

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, MARCH 9, 2009 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

Mayor Landry called the meeting to order at 6:58 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Landry, Mayor Pro Tem Gatt, Council Members Burke, Crawford, Margolis, Mutch, Staudt

ALSO PRESENT: Pamela Antil, Assistant City Manager
Tom Schultz, City Attorney

APPROVAL OF AGENDA

Mayor Landry added a discussion regarding a conference on local government in Corpus Christi, Texas to Mayor and Council Issues as Item 2.

**CM-09-03-034 Moved by Margolis, seconded by Staudt; CARRIED UNANIMOUSLY:
To approve the agenda as amended.**

Voice vote

PUBLIC HEARING - None

PRESENTATIONS

1. Recognition of Lucky Strike as host of DARE to be Addicted to Games....not Drugs

Mayor Landry said last weekend was the Novi Youth Assistants Annual Bowl Off Fund Raiser for the children of the community. He said for the third year the City of Novi took on the Novi Community School District and for the third year in a row the City won. He said the win was thanks to the team of Member Burke, David Margolis, Roger Berg, Tom Schultz and himself. Mayor Landry said they beat them by 1,000 pins. Mayor Landry thanked everyone who participated.

Mayor Landry said Novi Youth Council held an Addicted to Games day this year at Lucky Strike and the focus was on the middle school with a significant number of dollars being raised for the D.A.R.E. program. Hollie McDonald, President of the Novi Youth Council, explained they had about 300 students from the 5th to the 8th grade attend the event. She said Lucky Strike was phenomenal in this event. They put out food and organized the games and their organization and passion for this event was outstanding. She said it was an event to encourage good behaviors and show alternatives to doing drugs. Mayor Landry presented a Certificate of Appreciation to Lucky Strike Representatives who said they were proud to participate in the event and looked forward to doing it many times over.

2. Recognition for years of Service on Boards and Commissions – Tim Shroyer, Planning Commission and Zoning Board of Appeals; Justin Fischer, Zoning Board of Appeals

Mayor Landry said Tim Shroyer had been a wonderful friend to Novi. He had volunteered his time and talents in many different ways and tonight Council would recognize his service on the Planning Commission from 2001-2004 and Zoning Board of Appeals from 2005-2009. Mr. Shroyer was also a CERT volunteer, a member of the Parks Foundation and volunteered at just about all City functions. Mayor Landry said as a Planning Commissioner, he expended his own money and time to become a Certified Citizen Planner. He said it was this kind of dedication and volunteerism that made this City what it was. Mr. Shroyer said he was humbled by the kind words and his heart did lie in Novi.

Mayor Landry said for some it took years before recognizing the importance of volunteerism and being an active part of the community. However, for Justin Fischer it didn't take long at all; he started immediately after high school to be involved in his community. Mayor Landry said they would formally recognize Mr. Fischer's service to the City on the Zoning Board of Appeals from 2004-2009 with two terms as Chairman. Mayor Landry said it was an extremely important board and Mr. Fischer had given his time ably. Mr. Fischer was currently a member of the Parks Foundation and had served in many other capacities in the community. Mayor Landry said they were extremely fortunate to have the services of Mr. Fischer. Mr. Fischer thanked Council for the opportunity to serve the residents.

REPORTS

1. MANAGER/STAFF

Ms. Antil announced the Novi Theatre's production of Susical on Saturday the 14th and Sunday the 15th, and said it should be a great performance.

2. ATTORNEY - None

AUDIENCE COMMENT

Before opening Audience Comments, Mayor Landry stated that the Council had received copies of all of the comments in regard to Item #1 on tonight's agenda, which had been received prior to this meeting. He explained the steps involved in the procedure, which were followed for every rezoning request.

Numerous citizens expressed their opinions in opposition to the Legacy Parc request. The speakers were residents of various area subdivisions, such as Echo Valley, Greenwood Oaks and Island Lake. Some spoke as presidents of the homeowners associations and others spoke as individual property owners. Comments were made by Tom Van Horn, Thomas Parrish, Dr. Janet Schwamb, Leon Doolin, Karen Horan, Larry Michaels, Dennis Ringvalski, Tim Eckles, Nancy Duke and James Haley.

