

**SPECIAL MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, NOVEMBER 29, 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, Fischer, Margolis, Mutch, Staudt

ALSO PRESENT: Clay Pearson, City Manager
Victor Cardenas, Assistance City Manager
Tom Schultz, City Attorney

APPROVAL OF AGENDA

**CM-10-11-154 Moved by Gatt, seconded by Margolis; CARRIED UNANIMOUSLY:
To approve the Agenda as presented.**

**Roll call vote on CM-10-11-154 Yeas: Gatt, Crawford, Fischer, Margolis, Mutch,
Staudt, Landry**

INTERVIEWS FOR COUNCIL SEAT VACANCY

1. Laura Casey

Ms. Casey said she began her civic involvement in the City in 2004. She said she was appointed to the Library Board and served two terms and had held leadership positions for five of the six years on the Library Board starting with secretary, vice president, and two terms as president. She noted she had been an extremely active Library Board Trustee and felt her time on the Board had given her some unique skills with budgets and processes. Ms. Casey felt those skills and experience made her an excellent candidate for the position.

Member Staudt asked under what circumstances she would feel comfortable using Fund Balance to fund operations for the City. Ms. Casey responded it had to be a very extreme situation. She noted when the library was built, they knew they would have a shortfall and the Library Board took a very hard look at how much money they would be open to bringing in from their own Fund Balance. She said they did pull money out of Fund Balance noting that in future years, if any were taken from the Fund Balance, it would be dramatically decreased. Member Staudt asked under what circumstances she would support a Headlee rollback for operations. Ms. Casey replied she had not considered that.

Member Crawford asked what the biggest challenge was for a new person on Council. Ms. Casey thought it would be getting up to speed very quickly. She said she had spent the last couple of weeks reading, studying the Master Plan, looking at the budget, reading survey results and old minutes. She thought the largest challenge, especially given Council's interest in filling the position quickly, was to get a Council member on board, up to speed and able to contribute to the goal setting and budget sessions in January. Member Crawford asked what

she liked most about the City. Ms. Casey replied the Library and the community feeling in Novi. She felt Novi was welcoming, engaged and the neighbors were what made the community.

Mayor Pro Tem Gatt said given her knowledge of the issues facing the City, what aspects of her experience would help address these issues. Ms. Casey thought looking at the most critical aspects, budgeting and working within the means they had. She felt her experience on the Library Board, helping set budget and objectives and continuing to drive staff to reduce costs wherever possible was a skill she would bring. Secondly, she would bring a measure of partnership, collaboration and dedication to City Council. Mayor Pro Tem Gatt said, once appointed to Council, if she learned there was a law that allowed the City to levy a 1% Administrative Fee on all taxes that would raise substantial funds for the City's treasury, would she support that endeavor. Ms. Casey responded that she would consider it but would need more information, the amount of money it would raise, and correspondingly what would they be asking of residents. If it was not an additional tax but revenue, where would it come from and how would the fee be paid. Mayor Pro Tem Gatt said the fee was 1% of her taxes and it would raise \$1.5 million dollars. Ms. Casey said she would be open to considering it but would want time to study it and do further research.

Member Margolis asked what were the two or three most important Council responsibilities overall and how would her background and qualifications uniquely qualify her for that responsibility. Ms. Casey said the most critical component of City Council was setting goals and objectives that would help drive the City forward and a budget that provided the services residents needed within the money available through taxes. Secondly, general care of the City including five to ten year long term strategy and planning. She noted she brought the skills of pragmatic thoughtful decision making that affected items as well as personnel. Member Margolis asked Ms. Casey to give an example of an ethical challenge and what the outcome was. Ms. Casey stated she lived her life in an ethical way. She cited an example of a bill she received from a local merchant that was too low and she took it to them and told them what she should be charged and paid them. Secondly, Ms. Casey said while at college she bumped off a piece of a car in the parking lot and went to the Department of Public Service and told them she hit a car, found the owner and paid for repairs.

Member Mutch asked, regarding the Signature Park proposal that came before the voters, what her position was and how she came to her decision, and what factors influenced that decision. Ms. Casey said she was in favor of bringing Signature Park into the City. She felt that Novi needed something on the Civic Center campus that would help make the area a focal point for the community. She stated she came to the decision partly from experience and looking at what would be created, what benefits it would have for the residents and looking at the budget available to make it happen. Member Mutch asked what the issues of concern or importance were that were specific to Novi in her neighborhood. Ms. Casey said one of the prime concerns wasn't specific to Novi, as it was everywhere. It was housing values, which had decreased. She said, within that, there had been conversation over the infrastructure of the City, such as the roads, traffic, sidewalks and whether there was a means to get the infrastructure built.

Member Fischer asked in what areas could the City, either Council or Administration, do a better job and what she would do to foster improvement in that area. Ms. Casey commented that looking at economic conditions, Council had set a very clear strategy. She said she read the fiscal fitness reports and thought that City Administration had looked everywhere possible to find money. She said the one that struck her was looking at the font used in the Engage to reduce printing costs, which told her the Administration was definitely dedicated to reducing costs. She commented she was also struck by some of the data on civic engagement. So, if they looked at how the citizens were engaging with their community, many were reaching out to help friend or neighbors. However, if looking at civic engagement with local government the trend of that engagement had been dropping. She noted the boards and commissions in the City were very heavily male with only about 25% female representation. She thought Council as part of their strategy to reach out to residents was to engage and help encourage that involvement with their community. Member Fischer asked what was Council's role as it related to the Administration, City Manager and staff and how would she conduct herself as a Council person in that manner. Ms. Casey replied one of the more interesting lessons learned, coming in as a Library Board Trustee, was the engagement they actually had as a governing body with the staff. She thought there was a natural level to want to get involved in areas that were not their responsibility. She said as a governing body they would have a primary point of contact that was the City Manager and she would reach out to that individual to ask questions or receive information as opposed to staff members.

Mayor Landry said as an elected official, if there's an issue that was particularly prickly, with many people coming to the meetings, Council received many e-mails, Council chambers were packed, how would you vote, for best interests of the City or just by the majority of people's wishes. Ms. Casey thought it was a blend as she might be privy to information. She said residents coming before Council would absolutely be a strong factor, however there might be information she was privy to that would change her decision because it might help the City in the long term.

Member Mutch asked what set her apart from the other candidates. Ms. Casey said the decisions and considerations Library Board Trustees had to make were very similar with how the City operated. She said they followed the budget, goals, objectives, policies, etc. She felt she brought a wide understanding of operating a civic organization such as the Library and she would bring that role to City Council. Ms. Casey said she would bring a dedication, passion and knowledge and help make a difference from her project management experience in her professional background.

