

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

Mayor Landry called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE: Webelos I from Cub Scout Pack 50, Deerfield Elementary 4th Graders
Den Leader: David Verellen
Kevin Blossfeld, Connor Bradley, Sean Cornellier, Nick Forkey, Jonathan Lee, Ethan Liu, Dylan Murray, Kiran Rushton, Clay Simmon, Buddy Verellen, Maxwell Weng, Saud Zahoor

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

ALSO PRESENT: Clay Pearson, City Manager
Tom Schultz, City Attorney
Rob Hayes, Public Services Director
Barbara McBeth, Planning Director

APPROVAL OF AGENDA

CM-09-12-147 Moved by Margolis, seconded by Gatt; **CARRIED UNANIMOUSLY: To approve the Agenda as presented.**

Roll call vote on CM-09-12-147	Yeas:	Landry, Gatt, Crawford, Fischer, Margolis, Mutch, Staudt
	Nays:	None
	Absent:	None

PUBLIC HEARING - None

PRESENTATIONS

- 1. 6th Grade Drug & Alcohol Poster and Essay Contest Winners - Darby Hoppenstedt, Counselor of Novi Meadows Elementary and Dave Ascher, Principal of Novi Meadows**

Claudia Walter wanted to recognize the partnership with the DARE program and Novi Meadows 6th grade poster contest. The essay contest focused on making health decisions. David Ascher thanked Chief Molloy and the Police department for the partnership. 532 sixth graders wrote essays on how they will resist peer pressure to use drugs, alcohol and tobacco.

- 2. Recognition of the 2009 Catholic Central High School Boys Cross Country State Champions**

Mayor Landry recognized the 2009 Catholic Central High School Boys Cross Country team, parents, coaches and the school for their commitment, effort and faith. Head Coach Tony Magney and Assistant Coach Brian Wilson presented each member of the team with a certificate.

The Mayor presented a sign to the coach and team that will be displayed when entering Novi that read "Novi Home of Catholic Central High School Division 1 Cross Country State Champions, 2009".

State Representative Hugh Crawford presented a proclamation to the team.

Coach Magney thanked the team for a very successful season and Mayor and Council for the recognition.

3. Recognition of the 2009 Catholic Central High School Boys Division 1 Football State Champions

Mayor Landry recognized the 2009 Catholic Central High School Boys Football Team and presented a sign to Head Coach Tom Mach that read "Novi Home of the Catholic Central High School Division 1 Football State Champions 2009".

Coach Mach and Father Elmer thanked Mayor Landry and Council Members for the sign and tribute honoring the entire team.

4. City's Landings Property (13 Mile Road and Old Novi Road) Land Use Study and Options – Birchler Arroyo Associates, Inc.

Rod Arroyo, Vice President from Birchler Arroyo, was commissioned by the Council to prepare the analysis of the Landings property and provided an overview of alternatives for land use. He introduced Rebecca Bessey from Birchler Arroyo and Randy Metz from Grissim Metz Andriese. They explored advantages and disadvantages of various options and offered a concept plan for public use of the property. The history dated back to the early 1900's and included the Walled Lake Bath House, the casino and the Walled Lake Amusement Park. The Landings was put up for consideration in the 1980's but never constructed.

Mr. Arroyo said the property was currently master planned for public park and open space, with a small portion for single-family residential. The history showed it was primarily planned for non-center commercial, in direct correlation with the Landings project. The Zoning reflected a B-3 general business classification for the majority of the property, with a small portion designated as R-4 for single-family residential.

Birchler-Arroyo did a site analysis documenting the existing conditions which included the views and property sloping towards the lake, existing platted streets, rights-of-ways, flood plains, nearby land uses and traffic conditions. Public input was taken through an

internet survey and two public workshops. The consistent theme in options was to retain the lakefront as being public waterfront.

Option A was single-family residential with a public waterfront component. Option B was a mixed use with a public waterfront including commercial development with residential or office above. Option C was a commercial development. Option D was a public park. Option E was a public park with the option of single-family residential on a two acre piece of land. Option F was a public park with the option of single-family residential and a restaurant. Option G was to do nothing and maintain the land as open space.

Mr. Arroyo stated the concept plan was in two phases. The plan was based on ideas from the public. Phase 1 of the public park concept plan included a number of improvements, including a waterfront promenade, fishing pier, tree-lined promenade through the site, picnic pavilion, restrooms, historical marker to symbolize the past history of the site and turfed paved parking along 13 Mile Road. Phase 2 added an amphitheater with a view of the lake, a splash pad, two volleyball courts and additional trees for shading.

