

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI**  
**DRAFT – MONDAY, JUNE 18, 2007 AT 7:00 P.M.**  
**COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**  
[www.cityofnovi.org](http://www.cityofnovi.org)

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Mayor Landry, Mayor Pro Tem Capello, Council Members Gatt, Margolis, Mutch, Nagy, Paul-absent

**ALSO PRESENT:** Clay Pearson, City Manager  
Pamela Antil, Assistant City Manager  
Tom Schultz, City Attorney  
Rob Petty, Director of Information Technology  
Benny McCusker, Director of Public Works  
Barbara McBeth, Community Development Deputy Director  
Kathy Smith-Roy, Finance Director

**APPROVAL OF AGENDA**

Member Nagy added Wildcats to Mayor and Council Issues, #2.

**CM-07-06-020**      **Moved by Capello, seconded by Gatt; CARRIED UNANIMOUSLY: To approve the agenda as amended.**

**Voice vote**

**INTERVIEWS FOR BOARDS AND COMMISSIONS**

Mayor Landry requested that Mr. Wingfield be interviewed first because he was a baseball Coach and had to leave his team in the first inning being tied one to one. The other candidates agreed to the change.

**1. Harold (Butch) Wingfield – Parks, Recreation and Forestry**

Mr. Wingfield, 24411 Nantucket Drive, said he was currently the Chairman of the Parks, Recreation and Forestry Commission and had been a member for nine years and asked for the opportunity to continue serving. He said they had great support from Council and Director Auler had the department heading in the right direction. He thought there was a good mix of senior and youth activities, and a nice balance of passive and active parkland.

Members Nagy, Mutch, Gatt, and Margolis thought Mr. Wingfield did a good job, thanked him for his service and had no questions.

Mayor Landry said the City could not operate without people volunteering their time and being very serious about what they do, and he felt that was exactly what Mr. Wingfield had

done for a lot of years. Mayor Landry thanked him for putting his time forth on behalf of the City and noted they were all familiar with the work he did.

## **2. Andrew Gutman, Planning Commission**

Mr. Gutman, 40663 Paisley Circle, said this was the end of his first term and he hoped to serve a second term, he appreciated the opportunity to interview and enjoyed serving the City.

Member Mutch asked what Mr. Gutman thought the Planning Commission's biggest challenge would be in the next three years. Mr. Gutman said what he had seen over the last three years was a very united and solidified Planning Commission that was working towards the best efforts of the City. He wasn't sure what the biggest issue would be but knew they were opening up the Master Plan again and that was always a challenge. He said from the perspective of a working Planning Commission they had a great group of people and they all served for the betterment of the City.

Mayor Pro Tem Capello thought Mr. Gutman was doing a good job and he was looking forward to working with Administration to revamp the Planning and Building Departments. He hoped Mr. Gutman would be a part of that.

Member Gatt asked what the Council could do to help him on the Planning Commission. Mr. Gutman responded that understanding the Council's agenda and the items coming up helped the Planning Commission greatly. He said they had a joint session with the Council and that was a very helpful tool, and he would like to see more of that if possible.

Member Margolis thanked Mr. Gutman for his service. She said from his application and previous work on the Planning Commission his expertise spoke for itself. She thanked him for applying again and said they couldn't do it without volunteers like him.

Member Nagy thanked Mr. Gutman for coming forward again. She asked if he watched the Council meetings. Mr. Gutman said he would like to say he did but his time commitment was very full. However, he thought it was a good suggestion and if they thought it was beneficial he would try to tune in.

Mayor Landry said unless really involved in the workings of the City the average person had no idea how important a Planning Commission was and what their role was. He said they set up the issue, they call out a lot of things, hold public hearings, and they are the last word on the Master Plan. Mayor Landry said the City entrusted the development and creation of the Master Plan and making sure that it was up to date to the Planning Commission. He said their work was very technical; they work with a lot of builders and people who have a lot of money invested in the City or looking to invest and in a sense the future of the City. He said the build out of the City was laid in the laps of the Planning Commission. Mayor Landry said it was a lot of work, it was thankless, and people had no idea how much work they did, and it was only times like this that they had an opportunity

to say thank you. He said Mr. Gutman was doing a great job and he was looking forward to another three years.