2. Anamaria Kazanis

Ms. Kazanis said Novi had been home for her family where she had lived for 15 years. She said when she moved to Novi she immediately put her name forward for Boards and Commissions. She said she wanted to be a part of the vibrant City she was joining. Ms. Kazanis said she was an economist and joined the EDC. She also belonged to the Chamber of Commerce Economic Development Committee. She said she became a statistician and consultant at MSU, U of M and Wayne State. She said she now runs her own company and was a consultant in the three main universities and taught on an intermittent basis. Her

mission was to empower people, especially girls, and was on the Board of Trustees for the Girl Scouts. Ms. Kazanis stated she liked to be involved in volunteering activities and to contribute to the society in which she lived.

Member Crawford asked what was the biggest challenge for City Council. Ms. Kazanis replied the balance of knowing more than the citizens knew about specific issues. She said Council represented the citizens of the City and carried out their wishes with the best possible knowledge they had. Member Crawford asked what she liked the most. Ms. Kazanis replied the schools and the Library.

Mayor Pro Tem Gatt asked what she liked the least. She said there was very little that she didn't like about Novi. However, she would like to have more sidewalks because when her kids grew up there were no sidewalks. Mayor Pro Tem Gatt asked if she worked better on her own or as part of a team. Ms. Kazanis said she could do either and fortunately she had been successful on all levels. She said presently she was an individual consultant but had multiple projects at the universities and especially in health research. She stated she had been involved in research teams and had enjoyed them and been successful.

Member Margolis mentioned the learning curve and asked how she made decisions where she had no knowledge or expertise. Ms. Kazanis commented she asked and asked. For example, if it was something to do with elections, the City Clerk would get her call fast. If it had to do with trees she would contact the right person. She believed in being part of the solution if there was a problem. Member Margolis asked what the two or three most important responsibilities were and why was she qualified. Ms. Kazanis replied carrying out the wishes of the people because that was the essential element of the City Council and the best possible use of limited resources. As an economist and statistician, she was always willing to be there and listen to people, find out what they want and try to find a way to make it happen without burdening the system.

Member Mutch asked what the top issues of concern were in her neighborhood. Ms. Kazanis responded the lack of sidewalks. She said she loved the fact that the City required sidewalks before they issued permits for new subdivisions. She said they were all very family oriented in her neighborhood and had always worried about letting their kids go anywhere outside of their little world. She said her neighbors always had concerns about the corner of Beck and 10 Mile Road and what would be built there. Member Mutch asked how she saw a Wal-Mart at the Town Center impacting the redevelopment of the Town Center and other retail locations in Novi. Ms. Kazanis responded she saw that as an overall bigger picture. What do they want Novi commerce to be about. She said she was present in 1996 when they were talking about Fountain Walk and Main Street and remembered asking why they needed two major projects simultaneously. She said neither was finished yet. She said she wondered what Wal-Mart represented. She said it was a different level of business as Wal-Mart had cheaper type products, which was a market and a wonderful market but Novi had never been in the market for totally discounted products. She said usually when in a Wal-Mart environment it was surrounded by stores of equivalent type of commerce and she didn't know if that was the way Novi wanted to go or not. So, she wondered about it.

Member Fischer asked what areas of City spending would she look for related to cuts. Ms. Kazanis said that would be the one time she would micromanage. She commented that she knew that one of the biggest components of the City's budget was safety. She said she praised Council for the opportunities for sharing services with other cities and stated it was creative thinking and productive action. Ms. Kazanis said it was creating infrastructure for Novi that could be sustainable for many years to come without having to go into savings or other sources of incomes. She said she would keep looking for the opportunity to save money as they did with the font in the Engage. Also, what other services could they tag a long with other communities.

Member Staudt asked, from a professional standpoint and as a resident, what she saw that drew people into Novi and what were they doing well and poorly in fulfilling the economic development function in Novi. Ms. Kazanis responded location and schools. She said the Economic Development has been too strongly associated with retail and she thought there was enough retail space at this point. She commented she would like to see other retail that was national and would pay bigger taxes. She said she wanted to see what it would take for them to bring in those big national companies to Novi.

Mayor Landry said if she looked in the text book it would describe Novi's government as a weak Mayor and a strong City Manager form of government. He asked what the role of Council was in the operations and management in that form of government. Ms. Kazanis said general overseers, guidance to the strong management and a selection of objectives that would hope to be accomplished but never micromanagement. Mayor Landry asked does she make decisions on majority of people contacting her or on what she believed was best for the City. Ms. Kazanis replied there was an American expression that the squeaky wheel gets the oil. She said when there was a room full of people; they were not a majority of the people. She said they were the loud people and tended to be the squeaky ones, which did not necessarily make it the will of the people. She said she would investigate and find out what the will of the people was by talking with people from various sections of town.

Member Staudt asked if she would support a tax increase to balance the budget, especially on the operations side, the General Fund. Ms. Kazanis said not necessarily as she would need to know much more.

3. Edward Kramer

Mr. Kramer stated he was retired from Chrysler in 2008 as an Engineering Manager. He detailed his application stating he was a former member of the Planning Commission for a number of terms and was appointed to and ran for City Council. Mr. Kramer noted his work with the Lions Club, church, etc. He's lived here since 1975 and raised a family in Novi and had a passion for the City and wanted to work with Council to sustain the vision of a quality City that could sustained itself. Mr. Kramer commended the Council, City Manager and Administration for their management of the City in a down economy. He commented that Council worked well together and he would like to be a part of that effort as the challenge continued to manage and sustain the image that Novi had created for itself.

Mayor Pro Tem Gatt asked what his biggest accomplishment was professionally and politically. Mr. Kramer replied being recognized as a leader; most of the groups he had participated in he had been able to attain leadership roles. He stated he did that by working with and listening to people and come to a direction and decision that people could support. Mayor Pro Tem Gatt asked if he would support levying a 1% administrative fee on all taxes collected, which was an opportunity offered by Michigan State Statute that would raise over \$1.5 million. Mr. Kramer thought the City had an outstanding image, which was supported by the financial report. However, he felt it was an underhanded way to raise taxes and thought some cities had jumped on that, but he would be reluctant to take that path. He said he would stay with the good, solid, sound management that they had accomplished for the City. He noted that through the years they had resisted increased taxes and turned their efforts to managing the City within its means.

Member Margolis asked what kind of impact would his prior service have. Mr. Kramer responded he was familiar with the basic processes and noted there was a lot of committee work and work to be done to support the Council. He said he knew there were a lot activities and committee meetings that went with the job and as a retiree he had time available and was willing to commit himself to the betterment of the Council and the City. Member Margolis asked what he thought the two or three most important responsibilities of the City Council were and how uniquely qualified was he to serve in that capacity. Mr. Kramer said in the Mayor government, Council was the legislative body. He said they set policy and ordinances and hired the City Manager who ran the City and was responsible to Council. He said Council should look over the City Manager's shoulder to make sure that the City was being run in accordance with Council policies and ordinances. So, the challenge was to function as a good functional body, which they had been doing, to continue the efforts that existed. He thought they all had done a good job and he wanted to be a part of it.

