

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
DRAFT – MONDAY, OCTOBER 22, 2007 AT 7:00 P.M.
COUNCIL CHAMBERS - NOVI CIVIC CENTER - 45175 W. TEN MILE ROAD**

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

PLEDGE OF ALLEGIANCE

Third Grade Brownie Girl Scout Troop 3380 (Novi Woods Elementary)
Leader: Missy Kreucher
Co-Leader: Sharon Beaudoin
Members: Jenna Beaudoin, Saily Chouthai, Gabby Flint, Emily Kaley, Jordyn Kreucher, Katie McMaster, Anna Mikkelsen, Cara Ninkovich and Mariah Smythe

ROLL CALL: Mayor Landry, Mayor Pro Tem Capello, Council Members Gatt, Margolis, Mutch, Nagy, Paul-absent/excused.

APPROVAL OF AGENDA

Mayor Pro Tem Capello asked that Jason Weiss be interviewed first.

**CM-07-10-305 Moved by Capello, seconded by Margolis; CARRIED UNANIMOUSLY:
To amend the agenda to hear Jason Weiss, under Interviews for
Boards and Commissions, first, and approve the agenda as
amended.**

Roll call vote on CM-07-10-305

**Yea: Landry, Capello, Gatt, Margolis, Mutch,
Nagy
Nay: None
Absent: Paul**

INTERVIEWS FOR BOARDS AND COMMISSIONS

1. Jason Weiss – Beautification Commission; Economic Development Corporation; Other

Mr. Weiss said he moved to Bristol Corners four years ago, and was responsible for running a region of Enterprise Rent-a-car, a division called Enterprise Fleet Management Company. He said part of their operation was to become involved in municipalities and other organizations. Mr. Weiss thought it would give him an opportunity to learn more about City government as well as utilize some of the business skills he had gained over the last 15 years.

Member Nagy asked if he had a preference for a commission. Mr. Weiss replied he was mostly interested in getting involved and thought his skills of running a business would be best used with the EDC. However, he would like to serve wherever his time could be best used. Member Mutch asked what personal or professional skill he would bring that he felt would be a particular benefit to his service. Mr. Weiss replied that his general business knowledge would be a benefit as he was responsible for all aspects for running the region within the business. There would be specific business ideas, meeting with new businesses and understanding how they work and providing solutions, and his ability to network and get along with people and help make something better.

Mayor Pro Tem Capello said he had no questions. Member Gatt asked for one idea to help Novi's economic development. Mr. Weiss said first he would have to learn how that particular committee worked. He said he was pro development and liked to see new business come in, and liked to see the employment base grow. Member Margolis asked what municipalities could do to encourage development. Mr. Weiss responded that from his limited experience in working with municipalities it seemed the buzz word of shared services made a lot of sense; it could drive costs down and share best practices with other communities.

2. Mark Adler – Public Access Promotion Committee

Mr. Adler said he had been on this committee since its inception and enjoyed producing and working in television, and that he was more of a technical person. He commented that he wrote and directed a program called Access Notes and it had won an award.

Member Mutch asked what impact the changes in State law, which had opened up cable networking and Internet systems to competition, would be and how did he see it impacting public access provided in Novi. Mr. Adler replied there had been many changes, but it was now in flux. He had seen AT&T come in and provide an inferior picture to what Novi had now. He said it was a scrolling kind of operation, and while public access could be seen through AT&T anywhere in the world that had AT&T service, if in Florida on vacation and you wanted to see public access in Novi, you could do that and that would be a plus. However, you would have to scroll through it to find the channel, and then scroll through all the access channels. Mr. Adler said they also fought to put emergency information on cable and that wouldn't be available on AT&T. Mayor Pro Tem Capello asked what the most difficult issue to address would be, if reappointed. Mr. Adler responded he would not have to deal with those issues because the Access Promotion Committee was strictly promotion, and that would be retention. He said the issue would be the retention of all the volunteers they train because if those people leave after training, then that time was wasted. Member Gatt asked how he thought the SWOCC Board was doing. Mr. Adler replied many members of the SWOCC Board were very interested and active, but there was room for improvement. He said he would like them to be more involved in public access. Members Margolis and Nagy didn't have any questions but thanked him for his service. Mayor Landry also didn't have any questions but thanked him for volunteering.

3. David Ghannam – Zoning Board of Appeals; Board of Review

Mr. Ghannam said he had lived in Novi for five years. He said he graduated with a degree in business, had a law degree from University of Florida and had been practicing law for 18 years with the majority of his work being real estate litigation. He also did a lot of trial work and a lot with zoning issues and had worked with cities, city attorneys, and Councils in different cities and counties. He felt that gave him a unique ability to handle issues that might come before the ZBA.

Mayor Pro Tem Capello asked if he would have time to dedicate to meetings, and Mr. Ghannam said he would. Member Gatt asked what he thought the most pressing issues were facing the ZBA. Mr. Ghannam said he wasn't intimately familiar with every issue that might come before Novi, but he knew with a growing community such as Novi, the expansion of businesses, especially commercial, and mortgages and foreclosures would be pressing issues.

He understood that people come to ZBA because they're trying to do something either with a home or commercial property and were denied and so they were looking for variances to comply. In terms of pressing issues with zoning, he thought trying to get commercial approved near residential areas and whether that fit the City's needs and the resident's desires. Member Margolis had no questions. Member Nagy asked if he represented the plaintiff or defendant. Mr. Ghannam said he did both, and a lot of commercial and real estate work which involved contractual disputes. She asked if he would understand what "hardship" meant in a ZBA meeting, and he said he would because he had dealt with those issues before on zoning boards. He said his job would be to follow the law using common sense and apply that to the facts of the situation. Member Mutch asked if he anticipated any conflict of interest. Mr. Ghannan said currently he wouldn't have any conflicts because he didn't represent anyone with any matters before the ZBA. However, if that were to happen, he would need to recuse himself. Mayor Landry noted Mr. Ghannan had indicated on his application in addition to the ZBA that he would also serve on the Board of Review. Mr. Ghannan said he would, as the alternative, but his preference was the ZBA as he thought it better fit his qualifications and experience.

4. Thomas Hart – Election Commission

Mr. Hart said he was retired and had lived in Novi for 11 years, and was currently an AARP tax aide volunteer, and next year he would be an instructor. He said he had no background of serving on an Election Commission but wanted to offer assistance. Mr. Hart worked in middle management positions for both Chrysler for 15 years and Unisys for 20 years. He said he had not discussed the position with City Clerk, so he didn't have any specifics on how he could contribute.

