

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI  
MONDAY, APRIL 5, 2010 AT 7:00 P.M.  
COUNCIL CHAMBERS - NOVI CIVIC CENTER - 45175 W. TEN MILE ROAD**

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Mayor Landry, Mayor Pro Tem Gatt, Council Members Crawford-Absent/Excused, Fischer-Absent/Excused, Margolis, Mutch, Staudt

**APPROVAL OF AGENDA**

**CM-10-04-052 Moved by Gatt, seconded by Margolis; CARRIED UNANIMOUSLY:  
To approve the Agenda as presented.**

**Voice Vote**

**PUBLIC HEARING - None**

**PRESENTATIONS**

- 1. Cooperative Entryway Signage on M-5 Resolution (City of Novi and Commerce Township) to Sheryl Walsh – Thomas Zoner, Commerce Township Supervisor, Rick Sovel – Trustee and Robert J. Long – Trustee**

Ms. Walsh said there had been a request from Thomas Zoner, Supervisor of Commerce Township to present the City Council with a resolution. In the fall of 2008 the City embarked on the first two phases of the Entryway Signage Program. She said one of the signs was located at M-5 and Fourteen Mile Road and they were approached by Commerce Township to see if there was a way they could partner on that sign. Ms. Walsh said they would partner with Commerce Township and doing so would reduce clutter in the rights-of-way, save another municipality some funding and they could look at partnering on the landscape, maintenance, etc. She introduced Mr. Zoner. Mr. Zoner said the sign was perfect for both Novi and Commerce Township. He noted they had chosen the same colors and over a period of time the City of Novi had been overwhelmingly easy to work with and they appreciated that. Mr. Zoner said their Council Trustees felt they should visit the Novi City Council and thank them with a resolution. Mr. Zoner read the resolution. Mayor Landry thanked Mr. Zoner for the kind gesture on behalf of Commerce Township. He said Novi and Commerce Township had always welcomed and enjoyed a great relationship, and it was gestures like this that made them want to search for things to share that would benefit both communities.

- 2. Proclamation in Recognition of National Library Week April 11 - 17, 2010**

Mayor Landry presented a proclamation to Ms. Farkas, Library Director and Laura Casey, President of the Library Board in recognition of National Library Week. Ms. Casey reminded everyone of the Chain of Books event on April 7th at 4 P.M. and invited the community and Council to participate. She asked that everyone check their website for great programming off site for National Library Week.

**3. Proclamation in Recognition of National Emergency Telecommunicators Week,  
April 11 - 17, 2010**

Mayor Landry presented a proclamation to Joe Burchett for National Emergency Telecommunicators Week. Mr. Burchett introduced telecommunicator Donna Roy who had completed 27 years of service as a telecommunicator with Novi and had announced her retirement as April 30th. Mr. Burchett asked Mayor Landry's permission to have Ms. Roy accept the proclamation. Ms. Roy said she appreciated the proclamation and accepted it on behalf of her colleagues in Novi and throughout the profession. She said it was a very tedious job, was very rewarding and had a lot of different emotions at the same time. Ms. Roy said it had been a pleasure serving the City.

**4. Proclamation in Recognition of Paralyzed Veterans of America Awareness  
Week April 12 – 16, 2010**

Mayor Landry presented a proclamation to Mike Harris and encouraged the citizens of Novi to honor the paralyzed veterans. He said they personified the highest ideals to country, sacrifice to self and perseverance in overcoming adversity. He encouraged the people of the City of Novi to observe and participate in the activities associated with Paralyzed Veterans of America Awareness Week and reflect upon the sacrifices endured by Novi's veterans who were paralyzed. Mr. Harris said it was an honor to be present and he thanked the City of Novi for really embracing them over the years. He said they were honored to have their chapter headquarters in the City of Novi and invited everyone to their open house on April 15th between 10:30 A.M. and 3:30 P.M. He said they were located on Grand River across from Glenda's Nursery.

**REPORTS**

**1. MANAGER/STAFF - None**

**2. ATTORNEY - None**

**AUDIENCE COMMENT**

**Joe Heffernan**, Plante Moran, stated that on the Consent Agenda there was an item that would change to a new audit firm. He said he wanted to thank Council as they had been serving the City for 34 years. Mr. Heffernan said he felt in his heart that they had done a good job and hoped Council felt the same. He said he had consistently used Novi as a best practice example for other communities and he hoped they would be allowed to continue to do that. Mr. Heffernan said he wanted to leave on as good a note as he could and hoped that in a few years they would like to have Plante Moran back. He said it had been great serving them and he wanted Council to know they appreciated working with the City. Mayor Landry stated 34 years had been a long time and Mr. Heffernan's comments tonight were exemplary of Plante Moran.