### **3. Christina Radcliffe – Parks, Recreation and Forestry**

Ms. Radcliffe apologized for her tardiness as she was at a meeting in Royal Oak that ran over. She said she had served on the Commission for approximately eight months, developed a feel for what the Commission's about and would like to continue in that capacity.

Member Margolis said Ms. Radcliffe had filled the remainder of a term and so she had a short time on the Commission. She asked what it was that she would like to accomplish during her next three year term if appointed. Ms. Radcliffe responded that her time on the Commission had been rather slow. The Strategic Plan was already in place when she was appointed to the Commission, so she would like to take a more active role.

Member Nagy thanked Ms. Radcliffe for coming forward and asked what challenges she saw ahead after going through the Strategic Plan. Ms. Radcliffe said the present economy because dollars were always a challenge to support the system and do the things that needed to be done.

Member Mutch asked, in her short time on the Commission, what she saw as the greatest Parks and Recreation need that was not being met. Ms. Radcliffe said the condition of the soccer fields and having more fields available.

Mayor Pro Tem Capello said the Parks and Recreation members spoke highly of Ms. Radcliffe. He asked if when applying for the position on Parks and Recreation previously, it was the second or third choice. Ms. Radcliffe said when she listed the commissions she was interested in she didn't necessarily rank them. She said she was just interested in serving the community in some fashion. He noted he asked because if she had other interests, there were other vacancies on the Beautification and Historical Committees along with Parks and Recreation. Ms. Radcliffe said since she had been on this Commission for eight months and had gotten her feet wet, she would prefer to continue in that capacity.

Member Gatt thanked her for applying and said all his questions had been answered and she had his support.

Mayor Landry also thanked Ms. Radcliffe and said it was wonderful she was putting her time in and that she did a great job.

### **4. Reagan Schwarzlose – Parks, Recreation and Forestry**

Mr. Schwarzlose, 23937 Beck Road, said he was currently on the Parks, Recreation and Forestry Commission and enjoyed working with a wonderful group of Commissioners. He felt they had accomplished tremendous things with the great efforts of the Parks and

Recreation Department over the past three years. He thought, based on the completion of the Strategic Plan, there were great things yet to be achieved by this Commission and Department, and his wish was to be a part of that.

Mayor Pro Tem Capello asked if he was able to utilize his degree in Agricultural Economics in the development of the parks. Mr. Schwarzlose said yes, and not only on the finance side,. It had been helpful working with the department and Friends of the Parks on the grant procedure, and in understanding the issues they had regarding turf management and issues with soccer fields and overuse. He said he had been able to incorporate and use it as part of his basis in Parks and Recreation.

Member Gatt noted he was very familiar with Mr. Schwarzlose's work on the Commission and applauded him for his efforts. He had no questions.

Member Margolis thanked Mr. Schwarzlose for his service and said it was people like him that made the City run. She thought he was one of the unsung hero's of this City because he never asked for accolades; he just really worked for the betterment of the City and the parks.

Member Nagy thanked Mr. Schwarzlose for his work. She asked how he felt about the passive recreation. Mr. Schwarzlose responded it was definitely a viable component of their whole Strategic Plan, and was a mix between active and passive parkland. He said there had to be a mix of both in order to have an enhancement to both sides of the community.

Member Mutch thanked Mr. Schwarzlose for his service. Member Mutch asked where he saw opportunities for the department to generate additional revenue for additional services or capital improvements. Mr. Schwarzlose said the focus identified in the Strategic Plan had been through the partnerships with groups and foundations within the community, naming rights and partnerships with groups like the Jaguar Soccer, football, baseball. He said they were partnering up and matching up what the City's costs were with their use of the fields, etc. so that it was a win win for both components.

Mayor Landry thought Parks, Recreation and Forestry were, without a doubt, as forward thinking as any department in the City. He said they were at the absolute forefront of trying to get private dollars to supplement public tax dollars to benefit Parks, Recreation and Forestry in the City. He thought the Commission was working very well amongst itself and the department and they were to be commended; they were doing a great job, and he encouraged them to keep up the forward thinking. Mayor Landry asked them to keep pressing the outer limits on how to get more dollars to spruce up and improve the City's recreational opportunities and forestry. He said he thought they were doing a dynamite job.

## 5. Wayne Wrobel – Planning Commission

Mr. Wrobel, 24578 Ackert Ct., said he was applying for a second term on the Planning Commission. He, hopefully, looked forward to serving again, and had enjoyed the past three years. Mr. Wrobel said it was a challenge and a lot of work but it was very fulfilling and he believed it helped the City.