Member Gatt said he didn't have any questions but wanted to say Mr. Hart was exactly the kind of person that made Novi such a great City. He commented that the people of Novi had a spirit that was not seen anywhere else, and for a man of Mr. Hart's capacity to come forward and volunteer his service and time was heart touching. Member Gatt said he had his support; he didn't know if the Election Commission would be open but they would find a position for him because he was too valuable an asset to let go. Member Margolis echoed what Member Gatt said and asked why the Election Commission stood out for him and if there was any other board or commission he thought interesting. Mr. Hart said it stood out because it wouldn't conflict with his work schedule during the tax season. Member Nagy said there wasn't a lot of need for the Election Commission, but possibly he could serve on other committees. Mr. Hart said he would need to know what would be required and then he could respond. She said she appreciated his coming forward. Member Mutch said having someone with skills, logistics and material management would be a valuable asset in the election process. He encouraged him to work in the City elections because it was a great way to get started. Member Mutch thought this time around there might not be an opportunity because he thought there were several candidates for the Election Commission who had more experience. He said if Mr. Hart worked at the polls, he could see how the operation worked, and it would be a valuable experience if he wanted to pursue that commission in the future. He commented he could also serve on another board or commission, as they were always looking for people with an interest and willingness to serve in the community. Mayor Pro Tem Capello asked Mr. Hart to contact the City Clerk and look at the other positions open and let her know what he would be interested in. Then when it came time for Council to vote, if there was an opening, they would love to place him somewhere.

Mayor Landry said they would make appointments at next Council meeting or the one after that.

5. Rickie Ibe – Zoning Board of Appeals; Board of Review

Mr. Ibe said his name was pronounced E-bay, and that he had been a resident of Novi for about a year. Mr. Ibe said he was an attorney, and practiced in State and Federal Court. He said most of his work was in criminal litigation, immigration and nationality laws, and practiced nation wide. He also did business litigation, which involved representing small businesses. He said he shared an office with a very large firm that did commercial work, and if appointed to the ZBA, would have to disclose that he shared an office with people who might have an interest in Novi. He said one of the people there had a relative that owned the mall. If there was any conflict, he would recuse himself. He said he had a political interest in the ZBA as well as the Board of Review because of his experience as a litigator and understanding what people wanted when they requested a review of their case. Mr. Ibe felt they needed someone who was passionate and understood exactly the point they were trying to make, and balance that with what the City needed. He said if given the opportunity to serve, he would do his best to assist the City in bringing people together.

Member Margolis asked if the time commitment of the ZBA would be an issue with him. Mr. Ibe said time shouldn't be a conflict, and he wanted to get to know the City and didn't want to be a passive resident. Member Nagy asked what his preference was. Mr. Ibe said either board would be fine. Member Mutch asked if he had represented anyone or had any interaction with the ZBA or Board of Review in Farmington Hills or any other community. Mr. Ibe said no. Mayor Pro Tem Capello and Member Gatt had no questions, but thanked him for coming and asked him to come back. Member Gatt pointed out that again here's the magic; Mr. Ibe had been in Novi for one year and he was displaying that sense of community and involvement that made Novi great. Mayor Landry echoed the comments of his colleagues. He said he was impressed with people new to the community and with the people who had been in Novi a while. He said the passion showed through and said if anyone was not appointed, please come back because Novi needed volunteers like them.

6. Kalyani Kammanadiminti – Beautification Commission

Ms. Kammanadiminti stated she was a civil engineer but was presently a homemaker, supporting wife, loving mother or two and a dedicated volunteer at her children's school. Ms. Kammanadiminti said the reason she was interested in the Beautification Commission was that she was interested in activities that were related to nature. Also, studying environmental engineering made her want to sign up for the Beautification Commission for a cleaner and healthier Novi.

Member Nagy asked if she was an avid gardener. Ms. Kammanadiminti said she was. Member Nagy thought she could bring new ideas such as an award for best landscape design for businesses like Farmington did. Member Mutch said in addition to the Beautification Commission another commission active in environmental issues was the Stormwater Management and Watershed Stewardship Committee that might also tie into her interests. He said in light of her professional and educational background in civil engineering, she would probably have some knowledge and experience that would really benefit that commission as

Regular Meeting of the Council of the City of Novi
DRAFT – Monday, October 22, 2007 Page 5

well. He thought the things she said about the Beautification Commission tied in perfectly with that position. He asked if she would be interested in serving on the Stormwater Committee, if that was an alternative that presented itself. Ms. Kammanadiminti said she finished her engineering degree in 1994, but she said she was a gold medalist in civil engineering so it might not be too difficult for her. However, if possible, she would like to be on the Beautification Commission but would also be open to the Stormwater Commission. Member Mutch said it sounded like she would be a valuable member for either and thanked her for stepping forward. Mayor Pro Tem Capello thought the Stormwater Commission would fit what she was looking for a little better than the Beautification Commission. He said it was not that she would have to use all of the skills and go back to school. It was just to bring to the table the value that she had already learned through her experience. Members Gatt and Margolis didn't have any questions but thanked her for stepping forward. Mayor Landry said there were three openings on the Beautification Committee and only two applicants. He said they would seriously consider what her desires and preferences were.

7. Linda Krieger – Zoning Board of Appeals

Ms. Krieger said she wanted to be a regular member of the ZBA. She said she brought forward 13 years of intensive care nursing and 17 years of being a nurse. She felt that would give her the edge of safety since they dealt a lot with signs. She said in regard to the time commitment, she had been able to make it to all the other meetings and her intention was to continue doing so. Ms. Krieger said she already knew what a practical difficulty and practical hardship were.

Member Mutch had no questions but thanked Ms. Krieger for stepping forward and being willing to take the responsibility of being a full member of the ZBA, although she was pretty much doing all of the work but just not being able to vote on everything. Mayor Pro Tem Capello, Members Gatt, Margolis and Nagy had no questions but said they were familiar with her work and appreciated the time she put in, and everything she constantly gave back to the City, and for doing a magnificent job. Mayor Landry thanked Ms. Krieger and said she had worked tirelessly for this community, and continued to do so, and Council appreciated all the time she put in. Mayor Landry said her father would have been proud of her.

8. Marjorie Nanian – Board of Review

Ms. Nanian said she was an Adjunct Professor at Schoolcraft College and an attorney. She said she was also the incumbent Board of Review member, and had served on the board for three years. Ms. Nanian said she had already been trained for the position and would like to continue in the position. She felt the board members made a good team and she loved the work.

Mayor Pro Tem Capello commented that very few of the applications actually listed people who live in the City of Novi as references, and all three of hers were in the City, and he thought that was refreshing. He thanked her for her service. Members Gatt, Margolis and Nagy had no questions but thanked her for her service and thought she had a wonderful background. Member Mutch said this was one of the thankless boards to serve on because most people didn't leave with the outcome they were looking for from the Board of Review. However, he

knew the board had been particularly busy in the past year, and asked how the reviews went this past year went with all the challenges of the economy and the state of the housing market. Ms. Nanian said they were busier last year than they had ever been, and a lot of the business was because in several areas the accessed value was decreased. She said people were very upset about that, but it didn't significantly impact their taxable value. She commented that most people didn't understand Proposal A, so a lot of the time when they came before the board they took the opportunity to educate them. Then when they left they had a better understanding of what the board could and couldn't do, and what they voted for years ago. Mayor Landry said this was the most thankless job of all the boards and commissions. This was the board people come to when they think their homes and businesses had been assessed too high, and the only time people come was when they were asking for a decrease in the taxable value of their home. He said it was a thankless position, and as Mayor he had spent a considerable amount of time explaining Proposal A during Mayor's hours to people. He said residents would ask him how the market value of their home could go down but the taxable value go up, and once they sat down and it was explained they understood. Mayor Landry said it was a thankless job and he thought they did it very well.

