

**REGULAR MEETING OF THE COUNCIL FOR THE CITY OF NOVI  
MONDAY, AUGUST 11, 1997 - 7:30 P.M.  
COUNCIL CHAMBERS - NOVI CIVIC CENTER - 45175 W. TEN MILE ROAD**

Mayor McLallen called the meeting to order at 7:35 P.M.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Mayor McLallen, Mayor Pro Tem Crawford, Council Members Clark, Kramer, Mitzel, Mutch, Schmid

**ALSO PRESENT:** City Manager Ed Kriewall, Assistant City Manager Craig Klaver, City Attorney David Fried, City Clerk Tonni Bartholomew

**PRESENTATION OF COMMUNITY SERVICE PLAQUES**

Timothy M. Burke (absent)	-	Computer Advisory Committee
Scott M. Gardner	-	Computer Advisory Committee
Mihran Kochyan	-	Computer Advisory Committee
Laura Lorenzo	-	Planning Commission Chair
Vincent J. Marino	-	Computer Advisory Committee Chair
Joseph Toth (absent)	-	Computer Advisory Committee
Matthew S. Weisberg	-	Computer Advisory Committee

Mayor McLallen thanked the Computer Advisory Committee members for their time and service. Mr. Marino introduced each member to the community.

Mayor McLallen thanked Ms. Lorenzo for her service as Chair for the Planning Commission and read the sentiment on the resolution.

**PROCLAMATION - Recognition to Karen MacKenzie for years of Service to the Community as Youth Assistance Directory**

Mayor McLallen introduced Ms. MacKenzie and read the sentiment on the resolution.

Ms. MacKenzie introduced Claudia Walters who will serve as her replacement.

**PRESENTATION - Economic Development Activity Update - Greg Capote**

Mr. Capote stated the purpose of his presentation is to provide an overview of the kinds of things he has been working on and the kinds of things he will continue to work on as his position evolves. Mr. Capote provided an outline of thirteen bullet items to follow during his presentation.

Mr. Capote advised the first item is Identification of Existing Industry Clusters in Southeastern Michigan. Mr. Capote explained the economy is seeing four major growth areas not only in southeastern Michigan, but also nationally. He advised this industry includes biotechnology, information technologies, manufacturing and materials. He added the Michigan Jobs Commission, whom he works closely with, is assisting these four core areas for reinvestment. Mr. Capote advised they estimate that the United States will see about \$356 billion of wealth generated in these fields by the year 2000. Mr. Capote included this item because it is important for Novi to be prepared to be competitive in the marketplace as far as available land sites and proper infrastructure to attract these types of industries to insure the city's economic vitality in the future.

Mr. Capote believes Novi should survey their existing businesses. He explained it is easier and less costly to keep existing businesses than to try to recruit new ones. Mr. Capote reminded Council that he previously discussed conducting a Business Retention Expansion Survey. He added it was something that the utilities' consortium in the 1970's and 1980's endorsed. He stated Council deemed this activity to the Economic Development Corporation. However, he believes the EDC is still growing and struggling with their identity. Because of his recent training through the American Economic Development Council and the Michigan Economic Developers Association, Mr. Capote believes the initial charge of any Business Retention Expansion effort should be through one individual so that he could have more control over the process. Mr. Capote hopes to complete his survey work with existing manufacturers in light industrial areas and high end office areas within the third quarter of this year.

According to local brokers, Mr. Capote understands the OST District is one of the most attractive ordinances for high-tech industrial uses within the community and it will help secure the city's future economic vitality. He believes the effort now is to get this district on the map. He advised he is working with the Master Plan and Zoning Committee to accomplish that task and he added that it might be a city initiated rezoning.

Mr. Capote believes that understanding where Novi's competition is in terms of the surrounding communities is important so they can determine how to make the community more attractive to developers. Mr. Capote advised he is closely reviewing approval processes in other communities and will offer recommendations to the Planning Commission.

Mr. Capote reported Working on a Community Economic Profile indicates where Novi is on the map. He explained there are companies that provide a school of information with many types of communities and they connect that information with ten to twelve communities to narrow the search. Mr. Capote advised Novi is yet not a part of that and he would like to look at the possibility of assembling some basic information in a format that would make that information available for distribution. Mr. Capote added that the Michigan

Jobs Commission has agreed to visit the community for industrial uses for possible OST sites and take this information with them as the travel internationally.

Mr. Capote advised there are many trade shows available they can piggy back with the Greater Detroit Area Chamber of Commerce, the Novi Chamber of Commerce and the Michigan Jobs Commission. He advised they are anxious to see information from community representatives to jointly sell southeastern Michigan. Mr. Capote believes Novi should participate in several shows in Chicago and Detroit next year. He reminded Council about the list of contacts he provided to them from the SAE show he attended in February.

Mr. Capote described a Brown Field Development Authority as a community that has experienced a great amount of industrial exodus. He explained although Novi has a tremendous green field, there are some areas where it may be advantageous to establish a brown field development authority. He referred to the ACT 307 sites and advised Novi does have some troubled properties and added that using the EDC as the approving board may be possible. However, until he has an inventory of industrial sites with environmental contamination, they are uncertain at this time.

In conclusion, Mr. Capote discussed the liaison work he performs with area developers, brokers and realtors in communicating the approval process, the new site plan manual, the zoning ordinance, the OST ordinance and the entire entitlement process. Mr. Capote believes it is helpful for a business to communicate with a one-person contact. Mr. Capote believes Council is already aware of one business that has recently relocated to Novi.

Mayor McLallen believes it is important for Mr. Capote to keep Council apprized about how the community is becoming more aggressive in seeking suitable businesses. Mayor McLallen added that they can further discuss Mr. Capote's points at their Wednesday, August 13, 1997 joint meeting with the Planning Commission.

Councilwoman Mutch asked whether Mr. Capote could provide a response in writing if Council requests further information. Mr. Capote thought that providing an overview would be best for tonight's meeting, but advised he would answer specific questions in a narrative for the next August meeting. However, he noted that he cannot fully address all of the items by that meeting.

Councilwoman Mutch enjoyed hearing an overview that shows the range of areas where the city is initiating these efforts. She added if there are people in the community who are interested in those areas, it is good to know that Mr. Capote is the person to contact.

#### **AUDIENCE PARTICIPATION**

**Doug Smith** - of Walsh College and representing the Novi Chamber of Commerce,

thanked Council for their leadership and realizes the investment they are making in terms of economic development in planning has great benefits and is the best way to plan for the future. He added they recently completed their two largest fundraisers which are the Blues Festival and 50's Festival. He thanked the city for its involvement and extended an open invitation for their two upcoming lunches. They scheduled the first for August 19 and advised Linda Margolian from the DIA will speak. They scheduled the second luncheon for September 25 and advised Governor Engler will attend.

**Roger Jacob** - 3935 Lakefront St., reported Council recently vacated the westerly portion of Erma Street, and he requested that they also vacate the easterly portion between his property and the party store. Mr. Jacob explained they originally opposed the vacation because of concerns about the party store's delivery trucks and lack of parking for their patrons. However, he believes they should also vacate this section because there is a need for some type of separation between the future residential development of his property and the commercial party store. He added if they were to develop his property, it would be a dangerous situation for the children unless they totally vacate Erma. He further believes the city has treated him unfairly. He explained it seems as though they were pushed aside as the city addressed the other resident's concerns. He advised although they are concerned about safety, they would like to develop their property. He would also like Council to understand that he did not receive any acknowledgment on signing any type of petition and reiterated that he is definitely in favor of the vacation.

Mayor McLallen interjected, Mr. Jacobs is referring to Item 3 on the Consent Agenda.

**Chuck Young** - 50910 W. Nine Mile Road, wished success for Laura Lorenzo who has represented Novi citizens in updating the ordinances. He believes Ms. Lorenzo has backed the citizens and further believes the residents are the best assets for any city.

**David Landry** - President, Addington Park Homeowner's Association, advised they oppose the proposed aquatic facility at the Power Park location. He explained they find it amazing that the Council Chamber was standing room only in opposition of this issue when it was first raised. Further, Council wisely decided to table the issue for reconsideration of the size and the location. He said now they virtually have the same facility, at the same location two years later. He asked Council what do they plan to do now? He added according to the quotations he has read, Council is letting the people decide on this matter. He believes that is a good idea if they truly give the people a choice. He does not believe the voters will have a choice if the proposal reads, "Do you want to issue bonds for this facility at the Power Park location?" Mr. Landry urged Council to give the people some choices and offer location alternatives (i.e., tree farm).

**Lynn Kocan** - 23088 Ennishore Dr., referred to a memo from Mr. Nowicki under Communications about the Ten Mile Road conceptual design and asked why they did not

include the conceptual design with the memorandum.

Mayor McLallen interjected, it is a large document and is available to read at the city or library.

Ms. Kocan referred to Item 7, Under Matters for Council Action and said she is grateful for the time that the city, Laura Lorenzo, the Planning Department, the Planning Commission and Council put into this document. She advised she has been actively involved in changes where light industrial districts abut residential districts over the past three years. She added that she believes the ordinance before Council tonight is superior to the previous ordinances in terms of mitigating industrial noise as a result of increased berm heights, they have increased landscaping opacity and they have modified the maximum allowable noise levels to compensate for day time versus night time noise levels. Ms. Kocan believes these changes help insure that there will be no adverse impacts on the quality of life for those residential properties that abut light industrial properties. Ms. Kocan recommended that Council approve the first reading with some tweaking. She referred to Page 108, Section 1905, 4. e of the final draft and believes that a four foot crest on a ten foot berm is too small. She is also uncertain whether a ten foot crest might be too great. Ms. Kocan believes Ms. Lemke should provide a recommendation about the crest width and that the final decision would reflect aesthetics, as well as protection for the residents.

Mayor McLallen asked Mr. Kriewall to provide copies of the Ten Mile Road Conceptual Design Analysis of JCK & Associates, Inc. to the library and city offices for the public.

### **APPROVAL OF AGENDA**

Councilman Clark would like to add as Item 3b. Gypsy Moth Spraying and therefore, make Item 3, Item 3a.

**CM-97-08-255: Moved by Crawford, Seconded by Clark, CARRIED UNANIMOUSLY: To approve agenda as amended**

**Vote on CM-97-08-255: Yeas: McLallen, Crawford, Clark, Kramer, Mitzel, Mutch, Schmid  
Nays: None**

### **CONSENT AGENDA**

Mayor McLallen noted there is a memo before them regarding Item 6 that advises they are changing the resolution.

Mr. Kriewall recommended that they remove Item 6 and substitute a new resolution when they get to that point.

Councilman Schmid removed Item 12 for discussion.

Councilwoman Mutch removed Items 7 and 8 for further information.

