

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
TUESDAY, FEBRUARY 17, 2009 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 Gatt, Council Members Burke, Crawford, Margolis, Mutch, Staudt

ALSO PRESENT: Clay Pearson, City Manager
Pamela Antil, Assistant City Manager
Tom Schultz, City Attorney
Rob Hayes, City Engineer
Brian Coburn, Civil Engineer

APPROVAL OF AGENDA

Member Mutch suggested Item #7 become Item #1, Appointment to Boards and Commissions.

CM-09-02-019 Moved by Mutch, seconded by Staudt; **CARRIED UNANIMOUSLY: To change the order of the Agenda and make Item #7 Appointment to Boards and Commissions Item #1 under Matters for Council Action – Part 1.**

Voice vote

CM-09-02-020 Moved by Margolis, seconded by Gatt: **CARRIED UNANIMOUSLY: To approve the Agenda as amended.**

Roll call vote on CM-09-02-020 Yeas: Gatt, Burke, Crawford, Margolis, Mutch, Staudt, Landry
Nays: None

Mayor Landry announced that State Representative Hugh Crawford was present and would like to speak.

State Representative Hugh Crawford commented that he gave a letter to the City Clerk asking the Mayor to provide him with a picture of City Hall, as he would like to display it prominently in his office. He said he would also have pictures of the City Halls of other cities he represented. Rep. Hugh Crawford said he would also like anything else they had of significance, in the way of a picture, that the City would like displayed in his office along with any brochures, newsletters, etc. about the City of Novi. He said he would like to have these things available in the office for people who came to his office. Rep. Crawford said he was slightly frustrated as a new legislator because they weren't moving very fast. He said they've had six sessions and they could have accomplished in a half an hour at a City Council meeting what they accomplished in six sessions. Rep. Crawford said they were making a good case for a part time legislature, which he didn't necessarily agree with but at this rate, they could be part time very easily. He said

everyone had access to him, they knew where he lived and knew his phone number and asked that anyone with a question of any kind to call him.

Mayor Landry said Mr. Pearson would see that an appropriate photograph got to Rep. Crawford.

PRESENTATIONS

1. Pavement Condition Assessment Report - Rob Hayes and Brian Coburn

Mr. Hayes said he and Mr. Coburn presented the findings and recommendations of the Pavement Condition Assessment that was conducted last fall. He noted this was a part of a broader program that they were kicking off that had to do with asset management. He said asset management was a guiding strategy to help them proactively manage the life of the City's assets. He said whether talking about roads, water mains, sanitary sewer or drains, anything that was infrastructure related fell under that category. Mr. Hayes said they were trying to shift the paradigm away from making reactive type repairs and get things programmed out in a proactive or predictive mode. He said that was the driving force behind it. He commented it was a continuous process of inventorying the infrastructure, assessing its condition, developing strategies, whether maintenance related or capital project related, predicting future conditions and implementing those projects. He said the overall goal was to optimize the useful life of that asset and minimize lifecycle costs. He said that was the whole purpose behind it and it was akin to a relatively simple analogy such as the roof on your home. It was certainly more prudent to observe its condition and make minor repairs as needed or even reroof it before there was some catastrophic failure where there was intrusive water damage and end up paying more money in the long run. Mr. Hayes said the infrastructure was the same thing, it made more sense to be proactive, keep up with the maintenance, make the capital investments where needed so a lot of money wouldn't have to be spent if there was a catastrophic water main break, road or sanitary sewer failure. He said currently they were subscribing to an asset management program through Oakland County called Collaborative Asset Management, which had to do with the water main, drain system and sanitary sewer. He said that was a work in progress. Mr. Hayes said tonight they were talking about transportation asset management that strictly addressed roadway conditions. The report to be presented tonight was the first piece in getting an asset management program off the ground for roads.

Mr. Hayes said they did the study last fall and the support was submitted about a month and a half ago and Council had received copies of it. The project was similar to the Pavement Surface Evaluating Rating studies that were completed in 2001 and 2004, PASER. Mr. Hayes said PASER was a subset of their overall pavement condition assessment. He said they looked at over 1,500 road segments, which consisted of over 180 miles of City roads, which was Novi jurisdiction. He said the County had jurisdiction over several roadways and had conducted their own PASER analysis, which was last done in 2006. He said this report documented those conditions looking at three major categories, pavement distress type, ride ability and pavement surface condition. The first two categories established the baseline for future years and the pavement surface

condition was a qualitative measurement that would help them select the type of treatment technique to be implemented for some of the poorer roads.

Mr. Coburn said the PASER visually rated the surface condition of the pavement on a numerical scale from 1, a failed or very poor road to 10, a pavement in excellent condition. He said a pavement rated 6 or higher was generally in good condition or better. He noted if they looked at how the roads were comparing as far as that rating of 6, 76% of the roads under the City's jurisdiction were rated a 6 or better. He said generally the roads were in good condition. He said 81% of the major roads were rated a 6 or better and 74% of the minor roads were in good condition. Then, looking at the asphalt and concrete roads, 85% of the asphalt roads were in good condition but only 58% of the concrete roads were in good condition. He said they knew they had a problem with the concrete roads and were addressing that and it was reflected in the data.