9. Melissa Pettijohn – Stormwater Management

Ms. Pettijohn said she had served on the Groundwater Committee some years back. She thought that water issues would be very important in the coming years and wanted to serve once again. She thought it was important to be a steward of the land, and wanted to help with future decisions. She felt there were water issues to be addressed and that it would be better to plan ahead.

Member Gatt said she had his support. He said he read in the newspaper that the water in Michigan was going to be at great risk from other states. He thought everyone involved in Michigan water works needed to be on guard for people outside of Michigan wanting our natural resource. Member Margolis noted that Ms. Pettijohn had a Bachelors degree in biochemistry and a masters in Hazardous Waste Management. Member Nagy thanked her for coming forward and felt that her background was a great asset to this committee and the City. She said Ms. Pettijohn had her support. Member Mutch thanked her for coming forward and being willing to get involved again in stormwater issues. He said he didn't think people realized that Novi had been dealing and managing stormwater going back to the early 70's when the City began making an effort to address flooding in the Meadowbrook Road/Ten Mile area and other locations throughout the City. He said fortunately the City had moved beyond the crisis management stage, and were moving towards a place where they could be more creative about how stormwater was managed in a way that it was an asset for the community. He said her previous experience with the committee would be excellent and he looked forward to seeing her serve again. Mayor Pro Tem Capello asked her if she was in favor of regional detention systems, as opposed to onsite systems for stormwater management. Ms. Pettijohn said regional detention was fine because ultimately they were all sharing the water anyway. She said sometimes they didn't have the capacity to have it locally for 100 year floods. She said if an area could be worked in that could be used in cooperation with other places, she wouldn't have a problem with that. She thought it was good to have onsite for apartment buildings and malls but a lot of times they weren't enough. Ms. Pettijohn commented that the Stormwater system needed to be fixed across from her subdivision as the road was washing away on Sheffield and Daleview. Mayor Landry thanked her for her willingness to serve.

10. Roy Prentice – Historical Commission

Mr. Prentice said he was the farm manager for the Michigan State University Tollgate Education Center. He said he had been on the Historical Commission for the last three years, and had very much enjoyed his time there. He said Tollgate had some historic buildings on it and as he worked there he had the impression that it was one of the few historic sites in Novi. He said being on the commission, he saw there were many in Novi that needed to be aired so people got a feel for what had gone before. He said it was easy to lose sight of what had happened historically in Novi with all the new construction going on. Mr. Prentice enjoyed finding ways to present the history of Novi to citizens. He said they were presently working to develop historic based curriculum that would be useful to Novi schools. He said they did the Fuerst Farm Family Days every year and felt they were serving the City with that event. They worked with the library micro filming the Novi News, and were trying to develop some cable productions about historic areas in the City.

Member Margolis commented she thought the relationship between Tollgate and the Historical Commission was a wonderful relationship to have, and having Mr. Prentice serve on that board was really great for the City and both entities. Member Nagy said she was impressed with what he had done so far, and congratulated him on the success of the Fuerst Farm Family Day. Member Nagy said she had heard many positive comments about the event, and really appreciated Mr. Prentice putting himself out there for the City of Novi. She said she would look forward to his return to the commission. Member Mutch commented that he knew Mr. Prentice's experience with the commission well and had worked along side him at a number of events and it was always a pleasure. Member Mutch said the relationship he had helped build between Tollgate as a resource in Novi and the City, and how they had brought their resources to support City events had been a real benefit to the commission and the residents. The residents have had the opportunity to experience not only Tollgate, but the horses, staff, etc. that the commission brought out for the Fuerst Farm Days and other events. Member Mutch thanked him and said he looked forward to him serving again and continuing to build that relationship because it was a win win for everyone involved. Mayor Pro Tem Capello said Tollgate was truly a blessing for the City of Novi and he thought a lot of that, if not all, had to do with Mr. Prentice's efforts. He said Mr. Prentice brought the same efforts to the Historical Commission. He asked Mr. Prentice if he would be Interested In additional commissions. Mr. Prentice replied that he might be; however working with Tollgate there were a lot of Saturdays and evening parts to his job there. Mr. Prentice said he would be open to consider another commission but he didn't want to dilute his efforts so much that he felt he wasn't serving the community or MSU as he should be. Member Gatt thanked Mr. Prentice and had no questions. Mayor Landry thanked Mr. Prentice for everything he did, and said he was a huge asset to the community and his efforts were really appreciated.

10. Siddharth “Mav” Sanghvi – Zoning Board of Appeals

Dr. Sanghvi said he had lived in Novi since 1975 and had been on the ZBA since 1999. Mr. Sanghvi's education background was an M.B.B.S.;F.R.C.s.(Edin); F.R.C.S. (Eng.); and M.D. (USA). He came to the U.S. in 1973 with education, high moral and ethical values, and desire to do hard work. He said he enjoyed the ZBA, still had a lot of energy and zest and served by doing his homework, understanding the issues and speaking only when necessary. He said he would like to continue to serve the community that had given him so much, he would never be able to repay.

Member Nagy said she appreciated his coming forward, and there were so many other things Dr. Sanghvi had done within the City that he had not mentioned. She said she had no questions, and supported him wholeheartedly. Member Mutch said Dr. Sanghvi was one of those people who come before Council and all members of Council could express their thanks and praise for what he had done. He said the things that he had recited were merely skimming the surface of the level of involvement that he had in this community. Member Mutch asked, due to his experience on the ZBA, if there was anything he thought was an important issue that Council should be aware of, or anything Council could do to assist him in his work on the ZBA. Dr. Sanghvi thought Council had already begun the process of reviewing some of the ordinances and zoning, and it was doing very nicely and was going a long way in making work and life a lot easier on the ZBA. Member Mutch thanked Dr. Sanghvi for coming forward and said he appreciated his service to the City and the residents. Mayor Pro Tem Capello said he had known Dr. Sanghvi for a long time and had no questions. Member Gatt said he had also known Dr. Sanghvi for a long time and appreciated everything he had done and everything he would continue to do, and he had no questions. Member Margolis echoed the words of her colleagues and thanked him for his long service and was impressed with his encapsulation of what he did, doing his homework, understanding the issues and speaking only when necessary. She said he had her support. Mayor Landry said if it could be said that a city was nothing more than its people, he thought Dr. Sanghvi was one of the few that could truly say he knew Novi from the inside out. He said he served on Council with Dr. Sanghvi, had watched him serve the City and had always been impressed with his ability to remain calm no matter what the seeming emergency was. Dr. Sanghvi always remained calm, analyzed it and brought his viewpoint to the issue without getting excited. Mayor Landry said he was sure it was his training, worldly experience and he was sure Dr. Sanghvi had seen it all in his 76 years. He thought the City of Novi was very fortunate to have someone like Dr. Sanghvi who continued to serve the City.

