

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI  
MONDAY, SEPTEMBER 13, 2010 AT 7:00 P.M.  
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Mayor Landry, Mayor Pro Tem Gatt, Council Members Crawford, Fischer, Margolis, Mutch, Staudt – absent/excused

**ALSO PRESENT:** Clay Pearson, City Manager  
Tom Schultz, City Attorney  
Rob Hayes, Director of DPS/City Engineer  
Chris Blough, GIS Manager

**APPROVAL OF AGENDA**

**CM-10-09-118 Moved by Gatt, seconded by Margolis; CARRIED UNANIMOUSLY:  
To approve to amend and accept the agenda.**

**DISCUSSION**

Mayor Landry stated there was a request by Administration to add Consent Item O, which was Approval of Council Member Crawford as the Official Voting Representative at the Annual Business Meeting of the Michigan Municipal League.

**Roll call vote on CM-10-09-118**                      **Yeas: Gatt, Crawford, Fischer, Margolis,  
Mutch, Landry**  
**Nays: None**  
**Absent: Staudt**

**PUBLIC HEARING - None**

**PRESENTATIONS - None**

**REPORTS**

**1. MANAGER/STAFF**

- a. I-96 Improvement Project Update - Mia Silver, Oakland Transportation Service Center Manager, Michigan Department of Transportation**

Mia Silver, Oakland Transportation Service Center Manager, Michigan Department of Transportation commented that changes to the bridge area over the railroad had been delayed until November 1<sup>st</sup> due to a dozen rain days. Also, the material deep underneath the road bed wasn't strong enough to hold the components because they were abandoned timbers. The third element of the delay was a project in another part of the state that required pile driving

that resulted in the shifting of the freeway, which was closing I-94. Ms. Silver noted that substantial chunks had been removed from the dirt piles at Novi and I-96 and there was a staging area in the northwest quadrant that had been shrunk but won't be cleared until mid-October. She said the off-ramp areas were storing construction materials and the work continued on the roads concurrent with the bridge work. Ms. Silver said at the end of October the bridge on I-96 would be complete and the eastbound road would be open. Also, the concrete plant at M-5 and 12 Mile would be there until the work was completely done. She said the M-5 bike path extension was completed and work was underway to finish the connection between 14 and 15 Mile Roads.

Member Crawford expressed concern with items left behind after projects were completed including trees growing out of mounds of dirt in the gateway areas to the City. She suggested the contractor be held accountable in a closer fashion. Member Mutch asked if the work continued through next year, how long it would be before it was cleaned up. Ms. Silver replied they would finish as early as the weather broke. Member Mutch asked when the path would be officially open. Ms. Silver replied the path was completed but some turf restoration might be necessary next spring. Member Mutch asked if staff had input in requesting that area be restored to the City's standards. Mr. Pearson noted that while it was their right-of-way, they had great communication with MDOT.

**b. Novi Road Link Update – Rob Hayes**

Rob Hayes noted that over the past 10 years, the City had waited for this project to begin. He said there would be a bridge over the Middle Rouge and railroad tracks. He said this fall they would move more utilities including a 24 inch water main that served most of Novi. This would precipitate road closures over the next 3 weekends and they didn't anticipate full closures during the week but there would be intermittent road closures. Mr. Hayes said a complete shutdown would take place in the spring with temporary access lanes to local businesses and completion by November 2011. He noted there would be a public information meeting at Gus O'Connors at 8 a.m., Wednesday, September 15, 2010.

**c. New City mapping portal completion - Chris Blough**

Chris Blough noted the new mapping portal contained over 20,000 parcels, non-motorized trails, etc. He said this was a new way to find everything from school district boundaries, voting precincts, parks and recreation systems, wetlands and woodlands. He noted he would also be adding the new extension of the M-5 pathways.

**2. ATTORNEY - None**

**AUDIENCE COMMENT**

Frank and Suzanne Rompel, asked that an ordinance be adopted to keep neighbors from draining chlorinated pool water onto their property. Ms. Rompel said she had filed a complaint with Novi PD and asked ordinance enforcement what to do about this issue and found there was no ordinance that related to this. She said the Northville Ordinance Department had some

specific regulations on how to winterize a pool and a variety of ordinances that prevented something like this from happening. Mayor Landry asked Mr. Pearson to have the City Attorney do a report on the status of the Novi's ordinances with respect to pool drainage. He said the Council would receive that report and perhaps send it to the Ordinance Review Committee to look at a potential ordinance.