Member Margolis noted that it appeared to extend along South Lake Drive on the concept plan. Mr. Arroyo stated that the section functioned as a buffer from the single family residential to South Lake Drive. No significant changes were proposed to that area and would be maintained as park land. Member Margolis asked if there would be grant money available for the project. Mr. Arroyo said the grant application period for DNR money was April 1, 2010 and the information just needed to be put into place.

Member Margolis wanted to know what the City needed to do in order to apply for the grant. Rebecca Bessey said the City would have to complete the grant application, provide justification and description of the proposed project and how it would meet the DNR's funding priorities and scoring criteria. The City would also have to provide a detailed concept plan with additional detail and finalize exactly what the City planned to do on the property as well as provide cost estimates.

Member Margolis stated she thought the best use of the property would be to leave it as open and park like as possible even though she liked the concept plan overall and the idea of having a section of residential. She had no interest in leasing or owning a restaurant. She did not see the need for an amphitheater, but thought the splash pad was a great idea. She wanted to know if the parking would suffice. Mr. Arroyo said it would depend on the types of uses that would occur and mentioned that it could be tweaked when the final plan was prepared. He said it was a good estimate according to the concept plan but it didn't factor in the potential programs.

Member Margolis said the concept plan made sense overall but would prefer not to do heavy programming because the parking becomes part of the park due to its low impact on the park itself. It would open it up to people who don't live there but wouldn't

become a huge draw to people. She thought the park would be a great plan if the City could get a grant for the funding.

Mayor Pro Tem Gatt agreed with Member Margolis. He asked what the property would be worth if it were sold. Mr. Pearson suggested \$20,000 to \$30,000 per lot.

Mr. Arroyo said the piece east of East Lake Drive, assuming the current density is 3.3 dwelling units per acre, would be roughly 6 lots on the property. He said based on his information, the land would be worth \$40,000 per lot if it were sold to a builder. He said there were many factors that would contribute to the cost of the property, but that was a ballpark estimate based on comparable properties nearby. Mayor Pro Tem Gatt wanted to know how much improvement to the park area \$240,000 would buy if the property were sold for that amount. Mr. Arroyo said according to the cost estimates prepared, both phases would cost \$2.27 million. He said anywhere from 10% to 15% potentially would help fund that. Mayor Pro Tem Gatt wanted to know what type of grants would be available through the DNR. Mr. Arroyo said it would depend on how the community is ranked according to the DNR criteria and point system. Ms. Bessey said the criteria could change each grant cycle but the maximum grant amount is \$500,000 and minimum local match is 25%. Mayor Pro Tem Gatt stated he would like to see the property left as passive park land for the residents to use, but there should be parking available.

Member Crawford stated she liked the options made available, especially the option of the fishing pier. Historically, the property has had a fishing pier and there is not another elsewhere on the lake. She would prefer to see this as a passive park; however the splash pad would be a popular amenity. She was concerned about the parking and the access available for people with mobility issues. She asked if there could be a paved path for direct access to the lake. Mr. Arroyo said there were a couple possibilities with the concept. There would be potential for on-street parking along East Lake Drive that would have a pathway directly to the lake, which would be the shortest route. There could also be barrier free spaces closer to the lakeshore if necessary. He said there was a lot of potential to accommodate those requests. Member Crawford said the amphitheater wasn't necessary since there was one at Fuerst Park. She said she was in favor of a lot of seating, the pavilion and a peaceful atmosphere where people could go and be near the water. Member Crawford liked the idea of selling the residential piece and using the money to help support to cost for the improvements to the park. She was in favor of phase 2.

Member Mutch asked about the parking needed for Option F. Mr. Arroyo said he would have to look at the requirements for restaurants but said typically it consumes 15-20% of the land area. He said it would be larger than retail lots because retail requires less parking area. Member Mutch asked when the traffic from the new development would impact the area. Mr. Arroyo said most of the traffic would be in the early evening, weekends and possibly at lunch times. He said it would depend on the market and goal of the restaurant. Member Mutch pointed out that the traffic volumes on South Lake at 13 Mile and Novi Road were low volume. Mr. Arroyo verified that they were in the 2,000

to 4,000 vehicle per day range, which has since been lowered from 10,000 vehicles per day.

