

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, APRIL 21, 2008 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 Capello, Council Members Crawford, Gatt, Margolis, Mutch, Staudt

ALSO PRESENT: Clay Pearson, City Manager
Pamela Antil, Assistant City Manager
Tom Schultz, City Attorney
David Molloy, Chief of Police

APPROVAL OF AGENDA

Mayor Landry added a communication from Steve Moranti regarding storage of recreational vehicles, as Item #1 under Mayor and Council Issues.

**CM-08-04-061 Moved by Gatt, seconded by Margolis; CARRIED UNANIMOUSLY:
To approve the agenda as amended.**

Voice vote

PRESENTATIONS

1. Proclamation – Arbor Day Celebration April 26, 2008 from 10 am – Noon at Lakeshore Park (South Lake Drive, west of Old Novi Road)

Mayor Landry presented Mr. Auler, Director of Parks, Recreation and Forestry, a proclamation for the Arbor Day Celebration, April 26, 2008 at Lakeshore Park from 10 A.M. to noon.

Mr. Auler said Novi had been recognized with a Tree City USA award for sixteen years and a Tree Growth award for eight years by the Arbor Day Foundation. He said it would not be possible if not for the citizens of the community getting involved, and helping them develop the community in terms of the urban forest. He said this was another opportunity for citizens to come out and help them plant approximately 200 trees. Mr. Auler said each participant would be given a seedling to plant at their home.

REPORTS

1. MANAGER/STAFF

Mr. Pearson invited Council and citizens to the next installment of the Neighborhood Academy on Wednesday at 6:30 P.M. He said the topic this week would be Boater and Water Safety and the speaker would be from the Oakland County Sheriff's Marine Division. This event would be held in Council Chambers and there would be no charge.

2. ATTORNEY - None

AUDIENCE COMMENT

Ginger Barrons, 2477 Glenda, was present to speak against the action that Council took on April 7th when they voted to demolish the Fuerst Farm. She said during Council's deliberations, she had heard comments about the Fuerst Family Farm and thought Council might need the perspective of someone who had lived directly across the street from the property for 25 years. She said four generations of her family enjoyed that property and her children went there on Halloween; however, more important was the significance of the property to her. She commented she was present to ask Council to reconsider that decision because if that decision was correct on April 7th, it would be correct whenever the next opportunity came to have more citizen input regarding that property. She said she heard comments that the citizens had not been interested in that property since the study was done in 2000. However, living across the street from it and having ties to the property, she had never seen in print or heard a call for volunteers to come help from the City, or a call for a committee she could be on for preservation in the City. She had never heard there was a need for funds. She said the property was entrusted to the City of Novi and was public property. Ms. Barrons said, by being entrusted to the City, she felt the City was taking care of it, and never knew there was a need for her input. She also said the decision made on that date, with very little input from the citizens, was similar to the gun range situation. When it came up it wasn't very popular and through a lot of discussion, negotiation and communication with the residents they were able to come to an agreement that was satisfactory to all. Ms. Barrons said she owned a real estate company and had for 25 years and as a realtor she was very familiar with repurposing property and demolition. However there were times, as a realtor, that she recognized it was not the appropriate step. She said it had to be something significant to cause a property to not be repurposed, and a significant thing such as a historical designation and the process to attain that was what she would consider a reason not to repurpose a property or demolish it. She was concerned because there was no other property in Novi that the City owned that was historical, so she asked them to reconsider.

Sherry Konkus, 22278 Cascade, said since the Township Hall could be moved independent of a decision on the Fuerst buildings, and in support of the new library, the question becomes what was precipitating the action on demolition of the Fuerst properties. She asked why they would move to demolish one of the sites in Novi that was on the National Historic Register without giving serious thought to its place in Novi's history. Ms. Konkus asked what serious consideration they were giving to the buildings from a historical perspective and serious uses for renovation and reuse of those buildings. She said whatever the reasons were that drove the action to date, she would ask the Council to reconsider their decision because whatever they felt about the McKenna plan, it had left the community divided. Ms. Konkus said they had done a lot of things in the past two weeks to see what they could do to renovate those buildings, to get better plans for use of the property, etc. She said she wanted to do that in consultation and partnership with her City and City leadership. She didn't want to feel like they were a band of people off doing something that was working against where the Council wanted to go. She said the process with McKenna wasn't something that brought everyone together with a joint plan and strategy. She said she would continue to work toward a good solution not to lose the Fuerst Farm and to gain the advantages of better use of the property. She asked for reconsideration and would like to work with Council within a reasonable period of time to come up with some other solutions.