**CONSENT AGENDA REMOVALS AND APPROVALS (See items A-N)**

**CM-10-09-119 Moved by Margolis, seconded by Gatt, CARRIED UNANIMOUSLY: To approve the Consent Agenda as presented.**

**Roll call vote on CM-10-09-119 Yeas: Crawford, Fischer, Margolis, Mutch, Landry, Gatt  
Nays: None  
Absent: Staudt**

- A. Approve Minutes of:
  - 1. August 23, 2010 – Regular meeting
  
- B. Adopt Resolution of changes in MERS Defined Benefit Pension benefits for the POLC (formerly POAM) Division 2 (a) benefit improvement from F25/50 to F24 (25 years of service with no age limitation) through City contribution and (b) benefit improvement B-4 (2.5% multiplier) to the non-standard benefit 2.8% multiplier through 1% of payroll contribution by the City and the remainder through employee contribution of an additional 5.07% (total employee contribution 9.24% of payroll), pursuant to the contract.
  
- C. Approval to extend the 2008 Janitorial Services contract (an account contract with two renewal options) with DU ALL Cleaning, Inc. for one year based on the same terms, conditions and pricing as the original contract at an estimated amount of \$68,760.
  
- D. Approval to award the contract for general printing services to Accuform Printing & Graphics, the lowest qualified proposer, estimated at \$12,000 - \$18,000 annually.
  
- E. Approval to award bid to Impressive Promotional Products, LLC, the low bidder for t-shirts and sports apparel, for a one-year contract with two renewal options in one-year increments based on unit pricing, with an estimated annual cost of \$34,000.
  
- F. Approval of the second and last year renewal option to TSS Photography for youth sports photos beginning September 2010-August 2011. (All fees incurred from purchasing photographs are the responsibility of the individual participants. There is no cost to the City to provide this service).

- G. Approval of the second and last year renewal option (September 27, 2010-September 27, 2011) with Debra Bye for Hair Salon services at Meadowbrook Commons.
- H. Approval to award a contract for design engineering services for the 2011 Pathway Gap Program to URS Corporation for a not-to-exceed design fee of \$4,596.
- I. Approval to award a contract for design engineering services for the Nine Mile Pathway (Meadowbrook Road to Haggerty Road) to Orchard, Hiltz & McCliment (OHM) for a not-to-exceed design fee of \$26,710.
- J. Approval to award a contract for design engineering services for the Beck Road Rehabilitation (Nine Mile to Cheltenham) to Spalding DeDecker Associates, Inc. (SDA) for a not-to-exceed design fee of \$25,176.
- K. Approval to award a construction contract for the Fuerst Park Lighting project (along Ten Mile from the existing library lighting to Taft Road), to MAS Electrical Services Inc., the low bidder, in the amount of \$29,345.
- L. Approval to award an amendment to the engineering services contract for construction engineering services related to the 2010 Pressure Reducing Valve Replacement project (Ten Mile Road near CSX Railroad and Grand River near Main Street) to Orchard, Hiltz & McCliment, Inc. (OHM), for a not-to-exceed fee of \$20,250.
- M. Approval to purchase two 2010 GMC HD2500 pickup trucks with plows from Red Holman Buick GMC in the amount of \$51,652.
- N. Approval of Claims and Accounts – Warrant No. 827
- O. Approval of Council member Crawford as the Official Voting Representative at the Annual Business Meeting of the Michigan Municipal League.

**MATTERS FOR COUNCIL ACTION – Part I**

**1. Approval of Labor Contract with Michigan Association of Public Employees (MAPE) Expiring June 30, 2011.**

Mr. Pearson said this contract had been expired for some time and covered a lot of service employees such as clerical and people in the field. He said the contract met the substantial items that the City needed in order to move forward. It froze wages and gave some additional cost participation on health care and better language on health care insurance programs. He said it was in conformance with other contracts that had been negotiated and would expire in June 2011.