**Laura Casey**, President of the Library Board, expressed her gratitude for accepting their challenge of tagging books and making it as tough on them as they did. She said the Council jumped out to a very early lead and it took a lot of time for them to catch up in the beginning.

She thanked Council for spending their time with them and for their effort on the Library's behalf.

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

Mr. Stuardt removed Item J from the Consent Agenda.

**CM-10-05-053      Moved by Margolis, seconded by Staudt; CARRIED UNANIMOUSLY:  
To approve the Consent Agenda as amended.**

**Roll call vote on CM-10-04-053      Yeas: Gatt, Margolis, Mutch, Staudt, Landry  
Nays: None  
Absent: Crawford, Fischer**

- A. Approve Minutes of:
  - 1. March 22, 2010 – Regular meeting
- B. Approval of Pawnbroker License renewal requested by Gary Weinstein, owner of Weinstein Jewelers, 41990 Grand River.
- C. Acceptance of a Conservation Easement from Beck North Corp Park II LLC, for the preservation of open space for the future planting of evergreen trees required as part of site plan approval for the Beck North Corporate Park in order to accept the location of mitigated trees provided in conjunction with the development of Beck North Lots 29 & 30 light industrial/office building project located east of Hudson Drive between Nadlan Court and Peary Court, in Section 4 covering 0.3 acres.
- D. Approval to award the Summer Landscape and Winter Snow Removal agreement for Meadowbrook Commons to Great Oaks maintenance, the lowest qualified bidder, in the amount of \$24,350.
- E. Approval to award the 2010 Spring Tree & Shrub Planting contract for planting 273 trees and 426 shrubs and installing 14,000 square feet of landscape beds to Agroscaping, Inc., the lowest qualified bidder, in the amount of \$85,000.
- F. Approval of a Resolution authorizing cost participation for improvements to the Ten Mile Road and Novi Way intersection under a Federal Surface Transportation Program safety grant and local cost share agreement with MDOT in the amount of \$44,600.
- G. Approval to expand the Walkable Novi Committee to include two members of the Novi Parks Foundation Board and appoint two members, Linda Blair, President and Brian Bartlett, Secretary of the Novi Parks Foundation.
- H. Consideration of recommendation from Consultant Review Committee to award a contract for annual audit services to Andrews Hooper & Pavlik PLC for a two year term and one year renewal option and adoption of associated fees (attached hereto as Attachment B – Park 1: Schedule of Professional Fees for the Audit Financial Statements, Alternative #1, Alternative #2, and Alternative #3) and charges effective May 1, 2010.

- I. Approval of resolution granting variance from massage ordinance outcall provisions for Great Lakes Art Fair.
- K. Consideration of recommendation from Consultant Review Committee to award an extension for Prosecutorial Legal Services to Cooper, Shifman, Gabe, Quinn & Seymour through December 31, 2010.
- L. Consideration of recommendation from Consultant Review Committee to award an extension for Labor Legal Services to Keller Thoma through December 31, 2010.
- M. Approval of Claims and Accounts – Warrant No. 816

#### **MATTERS FOR COUNCIL ACTION – Part I**

- 1. **Consideration to approve rezoning of an approximately 1.81-acre parcel of property, located on the east side of Beck Road north of Grand River, south of the I-96 freeway, from Planned Office Service Technology (OST) to Freeway Service (FS), pursuant to Section 3401, the Planning Rezoning Overlay provisions of the Zoning Ordinance, and to approve the corresponding PRO Agreement between the City and the applicant.**

Mr. Pearson said since the last meeting the staff and attorneys had met with the applicant and he believed they had brought back an agreement that met the Council criteria.

**CM-10-04-054      Moved by Gatt, seconded by Staudt; MOTION CARRIED:  
To approve rezoning of an approximately 1.81-acre parcel of property, located on the east side of Beck Road north of Grand River, south of the I-96 freeway, from Planned Office Service Technology (OST) to Freeway Service (FS), pursuant to Section 3401, the Planning Rezoning Overlay provisions of the Zoning Ordinance, and to approve the corresponding PRO Agreement between the City and the applicant.**

#### **DISCUSSION**

Mayor Landry said, as he read the PRO, the road had been dedicated to the City of Novi and the next development on this parcel or area that person had to build the road, whether it be the applicant or someone else. Mr. Schultz said he was correct. Mr. Schultz said in regard to dedication, the agreement called for the deed to be put in escrow to be removed; so as long as that was what they were talking about that was the process. He said it certainly called for the road to be built if it's the applicant on any of the adjacent parcels, and if the City required on any of the other non-applicant owned parcels.