11. Raymond Soeters – Stormwater Management; Zoning Board of Appeals

Mr. Soeters said he was a professional engineer and had served over 40 years in that profession in the automotive industry before retiring. He said he got over 17 patents and was now a part time consulting engineer. Mr. Soeters commented he didn't know which board appealed to him the most. Regarding Stormwater management, he said he favored local versus regional detention, and was very much in favor of local detention ponds and wanted to see the City activity pursue them. He felt the arteries for stormwater in the City were not maintained properly. He said he had strong opinions on a lot of things and thought it might be contrary to the wishes of the board. Regarding the ZBA, he felt the City had not found itself yet, and Novi was a City under development; it was a City in transition from a rural community to the metropolitan, thriving community of today. He said Novi was mainly supported by commercial, restaurants, single family, condominiums and McMansions. He commented that the emphasis on industrial centers wasn't going anywhere, and thought the City had not found itself yet and had a way to go.

Member Mutch said he had no problems with people with strong opinions; a well researched, well expressed strong opinion was sometimes something that needed to be heard in the community. He asked why Stormwater Management stood out to him as one that needed attention. Mr. Soeters responded he lived on a creek and over 14 years they had seen the small detention pond on his property drop and fill in with sediment. He thought most of the

Regular Meeting of the Council of the City of Novi
DRAFT – Monday, October 22, 2007 Page 9

sediment was probably toxic. They talked with the City and had gotten nowhere. The City came out and looked at it and said it was runoff from the sewers, and they couldn't do anything about it. In the meantime not only had the pond disappeared, but when they got a heavy rain it started to flood higher and higher during the storm. He said they have a walkout that faced onto the pond and the level of water was gradually approaching his walkout, and was now within six feet of his door at high tide. He said this was just symptomatic of a bad thing that could easily be taken care of because on the other side of the pond was City property deeded to the City when the land was developed.

Member Mutch appreciated his thoughts and if appointed to the Stormwater Committee, it would obviously be an area they would be looking at. Member Mutch encouraged him, even if that didn't happen, to stay involved. He said it took people active in the neighborhoods to let Council know what the problems were in order for them to be proactive, and take those problems on so they didn't become bigger problems. Mayor Pro Tem Capello said he had no questions. Member Gatt thanked him for coming out and said he had no questions. Member Margolis thanked him for coming forward and said there was nothing wrong with strong opinions. She asked if he had served on boards and commission in the City or on non-profit boards. Mr. Soeters replied he was Treasurer in the Lions Club but had not served on a City board. Member Nagy said she appreciated his coming forward and was all for strong opinions. She thought he had a lot of interesting things to say and if he wanted to be on this committee, she was sure he would be an asset.

13. John Szwast – Stormwater Management

Mr. Szwast said he and his wife had been residents for 14 years. He said he was applying for the position on the Stormwater Management Committee but also had a concern and passion for the environment. He said he was an organic vegetable gardener. Mr. Szwast said he had worked for 30 years in industry in environmental protection capacities and/or occupational safety and health capacities. He was currently an environmental engineer and responsible for two manufacturing facilities, and was involved in all the environmental media, air, water and waste and storm water management from an industrial perspective. He said he was mostly concerned with prevention of pollution of storm water runoff. He believed his background and his current dealings with the State and with stormwater pollution prevention would be a positive transference to the City. He thought the City, if it had not yet, would get into phase 2 permitting, which he had some background in.

Mayor Pro Tem Capello said as a environmental control engineer, did he deal more with the hazardous waste environment or water runoff. Mr. Szwast said he dealt with all forms such as a waste water treatment facility that treated oily wastewater, a lot of non hazardous waste and some that was hazardous, air permitting issues, and stormwater management but mostly prevention of pollution of stormwater runoff. Member Gatt asked what he thought was the most pressing issue in Novi regarding stormwater management. Mr. Szwast replied he was not familiar with the City's problems and what had been done structurally. He said regarding regional detention rather than local detention, one thing to look at was reducing the amount of water that got to those detention structures by facilitating better infiltration. Member Margolis appreciated his stepping forward and was very impressed with his background, and felt he would bring a great deal of expertise to the City. Member Nagy said she was very impressed with his resume and thought he would be a real asset to this committee and others. Member Mutch said he was impressed with the professional experience he had outlined and thought it

was an important field of knowledge that would be valuable to the Stormwater Management Committee. Member Mutch said knowing that the Rouge River as it flowed through the City transversed through quite a few industrial and commercial sites, it sounded like Mr. Szwast would have some experience in terms of suggestions or ideas about how that resource could be protected. Mr. Szwast said yes, he could offer suggestions and ideas. Mayor Landry said he appreciated his willingness to serve.

14. Raymond Weidenbach – Election Commission; Zoning Board of Appeals

Mr. Weidenbach said he had been a resident of Novi for 30 years, was a graduate of the University of Detroit with a Bachelors and an MBA. He was a CPA, and was in industry for 45 years as treasurer, controller, and VP. Mr. Weidenbach commented he had worked with the City at one time on a committee to investigate the first police building, come up with the millage and helped get the millage passed. He was also on a committee to select an architect and develop the building. He said he was currently retired but worked for H & R Block during the tax season.

Member Gatt asked what he would do to make either commission or board better. Mr. Weidenbach responded, in either case, he would have to review what was currently there and what might be wrong. However, he wouldn't fix what wasn't broken. He noted experience with the ZBA at times because of his homeowners association, which mostly involved interpretations. Member Margolis asked why he chose those two commissions, and what he thought he would bring to them. Mr. Weidenbach said he had friends that worked on the elections and they always told him he should get involved. He said he started out with zoning with his subdivision. He was currently at his cottage and his neighbor was the Zoning Officer out there and he had listened to all the things that went on there. He thought it would be a very interesting place to start. Member Nagy thanked him for coming forward. Member Mutch said in terms of the two commissions and boards he chose were there any others that he had any interest in. Mr. Weidenbach said yes, he would have an interest in others too. Member Mutch suggested he research other boards and commissions and let the City Clerk know what others might be of interest in case Council couldn't give him a position on the two he selected. Mayor Pro Tem Capello suggested the Stormwater Management Commission, which was very important to the City. He suggested when he talked with Ms. Cornelius, he ask to look at information regarding that committee as Council could use someone on that commission. Mayor Landry thanked him for coming.