**CM-10-09-120 Moved by Margolis, seconded by Mutch; CARRIED UNANIMOUSLY: To approve Labor Contract with Michigan Association of Public Employees (MAPE) Expiring June 30, 2011.**

**Roll call vote CM-10-09-120 Yeas: Fischer, Margolis, Mutch, Landry, Gatt, Crawford  
Nays: None  
Absent: Staudt**

**2. Policy discussion on designating honorary street names.**

Mr. Pearson said there had been requests from residents for such honorary designations in addition to the official names. He said Mr. Hayes had researched this and come up with examples from other places and the criteria they had adopted.

Member Crawford thought it was confusing when there were two different names for a street and she thought some people might be referring to Pat Karevich Drive instead of the real name of the street. She hoped they could find another way of honoring people. She noted she liked signage to be consistent.

Mayor Pro Tem Gatt agreed with Member Crawford. He said sometimes it made it difficult for first responders and if they missed the real name of the street, moments could go by and that could be a matter of life and death. He said he wished there was another way to honor people and he was sure there was.

Member Margolis stated she had similar thoughts. She said the idea that there would be a petition with a majority of the homeowner's signatures would be cumbersome for staff and Council. She stated she would not be in favor of this but would be of another way to honor people. Member Margolis thought it would become a lot of work in a City where they were trying to push people to their limit to provide basic services. She stated she would not be in favor of approving this item.

Member Mutch agreed with the previous speakers. He said his concern was Council spending a lot of time debating the worthiness of a particular individual for such a designation. He thought the intent was good and there were appropriate ways it was being done by local groups. However, if the City wanted to be involved, he suggested they look at other ways such as names on park benches, etc. He said other communities had done this, so he didn't think it would require a lot of work for staff to put together something other than the street sign example. He thought it would require a lot less effort on Council's part and accomplish the goal to recognize those who had made a contribution to the City.

Mayor Landry stated he didn't see a problem with the street signs. He noted he had seen other cities, such as Boston, where the side streets were named after veterans

who had died. He thought it would be a good way to recognize international figures and knew the Indian community was concerned about having an honorary street for that short portion of Taft between Grand River and Eleven Mile for Gandhi. He suggested a motion for the City to proceed or not to proceed.

**CM-10-09-121 Moved by Gatt, seconded by Crawford; MOTION CARRIED:  
To direct the City to proceed in their thoughts and plans of  
honoring those who were deemed appropriate in a manner  
other than street signs.**

**Roll call vote on CM-10-09-121 Yeas: Mutch, Gatt, Crawford, Fischer  
Nays: Margolis, Landry  
Absent: Staudt**

### **3. Consideration of Novi Television Government Access Channel Policy.**

Mr. Pearson said they had SWOCC Board and staff discussions and thought it would be worthy to have discussions on some sort of policy in broad terms on what the City's stance was. He said their recommendation was before Council and he understood that Ms. Collins and SWOCC staff looked at other agencies around the country and tweaked this a little. He noted Mr. Schultz had reviewed this and basically put on paper a lot of what they were already doing. He asked Council to approve this.

Mayor Pro Tem Gatt said for years SWOCC had a Public Access Television Policy and now there were updates on the way on that same policy. He said the staffing level at SWOCC had changed and would change more. In addition, Novi was now broadcasting in AT&T's U-verse and was being streamed on the Internet. He stated they believed it would be important for a policy of this nature to be adopted. He said the recommended policy before Council was a universal document utilized by a majority of NATO member committees and Farmington and Farmington Hills were also developing a similar policy. They didn't believe there was a problem, but a policy like this would cut off any problems that could arise.

**CM-10-09-122 Moved by Margolis, seconded by Gatt; MOTION CARRIED:  
To approve Novi Television Government Access Channel  
Policy.**

### **DISCUSSION**

Member Fischer said on page 3 the policy addressed "those holding a public office one month prior to" and referring to appearances of candidates at government meetings, and he was concerned with the language "or as incidentally occur in the performance of their official duties." He stated he wanted Council's opinion on whether any further clarification was needed because he felt like those that held an office could put themselves in a position to force themselves on shows to get better access within that

one month period. He asked if they needed to clarify any of that language. He asked if it was applicable or possible.