Mr. Coburn showed Council a slide of Windridge Lane that was rated a PASER 10, which was reconstructed in 2008 as part of the neighborhood road program. He said a 10 was a perfect new road, no defects and less than a year old. He showed Bedford Drive, a PASER 6 in concrete, and said it was exhibiting some signs of distress, there was mid slab cracking and the cracks were well sealed and no faulting. There were no structural problems but there was a need to do some work on the road. Mr. Coburn showed an example of PASER 6 in asphalt, Woodland Drive north of Ten Mile, had some cracking, the block cracking was very large, if there was any, and it was in strong structural condition but needed some preventative maintenance on it. He showed an example of a PASER 2, Scenic Drive, which had failed, had extensive cracks, failed patches and joints and extensive settlement in the road. He said the 2008 data compared to previous years had been pretty much unchanged as far as the average PASER rating. In 2001 the average PASER rating was 6.6 and in 2008 it was still at 6.6. Mr. Coburn noted looking at the percentage of centerline miles rated as 6 or better, they were 74% then and 76% now. He said where the difference came out was when looking at the standard deviation. How closely was that data grouped towards the average. He said they used to have 1, 3, and 9 and 10 and they were gone now and they had shifted towards the center and now have 5, 6, 7, and 8 in the system. He commented it wasn't a bad thing because it set them up to do maintenance on the roads. Mr. Coburn said what had happened was the ones had been fixed and had become 10 and now they were coming back down to 7 and 8.

Mr. Coburn said when the roads were 8, 9 and 10 there was very little maintenance. When the roads were 5, 6, and 7 there was some maintenance needed to be done, 3 and 4 some rehabilitation and 1 and 2 was the pavement failed and needed reconstruction. He said the same held true with concrete.

Mr. Hayes said the approach with any asset management program was to do a hybrid approach. He said there was a list of typical treatments for different types of pavement, whether asphalt or concrete. Mr. Hayes said the list had been approved by the Michigan Transportation Asset Management Counsel and there was talk that projects that were preventative maintenance related might be eligible for Federal funding. He said they had chosen a good time to get on board with Asset Management.

He said there was a menu of different types of fixes that could be implemented to try to address the streets that were rated 6 or lower. Some of the treatments were well within the capability of the Public Works staff, as they had the labor and materials to take this on. There was another menu of techniques that could be implemented to fix structural problems with pavements.

Mr. Hayes said they had been very aggressive in addressing the streets that needed to be reconstructed. However, they were having a hard time keeping their heads above water and improving the overall PASER rating. He said the report really recommended a shift from that worst first mentality to more of a broad based approach. He said that meant keeping the good roads in good condition, still doing some reconstruction of the worst roads and applying the appropriate maintenance and capital maintenance techniques as needed. He said this was the first step in getting them off the ground with a formal asset management program. The consultant for the project, SME, would be assisting them in formalizing the project and he said they would have the report by the end of March. Mr. Hayes said the program would help them maintain the pavements that were in good condition and extend that useful life and address the pavements that were in poor condition, either through a capital project or through maintenance and provide significant savings in the long term. He said as far as implementing this, they would be prepared to incorporate some of the maintenance techniques this summer, but starting next year, the program would be used as the basis for selecting the capital projects as well as their maintenance projects.

Member Margolis said one of the reasons the Council had kind of pushed the idea of objective measurements was the PASER was simple; they'd take the worst ones and fix them first. She said, as they were prioritizing capital improvements, how would they go about doing that. She asked if there was an objective way they decided to put \$10,000 into ten 5 roads was a better idea than putting \$100,000 into two roads. Mr. Coburn said they would receive free software that was delivered to all the county and local agencies in the State called Road Soft. It was a pavement management model and would allow them to look at how much money they had and how it could be best spread around to get the best bang for their buck. So, what they were looking at was how to increase the remaining service life of the existing roads with the money available. He thought there would still be reconstructs and a lot of money would be spent doing that because of the concrete roads being in such poor condition. However, they needed to also spend some money on those 5, 6, and 7 to get them so they stay up on the higher end of the PASER.

Member Mutch said when Council first saw the data come in they were surprised that it wasn't a bigger boost for the overall PASER rating. After going back through the data he noticed there had been a significant jump in the amount of millage they were maintaining. He said their hope was new subdivision roads would be a 9 or 10 and would stay that way for a couple of years. He said it also meant that the amount of road mileage they had to support was increasing annually. He said they discussed funding and funding just didn't keep up, so they were trying to spread the dollars down a little further. He was looking forward to seeing what the different mix of fixes the asset management program allowed them to do. He thought it was unlikely they would see extra money for roads except for the stimulus, but even that he wouldn't want to count

on. He said as development picked up in the future that infrastructure impact from new development, especially roads, was a big long term price they had to pay as a City to keep them at a 6 and above.

