

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, SEPTEMBER 22, 2008 AT 7:00 P.M.
COUNCIL CHAMBERS - NOVI CIVIC CENTER - 45175 W. TEN MILE RD**

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: Randy Auler, Director of Parks, Recreation and Forestry
Tom Schultz, City Attorney
Cindy Uglow, Neighborhood and Business Relations Manager
Barbara McBeth, Deputy Director of Community Development

APPROVAL OF AGENDA

Mayor Pro Tem Capello added, under Mayor & Council Issues, item 1 DDA and item 2 the revamping of the Woodlands Ordinance.

**CM-08-09-165 Moved by Capello, seconded by Crawford; CARRIED
UNANIMOUSLY: To approve the agenda as amended.**

**Roll call vote on CM-08-09-165 Yeas: Capello, Crawford, Gatt, Margolis, Mutch,
Staudt, Landry
Nays: None**

PRESENTATIONS

1. Initial concept and elements for Fuerst Park prior to the Parks, Recreation and Forestry Commission public input meeting on October 9, 2008 - Lori Singleton, Hamilton Anderson

Ms. Singleton, Hamilton Anderson, said they had gathered input from Mr. Pearson, the Venture Team and City staff. They had also gathered input regarding preferences for the park and ideas they might want to move forward with and pulled that information into a concept plan to present this evening. She said during these conversations what they heard was a pretty unified sense that the park should be more passive and contemplative in its program with pathways, seating areas, informal play and family opportunities. She said there should be a small amphitheatre for small programmed events for about 150 people or so with some overflow that would accommodate larger events. Ms. Singleton said they looked at some imagery of what seat wall terraces might look like. It would not be fixed seating and not real formal but an amphitheatre that would perform that function throughout the year. There would also be a strong connection to the Civic Center campus, high school and the library and those connections could be made both physically and in terms of the character of the park and how it related to those other spaces. She said there might be some subtle references to the sites heritage but not recreations of historic elements, and also that the potential for public artwork was strong and would lend richness to the design.

Ms. Singleton said what linked all of the parts of the place together would be a really fluid path network. It would organize the park components and connected them to each other. A simple

circular loop path would highlight the hill as the centerpiece of the park and created a more formal atmosphere on the grove on top of the hill; while having really informal and natural patterns throughout the site. She said character elements such as consistent details and materials, fieldstone walls and things that were already there to draw on would be continuous throughout the site so it felt like one place. The library, high school and Civic Center campus would have strong linkages for pedestrians coming in and they would happen at logical places on the corners where people were naturally drawn into the site.

Ms. Singleton said all of the design was thinking about the natural topography that was on the site now and using that as an asset. She said the existing tree canopy, the high point and knitting all of those spaces into that without having a real heavy handed approach to regarding and carving out of the site. At the corner of Taft and Ten Mile Roads, using land form, terracing and stone walls could set the tone for the park's character and the integration of a piece of public artwork there could really say that this was a civic place and park. It would do so in a way that was comfortable for people driving by and for people as they enter from the corner. She said orchard like plantings could kind of reference the sites farm heritage and also frame the view to the corner by having some vertical elements and the strength of those orchard plantings. They would use the fieldstone walls in a way that was very sculptural and not just practical and really start to sculpt the topography they had to work with on the corner and then big waves of plantings. She said nothing real small and residential but something grand enough that would make the kind of statement they were talking about at the corner, along with the grid of orchard trees to define that corner and incorporating public artwork as a splash and eye catching piece at the corner.

She said what they were calling the grove was at the top of the hill; so this was encircled by a major path and then within that large circle were smaller footpaths that would bring people up the hill to the high point where they had located a major piece of public artwork. This would be on the site of the historic homestead and would be the centerpiece for those sitting and enjoying the top of the hill. The features around this major loop could include a trellis over the walkway to sit beneath along side the walk. Also, grape arbors backing to the orchard trees and fieldstone walls to sculpt the land and help to bring people up to the top of the slope and make that a more interesting and cultivated place. She said the existing image of the top of the hill where some of those large canopy trees were limbed way up, they would clear all of that open to view so while sitting on the hillside it could be seen from all directions.