Mr. Schultz said the language, in a way, was universal and repeated in a number of policies throughout the country. He said they had tweaked it a little with some additional language. Mr. Schultz thought the spirit and the language of the policy essentially meant if someone was in the process of doing what they as an elected official were supposed to be doing, attending a meeting or a ribbon cutting, etc. that was not something initiated by the elected official and they would be OK under the policy. However, anything that originated with the elected official, such as "hey can I find my way onto this", the policy actually helped the people producing the program to say "not this month". He thought the language was good and maybe a little better than some of the other policies.

Member Mutch said he was fine with most of the language in the policy, in light of the fact there currently wasn't a policy, he didn't have a problem with one being developed and approved. He said the one section that he had a problem with and he wouldn't be able to support the motion was in regard to the copy right section. He said it read "all regular City of Novi government access productions, e.g. meetings and all special video works produced by the City or SWOCC studios for the City will be under the copy right control of the City of Novi". Then it went on to say "written clearance of any copyrighted programming or material used in a program must be obtained prior to cable cast on the government access channel". Member Mutch said his understanding of what had happened in other communities where such language had been adopted and approved for government broadcast productions was that those local governments, or other entities, had turned around and used that copyright control to prevent rebroadcast of portions of meetings or entire meetings, candidate interviews, responses and forums. He said he wouldn't have an issue if it was limited to the productions that the City created, the video shows. He understood the City wanting to have a certain level of control over that, but public meetings were open to the public and the public had the right to tape the meetings; if they taped them themselves, he assumed they would have the right to rebroadcast them. He said he didn't see the need for the City to exercise that control over a public meeting and the broadcast of it. He said people complain that someone took a portion of the meeting and out of context and put it on U Tube and someone looked like they were saying one thing when they meant to say something else. He said that happened, but he would rather err on the side of openness in this case and allow anything broadcast that related to political candidates as well as being available for the public to rebroadcast in any form they wanted. He thought it belonged to the public and while the City wasn't at this point, other cities or entities had exercised those controls and cut off public access to that content. He said with that language in there he would not support it; he would look for language, at a minimum, to exempt public meetings from that copyright limitation.

Member Crawford asked if she was an elected official and had a regularly scheduled program, would that program still be aired, if she was a candidate during the month of her candidacy. Mr. Schultz said by his understanding of the policy he would say no and

he thought that was one of the intentions. Mr. Pearson said people who were in office would have to refrain from broadcasting for those thirty days. Mr. Schultz said thirty days was shorter than many other communities and some that had ninety days was not unusual.

Mayor Landry thought the perfect example would be Update Novi that he and Sheryl Walsh did once a month. He said his understanding, under this policy, Update Novi would not be aired for thirty days before the election. Mr. Schultz agreed. Mayor Landry said he was intrigued by Member Mutch's suggestion.

Member Margolis said that was public information out there and asked Mr. Schultz to comment. Mr. Schultz said he kept referring to other policies because when he was given the draft he checked it against what other people were doing. In terms of the copyright he thought that was kind of a median position. He said some communities didn't address ownership of the materials or programming at all, whether City Council meetings or things produced by the City. Mr. Schultz said other communities required some sort of actual written approval like a copyright release. He said the first sentence of this policy had to do with the materials that the City had caused to be produced. What it really said was the Council/City owned them and decided whether or not they could be used again. He said it didn't go on to say what the rules were as to when they would allow them to be reproduced for rebroadcast but it did say they were asserting ownership and copyright control, and it could go on to say here's the rules for agreeing to do something with it. However, it didn't have to because that could be what the Administration did. He said the second sentence didn't relate to the issue Member Mutch raised. It was just if someone brought a program to the City, and it was run on the City channel and contained programming from somewhere else, proof would be needed that they had the authority to put that in their program. Member Margolis asked what the wording would be to amend this to exempt public meetings in this copyright. Mr. Schultz said first they should make sure they wanted to do that. He said the likelihood was it would be some neighborhood association or somebody doing it. However, what if it was an adult film or something like that. He said there's a reason why they say the City had the ultimate decision. If they wanted to say what that was, it would not be a sentence that he would craft on the fly here. He said if they knew what the limited exemption would be and it would be rebroadcast for other public purpose, they could try to craft that now. Member Margolis said she would be inclined to see if they could pass this policy, and then ask for information in the future as to how they could do some narrow exemption for people who wanted to use the public meeting.