REPORTS

1. MANAGER/STAFF

Mr. Pearson said there was an exhibit in the atrium called Experience Japan that Council and the public might enjoy looking at. He said it was a very nice exhibit and Thursday night was the opening at 7 P.M. would be very well done.

2. ATTORNEY - None

AUDIENCE COMMENT

Margaret Schmidt, 25377 Wixom Road, said she had handouts for Council and came before them as a volunteer. She said she had 2.5 acres of woods and had noticed a plant was growing in clusters in the woods for about two years. She found out it was an invasive weed called Garlic Mustard. She felt it was important to involve the entire City, utilizing students and involving parents, in a plan to identify areas of Garlic Mustard infestation and remove it. She felt this was a very important project and requested that Council send her to the Michigan Invasive Plant Council Symposium on March 6, 2009 at a cost of \$100.

Ginger Barrons, 24777 Glenda, stated that she was concerned that her assessment showed a 3% decrease in value but knew her home value had decreased by about 15%. She said with the decrease in property values and the worsening economy, she was concerned about expenditures in Novi. She thought the economy was worse than Novi realized it was. Ms. Barrons said they would survive this and in two to three years they would be out of this. She said she wanted to bring it to Council's attention as they were looking at budget items, she didn't feel the City was being conservative enough for what she was seeing in her real estate practice. She felt the City was not conservative enough and voiced apprehension about the operating costs for Signature Park. She said she was really concerned about where Novi's was going, how the spending was and whether they would really see the income in property tax values that they thought they would see after they were through the appeals.

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

CM-09-02-021 **Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY: To approve the Consent Agenda as presented.**

Roll call vote on CM-09-02-021 **Yeas: Burke, Crawford, Margolis, Mutch, Staudt, Landry, Gatt**
Nays: None

- A. Approve Minutes of:
 - 1. February 2, 2009 – Regular meeting
 - 2. February 9, 2009 – Special meeting
- B. Enter Executive Session immediately following the regular meeting of February 17, 2009 in the Council Annex for the purpose of discussing pending litigation, labor negotiations, land acquisition and privileged correspondence from legal counsel.
- C. Approval of the final payment to Cadillac Asphalt, LLC for the Beck Road Improvement project (Ten Mile to Providence Parkway) in the amount of \$23,197.40.
- D. Approval of Emergency Response Vehicle Interlocal Agreement between Oakland County and the City of Novi.
- E. Acceptance of a Conservation Easement from International Transmission Company for the ITC Headquarters, located south of Twelve Mile Road between M-5 and Haggerty Road, in Section 13, covering a total of 35.02 acres.
- F. Approval of the final balancing change order and final payment to D & M Contracting, Inc. for the Eleven Mile/Delwal Water Main project in the amount of \$38,781.76.
- G. Approval of the Storm Drainage Facility Maintenance Easement Agreement with McDonald's Corporation for the site located at 42665 Twelve Mile Road, east of Novi Road in Section 14 (Parcel ID No. 22-14-100-057).
- H. Approval of Standard Agreement for Municipal Street Lighting with The Detroit Edison Company for the installation of two streetlights at the proposed MDOT Park & Ride lot to be located at the northeast corner of the I-96/Beck Road interchange in Section 16.
- I. Approval of the Storm Water Maintenance Easement from Novi Pavilion, LP for the Dara Place site located at 26203 Novi Road (Parcel ID No. 22-15-476-021).
- J. Approval of Claims and Accounts – Warrant No. 787

MATTERS FOR COUNCIL ACTION – Part I

1A. Appointment to Boards and Commissions

Mayor Landry asked Ms. Cornelius to tally the votes for the Boards and Commissions.

Mayor Landry said there were two seats open for the Planning Commission and the first individual he would like to propose for the Planning Commission for one term expiring 6/30/2009 would be David Baratta.

CM-09-02-022 Moved by Member Gatt, seconded by Margolis; **CARRIED UNANIMOUSLY: To appoint David Baratta to the Planning Commission for one term expiring 6/30/2009.**

Roll call vote on CM-09-02-022 Yeas: Crawford, Margolis, Mutch, Staudt, Landry, Gatt, Burke
Nays: None

Mayor Landry said the second individual he would like to propose for the Planning Commission for one term expiring 6/30/2010 would be Leland Prince.

CM-09-02-023 Moved by Burke, seconded by Margolis; **CARRIED UNANIMOUSLY: To appoint Leland Prince to the Planning Commission for on term expiring 6/30/2010.**

Roll call vote on CM-09-02-023 Yeas: Margolis, Mutch, Staudt, Landry, Gatt, Burke
Nays: None

Mayor Landry said there were three terms expiring 3/1/2012 and the first name he would bring forward would be Lawrence Kilgore.