Ms. Singleton said they had brought the amphitheatre and Township Hall together working with the existing topography this would be cut into that slope. She said there was a strong relationship to the library and the Township Hall would be facing the parking lot and its back side would be the back drop for the amphitheatre. She said people could sit at the slope, have a concert and actually have the building contain their view and provide any infrastructure in terms of sound, audio, electrical power, etc. linked through the building or run adjacent to the building. The Township Hall would be renovated with air conditioning and the addition of a restroom and the terrace seating took advantage of the existing topography. Ms. Singleton noted they thought the relationship to the library was strong for events that might be cross programmed between the library and the park. She said they would use bold splashes of plantings using plants that were appropriate to the era of the Township Hall and older farmsteads, such as a band of roses around the Township Hall itself.

Ms. Singleton said the Township Hall and the amphitheatre have a very close connection for ease of programming and access. The walkways from the building would tie directly into the paths network and provide a seamless link in the way one circulates around and through the library and into the park. The bio swale planned for the library would be naturalized subtly so there would be a blending from one space to the next and not a real clear delineation where the library ended and the park began. She said there would be opportunities between these two spaces where public artwork might be incorporated in and along the paths in a smaller way to address opportunities for play without building play equipment. It would be both a civic and public statement and an opportunity for children and families to enjoy.

She said the area adjacent to the high school was what they were calling the gardens. The biggest swath of plantings across this site could be a demonstration planting of wildflowers, switch grass, which was a bio fuel and could be planted really agriculturally in terms of furrows and rows. She said it could also be planted with sunflowers or sweet corn depending on how it was to be maintained and programmed; it would allude to the site's history without making a direct reference to it.

Ms. Singleton commented the barn foundations could be a really interesting opportunity, if they were in condition to be salvaged to create outdoor rooms near the high school for an opportunity for gathering and programming of the students. They could also be a place where community groups, local ethnic groups, garden clubs, etc. could come in and design and create really interesting garden environments that might not be in the same character as the rest of the park but could be interesting surprises. She said anything could happen in these spaces and wouldn't need to fit the formula of the rest of the park but could be surprising and different expressions of the community.

Ms. Singleton said they had added a community fire circle, which could be programmed by the City to kind of extend family and larger group opportunities into fall, winter and spring to come together. There would be a scattering of large boulders or flattop stones where people could sit under the tree canopy to read a book, hang out, etc.

Mayor Pro Tem Capello thought they had done a good job on this. However, the one thing he was missing was the water features and he would really like to see those incorporated because they attracted the eye and made it look like there was activity there even when there wasn't. He thought the ideal would be to have a flowing little stream that ended up in a water feature.

Member Margolis said it looked in keeping with her vision of what that corner should look like. She felt it gave enough opportunity in different areas for Council to continue to develop the naming process that they had been doing with the foundation to get some of the areas sponsored by some of the ethnic groups in the community; there's lots of areas that could be developed separately. Member Margolis said she disagreed with the water feature but if there was going to be something, she would want it to be in very rural, such as some water over some rocks that looked like a little creek. She said she would be hesitant about something major as a water feature. She asked for a few more entryways off of Taft Road and Ten Mile so there were multiple ways to enter the site, if possible. She said she wanted to see people

be able to enter from different areas so they knew it was very open and not a formal entrance at the corner. Member Margolis commented she would like input from the Youth Council on this and thought it would be a huge asset as Mayor Pro Tem Capello suggested.

Member Crawford commented she was pleased with the drawings that were in the Council packet and the way they used the topography and incorporated the fieldstone into it. She said it was much like she envisioned for that property and the maximized use of every space in a way that seemed more natural. She agreed with Member Margolis about the water feature and thought it didn't fit. She thought she would be open to something if it was like a sculpture. She said she would hope they could form a committee to help pick out the sculptures that might be in keeping with the theme of the land. She thought that was really important. Member Crawford asked if some of the paths would be for bikes and some for footpaths or would they all be the same kind of material. Ms. Singleton said the materials were the next step forward. However, the main circulation would be a harder surface and approaching the hilltop, that path network would be a much softer surface. Member Crawford said she was pleased with the plan.

Member Gatt stated he was also very pleased with everything presented. However, he would ask that there be some kind of historical monument or markings that told the story of the Fuerst sisters and what the property was and always would be.