**CM-97-08-256: Moved by Crawford, Seconded by Clark, CARRIED UNANIMOUSLY: To approve the Consent Agenda with the removal of Items 6, 7, 8 and 12:**

1. Approval of Minutes of Regular City Council Meeting of July 21, 1997 and Special Meetings of July 21, 1997 and July 28, 1997
2. Schedule an Executive Session to immediately follow the Regular Meeting for the purpose of Attorney's Opinion
3. Introduction of Resolution and confirmation of the calling of a Public Hearing for Monday, August 25, 1997, Re: Partial Vacation of Erma Street - Easterly Portion
4. Adopt Resolution, Re: Reimbursement for Senior Housing Project
5. Designation of Les Gibson as MERS Officer Delegate and Kathy Smith-Roy as Officer Alternate at the Annual MERS Meeting
9. Approval of revised Property Purchase Agreement - Amoco Property - Grand River and Novi Road
10. Approval of Road Commission for Oakland County Traffic Signal Maintenance Agreement and Authorizing Resolution for the Novi Road - Ice Arena Access Road Traffic Signal
11. Approval of Road Commission for Oakland County Cost Participation Agreement and Authorizing Resolution for the widening of Haggerty Road from Orchard Hill Place to Eight Mile Road
13. Award bid for Soccer Uniforms to the Soccer Post based on unit costs
14. Approval of Offer to Purchase Real Estate from John Carlo, Inc. Parcel Nos. 50-22-09-451-007 and 50-22-09-451-008
15. Approval of Final Pay Estimate and Change Order for Future Fence Company Re: Novi Community Sports Park
16. Designation of Mayor ProTem Crawford as MML Voting Delegate and Edward Kriewall as Alternate
17. Approval of Claims and Accounts - Warrant No. 497

## **REMOVALS**

6. Adopt Resolution, Re: Approval of Grant Application for I-96, Beck Road, Wixom Road and 12 Mile Road Intersection Project
7. Approval of Taxi Cab Company License to operate 15 cabs to ABC Cab Company

8. Approval of Tax Cab Company License to operate 1 cab to Community Cab/Mitsu Transportation
12. Approval of Resolution of Support for the proposed abandonment of a portion of Grand River Avenue

**Vote on CM-97-08-256: Yeas: McLallen, Crawford, Clark, Kramer, Mitzel, Mutch, Schmid**  
**Nays: None**

#### **MATTERS FOR COUNCIL ACTION - Part I**

1. **Approval of Willowbrook Subdivision drainage Special Assessment District Resolutions #1 & 2 and call a Public Hearing for Monday, August 25, 1997**

Mayor McLallen advised this is a citizen initiated and a city coordinated process for the issue of rear yard drainage problems. The Mayor reported there have been several meetings and 51% (11 of 20 lots) of the affected property owners have submitted the appropriate paperwork to begin the process. Further, before Council is the request for the approval of Resolutions 1 and 2 that permit the city to proceed with developing design and cost estimates for the project, and establish the first public hearing on August 25, 1997.

Mr. Kriewall added they have three alternatives developed by the city's engineers and noted they are shortcutting the process because they already have the cost estimates for the three alternatives. Therefore, Council can pass Resolutions 1 and 2 at this time and set the public hearing.

Mayor McLallen noted there is a letter before them from Mr. & Mrs. John Bebb who are LeBost residents and reside on one of the affected properties. The Mayor advised the Bebb's are concerned about the problem and from reading the letter she believes they want a solution, but they are not sure whether they want the solution to be addressed as a special assessment.

Mr. Kriewall advised there is a myriad of problems in the area and some problems have been caused by resident's filling and landscaping their backyards. To address these types of problems, Mr. Kriewall reported the city now requires a rear yard drainage system that not only picks up the individual sump pump drainage, but it also collects some rear yard swale drainage. Mr. Kriewall believes if they get some swale tampering in some of the new developments, the system will still work because they have provided catch basins and inlets at various locations. However, in some older subdivisions where there are no catch basins or storm systems, the natural swale and grading of the subdivision provide for the run off. Mr. Kriewall explained several residents have been filling their backyards to try to alleviate the drainage problems. However, every time someone does that, it creates an

upstream problem. Mr. Kriewall believes the only solution is to put in some kind of improvement that collects the drainage and takes care of the problem. He further advised they have issued some violations in this area because some neighbors have actually filled when they should not have filled and that is an issue that needs to be addressed on an area wide basis.

Councilman Kramer asked if the public hearing will cover all three alternatives. Mr. Kriewall replied it would.

**CM-97-08-257: Moved by Mitzel, Seconded by Clark, CARRIED UNANIMOUSLY: To approve Resolutions 1 and 2 for the Willowbrook Subdivision #2 - Storm Drainage Improvements Special Assessment and to establish the first public hearing on August 25, 1997**

**Vote on CM-97-08-257: Yeas: McLallen, Crawford, Clark, Kramer, Mitzel, Mutch, Schmid  
Nays: None**

**2. Approval of PD-1 Option and Preliminary Site Plan extension until August 26, 1998 - Society Hill Apartments, SP 95-44D, Property located west of Novi Road, Between 12 Mile and 12½ Mile Roads**

Mayor McLallen noted there are letters from staff and consultants advising that the extension does not meet any opposition, and there have been no changes in the zoning ordinance that would affect this property.

Joseph Galvin stated as a representative for Mr. Sasson, they are requesting the extension to build the project. He explained they have submitted 90% of the final plans, they are already in the Dodge Reports, they have secured financing from GMAC and therefore, they are asking for a one year extension.

**CM-97-08-258: Moved by Crawford, Seconded by Clark, CARRIED UNANIMOUSLY: To grant PD-1 Option and Preliminary Site Plan extension until August 26, 1998 for Society Hill Apartments, SP 95-44D**

**Vote on CM-97-08-258: Yeas: McLallen, Crawford, Clark, Kramer, Mitzel, Mutch, Schmid  
Nays: None**

**3a. Approval of Zoning Map Amendment 18.595 from TC, B-3, and I-1 Districts to TC-1 District or any other appropriate zoning district, property located south of Grand River Avenue, on both sides of Novi Road - City Initiated**

Mayor McLallen advised all of the consultants, the Town Center Steering Committee and the Planning Commission have provided a positive recommendation.

Jim Wahl believes most of this area has been before Council more than once. He explained it was most recently before them last year and was acted on in a favorable vote of 4-2. However, he added there was a protest petition at that point and therefore, the matter was not carried forward. Because of that rejection, Mr. Wahl advised they took it back to the Town Center Steering Committee and he received several inquiries about how they should proceed with this matter because it was essential to accomplishing the design and planning of the Main Street project and the Town Center Planning Study. He reported the committee's recommendation was to once again take up the matter for public input because there was a feeling that they had not listened closely enough to why some property owners previously rejected it. Mr. Wahl advised they held an informal public hearing at a Town Center Steering Committee meeting and noted there were no substantive objections from the property owners at those meetings. He further advised that the matter went forward to the Planning Commission and their recommendation is currently before Council. Mr. Wahl restated the basis for this zoning is to have the areas denoted on the map in harmony and in conformance with the designs they have been working toward that are already under construction. He believes this is the type of zoning they need if they want the new development in those areas to reflect and be compatible with that design. Further, he believes as far as the property owners are concerned, this will actually provide more flexibility in terms of parking and locations of buildings on sites than in the standard Town Center district. Consequently, he believes it is a mutually beneficial situation for the city and the area. Further, he advised Mr. Arroyo and Mr. Rogers are available if Council has any questions regarding the intricacies of how these provisions differ from the Town Center ordinance.

Councilman Mitzel asked if any residents have filed any protests with the city. Mr. Fried replied there have been none.

**CM-97-08-259: Moved by Schmid, Seconded by Mutch, CARRIED UNANIMOUSLY: To approve Zoning Map Amendment 18.595 from TC, B-3 and I-1 Districts to TC-1 District**

**Vote on CM-97-08-259: Yeas: McLallen, Crawford, Clark, Kramer, Mitzel, Mutch, Schmid  
Nays: None**

### **3b. Gypsy Moth Spraying**

Councilman Clark added this item because of the correspondence received under Communications in terms of information provided concerning a serious gypsy moth infestation in the community. Councilman Clark noted they pride themselves in their woodland and wetland ordinances, and added that wooded parcels sell at a substantial premium. He would hate to see all this effort wasted because they are not addressing this infestation. Further, he understands that they did not qualify for participation in the county program, but that they may qualify next year and that the spraying must be done in the spring. Councilman Clark is not impressed with the county's efforts in a number of areas in Novi. He added that he sometimes gets the impression that they are at the end of their list and therefore, he does not want to wait for the county to spray next year. Councilman Clark proposed that the city commit to contract their own spraying in the spring of 1998.

Mayor McLallen understands there was a meeting held this evening on this matter. She added this problem is found most extensively west of Beck and south of Nine Mile Roads. She then noted that some homeowners were ineffective in private measures.

Mr. Nowicki reported there is a meeting currently in progress and advised a county representative who heads the program is at the meeting. Mr. Nowicki advised Mr. Pargoff has been monitoring the gypsy moth infestation and has been working with the county. Mr. Nowicki believes no one knew that this would happen this rapidly and added that the county program is the most effective that they can participate in at this time. He also knows that the area residents have tried to spray from the ground and found it is not effective. He advised the county uses an aerial spray and believes they can provide lower costs for that application.

Mayor McLallen believes they need to know the cost and added according to Mr. Pargoff, the infestation is primarily on the west side. The Mayor reminded Council that Councilman Clark's proposal is to have the city in control and asked if Mr. Pargoff has provided any costs in his research.

Mr. Nowicki believes Mr. Pargoff provided that information in his report.

Councilman Clark believes he indicated the affected area is between 30 and 45 acres, and the cost would be \$22.00 per acre.

Mr. Pargoff reported they are meeting with the homeowner's from the Nine Mile and Beck area tonight to explain the county program. He advised that he will coordinate volunteers to monitor and count the egg masses in that area, and that they will then request Council to help with the funding for the spraying program. Further, the county and the Department of Agriculture will confirm the counts that they will start in early September so that the city

can prepare the proper documentation for the spring spraying. Mr. Pargoff noted this is not a total eradication program, but it is a program to reduce the gypsy moth damage.

Councilman Clark understands from Mr. Pargoff's July 31 memo that there is approximately 30-45 acres currently affected. Mr. Pargoff replied that many acres have total defoliation.

Councilman Clark asked if the cost to the city is \$22.00 per acre if the city addressed that area as a community rather than waiting for the county. Mr. Pargoff replied that was the 1997 cost to participate in the county program.

Councilman Clark asked if the county would commit to the spraying in May 1998 if the city were to say they will expend that \$22.00 per acre tonight. Mr. Pargoff replied the county cannot commit until the city provides the necessary information to qualify for the program. He advised that is one of their tasks for this fall is to make certain that information is available to the county and Department of Agriculture so they will include Novi in the spraying program.

Councilman Clark asked if the area may extend beyond the 30-45 acres. Mr. Pargoff replied there are residents outside this area that have found egg masses, but did not receive the kind of damage experienced at the Nine Mile and Beck Road area.

Councilman Clark asked whether the cost is the same if the city privately contracted with a service to spray and did not participate with the county. Mr. Pargoff believes the cost is doubled, but added he is not familiar with private spray programs. He added that the Department of Agriculture has put individuals in contact with the same sprayer that the county has used.

Mayor McLallen understands that the area did not qualify because of the acreage and the moth count for 1997. However, she advised the actual event was far worse than they anticipated.

Carol Lenchek, Oakland County Coordinator for the Gypsy Moth Suppression Program, replied she was not aware of the problem until the area began to defoliate.

Mayor McLallen stated they would like to guard against this happening in other areas of the city. The Mayor asked what are their alternatives and what is the cost involved.