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

**CM-09-03-035 Moved by Margolis, seconded Staudt; CARRIED UNANIMOUSLY:
To approve the Consent Agenda as presented.**

Roll call vote on CM-09-03-035

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

Nays: None

- A. Approve Minutes of:
 - 1. February 14, 2009 – Special meeting
 - 2. February 17, 2009 – Regular meeting
- B. Enter Executive Session immediately following the regular meeting of March 9, 2009 in the Council Annex for the purpose of discussing pending litigation, labor negotiations and privileged correspondence from legal counsel.
- C. Approval of resolution recognizing The League at Novi Park as a non-profit organization for purposes of fundraising.
- D. Approval to award the Spring 2009 Tree Planting bid of 400 trees to North Monroe Greenhouse, the low bidder, in the amount of \$63,610.
- E. Consideration of request from Rojo One, LLC to transfer ownership of 2008 Class C licensed business located at 44375 Twelve Mile, Space G-147, Novi, MI 48377, Oakland County, from Bamboo-Novis, LLC to Rojo One, LLC.
- F. Approval to award a contract for design engineering services for the 2009 Neighborhood Road Program to Anderson, Eckstein and Westrick, Inc. (AEW) for a not-to-exceed design fee of \$85,975.
- G. Approval of the Amended and Restated Storm Drainage Facility Maintenance Agreement for Providence Hospital to allow the vacation of a portion of the detention system easement.
- H. Approval of City Code Amendment 08-125.21, to amend City of Novi City Code at Chapter 37 Woodland Protection Ordinance, and adopt the updated Regulated Woodland Map. **Second Reading**
- I. Approval of Claims and Accounts – Warrant No. 788

MATTERS FOR COUNCIL ACTION – Part I

- 1. **Consideration of Zoning Map Amendments 18.683, 18.684, 18.685 and 18.686 in conjunction with a Planned Rezoning Overlay (PRO) and Residential Unit Development (RUD), SP08-30 and SP08-31 from the applicant, Singh Development LLC, to rezone property located on the south side of Ten Mile Road between Napier Road and Wixom Road from R-1, One-Family Residential and RA, Residential Acreage to RM-1, Low Density, Low-Rise Multiple-Family Residential and B-2, Community Commercial and consideration of the PRO Concept Plan and RUD with amended Development Agreement. The subject property is 329.5 acres and the applicant is proposing the rezoning and amended RUD to facilitate the construction of an active adult community and senior housing facility.**

Joe Galvin, representing Singh Development, was present along with Michael Kahm requesting approval of the Legacy Parc project. He said they had discussed the Legacy Parc project with Council in March 2007 and in February 2008, and at those times had discussed building an active adult community. He said it would be a modern self-contained community in a suburban area and would be a walkable, secure and complete community, which was what was presented to Council. It would have immediate access to recreational facilities, a full range of recreation programs, shopping center, dining and entertainment for the people who lived there. He noted that this type of project didn't exist in the City. Mr. Galvin said there were two items Council would be asked to rule on this evening. The first was to determine whether the existing zoning was reasonable; he noted that in the City today there was a backlog of single family residential lots that were unsalable and no one wanted to build on them. Mr. Galvin said the zoning of the property was not a reasonable zoning by any stretch of anyone's imagination and would not be in the reasonably foreseeable future. He said one of the things a landowner had a right to expect from a community was a reasonable use of the property. He said since Mr. Kahm was before Council in 2007, there had been a tremendous downturn in the economy and between then and now it had not gotten any better. Mr. Kahm had also pointed out the population was getting older and it was likely that in 2014, 25% of the population would be over the age of 55. Mr. Galvin said it appeared to him to evidence a real and immediate demographic need for the use that Singh Development was asking the City to allow on the land. He said the City went through a Master Plan process and spent a great deal of time, money and effort to study this particular quadrant and other areas. He said that analysis showed that Novi's population of 65 and older would double from 8% to 16% in the next 15 years. Mr. Galvin said the City's Master Plan showed that this was the most compelling residential need in the City. He said pages of the Chesapeake Study were devoted to the statistical analysis of the aging population and on page 120 of their February 14, 2008 report they said "for overall implication is the build out under current zoning was likely to extend beyond 2015. Furthermore, with the aging of the population in the region, the County and Novi as well as some potential for seniors from other areas of the country, a larger proportion of housing units would be oriented to those 55 or older than previous proportions of the Novi populations in that category." He said this had significant implications to the revisions to the Master Plan and the accommodation of available land in the City of Novi. He said there was no other suitable parcel in the City for this active adult use.