Member Mutch stated he would be willing to support it if Mr. Schultz was willing to look at that issue, and come back with some language. He thought this was important enough for the public that it should be addressed.

Member Fischer said he was hesitant to approve because if language came back and they varied widely in their discussion, they wouldn't be able to include language and it would then be up to the Administration. He said he would like to hold off approval until Council could see some language. He said going back to the use of political candidates



and office holders, he personally didn't see an issue with the Mayor, who had a monthly program, continuing with his program. He said his concern was more or less with the other ancillary council members all of a sudden being in a program during that October prior to an election.

Mayor Landry said he would be inclined to approve it. He said he was intrigued by the point Member Mutch made and could see the validity that it was a public meeting and the public had a right to it. However, on the other hand, after listening to Mr. Schultz he could understand how someone could take that and use it for a bad purpose. Mayor Landry said as he understood the way this was written, they needed to get the City's permission or if they do it without getting the City's permission, the City could shut them down as a copyright violation. He said that necessarily meant that someone would have to have the ability to say yes or no, which generally they tried not to do because they wanted to leave it open. On the other hand, if they passed this and allowed the Administration to have the choice, and someone felt that the Administration was not making the choice correctly Council would hear about it. Mayor Landry said he would be in favor of passing it and seeing if someone wanted to use it for some purpose that's not horrible; he couldn't imagine the Administration would say no. He said he also couldn't imagine they would be shy in coming to Council saying "that's a public meeting and I want to use this". Mayor Landry said he would have no problem passing it as it was.

**Roll call vote on CM-10-09-122**                      **Yeas: Mutch, Landry, Gatt, Crawford, Margolis**  
**Nays: Fischer**  
**Absent: Staudt**

**AUDIENCE COMMENT – None**

**MATTERS FOR COUNCIL ACTION – Part II**

- 4. Approval to award a construction contract for the 2010 Pressure Reducing Valve Replacement project (Ten Mile Road near CSX Railroad and Grand River near Main Street), to Sinatech Construction Co., the low bidder, in the amount of \$157,500.**

**CM-10-09-123**                      **Moved by Mutch, seconded by Margolis; CARRIED UNANIMOUSLY: To approve to award a construction contract for the 2010 Pressure Reducing Valve Replacement project (Ten Mile Road near CSX Railroad and Grand River near Main Street), to Sinatech Construction Co., the low bidder, in the amount of \$157,500.**

**Roll call vote on CM-10-09-123**                      **Yeas: Landry, Gatt, Crawford, Fischer, Margolis, Mutch**  
**Nays: None**

**5. Approval of resolution to authorize Budget Amendment #2011-1.**

**CM-10-09-124 Moved by Margolis, seconded by Gatt; CARRIED  
UNANIMOUSLY: To approve resolution to authorize Budget  
Amendment #2011-1.**

**DISCUSSION**

Member Fischer said under the Policy of Differences there was an "Other Services and Charges" for \$410,000, which was 40% of the expenditure under run for the 2010-11 Budget of unaudited actuals. He asked for clarity on that \$410,000. Mr. Pearson asked him to keep in mind that that was across the entire General Fund and he wouldn't be surprised if it was several items. Member Fischer said they could put their hand around "Personal Services" but "Other" sometimes caused heartburn. Ms. Smith-Roy explained that the Other Services and Charges category was in every department throughout the budget. She said it included line items like utilities, consulting fees, Historical Commission, all general Administration type unusual items, legal fees, etc. She said it encompassed everything that didn't fit in the Personal Services or Capital Category. She said because there were so many they were not listed, and there was not any one item that was over \$50,000; so a list wasn't made. Member Fischer thanked Ms. Smith-Roy for the clarification. He said in the memo, regarding Agenda Item 5, the first shaded box referred to the estimate for the 2009-2010 proposed budget for 2010-11. The expenditures were shown at \$29.9 million for that estimation and it would have been given to Council around budget time. He said he wanted to understand a little more about the forecasting that went behind that. Member Fischer said he was very excited they came in under budget. However, he was concerned that when they were looking to the upcoming fiscal year and were three or four months out and in the budget process, he would almost anticipate that since the majority of the year had gone by, they might be able to nail down that forecast a little better. He said if he was correct, last year they had very similar numbers where they ended up in the same situation about \$400,000 higher on revenue and about \$1 million less on expenditures. He asked for comment on the year over year and the forecasting technique.

Mr. Pearson said they received the budget the first week in April but the process began in January at the staff level when they send out instruction to departments. He said one of the first things they did was mid year estimates for the current fiscal year, which were due to him and Finance at the end of February or first week in March. So, Council received it in April but when it came to the mid years those were actually numbers and they looked at them for any extremes. However, after that was done they would be looking at the next year and other issues. Mr. Pearson said they didn't go back and re-review all those major estimates. He said they did look at percentages too, but he thought the timeframe helped explain that it was not one of the last things that got done but the first things that got done. Member Fischer agreed and said he could appreciate that but even if they went from July 1st through January, they were looking at six or

seven months of expenditures on the books at that point. He said the fact that they had year over year come in at this point of the budget process a million dollars under on expenditures was information he thought would be very useful to the Council during the budget process. He said they were making policy decisions on Lake Shore Park and whether or not to have lifeguards there, and it would be imperative to know these numbers sooner rather than later. He said 3.5% from a 7 plus 5 forecast to the end of the year seemed a little higher than he might anticipate. Ms. Smith-Roy stated there were a couple of exceptions this year. The City Manager's office was aggressive when Council decided they wanted to set aside additional funds next year, and that process actually started in May. Ms. Smith-Roy said there was no way they could have anticipated that in March, so that was a large chunk of the Personal Services category. She said their goal was to try to stay between 2% and 2.5% of expenditures. She said if they could get it that close, they felt very good. Ms. Smith-Roy stated there were exceptions and this year they had tremendous savings on utilities for a variety of different reasons. She said they had implemented programs, etc. and that also could not have been predicted in March. She said on the revenue side they were much closer this year than they were the year before. She said tax tribunals could file up until June, so it was very difficult to predict, and they used the States estimates for State Shared Revenue and depended on the market for interest. She said those categories were very difficult to predict even in a six month period in this economy. Ms. Smith-Roy said they did their best and felt like the percentage was close enough given they had actually implemented some of those savings programs.

Mr. Pearson said if they looked at the Personal Services, it was a third of that right there. He said through the budget process they look at what they were doing and when looking at the whole package, obviously, they had done things the last eight weeks of the fiscal year. Member Fischer said the one and a half percent on the revenue wasn't what concerned him and knowing that they shoot for a target of 2% to 2.5% that was something he believed they could live with. He said it was just year over year when it was this 3.7% and 4% off of expenditures; overall he commended them for coming in under budget, which was very impressive. He said he knew they used conservative estimates and that made him very happy as well. However, he would implore them as they go towards the next budget year, if they could look at the estimated number they were given and shoot for a better and lower target, he would greatly appreciate it.

**Roll call vote on CM-10-09-124**

**Yeas: Gatt, Crawford, Fischer, Margolis,  
Mutch, Landry**

**Nays: None**

**Absent: Staudt**

### **COMMITTEE REPORTS**

Member Crawford stated she would be attending the Michigan Municipal League conference and cited a number of sessions that would be quite interesting related to walkability.

Member Mutch noted the Walkable Novi Committee held their meeting and noted they had done a lot of work toward the non-motorized pathway plan. He noted there would be an online

survey to express concerns and issues within the community. He said on Wednesday, September 29<sup>th</sup> from 7 to 8:45 p.m. at the Novi Library there would be a project visioning workshop with consultants, staff and members of the Walkable Novi Committee to discuss concerns and interests in getting around Novi.

**MAYOR AND COUNCIL ISSUES - None**

**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 8:06.

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David Landry, Mayor

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Maryanne Cornelius, City Clerk

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Transcribed by Charlene McLean

Date approved: September 27, 2010