Member Margolis said she was not present at the previous meetings and just wanted to make a couple of comments. She said she would vote to approve this item because she believed strongly in consistency when working with people. She said had she been here, she didn't think she would have spoken in favor of the variance for the sign. She thought consistency was important in those issues and she would not have gone ahead with that. However, she

felt they had given direction to the applicant and thought they needed to move forward in the same direction they had given.

Mr. Schultz said the motion was the recommended action, which talked about any kind of details finalized with the City Manager and City attorneys just to finish the attachments to the agreement and things like that.

**Roll call vote on CM-10-04-054**

**Yeas: Gatt, Margolis, Staudt, Landry**

**Nays: Mutch**

**Absent: Crawford, Fischer**

- 2. Consideration to adopt Ordinance Amendment No. 10-120.11, an ordinance to amend the City of Novi Code of Ordinances, Chapter 20, "Massage," to add a definition of "Chair massage" and to revise regulations for "outcall massages." First Reading**

Mr. Pearson said this was something that had come up on a couple of occasions and they were trying to accommodate these occasional massages for demonstration purposes, which were most often with the exposition facility. He said they were trying to create ordinance provisions that recognized and allowed it under certain circumstances.

**CM-10-04-055**

**Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY:  
To adopt Ordinance Amendment No. 10-120.11, an ordinance to amend the City of Novi Code of Ordinances, Chapter 20, "Massage," to add a definition of "Chair massage" and to revise regulations for "outcall massages." First Reading**

## **DISCUSSION**

Member Mutch said a question he had regarding the definition under Section 20-12 where it limited the location of "the outcall massage to be performed unless a hospital health care facility, rehabilitation facility or facility that the primary purpose of which was to provide services to persons who were disabled or 55 years or older and then also at a planned exposition facility or other approved convention facility related to an exposition, convention or demonstration event." He asked if there were definitions for all those uses that somebody who had a question about whether the location that they wanted to conduct these outcall massages translated back to that particular section of the ordinance. Mr. Schultz said he wasn't sure all of the exact terms were defined in the ordinance, but several of them were. He said some of these things would require interpretation as the applicant came forward. He said number 1 was the existing definition, number 2, the new definition, the planned exposition facility, that's a defined term and the EXO Overlay, what was added was other approved convention facility on the thought that a hotel or something like that could have portions of the area used for convention. He said that might take some interpretation as the application came in. Mr. Schultz said they could look at it and maybe they should have a definition for the second reading, if it moved forward. Member Mutch thought that would help. He said the first set was fairly straight forward and consistent with what the intent of the ordinance previously allowed, but then the idea to broaden it out to allow, obviously Rock Financial because it was the planned exposition facility. However, he assumed that there were other locations in the

City that were conducting similar exposition or demonstration style events but were not the size of Rock Financial. He noted he was thinking a hotel facility might have a banquet room where someone was having a trade show and this activity would be taking place. He said he didn't get that from this definition, so if that was the intent, he thought they should clarify it. Mr. Schultz agreed.

**Roll call vote on CM-10-04-055**      **Yeas: Mutch, Staudt, Landry, Gatt, Margolis**  
**Nays: None**  
**Absent: Crawford, Fischer**

3.      **Approval to waive bid requirements and purchase the second of two single axle large dump trucks with front plow and underbody scraper (an International 7400 SBA 4X2 Dump Truck) from Tri-County International Trucks, Inc. in the amount of \$166,309.**

Mr. Pearson said they actually bid these last fall, prices were held, it was competitively bid and he suggested they finish out what had been budgeted to get this second unit.

**CM-10-04-056**      **Moved by Margolis, seconded by Staudt; CARRIED UNANIMOUSLY:**  
**To approve to waive bid requirements and purchase the second of two single axle large dump trucks with front plow and underbody scraper (an International 7400 SBA 4X2 Dump Truck) from Tri-County International Trucks, Inc. in the amount of \$166,309.**

**Roll call vote on CM-10-04-056**      **Yeas: Staudt, Landry, Gatt, Margolis, Mutch**  
**Nays: None**  
**Absent: Crawford, Fischer**

4.      **Consideration of recommendation from Consultant Review Committee to award an extension for General Legal Counsel Services to Secrest, Wardle, Lynch, Hampton, Truex and Morely through December 31, 2010.**

**CM-10-04-057**      **Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY:**  
**To approve recommendation from Consultant Review Committee to award an extension for General Legal Counsel Services to Secrest, Wardle, Lynch, Hampton, Truex and Morely through December 31, 2010.**

## **DISCUSSION**

Mayor Pro Tem Gatt said for clarification, the Consultant Review items on Consent Agenda, all of the legal contracts had expired and they were going to put them over until the end of the year. The only reason this wasn't on the Consent Agenda was because of the amount of dollars. He noted that by the end of the year all of the legal firms, including the prosecutor and labor were expiring and they intended to do some interviewing.