Ms. Lenchek stated there is no doubt that this area will qualify for the suppression program. She advised participation in this program will be the least expensive route for the city. She further advised that the field work has to be in by December 15, 1997. She explained plots are set up 200 yards apart and they count every egg mass in a 18.6 diameter. She added

they talked to the homeowner's tonight about scraping and destroying all the egg masses they can find over the next seven months. However, she noted they will still qualify for the program if they remove the egg masses. She restated the field work for the egg masses and the maps done on USGS Quadrangle Maps of the spray area must be submitted to her office by December 15, 1997. She added they have training sessions during the fall and noted that Mr. Pargoff has attended them to learn techniques involved in the field work. Ms. Lenchek advised they are not going to bid it out this year because they bid the project for three years and they already know who their applicator is. However, they will not provide a price until they determine the county wide acreage, but noted the greater the acreage, the less the price will be. Ms. Lenchek knows that the county will most likely get the least expensive price in this program, but the contractor has agreed to lower the price if the cities are willing to contract them privately for the acreage that might not qualify for the spray program.

Mayor McLallen asked for an explanation about the environmental impact. Ms. Lenchek replied the spraying is an aerial application by helicopter at treetop level. She advised the spray is *Bacillus thuringienis*, which is a naturally occurring bacterium and is found in the soil, but caterpillars eat leaves and not soil. Further, the caterpillars need to ingest it and it is only effective when the caterpillars are very small. She explained once the caterpillars get to be noticeable, it is too late to use the B.T. Ms. Lenchek advised it is the best pesticide because it does not kill non-target insects, it does not affect animals or humans and is 60-70% effective.

Councilman Schmid asked when did the city become aware of the problem and when was the county notified of the problem. Mr. Pargoff replied they discovered the problem last year and they were unable to find the requisite number of egg masses as required by the Department of Agriculture. Mr. Pargoff advised they found egg mass counts skyrocketing on several properties in the area of Nine Mile and Beck, but they were not spread out through the whole area where they could locate them.

Councilman Schmid asked if they submitted a report to the appropriate agencies. Mr. Pargoff repeated he could not find the required egg mass counts to submit a proper report.

Councilman Schmid asked if there were any recommendation made to contract privately. Mr. Pargoff replied that he did not make that recommendation. Councilman Schmid believes this is a good learning experience.

Ms. Lenchek added that they need to target where the egg masses are with the new count. She does not believe it will be difficult for this area because they had a massive problem. She further added that they really need the homeowner's help in targeting all the egg masses and noted that the homeowner's that are present to night are willing to help. Consequently, she believes it will be more successful.

Councilwoman Mutch believes this matter needs to be discussed as a scheduled part of Council's agenda where they can have a more organized presentation so they can get a better idea of what already happened and what normally happens. She added that she believes there is a tremendous need for public education for those who do not yet have this problem. Councilwoman Mutch believes the city also needs essential information in terms of alternatives because money is going to be at the heart of this.

Ms. Lenchek advised that they can provide historic costs. She advised it was \$22.00 per acre for this year. However, she added Oakland County bills half price for residential areas because the federal government will pay the other half. However, she added Oakland County adds an administrative fee for the program office for approximately \$10.00 per acre. Mrs. Lenchek noted it is too late to spray for 1997 and that this is the prime time for the homeowners to destroy their egg masses. Ms. Lenchek advised they typically contact areas in December if they qualify and give them a month and a half to sign it. After they sign the agreement, the county contacts the contractor to advise them of the acreage and the contractor quotes the county a price at that time.

Mayor ProTem Crawford asked whether there is any literature or a video available for the public. Ms. Lenchek advised they have homeowner guides and are certain they already have some. She added that the library may have the video, "Living with Gypsy Moths in Michigan."

Mark McManus advised he owns property in the affected area and believes Council should look at some historical data from Mt. Pleasant in Isabella County approximately six years ago. Mr. McManus reported they hesitated to attempt eradicating this problem and now, the moths have completely devastated that county. Further, while they are discussing costs, Mr. McManus would spend \$600 or \$700 to spray his property himself. Mr. McManus reported there is currently a small infestation on his property, but he wants to stop it and he thinks it is criminal that the city has not yet taken action on the other infested areas. Mr. McManus believes the city should permit the homeowner's to take advantage of the pricing that the county is offering and then take their count to decide if they qualify for the program. Secondly, he recommended that the city contact their peers in the Mt. Pleasant area so they can understand how devastating this problem is.

**CM-97-08-260: Moved by Clark, Seconded by Crawford, CARRIED UNANIMOUSLY: To commit to participate in the 1998 Oakland County Gypsy Moth Spraying Program for those areas that qualify. If the study should reveal that there are other areas where there are infestations but do not meet the required egg counts, the City of Novi will contract the county service to also spray those areas**

## **COUNCIL DISCUSSION**

Councilman Schmid believes Council has to have knowledge to know what to act on. He wants to find out why this infestation was not caught sooner.

Councilman Mitzel understands the motion is to initiate the 1998 spraying program and that they would make an appropriation after they determine the acreage.

Councilwoman Mutch asked if a city standard will be set after they qualify. Councilman Clark replied they will first qualify in terms of what areas would qualify in the county spraying program. He further explained if there are other areas that evidence an infestation, but do not meet the egg mass count, the city will go to the same contractor to spray these areas. Councilman Clark believes they should address this issue before it becomes a major problem.

Councilwoman Mutch asked if he is asking the city to establish a standard or is he saying if there is any evidence of gypsy moths, that a property will qualify. Councilman Clark believes that will depend upon Mr. Pargoff who will provide the information.

Councilwoman Mutch understands that the city forester will then establish the standard and consequently, there will then be a city standard that may or may not be the same as the county standard. Further, if an area qualifies to the city established standard, then the City of Novi is taking on the responsibility of providing that protection. Councilman Clark agreed.

Councilwoman Mutch agrees with almost everything that they have said. However, she also agrees the problem is one that is greater than what they can address at their level. She also believes there are serious budgetary implications and wants to be certain about what kind of commitment they are making. She reminded Council that Mr. McManus thinks it is criminal that the city did not do anything until this point and she guarantees that if the city makes a blanket commitment for preventive spraying, there better be some responsibility for the identification of gypsy moth infestation wherever there is any sign of it or a resident will sue the city if they see the damage after the fact. Councilwoman Mutch believes they need to set further standards.

Councilman Clark stated they are not setting standards tonight. He explained Mr. Pargoff is going to investigate the problem and will provide a report to the county by next December. Further, Councilman Clark understands that the cost will be between \$10.00-\$22.00 per acre and he believes it is money well spent.

Councilwoman Mutch agrees, but it is not a matter of whether this is a good idea. She believes this can ultimately lead them to spraying the entire city and they would still have

the problem of what are the neighboring communities doing because the infestation does progress. Further, she believes this may be a problem that needs a more comprehensive solution than what they can develop tonight. She repeated she is concerned about the budgetary implications and the legal commitment of the city when they make blanket standards.

Mayor McLallen believes Councilman Clark's proposal is merely to gather the information so that they can meet the application criteria for next year. Further, in tandem with that, the motion will begin an education and review process for the rest of the city. She added that the motion is not attaching any dollar commitments from the city at this time. She believes he is simply saying that they should not lose this opportunity.

Councilman Clark added he believes the residents should know that the city is committed to doing something about this issue. He also stated that he agrees with Councilman Schmid's comments and that until he received his packet, he was not aware of the problem.

Councilman Kramer believes there are two elements involved. He explained one is the county program and he believes they are all in support of participating in that program. He also believes there was discussion about other homeowners that are concerned and may not qualify. He suggested that they take their names as they gather information in case they want the city to contract the contractor on their behalf. Councilman Kramer believes the city needs to first conduct their study and that they need to compile a list of other interested landowners that do not meet the county's criteria.

Mayor ProTem Crawford understands that the motion is addressing the area that will no doubt qualify for the county program and therefore, he believes they are making a financial commitment. Further, he understands that the forester will come back with a recommendation and then Council will decide whether a certain area needs to be sprayed. He added there is no dollar figure added to areas that do not qualify. Councilman Clark agreed.

Councilman Mitzel noted he has periodically seen updates about the gypsy moth monitoring program from Mr. Pargoff in the packet and added until now, they have not qualified for any official program.

**Vote on CM-97-08-260: Yeas: McLallen, Crawford, Clark, Kramer, Mitzel, Mutch,  
Schmid  
Nays: None**

Mayor McLallen suggested that letters be sent to homeowners' associations regarding this situation.

**AUDIENCE PARTICIPATION - None**

**BREAK - 9:13 P.M. until 9:30 P.M.**

**MATTERS FOR COUNCIL ACTION - Part II**

**4. Adoption of Resolution, Re: Approval of Proposed Huron-Rouge Sewer Rate Increase**

Les Gibson advised they have provided Council with a packet of information and added there are a few items about which he would like to comment on. Mr. Gibson advised that they classify the water and sewer system as an enterprise fund and they intend it to operate as a business. Mr. Gibson added water and sewer is considered "big" business. Further, the buildings run approximately \$7M per year, they have approximately 10,000 customers and it requires ten employees to service the system. Mr. Gibson advised they have a full time manager for the first time this year and in retrospect, he believes it is long overdue. Before this year, Mr. Gibson advised the Director of Public Works also managed the water and sewer in addition to the drains, streets and so forth.

Mr. Gibson reported the system has a fairly complex customer base and there are currently two sewer systems serving the city. He stated the Huron-Rouge System serves the southern portion of the city and the Walled Lake System services the northern portion. Mr. Gibson advised for billing purposes, the system uses a mix of consumption and residential units. He added the Walled Lake System uses the residential equivalencies exclusively while the Huron-Rouge System uses metered water whenever that is available.

For billing purposes, Mr. Gibson advised they back into a residential equivalent unit and that a typical resident uses 36,800 gallons of water per quarter. Further, there is a conversion table provided by Oakland County where they have non-residential users (i.e., car washes) and therefore, the customer base is a mix. He explained they have some customers that have water only, they have some customers that have water and Huron-Rouge sewer, they have some customers that have water and Walled Lake sewer, they have Huron-Rouge sewer customers only, and they have Walled Lake sewer customers only.

Mr. Gibson reported in compiling the information that for the first time customers have started to conserve their water usage and noted usage is down by 5% when compared to last year. He added in the three previous years water usage was growing at a rate greater than 5% so it is really a 10% swing because they would have anticipated a 5% increase.

Except for the Walled Lake System, Mr. Gibson reported their wholesale cost has increased slightly. He added the wholesale cost for the Walled Lake System has remained

constant and that the Huron-Rouge sewer was last increased in 1992. Since then, inflation and cost for a growing system have impacted the cost and he reported the total cost for the entire operation for the City of Novi is approximately 25% of their wholesaling cost. Further, he advised the quarterly charges do not include any factors for depreciation in their debt service. He reported there is a connection charge that pays for the pipe and the related debt service when customers initially connect to the system. In lieu of depreciation, he reported that must be reflected from an accounting standpoint, but noted it is a non-cash item. Mr. Gibson added they do not consider depreciation above \$1.4M in additional expenses and that they substitute \$94,000 just to generate some working capital to replace the trucks and some minor equipment.