Member Gatt said he applauded his efforts and supported his endeavor 100%. He asked what the Council could do to help him in his next term on the Planning Commission. Mr. Wrobel responded Council did a lot for them now. He said they provided a great staff that gave them all the briefs, information and they dug and dug to get them all the information needed to make an informed decision. He said that helped a lot. Mr. Wrobel said Council usually went along with what they decided. The Planning Commissioners didn't take their decisions lightly; they talked about them in length and looked at both sides of the issues and Council generally backed them. Mr. Wrobel said they genuinely appreciated that.

Member Margolis said she watched the Planning Commission and read all of the minutes and Mr. Wrobel did a great job. She commented she appreciated the thoroughness of everything he did and felt it was Council's job to pay attention to the thoroughness of their work, and to follow what their recommendations were as long as Council was satisfied they had really done the work they were asked to do.

Member Nagy said she also appreciated his work and service. She asked if he saw any particular challenges in the next four to six years when they go to do the Master Plan. Mr. Wrobel said they were starting to revise some areas of the Master Plan such as the Expo Center area and the south west quadrant. He said there were different requirements appearing now that didn't appear last Master Plan. However, the one aspect that he was very concerned about in the future of Novi was that he wanted this to be a viable City. He didn't want Novi to grow over the next ten years and say "oops the land's gone". He was concerned about redeveloping the older areas because Novi was only as strong as the weakest area of the City. He said when opportunities present themselves in those older areas they should redevelop wisely and according to a good Master Plan; he thought the City would benefit greatly from that. Member Nagy said he had her support.

Member Mutch thanked Mr. Wrobel for his time and efforts on the Planning Commission. He said living where Mr. Wrobel lived, near the retail center at Ten Mile and Meadowbrook, and the fact that Farmer Jack was moving out and latest word was that Busch's would be moving in, that was an area he could see the Planning Commission looking at for redevelopment opportunities over the next couple of years. Mr. Wrobel said he would say the eastern part of the City was priority number one. He thought something needed to be done, it's probably the oldest shopping center in the City, and the residents wanted something done. Mr. Wrobel said if nothing moved into Farmer Jacks maybe a developer would want to raze it and build something nice and from that perspective the residents on that side of town cry for a supermarket. He said he would love to see something done there.

Mayor Pro Tem Capello said he didn't think that center would ever get redeveloped under the City's current standards. He said he would like the Planning Commission to come back with some recommendations for Council to enhance redevelopment of the older areas that certain standards didn't have to be met or some other means for them to meet the standards. He said if the Planning Commission had something back to Council before Busch's came in, he would be glad to look at it. Mayor Pro Tem Capello said he had heard nothing but good things from the business and development community.

Mr. Wrobel said they might not agree on everything but they had a very good working relationship. He said most times they come to about the same conclusion and it was really a lot of fun working with this Commission because there are no egos, which was nice.

Mayor Landry said under the new Zoning Enabling Act the law required that a member of the Planning Commission also be on the Zoning Board of Appeals. He didn't think this was a good idea for cities growing as much as Novi was because for one person to be on both those boards would take a tremendous amount of time. Mayor Landry said Mr. Wrobel had offered to be the representative to sit on both boards, and the Planning Commission had appointed him to do so should he be reappointed. Mayor Landry thanked Mr. Wrobel and said it was a good thing he wasn't being paid by the hour because he would be a fortune.

Mr. Wrobel thought in a way it was good to be on the ZBA because when the Planning Commission passed a recommendation they wanted to pass them with the least amount of referral to the ZBA for approval. He said having a member of the Planning Commission on the ZBA would let them know the Planning Commission's rationale and why they decided to approve it pending their approval. He thought it would streamline things and help them move quicker.