PRESENTATIONS

1. Recognition of Council Member Toni Nagy

Mayor Landry said Council had spent the last hour and a half thanking people for their willingness to serve the City. Now, we have the opportunity to thank someone who certainly had served the City for a very long time. He said Toni Nagy served on the Planning Commission and he had the pleasure of serving with her there and she had taught him a lot on the Planning Commission. Mayor Landry commented he had the pleasure of serving on the Novi City Council with Toni Nagy and she had served the residents of this City very well. He said it had been truly Council's pleasure and his personal pleasure and the City's pleasure to have Ms. Nagy perform the service, which she has. He said they were very lucky and on behalf of the 53,000 people who comprised this community they wanted to give a token of their

appreciation, which was a crystal vase inscribed with her name and year of service. Member Nagy thanked Mayor Landry and everyone and said it was very nice and very generous. She said she remembered when they sat next to each other on Council and four years with this Council, and working on his behalf when he ran for Council. She said it seemed to have gone by very fast. She thanked the voters and the people in the City who had supported her through the years in various endeavors with the City. She also thanked some of the business community members who had taken an interest in the City, and worked with them whether on the Planning Commission or the City Council. Member Nagy said being with the City for three years on Planning and four years on Council you have to interact with the staff and Administration of Novi. She said for her seven years she had always found everyone to be very polite, and always willing to answer her questions and let her pick their brains. She commended the Administration for that. She thought it was important for people to come forward and volunteer their time and eventually run for election. She wished Mr. Pearson continued success as City Manager, and said it was a difficult and strenuous job, and she hoped he was with Novi for a long time. She commended Mr. Pearson for picking Mrs. Antil as the Assistant City Manager because she thought she had brought a lot of new vibrancy to this position and to the City. Member Nagy thanked the department heads for all their time and help, and everything they had done. She said she would like to see the two newest members of the Administration Chief Smith and Mr. Rumble have a long and successful career with Novi. She said to her colleagues it had been a pleasure serving with both Councils. She said it was a big responsibility and an awful lot of work, and she thought sometimes people didn't realize that. Member Nagy thanked them and wished them all success.

2. Promoting Active Communities Gold Award - Neighborhood and Business Relations Group

Ms. Walsh said it was about a year ago that she stood before Council, and had the privilege and honor of sharing with Council that the Neighborhood and Business Relations Group was the proud recipient of a silver award in the Promoting Active Communities Assessment. This year, she said she was even happier to tell Council that for their second year running and participating in this they were the recipient of a gold award. Ms. Walsh said there were 82 communities that participated this year, Novi was the only community in Michigan to receive a gold award and it was presented at the Michigan Association of Planning Conference. She said Steve Rumble, Community Development Director, accepted the award on their behalf last week. She said the award was actually given as a community effort and not just for the City, but for our participation with the schools and Providence Park Hospital in Novi. She said they were assessed and completed a survey that had areas of public safety, ordinance and zoning, planning, and site plan review process. They were also assessed on how safe and walkable it was to the schools, shopping areas and downtown. Ms. Walsh said they looked at the overall community and assessed the actual ability Novi had for the community members to lead and active healthy lifestyle. She commended Council for the revisions they had made to the ordinances and the review process over the past year. It was because of their efforts and the efforts of her team members, City staff and community partners that they were able to achieve a gold award this year. Ms. Walsh said no community in the State had received a platinum award, which would be a model community for active life styles, so they had something to strive for.

PUBLIC HEARING

1. 2008 Community Development Block Grant Program

Mayor Landry opened the public hearing at 8:40 P.M.

Mayor Landry closed the public hearing at 8:41 P.M. as there were no public comments.

REPORTS

1. SPECIAL/COMMITTEE - None
2. CITY MANAGER - None
3. DEPARTMENTAL - None
4. ATTORNEY - None

AUDIENCE PARTICIPATION

Laura Lorenzo, 45995 Galway Dr., was present to thank Council member Toni Nagy for all of her dedicated years of service to the citizens of Novi on the City Council, Planning Commission and on the Road Bond Committee. Ms. Lorenzo said it was her pleasure to serve with Member Nagy on Council and that she should be very proud of the many contributions she had made to the betterment of Novi and to the citizens of Novi. She wished her all good things in the future.

Lynn Kocan, 23088 Ennishore, wanted to add a public thank you to Toni Nagy and Lynn Paul, who was not present tonight, for their many years of dedicated service. Ms. Kocan said she had the pleasure to serve with them on the Planning Commission, and she thanked them for their service on City Council. She said it would be impossible to calculate the number of hours they had spent talking to residents, studying their packets and serving on those all important committees. Ms. Kocan said committee work was something that was done that she was sure half of the City had no understanding of how much time and effort went into those committees, such as Master Plan and Zoning and Ordinance Review, which were Planning Commission committees that she had served on with Members Nagy and Paul. She thanked them for all of their time. She said they had always been prepared and had never been afraid to challenge staff, consultants and other Council members and she felt it was really healthy for a Council to have different opinions. They had always asked the difficult questions and never backed off until they had gotten answers, and that was also extremely important. She said she never doubted that they had given due diligence to every decision they had made and always in consideration of the residents of Novi. Ms. Kocan said she, as a taxpayer, took special pride in knowing that they had done that for all residents. She commented they were "big picture" people and that was something she never was, and that was also extremely important. Ms. Kocan said they knew and could see, beyond the instant gratification, what might happen down the road, and that was also important. She felt someone would have a big job filling their shoes on Council. Ms. Kocan said it was important that developers be held to the same standards and requirements that residents were held to. Again, equity and fairness had been their top priority and she and the residents of Novi appreciated that. She said thanked them

Regular Meeting of the Council of the City of Novi
DRAFT – Monday, October 22, 2007 Page 13

again, and said their service had been greatly appreciated, their example had been commendable, and she knew that they would continue to be involved in the community, schools and in our neighborhoods.

Carol Crawford, 22135 Beck Road, said there was hardly anything she could say after the two previous speakers but speaking for herself, her family, friends and neighbors she wanted to add her thank you to Member Nagy and Member Paul for all the time and effort they gave their positions. She appreciated the fact that they voted their conscience, stuck to their guns whether it was popular or not, and tried to best represent the taxpayers of Novi. Thank you very much for your service.

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

**CM-07-10-306 Moved by Capello, seconded by Margolis; CARRIED UNANIMOUSLY:
To approve the Consent Agenda as presented.**

Roll call vote on CM-07-10-306

**Yeas: Capello, Gatt, Margolis, Mutch, Nagy,
Landry
Nays: None
Absent: Paul**

- A. Approve Minutes of:
 - 1. October 8, 2007 – Regular meeting
- B. Acceptance of a Conservation Easement for Normandy Hills from SMJ Marketing, Inc. for property located on the north side of Eight Mile Road, between Meadowbrook and Novi Roads in Section 35, covering 1.37 acres of woodland, wetland and wetland buffer.
- C. Approval to award bid to Master Craft Carpet Services, Inc., the low bidder, in the amount of \$61,895; for upper level ice arena flooring.
- D. Approval to award the 2007 Chip Seal Maintenance Contract to Highway Maintenance & Construction in the amount of \$56,447.55.
- E. Approval of the 2008 Suburban Mobility Authority for Regional Transportation (S.M.A.R.T.) Municipal Credit Funds Resolution and Contract in the amount of \$44,713.
- F. Approval to award bid to Western Waterproofing Company, the low bidder, in the amount of \$19,614; for caulking of side windows and framing in atrium phase II.
- G. Approval to award a contract for design and construction engineering services for the Eleven Mile/Delwal Water Main Extension project to Spalding DeDecker Associates, Inc. for a not-to-exceed design fee of \$12,000 and a construction engineering fee equal to a fixed 6.0% of the estimated construction cost (estimated to be \$12,960) for a total of \$24,960.