Mr. Galvin said then there was the issue of the commercial and the City paid good money to the Chesapeake Group who did a market analysis and needs assessment. It showed that the southwest quadrant could support at least an additional 96,000 square feet for the sale of retail goods and services. He said it had to be put somewhere because it didn't consider their current proposal but did consider the previous proposal. Mr. Galvin said citizen input indicated that maintaining the low density residential character of the southwest quadrant was a high priority for residents. He said to preserve that character, residents were willing to travel outside of the study area for goods and services. He said the real issue raised was whether the Master Plan and the Zoning Ordinance was a function of what the existing residents in the City wanted. Or, was it a function of what the facts showed for the needs of the citizenry existing and future of the City. Mr. Galvin said while they had been going through these various procedures since 2007, this particular project had as tight a scrutiny as any other project in the history of the City of Novi, bar none.

Mr. Galvin said he heard tonight that a consultant's report said that storm water drainage would adversely affect Island Lake and an engineer determined that the project would be harmful. He said he had read every environmental report done and what the reports said was perhaps, maybe, they couldn't tell at this stage; there might be some adverse impact. However, this was without consideration of Novi's Ordinance, which was one of the most restrictive, if not the most restrictive, in the State. He also heard that the infrastructure requirements for this use would destroy the current systems. Mr. Galvin said that was not true. He said the City engineers had studied their plans and they were being required, as anyone would be, to make some adjustments and that's true. However, that doesn't provide a basis to deny this when the existing zoning was completely unreasonable. He said the proposed zoning was not only eminently reasonable but had been shown by the City's consultants to be that which was needed in the City. He felt the need was there and that the Master Plan was based on facts and met needs established by the studies. He thought this was something that should be done in every community that had available land to do it because it would be necessary to provide to people who wanted to live a life style they were comfortable with. He said the Master Plan had to be based on facts, and meet needs that had been identified through a series of studies of existing land use in the community. He didn't think it was an exaggeration to say, with respect to this parcel, that the Master Plan doesn't cut it for two reasons. First, the land couldn't be used for what the Master Plan allowed and second, the Master Plan wasn't based on the factual information that was developed by the City in connection with its adoption. He urged Council to look at the position that the City was now in. Mr. Galvin said after two years of compliance activities by this landowner and after what had gone on in the economy since the landowner initially appeared before Council, the City's Planning Commission and Planning Department said this might be a very nice project but it violated the Master Plan. He said Council was the only body that could do something about it and say they would look at the zoning, the economic situation, the community's needs for housing active adults, the commercial needs were as shown by their own studies, and approve this project. Mr. Galvin asked Council to provide them with the approvals that were absolutely necessary to do the project. He said Council could streamline the permitting process in the City and Council was the only ones who could. He said what he had been hearing lately was they had to find a way to streamline the process for economic development in the State or there wouldn't be any jobs for people to do.

Member Mutch thought what Council was hearing was the framework for a legal argument about why the City should approve the development and if the Council was unwilling to, why a court should approve the development. He said a number of statements were made and he felt it was important as a Council and a City to put on the record the facts and what he thought was an accurate representation of those statements. Member Mutch said one of the implications that had been made was that a rezoning done a few years ago along with a development agreement and RUD proposal was unreasonable. He said the argument being made was that nobody could build homes on the property but if Council accepted that statement to be true, one would have to state that every piece of single family zoned property in the City was zoned unreasonably because no one was building in the City. He said what the City was in was a once in a generation economic downturn across the board whether residential, commercial or industrial development; no one was building anything new. He said even those who want to build can't get financing. So, the argument that this property owner alone was somehow encumbered in a way that no one else in the City was, by statement of the applicant's attorney, was false on its face.