CM-09-02-024 Moved by Staudt, seconded by Burke; **CARRIED UNANIMOUSLY: To appoint Lawrence Kilgore to the Library Board for the term expiring 3/1/2012.**

Roll call vote on CM-09-02-024 Yeas: Mutch, Staudt, Landry, Gatt, Burke, Crawford, Margolis
Nays: None

Mayor Landry said the second name he would bring forth was Lawrence Czekaj.

CM-09-02-025 Moved by Staudt, seconded by Burke : **CARRIED UNANIMOUSLY: To appoint Lawrence Czekaj to the Library Board for the term expiring 3/1/2012.**

Roll call vote on CM-09-02-025 Yeas: Staudt, Landry, Gatt, Burke, Crawford, Margolis, Mutch
Nays: None

Mayor Landry said the third name he would bring forth was David Margolis.

CM-09-02-026 Moved by Staudt, seconded by Burke; **CARRIED UNANIMOUSLY: To appoint David Margolis to the Library Board for the term expiring 3/1/2012.**

DISCUSSION

Member Margolis said she would like to recuse herself from this vote.

CM-09-02-027 Moved by Gatt, seconded by Staudt; CARRIED UNANIMOUSLY: To allow Member Margolis to recuse herself from voting on the nomination of David Margolis to the Library Board.

Voice vote

Member Margolis exited the Council Chambers.

Roll call vote on CM-09-02-026 **Yeas: Landry, Gatt, Burke, Crawford, Mutch, Staudt**
Nays: None
Abstain: Margolis

Member Margolis returned to Council Chambers.

Mayor Landry said the final commission to be brought forth was the Economic Development Corporation. He said there were two terms that expire 3/1/2014 and in light of the fact that the City had a professional Economic Development Director, they had talked at goal setting time about these appointments that were sort of winding down the Economic Development Corporation. He said it had to exist because of bonds that existed but the task had been taken over by the professional Economic Development Director. So, in light of that he would bring forth for the two terms expiring 3/1/2014 Mr. Clay Pearson and Mr. Rob Petty.

CM-09-02-027 Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY: To appoint Clay Pearson and Rob Petty to the Economic Development Corporation.

Roll call vote on CM-09-02-027 **Yeas: Gatt, Burke, Crawford, Margolis, Mutch, Staudt, Landry**
Nays: None

Mayor Landry asked the City Clerk for the results of the tally on the other votes.

Maryanne Cornelius, City Clerk read the tally for the remaining boards and commissions.

Beautification Commission – Kimberly Holdaway

Building Authority – Mark Sturing

Construction Board of Appeals – Jeff Bowdell, John Enkemann

Historical Commission – Kimberly Holdaway, John MacInnis

Public Access Promotion Commission – Roger Bird

Stormwater Management & Watershed Stewardship – Alex Afsari, Loraine Johnston

1B. Resolution Approving Submission of Ballot Proposition to Electors to Authorize a Levy of one-half mill, by Charter, for a 25-year period, for the purposes of acquiring, developing, constructing, equipping, maintaining and operating parks and recreational programs and facilities in the City.

Mr. Pearson said, for the record, that this was a follow up to the special work session that Council dedicated to the topic of Signature Park. He said they outlined considerable work by a work group and professional consultants that vetted a concept plan for what a Signature Park could look like including capital and maintenance costs. He noted there were a couple of different funding options and there was consensus by Council that the best long term way to handle this would be to have the authority to go up to a half mill and there was no obligation to take all of that as part of a Charter section amendment. He said the language they had before them for inclusion would be before the voters in a special election in May. He said it had been reviewed by the City Attorney and outside Counsel on this topic and once Council considered this and if Council voted affirmatively, they would take the next steps tomorrow with the State Attorney General and the County Election Commission to bring this into play.

Mayor Pro Tem Gatt said he was fully in support of this and thought it was probably the most important project that had come before Council in a number of years to move the City forward. He asked Mr. Pearson to address the audience concern and the concerns of people he talked with in the last week. He said this half mill would not only purchase and build but would also operate the facility for as long as they could predict. Mr. Pearson replied that was one of the advantages of the approach that the Council seemed to have gravitated toward. He said that meant they would be authorizing up to the half a mil and both the construction and the maintenance would live within that amount. Mr. Pearson said it would be a known quantity and they had engaged consultants as well as professional staff who had experience in facilities like this in the area and around the country. He said they felt very confident and comfortable about that. He noted the committee that had met and interfaced with Administration knew first hand that what was presented in the concept had been brought into a very doable format that delivered a significant improvement in the park system and yet was not over reaching. He said it could be scaled up as it went forward, which was one of the advantages of the approach Council had selected. Mayor Pro Tem Gatt said, in the immediate future, they did not plan to hire any full time staff to operate the facility. Mr. Pearson said in total in the City organization that was true. He said they would always look at rearranging City staff and resources to accommodate priorities and definitely with the staff and resources he had, they did not plan on adding full time staff dedicated towards the facility.

