

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, DECEMBER 17, 2007 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 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Landry, Mayor Pro Tem Capello-absent/excused, Council Members Crawford, Gatt, Margolis, Mutch, Staudt

ALSO PRESENT: Clay Pearson, City Manager
Pamela Antil, Assistant City Manager
Tom Schultz, City Attorney
Cindy Uglow, Neighborhood and Small Business Manager

APPROVAL OF AGENDA

Member Margolis added, to the Consent Agenda, Item I, Acceptance of a preservation easement for Novi Research Park SPE.

Member Staudt added, to Mayor and Council Issues, Item I, Sidewalk Prioritization Work Group.

**CM-07-12-346 Moved by Gatt, seconded by Margolis; CARRIED UNANIMOUSLY:
To approve the agenda as amended.**

Voice vote

PRESENTATIONS

- 1. Holiday House Decorating Winners – First Place Tie!
Jeff and Carol Seelenbinder – Addington Park
Michael and Karen Cortis – Haverhill Farms**

Cindy Uglow said this was the first time there had been a tie for the Holiday House Decorating contest. One of the homes was in Addington Park owned by Jeff and Carol Seelenbinder. Michael and Karen Cortis of Haverhill Farms had tied with Mr. and Mrs. Seelenbinder, but could not be present.

Mayor Landry presented Jeff and Carol Seelenbinder with a plaque for enhancing the holiday spirit in Novi with their outstanding display of lights and spreading the spirit of good will. The contestants also received gift certificates from Ace Hardware, Maria's Deli and National City Bank. Ms. Uglow thanked Ace Hardware, Maria's Deli and National City Bank for their participation. She also thanked Glenda's Garden Center, Dinser's Greenhouse and Flower Alley **Florists** for decorating the Civic Center Atrium with their holiday wares.

REPORTS

SPECIAL/COMMITTEE - None

CITY MANAGER – Setting Final City Council Goal Setting Session for January

Mr. Pearson asked Council to consider setting a Goal Setting Session follow up in January, and suggested January 19th or the 26th. He said the challenge with the 26th was there was a Homeowner Association Breakfast that morning and it might be too much. Mayor Landry asked Council for their preference.

Council consensus was to meet January 19th at 8:30 A.M.

DEPARTMENTAL

a. Deputy Chief Lindberg return from FBI Academy

Chief Molloy welcomed Deputy Chief Lindberg's return from the FBI Academy after successfully completing the 231st session of the FBI National Academy. Deputy Chief Lindberg had spent the last 11 weeks training side by side with 300 of the brightest men and women in law enforcement worldwide. He also ran the Marine Corp Marathon, which he finished in three hours and fifty five minutes. Deputy Chief Lindberg thanked Council for the opportunity and said it was a great learning experience and the marathon was a great personal accomplishment. However, the value to the City was the academics, and he hoped to share the information he had learned and appreciated the networking opportunities.

b. Michigan Natural Resources Trust Fund (MNRTF) Awards Novi \$281,300 Grant

Mr. Pearson commented he wanted to recognize and salute those who were involved with the successful acquisition of a MNRTF Grant from the State of Michigan for additional parkland north of Nine Mile and east of Napier Road. Mr. Auler and the recreation staff, Member Mutch, Senator Cassis, and State Representative DeRoche also helped out in this cause. He said it had to be finalized and the legislature had to approve the money but everything was looking good for the grant.

