

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, DECEMBER 3, 2007 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER- 45175 W. TEN MILE ROAD
Cityofnovi.org**

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

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Landry, Mayor Pro Tem Capello, Council Members 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
David Molloy, Chief of Police
Frank Smith, Fire Chief

APPROVAL OF AGENDA

Member Gatt added, under Mayor and Council Issues, #1 Employee Compensation Study.

CM-07-12-339 Moved by Capello, seconded by Crawford; CARRIED UNANIMOUSLY: To approve the Agenda as amended.

Voice Vote

PRESENTATIONS

1. 2007 Citizens Leadership Academy Graduation and Certificates

Ms. Uglow said it was her honor to present the 2007 Neighborhood Academy graduates. She said the graduates completed the majority of the classes that were offered on a monthly basis. She thanked Maryanne Cornelius, Tom Schultz, Steve Printz, David Beschke, Chief Molloy, Chief Smith, Sheryl Walsh, Glenn Lemmon and Kathy Smith-Roy for their time and energy giving these sessions at night.

Mayor Landry said one of the things so impressive about Novi was the citizens who were willing to assist Novi with the Community Emergency Response Team, and the City of Novi Neighborhood Academy. He said it gave him great pleasure to present to the Council and residents of Novi these people who had given of their time and were truly at the ready to give of their time in the future. He commented that it gave him great comfort to know they were available whenever the City needed them. Mayor Landry presented Certificates of Achievement to Karen Cameron, Carol Jean Crawford, Tim Shroyer, John Tymensky and Wayne Wrobel. Ron Boron, Celia Todd and John Kuenzel also earned Certificates of Achievement but were not present.

Ms. Uglow announced that the class of 2008 would begin on January 31st. with Larry Kaufmann, an energy expert from DTE, who would talk about energy efficiency and green currents.

2. Recognition of Novi Resident, Dr. William Oppat, for his work at a Medical Military Base in Germany for U.S. Soldiers – Dr. Oppat was not present.

3. Recognize Novi Citizen Brandon Daar for his Heroic Life-Saving Action – Chief Smith

Mayor Landry said one of the things lacking in our everyday lives were true heroes. He said heroes were not found on the sports field or the silver screen. Mayor Landry said true heroism was when uncommon things were done by common people, when no one was looking, when they weren't being paid, and when someone did something to help someone because it was the right thing to do. Mayor Landry said tonight we honor a true hero in this town.

Chief Smith said on the afternoon of Saturday, November 10, 2007, Mr. Daar was working on his car in the driveway of his home on Sheri Drive in the Hometown Novi Subdivision. He was alerted by neighbors of a large amount of smoke coming from a residence down the street. Mr. Daar ran down the street to investigate the origin of the smoke, and found that the house at 41851 La Fleur Ct. was on fire. He witnessed a family exiting the home through the front door as the fire was progressively consuming the home. As he went around the back of the house to turn off the gas meter, Mr. Daar heard someone inside the front room of the residence banging on the window. Mr. Carlos Lopez, who was the father-in-law of the homeowner, was trapped by the fire and unable to get out. Mr. Daar broke out the glass window, assisted Mr. Lopez out through the window and successfully rescued him. Mr. Lopez received only minor cuts and smoke inhalation and was treated and released from a local hospital. Chief Smith presented Mr. Daar with a Lifesaving Certificate for his lifesaving efforts and for preventing a tragic outcome much worse than a family just losing their home.

Mr. Daar said it was his honor to serve such a great community as the City of Novi, as well as his peers in his community.

REPORTS

SPECIAL/COMMITTEE

Member Gatt announced that the Consultant Review Committee had met, and a recommendation would come before Council December 17th for an extension of the City's legal services.

CITY MANAGER

Mr. Pearson reminded Council of their Goal Setting Session on Monday, December 10th, in the Police Training Center at 5:00 P.M. This would be a public meeting and the community was welcome.

DEPARTMENTAL - None

ATTORNEY - None

AUDIENCE COMMENTS - None

CONSENT AGENDA REMOVALS AND APPROVALS

CM-07-12-340 Moved by Capello, seconded by Gatt; **CARRIED UNANIMOUSLY:**
To approve the Consent Agenda as presented.