Regular Meeting of the Council of the City of Novi
DRAFT – Monday, October 22, 2007 Page 14

- H. Approval of a request from CanZano—Estates of Meadowbrook, LLC for the release of the \$16,000 financial guarantee collected at the time of Club Lane acceptance, subject to the developer completing remaining punchlist items and the requirement that parcel 5 (22-36-376-022) post the required financial guarantee for protection of Club Lane prior to issuance of a building permit.
- I. Approval of the final balancing change order and final pay estimate to Anglin Civil Constructors, Ltd. for the Haggerty Regional Stormwater Detention Basin project in the amount of \$93,796.95.
- J. Approval to award bid to Turf Services Inc., the lowest qualified bidder, in the amount of \$17,450; for the purchase of a Bannerman BTD-20 Topdressing Machine.
- K. Approval to award bid to Wolverine Rental, the lowest bidder, in the amount of \$17,267; for the purchase of a Kubota RTV 1100 Utility Vehicle.
- L. Approval of the final balancing change order and final pay estimate to In-Line Construction for the Greenwood Oaks Sanitary Sewer Extension and Lift Station Abandonment project in the amount of \$32,497.80.
- M. Approval of Claims and Accounts – Warrant No. 755

MATTERS FOR COUNCIL ACTION – Part I

- 1. Consideration of Zoning Ordinance Text Amendment 18.220, to amend Ordinance No. 97-18. as amended, the City of Novi Zoning Ordinance, at Article 16, TC and TC-1, Town Center Districts, to permit instructional centers. Second Reading

CM-07-10-307 Moved by Nagy, seconded by Capello; CARRIED UNANIMOUSLY:
To approve Zoning Ordinance Text Amendment 18.220, to amend
Ordinance No. 97-18. as amended, the City of Novi Zoning
Ordinance, at Article 16, TC and TC-1, Town Center Districts, to
permit instructional centers. Second Reading

Roll call vote on CM-07-10-307

**Yea: Gatt, Margolis, Mutch, Nagy, Landry,
Capello**
Nays: None
Absent: Paul

Mayor Landry thanked Mr. Brateman and commented that he was always willing to represent the businesses and residents in bringing these kinds of things forward, and they owed him a lot.

- 2. Consideration of the request of Triangle Main Street, LLC, for Phasing Plan approval for SP06-38B, a mixed-use development on 20 acres of vacant land on the north and south sides of Main Street. Preliminary Site Plan approval was previously granted by the City Council, and the applicant now seeks approval of the phasing plan only. The subject property is located in Section 23, south of Grand River Avenue, east of Novi Road, along the north and south side of Main Street.

Regular Meeting of the Council of the City of Novi
DRAFT – Monday, October 22, 2007 Page 15

Mayor Pro Tem Capello said when this was previously in front of Council it was sent back to be tweaked before final approval. He said on Main Street in the area of the dedicated parkland, he thought they had specifically talked about the north/south street between the building and the parkland. He noted they had decided that it made no sense to have a street between them because then the stores could open up right on the parkway with some outside seating. He asked if that street was in the final site plan, or would it come back to Council for that Phase 5 final review.

Ms. Mc Beth showed the audience and Council on the overhead where Main Street and Market Street was, and said she thought he was referring to the Phase that had the park, and showed where that was on the overhead. She said this was the same plan that was approved for preliminary site plan approval, and they expected it would continue in the same configuration unless the applicant decided to make modifications to it.

Mayor Pro Tem Capello thought Council had sent them a message to get rid of the road. Ms. Mc Beth recalled there was discussion about that, but the plan that was brought back was very similar, if not identical, to the plan that was approved as a preliminary site plan. Mayor Pro Tem Capello asked if this would come back to Council for final approval for Phase 5. Ms. McBeth said their expectations were that once the phasing plan was approved by Council, each of the final site plans would be reviewed and approved administratively. Unless, there was a change to the plan that the Community Development Department determined to be a major change, then they would bring it back through the Planning Commission and Council.

CM-07-10-308 Moved by Capello, seconded by Gatt: CARRIED UNANIMOUSLY:
To approve the request of Triangle Main Street, LLC, for Phasing Plan approval for SP06-38B, a mixed-use development on 20 acres of vacant land on the north and south sides of Main Street. Preliminary Site Plan approval was previously granted by the City Council, and the applicant now seeks approval of the phasing plan only. The subject property is located in Section 23, south of Grand River Avenue, east of Novi Road, along the north and south side of Main Street. Also, that the Final Preliminary Site Plan be returned to Council for Phase 5 to rework that corner, and that it be returned to Council for Final Site Plan approval.

DISCUSSION

Member Mutch said in the colored illustration provided to Council that indicated the different phases, the Sixth Gate extension out Grand River wasn't colored and it indicated Phase 1, correct. Ms. Mc Beth said he was correct, and the color plan was provided at the request of the Planning Commission to ease the viewing of it. She showed the section he was referring to and said they expected it to be a part of Phase 1. Member Mutch said in terms of Mayor Pro Tem Capello's points about the park area, he was generally in agreement and the only comment he would have was whether they would want to contemplate splitting Phase 5 into 5A and 5B. He didn't see the need to hold up the area to the west which wrapped around Phases 6 and 7; he said the park area stood alone on its own. He said if that needed to come back for final approval he could support it, but he would look at amending the motion to limit

Regular Meeting of the Council of the City of Novi
DRAFT – Monday, October 22, 2007 Page 16

the final approval to that particular area versus the entire Phase 5. He said if looking at the color illustration, they could see it really took in quite a bit of area that he didn't think Council needed to review.

Mayor Pro Tem Capello accepted Member Mutch's friendly amendment that Phase 5A would be to the west of the proposed street, and Phase 5B would be the proposed street to the east up to the Market Street intersection.

Mr. Schultz said they were talking about just what came back to the Council instead of Administration for Final Site Plan approval. Member Mutch said he was correct. Mayor Pro Tem Capello said only for Phase 5B.

Ms. Miller, McKenna and Associates, was present on behalf of Triangle Main Street and asked what the process would be for the Site Plan approval for Phase 5 coming out of this meeting.

Mayor Landry said his understanding of what was on the table now was that once Council approved the Phasing Plan all additional approvals were anticipated to be Administrative unless they substantially deviated from what they were approving. He said now what was on the table was to do that except for Phase 5. The motion on the table was to have that Phase only be required to come back to Council for Final approval. Mr. Schultz agreed and said the same rules would apply as if it was done administratively and whatever issues came up would be resolved based on that. Mayor Landry said the friendly amendment, that had been accepted, was to split Phase 5 into Phase 5A and 5B. The motion, as it currently stood, was to only have Phase 5B return to Council. Mayor Pro Tem Capello said he was correct. He said the only thing that had to come back to Council for Final Site Plan approval was the park area. There was nothing to prevent them from bringing Phase 5A and 5B back to Council at the same time, but the only thing that had to come back was what had been identified as 5B.