ATTORNEY - None

AUDIENCE COMMENTS –

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

**CM-07-12-347 Moved by Margolis, seconded by Staudt; CARRIED UNANIMOUSLY:
To approve the Consent Agenda as presented.**

**Roll call vote on CM-07-12-347 Yeas: Crawford, Gatt, Margolis, Mutch, Staudt,
Landry
Nays: None
Absent: Capello**

- A. Approve Minutes of:
1. December 3 – Regular meeting

- B. Approval of the revised *City of Novi Investment Policy* (to update List of Approved Financial Institutions) and the *Statement of Investment Policy, Objectives and Guidelines of the City of Novi Retiree Health Care Fund*.
- C. Approval of the resolution setting an option for non-residential water and sewer users requiring more than one (1) tap unit factor to install an irrigation meter for purposes of determining the sewer connection fees.
- D. Approval of an agreement with American Images Publishing to produce a second edition Community Profile publication at no cost to the City of Novi.
- E. Approval of the Parks and Recreation facilities donation acknowledgment and acceptance of the agreement with International Transmission Company (ITC).
- F. Approval of Change Orders to T & M Asphalt Paving, Inc. for the 2007 Bituminous Pathway Replacement Project resulting in a net increase to the awarded contract in the amount of \$36,713.37, for a total contract price of \$168,508.17.
- G. Consideration of the request of Singh Development for Uptown Place, SP 03-40B, for a one-year Preliminary site Plan extension. 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.
- H. Approval of Claims and Accounts – Warrant No. 759
- I. Acceptance of a Preservation Easement from Novi Research Park SPE, LLC and International Transmission Company for Novi Research Park, located on the west side of Haggerty Road south of Twelve Mile Road in Section 16 covering 3.36 acres. **THIS ITEM WAS ADDED AT APPROVAL OF AGENDA.**

MATTERS FOR COUNCIL ACTION – Part I

1. **Consideration for Process and Issuance of Requests for Proposals to review and develop options for 6.5 acres of City-owned property (Fuerst Farm) at Ten Mile Road and Taft Road.**

Mr. Pearson said the City owned property at the corner of Taft and Ten Mile Road immediately west of the Library property and north of the high school. He said the buildings had not had any appreciable investment or use and the timing seemed right for this discussion. Mr. Pearson said this topic had come up during Council goal setting sessions because it seemed like an under utilized resource. He commented it had come up in discussions with the Library, and he thought it would be beneficial to have an idea of what the City intended to do with that property short and long term. He asked for consideration of issuing an RFP for professional help to facilitate a process that would involve a number of groups, identified in the memorandum. He suggested going back to the four firms that responded to the Master Plan for Land Use so they would not have to go through the whole beginning process of soliciting professional firms. Mr. Pearson noted that BEI and Diamond and Schmitt, who were working

on the library, had a natural awareness of the project. He thought they had a good group of consultants who had diverse experience and if Council agreed, they could send out the scope that was attached in the Council packet and welcome any comments.

CM-07-12-348 Moved by Crawford, seconded by Margolis; CARRIED UNANIMOUSLY: To request proposals to review and develop options for the 6.5 acres of City-owned property (Fuerst Farm) at Ten Mile Road and Taft Road.

DISCUSSION

Member Gatt thought this could not have come at a better time. The City of Novi was facing a crisis as far as parkland, and this was a piece of property in the heart of the City Hall area and adjacent to Power Park, which was unused 99% of the time. He thought they would be amiss if they didn't find out what recommendations professional consultants could come back with. Member Gatt said he wholeheartedly supported the motion.

Member Staudt thought, in this case, the systematic approach to reviewing this property was extremely appropriate with the new library and the potential relocation of the old Township Hall. He thought Council needed to know all the options for the property, and what would eventually be done with the old Township Hall. Member Staudt commented the buildings weren't in very good shape, the barns were nearly falling down, and he saw it as a bit of an eyesore. He thought it was time to turn that into a crown jewel piece of property and that they should get some outside advice on the best use. He said there were some very good restoration people out there, and architects who could advise Council on what needed to be done. Member Staudt said they had to decide whether they wanted their only historical district to be on the corner of the municipal complex. He said he would support the motion.