Member Mutch asked if the voters approved the millage in May, it would then be going on to the upcoming year's tax roll for actually levying the millage. He asked what the

amount would be for the first and second years. Mr. Pearson replied he couldn't speak specifically to the second year. He said the first year would be the sheet that Council had in their work packets that was Option B, and that would be to levy the full half mil. However, it would mean a full half mill increase in the total City millage because they would adjust one of the other millages that had flexibility downwards. So, that was what was referred to, in the first year, 10.87 mill from the current 10.54 approximately. He said they would levy that and it would give them the means to provide the architectural design, site work and prep work on a pay as they went basis. He thought it would help in a lot of ways including giving them the best opportunity to spend the time to design the facility and issue the bonds only when absolutely necessary. He said it would give them a lot more flexibility in terms of financing and being able to select the time it would be the most advantageous to the City in terms of the bond issuance. Also, it would put off that bond issuance and first debt service payments until a year down the road when other debt service payments were falling off. Member Mutch said then he anticipated, since they would be levying the full millage this year and not issuing the bonds this year, that there wouldn't be any bond payments this year. He said the full \$1.7 million would be available for the architectural and site work. Member Mutch said site work couldn't take place until they issue the bonds. Mr. Pearson said he believed number was \$900,000 but could be wrong about that. Member Mutch said the half mill was \$1.7 million. Mr. Pearson said yes, the money would be for architectural design and whatever closing costs with the improvements they were obligated to do and survey work, etc. Member Mutch said, so everyone was clear on how the money would be used, the intent would be to hold those funds for this project up until the point that they issue bonds and start paying for the operating and the debt costs. He said the intent was not to shift the money off anywhere else. Mr. Pearson said he would reserve and look at the transfer between the General Fund and the Parks millage but that would be the only factor that he would qualify that whatsoever. Member Mutch commented he thought it would be helpful for Council if the intent was as stated tonight, to have some updated financial documents. He thought it would give them a better handle on what dollar amount they were talking about as they headed into the budget process. Member Mutch said he had some questions and comments that were, for him, unresolved or he thought they might need to discuss or address tonight or as they move forward with the proposal to the voters. He said he knew there were questions that would come up from the voters and he thought they needed to be ready to address them. The first question was the fact that they were requesting a special election in May and the estimate for the cost of the election was about \$30,000. He said people had already asked why the election had to be done in May versus November, as part of the General Election, when there wouldn't be any additional cost. He thought that was an answer they should be able to give. Another concern he had about the financial numbers was an issue raised and discussed at the last meeting was the Renewal/Replacement Fund that the consultants recommended they put in place. He said it was suggested that they wouldn't need those funds in the first five years because those were more of a long term need of the facility. He said his concern was as they looked at the operating plan for that facility, once they put the recommended \$75,000 a year into the operating plan it had a significant impact on the bottom line. He said if the projections continued forward into year six and they start implementing the Renewal/Replacement Fund, they wouldn't have that cushion in place necessarily, depending on how they handled the millage amounts and the Fund Balance that might accrue, and at some point the Renewal/Replacement Fund would

have to come into play. He thought it was something they needed to be aware of and address why they weren't implementing that from the beginning. Member Mutch said another issue on the financial side was a question he raised at the last meeting and that was the improvements that were not included in the millage proposal. He said they were asking for \$15 million that would build the recreation center, theatre, parking lots, roads, ball fields and maybe a cricket field and a couple of other amenities. He said things that were not included were the areas that were in the natural section of the park, playground, dog park, marsh boardwalk, trails and the ITC Trail. He thought the total amount they were talking about was around \$6 million for those improvements. He said if that was the final number, it was open to adjustment but then the question became where they would find the funds to complete those items. He said individually some of them were probably doable within a single budget year but collectively it was a significant amount of money. He said if they looked at the operating plan for the facility, it wouldn't generate enough extra revenue to have hundreds of thousands of dollars each year to put into additional improvements. Member Mutch said another thing they had not discussed a lot, but that he thought would have a significant impact on voters was, if there was an effort to really work on the issue of naming rights. He noted they had talked about naming rights for several years and have had some success with naming rights. He said they had talked about how they would use those dollars generated by naming rights to capital projects. He said this would be project #1 to a lot of voters and he thought they needed to explain to them how those dollars, collected over the past couple of years, would go towards this project and either replace or supplement some of the capital costs. Member Mutch said another big question mark was the fact that improvements like trails, which a survey of residents had been done by the Parks Foundation, walking and biking trails was the #1 outdoor recreational facility that residents requested. He said most of those trails were not included in the proposal. He said they were talking about a lot of conceptual stuff. So, even the dollars amounts they were talking about, other than the millage, some of those were open to adjustment. However, as they moved forward, that was an area that had to be addressed because that was one of the biggest missing components. He said the ITC Trail was a big thing they had talked about and something they wanted to do. He thought that would have been a perfect grant proposal. He said he came to Council in February 2008 and suggested the ITC Trail as an opportunity to apply for a Trust Fund Grant but they chose to pursue another project. He thought if they made that effort, it would show the public that they were looking at these dollars not just as the sole source of the revenue but along with naming rights and whatever other funds could be found and they were leveraging those dollars and taking them beyond just the dollars collected from tax payers. Member Mutch said Member Staudt raised the question of utility costs. He thought Council needed to make a commitment that the building they construct on that site, if voters approve this, would be a green building that would maximize the amount of energy efficiency, both in design and in the systems and technology, and would minimize the utility costs. He said the utility costs would be huge to the bottom line; every dollar they could save could be put back into the facility or other improvements that they didn't have the funds to do. Member Mutch said looking at the staffing they were talking about continuing to staff Meadowbrook Commons, Civic Center and utilize some of the same staff to provide coverage at the new facility. He said he had concerns about whether that was realistic. He knew they would have to prioritize and if voters approved this, it would be a priority from them to the City and Council to implement that.