Member Mutch asked how he saw the proposal for Wal-Mart at Town Center impacting the redevelopment of that area and the greater retail market. Mr. Kramer stated he was comfortable with direction Council had taken provided the architecture of the building conformed to the Town Center area. He said Wal-Mart would be in the middle of the City and a commercial area that had been largely vacant for years since Mervyns closed. He said thought Wal-Mart would make the area commercially viable and hopefully the surrounding stores would still be viable. He said, Wal-Mart was not a done deal yet, but if and when it was they needed to work carefully with them and be sure that the building pleasantly fit the character of the City. Member Mutch asked what the top issues of concern were for his neighborhood. Mr. Kramer said Meadowbrook Lake, which was part of the City water management program and recent changes in the State laws indicated that the dam needed to be upgraded. He noted the City had developed a plan that was unappealing to the residents. He noted they had a number of conversations with the City and they found an equitable working arrangement with the City. He believed a viable design had been found with less impact on the homeowners and he hoped for a favorable outcome. Mr. Kramer said traffic was the other issue because during rush hour it was always difficult to get around.

Member Fischer asked in what areas he thought the City could do a better job and where was the Council and Administration doing poorly and what he would do. Mr. Kramer stated he didn't

believe anything was being done poorly. He said communications could always be improved and felt the sign did help but they needed to continue efforts to communicate with the people and continue to try and involve more people in the function of the City. Member Fischer said since Council was losing someone with a vast amount of experience, what skills and abilities would he bring that would complement the Mayor and remaining five members of Council. Mr. Kramer replied he brought a lot of experience in working with groups and people. He commented he was a team person and was open for diversity input and opinion and had his own strong thoughts as well. He thought he would be a sensitive leader in directions and decisions.

Member Staudt said there was a \$2 million gap between revenue and expenditures in the upcoming budget and there was approximately a 29% Fund Balance. He asked what options he would use to close that gap and would he be willing to use the Fund Balance to do that. Mr. Kramer said they had to ask what a reasonable Fund Balance was and he thought a 29% sounded like a lot. Then they had to look at what was a reasonable Rainy Day Fund and if it was excessive they should consider whether they should turn the wick down to a more historic level. He said they had to make intelligent decisions. He said regarding whether he would spend it, he said they don't use a Rainy Day Fund for ongoing operations that there was no end in sight because that was not what it was for. Mr. Kramer said it was to manage through a haul and they would have to find out what the economic future or status was. He said it was a resource that should be examined in part. Member Staudt asked if he would consider a Headlee rollback for operations. Mr. Kramer replied no, the ground rules had been set and it was a good legislation when it was passed. It served the residents and people and it added to their challenge. He said Novi was a vibrant and growing City but it had flattened out as the economy flattened out and he didn't see why Novi wouldn't pick up reasonable growth as the economy picked up.

Member Crawford asked what he thought the biggest challenges were for Council members. Mr. Kramer said there was always a challenge in working together. The current Council had worked together without rancor and that was the biggest challenge to be able to take into account facts from consultants, Administration and information. He said they all had different routes and sources of information; the biggest challenge was to find a way to go forward together and support each other. Member Crawford asked what was his favorite thing about the City. Mr. Kramer thought Novi had developed a quality character with quality setbacks, woodlands, wetlands and he felt those things still gave the City a semi-country look. The subdivisions were well wooded, the homes were very attractive, plus the City was well-administered and the school district made it a very attractive place for families to be as well.

Mayor Landry asked what the most important characteristic a person needed to have to be an elected official. Mr. Kramer responded integrity, openness and knowledge and a willingness to work as required.

4. Lou Martin

Mr. Martin said his background had been in municipal government for quite a while. He noted he began as a volunteer in his twenties in Dearborn Heights where he commissioned a cable

group that included Westland and eventually became chairman. He served through two Mayors and in that area local politics was vicious and he was able to survive and work together with both sides of the aisle and maintain that chairman position. He stated he also worked in government relations in the world's largest direct mail firm for quite a while before coming to Novi. Mr. Martin said he was the Public Information Officer for the City of Novi and was an Administrative Director in the City Manager's office. He said he controlled his own budget and twelve part time employees and had responsibility for the three shared employees in the City Manager's office. He said he was recruited by Providence Hospital and subsequently was hired up through the ranks of the St. John's Providence Health System. He said the largest project he had worked on in the eleven years he had been there was the opening of the Novi hospital. He said he had legislative and business responsibilities for the build of that hospital, as well as marketing and communications.

Member Margolis said as a staff member for the City of Novi, what kind of impact that service would have on his role as a City Council member. Mr. Martin replied it was one of the benefits he brought to the City, as he had to prepare budgets and present them to City Council. He said Council had it's divisions at that time, and he had to work with both sides to put together a budget that was acceptable even though another side might use your budget as kind of a whipping stick to the other side that they didn't like so much. He said he had that experience and he worked with several departments in the City to communicate their objectives and strategies to residents of the City making sure they were as transparent as possible. He thought those qualities of having to work within that difficult structure he brought to the table now and he thought it honed his skills a bit. Member Margolis asked what were the two or three most important Council responsibilities and what were his unique qualifications in those responsibilities. Mr. Martin replied Council responsibilities were set by the City Charter, so it wasn't his opinion to say Council should this or that. He said it was in black and white in the City Charter. He said he did appreciate with that flexibility as a legislative body was Council Goal Setting. He thought one of the interesting things Council did was planning and setting goals, which was a relatively new and began in the 1990's. Mr. Martin thought Council had done a great job with that and it was a great responsibility of Council. He said Council was the authoritative body to support or shoot down what professional staff brought to them. He said they had to come together as a body and agree or say no, philosophically and ethically they didn't think it was the right way for the department director to proceed.

Member Mutch asked what issues he heard discussed among neighbors as they related to concerns or issues of importance regarding City matters. Mr. Martin stated he was president of his homeowners association so he did interface with people in his subdivision. He said the local roads in their subdivision were buckling, there were some woodland/wetland issues but they were very manageable. He said they were very fortunate to have great relations with City staff as a subdivision and they had received great response to their concerns. Mr. Martin said beyond their subdivision was the quality of Grand River and Haggerty. He said Haggerty was essentially embarrassing for a quality City. He knew it wasn't a City issue as it wasn't a City road. Member Mutch asked if he supported or opposed Signature Park and how did he come to that position. Mr. Martin said it was a great proposal that had wonderful things for the residents as they needed a variety of programming and activities. He said ways to generate funds were always good to look at but he thought the proposal was brought up at the wrong

time and he didn't support it. He thought it might have been a great proposal a few years earlier or a few years later or in the future, but he thought it was the wrong time for it.