Member Mutch commented he had concerns about the language and the scope of the RFP draft that was presented to the Council. He said he wanted to flush out some of the potential uses discussed in the proposal to see if they were actual uses that would be appropriate for study, or if they were uses that didn't make sense to review in this process. He asked Mr. Auler if he drafted the language. Mr. Auler said the Parks Commission and the Planning Department drafted the language. Member Mutch said the proposal talked about a historical park incorporating the farmstead and the old Township Hall. He thought what was appropriate about that use was the fact that the Parks and Recreation Master Plan talked about it as a historical park. He said it talked about the need for an assessment of the facilities and to incorporate improvements into that park. The Master Plan also identified the funding necessary to do that kind of assessment, and it was also referenced in the City's Master Plan, which talked about the need to protect historic sites within the City and the importance of preserving them.

Member Mutch said a couple of the other uses were not clear. One of them talked about a use associated with the library but wasn't otherwise defined, and asked what that could potentially be. Mr. Auler said they were looking for the opportunity to have a consultant come in and facilitate a community engaged process so the community could help identify the best use and opportunity for that property. He said they could help identify whether it was historic or part of a green campus with the library, school, Civic Center campus, or whether it was something else and whether the historic component would be relocated to another place. He said when they drafted this they wanted to find possibilities that the community would be

very engaged in and help identify the future of the property, whether it was a historic use or a component of the library, school, Civic Center complex or something else. He said they didn't have any specific items, and were just asking what the possibilities were and what made the most sense that the community would support. Member Mutch said there was also mention of a cultural center and there was nothing defined for that but it was something Mr. Auler would envision coming out of that process.

Member Mutch said another use that was referenced in the RFP text was an active recreational use, such as a soccer field. He said looking at the topography, he wasn't sure that was an appropriate use. Mr. Auler said they were just trying to list a number of possibilities to portray that it was an open canvas to look at what the best use for the property was, whether an active, passive, historical, community center or shared use. They wanted to find out what the community wanted that property to be utilized for. Then how could they plan for that and make it become a reality. He said there was no specific project or agenda. He said they had run soccer practices on that topography, but didn't know if the topography could be changed. Member Mutch said that was the concern he had with how this was structured because when looking at Mr. Auler's Master Plan he could look at a lot of uses that Mr. Auler had told Council were priorities for his department and for funding, and they weren't the cultural center idea or the library use. He said the historical use was documented and was identified, and there was a need for active recreational use, but he would question that location. He thought they were going about this backwards, without having identified a need, priorities or how much money there would be to spend on it. He said they should be doing the same thing that was done with the library. They identified what their needs were, how much space was needed and then looked at the limitations of the site, and the direction they wanted to go. He thought when they put out these ideas that didn't have any backing in their planning process; they opened up the door to anything. Member Mutch said one of the controversial proposals for the Civic Center campus was a water park, and asked if they would be revisiting that as a part of this process since this was a blank slate. He wanted to make sure everyone was clear on how they got to the point they were at now in terms of making this request for money, because according to Mr. Auler's Master Plan, they should have been budgeting for this kind of study a couple years ago. He said it had never come forward through the budget process to Council and suddenly it was a priority when the Master Plan said it was a priority several years ago. Member Mutch said if looking at it from the City's viewpoint, it wasn't made a priority and money wasn't put into the facilities, and asked why they were surprised that things looked a little rough there. If the soccer fields weren't mowed and maintained, they wouldn't look good and couldn't be used and the same thing applied to the Fuerst Farm.

Member Mutch said he saw this as an opportunity to finally fulfill the promise that was made to the residents when they took on the responsibility for maintaining this historical site. Instead of having an open ended blank slate process, he thought something should come forward that was focused on a historical site that was consistent with their Master Plan, and with the priorities of their strategic plan and the City's Master Plan. He thought it should focus on restoration and adaptive use of the property. He wasn't looking to open the door to aquatic parks, cultural centers and other uses that had not been defined and identified as priorities. Member Mutch said if they look at their peer communities, almost every city and township in Oakland County had historical sites that the community owned, maintained and operated. He said in Novi there's a resource that had a national and State designation, and they were talking about not wanting that resource here anymore. He thought it would be a lost opportunity and

instead they should be embracing that resource, putting funding behind it and focusing the planning on how they could make it a better use, in terms of the historical resources that were there, and engaging the community so they connect with that resource. He felt they were fortunate to still have that and thought to pass by that opportunity would be short sighted. Member Mutch said there were a lot of people in the community with expertise they could bring to this kind of resource such as Kathy Mutch, Americana Foundation, Colgate, Roy Prentice, architect Lee Mamola, and Lou Martin. He felt they could bring in these resources to a focused process that would give them a workable plan versus spending money on a process that would lead to a demand for more plans and more money. He said he could not support the request as proposed; he felt it was unfocused and wouldn't give them the outcome that they wanted.