Kathy Mutch, was present as Chair of the Historical Commission, and thought the Historical Commission had made its position clear at the previous meeting with regard to the Fuerst Farm. Their position was that they supported the preservation of Novi's historical resources and particularly those owned by the City, which the Council and Administration were expected to be good stewards of. Ms. Mutch said there was a real scarcity of communication between the designated liaison and the Historical Commission. Therefore, the only way they had known about deadlines, times or opportunities to participate had been by reading the paper and the web site; because no one had contacted them. Ms. Mutch said she was pretty well connected in the communication network in the City and did hear things, but everything she heard, including the fast track construction schedule for the library called for the moving of the Township Hall in September or October of this year, which was the commission's main concern. She said they had been thinking since last year that if the ballot issue was approved, it would have implications for them and the Fuerst Farm Family Day in the fall. She said they had been mindful of that and had been trying to find out what that would do for them, so they developed alternative plans. She said they decided, after Council's vote, not to plan for an event in the fall because it was too uncertain what would happen. She said they switched it to Michigan Week; so on May 18th they were going to have the 2008 Fuerst Farm Family Day and hopefully it wouldn't be the last. However, it would be a day they could celebrate not just that family and property but the greater history of the community of Novi's place in Michigan history. Ms. Mutch said there was not a lot of time between April 7th and May 18th to plan the event with all volunteers and some help from the Parks and Recreation Department. She said this shorter amount of time would turn schedules upside down affecting the budgets of community organizations and their plans to reschedule this event so they wouldn't miss out on it this year. She was surprised when she saw Mr. Pearson on TV announcing that there was no urgency after all because the Township Hall would not be moved until next spring. She said they, the volunteers, appreciated that consideration.

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

**CM-08-04-062 Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY:
To approve the Consent Agenda as presented.**

**Roll call vote on CM-08-04-062 Yeas: Capello, Crawford, Gatt, Margolis, Mutch,
Staudt, Landry
Nays: None**

- A. Approve Minutes of:
 - 1. April 7, 2008 – Regular meeting
- B. Approval to award three year contract to Bright House Networks in the amount of \$3,000 per month for wide area network connectivity to remote City locations.
- C. Approval of final costs for the 2008 Annual Appreciation Dinner in the amount of \$18,542.58 to the Sheraton Detroit Novi.
- D. Acceptance of rights-of-entry for construction of water main improvements along Pontiac Trail between West Park Drive and Beck Road (parts of Parcel Nos. 22-03-101-010, 22-04-100-034, 22-04-200-013, and 22-04-100-010).

- E. Approval of form of 13-foot permanent easement for water main improvements along Pontiac Trail between West Park Drive and Beck Road (part of Parcel No. 22-03-101-010), from Kayne Properties, LLC, for the sum of \$9,100, including authorization for entry into a modified form of monitoring agreement and debt payment agreement.
- F. Approval of Resolution for Memorial Day Parade to be held on Monday May 26, 2008, starting at 10am on Ten Mile Road at Karim Blvd proceeding west to the Novi Civic Center.
- G. Acceptance of a Landscape Maintenance Agreement for Alcan Automotive for property located at the southeast end of Magellan Drive in Beck West Corporate Park, south of Humboldt Drive and west of West Park Drive.
- H. Approval to award Alternate 2 to American Sprinkler & Landscape to add landscaping to the Twelve Mile Road Irrigation project (between Novi and Meadowbrook Roads) in the amount of \$68,300.
- I. Approval to extend contract for heating and cooling preventive maintenance to Detroit Temperature Engineers at current rates until December 1, 2008 (estimated cost \$15,000 plus parts and labor for additional repairs).
- J. Approval of Claims and Accounts – Warrant No. 767