Member Fischer asked what areas he thought the Council or Administration could do a better job and what would he do to foster the improvement. Mr. Martin commented when he was working at City Hall he was very impressed with the way they approached economic development. He said they hit it very hard and he produced a lot of the communications that would go out to the companies they were trying to recruit. He said he was not privy to what Administrative leads were doing relative to economic development. Mr. Martin said one of the things that made Novi great was OST zoning. He said people in the community like Ernie Arrufo and others that saw the vision of what M-5 would do to the makeup of Novi and said let's talk about OST zoning and let's get high dollars and low impact. He said they recruited like crazy to get companies in like Husky, Magna and others. He said he didn't know what was happening directly there but maybe there was a better need for transparency to the public as to what was happening. He said that was vital right now. Mr. Martin said a lot of their questions were did they want to raise revenue by putting a surcharge on taxes and other things. He said economic development was one of the largest arms to raise dollars or bring in companies that had real property and could provide dollars with a low impact in Novi; he thought was vital. Member Fischer said Council had made many tough decisions over the past several years regarding expenses because of the economic conditions. He asked what areas of the City he would look at for cuts. Mr. Martin said first he would understand that he was a part of a team and in order to make that decision there wasn't many places to look at cuts, as there were only so many funds and it was very obvious what the largest expenses were. He thought the other half of that was what revenue enhancements would they look at. What other revenue enhancements could they do; this was a great City and he thought they were doing great things to talk about other revenue enhancement. Mr. Martin thought there were a couple of areas that automatically got looked at and they were public safety services and public service issues. He said those were the things they had to look at. He said it would be cocky of him to say he knew what they should do but he didn't know unless he sat down and looked at the data as part of a team.

Member Staudt asked if one of the revenue enhancements would potentially be a Headlee rollback. Mr. Martin said people were looking for the economy to turn around in several years. He said he didn't think a Headlee Amendment was something that they should put all their eggs in one basket as a be all end all. He said he was cautious and would be concerned about that. He said he didn't know enough to really speak intelligently about it but that was his initial feeling. Member Staudt asked potentially facing a multi million dollar gap between revenue and expenditures and having a significant Fund Balance available, would he be willing to use Fund Balance to balance operations. Mr. Martin said philosophically no, he was against that but again, he would be a member of a team that would then put together conjecture and facts to talk about what would potentially happen. He thought what had not been brought up tonight in response to that question was when and how would that end. He said it was a slippery slope to walk on and as a team they would have to decide what the end strategy was.

Member Crawford asked what the biggest challenge was for a Council member. Mr. Martin responded he believed, working with other Councils in other cities and being in Novi as an

Administrative Director, it was knowing your role as a Council member, what did the Charter dictate what they could do and what latitude did they have. He commented he had heard several people say they would go to that department manager or specific employee and talk to them. However, a Council member was not supposed to do that but they should wait to get information from the City Manager and make a decision as a team. He said he didn't know if Member Crawford encountered this when working here but one of the biggest problems they would encounter was when preparing budgets or had large projects that they were tasked with by Council, individual Council members would come to his office and tell them their opinion and position and what they would want to do. He said when dealing with funds and planning to do a project that was the appearance of impropriety. Mr. Martin said there were a lot of examples of that that he could share; so he thought that was the largest challenge. He said they had to know that was not their role and that it was their boss' role to do; and Council needed to be a policy making authoritative body led by a strong Mayor and make the right decisions for the residents of Novi. Member Crawford asked what he liked most about the City. Mr. Martin responded the schools and the involvement of the families. He said he was a volunteer in his 20's in the city he lived in. He said as a volunteer he began a recycling center in the city where he was raised in but had noticed a waning of volunteerism in his career. However, in Novi he saw a resurgence of volunteerism and noted those who volunteer encouraged him and was the makeup of a great City. He also loved the OST zoning, he loved that there were four quadrants around Main Street and how that was planned out. He said, for him, it was volunteerism and people coming out because they were proud of Novi.

Mayor Pro Tem Gatt said whoever was appointed to this Council would be a very fortunate person because they might not always agree, but they always got along. He commented that in the past Council's had been bitter and it had shown in the way they conversed. Mayor Pro Tem Gatt asked what he disliked about the City. Mr. Martin responded dislike might be a strong word and to him it would be the quality of some of the roads and there were roads where a different body looked over them. He said Novi was an incredible City and he was very proud of Novi. He said he loved its history and everything about it. However, when driving some of the roads he thought about how they didn't represent who they were. Mayor Pro Tem Gatt asked if he would support a 1% administrative fee on taxes. Mr. Martin said he would be a member of a seven member team working together to come to consensus and a decision but philosophically he said no, he would not support it.

Mayor Landry asked whether he would go with the majority of the people or with what was best. Mr. Martin responded the people walking in and filling up the room were not an accurate statistical sample of the total voice of the people. He believed that the decision was made with Council and Administration with the facts that they had and they derive that together as a team. He said too many times he had seen very, very hot issues whereby the squeaky wheel wanted to get the grease and people grandstand and that was going no where politics. He said it didn't get them to where they needed to be. Mr. Martin said Mayor Landry had been a very strong leader as a Mayor because he was decisive and was clear about who he was. He thought everyone needed to be that way; otherwise they would revert back to old local politics and bitterness.

Member Mutch said everyone appreciated the benefits Providence Hospital brought to Novi. However, Mr. Martin's involvement with the hospital could greatly benefit the City as well and raised concerns about what impact that might have on his ability to fully participate in all the decisions Council had to make. Member Mutch said all of them at some level would have a conflict of interest, but this potentially raised some concern because the City did have an ongoing relationship with Providence Hospital. He asked Mr. Martin to discuss how he would address any potential concerns that might arise to ensure he could, as much as possible, participate in deliberations. Mr. Martin replied that if this were a time when the hospital was being built, then he would say yes, Council had a great case on their hands. He said there was so much activity when building the hospital that it would have been impossible, at that time, to sit on any authoritative body that was handling anything relative to that project. He said that was absolutely not the case now. He said all those developments and expansions, within this delineated period of time of taking a Council appointment to an unexpired term within that eleven month period, there was nothing that would come before Council whereby it would be a major project. He said the City Charter and Rules and Regulations provided for that type of situation for anyone who sat on Council. He said in his years of experience working at City Hall and with Council members, many people had business conflicts of interests and they would recuse themselves at that time. Mr. Martin said if there were big projects where they were saying from January to November they were going to expand, etc., he would consider that greatly. He stated he would not want to jeopardize his own personal stance either but that truly was not an issue now that the build of the hospital was done.

5. Wayne Wrobel

Mr. Wrobel stated he had been a manager at AT&T for thirty two years holding various positions. He said he was in finance and was responsible for a \$50 million budget for one of the AT&T divisions. He said he had line experience dealing with workers on a day to day basis and had a management and engineering background. He said he wanted to be on Council because Novi was his home and if he didn't work to make it better, then he was just part of the problem.