Member Mutch reminded Council that every planning process should lead to an outcome where they fund the results. He said when talking about building a cultural center or some use associated with the library, it would be a significant investment. Member Mutch said they still needed to find \$1.5 million to fund the replacement of the fire station on Nine Mile Road, and that would need to be addressed at budget time.

Member Margolis said the proposal talked about a lot of the things Member Mutch talked about. She said it said "when the recommendation was developed, consideration should be made regarding the surrounding land uses, existing conditions on the site, traffic volumes, economics and the feasibility of long term maintenance and operations, goals and objectives of both the Master Plan and the Community Recreation Plan, and any relevant plans and policies of the high school and library." Member Margolis said all of the concerns expressed were in the RFP. The RFP brought all of those pieces together to look at that piece of land as a whole, and determine, based on all the needs of the community and the resources available, what use they could make of that. She said what made her sad was they had this great resource but it was empty and was not utilized. She thought the RFP brought together how the site fit into the grand scheme of the City, and when talking about shared services they needed to look at that in this context. She said the library was a hub for people looking for information on services, so what a great chance to work this into the plan as the library comes to the fore. She thought they should consider all these things but have a blank slate and find the best use, given where they want to go, made a ton of sense. She said they have a lot of identified needs and wanted to figure out how to use that property to fit the needs that had been identified. Also, regarding this had been a priority for several years and nothing had been done, was all the more reason they needed to do something. Obviously, there was something missing in how they approached that property. A study was done in 2000 that wasn't implemented and they needed to get control of this and figure out how the property could best serve the needs of the community. She said she would wholeheartedly support the proposal.

Mayor Landry said he was 100% in support of the RFP, and didn't see this as a backward approach. He thought this was exactly the approach that needed to be taken. He said they would hire a professional who would consult with various groups in the City and with everyone who could potentially use the site. Then when everyone's feedback was received, Council would discuss it and decide where the funding would come from in terms of private and City dollars. He said that was exactly the way the planning process was supposed to work. They were supposed to keep an open mind, consult different groups and see how they could best utilize it to best meet the needs of the City. Mayor Landry thought this proposal was good because it didn't target anything as a sacred cow. If a building had to come down, then maybe

it should be taken down, if it had to be moved then maybe it should be moved. Mayor Landry said they knew the old Township Hall had to be moved because it sat on library property. So if it had to be moved, maybe this was the time to look at it. Maybe the Fuerst Farm should be kept, and one, two or all three of the barns should be kept and clustered together to make a historical interpretative center. He said it was a gorgeous piece of property, and in Portage they have a small amphitheatre built into the side of the hill. He said he could see something like that there and in the summer for the library's reading program the kids could sit in the amphitheatre, maybe act out plays, or have their reading program out in the summer. He said what he had not heard until tonight was anything about an aquatic center. He said no one was more vocal against that in this town than he was. Mayor Landry wholeheartedly supported the proposal.

Member Crawford said there weren't many barns and farms left in this community, and she was one who wanted to preserve things. However, preservation by itself was not enough, and she was not in favor of preserving something until it fell down. She was for utilizing what gift they had, and utilizing the property to maximize its use whether it was a farm camp for youth or interpretative things as Mayor Landry suggested. She wanted to see the property used to the max. Member Crawford said she was in favor of this and of looking at everything, and loved the idea of engaging the community to tell Council what their dream for the property would be, and having the experts input on what could be done. She said she was definitely in favor of going forward with this.