However, realistically, they still had services that they needed to supply to both of those facilities, and they needed people who could do that. He said they had to be able to afford to do that, so that was an open question. Member Mutch said another concern he had was the fact that this was probably one of the biggest proposals to go before the voters within a number of years. He said they didn't get anyone here, except for one person and a couple correspondents, indicating support. He knew surveys were done saying residents supported it but when a price tag was attached to the proposal, that was when they would really find out how strongly they supported it and whether they were willing to put the dollars behind it. Member Mutch stated he was surprised there were no people present from the theatre group saying they supported this, or people from some of the active recreation leagues, or seniors who would get additional programming space. He said that would give him a level of comfort that there was strong community support behind this; he had not seen that yet. He said it might be forthcoming and hoped it would be because the proposal would depend on it. Member Mutch said he had been struggling with this question and trying to decide which way to go because he really did have a lot of concerns about the long term financials on this. He also had concerns about how the proposal evolved and whether some of the facilities that weren't included should have been included in how it fit into the big picture. He said ultimately his decision on whether to put this on the ballot or not came down to his belief that the public should have a say in this decision. He commented that ultimately this decision would come down to the individual decision of the voters based on their own personal needs and wants and let the City know whether it was a need or a want. He thought that was the way to go. Member Mutch said a couple of issues had come before Council that had been very controversial and every time he had taken the position that the public voice needed to be heard and this was one of those big issues. He said he would support putting this item on the ballot and thought the public would decide this. He thought, as a Council, whatever the outcome, Council had to respect that if the voters support this, it would become a priority and move ahead. If the voters decided this was not a proposal they wanted to support, then Council also needed to respect that and recognize that it would be a while before they could come back and say yes.

Member Margolis said she appreciated the thoroughness of the questions that her fellow Council members ask because it answered a lot of questions for her. She thought this was an opportunity for the community to decide what they wanted. She said one of the things she had heard over and over since being on Council was the idea of wanting to preserve green space and that they didn't want to cut all of the trees down and have development everywhere. She said this was an opportunity to take a big piece of green land and put it in the public domain and offer an opportunity for the community to keep that to benefit the community. She thought the proposal was excellent but didn't think it was a final plan of what the park would ultimately look like including everything. She said she was involved in the planning of the Library and the reality was when they were down to the actual planning, things changed. She said they ended up being able to afford more than they had thought they could and reprioritizing and doing those kinds of things. Member Margolis thought, overall, all of the concepts in this proposal were great concepts and things that would benefit the community. She thought, based on everything she read on community surveys, they had to make sure that when the proposal and plan was approved, it included the trails, paths and bicycle trails. She

suggested they make the trails and paths senior friendly and were something that everyone could enjoy but would also be safe for seniors. She liked the idea of the green building and the energy efficiency, although it might cost a little more upfront but would really be a benefit and she would support putting the dollars in. She said there was talk earlier about leveraging the dollars for this and she thought the City had a great track record of leveraging dollars. She said the reality was the land came to them in a land swap and it could have cost them a great deal of money to have this piece of land dedicated to a park. She thought, with the public support, that could be pulled behind a park like this, the Foundation would be increasingly successful in getting donations for that. She said the bottom line was this was a millage that was going to go for the voters and they would vote whether or not the park went forward. The idea of Council respecting the voters, she felt they had no choice because unless they got the money for the park, it would not go forward. She said was it a tough time, absolutely. She said she didn't think anyone living in this area or in this country that was stupid enough to think that anyone was rolling in money. She said the flip side to that was that it gave the City an opportunity that was presented by the difficult economic situation; the fact that they were able to do the land swap. She said the cost of development now would be much lower, as they found with the library. She said the bids came in almost \$2 million under what was projected. She said she would say to the community if they wanted to preserve green space, this was the chance. If they thought an average of \$75 per year was worth preserving this and adding this jewel to the community and allowing additional recreational opportunities, then this was their chance.