Member Mutch asked with his Planning Commission experience how he saw a Town Center Wal-Mart affecting the Town Center area and the impact citywide. Mr. Wrobel noted it was a very delicate question in the City right now as a lot of people were against it and a lot wanted it because of the vacancy there. He commented first the property was zoned TC so they couldn't stop them. So, they needed to make the best of the situation so that it would be a win win for Novi and Wal-Mart. He said they should negotiate with Wal-Mart and get the best deal for Novi. Mr. Wrobel said Novi was in a down economic time now and he didn't want to see them make a rash decision just to get something in there. He thought it was a juggling act and there were other concerns. He said there would need to be extra police protection and there would be additional traffic that could create a hardship for Novi. He said they needed to make sure, in the approval process for this big box store, that they covered all the bases and made sure Novi's needs were met. Member Mutch asked what the local issues of concern were that he heard from his neighbors and around town. Mr. Wrobel said the biggest concern was traffic on Grand River, 10 Mile, Meadowbrook and Haggerty. He said he tried to explain who had

jurisdiction of the roads and what the process was and that appeased them. He said the one issue he thought people were really talking about was the whole east side of the City; the 10 Mile/Meadowbrook corridor was the oldest part of the City. He noted the shopping center provided some necessities people wanted but it probably wasn't up to par and a lot of people wanted to see it redeveloped. Mr. Wrobel said he discussed this with Mr. Ludwig and in this economic downturn it wasn't going to happen. He said the bottom line was that the weakest link of the City brought down the whole City so what they wanted to do was raise the lower end of the City, which would make the City more attractive. He said there was no answer for that area in the short term. He commented that people would like to see, on that side of town, more choices in food stores.

Member Fischer asked in what areas Council and Administration could do a better job. Mr. Wrobel noted that the City survey received phenomenal marks. He said one area that was very low was bike paths. He said they had a committee look at trails and bike paths and it slowly evolved into a sidewalk committee, which wasn't the initial intent. He stated he would like to see the City pursue bike paths more. Member Fischer asked what his philosophy was regarding Council's role in City government as well as how it related to Council's relationship with the City Manager, Administration and staff. Mr. Wrobel said, in a business case scenario, City Council was the Board of Directors; the City Manager was the CEO who gets direction and guidelines from the City Council and followed through. If the City Manager had an issue with something he thought wasn't working, he would come back to Council to discuss it and receive more direction. He said it was not up to City Council to micromanage.

Member Staudt said Council would address ordinances related to cost recovery this evening. He said AT & T had taken an extremely aggressive position against it and he asked Mr. Wrobel how he saw it. Mr. Wrobel stated he understood what the City was doing but from a corporate standpoint the City was setting time periods of response up and he didn't think that was practical. He said he had been a field manager and had major disasters happen at three in the morning. He said it was difficult to find and get people out within two hours at three in the morning when they weren't a 24 hour operation. He said they respond as quickly as possible and there were things in place now. He said if it was an act of God or a car accident where the pole was hit and the cables came down, they would be liable for those costs. He said he didn't think that was right, as they didn't cause it and the cost should go back to the person causing the problem. He said he didn't know whether it was really needed. Member Staudt said twelve months ago Mr. Wrobel ran for Council and asked what he learned during that process and the end result that would help him become a member of this Council. Mr. Wrobel said that was the first time he had ever run for anything. He said he didn't make the decision to run until the near the end and felt that hurt him because he wasn't prepared enough. He commented he did what he could but was always trying to play catch up. He said he tried to run on his own because he didn't want to be beholden to one side or the other but wanted to make the right decision. He said he learned he needed to build alliances in working with teams.

Member Crawford asked what was the biggest challenge for a Council member. Mr. Wrobel responded that he had been told by people who served on the Planning Commission and Council that if he could survive the Planning Commission, he could survive Council. He said

there was a lot of information to disseminate and he had to realize that he didn't know everything and where to get the answers and work as a team. Member Crawford asked what he liked most about the City. Mr. Wrobel replied that it was home. He said other than location, fine housing, great school system, world class shopping and easy access. He noted that through the years the property values had held up and they had brought in great high tech industries, which attracted a certain type of work force into the area. He said it was a very attractive City but the City could have used more active parkland.

Mayor Pro Tem Gatt asked what he considered to be his most major accomplishments. Mr. Wrobel replied surviving 32 years in the corporate world. He said, on the political side, planning St. John's Providence Park Novi. He said it was a huge project but it came out good and everyone was happy with it and the residents were happy to have a world class medical facility. Mayor Pro Tem Gatt asked if he would support a 1% administrative fee. Mr. Wrobel said philosophically no, but he wouldn't say 100% no. He said if it was to be used for a specific purpose that funds were not available any other way and it had to be done right away, he might consider it.

Member Margolis asked what he thought were the two or three most important responsibilities of a Council member or City Council, and why was he uniquely qualified to fulfill those responsibilities. Mr. Wrobel responded that working as a team was number one and gathering consensus, which was basic team building. He said they shouldn't make decisions in a vacuum and needed input from other people. Mr. Wrobel felt this Council worked well together. Member Margolis asked how he made a decision about something that he had no expertise or knowledge about. Mr. Wrobel said first he looked for the information to get what he could, and then it was simple analytical work. He said he would look at the positive and negative sides of it and weigh them back and forth. He said it was basic problem solving and then he would come to a decision that he felt was the best.

Mayor Landry noted Mr. Wrobel had been on the Planning Commission and he was on the ZBA and in both capacities he had to look at people who were very invested in decisions and say no. He asked how he dealt with those people. Mr. Wrobel said it happened more on the ZBA and was difficult because they were dealing with homeowners or small business owners. He said the projects were not as big and they were more personal to the person before the ZBA. He said it was very difficult and he tried to explain his rationale, what was used to come to that decision and how it related to the overall affect on the City. He said if they felt like they were given a fair hearing, they could usually live with the decision because they understood the problem.

MATTERS FOR COUNCIL ACTION – Part I

- 1. Consideration of Adoption of Ordinance Amendments to update and expand cost recovery options for extraordinary or avoidable public safety expenses:**
 - a) Consideration of adoption of Ordinance No. 10-176 to amend Chapter 2, "Administration," of the City of Novi Code of Ordinances to add a new Article VIII regarding cost recovery for emergency response. Second Reading**

b) Consideration of adoption of Ordinance No. 10-99.15 to amend Chapter 15, Article II, "Fire Prevention Code," of the City of Novi Code of Ordinances to specify in Section 15-16 the penalty for violation, to revise Section 15-17 regarding hazardous materials discharge recovery action, and to refer in Section 15-20 to Chapter 2, Article VIII for cost recovery. Second Reading

c) Consideration of adoption of Ordinance No. 10-23.26, to amend Chapter 22, "Offenses," Article II, "Offenses Against Public Administration," of the City of Novi Code of Ordinances to revise the standards for the regulation of alarm systems in Section 22-96 to include fees for responses to false alarms from fire alarm systems. Second Reading

d) Consideration of a resolution establishing the fee schedule for cost recovery for the determination of the cost of a response under Chapter 2, new Article VIII of the City Code.