Roll call vote on CM-07-12-348

Yeas: Gatt, Margolis, Staudt, Landry, Crawford

Nays: Mutch

Absent: Capello

2. Approval of Consultant Review Committee's recommendation to award a two-year agreement for general legal counsel services to Secret Wardle through December 1, 2009.

Member Gatt commented the Consultant Review Committee had been meeting periodically, and as a result of the meetings he and Members Margolis and Crawford, who were also on the committee, had come to the conclusion that to offer Secret Wardle a two year extension of their contract would be in the best interest of the City. He said the City had been with Secret Wardle for three years and they had not sought or received an increase in their fees. Member Gatt said they were proposing that the partner rate go from \$125.00 an hour to \$130.00, senior associates would go from \$110.00 an hour to \$120.00 and associates would go from \$105.00 to \$110.00. He said Secret Wardle had proposed that three of their partners who work for the City on a regular basis would only be paid at the senior associate rate. He said they thought it was a good deal and that Secret Wardle had done an outstanding job in every aspect and they would recommend approval.

CM-07-12-349

**Moved by Gatt, seconded by Margolis; CARRIED UNANIMOUSLY:
To approve the Consultant Review Committee's recommendation to
award a two-year agreement for general legal counsel services to
Secret Wardle through December 1, 2009.**

DISCUSSION

Member Mutch asked if there was any discussion about bidding out the legal services, and if so why it had not been bid out.

Member Margolis said they had that discussion, and all of the feedback they had received from the staff and committee members was that they felt very comfortable with the level of service and expertise of Secret Wardle. She said they considered the cost involved in bidding it out, especially in a relationship like a City Attorney, because switching from one to another where cases or projects sometimes were not settled or finished quickly. So many of the legal services were long term negotiations and contracts and if there were a new City Attorney, he/she would not be comfortable taking the legal background and research of a previous attorney to court and presenting someone else's work. So, the City would end up double paying because the new attorney and the previous attorney would still be working for the City until the previous attorney's cases were settled. She said the cost of switching in this kind of relationship was quite large and considering the small amount of increase this was looking for after a three year contract, it wasn't appropriate to bid this out to save \$5 an hour.

Member Mutch assumed that if they switched legal firms they would follow the same process they followed previously, that being the outgoing firm would continue to do work on the cases they had. He said he was willing to support the proposal and had a great relationship with Mr. Schultz and was comfortable with his advice as well as the other members of the firm. However, legal services were a significant cost in the budget based on the memo of last year the costs were almost \$600,000. He said they didn't typically spend that kind of money for any kind of services without looking at bidding them out and thought there had been discussion about bidding out these services. It would be disruptive to change legal services but it should never preclude looking at what other legal firms could provide to ensure they were getting the best possible rates. He said he would support this but thought they should look at bidding it out at some point.

Member Margolis said the committee looked at comparables across other cities, and the rates Novi paid were at or below those comparable rates they had looked at.

Member Staudt stated he fully supported the motion. He said he had experience with Secret and they were excellent to work with; he appreciated the work of the committee and totally agreed with their conclusion.

Mayor Landry said Member Mutch raised a valid point about putting these things out to bid periodically. He said they did go out to bid for City services when he was on the Consultant Review Committee, which was about three years ago before he was elected Mayor. He said after going out to bid they awarded it to Secret Wardle. He agreed it was good to do periodically and didn't feel it needed to be done so soon after doing it the last time. He said this was a subject that he had a considerable amount of experience in, and a lot of what he did legally was to go in and represent municipalities who had been sued. Mayor Landry said he worked with municipal attorneys all the time, and one of the most difficult things an attorney had to do was to tell an elected official what they didn't want to hear. There were times when attorneys had to tell elected officials that they could not do something and at times it could be very political when people were on both sides of the issue. However, they had to do their job and tell them what the law said was right or wrong. Mayor Landry said one of the things

that he had respected about this law firm from Mr. Fisher, Mr. Schultz and everyone there was that they had always told the Council what they believed the law was whether Council liked it or not. In the end that was what they wanted from a lawyer. He said since they had been the City attorneys the Sandstone issue had been settled, and four or five other longstanding lawsuits. Mayor Landry said there had not been any other lawsuits against the City and no judgments. He wholeheartedly supported the motion and thought the Consultant Review Committee did an outstanding job on this recommendation.