**PRESENTATIONS - None**

**REPORTS**

- 1. SPECIAL/COMMITTEE - None**
- 2. CITY MANAGER - None**
- 3. DEPARTMENTAL - None**
- 4. ATTORNEY - None**

**AUDIENCE PARTICIPATION – None**

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

**CM-07-06-221      Moved by Margolis, seconded by Gatt; CARRIED  
UNANAMOUSLY: To approve the Consent Agenda as presented.**

**Roll call vote on CM-07-06-221**

**Yeas: Capello, Gatt, Margolis, Mutch, Nagy,  
Landry**

**Nays: None**

**Absent: Paul**

- A. Approve Minutes of:
  - 1. June 4, 2007 – Special Joint meeting
  - 2. June 4, 2007 – Regular meeting
- B. Enter Executive Session immediately following the regular meeting of June 18, 2007 in the Council Annex for the purpose of discussing the City Manager and City Clerk's evaluation.
- C. Approval of the final balancing change order and final payment to Midwest Power Systems, Inc. for the Hilton Sanitary Sewage Pump Station Upgrade project in the amount of \$63,542.25.
- D. Approval of the final payment to M One Limited Inc. (dba/Mark 1 Restoration Services) for masonry repairs performed at the Novi Public Library in the amount of \$19,300.
- E. Approval to award bid for Miscellaneous Concrete Repairs to HES Stallings-Julien Sales and Service, the lowest qualified bidder, for a one-year contract with a one-year renewal option based on unit pricing.
- F. Approval of Policy Resolution for Special City-wide Business Signage from July 8-28 in conjunction with the 2007 Michigan 50's Festival.
- G. Approval of request for a Fireworks Display Permit from the Michigan 50's Festival, to be held at 12 Mile Road and Dixon Road on Friday, July 27, 2007, subject to final inspection by Novi Fire Department.
- H. Consideration of approval of Resolutions Concerning the Necessity of Acquisition of Property and Approving Declaration of Taking in connection with the Beck Road improvements at the Ten Mile intersection, for Parcel Nos. 22-29-400-005 (4,368 square feet of right-of-way, 1,880 square feet of temporary easement, \$17,690); 22-29-226-030 (5,653 square feet of right-of-way, 2,154 square feet of temporary easement, \$22,815); and 22-28-101 021 & 022 (7,933 square feet of right-of-way, 2,196 square feet of temporary easement, \$44,008).
- I. Approval of final payment to Motor City Fence Company for the Ella Mae Power Park outfield fencing system in the amount of \$5,000.
- J. Adoption of MERS Revised Uniform Defined Contribution Program Resolution for the Library Division (effective for all employees hired after July 1, 2007).





Roll call vote on CM-07-06-223

Yeas: Margolis, Mutch, Nagy, Landry,  
Capello, Gatt

Nays: None

Absent: Paul

3. **Approval to award Phase I of the Enterprise Content Management System Design and Implementation of Hyland's OnBase Software to ImageSoft, Inc. and to purchase related hardware for a total of \$213,175.**

CM-07-06-224

Moved by Margolis, seconded by Nagy; CARRIED

UNANIMOUSLY: To approve to award Phase I of the Enterprise Content Management System Design and Implementation of Hyland's OnBase Software to ImageSoft, Inc. and to purchase related hardware for a total of \$213,175.

## DISCUSSION

Member Mutch asked how many firms were contacted to bid on this. Mr. Pearson said after looking at the possibilities they were pretty specific on what they were looking for. He said they put out an RFP for different vendors that had specific software and they went through the competitive process for different firms that provided the hardware and the training. Mr. Petty said they also put it out on the Bid Net package so it would go out across the nation. Member Mutch asked if they did any targeting, looking for specific or local firms to bid on it. Mr. Petty said they didn't solicit local firms and strictly used the Bid Net service. Member Mutch said he was familiar with the software and the system but he was concerned that there were only two bids scored, and one proposal had a low score and was incomplete. So, he was concerned with the single bid for this and wasn't sure that multiple bids from contending firms would have gotten them a much lower price but he was always concerned in this type of situation. Member Mutch asked Mr. Petty if this was re-bid, did he think they could get a better price. Mr. Petty said he didn't think so. He said they did some site visits such as Waterford, Northville, Northville Township, and Troy with Mr. McCusker and other staff members. He noted their focus was to find a product that would integrate with not only the financial system but with future systems that departments like Mr. McCusker's were looking at. The name that consistently kept coming up, in practice, not as some software company saying they could do that, this OnBase was in place and working and they got to see it. Mr. Petty said that was the reason for choosing OnBase as the package and then going out to bid for the integrator. He said they opened that up nationwide and Highland had an opportunity to bid on it as well as ImageSoftware out of Southfield. He said a third one chose to put in a bid but they were not an OnBase provider so they would not have qualified.