Roll call vote on CM-10-04-057      Yeas: Landry, Gatt, Margolis, Mutch, Staudt  
Nays: None  
Absent: Crawford, Fischer

5. Approval to award a contract for Lawn and Landscape Maintenance Services to Green Meadows Lawnscape, Inc. (for a one-year term with three one-year renewal options), the lowest qualified bidder, for an estimated annual cost of \$122,320.

CM-10-04-058      Moved by Margolis, seconded by Mutch; CARRIED UNANIMOUSLY:  
To approve award of a contract for Lawn and Landscape Maintenance Services to Green Meadows Lawnscape, Inc. (for a one-year term with three one-year renewal options), the lowest qualified bidder, for an estimated annual cost of \$122,320.

Roll call vote on CM-10-04-058      Yeas: Gatt, Margolis, Mutch, Staudt, Landry  
Nays: None  
Absent: Crawford, Fischer

AUDIENCE COMMENT - None

MATTERS FOR COUNCIL ACTION – Part II - None

COMMITTEE REPORTS - None

MAYOR AND COUNCIL ISSUES - None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION

- J. Approval to award a contract for fabrication and installation of signage to complete the City of Novi Exterior Welcome Signage project, including six entryway signs, six Civic Center Campus wayfinding signs, six Parks entryway signs, a Department of Public Services wayfinding Sign, an Ice Arena sign and fascia for building sign, a Meadowbrook Commons/Novi Senior Center sign, and seven wayfinding signs for the Novi Public Library campus, to the Beacon Sign Company, the low bidder, for \$93,520.

Member Staudt said in the attempt to be consistent, he would not support the motion.

CM-10-04-059      Moved by Margolis, seconded by Landry; NO ACTION:  
To approve award of contract for fabrication and installation of signage to complete the City of Novi Exterior Welcome Signage project, including six entryway signs, six Civic Center Campus wayfinding signs, six Parks entryway signs, a Department of Public Services wayfinding Sign, an Ice Arena sign and fascia for building sign, a Meadowbrook Commons/Novi Senior Center sign, and seven wayfinding signs for the Novi Public Library campus, to the Beacon Sign Company, the low bidder, for \$93,520.

## DISCUSSION

Member Mutch asked if this item would require five votes. He said he knew it was budgeted but the amount they were approving exceeded the budgeted amount. Mr. Pearson said it was below budget all across the board.

Mr. Schultz said as long as it was budgeted it was a majority of who was present at the meeting. Mayor Landry said then three could approve it today and Mr. Schultz agreed,

Mayor Pro Tem Gatt said normally he would approve this in a second. However, in light of the fact that the budget hearings were Saturday, he didn't want to see any employees lose a job or unnecessary hardship caused to anyone and \$93,000 was a lot of money. Although the signage was very important and a lot of work had gone into it, he preferred that this at least be held over until after they discussed the budget. He understood that if they voted tonight and voted it down, then it couldn't be brought back again. Mr. Schultz said if voted down tonight and the budget had discussions about it, he thought it was a sufficient change to allow it to come back onto an agenda, if approved to be on the agenda. Also, if someone voted one way and made a motion for reconsideration at the next meeting, then it could come back that way. Mayor Pro Tem Gatt said, in light of that, he would not be able to support the motion because he wanted to see what they were doing with the budget before spending \$93,000 for signs.

Member Margolis said this was an item they budgeted last year during the budget process to finish the signs that they started. She said her concern was that they had two Council members who had voted to approve this as part of the budget but they were not present this evening and couldn't have a voice in this. She suggested that they postpone this until the next meeting, so all seven of the Council members could consider this.

**CM-10-04-059      Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY:  
To postpone award of contract for fabrication and installation of  
signage to complete the City of Novi Exterior Welcome Signage  
project, including six entryway signs, six Civic Center Campus  
wayfinding signs, six Parks entryway signs, a Department of Public  
Services wayfinding Sign, an Ice Arena sign and fascia for building  
sign, a Meadowbrook Commons/Novi Senior Center sign, and seven  
wayfinding signs for the Novi Public Library campus, to the Beacon  
Sign Company, the low bidder, for \$93,520 until the next regular  
Council meeting.**

**Roll call vote on CM-10-04-059      Yeas: Gatt, Margolis, Mutch, Staudt, Landry  
Nays: None  
Absent: Crawford, Fischer**

**AUDIENCE COMMENT – None**



**ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 7:29 P.M.

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David Landry, Mayor

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Maryanne Cornelius, City Clerk

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Transcribed by Charlene McLean

Date approved: April 19, 2010