Roll call vote on CM-07-12-349

Yeas: Margolis, Mutch, Staudt, Landry, Crawford, Gatt

Nays: None

Absent: Capello

- 3. Consideration of the final Planned Rezoning Overlay (PRO) Agreement and Zoning Map Amendment 18.670 SP 07-22 from the applicant, Haggerty Road Development, to rezone property located east of Haggerty Road, north of Eight Mile Road from FS, Freeway Service District to B-3, General Business. The subject property is 0.41 acres.**

Matt Diffin, Diffin Development Consultants, was present and stated they were the civil engineer for the project, and Gerald Locricchio, representative for the developer, was also present. Mr. Diffin said they had been looking at this property and working with staff for a year and a half and had gone through numerous iterations on what could or couldn't be done with the project. Mr. Diffin said it was a triangular piece of property with an 8 and 12 inch gas main running through the center of it. It also had gas mains and electric underground easements along the front. He commented that it limited them as to where they could put their building and limited their parking and turn around areas. Mr. Diffin said they had met with the Fire Chief regarding the fire truck turn around, trash pick up and large delivery trucks, and said that was why this was placed where it was. They were asking for a few variations in the rezoning overlay. He said one was the building setback along the east side of the property, which would be reduced from 10 feet to 4 feet, and also a parking setback, which would also be reduced from 10 feet to 4 feet. He said this would allow the unloading delivery area to be in the front instead of the rear of the building. Mr. Diffin said they intended to meet all other zoning requirements. There was a list of uses that they had eliminated from the B-3 zoning that they would not be using and had basically kept it to standard office and retail uses. He said Kinko's was looking at renting a space and that was what it was intended to be. So it would be more of a retail use, if this went forward. Mr. Diffin said there had been concerns about how their use would look up against the adjoining Farmington Hills property. He said there was an existing hotel and he believed they had been approved for a gas station/car wash use. Mr. Diffin said for their public benefit they were proposing to extend the sidewalk and landscaping along the roadway down to the Taco Bell located to the south of their site. He noted there was a City owned regional detention basin across the street. He said it was a unique situation along Haggerty Road as Oakland County had jurisdiction over the roadway and they didn't typically allow trees and landscaping to be put in the right-of-way. So, they would need an easement from Orchard Lake Condominium, the adjacent property, which was also located across the street in order to put landscaping on their property. He said if they couldn't get those easements, they would put the same amount of landscaping on the City property across the street. Mr. Diffin said storm water was Council's concern previously; there was a regional basin across the street, which ultimately drained to the Orchard Hills pond that was connected

by a 24 or 30 inch pipe that ran under the road. He said there was an outlet structure that was maintained by the City and then it drained out to the County drain along 275. He said if they couldn't get easements from Orchard Hills to drain into their pond, then they would have to figure out how to get the water across the street. Mr. Diffin said that would be possible but there would be more cost to do that. He said if they could drain into the Orchard Hills pond, they would take the savings and provide the City with additional sidewalks along their property across the street.

Mr. Diffin said previously they had two different options for the building façade. He said they received positive responses on both but Council had indicated they wanted them to pick one or the other. He showed Council what the intended user, Kinko's and the developer, had chose. He said the façade and all signage would meet the zoning ordinance as written.

Mayor Landry asked if Council could have the applicant improve property that wasn't touching their property, as part of this rezoning. Mr. Schultz responded that because it wasn't a straight rezoning but was a Planned Rezoning Overlay agreement, they had negotiated the conditions and as part of that process they had put those conditions in the agreement, recorded against the property, and it was essentially a contract. He said this was the only kind of development that they were permitted to do those conditions on. He said it was a joint agreement and it could be done here. Mayor Landry questioned the roughly proportional, and Mr. Schultz said they had acknowledged it was roughly proportional in the agreement.