Member Mutch said document management, having been through it first hand, was one of those IT implementations that was quite intensive and detailed. He said they would want to make sure they had the right firm so his primary goal would not be what the best price was necessarily, because they would want the firm that was most qualified. Member Mutch said in the future he would hope to see more firms bidding on this kind of project



5. **Approval to award a construction contract for the 2007 Neighborhood Road Program Contract I to Hard Rock Concrete, Inc., the lowest qualified bidder, in the amount of \$960,475 (the contract to be signed after July 1, 2007).**

Mr. Pearson said one of the best things they could do each year was the Neighborhood Road Reconstruction, which was a very popular and in demand program. He was also very pleased that Council was able to fund, in this budget, 50% more neighborhood street work than they do in a typical year. He said given that, they divided up the contracts for the work into two separate contracts just to make sure that if they had a contractor who couldn't handle the whole load they had another option. He said they had a lot of bidders and received very good prices. Mr. Pearson said the winning bidder on both of these contracts was someone they worked with last year, and the smoothest Neighborhood Road Reconstruction they have had in a long time was with Hard Rock. He said he was very pleased that they would be able to do 13 of the 18 street segments that were in the most recent Neighborhood Road Study. The paperwork for this would be done before the end of the fiscal year and at that time the contract would be signed and they would begin as soon as possible.

**CM-07-06-227 Moved by Nagy, seconded by Margolis; CARRIED UNANIMOUSLY: To approve a construction contract for the 2007 Neighborhood Road Program Contract I to Hard Rock Concrete, Inc., the lowest qualified bidder, in the amount of \$960,475 (the contract to be signed after July 1, 2007).**

#### **DISCUSSION**

Member Mutch said in light of the fact that the bids came in somewhat insignificantly under the budgeted amount, \$1.134 million and the other estimated to be \$1.167 million, was there any opportunity to look at any of the five streets that were excluded and bring those in or were those not engineered at this point. Mr. Pearson said they were not engineered and they had as much work as they could comfortably digest and get done well in this construction season. Mr. Pearson said they would like to get going on these and start in on the design of the next round, perhaps those next five segments, and get that work done over the winter. Then next spring they could bring Council something to consider, assuming the final prices come in under the award amount so they would have an opportunity to do part three next spring. Member Mutch asked if construction would begin in July for both phases. Mr. Pearson said yes.

**Roll call vote on CM-07-06-227**      **Yeas: Landry, Capello, Gatt, Margolis, Mutch, Nagy**  
**Nays: None**  
**Absent: Paul**

6. **Approval to award a construction contract for the 2007 Neighborhood Road Program Contract 2 to Hard Rock Concrete, Inc., the lowest qualified bidder, in the amount of \$906,329 (the contract to be signed after July 1, 2007).**

**CM-07-06-228** Moved by Capello, seconded by Nagy; **CARRIED UNANIMOUSLY: To approve a construction contract for the 2007 Neighborhood Road Program Contract 2 to Hard Rock Concrete, Inc., the lowest qualified bidder, in the amount of \$906,329 (the contract to be signed after July 1, 2007).**

Roll call vote on CM-07-06-228 Yeas: Capello, Gatt, Margolis, Mutch, Nagy, Landry  
Nays: None  
Absent: Paul

**AUDIENCE PARTICIPATION - None**

**MATTERS FOR COUNCIL ACTION – Part II**

7. Approval to award a construction contract for the Taft Road Paving Project (Nine Mile Road to South City Limits) to Summit Transport, Inc., the lowest qualified bidder, in the amount of \$668,626.85.

**CM-07-06-229** Moved by Nagy, seconded by Capello; **CARRIED UNANIMOUSLY: To approve a construction contract for the Taft Road Paving Project (Nine Mile Road to South City Limits) to Summit Transport, Inc., the lowest qualified bidder, in the amount of \$668,626.85.**

Roll call vote on CM-07-06-229 Yeas: Gatt, Margolis, Mutch, Nagy, Landry, Capello  
Nays: None  
Absent: Paul

8. Consideration of a request from applicant for Chase Bank for a variance from Section 11-68(c)(2) of the Design and Construction Standards for standard water main pipe materials to allow the use of HDPE pipe to facilitate a directional bore. The applicant is proposing a 3,930 square-foot bank on the northeast corner of Beck Road and Grand River Avenue.