MATTERS FOR COUNCIL ACTION – Part I

- 1. **Consideration of request to transfer ownership of 2007 Resort-B Hotel licensed business (MCL 436.1531(4); non-transferable) with dance-entertainment permit, located at 42100 Crescent, Novi, MI 48375, Oakland County, from CH Realty II/Novi Hotel Operating, LLC (a Delaware limited liability company) and CH Realty II/Novi Hotel, LLC (a Delaware limited liability company) (co-licensees) to GTIS I-AIMCAP Novi, LLC (a Delaware limited liability company).**

**CM-08-04-063 Moved by Capello, seconded by Margolis; CARRIED UNANIMOUSLY:
To approve request to transfer ownership of 2007 Resort-B Hotel licensed business (MCL 436.1531(4); non-transferable) with dance-entertainment permit, located at 42100 Crescent, Novi, MI 48375, Oakland County, from CH Realty II/Novi Hotel Operating, LLC (a Delaware limited liability company) and CH Realty II/Novi Hotel, LLC (a Delaware limited liability company) (co-licensees) to GTIS I-AIMCAP Novi, LLC (a Delaware limited liability company).**

Roll call vote on CM-08-04-063

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

- 2. **Approval to award a construction contract for the sanitary sewer Supervisory Control and Data Acquisition (SCADA) Implementation project to Windemuller Electric Inc., the lowest qualified bidder, in the amount of \$398,400.**

Mr. Pearson said this was an important project and also one that was long in the making and it was moving forward on the implementation and recommendations for a utility that allowed a constant monitoring and reactions to changes in water flows to pump stations. He said some of the recently installed pump stations were ready to take the software and this would move it forward to do that.

Mayor Pro Tem Capello asked if the new station on Beck Road was ready to accept either system. Mr. Pearson responded it was.

CM-08-04-064 Moved by Capello, seconded by Margolis; **CARRIED UNANIMOUSLY:**
To award a construction contract for the sanitary sewer Supervisory Control and Data Acquisition (SCADA) Implementation project to Windemuller Electric Inc., the lowest qualified bidder, in the amount of \$398,400.

Roll call vote on CM-08-04-064

Yeas: Gatt, Margolis, Mutch, Staudt,
Landry, Capello, Crawford
Nays: None

3. **Approval of Zoning Ordinance Text Amendment 18.223, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Section 2406, Planned Development Options to allow for modifications to allow additional uses within the RC District utilizing a PD-2, Planned Development Option and to address minor inconsistencies within the PD Section of the Ordinance. First Reading**

Mr. Pearson said the text amendment was recognizing the realities of some current developments that were looking to reinvest in some of the property in this Zoning District. However, without this ordinance change, they couldn't make that reinvestment. It was also cleaning up a couple of other minor changes in language and modernizing it. He said there was a positive recommendation from staff and the Planning Commission.

CM-08-04-065 Moved by Capello, seconded by Margolis; **CARRIED UNANIMOUSLY:**
To approve Zoning Ordinance Text Amendment 18.223, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Section 2406, Planned Development Options to allow for modifications to allow additional uses within the RC District utilizing a PD-2, Planned Development Option and to address minor inconsistencies within the PD Section of the Ordinance. First Reading

Mayor Pro Tem Capello said he did have a concern of opening this up to fast food/drive through restaurants but would reserve his comments until directly before the second reading.

Roll call vote on -08-04-065

Yeas: Margolis, Mutch, Staudt, Landry, Capello,
Crawford, Gatt
Nays: None

4. **Approval of recommendation of the Ordinance Review Committee for Zoning Ordinance Text Amendment 18.224, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance, Article 3004, "Temporary Special Exception and Temporary Special Land Use Permits," Article 3100, "Board of Appeals," and Article 3006, "Public Hearing" to address recent amendments to the Michigan Zoning Enabling Act and to clarify certain review standards. First Reading**

CM-08-04-066 Moved by Capello, seconded by Margolis; CARRIED UNANIMOUSLY: To approve recommendation of the Ordinance Review Committee for Zoning Ordinance Text Amendment 18.224, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance, Article 3004, "Temporary Special Exception and Temporary Special Land Use Permits," Article 3100, "Board of Appeals," and Article 3006, "Public Hearing" to address recent amendments to the Michigan Zoning Enabling Act and to clarify certain review standards. First Reading

DISCUSSION

Member Mutch said on page 13, there was a change in the State law that dealt with providing notice to multiple family units; in the cover letter provided by Mr. Schultz he believed it stated that the owner of the units were required to post a notice. He said the language Mr. Schultz provided to Council was "requested to post". He asked which was correct. Mr. Schultz said the language from the statute said that Council had to "request" that they propose it. He said the City was not an enforcing agency of that particular apartment but would make sure it was correct before the second reading. Member Mutch said on page 14, the section that dealt with 11 parcels was not clear to him and he asked for clarity. Mr. Schultz said this language was directly out of the statute. The idea was that if there's an individual parcel, they get notice plus everyone within the 300 feet around them or if there are 10 adjacent parcels, they would all get notice and there was a notice requirement for those around them. He said if it was a number larger than that or some that were not together, they just publish the notice without the individual notice requirement. An example of what that would be would be scattered changes throughout the City. If, for example with the Master Plan amendment they were doing now, if they were to change 20 properties, they wouldn't have to do the 300 feet around each of those. However, if they were going to change 10 that were together a notice would be required.

Roll call vote on CM-08-04-066 Yeas: Mutch, Staudt, Landry, Capello, Crawford, Gatt, Margolis
Nays: None

5. **Approval of recommendation from Ordinance Review Committee for Sign Ordinance Text Amendment 08-100.37, to amend Chapter 28, "Signs" of the City of Novi Code, to update, clarify, and provide new substantive regulations concerning the placement of signs within and throughout the City. First Reading**

Mr. Pearson said this was a recommendation from the Ordinance Review Committee that specifically contained language for a changeable message board sign, which would allow them to change once a minute. They would rather that than what was done previously, which did not render the signs changeable because it was a fixed amount.

Member Gatt noted it said they were going to change it from four times per hour to 60 times per hour or once a minute. He asked if that was once a minute or could it change every 30 seconds for a half hour and then stay stable. He asked how it would be regulated.

Mr. Schultz said the intention was one time for 60 seconds, so it had to stay static for 60 seconds and then it could go. Member Gatt said maybe that could be clarified and Mr. Schultz agreed.

Member Gatt said he had talked with a couple businessmen who owned businesses in a strip mall. Member Gatt said they asked why they couldn't have a changeable sign in front of the mall so he asked whose name would be on the sign. Member Gatt said that would be between the store owner and the landlord, how often it changed or how often a company's name would be up there. Member Gatt asked if that was something Council could talk about. He said in the ordinance it only pertained to stand alone buildings; Mr. Schultz said he was correct. He said they felt it was not fair that a restaurant, being a stand alone building, could have one but a restaurant in a strip mall could not.

Member Margolis asked how they could accomplish that within the existing Sign Ordinance, and maybe this should also be reviewed by the Ordinance Review Committee. She didn't think it was something that could be done by Council between the First and Second Reading. She asked if she was correct.

Mayor Landry said one option would be to make a motion to approve the First Reading and send it back to Ordinance Review between First and Second Reading for their opinion. Mr. Schultz said that could be done.

**CM-08-04-067 Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY:
To approve recommendation from Ordinance Review Committee for
Sign Ordinance Text Amendment 08-100.37, to amend Chapter 28,
"Signs" of the City of Novi Code, to update, clarify, and provide new
substantive regulations concerning the placement of signs within
and throughout the City. Also, to send it back to Ordinance Review
to weigh in on whether Council should expand the use of changeable
copy signs to more than the current language of the ordinance.**

DISCUSSION

Mayor Pro Tem Capello thought the one thing they needed at Ordinance Review were comments from the other Council members on whether a minute was good or not. He said it seemed to be the biggest area of discussion as a committee and they came up with a minute as a consensus. However, they would like to hear from Council members on what they thought.

Mayor Landry asked if anyone thought it should change more than once a minute.

Member Gatt thought the signs were designed to capture the drivers attention stopped at a traffic signal or as they approached the sign. He thought a minute was a long time and he wouldn't mind seeing it changed to once every thirty seconds but not faster than that.

Member Margolis said she would be interested as to whether there was any information on the impact of changeable signs on traffic safety. Mr. Pearson said when it came up there wasn't anything defined but they could look for that. He said they had to think about other locations, if they were going to widen it to multi tenant buildings. He said they would get a lot of mid blocks and wouldn't be stopped at a light, and then he thought they would be trying to grab people's attention to do it. He would see if there were any standards out there. Member Margolis said they were trying to let them have changeable signs without having cartoon characters running across the sign.

Member Crawford said if timing was the issue, she would feel more comfortable if they talked with a sign professional and get their input as far as what the average time would be and what was the best way to do it.

Mayor Pro Tem Capello believed that when the Rock Financial came to the ZBA they probably had some studies from the highway commission. It might make it easy to see their source and tie into that.

Mayor Landry said when they talked about this at Ordinance Review they started off with every 15 minutes. He said there was a difference between a copy sign and an animated sign. On the animated sign the words could scroll in, and cartoon characters could move. A changeable copy sign was a static sign but the message changed periodically. Mayor Landry said for him it was a matter of safety and image. Do they want the signs all over the City and do they want these Hollywood kinds of signs flashing, blinking and moving in our City. He asked Council if that was the image they wanted. He said some people thought they were tacky and others that they were very important to their businesses, especially restaurants. He said that was what they had struggled with on the committee. Mayor Landry said with respect to safety, one of the issues was if driving down the road and it changed often enough, it might distract a driver because a merchant would want to get as many messages out there as possible by the time the car drove by. He said Council had landed on a minute as sort of a reasonable point that it wouldn't change by the time a car drove by. However, it could change often enough to be beneficial as a marketing tool and not be a flashing, blinking Hollywood kind of sign. He was sure that there had to be data on this and thought Mr. Arroyo, Traffic Consultant, could supply it to Council. Mayor Landry said he would support the motion approving the first reading, and then send it back to Ordinance Review; they could look into it and ask Administration to gather some information for Council.

Mr. Pearson said the changeable message board sign was introduced with the last Sign Ordinance. It was once every 15 minutes and now they were looking at going to the minute. He asked that Council go slow incrementally because once it was out there they couldn't get it back. He said if they expand the number of these, they couldn't get it back either. He asked Council to do it rationally and slowly.

Roll call vote on CM-08-04-067

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

Nays: None

AUDIENCE COMMENT

Roy Szalony, 24164 Brentwood Ct., was present to ask Council to reconsider their action to demolish the Fuerst Farmstead. He said he had spoken to five of his neighbors and they were aware that something was being planned for the property, but were not aware that demolition plans were this far along. He said he wondered if in spite of the focus groups, etc., if the citizens were truly aware of what was being planned for the property. He asked if this issue could be voted on by residents in August or November

Council adjourned at 7:35 P.M.

Council reconvened at 7:45 P.M.

MATTERS FOR COUNCIL ACTION – Part II

6. Appointments to Youth Council and Boards and Commissions

Youth Council and Boards and Commissions appointments were as follows:

YOUTH COUNCIL

Aditi Arora
Dylan Capello
Bridget Dunn
Mark Gardner
Irene Israel
Jason Murray
Yunbo Nie
Neha Verma
Zhounan Xie

BEAUTIFICATION COMMISSION

Neelima Goyal
Mariah Smith

HISTORICAL COMMISSION

Rachel Manela
Paul Syriac

HCD

Sudharshan Mohanram

LIBRARY BOARD

Satya Dalavayi

PARKS AND RECREATION

Anagha Bharadwaj
Vinuthna Venigalla

7. Recommendation from Consultant Review Committee to award a two-year Traffic Engineering consulting services contract to Birchler Arroyo (with option for a one-year renewal).