Mr. Gibson reported if they approve the rate increases, the cost for a gallon of water would be one fifth of one cent or five gallons of water for one cent. Mr. Gibson added the cost of removing and treating that water is about half that amount. Mr. Gibson reported they compared this with neighboring communities and advised, other than Farmington Hills, Novi is quite a bit lower than the other communities.

Councilwoman Mutch believes their water rate is based on cost of water to the city and delivery to the user and asked if cities have any measure of control in terms of knowing how efficient and fiscally responsible the City of Detroit is. Mr. Kriewall replied Novi sued the Detroit Water Board approximately eight years ago to challenge their rate making formula because it is driven by a distance and elevation factor. In other words, they would bill premium pumping charges the further away a community is from Detroit and on the elevation of the community. Their theory is that they have to pump harder to move the water uphill to service their area. Mr. Kriewall reported Detroit prevailed in terms of the lawsuit. He explained the methodology to set rates is a nationwide approach sanctioned by the American Waterworks Association and Detroit was able to defend the basis of their rate making based upon the historical development of this system throughout the United States. Mr. Kriewall noted Novi is the community that is the furthest to the northwest in the Detroit system and they also have the highest elevation to which Detroit has to pump the water. Mr. Kriewall believes there is no point in suing them again because he believes they would prevail. Mr. Kriewall added that George Kuhn has threatened for years to take over the Detroit system and make it a regional water authority and that there has been much legislation introduced in Lansing to attempt such an end. However, the problem is the buy-out price and that would probably not be cost effective.

Councilwoman Mutch noted Novi does not use a similar formula and that they treat every user the same. Councilwoman Mutch asked whether Novi has any influence or oversight over the Detroit Water Board. She explained that Detroit residents would have no incentive to make the department more efficient as long as they are getting the lower rates. However, on the other hand, Novi has every incentive to see them operate as efficiently as possible. Mr. Kriewall stated the only influence they have is that they have allowed

suburban representation on the Detroit Water Board, but it is only a minority vote in terms of representing the suburbs. Further, the suburban representation is more often than not from the Southfield, Berkley area where there is a fairly large population and added they were able to negotiate a favorable rate for those areas as a water consortium. The contention is that Detroit permitted communities to purchase the water and re-pump it and store it in elevated tanks. Although, Detroit no longer permits that, he understands that position may change under Mayor Archer at which time they would see lower rates.

Councilwoman Mutch believes they published the metropolitan water rates in one of the Detroit newspapers and she recalled they were charging Novi the higher rates, but added they also had the lowest mark up to the customer in terms of their cost-effective delivery. Mr. Kriewall advised that is still the case in Novi and they intend to keep that margin.

Councilman Kramer noted the water purchase increased 4%, but added that the water bill will increase by 10% and asked if the difference is because of an increase in the city's costs. Councilman Kramer asked if the costs are unique to the water supply side of the equation and not the sewer treatment side. Mr. Gibson agreed it has less of an impact on the sewer side. Mr. Gibson added the increase is primarily the indirect cost item, \$561,000. He explained they have had contract settlements and for the first time, they are going from a part time manager to a full time manager.

Councilman Kramer asked if the indirect costs are an annual ongoing cost. Mr. Gibson replied this is the annual budget and added the decreased usage has also contributed to the increase. He explained the indirect costs are primarily fixed costs and if they cannot spread them over more of a billing consumption, it drives the per unit cost up. Mr. Gibson referred to the upper left corner of the schedule under the direct cost and advised that those numbers are purchase numbers. He explained those figures are what they are going to pay for processing.

Councilman Kramer asked if the \$1.6M is the cost for purchasing water per the schedule. Mr. Gibson replied the \$1.6M is the purchase in gallons that the city will be making and it is down 5% from last year. Mr. Gibson restated that contributes to it, but the biggest share of it is that the city's costs are increasing.

Councilman Schmid asked what do they attribute the decrease in water to. Mr. Gibson replied it seems to be an across the city and across the calendar decrease.

Mr. Kriewall added it also relates to the steady rain they have received over the last couple of years and consequently, the consumption is down.

Councilman Schmid asked when did they last issue a raise to the city for administrative costs. Mr. Gibson replied they slightly raised the cost last year and he does not have the

number before him.

Councilman Schmid asked if these increases will stop. Mr. Gibson believes it will level off and explained that the fixed costs are in increments.

Councilman Schmid would like to hold the costs down.

Councilman Mitzel asked what is the system capacity for water. Mr. Gibson does not have that number before him.

**CM-97-08-261: Moved by Clark, Seconded by Mutch, CARRIED: To adopt resolution for Huron-Rouge Sewer Rate increase of 5.26%**

**Vote on CM-97-08-261: Yeas: McLallen, Crawford, Clark, Kramer, Mutch, Schmid  
Nays: Mitzel**

**5. Adoption of Resolution, Re: Approval of Proposed Novi-Walled Lake Sewer System Sewer Rate Increase**

**CM-97-08-262: Moved by Clark, Seconded by Mutch, CARRIED: To adopt resolution for Novi-Walled Lake Sewer System increase of 1.64%**

**COUNCIL DISCUSSION**

Councilman Mitzel does not support these motions because he is concerned about the way the projections are done. He explained he is not totally convinced that they need to increase them to the extent they are proposed.

**Vote on CM-97-08-262: Yeas: McLallen, Crawford, Clark, Kramer, Mutch, Schmid  
Nays: Mitzel**

**6. Adoption of Resolution, Re: Approval of Proposed Water Rate Increase**

Mayor McLallen advised the resolution incorrectly states the increase will be for all bills rendered after August 1, 1996 and should instead read, August 1, 1997.

**CM-97-08-263: Moved by Kramer, Seconded by Mutch, CARRIED: To adopt resolution for Water Rate increase of 9.76% for bills rendered after August 1, 1997**

**Vote on CM-97-08-263: Yeas: McLallen, Crawford, Clark, Kramer, Mutch, Schmid  
Nays: Mitzel**

**7. Approval of Ordinance No. 97-18, Zoning Ordinance Update - I Reading**

Mayor McLallen asked Ms. Lemke to respond to the berm issue raised during Audience Participation.

Ms. Lemke believes the question was about the four foot crests under Section 1905 on Page 112 of the Comparison Draft. Ms. Lemke believes four feet is usually enough after the stagger shrubs, but she agreed they could increase it to six feet. However, she would not recommend more than that because she believes eight to ten feet is too wide an area for a berm.

Councilman Kramer asked if the width at the crest make any difference to the viability of the material that is planted. Ms. Lemke replied no because they usually do not plant on the top of the berm. She explained they usually plant on the sides.

Councilman Kramer then asked what would the benefit be to increase the width at the crest. Ms. Lemke replied it would permit them to plant a little bit more toward the top of the berm although the predominant planting is not at the top. Ms. Lemke believes a six foot crest with a ten foot berm would be adequate.

**CM-97-08-264: Moved by Mitzel, Seconded by Clark, CARRIED UNANIMOUSLY: To approve the first reading of Ordinance No. 97-18 (Zoning Ordinance Update) with an amendment to Section 1905 in accordance with Linda Lemke's recommendation regarding berm requirements, as amended to include density credits for cluster housing and with further review of cellular antennas for the second reading**

**COUNCIL DISCUSSION**

Councilman Mitzel asked if they will update the proposed zoning map to reflect tonight's rezoning. Mr. Fried replied it would.

Councilwoman Mutch asked if they are changing it to six feet where it currently says four and ten.

Mr. Rogers referred to Page 163 under cluster housing and advised they found that when they remove the regulated wetlands under two acres that it really does not make any difference. He referred to Abbey Hills as a good example where they built 31 units, but under the gross density allowable under R-1 they could have built 45 units. He explained if they remove the 9.34 acres of wetlands, the net density would have been 30 units per acre for the cluster development and not much different from what was actually built. Mr.

Rogers explained there was quite a bit of regulated upland woodland area that constricted the site and they were unable to max out. Further, because the developer wanted to construct detached clusters, they could only construct 31 units and still maintain the ten foot standard between the structures. Mr. Rogers brought this to Council's attention because they address net site area to exclude regulated wetlands in all the options except the cluster option. Mr. Rogers recommends that they also add this to the cluster option where appropriate.

Councilman Mitzel believes there were several sections within the zoning ordinance that they removed for further study. He reported one was the cluster section, another was the architectural review and the last was cellular towers. Councilman Mitzel would like to amend his motion to include changing the cluster option so that it is consistent with the other options.

Mayor McLallen advised they have accepted the friendly amendment.

Kenneth Singer advised that he has eight acres with two to three acres of wetlands and he does not understand his property taxes. He explained the city has taxed him for the entire eight acres for the past nine years and that it is unfair that they should tax a property owner for the wetland areas.

Mr. Fried suggested that the property owner should first discuss the matter with the city assessor to determine if he is assessing him the same for uplands as he is for wetlands. Mr. Fried advised if the assessor does not make the necessary correction, Mr. Singer should then appear before the Board of Review.

Councilman Schmid asked Mr. Rogers to comment on his letter regarding cellular antennas. Mr. Rogers believes cellular antennas are a very important addition to the ordinance and noted Novi currently permits them only in I-1 and I-2 Districts. However, Mr. Rogers believes the proposed zoning ordinance will now permit them in RC and the office districts. In addition, he understands that the Telecommunications Act of 1996 will permit a provider to build out a grid in a residentially zoned area, but added that is a special exception that can be granted only with proof there is no other possible site to locate their tower.

Councilman Schmid believes they currently restrict antennas to I-1 and I-2, but under the new ordinance, towers are permitted in other zoning districts if they meet the criteria listed in the ordinance. Mr. Rogers agreed and added that except Dearborn, other nearby cities permit towers in their downtown districts.

Councilman Schmid asked why are they being so liberal. Mr. Rogers replied because providers service the public, cities cannot exclude the antennas. He explained once a

provider establishes a grid and can mathematically demonstrate that there is a dead spot in the grid and the only way to serve that spot is to put something in a RA zone, the FCC can preempt Novi's regulations because local ordinances cannot exclude completing the grid.

Mr. Fried is familiar with the act, but he is not familiar with its detail and cannot comment at this time.

Mr. Rogers stated the city can limit the number of districts, but they cannot totally exclude them.

Councilman Schmid asked why don't they have an ordinance to restrict towers in only I-1 and I-2 and then let the provider make an exception so the city can control where they go. Mr. Rogers believes they could do that, but added they will still have to come before Council for Special Land Use review. Further, Mr. Rogers reported the Implementation Committee worked on this particular section for a year and they all felt it was reasonable to open cellular antennas to these few additional districts with an exception rule.

Councilman Schmid would like to amend the motion to restrict cellular antennas to I-1 and I-2 Districts with the inclusion of the exception clauses as they are currently written in the new zoning ordinance. Councilman Clark would agree to support the amendment.

Mr. Rogers believes the section they are addressing is on Page 237 of the comparison draft, "The City Council may permit a communication antenna or pole in other zoning districts not listed above or within 300 feet of a residentially-zoned district, or may otherwise vary the standards contained herein, when it finds that such restrictions would prohibit or have the effect of prohibiting provision of personal wireless services so as to contravene the provisions of 47 U.S.C. § 332 (c)(7)(B)(i). The relief granted shall be the minimum necessary to eliminate such an effect." Mr. Rogers believes this language came directly from the Act. He further noted I-1, I-2, OS-1, OS-2, OSC, B-3 and RC are listed above that language as districts that permit cellular antennas.

Mayor McLallen asked if the amendment is for Section 2508, subsection A. Although Councilman Schmid does not want to exclude anything, his intention is not to increase the districts that they presently have. Councilman Schmid wants to permit the opportunity that they can go into any one of the districts, but added the petitioner would have to come before Council with their proposal. He is concerned that they can construct a tower in the RC District if they meet the ordinance's criteria or if they can make a case that they need to complete their grid. Councilman Schmid is looking for some control.

Mayor ProTem Crawford noted there is a difference between an antenna and a tower, and asked if there is anything in the ordinance that would allow an antenna on an existing

structure. Mr. Rogers replied the antenna on the Edison corridor site is a new use for that particular property and will be considered under Special Land Use. Mr. Rogers understands that the question is whether those could be exempted.

Mayor ProTem Crawford believes a compromise may be to allow an antenna in these areas on an existing structure. Further, he reminded Council the FCC is going to overrule a Council decision if the provider cannot provide the service.

Although Councilman Schmid agreed, this amendment would still provide some control.

Mayor ProTem Crawford asked if they could offer another alternative at the second reading in that they would allow an antenna on an existing structure in the listed areas. Mayor ProTem Crawford explained a provider must then come back before Council to make certain they really need a tower in that area for any new tower.

Mr. Rogers advised the seven providers are suing the FCC to exempt any local regulation.

Mayor McLallen stated they will refine the cell tower language under Section 2508 for the second reading. However, for the first reading they have added density credits in cluster housing, they have revised the berm crest and they will review and bring cellular antennas for a second reading.

**Vote on CM-97-08-264: Yeas: McLallen, Crawford, Clark, Kramer, Mitzel, Mutch, Schmid**  
**Nays: None**

Councilman Kramer noted there is a letter attached from Brandon Rogers in regard to architectural review of automobile service station development indicating that the Planning Commission is studying the Master Plan for auto service stations. Councilman Kramer stated the letter was addressed to the City Clerk and asked if it requires Council action. Mr. Rogers replied they included it as a communication in response to Council's request.

**8. Approval of Ordinance No. 97-45.24, Amendments to Subdivision Ordinance revising location of utilities and variance procedures - I Reading**

**CM-97-08-265: Moved by Clark, Seconded by Schmid, CARRIED UNANIMOUSLY: To approve Ordinance No. 97-45.24, an Ordinance to amend the Subdivision Ordinance to revise location of utilities and to revise procedures for the consideration of variances - I Reading**

**Vote on CM-97-08-265: Yeas: McLallen, Crawford, Clark, Kramer, Mitzel, Mutch, Schmid**  
**Nays: None**

**9. Approval of Ordinance No. 97-100.20 to revise the requirements for the placement of subdivision entranceway signs - I Reading**

Mayor McLallen advised approval of this revision would relieve applicants of the obligation to go to before the ZBA when Council grants a license agreement. She added it would also relieve applicants of the need for a separate right-of-way permit.

**CM-97-08-266: Moved by Schmid, Seconded by Clark, CARRIED UNANIMOUSLY: To approve Ordinance No. 97-100.20 - to revise the requirements for the placement of subdivision entranceway signs - I Reading**

**Vote on CM-97-08-266: Yeas: McLallen, Crawford, Clark, Kramer, Mitzel, Mutch, Schmid**  
**Nays: None**

**10. Adoption of Smoking Policy Ordinance Discussion and Possible I Reading**

Mr. Fried reviewed whether all city buildings must have a no smoking policy or whether it would be limited only to the Police Department and found that under the terms of the grants that it only has to be applied to the police station. However, he advised they prepared two ordinances. He reported one would limit no smoking to the police station and the other would eliminate smoking in all municipal buildings. He advised that Mr. Kriewall suggested that there be a modification made to the second ordinance that would permit smoking in the municipal garage and the fire station bay's apparatus building. Mr. Fried advised at a minimum, Council must adopt the ordinance that prohibits smoking in the police station.

Chief Shaeffer added they obtained some minor funding under the Juvenile Justice Program that stipulated they have a smoke free environment and consequently, they requested an opinion for the city attorney.

Councilman Kramer commended Chief Shaeffer for bringing this matter to Council's attention and added he will support the second motion. Councilman Kramer is supporting the motion because it is the socially correct thing to do whether they require it or not.

Mayor ProTem Crawford concurred with Councilman Kramer and added they should consider a ban in all municipal buildings. He is also concerned that smoking will be

permitted outside the building and asked whether that is a requirement or a policy decision. Mayor ProTem Crawford believes that seeing people smoking outside buildings is not aesthetically pleasing nor is it accomplishing what they should accomplish. He would prefer that they provide an internal smoking room.

Mr. Fried advised if they use the guideline established by the government, it has to be a totally smoke free environment so an internal room would not be acceptable. Mr. Fried advised that President Clinton reconsidered his executive order that provided there is no smoking permitted within fifty feet of a government building. Mr. Fried agrees smoking outdoors is not aesthetically pleasing, but believes they should seriously consider this issue before they set up any outside criteria that permits smoking.

Mayor ProTem Crawford asked Administration to provide some alternatives and restated that he does not want to see smoking outside the building. He suggested the area should be located where the public does not pass through or see on a regular basis.

Mr. Fried suggested they prohibit smoking within fifty feet of a municipal building except in designated areas to be determined administratively.

Councilwoman Mutch asked why were the DPW garage and Fire Department excluded. Mr. Kriewall believes the Fire Chief suggested they exclude the apparatus rooms because of the 24 hour shifts of the firefighters. Mr. Klaver added those areas are not open to the public and they are large areas with a lot of ventilation capability.

Councilwoman Mutch agrees with Mayor ProTem Crawford in that it is unattractive, but she would add that the health effect is something people should not have to tolerate. Councilwoman Mutch stated if they have designated smoking areas for the Civic Center, she asked if they would also have to provide them for other buildings. Mr. Fried replied that is not a legal requirement.

Councilman Schmid concurs that they should ban smoking in municipal buildings period. He also does not agree they are keeping with the spirit of the concept if they permit smoking in the DPW garage. He also does not understand why they would want to permit smoking at the fire stations.

Mr. Kriewall does not believe the Fire Chief would have a problem with banning it entirely.

Councilman Schmid agrees there should be a designated area outside and away from the public.

Mayor McLallen believes the proposal that seems to be gaining support is that there will be no smoking within municipal buildings and smoking will only take place no closer than

fifty feet outside the building in designated areas. Mr. Fried advised they suggested one hundred feet.

Councilman Schmid does not believe they need to indicate specific feet if they can assume the smoking will take place in a non-public area.

Mr. Kriewall suggested that they do not include a dimension.

Mr. Fried believes if they do not include a dimension, they should also provide a prohibited area.

Councilman Mitzel advised they are prohibiting smoking in the building, but not on the site.

Mr. Fried disagreed and stated they should include a distance in addition to a designated area so that the smokers can understand they permit them to smoke in areas such as the parking lot.

Mayor ProTem Crawford asked if they included a distance could they also put a designated area closer to the building.

Councilman Mitzel believes all points are covered except he noted that it is not only employees who smoke outside the building. He asked Administration to consider this factor between the first and second reading. Mr. Fried advised the language will be drawn so that Administration can determine what the designated area is.

Councilman Mitzel stated his point is that it is not just an area designated for city employees. Mr. Fried agreed that it will be a designated area for all smokers.

**CM-97-08-267: Moved by Mitzel, Seconded by Kramer, CARRIED UNANIMOUSLY: To approve the version of the Smoking Policy Ordinance - I Reading that incorporates all municipal buildings and the issues discussed tonight before it is brought back for a II Reading**

## **COUNCIL DISCUSSION**

Councilwoman Mutch believes Administration should also make some suggestions about how it is going to be posted so that they make the public aware of the designated smoking areas.

Mr. Fried asked if they also want a provision that will prohibit smoking within one hundred feet of a public building except in designated areas. Councilman Mitzel believes that was

the general consensus.

**Vote on CM-97-08-267: Yeas: McLallen, Crawford, Clark, Kramer, Mitzel, Mutch, Schmid**  
**Nays: None**

#### **CONSENT AGENDA REMOVALS FOR COUNCIL ACTION**

**6. Adopt Resolution, Re: Approval of Grant Application for I-96, Beck Road, Wixom road and Twelve Mile Road Intersection Project**

Mr. Kriewall reported they have explored the potential for that particular grant funding with MDOT and they have advised that they do not believe it is a good idea. Mr. Kriewall stated since one of their agencies approves these particular grants, they have decided not to pursue that application. As a result of the MDOT feedback, Mr. Kriewall advised the City of Wixom is moving forward and they are making a separate application within their community for a particular project. Mr. Kriewall reported Novi's back up project and one they have been thinking about for some time is to seek funding for a three-lane improvement to Nine Mile Road between Venture Drive and Novi Road. He explained the key qualifier for grants such as this is present or ongoing industrial economic development in an area. He stated since they have some recent construction in the Hickory Corporate Park, they believe they have a reasonable opportunity to get the funding to improve Nine Mile Road. Therefore, they are recommending that Council pass a resolution so they can forward a grant application to MDOT this Friday.

Councilman Mitzel asked if they require city matching funds? Mr. Kriewall replied they do not require them. He added they are going to build their match around the improvements they have already funded in the bond issue for the reconstruction of the Nine Mile and Novi Road intersection; they will also seek some donations of right-of-way along that corridor.

Councilman Mitzel asked whether safety paths or sidewalks are included in these types of transactions. Mr. Kriewall is not certain whether they can incorporate that, but they will attempt to.

**CM-97-08-268: Moved by Schmid, Seconded by Clark, CARRIED UNANIMOUSLY: To adopt the Resolution to seek the grant application for road improvements to Nine Mile Road in the industrial segment and attempt to include sidewalks in the funding**

## **COUNCIL DISCUSSION**

Councilman Kramer believes sidewalks are particularly important for an industrial corridor road.

Mayor McLallen advised they will attempt to include sidewalks in the funding.

**Vote on CM-97-08-268: Yeas: McLallen, Crawford, Clark, Kramer, Mitzel, Mutch, Schmid**  
**Nays: None**

- 7. Approval of Taxi Cab Company License to operate 15 cabs to ABC Cab Company**
- 8. Approval of Taxi Cab Company License to operate 1 cab to Community Cab/Mitsu**

Councilwoman Mutch does not object to the approval of the licenses since the Police Department reviews these applications and apparently, the applications are in order. However, Councilwoman Mutch asked if these are the only two companies licensed in Novi.

Chief Shaeffer is not certain about how many they currently have, but knows there are several others licensed in the city. He noted they require that all cab companies have licenses.

Councilwoman Mutch asked if any cab companies are based in Novi. Chief Shaeffer replied none are headquartered in Novi.

Councilwoman Mutch noticed a company that parks many vehicles on Grand River and she thought that was Community Cabs. Chief Shaeffer stated he could provide that information at a later date.

Councilwoman Mutch asked if the city has anything to do with setting cab rates and what cab companies are located near enough to Novi to be considered as serving this community. Councilwoman Mutch explained these are the kinds of questions that are often asked of her and she asked Chief Shaeffer to provide this information to Council at another time.

Mr. Fried advised for a taxi cab to pick up a passenger within Novi, it must be licensed in the city. However, he added that any cab company can drop passengers off within the city. Mr. Fried does not believe Council has ever rejected any cab licenses.

Councilwoman Mutch then understands that a resident can get a cab because they license so many companies and secondly, anyone who wants to operate that service in Novi will not have a problem getting a license as long as they have safe driving records.

Councilwoman Mutch believes the public should know that none of these companies are dispatched from Novi because they need to be aware that this company does not strictly service Novi. She also believes the public needs to know whether the city has any control over rates or responsiveness. Councilwoman Mutch explained she has heard complaints that the City of Novi subsidizes certain cab company runs within the city and they only respond to certain calls. Mr. Fried suggested that she should refer those types of calls to the Clerk's office so that when the company reapplies for their license, they can take those complaints into consideration.

Mayor ProTem Crawford asked if there are any safety inspections conducted. Chief Shaeffer replied that the city's vehicle maintenance personnel inspect the cab's equipment for minimal performance standards.

Councilman Schmid asked if they inspect each car each time they renew their license. Chief Shaeffer replied they inspect the equipment, but he is not certain whether they inspect for cleanliness.

Mayor McLallen advised Council would like an update about the number of current licenses, the cost of the license and what the criteria is within the next thirty days. Chief Shaeffer agreed to provide a report to Council.

**CM-97-08-269: Moved by Mutch, Seconded by Crawford, CARRIED UNANIMOUSLY: To approve the request from Community Cab for a license to operate one cab in the City of Novi, subject to the recommendation of the Police Department**

**Vote on CM-97-08-269: Yeas: McLallen, Crawford, Clark, Kramer, Mitzel, Mutch, Schmid  
Nays: None**

**CM-97-08-270: Moved by Mutch, Seconded by Crawford, CARRIED UNANIMOUSLY: To approve the request from ABC Cab Company for a license to operate 15 cabs in the City of Novi**

**Vote on CM-97-08-270: Yeas: McLallen, Crawford, Clark, Kramer, Mitzel, Mutch, Schmid  
Nays: None**

**12. Approval of Resolution of Support for the proposed abandonment of a portion of Grand River Avenue**

Councilman Schmid understands that they have a one hundred eighty foot right-of-way in these areas as opposed to one hundred twenty feet. Councilman Schmid explained his concern is that they will give it away today only to buy it back tomorrow. He said Mr. Nowicki assured him that they will never use one hundred eighty feet for a right-of-way although that is what they would require for a divided highway. If that is true, Councilman Schmid will move for the approval of the resolution to abandon that portion of Grand River Avenue.

**CM-97-08-271: Moved by Schmid Seconded by Clark, TABLED: To approve the resolution of support for the proposed abandonment of a portion of Grand River Avenue**

**COUNCIL DISCUSSION**

Mayor McLallen asked whether they are getting the right-of-way or are they giving it away. Mr. Fried advised if they own the property, they are getting the right-of-way. However, if they do not own the property adjacent to there, they are giving it away. In this case, Mr. Fried advised they are getting twenty feet from the Fire Station, but they are giving twenty feet away in front of the other commercial buildings.

Councilman Kramer believes Councilman Schmid raised an interesting point and added that the Beautification Commission recommended a divided highway.

Mr. Nowicki believes the right-of-way exists mainly from Haggerty to the western city limits. He explained they have one hundred feet of right-of-way in some areas and one hundred eighty feet of right-of-way in other areas. Mr. Nowicki reminded Council that they supported the abandonment of a portion of Grand River several years ago between these parcels and Novi Road that has essentially brought them back down to one hundred and twenty feet. He advised the County and the property owners are trying to strive for a uniform one hundred and twenty foot right-of-way throughout the Grand River Avenue corridor. Mr. Nowicki noted there is a letter included in the packet from Mr. Arroyo who has reviewed that with respect to zoning and the Master Plan for Land Use, and he believes the one hundred and twenty foot right-of-way is appropriate.

Councilman Kramer said if a committee is considering whether they should be enhancing the city by making Grand River a boulevard, he asked if there is any timing reason for taking action at this time. He added the county has indicated that they believe there is an excess of right-of-way that could be given back and suggested that they wait until they can affirm that the city does not need it.

Mr. Nowicki replied that they have informally met with the consultants and it was their indication that constructing a boulevard through that area probably would not be feasible because there is no right-of-way as it currently exists because of conflicts with buildings.

Councilman Kramer asked if the committee agrees. Mr. Wahl believes there is some confusion about the Beautification Commission and an ad-hoc group that they met with in several public meetings. Mr. Wahl explained they have provided some preliminary reports, but they have not come back with a final recommendation. Mr. Wahl reported that constructing a boulevard at any location along there was very problematic, but noted they have not held a final meeting as of yet. Mr. Wahl is surprised to hear that the Beautification Commission said anything about this since several of their members attended the public meetings and were aware of the problems.

Councilman Kramer admitted that he may be attributing that statement to an improper source, but he recalled having read some material in one of the last few packets.

Councilman Schmid asked who initiated the proposed abandonment? Mr. Nowicki replied that the property owners initiated the abandonment.

Councilman Schmid asked if they are certain that they are in a position that they want to request the county to allow this abandonment.

Councilwoman Mutch asked if they have given up the right-of-way only near the Town Center or is it further out on Grand River. Mr. Nowicki believes there are a number of parcels to the west on Grand River that there are at a total of fifty feet off the centerline, but he believes it is sixty feet in this case. Further east, Mr. Nowicki believes there are some property owners that own the right-of-way very close to the centerline of Grand River.

Councilwoman Mutch thought if it were only the Town Center area that the potential is there to boulevard the eastern end. Mr. Nowicki noted there does not appear to be a uniform right-of-way along certain portions of that road.

Mayor McLallen believes Mr. Norman, who initiated the request, wanted a response within thirty days from July 14 and that it does not mean that they should give up their rights within thirty days. The Mayor believes their response and the consensus is that they are still looking at this issue. Mr. Nowicki agreed.

**CM-97-08-272: Moved by Schmid Seconded by Clark, CARRIED UNANIMOUSLY:  
To table motion to approve the resolution of support for the  
proposed abandonment of a portion of Grand River Avenue until  
further information can be provided**

**Vote on CM-97-08-272: Yeas: McLallen, Crawford, Clark, Kramer, Mitzel, Mutch,  
Schmid  
Nays: None**

**COMMITTEE REPORTS - None**

**MAYOR AND COUNCIL ISSUES**

Since audience members are present to discuss Item 3, Councilman Mitzel suggested they move it to Item 1.

Mayor McLallen advised there is a Council consensus to move Item 3 to Item 1.

**3. Aquatic Facility Next Step - Mayor McLallen**

Mayor McLallen reported in order for this item to appear on the November ballot, Council must begin to prepare the language and allow the public time to be educated on the issue.

Dan Davis reported he has taken into account all the comments and suggestions offered over the last year when the Aquatic Committee made their presentation to Council in April. Mr. Davis advised numerous residents from the adjoining subdivisions expressed comments about traffic, noise, impact on wildlife, possible other sites, financial stability and feasibility of the facility. Mr. Davis reported they went back to the Power Park site and asked how can they take the components that the committee had put forth and still address the concerns raised by the residents. Mr. Davis believes the drawing currently before Council tries to accommodate as many of those concerns as possible.

Mr. Davis advised providing one entrance from Taft Road addresses the traffic issue on Taft Road and would be aligned with the Addington Subdivision to the west. He noted it is a boulevarded entrance into a parking lot that would accommodate approximately three hundred vehicles. Mr. Davis advised they then tried to push all the water features to the rear of the site. Given the constraints of the site, Mr. Davis added they had to stay near the east of the property and elongate the design. He then advised that the Dunbarton Subdivision is located to the south end of the site and at the southwestern corner of the site, the road in Dunbarton curves around. Mr. Davis reported they have attempted to push the active areas away from that location and provide a large berm with a heavily landscaped area in place. As he indicated in his cover sheet, Mr. Davis advised that they basically have a minimum of two hundred feet and believes it is actually pushing three hundred to four hundred feet of distance between the property boundaries of those residential adjoining neighbors to the active areas of the water features within the facility.

Further, Mr. Davis reported when they come into the site they first come into a bath house area with locker rooms, a concession building and administrative offices for the operations of the facility. They would then move into the water feature area that has two slides scaled at a twenty five foot height elevation, and then enter a zero depth pool area and interactive child play area. He advised to the east is a fifty meter pool with a dive area toward the back. Mr. Davis stated the edges include picnic areas, sand volley ball and playground areas to create a park like setting and create more buffering between the active uses and water features.

Mr. Davis advised his narrative includes the traffic issues and restated that the facility will be for Novi residents only. He added that limited guest passes will be available for residents so that the people using the roads would only be Novi residents. Mr. Davis added they are only considering a seasonal use (Memorial Day through Labor Day) that would be opposite the high school schedule. Further, Mr. Arroyo has reported that the peak times in the road networks in this area are 7:00 a.m. and 5:00 - 6:00 p.m. Mr. Davis advised that the peak hours for this type of facility are predominantly between 11:00 a.m. and 3:00 p.m.

Mr. Davis believes they have attempted to address the noise concerns within the design, and that policy can control and monitor the noise. He reported that most facilities like this operate on a time factor, and explained that they scheduled exercise classes and lessons for the morning before the higher of volumes of people arrive. Mr. Davis advised the normal operational hours for open swimming occurs between 11:00 a.m. until 7:00 p.m. and that the facility would close at 8:00 p.m. at the latest. Mr. Davis believes whether the site is an intense use is a matter of debate and based upon preferences. Mr. Davis further believes there are other more intense active recreational uses that could be put on the site (i.e., soccer, baseball) that might have more of an impact. Mr. Davis stated they run the gamut of not doing anything with the site to finding a happy medium with the adjoining residents that he thinks they can accomplish with a compromise that addresses their concerns, but still provides the opportunity to use the park in a way that benefits the community.

Mr. Davis noted there is wildlife in the area. However, he described the seven acre area they want to develop as a low, more scrub brush type of vegetation that is not a protected area. Therefore, Mr. Davis does not believe they are going to impact the wildlife corridor.

Mr. Davis understands that residents want to know why they do not consider the tree farm as an alternate location. Mr. Davis reported they not only discussed the tree farm, but they also considered the Eleven Mile and Wixom site. He advised there are many limitations placed on the school site by the Department of Environmental Quality that would limit them on what was buildable. Mr. Davis advised there are three issues involving the tree farm site. He explained that it took the Parks Commission a year to develop a master plan for

that site. He advised that the site features extensive natural preserved areas and they have implemented trails. He added they are still studying a master plan in terms of the feasibility of a golf course, a nature center and other similar types of uses. Mr. Davis advised that an aquatic facility was not incorporated in the master plan at this time. He noted it does not mean that it cannot change, but he believes they are looking at uses for the tree farm that would prohibit a pool. In addition, the committee had looked at that area as not being centrally located and thought that the Powers site would be a better location to service the greater majority of residents. Therefore, they still stand by that conclusion and support it.

Finally, Mr. Davis believes one key ingredient is that the whole tree farm area has limited utilities available. He explained there is some water service just installed along Dixon Road and somewhat along Twelve Mile Road. However, full utilities do not service the entire site for water, a sewer system, and gas or electrical service. Mr. Davis agrees they could get those services, but it would be costly.

Mr. Davis explained all of those elements were a part of the decision making process or elimination, and ultimately they concluded that Power Park would be the best location.

Mr. Davis advised he has spoken with Addington and Dunbarton residents, and reported they will coordinate a meeting with those groups a week from Wednesday to present their proposed plan and address their concerns. Mr. Davis added that the plan is still preliminary and believes there is room for adjustment.

Mr. Davis reported the project is approximately a \$4.5M project and noted he has included summaries in his packet. Further, they have also advised him that deadlines are approaching if they are going to put a proposal on the November ballot. He reported that Mr. Neiman has provided the necessary language to be inserted with the dollar amount and location for the bond issue which can be addressed by Council at a future meeting.

Councilman Clark asked if there is any reason that they cannot construct this facility in the ice arena area. Mr. Davis replied there is some excess property, but that was set aside for expansion of the ice arena. Mr. Davis supports the conclusion that there might be a need for a third or fourth surface of ice that would prohibit the aquatic facility from going there. In addition, Mr. Davis advised that the Sports Club of West Bloomfield is going to be adjacent and will provide some of the same features as the aquatic facility.

Councilman Clark asked if the Sports Club will affect the potential users of a public aquatic facility and explained he concerned about the financial stability of the facility. Further, it makes sense to him to put the aquatic facility next to the ice arena so that they can draw from each other. Further, Councilman Clark also does not see the need for a third or fourth sheet of ice. Councilman Clark added he cannot support the construction of an aquatic

facility at the Power Park site because of the traffic implications for Taft Road.

Mayor ProTem Crawford also wondered about the potential of the aquatic facility in conjunction to the ice arena site. Further, he asked if it cannot be in the exact location, is there any possibility of purchasing additional property in that area to accommodate an aquatic facility. Mr. Davis believes there are two parcels that are still subdivided out and owned by Mr. Weiss along the corridor of the new road. Mr. Kriewall interjected, there are two to three parcels there. Mr. Davis believes there is potentially another site in this area and they could actually go anywhere they want in the city if the bond for additional monies is set aside for land acquisition.

Mayor ProTem Crawford believes this site was not considered because the potential of the site did not exist at the time. Mr. Davis replied they considered the aquatic facility when they were looking for ice arena sites. He explained if they found a site large enough to accommodate both, they would have to consider what that cost would be and would that cost have to be passed on to a bond issue.

Although Mayor ProTem Crawford believes both sites are centrally located, the ice arena site does not have the objections of the nearby residents. Further, he would not oppose the Power Park site if there was not so much opposition to it. He added that the upcoming meetings might alleviate some resident's concerns. However, if there are major concerns that they cannot address, he would like them to consider another site.

Councilman Kramer requested a formal notice of the meeting with the residents so that he can attend. Mr. Davis advised they will hold the meeting Wednesday, August 20, 1997 at the Civic Center.

Councilman Kramer asked if they have thoroughly studied the potential of having a road to Ten Mile. Mr. Davis replied the property is "L" shaped and ends at the retention pond in the back. Therefore, they would have to acquire property or get crossing easements from the school district to gain access to the "L" piece toward Taft Road. Once they cross, they get back into the regional retention basin that services Addington, Simmons Orchard, Yorkshire and so forth. He advised the flows come in across Taft Road and run along the northern edge of the property. He believes anything is possible, but then they have to factor in the cost and the length of the road.

Councilman Kramer suggested that they determine those costs because the alternative of considering the ice arena property would also include the cost of buying property there. He suggested the Powers Park may be more acceptable if they could have traffic coming in from Ten Mile Road. Although Councilman Kramer believes it is an appropriate use for the area, he thinks they need to listen to the residents concerns. He added if this is acceptable, they have something that will work. If not, then he believes drawing traffic from

Ten Mile could be a key. Further, he asked if they are really ready to go for the bonding for this given that they still have the ice arena in front of them. He explained he does not want to overburden the city's resources. He believes that putting the question before the voters may be appropriate, but he is uneasy about whether they should actually get the bond money until the ice arena is completed. Councilman Kramer would also like further analysis about the financial viability for an aquatic facility in Novi that would also consider neighboring facilities.

Councilwoman Mutch agrees with those who said in general that this is an appropriate use for the Powers Park site. She added there may be some issues with neighboring property owners and the school that still needs to be addressed, but she believes that saying that this facility would be inappropriate for this site would be irresponsible on their part. Further, she thinks the position of a pool being an income generating facility is somewhat skewed. She understood that residential communities with private pools only hope to break even and added they see it as an amenity similar to a public park. Therefore, she believes they should not be looking at this as an income producing facility. She further believes the people will determine whether this is something they want if they give them the opportunity. Further, the bond language as proposed does not restrict it to site. She is not certain whether they have ever restricted themselves to a site because a better site may come forward and they may have to revote on it. Councilwoman Mutch said the main reason she would not favor the ice arena site as an alternative location for the pool is that the city owns Power Park and therefore, they would not negatively impact the tax base which is what they would be doing if they acquired additional property anywhere else in the city. She also does not believe a park setting is appropriate on expensive industrial property. In terms of location, Councilwoman Mutch agrees the ice arena site is centrally located in the sense that the city is more densely populated in that area. However, everyone who lives east of Novi Road must travel through that intersection to get to there. She stated once a driver has negotiated that intersection, they may as well travel to Taft Road. She explained everyone west of Novi Road does not have to travel through that intersection if the pool is at Powers Park. Further, she does not agree with the argument about being centrally located because a central location does not guarantee convenience or the best in terms of access for those who want to use it. Councilwoman Mutch supports an aquatic facility for the community because it is a healthy and life long activity. Further, she believes the expectation for a city like Novi would be that they would have public facilities like this. Councilwoman Mutch would like to see this issue on a ballot and succeed, but she has some reservations about it being on this November's ballot because of the competition of other things on the ballot and the resulting confusion. Councilwoman Mutch believes this issue needs further discussion.

Councilman Schmid has mixed emotions about this facility and believes he was one of first to oppose a pool on this site. However, he recalled it was a different concept at that time because it was a regional pool. Councilman Schmid believes the proposal before them is

for a community pool and that they will need to address the resident's concerns. Further, Councilman Schmid disagrees that the pool will increase traffic and argued that it would be less traffic than what the high school generates. Councilman Schmid believes they could sell this project to the adjacent residents if it is properly planned, properly screened and properly communicated to the community. Councilman Schmid stated he would like to see more documentation about revenue and he would also like to hear about experiences from other communities. Therefore, he is not certain whether they have enough information to put this on a ballot. In general, Councilman Schmid agrees with the concept and with the location, but he is not certain whether it should be on the November ballot because of the many other items that they expect to be on the ballot. He believes they must think very carefully about asking the citizens to add to their taxes.

Mayor McLallen reported the language has to be prepared by August 25 for the November ballot. She said this matter is before them to see if there is enough interest to proceed.

Councilman Mitzel stated Councilman Schmid summarized most of his position. Since they have studied this for a long time, Councilman Mitzel believes that asking the voters how they feel about this issue is appropriate. Councilman Mitzel supports the site because it is in a community park and therefore, he believes it is an appropriate use. He then noted that the proposal was scaled back from an earlier proposal. In regard to the park to the north, Councilman Mitzel reminded Council that there is a swimming facility at the north end (Lake Shore Beach) and there is no facility south of that.

Mayor ProTem Crawford can support this item on a ballot, but he is interested in the meeting on August 20, 1997. He stated if they can resolve the resident's issues, he would support the site.

Councilman Clark does not believe the time is right to put this issue on a ballot if they are paying attention to what the taxpayers in this community have been saying recently. He reminded Council that the voters recently rejected a request for an enhancement millage from the schools. Councilman Clark has lived in the community long enough to know that this was the first time the taxpayers said no. He further reminded Council that the voters rejected the police bonding proposal. Councilman Clark believes the taxpayers are telling them that their pockets are not bottomless. He agrees they need to be careful before they spend themselves into some serious financial difficulties. He also believes they need to make certain that the ice arena is financially sound before they get into more indebtedness.

Councilman Kramer stated this is a park and recreation community and is a service that they provide to the community. He said if they do not expect that it will pay its own way, he does not have a problem with that because it is a parks and recreation service. However, he added it may be time to provide more park and recreation millage for operations. Councilman Kramer explained if they are going to move forward and ask for

bonding money, he suggested that an ongoing millage for operations should accompany it. Councilman Kramer believes the Parks and Recreation Department deserves the support of the community and Council to the extent that their constituents want to pay. Therefore, he believes that asking them is appropriate. He restated if they believe they need funds to support the operation of this, they need to address it at the same time.

Councilwoman Mutch stated if there is a consensus not to have this on the ballot, she suggested that the drop it for now. However, if there is a consensus to include it on the ballot, she suggested that they include it on the August 25 agenda.

Based on this evenings conversation, Mayor McLallen believes Councilman Clark is not in favor of putting this issue on the ballot or continuing with the issue at all at this time.

Councilman Clark restated that he believes the timing is wrong and they need to get their priorities in order by paying off some of their present obligations before they incur more.

Mayor McLallen reported the other members have expressed a willingness in varying degrees to decide August 25 after the outcome of the August 20 meeting with the residents.

Councilwoman Mutch understands that the meeting on August 20 will only consist of adjoining residents and will in effect, give the residents veto power over this project. She believes Council's responsibility is to provide these facilities to benefit the entire community if they are going to have them. Therefore, she believes they should encourage input from the entire community.

Mayor McLallen restated that several Council members are undecided about whether they are supportive of this for this year and want the opportunity to clarify their position. However, she believes several members have indicated that it is time to put this matter to a vote.

Councilwoman Mutch noted by virtue of putting it on the ballot, they are asking if the voters want it and if they are willing to pay for it; she stated they are not imposing this on the community.

Mayor McLallen stated there is a Council consensus to continue this conversation on August 25.

Mayor McLallen advised it is midnight and because of the constraints and the November ballot, the matters under Mayor and Council are very serious Issues. She stated it is Council's decision whether they are willing to continue tonight's meeting to discuss the four remaining issues.

Councilman Clark stated he read the sidewalk material and understands that the discussion would take approximately one hour. He suggested that they hold a 6:30 p.m. Special Meeting Wednesday, August 13, 1997 before the already scheduled joint meeting with the Planning Commission to specifically discuss this item.

**4. North-Novı Park Next Step - Mayor McLallen**

Mayor McLallen advised there has been some community concern that the North-Novı Park issue will appear on the November ballot. She explained the reason Item 4 appears on this agenda was to let Mr. Davis report that they are still formulating the master plan and Council has not yet seen it. Further, any decisions involving financial considerations from the public are further in the future and consequently, this issue will not appear on the November ballot.

**5. Police Department Facility Next Step - Mayor McLallen**

Mayor McLallen advised there was a police department facility bond on last November's ballot. She explained during the budget meetings there was conversation about certain items from that bond that are still very critical. However, they have not yet heard anything from Administration with the exception of the ADA components. Again, Mayor McLallen believes it is not appropriate to put that issue back on the ballot as it has not come forward again during this year as a critical issue.