Mr. Pearson said, given the circumstances, they support the request from the Design and Construction waiver. He said the material being used was something the City had used in a similar circumstance where the first choice was not a possibility.

Member Nagy said in the face of this it said the DPW recommended approval of the variance with a few conditions related to construction. She asked what the conditions were. Mr. McCusker said the HDPE pipe had not been used that often inside the City, and it's used in specifically bad ground areas. He said the 24 inch went under the freeway and the Engineering Department was going to make them live by the same standards. He said they were called garages with up ground wiring so they could check the pipe from



Ms. McBeth showed, on the overhead, South Lake Drive and where the entrance of the park was going through the parking lot past the picnic shelter, playground and the road going back out. She pointed out the location of the proposed cell tower and showed Council pictures of the view. She said the road was about 25 feet lower than the location at the top of the hill. She showed the area from all views and said there was a nice flat spot for the cell tower and the equipment shelter. She said if Council was inclined to approve this resolution this evening, it would have to go to the Planning Commission for consideration of a preliminary site plan for the cell tower and equipment shelter and come back to Council for approval. Ms. McBeth asked for clarity on whether the intent was to approve the flagpole as shown in the papers that were included this evening or whether a standard cell tower would be appropriate. She said there was also an offer by the applicant to construct a picnic shelter in association with the equipment shelter.

Mr. Schultz said the resolution before Council did three separate things. It would authorize Mr. Stollecher and T-Mobile to submit the application for this particular location, which was City owned, and Mr. Schultz would need authority in order to do that on City property. It would authorize the Manager and staff to work on the terms financial and primarily non-monetary, since Council was aware of what the monetary offer was for an option to lease. Then it would come back to Council at a later date but most likely before approval of the zoning issue. It would say that this was not an agreement or approval; it was just an authorization to start the process. Mr. Schultz said if Council decided to move forward the application would be submitted by T-Mobile, bring back the lease, which would probably be similar to the Sprint lease that was in existence, and talk about drawings and site plans to be approved later. He said the zoning process would come after the lease.

Mr. Pearson said the staff's suggestion would be to not do the flagpole because of location, maintenance, etc. and they didn't see an up side to that. Also, he would encourage Council if so inclined, to negotiate a contract for cash payments as having T-Mobile involved in the City's shelter construction would just add another player and it didn't seem to make a lot of sense. He said just like with the Sprint deal, cash and let Council decide how to use that money.

Mayor Pro Tem Capello agreed with both of the Administrations recommendations, and would prefer to have the cash and build our own structure. He said the flagpole was nice but the typical cell tower would be fine with him.

**CM-07-06-231      Moved by Capello, seconded by Nagy; MOTION CARRIED:  
To approve resolution to allow T-Mobile an option to lease  
property for a 110 foot tall cell tower and equipment shelter at  
Lakeshore Park, subject to terms and contingent on subsequent  
site plan review and approval by the City Council.**

## **DISCUSSION**

Member Mutch asked what the maximum height of a cellular tower was. Ms. Mc Beth said it was 150 ft. Member Mutch said he had comments from the public about where this was

going. One question was if other companies co-locate on this tower, would the ground structure that accommodated the equipment accommodate other co-locators or would they be building separate huts for their equipment. Mr. Stollecher said there had been comments comparing them to the ice rink site but their antennas would be inside the canisters and there would be no perpendicular arrays proposed for this site. He said they would be building this to accommodate another co-locator and they would have to get a tower lease from them. He said the ground lease T-Mobile would be getting from the City would be just enough for their equipment so any co-locator would have to get a ground lease from the City. Member Mutch asked if the ground structure would accommodate their equipment as well as the co-locators. Mr. Stollecher said they hadn't really planned on that because the ground lease he would get from the City would be for their equipment. He said they would work it anyway Council wanted, but they thought it would be better if they had to negotiate for their own ground space with the City. Member Mutch thought they were going to have common terms in terms of the different companies coming out there. He said he would hope to avoid having multiple structures around the tower, if possible. He had talked with people in the industry and they had indicated that it was feasible and they could co-locate the equipment in a single structure with some security separation. Mr. Stollecher said it would need to be a bigger structure. Mr. Stollecher said at the ice rink there was a large fenced in compound and everyone picked their own spot within that compound. Member Mutch asked if he was anticipating that level of security, in terms of fencing around the structure. Mr. Stollecher responded they would be in a brick shelter that would match the brick out there, so they wouldn't need fencing. He said they could build it to accommodate another co-locator inside the shelter they would build. Member Mutch asked if they would need access 24-7, and he replied they would. Member Mutch said that would be something they needed to work out with the City. Mr. Stollecher said fortunately there was a blacktop path three quarters of the way back toward where they were proposing, and from there a gravel two track. He said they would blacktop the gravel track to match what was out there. Member Mutch asked who would be responsible for maintaining and keeping the access road clear from the point that it was not the City's. Mr. Stollecher said they needed access 24-7 so it would behoove them to keep it clear. Member Mutch asked if the 110 ft. tower was primarily based on accommodating the co-location. Mr. Stollecher said he would like a 150 footer, which would be tall enough for all the other carriers, but was trying to find a balance between height and being as unobtrusive as possible, and thought he had done that with 110 ft. Member Mutch asked if that was driving the location up on the hill, and he responded that helped a lot.