**CM-09-02-028 Moved by Margolis, seconded by Burke; CARRIED
UNANIMOUSLY: To approve the resolution for Submission of
a Ballot Proposition to Electors to Authorize a Levy of one-half
mill, by Charter, for a 25-year period.**

Mayor Landry thought this project was necessary on a couple of different levels. He thought it was necessary on an economic development level. He said the reason they had been successful was their ability to attract businesses, our non-residential tax base. He said they were told by the companies moving to Novi that one of the reasons for moving to Novi was because of the opportunities for the middle aged workforce to participate in activities in this town. He said that was one of the things they needed to focus on to attract businesses; also the largest growing aspect to the populations was the seniors. He said they needed to take measures now to make sure there were opportunities for active recreation for seniors. He said the other point that he agreed with wholeheartedly was they didn't often have the opportunity to save 70 acres of green space. He said it didn't come along very often and it was not cheap and a sacrifice had to be made to do it. Mayor Landry said at some point in time, the citizens of New York City decided to do this and they have a wonderful Central Park. He said they had an opportunity to do this and it's a window because of their ability to work with the school district on this. He said they had worked very hard to get the dollars down to the cheapest of all options and had been extremely straight forward and forthright with the voters in telling them this needed to be done by way of a millage not just a bond. He said the millage would allow them to maintain this and the dollars were not that expensive. Mayor Landry said this City Council and the Councils for the past eight years had developed a reputation. He said the millage had been 10.5416 for ten years but

they had the ability to levy a higher millage. He said they could have raised taxes anytime in the last ten years without going to the people and they had not done that. He said they had a reputation of knowing how to be conservative and how to respect the taxpayer's dollars. He said when they put this out to the taxpayers for a vote he was fully prepared to stand on the record of this City Council as good stewards of the taxpayer's dollars.

Roll call vote on CM-09-02-028

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

Nays: None

2. Approval of a prioritized list of road projects to be submitted to the Oakland Federal Aid Committee for potential Federal Economic Stimulus Package funding.

Mr. Pearson said leading up until now there had been a lot of talk about the stimulus package and what might be included and what would be emphasized. He said, as of today, something had been passed and there would be a lot of people all over the country pouring over it trying to figure out the best way to make their community and organization the best fit. He said they had responded to some informal inquiries leading up to now from different groups in terms of a list of things that we might have for being shovel ready. He said when it came down to the roads though there was a practice that appeared to be followed. He said it was how Federal dollars were allocated in any case. Mr. Hayes said basically what he looked at was the list of projects that were already on the Transportation Improvement Plan, TIP. He said for the 2012 fiscal year Novi had three projects that had been approved to receive Federal funding and the process that would be used would be the same process used for every federally funded project. Therefore, the likelihood that those three projects would be included or considered and compete for Federal stimulus was greater with those as opposed to the others. He said he listed those as the top priority projects. He said they were Nine Mile Road from Meadowbrook to Haggerty, Nine Mile Road from Novi to Taft and Meadowbrook Road from Eight Mile to Nine Mile. He said they were all relatively straight forward designs and he felt they could get plans and specs prepared within the timeframe the committee was requiring, which was 90 to 150 days. He said this group would consist of \$1.8 million of construction. Mr. Hayes said the next group of projects was the ones they just submitted for the 2013 TIP. He said there were two projects, Meadowbrook Road from Ten Mile to Cherry Hill and Nine Mile from Beck to Taft. He said this group would be \$800,000. He said the final group were new projects and had not been considered or evaluated by the Federal Aid Committee previously; so the likelihood of approval relative to the others was lower. However, they did include some key roads, Grand River Avenue from Haggerty to Novi. He said what they had showed was Novi taking that project on as a project that would be discrete repairs, plus an overlay with asphalt to get some more life out of the road until it made its way through the process to get full Federal funding. He said that would not be earmarked until 2025 based on today's schedule and they all knew it couldn't wait that long. He said next they showed Wixom Road from Ten Mile to Grand River and finally Beck Road from Nine Mile to Cheltenham. He said accumulatively those were \$2.4 million and if they were all added up it was about \$5

million worth of road projects that he would recommend go before the committee at the meeting on February 24, 2009.

Member Mutch said at this point they didn't know if there was going to be any match required for the projects. Mr. Hayes said he was correct and he did a little research in talking to the committee and they felt pretty confident that there would be no match. Member Mutch said so they would be fully funded and Mr. Hayes agreed. Member Mutch said the fact that these were 2012 projects this wouldn't necessarily save them money because they wouldn't be funding these in this current fiscal year anyway. Mr. Hayes said he was correct. Member Mutch said looking out a couple years it might allow the City to advance its construction schedule on other segments. Mr. Hayes said exactly, and they could supplant some new projects in the place of these. Member Mutch said one thing they had talked about with the stimulus projects was their goal to be shovel ready to have these going fairly quickly so that people were being put to work. He said let's say they approve Nine Mile from Meadowbrook to Haggerty and Novi to Taft, would the City be looking at a summer of a lot of barrels in Novi along with whatever the City had planned for the current year. Mr. Hayes said in all likelihood yes, there would be a lot of construction activity and they would be cracking the whip on the engineers to get the plans and specs out because it was a tight timeframe but it would be doable.