Mayor Landry suggested Council discuss this in pieces rather than as a whole. He said if that was acceptable, he wanted to deal with a) Consideration of adoption of Ordinance No. 10-176 to amend Chapter 2, "Administration," of the City of Novi Code of Ordinances to add a new Article VIII regarding cost recovery for emergency response.

Mr. Pearson thought Mayor Landry's strategy was a good one. He said this was a combination of things. He said Novi had cost recovery ordinances, like most cities and this was an update in many ways and they had tried to clarify that. He said the reasons to update this were twofold; there had been some court decisions and other actions that caused them to make sure that the ordinances were up to date and hold muster. Secondly, the City had been a part of mutual aid agreements and cities throughout Oakland County had gone through a similar process to adopt mutually re-enforcing cautionary agreements. He said cities had taken different approaches in how far they went. He said on first reading they had laid out a starting point and heard the Council's comments and had narrowed that down and clarified it. He said Mr. Schultz's memo addressed the changes from the first reading.

Discussion followed on Sub Sec A - Cost Recovery for Emergency Response

Member Fischer said as they looked at Item A on the Agenda he still had concerns regarding certain sections of the ordinance. He said regarding Section 1C where it talked about "the cost resulting from illegal activity on the property of which the owner, lesser and or operator knew or should have known that it caused the City to incur a specific charge or invoice in connection with the response, specific activity that would not otherwise be incurred, for example, a demolition or a clean up." Member Fischer said he had some concerns on this piece and he was not comfortable with the "should have known" as far as the owner of a piece of property would go. He appreciated the efforts of this Cost Recovery Ordinance and supported efforts where illegal activity and the person responsible for such illegal activity would be held responsible for the costs. He thought if Sub. Sec. 1C actually made the person responsible for the illegal or illicit activity responsible for the costs, then he could support it. However, as it

was presently written, he would not be willing to support it. He stated he also had an issue with Sub. Sec. 4, which was "in the event of a utility emergency the public utility whose activities or facilities necessitated the emergency response shall be liable beginning two hours after notification." Member Fischer asked the Administration if they had instances where public utility emergencies had been an issue in the past few years. Mr. Pearson said they had done some research in terms of some of the DTE utility wire downs, which was one of the most prevalent instances. Chief Molloy said they ran a query of some of the wires down reports that they had responded to this year. He said since January 1, 2010 the Fire Department responded to 65 reports of wires down and the total minutes they had spent on the scene was 3,515, which equated to 58.5 hours, average time at the scene was 54 minutes. He said the highest number of minutes spent on scene was 12 hours and 55 minutes and the lowest time was one minute. Member Fischer said if a utility emergency arose and there was some type of mutual aid necessary, the cost could be recovered under Sec. 1A. Chief Molloy said if, as part of the response, they received a request for reimbursement from another responding community, they would use Sec. 1A for that item. Member Fischer asked how the two hours after notification was derived. Chief Molloy answered they looked at what some of the other communities were doing; some try to bill for everything and it was just kind of a mixture. He said looking at the data, for an average, they were only on scene for an hour. So, they kind of looked at two hours and came to an agreement there. Member Fischer said he still had a concern about looking at public utilities as a class in and of itself. If they were looking and saying they were more risky, he saw a slippery slope; would they go after restaurants because they had stoves that might catch fire. He asked where it stopped and what special class of business would they go after next. He said he could see if there was some type of gross negligence on behalf of the utility, they would look to recover but he could not support something, as previously stated in the interviews, when it was an act of God. He said Sections 1C and 4 made it impossible for him to support.

Mayor Pro Tem Gatt said he could not support this because if they started charging companies a fee, those costs would eventually be passed on to the residents. He said there was already an avenue in place to collect costs when necessary. He noted that in Mr. Schultz's memo he cited an example where there was a charge, the fees were recovered in court and everybody was satisfied. He said the fire marshal was quoted as saying that "normally in a mutual aid response charges were not levied". He said he remembered, when on the Police Department, that Novi helped them and they helped Novi and there were no charges. He said he didn't understand why they would want to go down this slippery slope. He said the two hour figure was arbitrary and the packet material said there was eight hours before a charge was incurred, and yet Novi would charge after two hours. He said, as pointed out tonight, many times they would charge for an act of God and it just didn't seem reasonable or fair that the City of Novi would go down that avenue. He understood that with this economy cities were trying to recover dollars anywhere they could but he would not support this endeavor. He said this would end up biting the residents and costing more in the long run and he would opt to stay with the avenues in place.

Member Margolis stated she disagreed and would support this. She said these would help recover costs that were extraordinary, over and above what normally would be provided. In the case of the downed power lines, two hours was arbitrary, but in some ways it was a part of

their policy making decision as to what that time length was. She said they didn't need the police officers or firefighters babysitting downed power lines for an extraordinary period of time, when it was the job of the utility company to repair those downed lines. She suggested that if more and more communities were putting time periods in these ordinances, she would guarantee the utilities would pick and choose who to go to first based on whose ordinances were the tightest. She said if Novi didn't have a time period and Livonia had a two hour time period, Livonia would be first. She thought this would protect Novi residents. She said Member Fischer was concerned about the word "should" and the two hour time period. She said she didn't have a vested interest in two hours but as a body they could discuss what was acceptable in terms of time, maybe four hours instead of two. However, she would want something in place so Novi officers wouldn't have to babysit a downed power line because the utility had not come out to fix it. Member Margolis said she would support these ordinances.

Member Crawford said she was concerned about the interpretation of "unusual" and "extraordinary". She said it seemed whenever they had a policy, for example liquor licenses that had to have something unusual about their business, each Council member had their own opinion about what "unusual" or "extraordinary" was. She commented she was concerned about who interpreted or made the decision on what was unusual and extraordinary and was a downed wire or pole considered unusual. In the case of a power line down, normally when power lines were down it was not usually the result of gross negligence, it was usually a big storm and high winds and there was generally more than one line down. Member Crawford said she didn't feel right about billing for an act of God incident. She said if it was not an incident brought on by gross negligence, they should not bill. She said maybe SWOCC had wires on a pole too because the wires didn't belong to just one company. She said if a person slid off the road during an ice storm and hit a pole, which came down with the wires, then they would bill the person who hit the pole, people who owned the pole and then the people who had wires on the pole. She said she was concerned how all that would happen and was it an unusual and extraordinary circumstance. She said if this was a part of A, she would not be able to support it.

Member Staudt said many of his concerns were addressed in the new ordinance. However, this had gone from something that would affect residents to something that would affect individual companies and business segments like utilities and railroads, etc. He said whether insurance companies paid or not, everyone would pay. He commented whether these businesses paid or not they would return those costs back to the public in the form of higher rates. He said they were already paying taxes and he was not a big supporter of adding new fee structures, at this time. He said he would not support the ordinances in any shape or form.