Mayor Landry said he liked the idea of getting rid of this future Depot Street, and liked the idea of having some outdoor seating. However, he was not in favor of breaking Phase 5 up into 5A and 5B. He felt they were getting too technical. He said if what they were trying to do was make the developer come back when the street went in, if the developer put all the utilities in, they would put in all the streets at the same time. He said Phase 5 was all utilities and streets south of Main Street were going in at once. Mayor Landry said he didn't know why any developer would want to build Phase 5 and have concrete and the entire infrastructure go in, and deal with another street in a separate phase. He didn't think anyone would do that and said he liked the original motion to make them come back at Phase 5 and Council could deal with it then. He said he would not support the motion as it currently stood because he thought it didn't make sense, but he would support the original motion.

Ms. Miller said Depot Street had been kept because Division Street terminated at the park and there was no other way to provide complete access for fire and safety vehicles around Building 1100. She said it was somewhat of a requirement to allow that return to Main Street on Depot Street between the park and Building 1100 for maneuvering of vehicles for access to the property.

Mayor Landry thanked her for that comment and said he was sure that was the rationale at the time but he thought they could put some pavers in there that would serve the same purpose, but he was confident she was correct and that was why it was originally put in. Ms. Miller said

Regular Meeting of the Council of the City of Novi
DRAFT – Monday, October 22, 2007 Page 17

the treatment of that street and how the building interacted with the park was important, and was something they could deal with as they moved to Final Site Plan approval, and make a connection between that building and the park space.

Member Margolis said she would agree with the Mayor. She commented her question, when the motion was amended, was what time they would save by splitting that up. She assumed that this really becomes, instead of being administratively approved, it added a step to come to Council that met every two weeks. She didn't see that splitting that made sense and when all of this was built out, in several years, she would like to make it as clear as possible when it came back and not have people questioning why there was a 5A and a 5B. She agreed that Phase 5 should be kept together and it was just a matter of asking for that next step of Final Site Plan approval for Phase 5 to come back to Council.

Member Gatt said he never accepted the friendly amendment to split Phase 5 into Phase 5A and 5B and only Phase 5B would return to Council, and that Phase 5A would be to the west of the proposed street and Phase 5B would be the proposed street to the east up to the Market Street intersection. Therefore, the original motion stood.

Member Nagy asked why this was coming back for the park area. Mayor Pro Tem Capello said because he didn't like the fact that there's a street that bifurcates the building and the park. So, he wanted that Phase to come back to Council so they could rework that street, take the street out and have the access go directly to Market Street. He didn't think there would be any problem creating the intersection at Market Street to the east to the park as opposed to going through that park area. He said that would come back to Council for Final Site Plan approval. Member Nagy asked if that was where the condo complex was, and Mayor Pro Tem Capello said it was where the wetland was. She asked if MDEQ approval had been received for that. Ms. Miller said they were in the process of the approval. They have preliminary approvals with MDOT, and expected to be able to move forward through Site Plan approval for that component quite simply. She said none of those things should be a problem and that was part of the reason that the future Division Street did not continue through. She said there were some issues with wetland mitigation. Member Nagy said that was what she recalled and she would vote for the motion, so it would come back to Council to figure out.

Member Mutch said when Phase 5 came back to Council with whatever parkland was proposed, and whatever details such as elevations, amenities, etc. had been developed this Council would not solve that issue in one meeting. Therefore, his goal was to avoid holding up the rest of Phase 5 because he expected Council would spend hours debating and designing how that final park layout would look. He said knowing that, he thought it made sense to split the two. He was not particularly stuck on it being divided; he just thought they would hold up a significant portion of it as Council discussed the park, because from the City's viewpoint it was the focal point of the development. He thought it was understandable that there would be quite a bit of interest at the Council level about what it would look like. He said he would support the motion.

Roll call vote on CM-07-10-308

Yea: Margolis, Mutch, Nagy, Landry, Capello,
Gatt

Nay: None

Absent: Paul

3. Approval to award a contract for Architectural Design and Engineering Services for the addition and renovation of Fire Station # 2 to CDPA for a not-to-exceed price of \$71,537 (includes \$2800 for alternate #1 – asbestos assessment and a 10 percent contingency for related project expenses).

CM-07-10-309 Moved by Nagy, seconded by Gatt; CARRIED UNANIMOUSLY:
To award a contract for Architectural Design and Engineering Services for the addition and renovation of Fire Station # 2 to CDPA for a not-to-exceed price of \$71,537 (includes \$2800 for alternate #1 – asbestos assessment and a 10 percent contingency for related project expenses).

Roll call vote on CM-07-10-309 Yeas: Mutch, Nagy, Landry, Capello, Gatt
Nays: None
Absent: Paul, Margolis

4. Approval to award a contract to Plante & Moran Cresa for Project Management/Owner's Representative Services related to addition and renovation of Fire Station #2 and renovations to the Police Headquarters for a not-to-exceed price of \$66,000 (includes 10 percent contingency for reimbursables and other related project expenses as needed).

CM-07-10-310 Moved by Nagy, seconded by Landry; NO ACTION TAKEN ON
MOTION: To award contract to Plante & Moran Cresa for Project Management/Owner's Representative Services related to addition and renovation of Fire Station #2 and renovations to the Police Headquarters for a not-to-exceed price of \$66,000 (includes 10 percent contingency for reimbursables and other related project expenses as needed).

DISCUSSION

Mayor Pro Tem Capello said he purposely didn't support this because he had real concerns about Agenda Items 3 and 4. In Item #3 Council hired an architect to perform some design and engineering services, and there's a major overlap between what he saw as the architect and design services and the project management services in Item #4. He commented he saw no sense in having an architect, a project manager, and a general contractor, because they had too many levels of professionals doing the same job. Mayor Pro Tem Capello said if looking at the specifications under CDPA's work in Item #3, they're doing a lot of the same things that Council was paying \$66,000 to Plante Moran to do. He said he would like to not make a decision on Agenda Item #4, and have the Administration return to Council to compare the two contracts and explain why the extra level of project manager was needed. He commented that the architect should be the owner's representative and should be doing the same thing the project manager would do.

CM-07-10-311

**Moved by Capello, seconded by Gatt; CARRIED UNANIMOUSLY:
To postpone the award of contract to Plante & Moran Cresa for
Project Management/Owner's Representative Services, and ask
Administration to return to Council with a comparison of the two
contracts from Agenda Items #3 and #4 and explain why the extra
level of project manager was needed.**

DISCUSSION

Member Mutch said he would support the motion to postpone, but wanted to raise an additional issue he had with the proposal. Member Mutch said he had particular concerns with Plante & Moran Cresa because one of the projects they highlighted that they provided project management work for was the Northville Township Hall. He said he had recalled that there were some issues with the Northville Township Hall development and pulled up some of the news articles of when that happened. He said Northville Township ended up in litigation with the construction company due to problems that arose during the construction process. Member Mutch quoted the article saying “throughout the construction process officials had voiced concerns about the progress and quality of the work. Both projects were finished well after the initial scheduled completion date and issues lingered long after they were open to the public”. Member Mutch thought that spoke directly to the project management side of the work that was done. He said he would expect some explanation from Plante & Moran on what exactly happened with that project, and why it shouldn’t raise red flags for this Council. He said at the least, he would hope to see in a contract with them, with some language that would address timeliness of completion, and ensuring that the City of Novi didn’t end up in the situation that Northville Township did being in litigation with the construction company due to disputes over and when the work was completed. He thought there was additional information that Council needed before a contract could be awarded to this particular firm.