Roll Call vote on CM-07-12-340 Yeas: **Capello, Crawford, Gatt, Margolis, Mutch, Staudt, Landry**
Nays: **None**

- A. Approve Minutes of:
 - 1. November 26, 2007 – Regular meeting
- B. Approval of resolution to add Brightmoor Christian Church, Deerfield Elementary and Fox Run Village to the City of Novi's polling locations and change boundaries for Voting Precincts, effective August 2008 Primary.
- C. Approval of Resolution directing, on behalf of the City, that Absentee Voter Ballot Applications for the January presidential primary be mailed to those voters who would have received such applications under prior City practice for previous elections.
- D. Approval of Claims and Accounts – Warrant No. 758

MATTERS FOR COUNCIL ACTION – Part I

1. **Consideration of request from Benito Mautone, Jason Mautone and Michael Mautone, owners of NB Pizza, doing business as Benito's Pizza, 24270 Novi Road, for a new quota Tavern liquor license.**

Jason Mautone was present and spoke about how his father founded their business over 30 years ago and they had grown up and worked in the industry for many years. He said they had franchised but this store would be a corporate owned store. Mr. Mautone stated they wished to expand the quality of their restaurant and would be able to seat 40 to 50 people, and they would like to have a Tavern License to maximize their dinner hours. He said they would create the atmosphere of a small Italian pizzeria with great food.

Mr. Pearson noted that the staff had reviewed this and background checks had been done, and all departments had no issues with this item.

Member Gatt noted the City had three liquor licenses with specific qualifications. He said one of the qualifications was "whether the facility tends to provide a service, product or function not presently available to the general public residing in the community". Member Gatt said there were a lot of restaurants in Novi that served gourmet pizza and he didn't think they would be presenting a unique situation or would provide something not already available in Novi. Also, the ordinance said the length of time the applicant conducted business in the community was a qualification and this would be their first venture into Novi. He thought their restaurant would be professional, inviting and serve wonderful food but didn't believe it would be so unique as to warrant one of the Tavern Licenses the City held. He said he could not support the request and suggested the possibility of purchasing a license.

Mayor Pro Tem Capello noted this was always a difficult time for Council when a new business was investing in the City, and Council had to determine whether they qualified, under the ordinance, for a quota license. He agreed with Member Gatt that they did not meet the requirements of Subsection 4 in the ordinance regarding the number of seats. He said he would consider them the first family pizza parlor in the City but that alone wasn't sufficient. He welcomed them to Novi and thought they would qualify to purchase a liquor license.

Member Margolis said this was one of the hardest things to do as a Council member, but agreed that they did not qualify under the ordinance. She said Council welcomed them and she was thrilled they were coming to Novi.

**CM-07-12-341 Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY:
To deny the Quota Liquor License in the request from Benito Mautone, Jason Mautone and Michael Mautone, owners of NB Pizza, doing business as Benito's Pizza, for the reason that they did not qualify under the City's ordinance in terms of the requirements for a Quota Liquor License or providing a need in the community that was not provided for a unique service or a unique facility.**

DISCUSSION

Member Mutch asked if there was a difference between a Tavern License and some other kind of license, or were they talking about the same thing. Mr. Schultz said it counted against the same quota; there's no liquor, it was just beer and wine. Member Mutch asked what kind of contact staff had with the applicant and whether there was any discussion with them about the ordinance language. He said for a small business the application fee was costly especially when it was very unlikely they would receive a quota license, and asked if there had been any conversation with them regarding this.

Mr. Pearson replied he had not had any conversation with them regarding this, and generally would not have done so. He said the record of Council's past dealings with quota licenses was available and the ordinance was given with the application. They were provided the criteria and it was up to the applicant as to how they wanted to proceed.

Member Mutch said as long as they were receiving the information, he was comfortable with that. He said he would support the motion and welcomed them to the community.

Roll call vote on CM-07-12-341 **Yeas: None**
Nays: Crawford, Gatt, Margolis, Mutch, Staudt,
Landry, Capello

- 2. Discussion of a request from Novi Corporate Park, LLC to waive the 90% build-out requirement of Ordinance Chapter 26.5 and accept Dylan Drive as a public road. The Novi Corporate Campus is located in Section 9 on the east side of West Park Drive, north of Twelve Mile Road.**

Mr. Pearson said the applicant asked that this item be withdrawn in its entirety.
Mr. Schultz commented it would be a good idea to formally withdraw this from the agenda.

CM-07-12-342 Moved by Gatt, seconded by Margolis; **CARRIED UNANIMOUSLY:**
To remove Item #2 from the agenda per the request of the applicant.