Member Staudt thought Hamilton Anderson did a very nice job. He said they listened to the conversations that Council had with them. He said he liked the five access points coming from all different directions and all going to a central point on the property. He also liked integrating the amphitheatre with the Township Hall and felt it was a great economic use for that facility. He said if they had to vote on this plan today, he would be very excited about it.

Member Mutch said he would generally echo the comments of previous Council members. He said he was pleased with the plans he had seen so far. He commented that he saw a lot of the elements he had talked about in the meetings, especially the natural materials as well as the native landscaping. Member Mutch asked if they anticipated needing irrigation in certain areas to help maintain the plantings. Ms. Singleton said at this point that was still a bit gray in terms of the intensity of the planting. At this point, the ornamental plantings were focused at the Town Hall and at the corner of which they could be very hardy plants. So, irrigation was not fully necessary and they could look at that as they moved further. She said there could even be a system in place that got everything established and phased out over time. She said depending on what the policy was in terms of maintaining irrigation on park land that would be something they would want to work with Council on. Ms. Singleton said the design was not water intensive at this point but could be made more so depending on the amount of landscaping Council would want to have. She said most of the trees shown on the plan, aside from the orchard plantings, were existing so there wasn't a big establishment period for that. She said the point was to minimize that impact and thought it was very doable to do that. Member Mutch said the southern portion of the property that was open now by the barns and could potentially be used for community events such as art fairs, etc. He said typically for those kinds of uses, people would be looking for electrical access for the various equipment they would bring with them. He asked if they would be looking at incorporating that kind of infrastructure into the park design. Ms. Singleton said events as infrastructure intensive as art fairs would not be something they had talked about. If that was something that became part of the program, then it would make sense to add outlets throughout that could be used, at a

reasonable spacing. At this point, that was not something they considered but if it was added, they could look at doing something like that even if it meant in a first phase accommodating it by sleeving underneath the walks and getting conduit in to prepare for that in the future.

Member Mutch felt an art fair sounded like a great use of a more passive park property but then all those elements that go along with it could be a challenge to retrofit. He said if they were going to think about those uses, they needed to think about how to accommodate those as they were working through the design. Member Mutch said throughout the City they had tried to landscape the streetscape with street trees along all of the major roads. He said he would be interested in seeing them, as they worked on the landscaping along the perimeter of the property, incorporate street trees in the right-of-way and picking varieties and designs that were complimentary to the park. He said he would like to see the extension of the park design out to the street so that all of those elements worked together instead of leaving that for someone to figure out later on. Ms. Singleton said extending the park plan out to the street, especially at the corner, would mean more extending that orchard out than actually adding another layer of street trees along the edge. She said changing from a canopy tree to more of an under story tree and opening up at the corner with some broad under story landscaping might make a larger statement for the park. She asked if it needed to be street trees to take the landscape over to that point. Member Mutch said no, he thought the idea was to think about it as a whole instead of five years later the City Forester starts taking trees down. He commented it made more sense to do it all now and get it planned out now even if the trees weren't planted for five years, they would at least know when ready to do that what would work best with the design Ms. Singleton put together. He said at the top of the hill there was a very informal space and it was a pretty broad area. He was hoping to see something a little more formalized in terms of that use because he thought it did have potential. He said if someone wanted to take their lunch there, there were benches but no table. He thought that could be done that was fairly unobtrusive but provide a little more use for the area instead of just the park benches. He thought they had captured the various viewpoints that Council had brought to the table.

Mayor Landry said he thought they did an excellent job with this and that it would be a very usable space for all ages in the City. He said it was walkable, there were contemplated areas and places to sit in the shade. He said he really liked what they did with the Township Hall and thought it was really a focal point in the park and as a result it would enhance the use of the Township Hall in this community. Mayor Landry said it was a part of the amphitheatre, it's the restroom facility and he thought more people would be drawn to it. He also liked what they did with the foundation for the barns, the fire circle and he was very excited. He said he looked forward to moving forward with this.

Member Staudt said there was conversation about the lighting and whether it would be decorative, overhead, etc. He commented he was looking forward to see what they were planning for that. He said he didn't have an opinion about it at this point but it seemed to be a considerable issue especially if they could do something that when they look up there at night it looked like something.

Member Margolis commented that she would like to see something that reminded people of the history, not just of this piece and the Fuersts, but the history of the City. She said she would really like to see that whether in signs, pictures or however it would work.