Member Mutch said primarily his big concern was its location on the highest point in the park. He said for better or worse it would be the landmark for that area of the park and also for the surrounding neighborhoods. He said there would be some screening from the trees but a 110 ft. tower was a 110 ft. tower that would be in people's backyards. He said as a rule they had not placed these towers in residential neighborhoods as that was the ordinance standard. He thought it made it difficult for Council when it looked like they were making an exception, in part, for a monetary consideration. Member Mutch thought Mr. Stollecher had made a fairly strong case that without a location somewhere in this area they would not be able to provide the full level of coverage. Member Mutch

recognized that. He said other issues that come with that site were the need for the paved road to the top, which was contrary to the feel of that portion of the park, and the equipment shelters up there as well. He said what went from a nice grassy open area was suddenly becoming the equipment and tower area right at the entrance where people would go to the more natural portion of the park. Ideally he wouldn't want to see this in the park but if it had to be in the park, his preference would be a location closer to one of the main access roads and getting it down off of the hill. He knew Mr. Stollecher had been trying to balance a lot of different concerns, and he thought he would be trying to do the same. He said whatever revenue they could bring in was great but he didn't think it was revenue at any cost as they had to make a balance. Member Mutch said his balance would be to look at a location closer to the main access road and off the hill. He said he could not support this proposal as presented based on the location. The other issue was the fact that the property was deeded to the City from the State and whether there were any issues with the City leasing that property based on the terms the property was given to the City. He thought the City Attorney should look at that before getting into a lease. Member Mutch said he appreciated his efforts to find a balance but could not support this proposal.

Mr. Stollecher said regarding the shelter, he had been working with Mr. Auler and the front of the park was proposed. He felt it would be much more of a landmark, if it were put there by South Lake Drive. He said Mr. Auler had been trying to get a picnic shelter in that location and it would look just like the other brick buildings in a location that Parks and Recreation wanted a shelter anyway. He didn't envy Council for having to make a decision on this but the exception he felt was the availability of the ground not so much the income it would provide. He said they could meet all the set backs and he really didn't believe it would be noticeable from South Lake Drive as they would have to drive right up on it before even seeing it. He thought if they were going to put a creative cell phone tower in this area this would be the place for it. He said all their cell phone facilities included an enhanced 911 antenna on them, which would also be encased in a canister. He said these phones are not just car phones anymore and every one uses them in their homes, and whether driving or at home when 911 was called from the cell phone that cell phone tower with the enhanced 911 service would also provide a benefit.

Member Mutch said he appreciated the effort they made with the structure to get beyond the simple block wall, and the 911 service and the cell phone service generally had moved beyond an occasional car phone kind of use. He said they would have other residential areas where they would run into this so he didn't want to set any precedence that they couldn't back away from in the future.

**Roll call vote on CM-07-06-231**

**Yeas: Nagy, Landry, Capello, Gatt, Margolis**

**Nays: Mutch**

**Absent: Paul**

**CONSENT AGENDA REMOVALS FOR COUNCIL ACTION - None**



## **MAYOR AND COUNCIL ISSUES**

### **1. Library Bond, Millage Rate - Member Margolis**

Member Margolis noted the intention of Council was to keep the millage rate at the 10.54 even with the addition of the Library Bond. She said the packet information was that there were reductions in other millage rates that could be accomplished to keep that. She said based on the discussion and documentation at the meeting, she thought it was and had been the intention of the Council to keep that millage rate at that level. She suggested Council ask the staff to bring back information in the next couple of meetings with some way they could signify their intent to keep that millage rate at that level. Member Margolis thought it was something that would allow the library to really be up front with the citizens in terms of what they could expect, if they pass the Library Bond in November. She thought it would be helpful to them and the City to have that information up front before they make their decision.