Roll call vote on CM-07-12-342 Yeas: Gatt, Margolis, Mutch, Staudt, Landry,
Capello, Crawford
Nays: None

3. Approval to award a contract to provide a cost model for the analysis of the current dispatch agreements with the City of South Lyon and Lyon Township, as well as a feasibility study of offering dispatch services for the City of Walled Lake, to Rehmann Robson, low price quote in the amount of \$13,500.

CM-07-12-343 Moved by Capello, seconded by Gatt; **CARRIED UNANIMOUSLY:**
To approve award a contract to provide a cost model for the analysis of the current dispatch agreements with the City of South Lyon and Lyon Township, as well as a feasibility study of offering dispatch services for the City of Walled Lake, to Rehmann Robson, low price quote in the amount of \$13,500.

DISCUSSION

Mayor Landry said he was approached by a member of the Walled Lake City Council who pointed out that the City had been doing dispatch services for Lyon Township and the City of South Lyon and was wondering, in the spirit of shared City services, whether Novi would be amenable to dispatching for Walled Lake. Mayor Landry said he indicated they would have to do a cost and feasibility study to make sure it made sense for Novi. He spoke with the City Manager and they realized that while the City had been dispatching for the City of South Lyon and Lyon Township it had been a while since they had done a study. He thought it was a good idea to re-evaluate whether it's a cost benefit to the City to do this in addition to shared City services. He said he fully supported the motion.

Roll call vote on CM-07-12-343 Yeas: Margolis, Mutch, Staudt, Landry, Capello,
Crawford, Capello
Nays: None

4. Consideration of Zoning Ordinance Text Amendment 18.217, to amend Ordinance No. 97-18. as amended, the City of Novi Zoning Ordinance, at Article 25, General Regulations, Section 2520, Exterior Building Wall Façade Materials. Second Reading

Mayor Pro Tem Capello said he noticed they had taken Council's recommendations from the last meeting and had reduced the percentages in regions two and three of the face brick.

CM-07-12-344 Moved by Capello, seconded by Margolis; **CARRIED UNANIMOUSLY:**
To approve Zoning Ordinance Text Amendment 18.217, to amend Ordinance No. 97-18. as amended, the City of Novi Zoning Ordinance, at Article 25, General Regulations, Section 2520, Exterior Building Wall Façade Materials. Second Reading

Roll call vote on CM-07-12-344

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

Nays: None

5. Approval to provide for additional Police Sergeant promotional opportunity (no increase in total staffing level).

Mr. Pearson said this was proposed in the budget and Council had said they weren't going to implement this promotional opportunity until mid year. He said they were going to wait until they closed out the fiscal year, which turned out better than expected. So, they were back to revisit this with a recommendation based on current staffing levels and needs they saw.

Member Gatt said this proposed position would be the Training and Standards Sergeant position. The new Sergeant would handle all the training and field officer training programs, updates and additions to the department policies, and supervisory duties, which would free up other Sergeants, who had been sharing these duties, to work on the street to protect the residents of Novi. The new Sergeant would also be responsible for internal affairs investigations, customer service inquiries, special projects and strategic planning and research. The new Sergeant would also look into accreditation with the Commission on Accreditation for Law Enforcement Agencies, which was a very difficult task to master. He believed that the Novi Police Department was the finest in the State of Michigan. However, even the finest department needed to remain on the cutting edge and that only happened with training. In addition, Jerrod Hart would probably get the stripes that he had worked so hard for and was so deserving of.

**CM-07-12-345 Moved by Gatt, seconded by Crawford; CARRIED UNANIMOUSLY:
To approve the provision for an additional Police Sergeant
promotional opportunity with no increase to the total staffing level.**

DISCUSSION

Member Mutch said one of the Council goals for the past year was to assess and develop a plan to meet the long term staffing needs of the public safety services. He asked if that process had been started and if not, when Council could expect to see it.

Chief Molloy stated they had not yet undertaken that endeavor and had not yet put together their 2008-2009 priorities. He said it was definitely a work in progress and they were currently trying to gather different models. Traditionally the Police Department had always brought the FBI model of staffing of 1.5 to 1.7 officers per 1,000 citizens. They were looking at alternative models but had not brought that to fruition to the point of where they would be presenting a complete package to Council.

Member Mutch said if they were looking at promoting someone from a patrol position to a Sergeant position, a patrol position would be left open, and asked if they would be looking to fill that in the upcoming budget. Chief Molloy said they had not set their 2008-2009 priorities.