Member Mutch said another argument was no where in the City was there an active adult community and the implication was the City was engaging in some kind of exclusionary zoning whereby they had not planned or provided for this kind of land use. Member Mutch said an active adult community was not a land use; it was a development concept. It was someone's idea of how land should be planned and developed but it was not a land use in the sense that the City had ever master planned the City. He said they look at commercial, residential, industrial, office, open space and parkland areas. He commented one could argue that there was a need to be met for a certain population group and he would respond that there might be a need. If there was, one would first look to see if there were existing developments in the City that were meeting that need. Member Mutch thought it was clear that there was. He said there was a wide range of developments in the City that met the needs of the senior population as it existed today, whether an active senior or one who needed ongoing care. He said there were developments within the City and some were owned by the applicant present this evening, which were providing that service to the residents. He said to the degree that there was a need in the future, he thought the argument that would be made in the development community was that the market would meet those needs. Member Mutch said if there was a market demand, developers would come forward stating they would like to build those kinds of developments. He said watching the Planning Commission agendas lately, there was nothing coming forward. He said clearly to the degree that there's a concept demand, it was not reflected in the proposals coming forward. Likewise, there was an argument made that this active adult community could meet the future population needs of the City for that segment of the population. However, he believed if they looked at the numbers in terms of the percentages, they would see an additional senior population as the baby boomers age and new residents were attracted that this development by itself could not meet that need. So, if they were going to make the argument that this development alone was the only development that could meet that segment's need, then how would the remaining populations needs be met. Member Mutch said Mr. Galvin correctly pointed out that this project had received a lot of scrutiny from the City, like all developments, and had been reviewed by consultants, planners and the Planning Commission. He said pretty consistently across the board in most areas the recommendations to Council had been to deny the proposals in the current form. He said that scrutiny had taken place and the experts on staff had looked at and reviewed it and said it didn't meet the standards of the City. He thought the issue of standards was an important point. Member Mutch said as a City, they had been in a place similar to where they were today back in the early 1980's. The City, State and country went through an economic downturn and Novi was a growing community and probably growing faster than they had seen in the last 10 years. At that time, there were developers in this economic development arguing that the approach that should be taken was that Novi should lower its standards and not be so restrictive. He said developers were asking to build cookie cutter houses that all looked the same and the community said no. They wanted to develop a City with higher standards and one that would last 100 years and they enacted standards and ordinances that said they couldn't build cookie cutter houses; they had to vary their design along the street. He said in a couple of years the economy turned around and Novi was a place that people wanted to come to. He said if looking at Singh Development's history in the City of Novi, they had benefitted greatly from that vision and those values that were embraced by those earlier Novi residents. Member Mutch said that was what they had heard from a number of residents present tonight and in letters they received. There were a lot of fairly new residents who had chosen that part of town to make their home and had been attracted by the high standards the City had asked of the

developers. He said Singh Development had done a number of high quality developments within the City and they had been a part of making Novi an attractive place to live. However, just because there's an economic downturn doesn't mean they should relax their standards or dump the Master Plan to meet that short term economic need.

Member Mutch commented the real debate wasn't a legal one; it was what kind of vision did they want as a community and did the Master Plan embrace the values of the residents. Member Mutch thought it did and they heard it from the residents who were actively involved in its revision. He said it might not be the vision and value that a single property owner or developer had, but the Master Plan was intended to balance the needs of the residents, property owners, business community and those who worked and played in Novi with the long term vision and needs of the community. He thought at the end of the day when they look at the proposal, which really was where they had to come down on the side of that long term vision that said they would get past this economic downturn, and people would build homes again. He said to sacrifice that for a short term proposal or desire of a property owner was unwise and unnecessary. Member Mutch said he would support the Master Plan and would not support this rezoning proposal or the development plan as it had come forward. He said he would reaffirm the Master Plan and the vision and values it embraced.