Mayor Landry said his understanding of the way this issue came to Council was that they already had this ordinance on the books. He said they were trying to come into compliance with recent updated legislation in the continuing effort to update Novi ordinances. He said this wasn't anything new; part of their job was to review and re-assess what the ordinances required. He noted he could see and understand the philosophical reticence to charging people for public safety services. Mayor Landry said that made sense because taxes were already being paid, so why should they be charged for public safety services. He said as he saw it they would not be charging for the routine day in and day out public safety services but

would charge if the City received a bill from another municipality, which was what 1A was. He noted they would only charge if the City received a bill. He said the others were for unusual circumstances. He understood the reticence to charge for an act of God and that was part of the encouragement to maintain infrastructure, because if it broke down, they would have to pay. Mayor Landry said there was a lot of opposition to a lot of different aspects of this and there were some people who were against it philosophically and he respected that. He suggested that Council, in regard to Section A, try to come to some consensus. He asked if there was a form of this that they could support or were they just flat out against A period.

Member Fischer said he could support the ordinance but would like to see 1C changed to not be the cost responsibility of the owner of property where illegal activity took place. He commented he would like to see the person responsible for the illegal activity responsible for it, similar to Section 2, discussing incendiary fires. He stated he could not support any version with number four regarding two hours, four hours, etc. because he felt that any major or unusual circumstance would likely fall under the Mutual Aid Agreement. He said at that point they would just be looking to recover the costs that were driven down to them by another entity.

Mayor Landry suggested Mr. Fischer make a motion to remove Sub Section 4 entirely and send it back to the City Attorney for additional changes to Sub Section 1C. Member Fischer said with the direction that 1C would take a similar effect of Sub Section 2, as presently written.

**CM-10-11- Moved by Fischer, seconded by Margolis; WITHDRAWN:
To remove Sub Section 4 entirely and send it back to the City
Attorney for additional changes to Sub Section 1C with the direction
that 1C would take a similar affect of Sub Section 2, as presently
written.**

DISCUSSION

Mayor Pro Tem Gatt read number three, "in the event of an emergency involving a railroad, the person owning, maintaining or operating the railroad shall be liable for the cost of the emergency response". He said what if there was a car across the tracks and the train tried to stop and was derailed; why would the railroad be liable for that. Mr. Schultz said they were clarifying that they were essentially a property owner in the City and treating them, pretty broadly, as responsible for the events on their tracks. He thought probably as a practical matter what would happen in most of those instances involving a railroad there would be hazardous materials, which would be covered under a different section or mutual aid issues. Mayor Pro Tem Gatt said he could not support the ordinance.

Member Crawford asked if they were talking about C now and the motion was in regard to hazardous materials. Member Fischer replied that 1C talked about how a property owner would be responsible and liable for costs resulting from illegal activity on the property that they knew or should have known was taking place, and would cause the City to incur demolition or clean up charges. Mayor Landry said, for the record, they were talking about proposed Section 2-222 (1) C. Member Crawford said then they were voting on just that one section.

Mayor Landry responded the motion was to pass proposed Ordinance 10-176 but with respect to Sec. 2-222 (1) C to remove entirely Section 4 and to send it back to the City Attorney to attempt to reword 1C of Section 2-222 for Incendiary Fires.

Member Staudt asked how they could facilitate A without approving D. He said these two things didn't stand on their own and necessary fees passed in A would be required to pass in D. He asked how they could approve A, B and C without approving the fee structure. Mr. Schultz said the ordinance was set up in similar fashion to a number of ordinances where there was a cost imposed; then the cost was set in separate non-legislative action in a resolution. So, the ordinance said they were going to create these cost recovery situations and the amounts they billed, in Section 2-223 Sub Section 1, would be created by resolution of the Council, which was item D. He said theoretically if they never passed a cost schedule, there wouldn't be a cost imposed. He said there would need to be a resolution of Council setting that, as a separate action, but not in the ordinance. He said they could do it in the ordinance but this was the typical process. Mayor Landry said if A, B and C didn't pass they wouldn't even address it. Mr. Schultz said he was correct.

Member Mutch said he would follow up on the point that Member Staudt raised. He said if they went into the following sections, they specifically referenced the collection of fees based on Chapter 2, Article 7, which was the portion they were discussing. So, while he understood wanting to address these separately, all the sections were intertwined. He said whatever discussion they had about Section 1, in terms of the process of collecting fees, governed the further sections that made reference back to this initial section. He thought this item, whether they decided to proceed on this or table it based on when discussing the changes the diversity of opinions, this might be the best way to handle it. He agreed with Member Staudt that there was no way to separate the discussion from the fact that whatever they decided to adopt with this initial section, it would govern the operation of the other sections that followed because they specifically referenced back to it. Member Mutch said the concerns he had were addressed by Council members in terms of its scope and its applicability. He said it really went back to the concern he raised at the previous meeting in terms of how liability was assessed, determined and apportioned through the ordinance. He thought they needed to be clear that there was an existing ordinance and changes were needed to bring it into compliance with changes in State law. He said what they were discussing now was an entirely new section and a different way of handling, assessing and apportioning these fees as compared to how they previously did it. Member Mutch said they were talking about a wholesale change and the biggest problem he had was inconsistencies in how they were assessing liability. He thought Member Fischer partially addressed one of his concerns, which was in many cases the individuals who were responsible for the emergency response weren't listed as the people who were liable. He said his other concern was that they were essentially creating an Ad Hoc process to assess and apportion this liability when they had a court system to address it. He said it might not be as timely but it already existed and was well equipped to decide who and to what degree they were liable. Member Mutch said he wouldn't support it with the changes they discussed, because he thought there were additional changes they would want to make to get to where he wanted to see it. He thought the best approach would be to table it, and see if Mr. Schultz could come up with something that was more in line with what the majority of Council wanted to see.

Mayor Landry asked Member Mutch if he understood his comments to be that he would think it more productive, if they just had a general discussion about the whole notion and if there was some consensus to table this, ask Mr. Schultz to come up with an entirely different approach. Member Mutch said there were members who supported the language and members who were entirely opposed to the concept, and some who were willing to accept some of the changes but still uncomfortable with the scope and approach of it. He said he was not willing to sign off on the current language even with the changes Member Fischer suggested. He thought it would be helpful for the City Attorney to hear what Council's concerns were and hopefully draft changes they could agree on. He said they were not going to have seven people willing to sign off on any changes but there might be a majority who were willing to support some changes with additional work.

Mayor Landry stated he heard loud and clear that they were opposed to the concept and understood and respected that. He said there was a motion on the floor that could be called to a vote, have more discussion on the motion or someone could make a motion to postpone the entire matter. He said then they could discuss the postponed motion and if there was enough direction to the City Attorney, while discussing the motion to postpone, it would either be voted up or down or would get postponed. Mr. Schultz agreed. Mayor Landry asked Member Mutch if he was making a motion to postpone.

Member Mutch asked if that was the appropriate motion and if it overrode the existing motion on the table. Mr. Schultz said it did and then they could discuss that.