Mr. Pearson said they had this contract for outside services to review site plans and provide traffic studies, as needed. He commented that this was the normal rotation of services and put out for RFP to make sure they were getting the best service and price. He said they were happy with the incumbent firm but upon review a better package pricing was received from Birchler Arroyo.

CM-08-04-068 **Moved by Capello, seconded by Margolis; CARRIED UNANIMOUSLY:
To approve recommendation from Consultant Review Committee to
award a two-year Traffic Engineering consulting services contract to
Birchler Arroyo (with option for a one-year renewal).**

DISCUSSION

Member Gatt said the Consultant Review Committee met and they discussed all the different options and felt this was the one to present to Council.

Roll call vote on CM-08-04-068 **Yeas: Landry, Capello, Crawford, Gatt, Margolis,
Mutch, Staudt**
Nays: None

8. Approval of resolution to authorize Budget Amendment #2008-04.

CM-08-04-069 **Moved by Capello, seconded by Margolis; MOTION CARRIED:
To approve resolution to authorize Budget Amendment #2008-04.**

DISCUSSION

Member Mutch said he would not support the motion because of the cost that was involved with the building improvements on the Parks and Recreation side, the cost of redoing some of the offices and particularly some of the cost for phone and data hookup. This would be done to move Youth Assistance a couple hundred feet to new offices. He didn't understand the dollars and cents behind that and felt they could have been left in their existing offices and saved that cost. He said from what he had seen of the plans, both of the spaces looked about equal in size. Member Mutch said there would be a new service point in the atrium, which would be an HR staff person and he thought it would make sense to put the HR office next to the location of the HR staff person. He thought they could have saved some money leaving Youth Assistance where they were and putting HR into the theatre/costume area.

Member Staudt asked if the Canine Program would come from Forfeiture Funds. Mr. Pearson said yes, State Forfeiture Funds. Member Staudt asked the Chief to explain how the program worked and asked if the officer whose dog was retiring, would continue with another dog. Chief Molloy said traditionally the practice of the Novi Police Department was that the officers volunteered; they purchased the dog and also paid for a lot of the training, which took about a year. In light of the balance in the State Forfeiture, with the approval of the City Manager's office, they decided to take it in a different direction where they would have the funds available to purchase the dog and train the officer. He said instead of taking one year to have that resource available to the community, they could do it in five weeks. Chief Molloy said they had tentatively ordered a German Shepherd from Holland and if approved this evening, he would fulfill that order and select a new officer. He said Yukon's illness was so degenerative that he had to be euthanized on Saturday and Officer Brown was not interested in continuing on with a new dog. Chief Molloy said Yukon served the department for over seven years and did an outstanding job and would be missed.

Roll call vote on CM-08-04-069

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

COMMITTEE REPORTS

Member Crawford said she had represented the Council in attending SEMCOG'S meeting at Rock Financial where they were presented with the 2035 forecast for southeast Michigan, and she would be glad to share the vital statistics with anyone. Member Crawford said she also attended a Michigan Municipal League seminar, which was very interesting and she had sent out information regarding that. She said she was proud to report that Novi was doing all of the things that MML had recommended for the improved image and all the things that cities in this challenging day had to do. She commended staff for being ahead of the curve.

MAYOR AND COUNCIL ISSUES

1. Steve Moranti communication regarding storage of recreational vehicles

Mayor Landry said they had all received an email from Mr. Moranti asking Council to reconsider the regulations regarding RV storage in I-1 Districts. He suggested this be referred to Ordinance Review for them to look at and report back.

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION - None

AUDIENCE COMMENT - None

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 7:55 P.M.

David Landry, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Charlene Mc Lean

Date approved: May 12, 2008