Member Burke said he sat on the Master Plan and Zoning Committee when Mr. Galvin and Mr. Kahm came forward and had expressed concerns at that time. He said they had heard a little from the community then and this was on the heels of the Master Plan when they looked at the three different sections of the City and made revisions to the Master Plan. He said the southwest quadrant was an integral and most popular part of the Master Plan update. Member Burke said they heard from the citizenry when they did the update and heard from some of them the night Mr. Galvin and Mr. Kahm came before the Master Plan and Zoning Committee. The Planning Commission had voted to not recommend this to City Council. He said the citizens told Council what they wanted and what they didn't want. Member Burke said Mr. Galvin had mentioned it was the City consultants who said what was needed; it was their opinion based on facts they gathered. Member Burke said they didn't disagree with Mr. Galvin that at some point there would be a need for senior housing and no one on any commission or board had told him that it wasn't needed. He said they might very well need it but this was clearly not the location for it as indicated by the residents. Member Burke said there had not been a single resident who thought it was a good idea. He said as the amended RUD went, one of the factors was whether or not it was compatible with neighboring uses and based on the density and the density increase they were asking for, it wasn't compatible. He said the last portion was a difficult situation with them asking Council to judge and make a determination on this based on Council selling or trading them 2 ½ acres of City owned land that they needed. He said the Council had let them know time and again that they were not interested in doing this and had no plans to do it. Member Burke said he was not fully in support of this before and had hoped they would make some changes. However, as it had moved forward he saw that there hadn't been any changes made to what was brought to the Master Plan and Zoning Committee.

CM-09-03-036 Moved by Burke, seconded by Margolis; CARRIED UNANIMOUSLY: To deny Zoning Map Amendments 18.683, 18.684, 18.685 and 18.686 in conjunction with a Planned Rezoning Overlay (PRO) for the main reason that it was contrary to the Master Plan for Land Use. The RUD failed to meet considerations regarding traffic utility and the compatibility of the neighboring uses.

Member Burke said his position was fairly aligned with the motion sheet in that there was not enough support.

Mayor Landry asked if the motion needed to be more specific. Mr. Schultz asked for clarification on Member Burke's last comment, which referred to the motion sheet that was put together by the Planning Department and was in Council packets. He asked if Member Burke was proposing to adopt that recommended motion, and the findings that were in there as consistent with his previous comments. Member Burke said yes.

Mayor Landry asked if the seconder accepted that and Member Margolis stated she did.

DISCUSSION

Member Margolis said she appreciated and agreed with much of what the previous speakers said and had listened to the public comments and Mr. Galvin. She said it occurred to her how important it was not to demonize one side or the other in a case like this. She believed that business people come forward and try to do the best they could with what they had and as a Council it was their job to work with the citizens and developers and make Novi a community that both sides were proud of. She said the information in Council packets and the motion sheet very clearly reflected what she saw in the information she read as part of the proposal; the concerns about it being contrary to the land use recommendations of the Master Plan, the integration with the proposed uses of the area and the integration with that whole area, the concern shown about the deviations not providing an enhancement to that area and being inconsistent to the Master Plan. She said the problem with the development was that it had not been changed along the way when concerns were expressed. Member Margolis said she would not support the motion.

Mayor Pro Tem Gatt said he looked at the minutes from the March 5, 2007 meeting when this concept was first brought to Council. He said there were comments from Council that were in favor of the concept. He commented he would not say he was not in favor of the concept because they did have to look towards the burgeoning community of seniors that was springing upon them. He previously had said that statistics showed that someone turned 60 about every eight seconds. Therefore, there was a problem that would confront this community as the baby boomers got older. He said the Master Plan had been talked about over and over and when he first became a member of the ZBA and of Council he was told by attorneys that the Master Plan was a living, breathing document that would change when circumstances mandated that it should. Mayor Pro Tem Gatt said he would support the motion because he thought the project being presented was so much greater than the one talked about in March. He said he would listen to the residents and vote against this. However, he wanted to speak on behalf of Singh development. He said he heard several residents tonight say, "Singh's going to build this and move on". Mayor Pro Tem Gatt said he had been a part of this

community since 1975 and Singh was a part of the community then and they had never built anything and moved on. He said they were here and if they drove around the City they would see Singh Developments everywhere, and it was their developments that helped make the resident's property valuable. He said Singh Development was a quality company. Mayor Pro Tem Gatt said in this case, he thought they were over the top and would not support their endeavor tonight.

