) for a not-to-exceed fee of \$8,498.
- E. Acceptance of Fountain Walk Drive right-of-way and adoption of Act 51 New Street Resolution accepting Fountain Walk Drive as public, adding 1,321 linear feet or 0.25 miles of roadway to the City's street system.
- F. Approval of Traffic Control Order 10-75 to establish a no parking zone on the north side of Island Lake Drive from 700 feet west of Glenwood Drive to 100 feet east of Fieldstone Drive.
- G. Approval of Non-Development Easement restricting use of certain undeveloped parcels owned by the Island Lake of Novi Community association to open space for tax assessment purposes.
- H. Approval of Contract to Total Employee Assistance & Management, Inc.(T.E.A.M.) to provide an Employee Assistance Program to employees and their family members in the amount of \$2.50 per person per month or an annual amount of approximately \$12,000-\$15,000 depending upon head count and training utilized.
- I. Approval of recommendation from Consultant Review Committee to award a contract for Labor Relations and Employee Law to Keller Thoma for a two-year term and one-year renewal option, and adoption of associated fees and charges, effective December 31, 2010.
- J. Approval of recommendation from Consultant Review Committee to award a contract for Prosecutorial Services to Gabe, Quinn & Seymour for a two-year term and one-year

renewal option, and adoption of associated fees and charges, effective December 31, 2010.

K. Approval of Claims and Accounts – Warrant No. 834

MATTERS FOR COUNCIL ACTION – Part I

- 1. Consideration of recommendation from Consultant Review Committee to award a contract for General Counsel Legal Services to Secrest Wardle for a two-year term and one-year renewal option, and adoption of associated fees and charges, effective December 31, 2010.**

Mr. Pearson mentioned that Mayor Pro Tem Gatt was the Chair of the Consultant Review Committee if anyone had any further questions. Mayor Pro Tem Gatt said the Consultant Review Committee (Member Fischer, Member Staudt, and Mayor Pro Tem Gatt) met on December 6, 2010 and they reviewed seven applications from the law firms who responded to the RFP for City Attorney. Mayor Pro Tem Gatt said the City highly recommended that they maintain Secrest Wardle. Secrest Wardle's hourly rate had actually decreased, from \$130.00 per hour to \$125.00 for certain partners. Mayor Pro Tem Gatt said based on the City's recommendation and the recommendation of the Consultant Review Committee, they recommended Secrest Wardle for a two-year term and one-year renewal option.

DISCUSSION

Member Mutch said he was pleased knowing we reviewed bids from other firms and had interviewed several, so he felt confident that this was the right choice for the City. Member Mutch commented on how Secrest Wardle was willing to drop their hourly rate for their partner position. He also mentioned that in these difficult economic times the City had been trying to balance the needs of the City, while providing the highest quality of service. Secrest Wardle's hourly rate decrease showed their willingness to continue their relationship as much as the City.

**CM-10-12-162 Moved by Fischer, seconded by Staudt; CARRIED UNANIMOUSLY:
To approve the contract for General Counsel Legal Services to
Secrest Wardle for a two-year term and one-year renewal option, and
adoption of associated fees and charges, effective December 31,
2010.**

Roll call vote on CM-10-12-162

**Yeas: Margolis, Mutch, Staudt, Wrobel, Landry,
Gatt, Fischer
Nays: None**

2. **Approval to award the contract for the City of Novi Building Lighting Project to Rauhorn Electric, Inc. in the amount of \$108,755, utilizing Energy Efficiency and Conservation Block Grant funding.**

CM-10-12-163 Moved by Margolis, seconded by Mutch; CARRIED UNANIMOUSLY: To approve the contract for the City of Novi Building Lighting Project to Rauhorn Electric, Inc. in the amount of \$108,755, utilizing Energy Efficiency and Conservation Block Grant funding.

**Roll call vote on CM-10-12-163 Yeas: Mutch, Staudt, Wrobel, Landry, Gatt, Fischer, Margolis
Nays: None**

3. **Approval of the request of Singh Development for Uptown Place, SP 03-40B, for a one-year Preliminary Site Plan extension to January 9, 2012. The subject property is located in Section 14, south of Twelve Mile Road between Novi and Meadowbrook Roads in the R-C, Regional Center District, utilizing the PD-2 development option.**

Mr. Pearson clarified the applicant had requested a two-year extension; the City recommended a one-year extension due to the length of time that it has been open and general uncertainties.

Mayor Pro Tem Gatt supported the motion, but understood why Singh requested a two-year extension due to the economic times. He said forecasters do not think we will be out of the recession within the next year, and he didn't think a two-year extension was an extraordinary request.

Mayor Landry stated he was not opposed to extending the site plan approval; however it was his understanding that Singh was not current with their property taxes. Mayor Landry questioned Mr. Schultz as to whether the City could go to the Ordinance Review Committee with an option of amending the Zoning Ordinance to provide an amendment that states we would not grant extensions of any site plan unless an applicant is current with their taxes. Mr. Schultz said it was a fair question, which he would check into, and get back with an answer.