REPORTS

1. MANAGER/STAFF

Mr. Auler said Meadowbrook Commons opened in 2001 and on Wednesday, September 24th from 1:30 P.M. to 3:30 P.M. they were providing an event for the residents to come out and celebrate the seventh year anniversary. He said lunch would be provided and he invited Council members to attend and speak to the residents as well.

Cindy Uglow, Neighborhood and Business Relations Manager, invited Council to join hundreds of their fellow community members this Saturday, from 10 A.M. until 1 P.M. at the Civic Center for Fall for Novi. She said this year they were combining Fall for Novi with the Novi's International Festival, which was normally held at Main Street. She said community members would enjoy international exhibits, art, entertainment and food. There would also be continuing education of residents, City departments, community service groups and City and Police Department open houses. She thanked Member Crawford and Diana Canup for helping her get the word out about their first attempt at a classic car show. She said there would also be a perennial exchange, and household hazardous waste. Ms. Uglow said a shredder would be available for residents and the business community and people could bring up to 100 lbs. of paper. Also, the kid's village had been extended and there would be an inflatable obstacle course, moon bounce and children's activities. The police open house would include vehicle displays, firearms training demonstration and children's identification. Ms. Uglow said there would be a safety trailer and the kids would go in the trailer where everything would be hands on and they would get a fire hat and a picture with Sparky. She thanked Fire Chief Smith for this and said he also arranged for U of M to land their survival flight again this year. There would also be health screenings and everything would be free.

2. ATTORNEY - None

Member Gatt congratulated City Attorney Tom Schultz for the prestigious honor of being recognized as a super attorney for his work among the many municipalities that he worked with.

AUDIENCE COMMENT

John Foley, 34930 Delmont Drive, said he wanted to follow up his e-mail to Council regarding his concerns about the Zoning Text Amendment for Providence Hospital. He said it would allow an unlimited amount of restaurants to be built on that property and felt the commercial and retail areas were already overbuilt. He said there were numerous empty stores and store fronts in the City and this would just put more of an economic burden on those existing businesses that had already invested in Novi. Mr. Foley asked Council to reconsider the issue and at least put some limitations on the development. He stated he knew they were allowed to have a commercial development but thought Council was opening it up and giving them a blank check to carve out as much as they wanted.

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

CM-08-09-166 **Moved by Gatt, seconded by Staudt; CARRIED UNANIMOUSLY:
To approve the Consent Agenda as presented.**

Roll call vote on CM-08-09-166

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

Nays: None

- A. Approve Minutes of:
 - 1. September 8, 2008 – Regular meeting
- B. Enter Executive Session immediately following the regular meeting of September 22, 2008 in the Council Annex for the purpose of discussing pending litigation, labor negotiations, property acquisition and privileged correspondence from legal counsel.
- C. Approval of 2009 City Council meeting schedule.
- D. Approval to award a contract for engineering services for the Pavement Condition Assessment and Traffic Control Sign Inventory project to Soils and Materials Engineers, Inc., for a not-to-exceed design fee of \$73,500.
- E. Approval of Zoning Ordinance Text Amendment 18.230, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 2, Subsection 201, "Definitions" in order to modify the definition of *Floor Area, Gross Leasable* to remove the area of ancillary basements and mezzanines limited to storage only from the gross leasable floor area calculation and to remove unnecessary language. **Second Reading**
- F. Approval to purchase two (2) 2009 Ford Expeditions, 4x4 EL, for the Novi Police Department Uniform Division from Signature Ford of Owosso, MI, lowest bidder, through the cooperative bid purchase program, in the amount of \$56,948.
- G. Approval to award the Fall 2008 Tree Planting bid of 295 trees to Greg Davis Landscape Services, the low bidder, in the amount of \$73,590.
- H. Approval of the first renewal option, with McNish Sporting Goods for youth and adult travel soccer uniforms, an annual estimated amount of \$25,200.
- I. Approval of Traffic Control Device Agreement with the Road Commission for Oakland County (RCOC) for the reconstruction and modernization of the existing traffic signal at Wixom Road and Ten Mile Road. The agreement includes a 50% construction cost share by the City, estimated to be \$55,000, and a 50% maintenance cost share by the City.
- J. Approval of Decorative Street Sign Agreement as requested by the Barclay Estates Homeowners' Association.
- K. Approval of Decorative Street Sign Agreement as requested by the Cheltenham Estates Homeowners' Association.
- L. Approval to award a construction contract for the Meadowbrook Commons Detention Basin Improvement project to A&M Construction, the lowest responsive bidder, in the amount of \$53,496.00.

- M. Approval of Change Order No. 1 to the Meadowbrook Lake Streambank Stabilization project contract (Restoration Dredging, Inc., contractor) for the purposes of implementing a tree planting plan along the banks of the Middle Rouge River downstream of Meadowbrook Lake in the amount of \$13,975.
- N. Approval to award a contract for design engineering services for the 2009 Pathway Construction project to Spalding DeDecker Associates, Inc. for a not-to-exceed design fee of \$22,000.
- O. Approval of Claims and Accounts – Warrant No. 777

MATTERS FOR COUNCIL ACTION – Part I

- 1. **Consideration of Zoning Ordinance Text Amendment 18.229, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 12, OCS, Office Service Commercial District, Subsection 1202 "Principal Uses Permitted Subject to Special Conditions" and Subsection 1203, "Required Conditions", and at Article 24, Schedule of Regulations, Subsection 2400 "Schedule limiting height, bulk, density and area by zoning district" in order to expand uses permitted subject to special conditions in a planned shopping center and to provide greater flexibility in the design of planned shopping centers in the OSC District. Second Reading**

Member Margolis said one of the questions she had was concerning the changes that this amendment made. She said "the proposed text relaxes the standards for restaurants" and it talked about limiting planned shopping centers to only one per office complex. She asked if that was one per parcel or one per complex and how would that be defined as far as the ordinance. Ms. McBeth thought it would be described as one per OSC Zoning District area. So, they would consider all of the Providence Hospital development, all 190 acres or so one development, and it would be limited to one retail center in that area. Member Margolis said they were given maps of the other areas and there were two other main areas. So that would be one per each of those areas, correct. Ms. McBeth said generally that was correct. The areas in the south east part of the community already had a retail center associated with the office complex there. She said there was another area that had an office complex that included Lifetime Fitness, a couple of hotels and an office building. She said they would consider that as a second area that might benefit from a retail center. Member Margolis asked if she was correct in understanding that this would not change the amount of shopping that was allowed, but it allowed as much as they wanted of that area to be restaurants. Ms. McBeth said she was correct, they would still be limited to the 150,000 sq. ft. or 20% of the area dedicated to the office space. It would only increase the restaurants in the sense that they could now have restaurants in a shopping center. She said they had always been allowed to have the free standing restaurant subject to spacing limitations, site area limitations and minimum seating size. Member Margolis said if she had a shopping center just like she did under the old ordinance that area would be the same. She asked if it was the greater of the 150,000 sq. ft or 20%. Ms. McBeth believed it would be 150,000 sq. ft. limitation but no more than 20% of the site, so it would be a combination of the two. Member Margolis said the change was that it would be up to the person who built the center to decide what was

marketable in that center. She said instead of a store it could be a restaurant, if that what was viable in that space. Ms. McBeth agreed, under the proposed ordinance. Member Margolis said she was generally in support of this but wanted to hear what Council had to say. She said that they would just trade off another retail use for a restaurant; the market would tell them and they would tell the people who own the centers what was the most marketable piece in those areas.

Member Mutch said he didn't support these changes. He noted his main concern with the ordinance changes was that they were making a change for one particular development that would have an impact over all the OSC Districts. He commented that they, as a City and Council, needed to have a planning tool like a PUD or Planned Development for situations like this. He said it might make sense for this development plan, for Providence Park, but it didn't make sense for the other OSC zoning district locations. He said that was his primary concern because once they started spreading these changes out across these other OSC Districts, they were opening up the door for restaurants that weren't initially contemplated for OSC, and in particular the drive-through uses. He said he didn't want to see more drive-through restaurants on Haggerty Road that they could get with the Eight and Haggerty and Lifetime Fitness area. He said it potentially introduced drive through restaurants in the Town Center area and it was noted by Mr. Foley earlier that a proliferation of additional restaurants could open up. Member Mutch said that, as well as the changes that were requested by the applicant for the setbacks didn't make sense to him in terms of what they were trying to achieve with the OSC District. He said the OSC District was largely intended for the office park with a campus setting; what they're suggesting was reducing the amount of front yard setback. This would bring the parking lots closer to the roadways and open up additional areas for front yard parking, which he didn't think was as attractive or desirable in the office campus setting, which the OSC District largely promoted. He said this would affect all potential development in the OSC District, not only the vacant properties but also properties that could be redeveloped. He also disagreed with the applicant's desire to have the reduced setback along the green space because in the case of the Providence development, it was not a dedicated green space. He said that property could be developed in the future. So, green space was being given up that would not be replaced elsewhere, which didn't make sense. He thought the existing ordinance already had a provision for the Planning Commission to waive or reduce the setback if it was made up elsewhere, and that was not being proposed in this case. Member Mutch said the only way he could be comfortable with this change was to add some limiting language that said it would only apply to OSC developments of 100 acres or more. If that was added, it would limit it to specifically the Providence development and he could support that. Otherwise, he didn't think they were going in the right direction with that.

Member Mutch thought the question Member Margolis raised about the applicability of the 150,000 sq. ft. 20% limitation had never really been clearly defined as to which was the real limitation. He said Mr. Schultz gave an answer that they limit each other but he thought that was a separate ordinance issue and one that needed to be addressed. Member Mutch said he could not support this as presented.

Mayor Pro Tem Capello said he was in Section 1202, Subsection F, and it seemed to him that the first section didn't really make a sentence. He noted he didn't have a problem with the substance of it; it just looked like it should be combined with the second section. Mr. Schultz thought it was copied out of an existing sentence in the next section. Mr. Schultz said he would look at it. Mayor Pro Tem Capello asked in Subsection G 1 of that same section why

the drive through restaurant be required to contain less than 4,000 ft. of gross leasable area. Ms. McBeth said this was a request of the applicant indicating that the drive through restaurant would be relatively limited in size. Mayor Pro Tem Capello said when the idea of a drive through came to him in the first place, his thought was that they would have a quality established restaurant not a McDonald's and would need a drive through mostly for breakfast or coffee in the morning for those going to work at the hospital; or if they wanted to grab a carry out for lunch. He said that was why he was confused when they were trying to make the restaurant smaller as opposed to wanting it bigger to keep out the fast food style restaurant. He said he understood from Rob Casalou that they didn't want the fast food style restaurant in there. Ms. McBeth said that was her understanding as well; they just wanted one coffee shop kind of drive through and very limited in size. She said the planners thought that was an agreeable stipulation because it limited the size.

Mayor Pro Tem Capello asked Mr. Jonna what the idea was of the 4,000 sq. ft. Gary Jonna, President of Whitehall Real Estate Interests said he was appearing on behalf of Providence Hospital and Medical Centers. Mr. Jonna said the answer to the question was as Ms. McBeth stated. He said the type of coffee use that they spoke of generally ranged from two to four thousand sq. ft. He said it was not intended to be a type of larger format fast foods. He commented a Star Bucks or something along those lines generally fell between the range of two to four thousand. He said it was imperative from the hospital's perspective to focus on convenience coffee and pastry type of use in the morning. Mayor Pro Tem Capello asked if they really needed any square footage at all since he was controlling who went in there. Mr. Jonna said the way it was currently expressed in the zoning text amendment would function for their needs. The important thing for them was that there at least be an allowance of one within the ten acre planned shopping center. He said however that was stated was fine. Mayor Pro Tem Capello said he somewhat agreed with Providence Hospital representatives when they were making their argument to reduce the setbacks when they pick it up elsewhere. However, he thought there was a provision in the ordinance that provided for the Planning Commission to grant them a waiver in the event that a specific building on the site location would make sense to waive that requirement.

**CM-08-09-166 Moved by Capello, seconded by Gatt; MOTION CARRIED:
To approve Zoning Ordinance Text Amendment 18.229, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 12, OCS, Office Service Commercial District, Subsection 1202 "Principal Uses Permitted Subject to Special Conditions" and Subsection 1203, "Required Conditions", and at Article 24, Schedule of Regulations, Subsection 2400 "Schedule limiting height, bulk, density and area by zoning district" in order to expand uses permitted subject to special conditions in a planned shopping center and to provide greater flexibility in the design of planned shopping centers in the OSC District. Second Reading with the change that the City Attorney has recommended.**

Mayor Landry asked with which setback, the applicants or the staff's recommended setback. Mayor Pro Tem Capello said as it's written, which he believed was with the staff's recommendation. Mayor Landry asked if that was correct; it's not the ten foot side and rear, it's the greater setback. Mr. Schultz said he was correct.

Roll call vote on CM-08-09-167

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

Nays: **Mutch**

2. **Consideration of a request from Damon DiPonio for a variance from Section 11-276(b) of the Design and Construction Standards, which requires safety paths to be placed along the Nine Mile Road frontage in accordance with the Bicycle & Pedestrian Master Plan, to eliminate the requirement for a portion of the safety path along the applicant's Nine Mile Road frontage. (The subject property occupies parcel number 22-30-401-024 and is located at 49650 Nine Mile Road.)**

Mr. DiPonio said he would like to offer an alternative proposal that a bond be granted so at a future date, he could install the sidewalk when the rest of the sidewalks were installed along Nine Mile Road, as mentioned in the letter from the Civil Engineer.

Mr. Auler said the action was not recommended by City staff and Rob Hayes, City Engineer was present to answer Council's questions.

Member Margolis stated she would have to make a motion to deny the request. She said this had come before Council a number of times and she was of the opinion that even though it didn't seem to make sense now but getting that piece of sidewalk made it possible to hook up with another piece of sidewalk, etc. She apologized but said it had to be done for the benefit of the City.

CM-08-09-168

Moved by Margolis, seconded by Gatt; MOTION CARRIED:

To deny request from Damon DiPonio for a variance from Section 11-276(b) of the Design and Construction Standards, which requires safety paths to be placed along the Nine Mile Road frontage in accordance with the Bicycle & Pedestrian Master Plan, to eliminate the requirement for a portion of the safety path along the applicant's Nine Mile Road frontage. (The subject property occupies parcel number 22-30-401-024 and is located at 49650 Nine Mile Road.)

DISCUSSION

Member Gatt said Mr. DiPonio was not the first person to come before Council regarding this. However, to remain fair, steadfast and equal to everyone he had to vote no. He said if they went down 11 Mile a beautiful million dollar mansion could be seen with a sidewalk to no where because their request was also denied. He said it's the beginning and had to start somewhere and if they kept allowing bonds to be posted instead of building a sidewalk, then they wouldn't make the progress they had committed themselves too. He said he would support the motion to deny Mr. DiPonio's request and he hoped he understood why.

Member Mutch said he was a strong advocate for sidewalks and thought they were important and every opportunity they got to place them he thought they should. However, having said that he also thought sometimes these requests come forward in locations where the time wasn't right to put the sidewalk in place. If they had a bond to be able to capture the money that would go to that construction, he thought it made more sense down the road to do those as a whole in a well designed project versus doing them piecemeal. He said the

Meadowbrook Road intersection at the north west corner when the development went in the developer asked the Council, at the time, to waive the sidewalk requirement along 11 Mile. The Council did not, but did allow the developer to put up some kind of financial offer or replacement for that sidewalk segment. He said the City was now doing the 11 Mile and Meadowbrook intersection signalization and roadway improvements there. He said as part of that, they were now putting in the sidewalk segment because it made sense at this time. He said those dollars were captured and they were able to do that as part of a project. Member Mutch said it really made sense to do it all at once. He said on previous Councils, he had been in the minority on this. Member Mutch noted he wanted to put this alternative out there so new Council members would have the opportunity to look at it.

Mayor Landry said he would support the motion because they had required Beckingham, Park Place, Vasilios Estates, Provincial Glades and Evergreen Estates to put sidewalks in. He thought it would be inconsistent to require all those people to put in sidewalks and not require this applicant to put them in.

Roll call vote on CM-08-09-168 **Yeas: Margolis, Staudt, Landry, Capello,
Crawford, Gatt**
Nays: None

- 3. Approval of award and payment to Highway Maintenance & Construction in the amount of \$111,189 for the 2007-2008 and 2008-2009 Chip Seal Maintenance Program.**

CM-08-09-169 **Moved by Margolis, seconded by Crawford; CARRIED
UNANIMOUSLY: To approve award and payment to Highway
Maintenance & Construction in the amount of \$111,189 for the 2007-
2008 and 2008-2009 Chip Seal Maintenance Program.**