Member Margolis said she didn’t have a problem with postponing this item as it sounded like people had additional questions, and thought it was important to have all the information for something as important as this. She commented she didn’t have a philosophical issue with hiring an owner’s representative because they were two very distinct roles, and the importance of that role was enough that she would support the motion.

**Roll call vote on CM-07-10-311
Motion to Postpone**

**Yea: Nagy, Landry, Capello, Gatt, Margolis,
Mutch**
Nay: None
Absent: Paul

5. Consideration of a Completion Agreement for SP#03-46 Provincial Glades RUD in accordance with the requirements of Chapter 26.5.

Ms. Antil said this was being brought back to address the concerns that were discussed at the last meeting. Since that time, Council had been given correspondence and some changes in their packets, and she thought they might want to discuss this again.

CM-07-10-312

**Moved by Margolis, seconded by Capello; CARRIED UNANIMOUSLY:
To approve Completion Agreement for SP#03-46 Provincial Glades
RUD in accordance with the requirements of Chapter 26.5, subject
to Provincial Glades signing the agreement within 14 days.**

DISCUSSION

Mr. Schultz said Ms. Antil sent some correspondence to his office, which had been an ongoing topic of discussion on Friday and today. He noted one of the things that he thought was apparent was that the proponent was not present from Provincial Glades. Mr. Schultz said they had worked with them at Council's request quite a bit since the last meeting and there were a few issues they had not signed off on yet. He thought one of the things that needed to be appended to the motion, if Member Margolis would consider it, was to make the approval subject to Provincial Glades signing it and to add a timeframe. Mr. Schultz thought a reasonable timeframe would be 14 days, which would give them time to talk to whoever it was they needed to get that approval from. Member Margolis and Mayor Pro Tem Capello accepted the amendment.

Member Mutch asked Mr. Schultz to address what would happen if Provincial Glades decided not to sign these amended agreements. Mr. Schultz said the agreement was covering the fact that under the ordinance there was two years to complete site improvements, which would be all the roads, landscaping and things like that. He said because this development had taken a while to get launched, they've passed the two years. Mr. Schultz said the agreement extended sometimes and did so under some conditions, and technically they were in default under the ordinance now. He said the City would have a number of ways, under the ordinance, to address that through circuit court or district court action or to look at the financial guarantees. He noted there were a number of options available and what this agreement did was try to work with the developer so they wouldn't have to exercise those options. He said if Council didn't have an agreement, they would have to pick one of those options. Member Mutch said in the process of developing this agreement, the Administration came to some understanding that the cost that was originally projected needed some adjustment, and they were presenting those now as Council's final understanding of what the costs would be. He asked if that would carry over if another developer took over the project, or would it revert back to the previous formulas. Member Mutch asked if this agreement was specific to this particular applicant, or would Council move forward with the understanding that these were the actual numbers they would work with no matter who came before Council and made this request. Mr. Schultz said the agreement was specific to Provincial Glades, who were still the owner of the property, as far as he knew. He said if there was a need to amend it, the Council would have a lot of discretion in deciding what the numbers ought to be. He said the letters of credit that were in place now and referred to in the agreement were only posted by Provincial Glades, and the ordinance required new letters, if there was a transfer of the property. Member Mutch said there was a question raised regarding Council approving an agreement and whether it would create a legal or financial liability for Provincial Glades. Mr. Schultz said from the City's perspective, at this point, as he understood the Council's motion, Council was approving the form and Provincial Glades would either agree or disagree. He said by just approving the form or the agreement, he didn't think the motion on the table had a specific application to the property at this point.

Regular Meeting of the Council of the City of Novi
DRAFT – Monday, October 22, 2007 Page 21

Roll call vote on CM-07-10-313

Yea: Landry, Capello, Gatt, Margolis, Mutch,
Nagy
Nays: None
Absent: Paul

6. Consideration of Zoning Ordinance Text Amendment 18.219, to amend Ordinance No. 97-18. as amended, the City of Novi Zoning Ordinance, at Article 30, Administration and Enforcement, Section 3004, Temporary Special Exception and Temporary Special Land Use Permits. First Reading

CM-07-10-314

Moved by Nagy, seconded by Gatt; CARRIED UNANIMOUSLY:
To approve Zoning Ordinance Text Amendment 18.219, to amend
Ordinance No. 97-18. as amended, the City of Novi Zoning
Ordinance, at Article 30, Administration and Enforcement, Section
3004, Temporary Special Exception and Temporary Special Land Use
Permits. First Reading

Roll call vote on CM-07-10-314

Yea: Capello, Gatt, Margolis, Mutch, Nagy,
Landry
Nays: None
Absent: Paul

AUDIENCE PARTICIPATION – None

MATTERS FOR COUNCIL ACTION – Part II

7. Approval of purchase of necessary Motorola hardware for the implementation of the patrol car vehicular device workstations, removal of old workstations and installation of the new workstations in the amount of \$112,325. Federal Forfeiture Funds will be the funding source for this purpose.

CM-07-10-315

Moved by Nagy, seconded by Gatt; CARRIED UNANIMOUSLY:
To approve purchase of necessary Motorola hardware for the implementation of the patrol car vehicular device workstations, removal of old workstations and installation of the new workstations in the amount of \$112,325. Federal Forfeiture Funds will be the funding source for this purpose.

Roll call vote on CM-07-10-315

Yea: Gatt, Margolis, Mutch, Nagy, Landry,
Capello
Nays: None
Absent: Paul

8. Approval to award a construction contract for the Hudson Sanitary Pump Station Improvements to Reliance Building Company of Novi, Michigan, the lowest qualified bidder, in the amount of \$97,700 (CMOM identified project).

Regular Meeting of the Council of the City of Novi
DRAFT – Monday, October 22, 2007 Page 22

CM-07-10-316 **Moved by Nagy, seconded by Margolis; CARRIED UNANIMOUSLY:**
To approve award of construction contract for the Hudson Sanitary Pump Station Improvements to Reliance Building Company of Novi, Michigan, the lowest qualified bidder, in the amount of \$97,700 (CMOM identified project).

Roll call vote on CM-07-10-316 **Yea:** Margolis, Mutch, Nagy, Landry, Capello, Gatt
Nay: None
Absent: Paul

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION - None

MAYOR AND COUNCIL ISSUES - None

AUDIENCE PARTICIPATION -None

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 9:16 P M

Mayor Landry, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Charlene Mc Lean

Date approved: