

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY – FEBRUARY 22, 2010 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 Gatt, Council Members Crawford, Fischer, Margolis, Mutch, Staudt

ALSO PRESENT: Clay Pearson, City Manager
Pamela Antil, Assistant City Manager
Tom Schultz, City Attorney
Barbara McBeth, Director of Community Development

APPROVAL OF AGENDA

CM-10-02-022 Moved by Gatt, seconded by Margolis; **CARRIED UNANIMOUSLY:**
To approve the Agenda as presented.

Roll call vote on CM-10-02-022 Yeas: Gatt, Crawford, Fischer, Margolis, Mutch,
Staudt, Landry
Nays: None

INTERVIEWS FOR BOARDS AND COMMISSIONS

1. Christopher Berry – Library Board

Mr. Berry stated he grew up in Farmington and had spent a great deal of time in libraries while in school and in Law school. He said he and his wife had moved to Novi and planned on establishing roots. He commented they were expecting their first child and were looking forward to raising their child in the Novi School system and with the resources of the Novi Library. He said he was excited to give back to the community in any way he could. He said he had experience on different boards as an attorney and served on the Bloomfield Chamber of Commerce on the Ambassador Committee and on the Building Committee of his church. Member Staudt asked if he had sat in on any of the Library Board meetings and asked what he could bring to that board. Mr. Berry responded he had not sat in on the meetings but did look forward to contributing his organizational skills and his passion for leadership to the board. He noted he was now participating in Leadership Oakland, which was a training ground for establishing leadership training and resources in Oakland County. Member Crawford asked what he liked most about the City of Novi. Mr. Berry said he grew up next door to Novi so he knew a lot about the City. He commented he specifically chose Novi because they were familiar with the City and he was an assistant coach of the JV soccer team for a year at Novi High School. Mayor Pro Tem Gatt asked how he would answer the question “why is a Library needed when the Internet is available”. Mr. Berry thought there was something special about holding a book, there was a different level of learning and the feeling of community inside the Library. He said he always enjoyed browsing the Library, which was a different experience than what one could get on the Internet. Member Margolis asked what he thought the Library Board could provide as the new building opened. Mr. Berry responded the Library Board could provide leadership. He said there would be a lot of different opportunities the new building

could provide and there would be a certain amount of managing expectations. Member Mutch asked, as a Library user, what was the biggest change he had seen and if appointed to the Library Board, what needs he expected to see coming forward from the community in the future. Mr. Berry replied, whether for community events or education, the Library should be a coming together place for the community. He felt that technology would have a huge affect on what the Library provided whether audio books, etc. Member Fischer asked what his impressions were of the new Library. Mr. Berry said it looked amazing and it would offer another opportunity for community gathering. Mayor Landry welcomed Mr. Berry to Novi and said he was pleased that he was offering to serve after moving to Novi only a year ago. Mayor Landry said Novi was blessed because it had a lot of people who were willing to serve on boards and commissions. He asked Mr. Berry to come back if he wasn't appointed, because there were other boards and commissions.

2. Lynne Boyle – Library Board

Ms. Boyle said she recently moved to Novi from Detroit and found Novi to be a lovely City. She said she would be happy to do whatever was needed in the City of Novi and wanted to help in any way she could. She commented she wanted to jump at this opportunity to be of service because she wanted to pay back for the ten years of piece of mind that the Council had provided for her. Ms. Boyle said she belonged to 12 different organizations when she lived in Detroit and would like to be of service to the City of Novi. She said Mr. Berry knew a lot more about libraries than she did and sounded perfect for the appointment. Ms. Boyle said she would be happy to be the gopher on any of the committees that had an open slot. She said she could address envelopes, use a Pitney Bowes, write speeches and was handy at a whole bunch of stuff. She said she didn't have to have a title. She noted she had a doctorate in Instructional Technology but it was such an old doctorate that they didn't even deal with computers back then. She said she had been president of this and that but she didn't need a title; she needed service. Member Crawford noted she had been serving on the SWOCC board and one of the comments she made was that it wasn't a good fit for her. Member Crawford asked her to elaborate on that. Ms. Boyle replied she was a writer and producer and her show, titled Interfaith Odyssey, was going into its ninth year on Channel 56 and in 2006 she won an Emmy. She thought it would be more of the production at SWOCC but it was more of a crew job and she wrote, produced, and did voiceovers. Ms. Boyle said it just wasn't what she did and what they needed. Mayor Pro Tem Gatt said she was a fascinating lady and he would be disappointed if the City couldn't find something for her to do. He felt certain someone would call her and they would find something for her to do. Member Margolis asked what other areas she would be interested in. Ms. Boyle noted she had chosen the Library Board because it was a closer fit with her doctorate but she would be happy to be on any board Council saw fit. Member Mutch asked what other interests she had that she felt would be a good fit. Ms. Boyle responded she ran the WDTR radio station in Detroit for 14 years, if Novi had a radio station, and also did public relations work. Member Fischer asked about her impression of the library. Ms. Boyle noted she took the computer classes at the Library and found them excellent and would recommend them. She also thought the Library might be able to do something with reading to young people on Saturdays. Member Staudt asked if she had contacted the Library or the Novi Community Relations Director, for an opportunity outside of an appointed position. Member Staudt said they were very busy and having a good writer available with public relations experience could be very valuable even outside a board or commission. He encouraged her to talk with the Librarian to see if there was anything there.

Member Staudt noted he was always interested in looking for someone who would write the definitive history of Novi. Mayor Landry said she might be interested in knowing that the Novi Library had more participants in the children's reading program than Detroit had. He also encouraged her to look into the Friends of the Library. He said with the new Library, the Friends of the Library would have their own location, there would also be a book sale room, and coffee shop and he strongly encouraged her to look into that, as they were always looking for new members.

3. Jeffrey Gedeon – Library Board; Zoning Board of Appeals

Mr. Gedeon said he lived and worked in Novi as a patent and trade mark attorney and had a Masters Degree in Library Science. He said his education and work experience complement the Library's mission nicely as his background was in computer and information technology consulting. He noted he was a practicing attorney right now but both of those professions were highly analytical and involved lots of problem solving types of work. Mayor Pro Tem Gatt asked why they needed the Library when there was the internet. Mr. Gedeon said the Library was the centerpiece of the community and not everyone had access to the internet at home. Member Margolis asked what goals he would have for the new Library. Mr. Gedeon thought a lot of it would revolve around enabling everyone in the community to have access to this great new facility. He thought it would be a matter of not only marketing and letting everyone know what was available but also making sure that the programs run smoothly. He thought the board's role was one of oversight rather than providing outright direction, as there were competent professionals working at the Library. Member Mutch asked if he was considered for the ZBA, what would he bring to that position. Mr. Gedeon said he didn't have any specific experience with zoning but, as an attorney, thought he had a good handle on zoning ordinances and would be able to size up the facts of the situation and come up with a good decision. Member Fischer asked if he would be satisfied with the alternate ZBA position, or would he be looking for a more permanent role. Mr. Gedeon said he was interested in becoming more involved in the community and if that meant starting out as an alternate, he was fine with that. Member Staudt stated he was always amazed at the quality of people that come out for these interviews. He thought Mr. Gedeon would fit in well with either the Library Board or the ZBA and thanked him for applying. Member Crawford asked if there was anything he didn't see in Novi that he thought the City needed. Mr. Gedeon said he chose the City of Novi and was pleased with the organization of the City and the City services that were provided. Also, the fact that Novi had chosen to build such a fantastic new Library building, which he thought was a testament to the management, organization and priorities of the City. Mayor Landry asked if he had attended or watched any ZBA meetings. Mr. Gedeon said he had not but did review the meeting minutes. Mayor Landry asked if he had any experience appearing before a ZBA, and he replied he had not. Mayor Landry asked if he would be willing to begin as an alternate and he said he would.

4. Barbara Greenberg – Beautification Commission

Ms. Greenberg could not be present.

5. Nancy Lash – Beautification Commission

Nancy Lash stated she had lived in Novi for eight years, had three young children and was very involved in her children's school system. She said she would like to help out the City and be involved wherever she could. Member Margolis asked what she would like to see the Beautification Commission involved in. Ms. Lash said first she would like to know what the Beautification was doing right now and how she could get involved in it. She said she was already involved in her homeowner's association and organized some of the subdivisions beautification. Member Mutch noted her efforts in the subdivision would be similar to what the work of the Beautification Commission was like but with a City wide focus. He noted there was a rain garden at Tollgate Farms that the Commission built and other things that had gotten the Commission statewide recognition. He asked if there were certain aspects of the community when thinking of the activities she had done, that would allow the appearance of Novi to be improved. Ms. Lash said she hadn't seen anything she would want to change right now, but would like to contribute to the City. Member Fischer said he had no questions. Member Staudt noted there had been ample opportunities for the Beautification Commission to weigh in such as the Fuerst Park and the things they were talking about at the Walled Lake property. He asked how she felt about the Fuerst Park. Ms. Nash said they went to see a movie there. Member Staudt noted they would like to see some active community gardens there and thought the Beautification Commission could have a big hand in that. Member Crawford asked Ms. Nash about time constraints. Ms. Nash replied she didn't think it would take that much of her time and if it made a difference, that's where she wanted to be. Mayor Pro Tem Gatt said he appreciated her volunteerism. Mayor Landry also thanked her for coming out.

6. Mark Sturing – Library Board

Mark Sturing stated he had lived in the City for 21 years and was currently on the Library Board and was the Treasurer. He said he was the General Counsel for the Bezteck Companies. He said he wanted to continue on the Library Board to see it take its next step forward. Member Mutch asked how the board would balance the expectations of the community with the needs of the new building in terms of staffing and resources with the decline in property tax revenues. Mr. Sturing thought that was the most basic and central that they, as a board, had going forward. He said they would double the space and needed the staff to function in that space. He said, in preparation of this, they had put as much technology into the new building as possible such as automatic checkout. Therefore, they would be able to utilize some of the existing personnel to do other things. He noted the Library didn't spend all the money they received, so they had \$300,000 or \$400,000 a year from the past four or five years in reserve. Member Fischer asked what he brought to the board that was unique. Mr. Sturing thought having a background and experience in building, finance and building operation was a little more unique than other people. Member Staudt said the Library had always been good at using volunteers and asked if he saw an expanded role of volunteers as a result of what they were facing financially down the road. Mr. Sturing thought there was always an expanding role for volunteers and there were a lot of people who liked to volunteer at the Library. Member Crawford said Mr. Sturing was one of the most valuable volunteers who really aggressively tried to help and really be a part of it. She said she doubted there would be senior housing if it wasn't for Mr. Sturing's efforts on the Building Authority. She asked what he thought was the most critical thing as they looked at the new Library facility. Mr. Sturing thought it would be the café. It might not be the most critical thing but it was the most different and the most unique and would create situations they had not dealt with before. He said they could see it all as opportunities too and bring it in as a gathering point and more of a community center. He said

they anticipated they would have more activities and functions than they ever had before. He thought those were newer challenges that they would have to deal with and they were very comfortable and confident that they could deal with them adequately. Mayor Pro Tem Gatt asked what was the one thing he wished they would have done and how could they fix that right now. Mr. Sturing said he couldn't think of anything right now that they should have done but didn't. He said they started the program with the ability to expand and during the process they were able to expand early. He said there was nothing, and noted there was extra undesignated space for the unknown. Member Margolis said Mr. Sturing had been such a great asset to the community and she was very proud of the work he had done. Mayor Landry thanked Mr. Sturing for lending his expertise and his willingness to work for the City.

7. Ramesh Verma – Library Board

Ramesh Verma noted he had been living in the Novi area for the last 30 years. He said they started the soccer programs for the kids and he became the assistant coach and went for the certification to become a referee. He said in three or four years he left and there were close to 400 kids in the soccer program. He noted he worked at the University of Michigan as a Director of Design Construction and Utilities and his background was in construction management. He said he also worked for Henry Ford Health System and in 1999 worked for State politics and became very active, and was appointed as a commissioner for the State of Michigan Office of the Aging. He said presently he was on the Library Board as Vice President and it was a joy to work with the board and the Library staff. He said he really enjoyed working with the architect and engineers, and during the construction phase he was looking into how the progress of the construction was going. He said now he was on the Celebration Committee to have a wonderful celebration in June. Member Fischer asked what one particular educational or professional experience he had that made him uniquely qualified for the Library Board. Mr. Verma replied he was bringing his management and leadership experiences to the Library Board. Member Staudt said if appointed to a second term, what would the challenges be. Mr. Verma said it would be important to work together operationally with the same money and less revenue to take care of a bigger building with the same amount of people. Member Crawford thanked him for applying again, for volunteering and choosing Novi 31 years ago. She asked what he appreciated most about the City. Mr. Verma said 31 years ago there were only 30 or 40 diverse people in Novi and now the population was full of diversity. He noted that the City Council encouraged the current diversity and were all available to speak with at any time. Mayor Pro Tem Gatt and Member Margolis had no comments and thanked him for his hard work. Member Mutch asked what the biggest opportunities were for the Library to make its place in the community even more important and more visible. How was it going to be a bigger part of the community and what role did he see the Library playing. Mr. Verma noted that there would be a place for people to sit outside to read and have a cup of coffee. He said also the tiles that were put in told the history of different cultures and the culture of America and the race car. Those were the unique things that no other Library would have. Mayor Landry asked if the Library would help address the diversity of the community, and would it be something that the different cultures used. Mr. Verma stated there were about 60,000 of the East Indian population and these items should be brought to their radio programs. He said they had about six radio programs and he had been trying to ask them about talking about Novi to other communities.

8. Larry Czekaj – Building Authority

Mr. Czekaj said he had been in Novi for 23 years and was a practicing attorney currently in counsel with TCF Bank. In addition to buying and developing property for their use, he had also been in charge of the construction loan portfolio for the bank and had spent a lot of his time with borrowers, finance and construction projects. He noted the three projects that he had been a part of on the Building Authority were the Novi Ice Arena, Meadowbrook Commons and the new Library project. Member Staudt asked what the Building Authority would do after the Library project was completed. Mr. Czekaj stated they would review the financials of the Library project on a quarterly and annual basis, as well as the Building Authority, Ice Arena and Meadowbrook Commons financial performance. The Building Authority would turn over the reins of the Library to the Library Board and staff within the next 90 days or so. Member Crawford asked what the greatest challenge was for a Building Authority. Mr. Czekaj replied aside from bonding issues, it was meshing the public and private sector attitudes and work rules and constraints that they had. Mayor Pro Tem Gatt thanked him for serving and said he had his support. Member Margolis said if she looked at the performance of the Building Authority, she would look for a quality project, on time and under budget. She said Mr. Czekaj had performed well on all of those items. Member Mutch asked if there was anything he would have done differently. Mr. Czekaj said yes, his only regret was not having a bio-wall, which was a wall of greenery that was integrated with the heating and cooling systems and helped with the purification and humidification of the air. He said it was really cool to look at. The reason they chose not to do it was from a dollars and cents perspective. He said they compensated the wall in question very nicely and were able to expand the physical size for the future. He also mentioned the donation of 1,600 4 x 4 life tiles denoting the history of Novi that were painted by a local artist. Member Fischer asked how many books the Library had tagged and he responded a lot. Mayor Landry thanked him for his service and patience over the years.

PUBLIC HEARING

- 1. Possible vacation of the City's interests in a portion of roadway located in Chapman Walled Lake Subdivision, Pratt Subdivision, and Walled Lake Road Shores Subdivision, and to vacate certain other unplatted roads, all in the area of the City-owned property in the "Landings" area near Old Novi Road and Thirteen Mile Road in the City of Novi.**

Mayor Landry opened the public hearing at 8:12 p.m.

John Morgan noted he bought a home across the street from the Landings about a year ago and asked why there was suddenly such an interest in a zoning change. He hoped nothing drastic would be done to it and hoped it would remain as it was.

Mayor Landry explained that a public hearing was an opportunity for members of the public to make comments and was not a give and take. He said he was sure the City Manager or someone from his staff would be happy to provide the information he was seeking.

Mr. Morgan said he and his wife really enjoyed walking around the park area and hoped that nothing drastic would be done to it. He thought it was suspicious to him that it would

be moved from Business to Residential zoning unless there was some type of plans that were going to be made. However, he had not heard that there were plans for the property. He said he hoped it would remain the way it was.

Mayor Landry said if he would stay for Item 3 on the Agenda, he thought he would learn a little more.

The public hearing closed at 8:14 p.m.

PRESENTATIONS - None

REPORTS

1. MANAGER/STAFF

Mr. Pearson reported that David Molloy was now the Director of Public Safety and Chief of Police and Jeff Johnson would be the Director of EMS and Fire Operations. He said he was very confident in the leadership of both the Police and Fire sides of the operation and that this change would be successful. He noted it also met one of the challenges of staff to save money and improve service.

2. ATTORNEY - None

AUDIENCE COMMENT

Laura Casey, Library Board President, noted the Library Board would like to challenge the Council to a RFID tagging contest and the challenge would begin on March 1st and end on March 29th. She asked Council to schedule time in no more than groups of three with Library staff. She said the team that tagged the fewest would provide the team that tagged the most a pizza dinner prior to the April board meeting.

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

CM-10-02-023 **Moved by Margolis, seconded by Fischer; CARRIED UNANIMOUSLY:
To approve the Consent Agenda as presented.**

Roll call vote on CM-10-02-023 **Yeas: Crawford, Fischer, Margolis, Mutch, Staudt,
Landry, Gatt**
Nays: None

- A. Approve Minutes of:
 - 1. February 8, 2010 – Regular meeting
- B. Approval of Final Payment to DIII, Inc., for the Police Department Roof Replacement, in the amount of \$126,470.
- C. Approval of a Completion Agreement for SP04-56 Stoneridge Office Park with a waiver to allow reduction of the required financial guarantee by \$675 to a total of \$274,224.

- D. Approval to award the contract for office supplies to Global Office Solutions, through the Wayne County Schools Purchasing Council (WCSPC) cooperative purchasing program, for one (1) year with two (2) renewal options in one (1) year increments for the estimated annual amount of \$58,000.
- E. Approval of the Final Balancing Change Order and Final Payment to Koala-T Construction, for the 2008 Pathways project in the amount of \$8,171.29.
- F. Acceptance of a warranty deed from Flagstar Bank, FSB for the dedication of 60 feet of right-of-way along Novi Road and Ten Mile Road for the Flagstar Bank site, located at 24235 Novi Road (parcel 22-22-400-014) and approval to execute a Quit Claim Deed conveying the dedicated 60 foot right-of-way to Oakland County.
- G. Approval of the Final Balancing Change Order and Final Payment to A & M Construction, for the Meadowbrook Commons Detention Pond Excavation project in the amount of \$15,796.76.
- H. Approval to award an amendment to the engineering services contract for additional construction phase services to Spalding DeDecker Associates, Inc related to the Meadowbrook Commons Detention Basin Excavation project in the amount of \$1,234.
- I. Approval to award a one year renewal option of the Municipal Parking Lot Striping contract with Hart Pavement Striping Corporation, based on the terms, conditions and pricing of the existing contract for an estimated annual cost of \$9,420 and an effective date of May 18, 2010.
- J. Approval to award a one year renewal option of the Replacement of Raised Pavement Markers contract with P.K. Contracting, Inc. based on the terms, conditions and pricing of the existing contract for an estimated annual cost of \$10,595 and an effective date of May 18, 2010.
- K. Approval of the request of Schroeder and Holt Architects for a Section 9 façade waiver for the existing Kohl's store located in the West Oaks Shopping Center, SP 10-04. The applicant is proposing to redesign a portion of the existing front façade of the Kohl's store and requires a waiver for an overage of EIFS. The property is located at 43550 West Oaks Drive in the RC, Regional Center District.
- L. Acceptance of a Conservation Easement from Brightmoor Christian Church, for the property located on the north side of Thirteen Mile Road, west of M-5. The easement contains 2.9 acres.
- M. Approval of Claims and Accounts – Warrant No. 813

MATTERS FOR COUNCIL ACTION – Part I

- 1. **Consideration of City Code Amendment 09-125.22, to amend City of Novi City Code at Article V, “Wetlands and Watercourse Protection” of Chapter 12, “Drainage and Flood Damage Prevention”, and adopt the updated Regulated Wetland and Watercourse Map. First Reading**

Mr. Pearson said there were positive recommendations from the Planning Commission and staff and it would bring the City in sync with new State regulations.

CM-10-02-024 Moved by Margolis, seconded by Crawford; CARRIED UNANIMOUSLY: To approve City Code Amendment 09-125.22, to amend City of Novi City Code at Article V, "Wetlands and Watercourse Protection" of Chapter 12, "Drainage and Flood Damage Prevention", and adopt the updated Regulated Wetland and Watercourse Map. First Reading

DISCUSSION

Member Mutch said the change to the MDEQ to MDNRE was not reflected in the language of the ordinance and asked if it would be addressed in the Second Reading. Mr. Schultz stated it would be.

Roll call vote on CM-10-02-024 **Yeas: Fischer, Margolis, Mutch, Staudt, Landry, Gatt, Crawford**
Nays: None

2. Approval of Zoning Ordinance Text Amendment 18.238, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance, at Article 15, B-3, General Business District, Section 1502, Principal Permitted Uses Permitted Subject to Special Conditions, at Article 25, General Provisions, Section 2505, Off-street Parking Requirements, and at Section 2506, Off-street Stacking Space, Layout Standards, Construction and Maintenance in order to include drive-through uses in the B-3 District and clarify the requirements for fast food parking standards and stacking space requirements. Second Reading

CM-10-02-025 Moved by Margolis, seconded by Gatt; MOTION CARRIED: To approve Zoning Ordinance Text Amendment 18.238, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance, at Article 15, B-3, General Business District, Section 1502, Principal Permitted Uses Permitted Subject to Special Conditions, at Article 25, General Provisions, Section 2505, Off-street Parking Requirements, and at Section 2506, Off-street Stacking Space, Layout Standards, Construction and Maintenance in order to include drive-through uses in the B-3 District and clarify the requirements for fast food parking standards and stacking space requirements. Second Reading

DISCUSSION

Member Mutch advised Council he would be voting against this item as he did on the First Reading. He said there were a number of ordinance items that were contemplated in the last Master Plan update that still had not been brought to Council. He said now they were in the process of updating the Master Plan again, and in terms of prioritization from the Planning Department he would like to see more focus on those outstanding items. He thought there

were other things that had a higher priority to be done versus this, which was really a house-keeping item with the expansion of the fast food uses.

Roll call vote on CM-10-02-025

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

- 3. Consideration of City-initiated Zoning Map Amendment 18.693 for “The Landings” property to rezone land in Sections 2 and 3, located north of Old Novi Road and Thirteen Mile Road, east of South Lake Drive and on both the west and east sides of East Lake Drive, from B-3, General Business District to R-4, One-Family Residential District. The subject property totals approximately 13 acres.**

Mr. Pearson said this item resulted from a Council policy discussion about how Council wanted to see the City owned property going forward. He said it was a positive recommendation for the rezoning to a residential underlying district, which would be in keeping with the Master Plan for Land Use. Mr. Pearson said it would be a better fit for what Council identified as the long term use of the property, which was passive recreation space with some active areas. He said it was in keeping with it as green space and removed the inconsistency and any confusion that might rest with that area.

Member Staudt thought this took a very desirable designation for the property and made it a much less desirable designation. He said B-3 meant lots of things and R-4 meant houses. He stated they had no intention of putting houses on the lakefront part of the property. He noted they had talked about this for a number of years and their intention was to put a passive park there. However, there was some housecleaning that was necessary to designate this very valuable piece of property as parkland and commit it to the long term use of the citizens.

Member Mutch said he wanted clarity in terms of the rezoning boundaries. He said the point he raised when this was first before Council was there was a parcel that fell within the City owned parcels that was privately owned. He said he asked that the zoning be limited to City owned property only. He thought it was a small parcel that had access to the lakefront and to South Lake Drive. He asked if that property was excluded from the rezoning boundaries. Ms. McBeth said she believed that the legal description was carefully reviewed by staff, engineers and the attorney’s office. She thought they had the proper legal description and was only embracing the properties the City owned.

CM-10-02-026

Moved by Margolis, seconded by Crawford; CARRIED UNANIMOUSLY: To approve City-initiated Zoning Map Amendment 18.693 for “The Landings” property to rezone land in Sections 2 and 3, located north of Old Novi Road and Thirteen Mile Road, east of South Lake Drive and on both the west and east sides of East Lake Drive, from B-3, General Business District to R-4, One-Family Residential District for the following reasons: It was generally in compliance with the future land use map and the Master Plan for Land Use update and the proposed R-4 zoning was consistent with the residential zoning surrounding the property. The subject property totals approximately 13 acres.

Mayor Landry said, for the benefit of the gentleman that spoke during Audience Comments, the property was open parkland now and they intended to leave it as open parkland. He said even though it was an open green area it was zoned business right now, so they were decreasing the zoning down so it was not as active. He said there was a wonderful plan on the City's website for the property to maintain it as passive open green space. He said currently the City had no intentions of putting any high intense use on the property.

Roll call vote on CM-10-02-026 **Yeas: Mutch, Staudt, Landry, Gatt, Crawford, Fischer, Margolis**
Nays: None

- 4. Approval of Zoning Ordinance Text Amendment 18.239, to amend Ordinance No. 97-18, as amended, the City of Novi Zoning Ordinance at Article 2, "Construction of Language and Definitions, Zoning Districts Map, Section 201, "Definitions," to amend the definition of gasoline service stations to specify permitted accessory uses with a limited prohibition on the sale of alcohol and Article 25, "General Provisions," Section 2505, "Off-Street Parking Requirements" to revise the parking requirements for self-service gas stations. Second Reading**

CM-10-02-027 **Moved by Crawford, seconded by Fischer; MOTION CARRIED:**
To approve Zoning Ordinance Text Amendment 18.239, to amend Ordinance No. 97-18, as amended, the City of Novi Zoning Ordinance at Article 2, "Construction of Language and Definitions, Zoning Districts Map, Section 201, "Definitions," to amend the definition of gasoline service stations to specify permitted accessory uses with a limited prohibition on the sale of alcohol and Article 25, "General Provisions," Section 2505, "Off-Street Parking Requirements" to revise the parking requirements for self-service gas stations. Second Reading

DISCUSSION

Member Mutch reiterated his opposition to this ordinance change. He commented he didn't think it was good public policy to permit gas stations to be selling liquor either in their current locations or to permit that for future locations of gas stations with a food mart. Member Mutch said something they should have been mindful of was the fact that they had a memo from the Police Department recommending against this change. Also, the Planning Commission had suggested, in their recommendation, a much larger square footage requirement to not only limit this use but also direct it towards locations that were more appropriate for these kinds of sales. Member Mutch said he would like to see them outright prohibited as some other communities had done. He said he could not support the ordinance changes as proposed.

Member Staudt said he would not support this motion, as he didn't feel it was a necessary ordinance at this time.

Roll call vote on CM-10-02-027 **Yeas: Landry, Gatt, Crawford, Fischer, Margolis**
Nays: Staudt, Mutch

5. Consideration to create a Short-Term Alcohol Allowance Policy for specific events at the Civic Center.

Mr. Pearson said they were asking for policy direction. He said there had been requests from potential renters of space at the Civic Center and it was an opportunity that could be used for various social or special events. He said they had done some research and tried to present parameters and were seeking to find out if Council was interested in trying this on a focused basis.

Member Margolis asked if they were going to limit it to the Civic Center. Mr. Pearson said the Civic Center and the Library as they had expressed interest with the new facility as it presented different opportunities. She said there was a suggestion from Risk Management in their packets, which she really agreed with, as she thought requiring whoever it was to have a professional caterer. She said both a professional caterer with a liquor license and a caterer were mentioned. She asked what requirement they could put on it because she was very much in favor of a requirement that someone had to be licensed to be able to do that. Mr. Schultz said with a private party it was a certified bartender, licensed caterer or a professional caterer but they would not be bringing any kind of a license to the table. He said the facility would still be unlicensed, but they could make sure that people had gone through the training programs and know how to spot serving errors, etc. Member Margolis said that was what she was looking for as far as how the City would determine what a professional caterer was. Mr. Schultz said they would find a way to describe it and would probably look at some other community's rules and policies that describe how they had to convince the staff that they meet the requirement. Member Margolis stated she would be very much interested in that as an extra safeguard that allowed that kind of oversight. She said she would be willing as long as there was that provision in there.

Mayor Pro Tem Gatt said this building was built in the 1970's and the people who built it, the committee that put it together and the Council's that followed certainly talked about this issue several times. He said it was agreed that they didn't want alcohol in the Civic Center for obvious reasons. He said alcohol and parties usually meant trouble, not always, but it could. He said nothing had changed since those days other than the economy was worse and now the City might be looking for ways to make money. He said he had heard it said that it was easier to rent the Civic Center if there was alcohol allowed. He said he had done some research and last year in the Michigan House, HB 4228, was introduced by Representatives McMillan and Lund which would make it illegal for a government entity to do something out of their normal purview that competed with private industry. He said that bill did not become law and died in committee. If they take this action tonight and it passed on a permanent basis, they would be competing with the Rock Financial, for one. He said there would be weddings, bar mitzvahs, etc. booked at the Civic Center that would normally go to the Rock and that was a private enterprise that the Civic Center would steal business from. He said the Library might be a different story if talking about a small room to celebrate their grand opening, or something, on a special basis once in a while. He felt that would be different. He felt to rent the building out and allow alcohol would be putting residents at risk. He thought someone would have one too many and drive down Ten Mile and kill a family, the City of Novi would be liable. He said he didn't care about all the insurance the City would have to carry; the City of Novi and its residents would be liable. He said he would never support the motion.

Member Mutch said they were really dealing with two separate issues. One was the private parties and permitting them bring alcohol to those events, which was contrary to the City Ordinance, with the exception to Lake Shore Park where alcohol was allowed. He said the other was the question of the non-profit events and the special liquor license from the MLCC that could be issued. He asked if that was also a question that because of our current ordinance, even if an organization was able to secure one of those one-day licenses from the Police Chief, they couldn't utilize it at the Civic Center. Mr. Schultz said no, if there was a special event and it was licensed, it would be an exception to the definition of a public place in the alcohol ordinance. He said technically with the approval of the Police Department right now, if they brought a license in, they could consume alcohol in the Civic Center with that special event license. He said he didn't know if anyone had ever asked for that, or if the Police Department would grant that approval if requested. Member Mutch said some of these licenses had been issued through the Police Department to non-profit organizations. He assumed they were for fund raising events or celebration events that these organizations have elsewhere in the City. He said they rent some facility and then have a license to serve alcohol. Mr. Pearson said that was his understanding. He said he wasn't clear on the non-profit organizations. He asked if Council needed to provide policy direction as far as those went. He said if they took Mayor Pro Tem Gatt's approach and didn't want those in Novi, then they needed to change the ordinance to make that clear. He asked, if those were already permitted, what other action would they need to take in regard to the non-profit one-day license. Mr. Schultz said for the non-profit special event, with the insurance and the approval of the Police Department, it was permitted. If they didn't want to allow that anymore, they would have to amend the ordinance to take that phrase out. Member Mutch said Mayor Pro Tem Gatt raised the question of the Library having alcohol at their grand opening, etc. He noted currently under the City Ordinances, because of the definition of public place and the exception for these licenses they could, if they secured a one-day license, through whatever non-profit organization secured, they could have alcohol present. Mr. Schultz stated they could as long as the Police Department approved it and presumably that would be driven by the policy the Council's debating now. Member Mutch said currently the ordinance language allows this exception by definitions in the ordinance. Mr. Schultz said the City permitted that particular kind of event, special license, cash bar or liquor for sale as opposed to part of an event where there was no cash bar as long as the community agreed through the Police Department. Mr. Schultz noted there were some location issues in regard to schools and churches, which might come into play, which could also need resolution from the local body to approve. He thought Council would have to have the discussion either way on whether or not these would be permitted. Mr. Schultz stated he didn't know why none of these events in buildings occurred but they were permitted as long as the Administration knew to allow them. Member Mutch asked regarding the State Law and the application of those licenses and the regulation of those events, was there anything in the current ordinance or policy that was contrary to that and created a conflict. Mr. Schultz said there was the provision in the alcohol ordinance that might conflict with what was in the parks ordinance, which talked about prohibitions. He said they would probably need to be cleared up because in one park, there might be a policy approved that was probably contrary to the ordinance that allowed it. He said State Law allowed liquor in parks unless the City prohibited it and the ordinance actually did prohibit it. He stated he didn't know how Lake Shore Park was exempt from that but it should be cleaned up and it's one of the recommendations in the letter. Member Mutch said regarding the one-day licenses, they did have some events in the City that were multi day events that non-profits hold. If they were to hold several days of events, could they request multiple days' licenses

with separate requests? Mr. Schultz said yes. Mr. Schultz thought if they were going to start doing this, they needed a set of rules in place as to when they would approve it, what kind of rules would apply and who they would allow to take advantage of it. So, the question was still there even if they could do it hit or miss now. Member Mutch said in terms of the actual policy as it applied to the Civic Center for the rental situations where groups rented the rooms he could go either way in terms of those groups bringing in alcohol for their personal use. He said he knew a number of the other community Civic Centers did permit that limited application of it. Member Mutch said he was not sure he would agree with an approach that forced groups to go to a professional caterer; he thought there was another way to approach that regarding what they were required to meet to have alcohol for that limited use. He said it sounded like there was a policy in place and it was just a matter of setting some direction for the people who were actually applying those policies regarding the review process. He didn't see a particular need, at this time, to take any additional action in that regard.

Member Crawford noted there were some situations when she, as Director, wanted to serve just one drink with a Breakfast at Tiffany's program or Irish coffee for St. Patrick's Day as an enhancement to the program. However, both of those drinks contained alcohol and she couldn't do it and she was aggravated by that but when she thought about it she knew if she did everyone would think it was fine even if it interfered with things like medication. She said she didn't consider all of the things that might happen as a result of that one drink. Member Crawford said, unfortunately, people have come to equate alcohol with fun and most people drink alcohol responsibly but that small percentage of people that don't know when to stop or say no was a huge liability for a municipality. She said alcohol affected each person differently. They might only be served one glass of wine or a beer at the Civic Center but it might lead to another stop or the person might have already been imbibing before they got to the Civic Center. Member Crawford noted she thought a lot about this and didn't believe that, regardless of how much money the City could make, alcohol should be allowed to be served in the Civic Center. She stated she didn't want to compete with the private sector and she didn't believe people would stop coming to the theatre because alcohol was not offered. She also didn't believe how they could possibly police how much a person would drink at a special event at the Civic Center. Member Crawford said they couldn't know how one glass of beer or wine might affect individuals who might already be medicated or already had something to drink or had some other problem. She said she was not being over dramatic in saying that alcohol and drugs ruin lives and sometimes generations of lives. Member Crawford said as a Council person she was responsible for the victims and for people who were not responsible for themselves. Member Crawford stated she would have to vote no.

Member Staudt asked Mr. Schultz what potential liability the City would be facing beyond that of the fact that anyone could sue anyone for any reason. He asked if there was any special liability affixed to a City allowing their facilities to be rented and alcohol served. Mr. Schultz said they had consulted with the City's Risk Manager and ran it through the common sense test. He said if they broke them up, the recommendation on a special event was that in order for the use to be approved by the City, insurance would be required. The City would be named additional insured, so the City would have the best coverage they could get and a hold harmless kind of response. He said he didn't know if there was much better to do other than to just not engage in the action. Mr. Schultz said with the private parties, what the Risk Manager said made sense. He said we're still a City and still engaged in effectively a governmental action; this was the Civic Center or the Library, the City was not doing anything unpermitted or

out of the ordinary. He stated these were uses made in other Civic Centers, so the general concepts of governmental immunity would still apply. He thought that was why the Risk Manager's comment was they could allow that to happen but they should probably get a hold harmless agreement and make sure they had homeowners insurance because then they might have someone else to step in. Mr. Schultz thought his point was that in the end it was still being used as a Civic Center doing things that everybody didn't do, but it was not something clearly proprietary or outside of the governmental ambit. He said the City should have coverage and be able to defend the usual kind of claims. Member Staudt commented that he would like to see this extended to the Ice Arena and other properties that the City owned. He said he had been to a lot of activities at community owned facilities and he didn't feel a social responsibility for not offering drink in a facility that was a private party because someone would drink too much. He said he couldn't support prohibiting it for that reason. He said if it created a potential liability for the City that went beyond the norm that would be something he would be concerned about. He thought it made a lot of sense; people have their own reasons for not wanting to offer alcohol at various facilities whether City owned, church owned or whatever. He said he would support this and thought it should be watched very carefully.

Member Fischer asked Mr. Schultz for clarification regarding the rules around the MCL and churches and schools. He thought there was a policy within 500 feet. Mr. Schultz stated there was a section in the Statute in the rules that with regard to these special event licenses if the premises was within 500 feet of a school or church building a waiver had to be obtained from the Liquor Control Commission with notice to whoever would fall within that category. He said it wasn't clear to him and it wasn't clear when they talked to the LCC whether that meant a particular portion of the Civic Center being 500 feet from the next building or the property line. However, they would sort that out and he would think that for particular events if it turned out the City needed the waivers, obviously there were two potential uses that would impact. Mr. Schultz said they would have to deal with that in the policy. If it turned out to apply, they would deal with it on a case by case basis that's built into the process. Member Fischer said, in general, he would be open to the idea of allowing this on a temporary basis. He said he agreed with Member Staudt that it could be watched very carefully and thought that was the point of doing this on a temporary basis. He believed this policy would allow residents to use the Civic Center that they own. He said should a policy be approved, he would like to see one that more or less catered to a niche market. He echoed the concerns of competing with private business and that was not what he wanted to do nor would he want to see the City get into the party planning business. He thought they could craft a policy that would attract only residents that were looking at doing smaller weddings, showers, etc. He commented he wanted more clarification from the City Attorney and Risk Manager regarding the enforceability of hold harmless agreements. Member Fischer said it was a very confusing ordinance and he applied it very literally in the sense that technically in the City one was allowed to consume in certain places but not allowed to possess it anyway. So, they would be consuming something they were not allowed to possess. He asked that they review the ordinance and make some clarifications. He said he was surprised that Power Park was not included in this proposal as it was brought up in the goal setting. He said previous Council's and Administration had invested very heavily in Power Park with focus on bring in additional tournaments and business to the City. He stated he knew surrounding communities did allow beverages to be consumed by participants of their softball programs and he would like to see the City look at the possibility of implementation here. It would allow for City control of beverages at Power Park and ensure that beverages were being consumed responsibly. Member Fischer said he supported and

would be open to further discussions and would like to see a policy that addressed the concerns.

Mayor Landry said Mayor Pro Tem Gatt brought up a point which was one of the reasons this was being brought up. He said that was the idea of a City facility being used as competition and he also thought it would. Mayor Landry said there were some people who wanted to rent areas of the Civic Center to hold social functions; the City would retain some revenue from that but it can't be done now because they couldn't serve alcohol. Mayor Landry said he wasn't sure he would be in favor of alcohol at Power Park but he would want to look at it. He said he could be in favor of alcohol if the Library had a fundraiser, and someone wanted to have a wine and cheese party and the alcohol wasn't purchased with City funds but was donated and for a limited time. Mayor Landry said the Administration was looking for guidance and asked that someone make a motion that either this was dead and not to be pursued or to look into it. He said that motion would be to direct the Administration to come back to us with some ordinance, Council would consider it further, and at that time they would vote on it.

**CM-10-02-028 Moved by Margolis, seconded by Staudt; MOTION CARRIED:
To direct Administration to take the comments made by Council and
draft a policy and ordinance changes for Council to consider and
vote on to pursue the issue of an Alcohol Allowance Policy for
specific events at the Civic Center.**

**Roll call vote on CM-10-02-028 Yeas: Landry, Fischer, Margolis, Mutch, Staudt
Nays: Gatt, Crawford**

AUDIENCE COMMENT - None

MATTERS FOR COUNCIL ACTION – Part II

COMMITTEE REPORTS

Member Crawford said she had received correspondence from the various committees she had served on as Council's representative. She said one from the Energy and Technology Committee said "Congratulations on being appointed to the 2010 Energy and Technology Committee of the Michigan Municipal League". She noted she received one that thanked her on her service on the Legislative Governness Committee and it served as a reminder that she was entering her final year of her two year commitment to the committee. She also received a thank you from Flat Stanley from Connecticut. She said Flat Stanley was a book that was popular at the schools and Flat Stanley became flat because a board fell on him. He visited the City of Novi and had a great time with the students in Ms. Overmier's class.

Member Margolis said she appointed herself the head of the RFID competition committee and she would strongly hope that all her fellow Council members would sign up at the Library to do the RFID tagging, as would the rest of the community.

MAYOR AND COUNCIL ISSUES - None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION - None

COMMUNICATIONS - None

AUDIENCE COMMENT

Tia Marie Sanders said she had been a resident of Novi for about two and a half years and spoke about the issue of having alcohol at the Civic Center. She stated she was against alcohol in the Civic Center. She said when talking about the Library and community and what they stood for, the first thing that came to mind about Novi was family and usually those don't go hand in hand. She said she couldn't imagine her daughters in karate in one room and down the hall there was a party where there was drinking. She said when she did things at the parks or the Library it was usually as a family. Ms. Sanders said for special events it would be fine for something that could be regulated as 21 and older and maybe carding. However, using this building, for example, she would not agree or think it was a good idea. She said unless they were prepared to police every single guest, they would run into a lot of issues and she didn't want to be a resident that was down the hall from that kind of event. She noted she had her daughter's birthday party at a public facility in Novi and she had the confidence in knowing that wasn't a part of it. She said she didn't choose a hotel, Rock Financial or some of the areas that might have had alcohol for that reason. Ms. Sanders thought if they were just going to do what everybody else did, they were taking away that confidence from the parents of knowing they were in a safe family oriented environment. She felt there were plenty of places in Novi to go to not be in a family oriented environment and the City received revenues from them, so she didn't think they needed to compete with that. She said City buildings and property was where families felt secure and safe and if alcohol was allowed, it would take that away from families.

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 9:05 P.M.

David Landry, Mayor

Maryanne Cornelius, City Clerk

Date: March 8, 2010

Transcribed by Charlene McLean