Member Mutch said he would support the Sergeant position as proposed. He noted he had looked at the 2004 staffing program for the Police and Fire Departments, and that program was intended to lay out a plan for bringing new personnel on line in both departments in a

structured manner to address the needs of the City as it continued to grow. The study recommended three Sergeants over a period of time and since that staffing study was implemented two Sergeants had been hired. He was comfortable adding the third Sergeant because it fit within the previous study. Member Mutch was concerned that the staffing study also recommended, in that same time period, that twelve patrol officers be hired. They had only hired three patrol officers, now when a patrol officer would become a Sergeant, they would be down to two officers instead of twelve. His thought that the plan presented for twelve additional officers between 2004 and now wasn't realistic in terms of what could be supported in the budget, or what the department could support operationally. He thought that was one of the reasons why Council indicated at the last goal setting session, that they were looking for up to date staffing strategies and staffing plan. Member Mutch said the Council had discussed the staffing levels they would need, and he thought Chief Molloy had addressed that in terms of the different models. He said he would expect, in the upcoming goal setting session, that this would be a continuation of that goal for the upcoming year, because they needed to get a handle on what was needed for staffing, how much it would cost and how it would be paid for. Member Mutch said the 2004 study served its purpose when it was done but this and previous Councils had not followed that plan. He thought they needed something that better reflected where they were going as a City regarding the Police and Fire Department staff, and Council and Administration needed to address it. He was also concerned about the legacy costs of these positions, which had not been addressed completely through contracts with the Police Department in the way they had with other union groups. He said as they added personnel to the Police Department, it was extending those legacy costs. Member Mutch said there was no way of handling that because the needs were still there whether there was a finalized contract or not. He felt Council needed to be cognizant of it because long term legacy costs were a burden on the City and the taxpayers, and anything they could do to minimize those now would pay off in the long run.

Member Gatt said this was not going to add one cent to the legacy costs that the City already had. This was not an addition to the work force it was a move in the ranks, so taxpayers would not be burdened with another nickel in legacy costs as a result of this move.

Member Margolis said she would support the motion. She thought this was something that was in the previous budget and scheduled to be implemented at the half year. Now that Council had received the audited financial statements and had come out to the good, she was comfortable supporting this. She thought the Administration had made a great case for the efficiency of combining the training services for the Police Department under one Sergeant, thereby freeing up time for the other Sergeants to be involved in patrol activities and supervising patrol. She thought to the extent those kinds of operations could be combined, time would be saved because there wouldn't be five different people coming up to speed on some very specialized training. Member Margolis said she was very interested in looking at a variety of staffing models for the Police Department, and felt they needed a consistent staffing plan for public safety. It was something Council had implemented, across the board, for a variety of our services; they would plan ahead and know exactly what was needed this year, so they could level that in the budget. She asked to see that in the upcoming goal setting, and felt when talking about public safety they needed to be proactive.

Mr. Pearson said Chief Molloy reminded him that they updated the 2004 report when the Wold Study was done for the facility, so there was more current information available. He thought

the Wold Study was a refinement of the FBI's standard numbers and personally and professionally, they were not going to buy into the rote recommendation of the 1.5 per. He thought it was a great guide but the plan needed to be built upon the customized needs of Novi. They would provide the next generation of that staffing plan, but would be using the FBI and other models to make their recommendation to Council.

Mayor Landry stated he was in complete support of the motion and thought this kind of move was exactly why the Novi Police Department was the fine department it was. They were constantly reviewing, revising and looking at how they could make their department better and provide better services. This would allow the department, without adding an officer, to become more efficient and more specialized without adding legacy costs to the City. He thought it was a perfect move and wished they could make most employee decisions like this in the interest of the City.

Roll call vote on CM-07-12-345

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

Nays: None

AUDIENCE COMMENTS - None

MATTERS FOR COUNCIL ACTION – Part II - None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION - None

MAYOR AND COUNCIL ISSUES

1. Employee Compensation Study – Member Gatt

Member Gatt said about a year or so ago the Council authorized an employee compensation study. He said he would like Administration to send, in an off week packet, what they had done with it, where they stood with it, and what they planned on doing with the study. Mr. Pearson said Council did the first study in the Spring of 2006 and now they were ready to update that. Member Gatt said he wanted to see what was done with the Spring 2006 study. Mr. Pearson said they had used it for some of the equity position adjustments that went in that May following 2006. He said they were budgeting for another one now, and that was why they hadn't made another pass at it. Member Gatt asked to be sent what was already done with the Spring study and where they were going. Mr. Pearson said they would provide that information.

AUDIENCE COMMENTS - None

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 7:45 P.M.

David Landry, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Charlene Mc Lean

Date approved: December 17, 2007