Member Margolis said most of the Council had agreed previously that a PRO was the way to do this. She said one of her questions had been to get a better sense of the use of the property, and she felt they had given more information on that.

CM-07-12-350 Moved by Margolis, seconded by Crawford; CARRIED UNANIMOUSLY: To accept Planned Rezoning Overlay (PRO) Agreement and Zoning Map Amendment 18.670 SP 07-22 from the applicant, Haggerty Road Development, to rezone property located east of Haggerty Road, north of Eight Mile Road from FS, Freeway Service District to B-3, General Business. The subject property is 0.41 acres, subject to the conditions listed in the staff and Consultant Review letters and for the reasons stated in the Planning Review letter, and the PRO Agreement.

DISCUSSION

Mayor Landry asked if specific reasons were needed with respect to the Planned Rezoning Overlay. Mr. Schultz thought it would be appropriate to refer to the agreement and say included in the agreement were the reasons and the benefits that allowed the rezoning.

The maker and seconder of the motion accepted the amendment.

Member Mutch asked if there was language in the agreement that addressed the façade. Mr. Schultz said the expectation was to insert that drawing into Exhibit B as part of the plan. He said he had talked to the applicant and thought they would be fine incorporating some language that specifically called that out, if Council would like. Mr. Schultz said the applicant had already agreed to do that so they would insert that language as well.

Member Mutch thought having the language there would be good in case there was a question later. He asked if there would be a site plan process once Council approved the agreement. Mr. Schultz said there would be a site plan process to be followed in the normal course, and they would have to comply with the conceptual plan and meet all the ordinance requirements except those they were exempted from in the agreement.

Member Mutch said he would support the motion. He thought, for this piece of property, having some kind of vehicle to do this kind of development was the only good way to do it. He said Council would have control over some of the specifics and thought the public benefits were significant. He asked Administration to clarify the question of whether they could or could not landscape within the County right-of-way. He said this question had come up at Council and at the Planning Commission and he would like to have a better understanding of this situation.

Roll call vote on CM-07-12-350 **Yeas: Mutch, Staudt, Landry, Crawford, Gatt, Margolis**
Nays: None
Absent: Capello

4. **Consideration of City *DeFacto* Street Acceptance of Settler's Creek Court (1,040 linear feet) and Creek Crossing (1,722 linear feet) for a combined total of 2,762 linear feet of roadway surface.**

CM-07-12-351 **Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY:**
To approve City *DeFacto* Street Acceptance of Settler's Creek Court (1,040 linear feet) and Creek Crossing (1,722 linear feet) for a combined total of 2,762 linear feet of roadway surface.

Roll call vote on CM-07-12-351 **Yeas: Staudt, Landry, Crawford, Gatt, Margolis, Mutch**
Nays: None
Absent: Capello

5. **Approval of Interagency Agreement between Wayne County and the City of Novi for Rouge River National Wet Weather Demonstration Project Round VIII – Part B Funding for Regional Basin Retrofit Projects (Taft & Bishop Regional Stormwater Detention Basins). The grant award amount is \$202,500 with a local match of \$202,500.**

Member Mutch acknowledged the work that the Engineering Department did to pull this together and highlighting the fact that two projects could be done at a cost that otherwise they would have only been able to do one. He encouraged them to continue pursuing grants and to keep up the good work.

CM-07-12-351 **Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY:**
To approve Interagency Agreement between Wayne County and the City of Novi for Rouge River National Wet Weather Demonstration Project Round VIII – Part B Funding for Regional Basin Retrofit Projects (Taft & Bishop Regional Stormwater Detention Basins). The grant award amount is \$202,500 with a local match of \$202,500.