Member Nagy said she assumed when talking about keeping the 10.54 they were also talking about the reduction in millage in the Drain Fund, and she was concerned about that. She noted she supported the library's efforts but had a problem with it because a Council Member had asked about reducing the Millage Fund during the budget sessions and the answer was that it could not be done. Member Nagy said she assumed that they paid their debt first, so she thought down the road this would have an affect and it was like robbing Peter to pay Paul. She asked if they were reducing the Millage Fund, and paying out of the GOA the bond, then weren't they reducing the amount of money they had in the General Fund.

Ms. Smith-Roy said she didn't believe they were. She said what they were trying to do in this year's budget was set the stage for the Drain Fund to be more self sustaining, and go one more year maintaining the millage rate. It wasn't that it could not be reduced, they were recommending against it so that it would extend the life of the funds available between the Drain Fund and the Drain Perpetual Maintenance Fund. She said there were two funds that supported those activities. Ms. Smith-Roy said what they demonstrated from the projection Council was given based on the studies done this year, was that they anticipated there would be sufficient funds to maintain the drain activities at least through 2020. She said they were comfortable with that and also, it could be a combination of reduction that Council could utilize to absorb the library millage rate. It could be a decrease in the other debt millages based on taxable value increasing above what they anticipated, a reduction in the General Fund, or it could be a reduction in the Drain Fund. She said it could be any combination of those three items.

Member Nagy said what worried her was the economy in Michigan was so bad. She was concerned about reducing millage and in the long run being short in another area. She didn't agree with this but appreciated Ms. Smith-Roy's expertise and answer.

Member Mutch said he raised the question about reducing the Millage Fund at budget time with the intent that they would be able to go to the voters and say specifically that

they had reduced the millage versus a promise to reduce the millage. Member Mutch said he was a little aggravated they didn't have that information then. He said it was frustrating to have a rationale given for making a decision that changed within a couple months. However, he would like to explore the concept because that was the intent of his efforts to seek a millage reduction so residents could go to the polls and vote for the Library millage with at least a promise there would be some offset so they wouldn't see a significant increase in their taxes. Member Mutch said they had been provided information that illustrated how that could be done with the Drain Fund, and he wanted to review it to be sure he was comfortable with it. He knew there were other issues raised during the budget discussion to justify not reducing now and he would be following up on those to find out why that had changed and why they would consider this now. He was willing to support looking at this and hopefully it would get them to the same point, which was to convince the voters that Council could accomplish the library project within the financial framework that Council had been working on.

Mayor Landry noted the intent was that when the Library Bond millage rate was up for a vote, generally speaking when voting on a millage rate the question was how much more their taxes would increase. He said the answer always was the average house of \$200,000 would be \$60 a year, which was how it was always discussed. He said his understanding of the purpose of this was that the City was in a position to absorb the library millage and taxes wouldn't increase at all. He thought it was very important to get that out to the voters. However, legally this Council couldn't make binding promises since there would be a new Council in November, but he thought the idea was a good one. He thought it would be good to let the voters know that this was what they intended to do and barring some emergency they thought they could do it. Mayor Landry said if Administration could come back with some options, he would be all for exploring that with the caveat that they couldn't bind future Councils.

Mr. Pearson thought it would fit in nicely with the next steps in planning ahead and forecasts. He said Council had seen with the library ballot language, conservative estimates of growth and so forth, and how that debt service in future years would fit in. He said they could definitely get that in the end of July and start to mull that over looking ahead.

## **2. Wildcats – Member Nagy**

Member Nagy noted the girls soccer team won their third State Soccer Championship in a row. She hoped when the time came Council would recognize them, and she offered her congratulations.

**AUDIENCE PARTICIPATION - None**

**ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 8:12 P.M.

\_\_\_\_\_  
David Landry, Mayor

\_\_\_\_\_  
Maryanne Cornelius, City Clerk

\_\_\_\_\_  
Transcribed by Charlene Mc Lean

Date approved: