

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, MAY 12, 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-absent/excused, Council Members Crawford, Gatt, Margolis, Mutch, Staudt

ALSO PRESENT: Clay Pearson, City Manager
Tom Schultz, City Attorney

APPROVAL OF AGENDA

Member Gatt added to Presentations, Recognition of the Novi High School Robotics Team. Mayor Landry commented Member Gatt's presentation would be added as #3 and Fire Station #2 Improvements and Expansion would be moved to #4 and Council agreed.

**CM-08-05-070 Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY:
To approve the agenda as amended.**

Roll call vote on CM-08-05-070 **Yeas: Crawford, Gatt, Margolis, Mutch, Staudt,
Landry**
Nays: None
Absent: Capello

PRESENTATIONS

1. National Police Week & Peace Officers' Memorial Day, May 11-17

Mayor Landry presented Police Chief Molloy with a proclamation for National Police Week and Peace Officers' Memorial Day.

2. National Public Works Week, May 18 - 24, 2008

Mayor Landry presented Benny McCusker, DPW Director, with a proclamation for National Public Works Week.

3. Recognition of the Novi High School first robotics team

Mayor Landry, on behalf of the Novi City Council, recognized the Novi High School Robotics Team and asked Coach Craig Hepler and Bob Sherman, representative of Intier Automotive to join him at the podium. Mayor Landry said it was his pleasure to recognize the Novi High School Robotics Team. He said they had won the Great Lakes Regional at Eastern Michigan University, and had won first for inspiration and recognition of science and technology, the Robotics Engineering Inspiration Award, which was the organization's second highest honor. Mayor Landry said the Novi Robotics Team had been at the forefront of this competition for many years and he believed they had earned a World Championship one year, and it was only through the assistance of partners like Intier Automotive.

Nathan Vannortwick, Team President and junior at Novi High School, thanked the City of Novi for their support, which had made it possible for them to be productive and successful. He said they had won many awards this year and in the past, and were looking forward to continued support to win more in the future.

Mr. Sherman, Intier Automotive, said they were very proud to sponsor the Novi High School Robotics Team. He said not only was it a good activity to build teamwork and teach young students to work for a common goal, but it also helped to aid students in making decisions for college. It helped them decide whether they wanted to be in engineering, computer sciences, programming or marketing, which were all hands on activities Intier Automotive did as part of the Novi High School Robotics Team and as part of First Robotics. He said they would be proud to continue sponsoring this group of students.

Mayor Landry said he often talked about diversity in the City of Novi. He said he looked at this group and it looked like a pretty diverse group. He asked Mr. Hepler to tell him what this group was like when they started out this year and where they had come.

Mr. Hepler responded that a lot of the kids were freshman and afraid to get up in front of anyone and say anything or even somebody like Leslie Davies, who was now the new Vice President, who last year when they had their first parents meeting handed him the text from her speech and said "Mr. Hepler you do it, I can't". He said now she was leading meetings and doing some awesome work and was not afraid to get up in front of people anymore. Mr. Hepler said he saw real growth in technical skill and some real strong teamwork, which they had learned through the program. Mayor Landry said all students would get an individual recognition signed by him.

4. Fire Station No. 2 Improvements and Expansion on Thirteen Mile Road – CDPA Architects

Mr. Pearson said they were about to bid out the improvements to Fire Station #2 that was budgeted for in 2007-2008. He said the improvement program had been vetted with not only the Fire Administration but with the staff and they had met with the neighbors around the Station to clue them in on what was forthcoming.

Steve Flickema of CDPA Architects said they had gone over the site plan and the workings of Fire Station #2 with Chief Smith and Deputy Chief Johnson. He noted there would be two areas of addition to the building. They would work first with the area in the front by enhancing the main entry area and would look at redoing the paving in the back. They would also be adding parking in the back of the building for the firefighters to enhance their response time and effectiveness. He said, regarding the floor plan, they would be removing much of the existing living quarters area to get greater space for the firefighters to work and a lot of the core of the building in the back would be left to be reused. When put with the new areas in the front it would increase the area of the watch room, create a vestibule, which was an air lock for people to come in but would keep them from going directly into the Fire Station. They would also create a four person bunk area and locker area. He said the living quarters area would be opened up so they would have a space for a dining room table, a nice kitchen area and chairs that would not be in the way of the door that exited out into the fire bay. Mr. Flickema said the addition in the back would be a laundry and fitness area. The existing fitness area was in a smaller room and a female bathroom would be created there, which had not been a part of the

Station to this point. He said now there would be a bathroom, shower and locker room area for both male and female firefighters. He noted the apparatus area would basically remain the same. They would clean and paint it, and some of the turnout gear lockers would be put in the flow of travel from where the firefighters would come from the back area through the building, grab their stuff and go.

Mr. Flickema said the west or main entry elevation would have a canopy area for walking in, and the bunk area to the right of the entry would have high windows for light, but no one would be able to see into that area. The south, Thirteen Mile Road, elevation would have an addition on the left side and a smaller addition on the back. The existing brick would be matched and they would screen the new mechanical equipment that would be on top of the building.

Member Mutch asked if community feedback was received regarding concerns for the expansion and its impact on the adjoining residential areas. If so, how would they address those concerns. Chief Smith replied that the night the public was invited for a barbeque at the Station there was one lady who was concerned about storm water runoff from the Station site towards her site. Chief Smith said he stayed with her until she was satisfied that the Station would not compound that problem. He explained they would be adding a few parking spaces at the east end of the parking lot for firefighters who were now parking off of the pavement and on the grass. He said when he explained how minimal the impact of the new asphalt would be, she was very satisfied and had no other problems. Chief Smith said that was the only resident who had a concern and they solved it that evening.

PUBLIC HEARING

1. Proposed Annual Budget FY 2008-2009

There were no public comments and Mayor Landry closed the public hearing.

REPORTS

1. MANAGER/STAFF

Mr. Pearson said today, they were very proud to officially welcome into the family of Novi business residents the ITC Corporation. He said this was a long time coming but was a great statement at the exit ramp of M-5 and Twelve Mile Road. He said they had locked in on a date for Community Sports Park, ITC Sports Park with the naming rights on Saturday, June 7th at 10 A.M. They would have a formal dedication of that and the naming rights and would recognize ITC for what they had done above and beyond with that contribution. Mr. Pearson said material regarding this would be forthcoming in Council's Thursday packet.

2. ATTORNEY- None

AUDIENCE COMMENT - None

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

Member Mutch removed Item C from the Consent Agenda.

**CM-08-05-71 Moved by Gatt, seconded by Margolis; CARRIED UNANIMOUSLY:
To approve the Consent Agenda as amended.**

**Roll call vote on CM-08-05-071 Yeas: Gatt, Margolis, Mutch, Staudt, Landry,
Crawford
Nays: None
Absent: Capello**

- A. Approve Minutes of:
1. April 17, 2008 – Special meeting
 2. April 19, 2008 – Special meeting
 3. April 21, 2008 – Regular meeting
- B. Enter Executive Session immediately following the regular meeting of May 12, 2008 in the Council Annex for the purpose of discussing pending litigation, labor negotiations, property acquisition and privileged correspondence from legal counsel.
- D. 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. **Second Reading**
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- E. 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. **Second Reading**
- F. Approval to fund the matching 20% share of \$19,562.50 for the 2007 Assistance to Firefighter Grant for regional Video Conferencing Equipment with total grant funding for the City of Novi to be \$97,812.
- G. Acceptance of a Conservation Easement from Hampton Place, LLC for Hampton Woods office and residential care condominium, located on the west side of Novi Road south of Ten Mile Road in Section 27 covering 9.93 acres.
- H. Final approval of Zoning Map Amendment 18.673 with Planned Rezoning Overlay (PRO) SP 07-59, and Planned Rezoning Overlay Agreement from the applicant, the Basilian Fathers of Milford, Michigan, to rezone property located north of Eleven Mile Road, west of Taft Road from R-1, One-Family Residential to RM-1, Low Density, Low-Rise Multiple Family Residential. The subject property is 4.15 acres.
- I. Approval of a contract amendment to Stantec Consulting Michigan, Inc. to provide additional engineering services for the Water Distribution Study and Master Plan project in the amount of \$5,500.

- J. Approval of Traffic Control Device Agreement with the Road Commission for Oakland County for the ongoing maintenance of the new traffic signal being installed by Providence Hospital on Beck Road and Providence Parkway/Central Park Blvd.
- K. Approval of the Storm Drainage Facility Maintenance Agreement for the Westpark Place condominium site located west of West Park Drive, north of West Road in Section 4.
- L. Approval of the Storm Drainage Facility Maintenance Easement Agreement for the Ryder System, Inc. site located at the northeast corner of Thirteen Mile Road and Cabot Drive . The site is Parcel ID No. 22-01-400-020 in Section 1.
- M. Approval to award Janitorial Services contract to Du All Cleaning, Inc., the low bidder, in the amount of \$62,520 (annually).
- N. Approval to award contract for printing services to Allied Media, the lowest qualified bidder based on unit pricing, estimated at \$20,500 annually.
- O. Approval of Claims and Accounts – Warrant No. 768

MATTERS FOR COUNCIL ACTION – Part I

- 1. **Consideration of request to transfer ownership of 2007 Class C licensed business, located at 47900 Grand River, Novi, MI 48374, Oakland County, from Applebee's of Michigan, Inc. to Applebee's Restaurants Mid-Atlantic LLC (a Delaware limited liability company).**

**CM-08-05-072 Moved by Gatt, seconded by Margolis; CARRIED UNANIMOUSLY:
To approve request to transfer ownership of 2007 Class C licensed business, located at 47900 Grand River, Novi, MI 48374, Oakland County, from Applebee's of Michigan, Inc. to Applebee's Restaurants Mid-Atlantic LLC (a Delaware limited liability company).**

**Roll call vote on CM-08-05-072 Yeas: Margolis, Mutch, Staudt, Landry, Crawford, Gatt
Nays: None
Absent: Capello**

- 2. **Consideration of request by Etkin White Novi, LLC regarding the Novi Hilton Garden Inn to transfer ownership of 2007 Class C licensed business, located in escrow at 2411 Livernois, Troy, MI, Oakland County, from AG Sports, Inc; transfer location (governmental unit)(MCL436.1531(1) to 27355 Cabaret, Novi, MI 48375, Oakland County; and transfer classification to a B-Hotel licensed business; and request a new dance-entertainment permit.**

CM-08-05-073 Moved by Gatt, seconded by Margolis; **CARRIED UNANIMOUSLY:** To approve request by Etkin White Novi, LLC regarding the Novi Hilton Garden Inn to transfer ownership of 2007 Class C licensed business, located in escrow at 2411 Livernois, Troy, MI, Oakland County, from AG Sports, Inc; transfer location (governmental unit)(MCL436.1531(1) to 27355 Cabaret, Novi, MI 48375, Oakland County; and transfer classification to a B-Hotel licensed business; and request a new dance-entertainment permit.

Roll call vote on CM-08-05-073 Yeas: Mutch, Staudt, Landry, Crawford, Gatt, Margolis
Nays: None
Absent: Capello

3. Approval to award a construction contract for the Eleven Mile Road/Delwal Water Main project to D & M Contracting, Inc., the lowest qualified bidder, in the amount of \$239,711.44.

CM-08-05-074 Moved by Margolis, seconded by Crawford; **CARRIED UNANIMOUSLY:** To award construction contract for the Eleven Mile Road/Delwal Water Main project to D & M Contracting, Inc., the lowest qualified bidder, in the amount of \$239,711.44.

Roll call vote on CM-08-05-074 Yeas: Staudt, Landry, Crawford, Gatt, Margolis, Mutch
Nays: None
Absent: Capello

4. Adoption of Budget Resolution for fiscal year 2008-2009 and the 2008 millage rates.

Mr. Pearson said this was the formality of a four month process to present Council with a budget document that was balanced in every sense of the word. He said they were looking forward to implementing this July 1, if not sooner.

CM-08-05-075 Moved by Gatt; seconded by Staudt; **MOTION CARRIED:** To adopt Budget Resolution for fiscal year 2008-2009 and the 2008 millage rates.

DISCUSSION

Member Mutch commented that over the course of the budget he had expressed concerns about a number of items and some had been addressed by staff; however, he still had concerns that were outstanding. He said in spite of most of those concerns he would be willing to support the budget as submitted, but the issue of funding the demolition of the Fuerst Farm was a deal breaker for him. Therefore, he could not support the budget document as presented. Member Mutch said they had a lot of input from the public through letters to the Council and the newspaper since Council made its decision on April 7th, and it was clear they were against demolishing the Fuerst Farmstead. Whatever they thought of the historic nature of that property personally, as Council members, he thought the fact that it had both State and

Federal recognition as an historic place clearly spoke to the fact that the experts who had looked at the property thought it was a historic resource worth recognizing and preserving. Member Mutch said from a budget perspective, Council needed to understand what they were going to accomplish in terms of what was budgeted and what they wanted to see happen. In this budget there was \$347,000 allocated for activities at that site and \$155,000 of that would go to the Township Hall relocation, another \$114,000 was allocated for demolition of the house and the barns. He said there was discussion that they would be able to recoup some of the demolition costs through selling pieces of the structures. However, Steve Stiers, an expert on barns, who had taken barns down, moved them and put them back together said that was unrealistic and the City would not likely see that kind of compensation in terms of an offset. He said the City would likely absorb the entire cost of the demolition, which would leave about \$78,000 for improvements on the property. Member Mutch said it wouldn't cover the entry plaza, would barely cover the cost of the pathways and none of the other items could be funded. Member Mutch said even if they allocated the money, most of it would be taken up with the Township Hall relocation and demolition. He said they would lose an historic resource, move the Township Hall and wouldn't get a lot of the site improvements they had talked about.

Member Mutch said if they didn't proceed with demolition, there would be another \$114,000 available for site improvements that could fund things they had talked about like the entry plaza with the signs or other amenities. He thought it was telling when they went to Dublin this past week and saw their Civic Center complex and historic homestead, which was a brick home with barns and was also on the national register. Member Mutch said it sat directly adjacent to their City Hall, closer than the Police Station was to Novi's City Hall, and down the road from their \$22 million recreation center. He said Dublin had showed them they could successfully have both the historic character of the community and the modern recreation center within the context of a civic center campus. He thought that was a good model for Council to follow. Member Mutch said if the demolition objective was removed and the funding allocated for improvements on the site, which he thought could happen without demolition, he would be willing to support the budget. He said without it he could not.

Member Margolis thanked the staff for the entire budget process. She said this was a process that began in late fall when Council looked at their goals and what they wanted to accomplish in the coming year. They provided that feedback to the staff and staff worked with it to develop a budget that accomplished Council's goals. She said what they got back from the staff was something that was really conservative but yet worked to continually chunk off pieces of things they wanted to accomplish in the community. She said she was very pleased because she was someone who looked strongly at Fund Balance. She said estimated this year at the end of this budget they were passing tonight was \$6.9 million in Fund Balance, which was the highest Fund Balance in the past six years. It had increased every year, and she thought, in these economic times, they were doing what they needed to do to put money aside and yet invest in the community in such a way that they got projects like ITC to build and add to the tax base.

Member Margolis commented on the "demolition" of the Fuerst Farm. She said one of the things she said when they had that discussion was that all things being equal, it perhaps was a different decision. However, when talking about putting \$347,000 into this budget to try and make that site a site the community could use versus the \$1.8 million they would have to put in, if they were to bring the house and barns to any useable condition. She said the bottom line was they didn't have \$1.8 million. She said they scraped together money to make it a

usable property to preserve the Fuerst site, the Town Hall and make it something the community could be a part of. She commented she was very proud to be able to do that and was looking forward to seeing people on the site, understanding what the site meant and having the Town Hall on a site they could all be proud of.

Member Gatt said prior to Mayor Landry taking office the procedure was different; they would set the budget and then do the goals and it was backwards. Mayor Landry saw the problem with that and fixed it right away. He thanked Mayor Landry and the staff for a magnificent budget in these hard economic times. He commented most cities throughout the State of Michigan would give anything to be in the position Novi was in thanks to the hard work of the staff.

Member Crawford said she had confidence in the budget and also wanted to thank staff for their diligence in preparing it. She thanked staff for helping them understand all the details of the budget, especially the new Council members. She said she had hoped they could use at least one of the buildings of the Fuerst Farm, but felt the preservation should have been started years and years ago. She said they let it get to such a deteriorated state that it was almost impossible to bring it back to life again for use by the community. Member Crawford said she was willing to support the budget as it was, and had confidence that Council was going to be looking for opportunities to preserve Novi's heritage and history by looking at other resources and creative ways to do that.

Member Staudt said he read back through the last 6-8 years of budget deliberations and was proud that this Council was not horse trading line items. He thought they had done an extremely professional job, the staff came extremely well prepared and it was done in a very professional manner. He said he was proud to be a part of that process. He agreed with Member Crawford that there would be opportunities to preserve the heritage of Novi and they would see that that was done.

Mayor Landry congratulated the Administration and said the budget was balanced fiscally and departmentally and addressed the needs of the City conservatively yet comprehensively. He said it addressed the basics such as roads, public service and water and sewer, and addressed Parks and Recreation. It also addressed the recognized need to improve communications and what he was particularly proud of was that both the Administration and Council sent out a number of surveys to the general public and senior population. The surveys came back saying they needed more communication with the City and they were following up on those recommendations with specific items in the budget to increase communications with residents and seniors. The budget included a sign in front of the Civic Center to allow advertisement and communication regarding all the activities going on in the City. Mayor Landry said it involved entryway signage and also had items that particularly addressed the needs of the employees. He said he was very proud of the budget, and proud of his colleagues and Administration for the manner in which they attacked it and addressed the needs of the City.

Mayor Landry said the Fuerst Farm site was an emotional issue for many people and he respected that. He thought it wasn't correct to say they were not preserving the Fuerst Farm site as they were preserving the site but not the buildings on it and it would be known as the Fuerst Farm site. They were not putting a strip mall on it or commercial buildings. The site

would be kept open and green and they were allowing it to be used by more members of the public in the future. Mayor Landry thought it was inaccurate to say there had been overwhelming public opposition. He said they had heard public opposition but he had spoken to an equal number of people who were totally in support of this plan. Mayor Landry said public hearings had been held, consultants held focus groups and people were invited and it had been advertised. He thought it would be a site that the community would be very proud of and a very well used site when completed. Mayor Landry said he was in total support of the budget.

Roll call vote on CM-08-05-075

Yeas: Landry, Crawford, Gatt, Margolis, Staudt

Nays: Mutch

Absent: Capello

AUDIENCE COMMENT

Carol Crawford thanked Member Mutch and said she agreed with him. She commented she was disappointed and wondered why more of the public hadn't attended the meetings. She disagreed with regard to the Fund Balance because she was concerned about it being used. She said they never knew when there would be another Sandstone and felt having the extra money to invest was way more important. Regarding the Fuerst Farm, she felt that saving the land was not as important as saving the buildings on the site. She disagreed with Member Staudt and felt there wasn't anything else left to save in the City except the railroad station by the feed store, but she was sure it would be ripped down too. She felt that tearing down the buildings was not the solution and would destroy what could have been a treasure. She asked why pay to tear it down; why not burn it and let the Chief and his men use it for a site to practice their fire skills. She said she was firmly for paying all City employees the best salary possible and giving them the best insurance policies they could have because they truly were what kept the City working.