Member Mutch asked how they came to the size of the parking lot and the amount of parking spaces. Mr. Arroyo stated they planned around 40-50 spaces in the off street lot off of 13 Mile and there would be on street parking on both sides of East Lake Drive. He said there may have been another 35-40 in that area. He said Randy Metz developed those numbers based on the proposed use under the concept plan.

Member Mutch asked how Birchler Arroyo would logically see phasing out this project over several years and what types of improvements would be seen in Phase 1 versus Phase 2 and Phase 3. Mr. Metz said it would start with the infrastructure and move up from there. He also stated that the promenade was an integral part of the park as it would bring the community close to the water so it should be considered for the first phase.

Member Mutch asked how much would have to be designed up front in order to plan for infrastructure and final build out. He wanted to know if there would be flexibility in the plan. Mr. Metz stated it would primarily affect the infrastructure. He said once the program is together that everyone is satisfied with, then they could put the infrastructure in to accommodate it.

Member Mutch asked what kinds of benefits and impacts would there be if the Council decided to move forward with a public park to the surrounding properties being developed or re-developed. Mr. Arroyo said that by developing a quality park with amenities that people find desirable, it would make it a more attractive neighborhood. He said there are currently no homes overlooking the park and providing the residential area would provide a positive aspect.

Member Mutch asked what types of uses would go into the B-3 properties that would be complementary to the park use. Mr. Arroyo stated that a park of that size would not be strong enough to drive a particular land use nearby. Member Mutch stated he believed that the City had a diamond in the rough with that large of a piece of public property on a lake. He thought it was important to maintain the public access to the lake and the public view of the lake. He said in regards to the residents, although they turned down the Signature Park proposal, his viewpoint is that the process is a long-term view and won't necessarily lead to immediate improvements or development. It would be a long-term process and as funds became available, the vision would be fulfilled. Member Mutch stated he had never been in favor of selling any portion of the property. He thought selling the land would cause more problems than it would be worth. He said it could be detrimental to the efforts in obtaining grants for the property. The Trust Fund of Michigan criteria valued the waterfront access, access to Walled Lake in terms of a boardwalk and a fishing pier as well as developing the public open space. He felt this was the long term vision for the property. He was in support of this project moving forward.

Member Staudt stated he was in support of the area being a public park with a historical element. He noted there are 40-50 years of history at the site, including the amusement park and the casino. Member Staudt has been approached by residents over the past couple years who have expressed interest in naming the park after a family member or wanting to make significant investment in it. He said the park should never be sold by anyone for any purpose. He stated the value of the property would not justify selling it. He said the timing is appropriate because it is something that needs to be done and it was time to move forward with it.

Member Fischer asked if access to the lake for residents to swim would be part of the concept. Mr. Arroyo said no because it was available at Lakeshore Park just down the street and they did not want to replicate that. Mr. Fischer said the planned amenities including the volleyball courts, splash park and amphitheater seemed like relatively active amenities and wanted to know if there would be less active areas. Mr. Arroyo stated some residents wanted very little additional improvement on the property while some residents wanted it to have very active sports activities. The plan reflected the majority of what the residents were asking for. Member Fischer asked about the annual costs associated with \$60,000 annual cost stated in the budget. Mr. Arroyo said the splash pad would be something that would require a higher level of ongoing maintenance than some of the other facilities. Member Fischer said the area should remain for the residents to enjoy.

Mayor Landry commended Birchler Arroyo for the thoroughness of the plan and the involvement of the public opinion. He thought it was good to explore the options available and important to make a thorough analysis. He believed everyone was in favor of maintaining it as a public use but not to leave the property alone. Mayor Landry said in order to solicit dollars, there would need to be a plan. There should be a plan with some options so that if the City obtained a grant, portions would be completed as the money was obtained. Mayor Landry was not opposed to selling off the land on the east part of East Lake Drive, but he would like to see it rezoned. He was concerned about the safety of pedestrians walking across East Lake Drive.

Mayor Landry asked if the splash park could be used in the winter as an ice skating rink. Mr. Arroyo said that is could be. Mayor Landry said he was in favor of having an all year use. He said it should be referred to the Planning Commission for a public hearing and to receive their recommendation.

Mr. Pearson noted the unanimity was there to develop a grant application for phase 1A to get the waterfront features so that the grant opportunity is not missed.

CM-09-12-148 Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY: To ask administration to come back with a phasing plan to allow the City to move forward on a grant application and refer to the Planning Commission for recommendation on zoning and schedule a public hearing.