CM-10-12-164 Moved by Margolis, seconded by Fischer; MOTION CARRIED: 6 - 1 To approve the request from Singh Development for Uptown Place, SP 03-40B, for a one-year Preliminary Site Plan extension to January 9, 2010. The subject property is located in Section 14, south of Twelve Mile Road between Novi and Meadowbrook Roads in the R-C, Regional Center District, utilizing the PD-2 development option.

**Roll call vote on CM-10-12-164 Yeas: Staudt, Wrobel, Landry, Gatt, Fischer, Margolis
Nays: Mutch**

DISCUSSION:

Mayor Landry stated he would like to open this up to his colleagues for discussion with the notion of possibly sending this to the Ordinance Review Committee. Mayor Landry said he would like Mr. Schultz opinion on whether we should entertain adding an amendment to the Zoning Ordinance that states we would not grant extensions on their site plan if they were not current on their property taxes.

Member Margolis said it made sense to have the Ordinance Review Committee take a look at this.

Mayor Pro Tem Gatt questioned if Singh was appealing their taxes and wondered if that was why they hadn't paid. He asked if they had to pay their taxes first before they appeal. Mr. Pearson stated you can appeal and be in arrears with your taxes, or you can pay and appeal, they are unrelated. Many people are appealing at this time, but they are current on their taxes. Mr. Pearson said he believed previously you had to be current in order to appeal, but that had been changed. Tom Schultz said that was partially correct, you can have unpaid taxes, but once you get to the point of a decision, you will need to become current on your taxes. Mayor Pro Tem Gatt questioned if Singh had other properties in the City that they were not current on. He also wondered if there were other developers in the City that were not current with their taxes. Mr. Pearson said there were no other developers receiving a site plan extension, although there may be some developers in arrears and appealing taxes.

Member Mutch also supported having this reviewed by the Ordinance Review Committee to clarify on the properties in question. Member Mutch stated they hadn't paid for three seasons and that we are currently in the Winter 2010 season which isn't due until the middle of February. Member Mutch said that was a significant amount of time that they hadn't paid, and he would be more sympathetic to Singh if it was a situation were they had paid their taxes and were appealing. (When a developer is not paying their taxes and they come to the City Council to ask them for an extension, we could have easily said no.) Member Mutch said at the minimum he would want them to be in compliance, or have their taxes paid up to date, and noted he felt that this was definitely something to consider.

Mayor Landry asked if there was anyone opposed to sending this to the Ordinance Review Committee. Seeing none, he asked Mr. Pearson to have Mr. Schultz look into the matter and have City Clerk Cornelius schedule an Ordinance Review Committee meeting.

4. Approval of resolution to authorize Budget Amendment #2011-2.

Mr. Pearson mentioned there were a couple of housekeeping items; 1) Recognizing a new way on how we would handle vacation and short term disability, to get to that point there was some recognizing of costs that had previously been deferred, that accounts for the \$250,000 plus or minus out of the General Fund; 2) Technology upgrades that are being recommended. 3) One piece of equipment for the Fire Supervisors was not recommended in the budget, but given the situation and the use of that vehicle, the funds were being requested.

Member Margolis said she supported the software upgrades included in the amendment and stated she had brought this up at budget saying she felt we were far behind in software upgrades which was a concern.

CM-10-12-165 Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY: To approve the resolution to authorize Budget Amendment #2011-2.

DISCUSSION

Mayor Pro Tem Gatt said he also supported it and was happy we were going to replace the vehicle.

Mayor Landry said with this amendment the Library Defined Benefit Pension Plan would be 100% funded. Mr. Pearson said the Library Trustees had recommended it. Mayor Landry said it was outstanding stewardship and he wanted to place that on the record.

Roll call vote on CM-10-12-165 **Yeas: Wrobel, Landry, Gatt, Fischer, Margolis, Mutch, Staudt**
Nays: None

AUDIENCE COMMENT - None

MATTERS FOR COUNCIL ACTION – Part II - None

COMMITTEE REPORTS - None

MAYOR AND COUNCIL ISSUES

1. City Council Committee Appointments

Mayor Landry formally welcomed Mr. Wayne Wrobel to City Council.

Mayor Landry said that welcoming Member Wrobel to City Council brought up the issue of City Council Committee Appointments which were usually made by the Mayor at the beginning of each two-year term or annually. Kathy Crawford had been on the SEMCOG Committee, as the City's Representative, and Member Fischer was the Alternate. Mayor Landry asked Member Wrobel if he would take over as the City's Representative for the SEMCOG Committee. Mayor Landry said he also received communication from Member Mutch who indicated that in light of the fact that Member Wrobel had sat on the Capital Improvements Committee, Member Mutch would be willing to step down if Member Wrobel would be willing to accept the appointment of City Council Representative on the Capital Improvement Committee. Member Wrobel said he was agreeable with both appointments.

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION - None

AUDIENCE COMMENT - None

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 7:24 P.M.

David Landry, Mayor

Maryanne Cornelius, Clerk

Transcribed by Deborah Aubry

Date approved: January 10, 2011