Ginger Barrons stated she was in favor of saving the Fuerst Farm as an historic site because there weren't many left in Novi to be saved. She commented she was disappointed to hear a Council member admit that the property had been neglected far too long. Ms. Barrons said Council had been the stewards of the property and asked why it was neglected. She also noted the Township Hall wouldn't be moved until the fall, and suggested they charge the Historical Commission to come up with ideas to make it a profitable venture that paid for itself. She noted many municipalities had done that and preserved their historical properties at no cost to the taxpayers. She said when she heard a cost of \$1.8 million if it wasn't torn down, she had to ask what dollars they had spent on it in the past 7 or 8 years it had been in Council's charge. Ms. Barrons said she didn't think they had spent \$1.8 million in the past 7 or 8 years and didn't believe that was what it would cost. She believed they should stop paying for bulldozers and save the farm for free. Ms. Barrons said they spent about \$25,000 to give Council ideas on what to do with the Fuerst Farm. She thought the City should turn to its own residents who knew what they were talking about. Ms. Barrons commented that in the focus groups there was never any discussion of demolition as an option. She said as someone who lived across from it for 25 years, it was not an eyesore.

MATTERS FOR COUNCIL ACTION – Part II - None

COMMITTEE REPORTS - None

MAYOR AND COUNCIL ISSUES - None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION

- C. 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. Second Reading
Member Mutch**

Member Mutch stated when this was before Council for the First Reading, Mayor Pro Tem Capello had some comments he was going to bring back for the Second Reading. He asked Council if this could be tabled until the next meeting, so he could have his input on the item, since the next meeting was Monday, May 19th.

Member Margolis asked if the Administration had any conversations with Mayor Pro Tem Capello. Mr. Pearson said he had the opportunity to speak with him last week and his concern was in terms of the fundamental creation of this option for limited drive throughs in the RC District. Mr. Pearson said he explained to Mayor Pro Tem Capello that the staff and the attorney had looked at the different options to allow McDonald's to rebuild since it was already there. He said rather than go to the ZBA, the provisions Council had were their best recommendation for that. He said his question to Mayor Pro Tem Capello last week was whether this should be listed on the Consent Agenda or elsewhere and he was OK with leaving it on the Consent Agenda.

Member Mutch stated he would share the concerns that Mayor Pro Tem Capello had expressed. In looking at the map provided to Council in terms of potential locations for fast food restaurants in the RC PD2 area, he was concerned that those properties that were under utilized or vacant might be opened up to fast food restaurants in the area around Twelve Oaks Mall. He said he knew Taubman had a fair amount of control but he didn't think all that property was under their control, and he had a concern about opening that up. He said from his viewpoint this was a single user situation where they were amending the ordinance to address their problem specifically and typically and that was not the approach they had taken. He said he would not be in support of the text amendment as presented.

Mayor Landry said they had talked about this at First Reading, he thought it was necessary and they needed to do this. He said when he spoke to Mayor Pro Tem Capello, today when he called to indicate that he was ill and would not appear tonight, he didn't indicate any concern about this. Mayor Landry said he assumed he was aware it was on the Consent Agenda as he would have received it. Mayor Landry stated he was in favor of moving forward with the proposal at this time.

CM-08-05-076 Moved by Margolis, seconded by Gatt; **MOTION CARRIED:**
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. Second Reading

Roll call vote on CM-08-05-076

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

COMMUNICATIONS - None

AUDIENCE COMMENT - None

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 7:51 P.M.

David Landry, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Charlene Mc Lean

Date approved: May 12, 2008