Mayor McLallen stated Items 4 and 5 will not become ballot issues for this November. She added that leaves Items 1 and 2 under Mayor and Council Issues left for Council discussion.

Councilman Schmid does not believe the mast arm item will take much time.

- 1. Sidewalk Connection Program - Councilman Mitzel**
  - A. Revision to Design and Construction Standards**
  - B. Connection Program**

**CM-97-08-273: Moved by Clark, Seconded by Kramer, CARRIED UNANIMOUSLY:  
To schedule a Special Meeting for Wednesday, August 13, 1997  
at 6:30 p.m. to discuss the Sidewalk Connection Program**

**COUNCIL DISCUSSION**

Councilman Schmid believes it is a great idea, but he will be out of town. He added he will have some strong comments about this in terms of funding and so forth.

Mayor McLallen added that Mayor ProTem Crawford is not available Wednesday night, but they will still have a quorum.

**Vote on CM-97-08-273: Yeas: McLallen, Crawford, Clark, Kramer, Mitzel, Mutch, Schmid**  
**Nay: None**

**6. Mast Arm Signals - Councilman Mitzel**  
**C. Adopt Resolution**

Councilman Mitzel gave a brief slide presentation.

Councilman Schmid believes the corridors are at Twelve Mile and Novi Road, and Novi Road and Grand River Avenue. Further, the other issue is whether they should have mast arms in what is generally thought to be residential areas (i.e., Ten Mile and Taft Road, Ten Mile and Beck Road, Nine Mile and Novi Road, Nine Mile and Taft, and so forth). Councilman Schmid hopes Council takes the time to review this very carefully and he believes the wires are better suited for the residential areas; he does not want to clear foliage for mast arms.

Councilman Mitzel described the various mast arm styles as pictured in the packet. Further, he advised there are two resolutions for Council's consideration. He explained one is to adopt mast arms on the corridors of Novi Road and Grand River, and Novi Road and Twelve Mile utilizing the style in one of the slides. The second is the same with the addition that the smaller scale mast arm style would be for the other intersections. Councilman Mitzel believes there is a consensus about the corridors at Novi Road, Grand River and Twelve Mile. Councilman Mitzel also prefers mast arms for the other intersections and personally feels it will add style and class to Novi because it is more attractive than the span wire.

Councilman Schmid noted there is a substantial cost difference between the mast arm and span wire.

Mayor ProTem Crawford asked if there is also a difference in the life span, the maintenance and the overall function between the span wire and mast arm. Councilman Mitzel replied the JCK report states, "The life span of mast arm design is typically longer than that of span wire design. This is generally attributed to the amount of movement associated with wind loads on the suspended signal heads. Mast arm construction resists such loading, hence less wearing between parts and joints. There was no specific data that could be acquired to date or comments from suppliers that would commit to the life span of the mast arms. It should be noted that existing mast arms still in service in Detroit and other older communities, would indicate that the life span of the mast arm and pole full

configuration can exceed forty years.”

Mayor ProTem Crawford asked if illuminated street signs have been considered. Councilman Mitzel replied those are all issues they have discussed, but there was really no way to quantify those; he believes it comes down to an aesthetic issue.

Mr. Kriewall advised that the committee met twice and it is a split decision. Mr. Kriewall advised he suggested that they may want to hold a public hearing on this because of the impacted residential areas. He does not believe that the committee’s opinion differed in the major corridors. However, he believes the difference of opinion is in the residential areas. Mr. Kriewall believes this is a major decision and added if they move to mast arms in residential areas it will cause a visual impact. He restated that he believes they should get public input on this matter.

Councilman Clark concurs with the position of mast arms in the major corridors. However, he does not believe even modified mast arms are appropriate in residential areas because he believes it will cause residential areas to lose its rural quality.

Councilman Kramer asked if the committee only considered two classes of intersections at this time. Mr. Kriewall agreed.

Councilwoman Mutch asked if they are considering a resolution. Mayor McLallen replied they are offering three possibilities; 1) major corridors, 2) major corridors and minor corridors, and 3) none of the above.

Councilwoman Mutch believes there is a consensus about mast arms for major corridors and will make a motion to that effect.

Mayor ProTem Crawford asked if that would incorporate Mr. Kriewall’s suggestion to hold a public hearing to investigate the possibilities of non-corridor intersections. Mayor ProTem Crawford stated he is not necessarily opposed to mast arms in residential areas, but he would like to hear more about it.

**CM-97-08-274: Moved by Mutch, Seconded by Mitzel, FAILED: To adopt the Option B Resolution designating mast arm traffic signal supports for use within the City of Novi**

**Vote on CM-97-08-274: Yeas: Mitzel, Mutch  
Nays: McLallen, Crawford, Kramer, Schmid**

**CM-97-08-275: Moved by Mutch, Seconded by Crawford, CARRIED: To adopt the Option A Resolution designating mast arm traffic signal supports for use on Novi Road, Grand River Avenue and Twelve Mile Road**

### **COUNCIL DISCUSSION**

Councilman Schmid will not support the motion because he believes the west side is still somewhat residential and that they should install the span wire in that area.

Mayor McLallen supports the movement toward a distinctive look in these areas, but she does not believe they have yet to find the right model. Although the Mayor the concept is great, she believes that the examples before them are not aesthetically right for their community. Therefore, she does not support the motion as stated if their only option is the black mast arm.

Because of the SCATS system, Councilman Mitzel has noticed that the County is installing four to five poles or a taller mast arm at every intersection along the main roads in Oakland County.

Mayor McLallen agrees they should clean up the clutter at intersections. However, she asked if by cleaning up the clutter, are they sacrificing an aesthetic.

Councilwoman Mutch shares the Mayor's concerns. She referred to the Nine Mile and Novi Road intersection that is a mix of zoning types. She reminded Council that it is part of the Novi Road corridor and believes they should provide a consistency at each intersection. She added that she agrees that they may want a different appearance in the less developed parts of the city. Further, she believes mast arm is a concept and not necessarily a style. Therefore, while the resolution does specify and the pictures lead them in a specific direction, she believes there may be some compromise. However, the idea of a mast arm as opposed to span wires is a concept that she believes they can agree upon without the detail.

Mayor McLallen can agree on the concept, but she is concerned about the detail. She reminded Council that they went with a concept on Main Street and she does not like the detail.

Councilwoman Mutch added that they also have to live with what the county does on major roads and it is often unattractive.

Mayor ProTem Crawford believes they are talking about concept and although they may not want the black mast arm, he believes there are other options available. He would

amend the motion to advise that they are talking about mast arms in concept and not a specific style of black anodized mast arms.

Councilman Mitzel asked if he is proposing a committee of Council. Mayor ProTem Crawford replied he is not. Councilman Mitzel asked who would then determine the style?

Mayor McLallen is not supportive of any of the styles within the packet and therefore, cannot support the motion.

Mayor McLallen restated the motion is to adopt mast arms for the Novi Road, Grand River and Twelve Mile Road corridors for their full extent throughout the city. Further, she advised Mayor ProTem Crawford is offering an amendment that would specify that mast arms would be in concept only.

Councilman Mitzel is uncertain about what mechanism they could apply to designs.

Mayor McLallen is in support of the concept if they can determine whether there is a broader opportunity of choices for aesthetic consideration or not within thirty days.

Mayor ProTem Crawford restated he is willing to amend the motion and added if they need a mechanism to decide what the design might be, then they could put that to bed within thirty days.

Councilman Schmid believes they should vote on the main corridors and then permit Council to gain more information. He restated that he believes Council members should drive through the residential areas to picture what can occur if they construct mast arms and agrees they would take away from the rural appearance.

**CM-97-08-276: Moved by Crawford, Seconded by Mutch, CARRIED: To amend the motion to indicate the mast arms are in concept only and to offer an alternate style within thirty days**

**Vote on CM-97-08-276: Yeas: McLallen, Crawford, Kramer, Mutch,  
Nay: Clark, Mitzel, Schmid**

**Vote on CM-97-08-275: Yeas: McLallen, Crawford, Kramer, Mitzel, Mutch  
Nay: Clark, Schmid**

Mayor ProTem Crawford understood that they would come back with some recommendations for non-corridor as part of the motion. However, he now understands the motion and amendment that they just carried were for corridors.

Mayor McLallen agreed and explained the non-corridor issue failed.

**MANAGER'S REPORTS - None**

**ATTORNEY'S REPORTS - None**

**COMMUNICATIONS**

1. Letter from Jack S. Couzens, II to City Council, Re: Gypsy Moth Problem
2. Letter from Tom & Laura Steiner to City Council, Re: Gypsy Moth Problem
3. Memorandum from Chris Pargoff to City Council, Re: Gypsy Moth Infestation
4. Letter from Michigan Municipal League to City Council, Re: Official Notice of Annual Meeting
5. Letter from Victor Abramson to Angela Moncrief, City Manager's Office, Re: Thank you for service
6. Public Hearing Notice from the Michigan Public Service Commission, Re: Case Nos. U-11290, U-11449, U-11453, U-11454 and U-11456
7. Public Hearing Notice from the Michigan Public Service Commission, Re: Case Nos. U-11290, U-11449, U-11451, U-11452, U-11453 and U-11454
8. Letter from Martin Ladd, Superintendent DPW, City of Center Line to Bruce Jerome, Re: Recognition of services of Jim Cheyne and Tim Loynes
9. Letter from Jim Utley to Anthony Nowicki, Re: Tri-Mount - Residential Bonding and Acceptance Ordinance
10. Memorandum from Anthony Nowicki, Re: Ten Mile Road Conceptual Design Analysis of JCK & Associates, Inc.
11. Letter to Dorothy Zielinski from A. Nowicki, Re: Drainage Concern

**AUDIENCE PARTICIPATION**

**Connie Lake-Noble** - 42439 Park Ridge Rd., thanked Councilman Mitzel and is disappointed that he is not going to run for Council. She believes Councilman Mitzel has the integrity and intelligence needed for a city council. Ms. Lake-Noble spoke about the golf course and reminded Council that the voters agreed to purchase land for recreational activities in 1993. She believes she was quoted by the newspapers last December about "bait and switch" when they wrote a commentary about the golf course. Although Ms. Lake-Noble agrees it would be enjoyable to have a public golf course for her children, she explained she worked very hard to get land for recreational activities and she thinks that switching it to a golf course was wrong. Ms. Lake-Noble believes it should come before the voters. Further, Ms. Lake-Noble advised she wrote an editorial to the *Novi News* entitled "Where Will the Children Play" and since she wrote the editorial, a car has hit another child. She reminded Council that she suggested they develop property at Cherry Hill and Meadowbrook for the children in the fall of 1974 and they told her it was contaminated.

However, now she understands they will develop it for senior citizens. Ms. Lake-Noble further asked Council to develop more small parks on the east side of the city to accommodate the children of that area.

Mayor McLallen stated they can provide the complete information about that property to Ms. Lake-Noble. She noted that the entire process dealing with that property has changed in that period and the abilities to do different things on it has also changed. She added that the proposed use does meet environmental standards and it potentially includes park land for the neighborhood.

### ADJOURNMENT

There being no further business before City Council, the meeting was adjourned at 12:50 A.M.

  
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Mayor

  
\_\_\_\_\_  
City Clerk

Transcribed by Barbara Holmes

Date Approved: August 25, 1997