Roll call vote on CM-08-09-169 **Yeas: Mutch, Staudt, Landry, Capello, Crawford,
Gatt, Margolis**
Nays: None

AUDIENCE COMMENT - None

COMMITTEE REPORTS - None

MAYOR AND COUNCIL ISSUES

- 1. DDA – Capello**

Mayor Pro Tem Capello said they had talked about a DDA for a long period of time and had studies done and presentations to Council, and then once the presentations were done it seemed to fall off the end of the table. He said in the Novi and Grand River area the brickscape was damaged and worn, there were unpainted surfaces, weeds were coming through and it needed repair and the curb needed repair. He said some of it was the developer's responsibility and he thought they were working with the developers on Main Street to get some of that cleaned up. However, it seemed the City could take control of it. When Mr.

McCusker took control of that area for Novi's Festival of the Lights Parade, he cleaned it up and it looked real nice. He said a DDA could recapture money that the City doesn't have and fund it and direct it to specific areas in town so it could be maintained by the City. He said they were going to require the developers to put all that money into the streetscapes and if it was not maintained, it would look worse than if it wasn't constructed at all. He asked that this be put on the Agenda for the next meeting so Council could discuss whether they wanted to look at a DDA area and get the ball rolling to create a Downtown District Authority. He said the area he was looking at was Grand River and Novi Road and along Grand River from either Novi or Meadowbrook down to Beck Road. He thought it would be the perfect area for the City to show off its main entranceway and Grand River Avenue, and he thought it carried most of the traffic in the City.

Mayor Landry asked if he was asking if Council would agree to direct the Administration to report back to Council on the feasibility of a DDA for those areas. He said to come back at the next meeting and give Council a quick overview because it had been so long that he thought they might have forgotten the full impact of it. Then Council could discuss if they wanted to put a committee together to discuss the area that the DDA should cover, and if Council really wanted to undertake that.

Mayor Landry asked what Council thought.

Member Gatt said this was a very controversial issue several years ago. He said he was not opposed to hearing information about it or having a discussion about it. He said he would be in support of that.

Member Staudt said having sat on the board of a DDA for seven years he had seen good and bad. He thought some of the points made by Mayor Pro Tem Capello were relevant and he thought it was time to look at it. He was not opposed to considering it and thought it was something that might really benefit that area in particular. He said he would support looking at this.

Member Mutch said he had studied up on DDA over the years and weighed the pros and cons. He said he didn't think he would hear anything that would convince him that it made sense for that area. He said he wasn't opposed to having the policy discussion but absent some really compelling argument or some change in how Oakland County was handling the tax capture authorities, he would be hard pressed to see how they would implement it in Novi.

Member Margolis thought they were all saying they didn't mind having the discussion. She said she was way leaning that she didn't know that it was a great idea. She noted she had done a lot of looking at this because it was a major issue just before she came on Council. She said she was always open to discussion.

Mayor Landry commented he didn't have a problem with discussion but was wondering if the next meeting was a little aggressive on the Administration. He said he would be more in favor of two meetings from now. Mayor Pro Tem Capello said two meetings would be fine.

Mayor Landry asked if there was Council consensus to have the Administration give a presentation so Council could have this as a discussion item. There was consensus. Mayor Landry asked Mr. Auler to inform Mr. Pearson of that.

2. Revamping of the Woodlands Ordinance - Capello

Mayor Pro Tem Capello said the Planning Department and Planning Commission was reviewing the Woodlands Map. He suggested it would probably be a good time to look at the entire Woodlands Ordinance, as it had been a long time since it was looked at closely. He thought Mr. Schultz would agree that it was in need of an overhaul. He said he would like to direct the Planning Department and Planning Commission to look at the Woodlands Ordinance and Map and bring them both to Council around the same time.

Mayor Landry asked if that was something they would task the Planning Commission with doing. Mr. Schultz said just this week the Planning staff had put together along with the Woodlands Map and circulated some additional changes to the Woodlands Ordinance. He thought the expectation was that it would go to the Planning Commission to get their thoughts and then come before Council to discuss whether or not the changes were acceptable.

Mayor Landry asked if anyone was opposed to having the Planning Commission do that, and no one was.

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION - None

COMMUNICATIONS – None

AUDIENCE COMMENT - None

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 8:06 P.M.

David Landry, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Charlene Mc Lean

Date approved: October 6, 1008