Member Crawford agreed with Mayor Pro Tem Gatt especially as it pertained to the fact that Singh Development had been a quality builder in the City for a number of years. She said the staff of Singh Development lived in Novi and had served as volunteers. Member Crawford said she and Mr. Kahm had served on several committees and he had donated his time many, many times. She said they were a part of the community as much as any resident. She said she loved the concept of an active adult community and agreed with the concept and thought there was a place for that type of community. However, it was just not right where it was planned currently. She said she understood how residents felt and appreciated that they had done their research. Member Crawford noted she was very careful when talking about making changes and alterations to the Master Plan. She felt that people depended on the Master Plan. She said she would support the motion but wanted everyone to know that Singh had been a very important part of the community.

Member Staudt said he met and talked with residents about this project and the right of residents, landowners and business owners to get a fair hearing before Council and that was happening tonight. He commented he was not interested in the introduction of commercial into that area and didn't want to sell the land. He agreed with Mayor Pro Tem Gatt's position regarding the Master Plan in that they keep an open mind for opportunities to improve it and take advantage of situations that seemed right at the time. However, this was just not that right situation and he opposed the rezoning and would support the motion.

Mayor Landry said he would echo comments of his colleagues that Singh Development had done many quality projects throughout the City. He was surprised to hear from the applicant that the current zoning was not reasonable. He said the reason he was surprised was because the current zoning was what it was because Singh requested it on December 13, 2003 and Council agreed. He said the constitutionality of the reasonableness of a zoning classification did not flip flop back and forth according to the vicissitudes of the market. He said it was either reasonable or it wasn't; it was not reasonable one year and unreasonable two years later. Mayor Landry said residential use, which it was zoned now, was a reasonable use. He said Council was told the southwest quadrant would support commercial and it might but he was sure if a study was done on the lot next to his home, it could probably support a fast food restaurant because there were a ton of kids in his neighborhood. However, that didn't mean they rezone it to a fast food restaurant. He said a municipality had the ability to determine the character of the community by dividing it into zones and that was exactly what had been done. He said there were commercial areas zoned in the City for commercial businesses and there were opportunities in the City to develop commercial. Mayor Landry said if the City wanted to say they didn't want that in the southwest quadrant, they had the right to say that. He noted there were other areas that could be developed commercially and it was not necessarily whether a particular piece of land could be developed to a business use. He said he was opposed to this particular rezoning for a number of reasons, which were all contained in the

motion incorporated by Member Burke. He said first and foremost was the density. He said Quail Hollow was approved in 2003 and was what was there now. Mayor Landry said when that was approved they struggled for months over the density on that project and ultimately agreed on 439 units. He said what was being proposed now were almost 700 units and that would be just too dense. He said they had to be concerned with what came along with density, which was traffic and infrastructure. There could be 1,500 cars on Ten Mile Road and it would be a 60% increase in REU's and an increase in peak sanitary discharge. Mayor Landry said they had to be concerned with the ability of the infrastructure to handle it. He said it was contrary to the land use recommendations and objectives in the Master Plan. He noted he was also concerned for the wetlands and woodlands. Mayor Landry said this plan included a number of ordinance deviations, which were outlined in the consultant review letters as minimum distance between buildings, building height of the day care center and senior housing facility length. Also, for the retail center, the height and setbacks, and he could not conclude that approving those deviations would be in the public interest or be compatible with the adjacent uses. He said, with respect to the RUD, the plan proposed would also require a number of ordinance deviations, setbacks, lot area width and parking space dimensions and a number of Design and Construction Standard waivers. Mayor Landry commented the project might be a good project for a particular location in a particular city and might be a very well thought out project. Mayor Landry commented he just didn't think it was right for Novi and not in this location. He said he was very concerned about the density and didn't think that the suggested benefits outweighed the burdens. Mayor Landry said he would support the motion.

Roll call vote on CM-09-03-036

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

Nays: None

- 2. Approval to award a construction contract for improvements to the Bellagio and Napier sanitary sewer lift stations to Man Con Michigan, Inc., the lowest qualified bidder, in the amount of \$211,000.**

CM-09-03-037

**Moved by Margolis, seconded by Staudt; CARRIED UNANIMOUSLY:
To approve award of a construction contract for improvements to the
Bellagio and Napier sanitary sewer lift stations to Man Con Michigan,
Inc., the lowest qualified bidder, in the amount of \$211,000.**

Roll call vote on CM-09-03-037

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

Nays: None

- 3. Approval of Ordinance 09-138.02 to amend the City of Novi Code of Ordinances, as Amended, Chapter 34, "Utilities", Article II, "Water Supply System", Division 1, in order to amend the alternate day lawn watering section to include a requirement to operate underground irrigation systems during non-peak hours of 11:00 p.m. and 5:00 a.m. Eastern Standard Time, and to amend amount of fines for violation of Subsection (a). First Reading**

Ms. Antil said in the second reading they would remove the term "Eastern Standard Time", as it caused confusion.

Member Margolis said she assumed it would exempt people who were on a well. She said the second piece said, "further, for those properties in the City of Novi that are served by automatic programmable underground irrigation systems, outdoor watering including sprinkling of lawns shall only be done during non peak hours". Member Margolis said that didn't exempt people on wells because it was a separate section.

Mr. Schultz said they would look at that between the first and second reading. He said this was primarily to deal with the public water issue.

CM-09-03-038 Moved by Margolis, seconded by Gatt; **CARRIED UNANIMOUSLY:**
To approve Ordinance 09-138.02 to amend the City of Novi Code of Ordinances, as Amended, Chapter 34, "Utilities", Article II, "Water Supply System", Division 1, in order to amend the alternate day lawn watering section to include a requirement to operate underground irrigation systems during non-peak hours of 11:00 p.m. and 5:00 a.m. Eastern Standard Time, and to amend amount of fines for violation of Subsection (a). First Reading

DISCUSSION

Mayor Landry said he would echo Member Margolis' suggestions.

Roll call vote on CM-09-03-038 Yeas: Crawford, Margolis, Mutch, Staudt, Landry, Gatt, Burke
Nays: None

4. Approval of resolution to authorize Budget Amendment #2009-6.

CM-09-03-039 Moved by Staudt, seconded by Margolis; **CARRIED UNANIMOUSLY:**
To approve resolution to authorize Budget Amendment #2009-6.

Roll call vote on CM-09-03-039 Yeas: Margolis, Mutch, Staudt, Landry, Gatt, Burke, Crawford
Nays: None

AUDIENCE COMMENT

Susan Goers thanked Council for their decision to deny the zoning request for Item #1. She said regarding the watering, she asked if there could be a variance for seniors to water their flowers at a different time. She said her elderly parents would not be able to water so late in the evening or so early in the morning.

MATTERS FOR COUNCIL ACTION – Part II - None

COMMITTEE REPORTS

Member Crawford gave an update on the Michigan Municipal League Capitol Conference she attended in Lansing. She said she agreed to be on one of the committees for the MML. Mr.

Pearson sent in her application and she was appointed to three committees. She said she was now a member of the Legislative Governance Committee, Municipal Services Committee and the Energy and Technology Committee. Member Crawford said she would keep Council up to date on what was going on in the committees. The purpose of the committees was to participate in bringing input from the communities to create a legislative agenda, create proposals to take to the State and respond to House and Senate Bills that had been proposed. Member Crawford said she was also a representative on the SEMCOG General Assembly.

Member Gatt said the Consultant Review Committee met regarding the Civil Engineering Consultants and at the next general meeting their review would be presented for a vote.

Members Staudt said the Walkable Novi Committee with Member Mutch and himself had been meeting monthly. The committee was made up of three Planning Commissioners, three Parks and Recreation Commissioners, Member Mutch and himself. He said after their next meeting they would give Council more details. Member Mutch stated that MDOT would hold a public hearing at the Civic Center on Thursday evening from 6 P.M. to 8 P.M and they would propose a pathway along M-5 between 13 and 14 Mile Roads. He said the pathway would be paid for by Federal funding. He invited residents to attend and give input, especially those at the north end of town.

MAYOR AND COUNCIL ISSUES

1. Redevelopment Area Liquor Licenses - Member Mutch

Member Mutch said at the January 26th Council meeting they discussed the question of whether the City should explore an opportunity to acquire additional liquor licenses, beyond what was allocated, through a process the State referred to as Redevelopment Area Liquor Licenses. He said the information the Clerk's office provided to Council said since 2005 there had been five applicants who were denied liquor licenses. He said Council had asked how many of those transferred a license in from another community and two of the applicants transferred licenses in. Member Mutch said he had asked how many applicants in that same time period didn't ask the City and just found a liquor license and transferred it into the City. He said the Clerk's office said there were an additional nine applicants. He said over a three or four year period eleven new businesses had come into the City by transferring liquor licenses. Member Mutch said it was an additional cost to purchase a liquor license and transfer it, and they would not be able to open on the time schedule they wanted to follow. He commented he wanted to assess the Council's interest in pursuing this, although it wasn't something that had to happen right away. He thought if they could implement a process that would save these businesses time and money, it would be worth exploring. Member Mutch said the City of Farmington had looked at this and were acquiring licenses through the Redevelopment Act process. He said for businesses that had a choice between Farmington and Novi that would be a point in favor of Farmington. Member Mutch noted he didn't want the Administration to expend time and effort on this matter, if the majority of Council did not support it.

Mayor Pro Tem Gatt and Members Margolis, Crawford and Mayor Landry were not in favor of pursuing this, at this time.

Member Staudt disagreed and thought any economic development tool that was available to Council should at least be considered. However, the wish of the rest of the Council was the way he would go on this issue.

Member Burke said he was not opposed to creating a redevelopment area or a Development Authority District that they could embrace as an economic development area, but it would be difficult to determine the location for it.

Mayor Landry stated he wasn't in favor of this, at this time. He commented that he didn't think they needed to designate any particular area of the City as a developmental area, perhaps in the future. He said they were attempting to develop the entire area and there were areas of development around the City; he didn't think they needed to designate one particular area that they wanted to focus on at this time. So, he would not be in favor of pursuing this at this time.

There was consensus of Council that, at this time, there wasn't sufficient Council interest to warrant having the Administration expend time and effort on this matter.

2. Mayor Landry added a discussion of a conference on local government in Corpus Christi Texas to Mayor and Council Issues.

Mayor Landry said one member of Council could attend the conference and he had the information available regarding the conference for anyone that was interested.

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION - None

COMMUNICATIONS:

- 1. Letter from John Kuenzel re: Proposed Legacy Parc for the Southwest Quadrant of the City.**

AUDIENCE COMMENT

Council adjourned to Executive Session at 8:58 P.M.
Council reconvened at 9:22 P.M.

- 5. Approval of the Collective Bargaining Agreement between the City and the Fire Local 3232 for the period of July 1, 2006 to June 30, 2009.**

**CM-09-03-040 Moved by Margolis, seconded by Staudt; CARRIED UNANIMOUSLY:
To approve the Collective Bargaining Agreement between the City
And the Fire Local 3232 for the period of July 1, 2006 to June 30,
2009.**

Roll call vote on CM-09-03-040

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

6. Adopt Resolution for Changing MERS Benefits for the Fire Fighters Union Local 3232 Division 5 (benefit improvement from B-3 to B-4 through employee contribution) pursuant to the contract.

**CM-09-03-041 Moved by Margolis, seconded by Staudt: CARRIED UNANIMOUSLY:
To approve adoption of Resolution for Changing MERS Benefits for
the Fire Fighters Union Local 3232 Division 5 (benefit improvement
from B-3 to B-4 through employee contribution) pursuant to the
contract.**

Roll call vote on CM-09-03-041

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

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 9:24 P.M.

David Landry, Mayor

Debra Blashfield, Deputy Clerk

Transcribed by Charlene Mc Lean

Date approved: March 23, 2009