**CM-10-11- Moved by Mutch, seconded by Margolis; WITHDRAWN:
To postpone for future consideration based on discussion at the
Council table and incorporating the changes that had been stated
by specific members.**

Member Mutch thought Member Fischer's suggestions were appropriate and would support those changes, and he thought Mayor Pro Tem Gatt's concern about the railroads should be addressed. He asked if any other members wanted to add their concerns to see if there was consensus for those changes. Member Mutch said he would support the two changes that Member Fischer had identified, as well as the issue with the railroads.

Mayor Landry asked if his motion was to postpone all of it or just Sub A. Member Mutch said since they were only discussing this item, technically, it would only be appropriate to postpone this item. Mayor Landry thought the intent would be to postpone all four.

DISCUSSION ON MOTION TO POSTPONE

Mayor Pro Tem Gatt stated he would not support the motion because it only delayed it and the philosophy would not change. He said whatever Mr. Schultz came back with would still be a cost recovery ordinance. He said, in his opinion, the ordinances on the books were adequate and anything else they did would just be an enhancement of those ordinances, which meant

more revenue for the City, more cost for the utilities and various companies. He said he was opposed to that.

Member Crawford said she would not support the motion to postpone. She stated she had a lot of concerns about some of the sections in this. She commented one of the things had to do with hazardous materials. Member Crawford said South Lyon had a spill of mercury at the high school chemistry lab, which was a hazardous material and probably an unusual and extraordinary circumstance. She asked if that happened in Novi, would the high school and the citizens be billed for that spill. She said if a school false alarm went off because of a senior prank, would they bill the school or the parents who were paying for public safety. Another example she said was the pull cords at the senior housing facility. She said every unit had two and what if the grandchildren pulled the cord and the Fire Department had to come. She said that had happened in several different scenarios; she asked was that unusual or enough of a problem that the City would bill the senior housing complex for responding. She said people also called because they fell and she wanted to know what number was OK and what was considered unusual to bill. She said she didn't agree with billing these kinds of people for service. She said she wanted to be sensible about legislation and the policy. Member Crawford said she didn't want to postpone it; she wanted to vote on it.

Member Staudt said he didn't support the fee part of this but in reviewing the ordinances it was obvious there was a lot that needed to be cleaned up. He said there were wrong terms for different things and his inclination would be to start over with the idea that they didn't want to add additional fees or put additional burdens on the utilities. He said he couldn't support additional fees but it was clear the ordinances had to be cleaned up. He said if there were legal issues that had to be handled, the City Attorney could provide the proper language. He suggested it start out at Ordinance Review, review these things and get opinions on what they needed to legally bring this language up to date and stay away from the fees.

Mr. Pearson said there probably was a place for a committee or Ordinance Review to look at this. He said the false alarm thing was important and not nearly as arbitrary as that. He said there was a false alarm for police services and this would be adding for fire and the first and second false alarm would be no problem and no charge. However, the third one would be a \$50 fee. He said it would deal with automated systems that people needed to be responsible for. He felt more passionately about the recommendation on that because it was when people could get hurt most often responding to the calls. Mr. Pearson said it seemed if they could avoid the transit for both the public and safety getting somewhere and back by cutting down on repetitive, avoidable false alarms that would be helpful and safer. He said it was not just about the fees.

Mayor Landry asked Member Mutch if he would agree to send this to Ordinance Review, and Member Mutch said he would. He said maybe it made sense to go back and look at what had to be done and put it on paper. Then, if Administration had other concerns, they could be separated out and Council could make a policy decision on whether they wanted the changes or just do what really had to be done. Member Mutch withdrew the motion to postpone.

Member Fischer withdrew the original motion to Subsection 4 and (1) C.

Mayor Landry asked if the seconder of both motions also withdrew and Member Margolis said she also withdrew as seconder of both motions.

Mayor Pro Tem Gatt asked to receive from the Administration what the present ordinance was, why it had to be changed, what laws had been passed that dictated change and what the Council's intention was with the change. He said instead of receiving a 15 page ordinance, he would like to know the basics.

**CM-10-11-155 Moved by Mutch, seconded by Margolis; MOTION CARRIED
To send all the items under Agenda Item 1, Section A, B, C and D to
the Ordinance Review Committee for further discussion.**

DISCUSSION

Member Margolis said she appreciated the suggestion about Ordinance Review as it always made her nervous when they were changing legislation at the Council table. She said this was an excellent suggestion, as they needed to delve into it and she would support the motion.

Mayor Landry said he also liked Mayor Pro Tem Gatt's suggestion regarding what did they have now and why did it need to be changed.

**Roll call vote on CM-10-11-155 Yeas: Crawford, Margolis, Mutch, Staudt, Landry,
Gatt
Nays: Fischer**

- 2. Approval to change purchasing terms from for contract award made on November 8, 2010 for multi-function office copy equipment to Ricoh Business Systems (RBS) from a lease/purchase option of \$178,012 to a straight purchase option of \$163,988 for an estimated net savings of \$13,000.**

Mr. Pearson said Council had already approved a lease purchase, but on further review this was a change in the financing that would save an extra \$13,000.

**CM-10-11-156 Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY:
To approve a change in purchasing terms from the contract award
made on November 8, 2010 for multi-function office copy equipment
to Ricoh Business Systems (RBS) from a lease/purchase option of
\$178,012 to a straight purchase option of \$163,988 for an estimated
net savings of \$13,000.**

**Roll call vote on CM-10-11-156 Yeas: Fischer, Margolis, Mutch, Staudt, Landry,
Gatt, Crawford
Nays: None**

- 3. Consideration to accept vacant land donation of .26 of an acre, Parcel No. 50-22-25-301-026 located on Meadowbrook Road north of Nine Mile Road from Nathaniel and Jennifer Shepardson subject to Attorney review.**

Mr. Pearson asked that "subject to Attorney review" be added to the motion. He noted they were trying to get this done by the close of the year and there were a couple of hanging things with environmental reviews and so forth.

Member Margolis asked if that would include subject to an environmental review. Mr. Schultz said yes, and suggested adding, after subject to Attorney review, "environmental review and other items in the memo".

**CM-10-11-157 Moved by Margolis, seconded by Staudt; CARRIED UNANIMOUSLY:
To accept vacant land donation of .26 of an acre, Parcel No. 50-22-25-301-026 located on Meadowbrook Road north of Nine Mile Road from Nathaniel and Jennifer Shepardson subject to Attorney and environmental review and other items in the memo.**

**Roll call vote on CM-10-11-157 Yeas: Margolis, Mutch, Staudt, Landry, Gatt,
Crawford, Fischer
Nays: None**

AUDIENCE COMMENT - None

Mayor Landry said this was the last Council meeting of Member Crawford and he was disappointed there was no committee report tonight. He said they thanked her for her service, the citizens were indebted to her and it had been a pleasure to serve with her.

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 9:38 P.M.

David Landry, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Charlene McLean

Date approved: December 20, 2010