Roll call vote on CM-07-12-351

**Yeas: Landry, Crawford, Gatt, Margolis, Mutch,
Staudt**
Nays: None
Absent: Capello

AUDIENCE COMMENTS - None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION - None

MAYOR AND COUNCIL ISSUES

I. Sidewalk Prioritization work group – Member Staudt

Member Staudt said this evening the Sidewalk Prioritization Process and Analysis Work Group met, which consisted of three Planning Commissioners, two liaisons from Council, he and Member Mutch, and a representative from the Park Commission. He said the group was responsible for isolating and selecting segments of sidewalk that needed attention through a very systematic process developed in cooperation with the Planning Department. During the conversation, it came to light that there were opportunities to expand the scope of this committee to include not only greenways but trails in the community. Member Staudt said with the approval of the ITC Agreement this evening, there would be some significant opportunities to pursue trails. He said the committee generally met several times a year and was then dormant until the next budget session. After speaking with the Planning Commissioners who participated on the committee, they expressed their interest in continuing their participation, if Council elected to incorporate trails and greenways into the committee. As a committee created by action of Council, he wanted to present this to Council for discussion. Member Staudt said he would like to see it expanded to include trails and had he had spoken with Mr. Auler and Mr. Rumble. He said they wanted to see this committee continue, expand and meet on a regular basis. He noted that he and the Planning Commissioners had made a commitment to do that and they would like to add one or two Parks, Recreation and Forestry Commissioners and really look at the trail system and how it integrated with the sidewalks and pathways.

Member Margolis commented her concern was that they had a Parks and Recreation Department that really planned for those trails, and she wanted to make sure that this didn't become multiple people looking at the same thing. She said they had a Community Recreation Plan, and she would like to see feedback from staff on how this fit with overall governance of Parks and Recreation.

Member Mutch thought that was a valid concern and they had talked about it at the meeting as a situation they wanted to avoid. They didn't want three different committees looking at pieces of what was really a big puzzle of sidewalks, bike paths, trails and greenways. As Member Staudt noted they would want to have Parks and Recreation Commissioners on the committee and have everyone at the same table; they could create a priority list for the entire group of projects that made sense and worked together. He felt doing it this way the end product would be much better and cohesive in terms of what Council would see at the end of the process.

Mayor Landry said the Sidewalk Prioritization Committee was created by Council, which had representatives from the Planning Commission and other groups. He said they went through

the City section by section and gap by gap. They analyzed, prioritized and came up with what he thought was an excellent result and plan for dealing with sidewalks. He asked if they were talking about reprioritizing it. Member Mutch said the process itself was an annual update. He said they had completed a number of significant projects and gaps; however at the same time, new gaps appeared as development went in, and if a particular area had safety concerns, it would become the priority. Member Mutch said the committee finished its work and this year's projects were already funded through the budget, so this was looking ahead to next year's budget. The updated list would look the same but everyone had moved up the list as they completed their work. He said with this process, they were trying to bring the same kind of care and attention to the trail segments, while ensuring that those two components were interlinked. They would bring the same kind of care and diligence and detail looking at the various components

Mayor Landry suggested something in writing proposed as to the scope of this group so that everybody in the City would be clear regarding this. He asked that something be put together and given to Council in an off week packet, or put on the Agenda as an action item; then everyone could weigh in on it and it would be formal and with a decision on it.

Member Staudt said it was definitely their intent to draft that type of document. This evening they just wanted to see if there was any opposition or support. He said the committee members seemed to be in support of this, and it was something that would be ongoing. Member Staudt said they would like the opportunity to look at the very small gaps with specific issues like safety concerns, as opposed to just having two hours to look at this massive project. He felt they could spread it out over the year and really spend some time looking at the real significant things that were important to the community. Member Staudt commented he would work with Member Mutch and staff to draft a letter.

AUDIENCE COMMENTS - None

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 8:11 P.M.

David Landry, Mayor

Maryanne Cornelius, City Clerk

Date approved: January 7, 2007

Transcribed by Charlene Mc Lean