**CM-09-02-029 Moved by Margolis, seconded by Crawford; CARRIED
UNANIMOUSLY: To approve a prioritized list of road projects
to be submitted to the Oakland Federal Aid Committee for
potential Federal Economic Stimulus Package funding.**

**Roll call vote on CM-09-02-029 Yeas: Crawford, Margolis, Mutch, Staudt,
Landry, Gatt, Burke\
Nays: None**

**3. Consideration of request by BoCo Enterprises/Rock Financial Showplace,
f.k.a. Novi Expo Center, for an additional four (4) year Industrial Facilities
Exemption Certificate.**

Mr. Pearson said they believed the application fit within the amended City Council's policy regarding tax abatements. He said there was a change in the State law, which allowed for early sign ups for extensions like this. He said the State had always allowed 12 year exemptions but the local policy had been no more than eight. He said that had been changed. He said this applicant, who met the criteria previously, was now asking for that extra four years that the Council now recognized.

**CM-09-02-030 Moved by Crawford, seconded by Gatt; MOTION CARRIED:
To approve request by BoCo Enterprises/Rock Financial
Showplace, f.k.a. Novi Expo Center, for an additional four (4)
year Industrial Facilities Exemption Certificate.**

Roll call vote on CM-09-02-030

**Yeas: Margolis, Staudt, Landry, Gatt,
Burke, Crawford
Nays: Mutch**

- 4. Approval to award a contract for design engineering services for the Northwest Quadrant Ring Road project to URS Corporation for a not-to-exceed fee of \$190,000.**

CM-09-02-031

**Moved by Gatt, seconded by Margolis; CARRIED
UNANIMOUSLY: To approve award of a contract for design
engineering services for the Northwest Quadrant Ring Road
project to URS Corporation for a not-to-exceed fee of \$190,000.**

DISCUSSION

Member Mutch said the information provided to Council indicated there was a potential for a grant. He asked if there was something coming forward. Mr. Pearson said for this project there was an opportunity with State Economic Development Funds to apply for but up to now they had to have a specific economic development project to tie it to. He said they didn't have a project right now but that was what it was alluding to.

Roll call vote on CM-09-02-031

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

- 5. Approval to enter into agreement with Oakland County and Advanced Wireless Telecom for the City's portion of the purchase/upgrade of Emergency-911 (E-911) system equipment through an Oakland County Cooperative Purchasing Agreement in the amount of \$140,044.68.**

CM-09-02-032

**Moved by Staudt, seconded by Gatt; CARRIED
UNANIMOUSLY: To approve entering into a contract for
design engineering services for the Northwest Quadrant Ring
Road project to URS Corporation for a not-to-exceed fee of
\$190,000.**

Roll call vote on CM-09-02-032

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

- 6. Approval to award construction contract for Ella Mae Power Park Improvements (Phase III) Concession Facility, to Envision Builders Inc, the lowest qualified bidder, in the amount of \$372,500.**

CM-09-02-033

**Moved by Staudt, seconded by Gatt; CARRIED
UNANIMOUSLY: To approve award of construction contract
for Ella Mae Power Park Improvements (Phase III) Concession
Facility, to Envision Builders Inc, the lowest qualified bidder,
in the amount of \$372,500.**

DISCUSSION

Member Staudt said this was a project that started while he was on the Park Commission with Member Burke and he was very pleased to see that this final phase had come before Council. He said the park was a crown jewel to the City and they were very proud of the effort they had made to do that.

Roll call vote on CM-09-02-033

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

AUDIENCE COMMENT

Mr. Szalony, 24164 Brentwood Ct., said he could only hope that someday his street looked as good as Scenic, the PASER II in Council's packet tonight. He said in regard to the ballot proposal for Signature Park, he said he was curious and wanted to be sure there was transparency. He said in the packet the last sentence indicated that levying the tax "for the purposes of acquiring, developing, constructing, equipping, maintaining and operating parks", plural "recreation programs, plural and "facilities", plural "in the City". He asked if the ballot was intended for the Signature Park or was it actually for all the parks in Novi.

MATTERS FOR COUNCIL ACTION – Part II - None

COMMITTEE REPORTS - None

MAYOR AND COUNCIL ISSUES - None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: None

COMMUNICATIONS - None

AUDIENCE COMMENT - None

Council adjourned to Executive Session and did not anticipate returning to Council Chambers this evening.

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: March 9, 2009

Transcribed by Charlene Mc Lean