Roll call vote on CM-09-12-148

Yeas:	Crawford, Fischer, Margolis, Mutch, Staudt, Landry, Gatt
Nays:	None
Absent:	None

Member Mutch wanted clarification on what information the Council would be asking the Planning Commission for in terms of the zoning, specifically if it was regarding the whole property or a portion. He asked if the B-3 zoning regarding public parks and recreation facilities were principal permitted use. Barb McBeth answered that parks were principally permitted. Member Mutch asked where parks fell in the residential zoning district. Ms. McBeth said parks were permitted in the residential zoning district and could possibly be a special land use. Member Mutch asked if the City could develop the property regardless of the zoning. Mr. Schultz stated the City could develop the park even if the zoning doesn't permit such a use. Member Mutch said as long as it came back in a timely manner and the Planning Commission was clear on what the Council was asking for, he didn't have a problem sending it to the Planning Commission but he didn't believe it was necessary.

Mr. Pearson said the property suffered from lack of use, lack of awareness, lack of a plan and confusion about what the City intended to do with the property. He said the business zoning has added to the confusion. He said the intention was to leave the property as open space and signaled what the Council is trying to get at with the core of the piece of the property.

Member Margolis stated the property should be cleaned up in order to have it go concurrently with the grant application. Member Staudt stated he wanted to see the plan move forward quickly. He would like to make it as difficult as possible to sell off the property as a commercial piece of property. He wanted that to be very clear. He was happy to hear that the administration would be willing to work concurrently to gather a grant application for the very basics of the site so that they can provide public access as soon as possible.

Member Mutch wanted to be clear that the rezoning would be strictly for city owned property.

REPORTS

1. MANAGER/STAFF - NONE

2. ATTORNEY - NONE

AUDIENCE COMMENT

David Galloway, 1197 East Lake Drive, was the riparian representative of Walled Lake Improvement Board. He wanted to note that Birchler Arroyo did an outstanding job collecting the opinions from the public. He was concerned about the shoreline

management and retention/detention pond. He felt it was important to implement shoreline management and to stay away from installing concrete piers in order to let the water flow. He said there have been many concrete seawalls put into Walled Lake with no effort made to retain the water or enhance the environment for the fish and proper growing weeds. Mr. Galloway stated that Option E, with the housing on the east side of the park had no provision made for retention and felt a false impression of what the concept was showing. He said the more developments there were, the more handling would be required for the storm runoff and lakeshore management. He would like for each option to include this so that there could be a better concept in terms of net parkland. He said regardless of the size of the retention area, it would subtract from the possible parkland that the public could use. Mr. Galloway noted that Phase 2, which included the volleyball courts and splash park, would require more water handling, runoff and retention. He asked that as the concept plan is developed, there be more concept planning on the waterfront and its impact on the lake. He said he would be glad to meet with the City Engineers or BA Associates to develop that further. He said the City should have proper lake front management, such as flowers at the lakefront to prevent geese at the property. He asked that water management be included in the concept plans to have a better idea of the net property available for the park.

County Commissioner Kim Capello, 24406 Nantucket, stated there was a symposium to explain what was going on with the declining revenues at the county level and to give some direction to local governments in regard to prepare for the upcoming years. He spoke about the SMART proposal and how the County would potentially be imposing a tax on the municipalities that have opted out of the transportation system, and to impose a tax upon the residents to fund the transportation system in its current state. He said SMART had no intent to expand the service into Novi or South Lyon anytime in the near future, particularly with any new funds that would result from that vote. He said the issue was brought up at the General Government Meeting the previous week and the issue of bringing it to a vote in the entire county was defeated and he will vote against an imposition of a transportation tax on the City of Novi business and residents.

Mr. Capello said that the Novi Road Project from 10 Mile to Grand River was still under way. He said each week the Road Commission was acquiring new rights-of-ways and new construction easements, so it was still on target schedule wise and funding wise. He had not been successful in getting Grand River repaired or improved, because it was not at the County level or at the Road Commissioner level due to not getting the funding in advance from the State. He said there were two options the City had in order to speed the process up. The first was to take their contribution with County pre-approval and begin the engineering in advance. The second was to have Novi Road fund the project because the Road Commission could not borrow money. When funding became available over the next few years through the County and the State, get guaranteed reimbursed of the money. Those were the only options to speed the project up.

Mr. Capello said, in regards to the school, budget and taxes, the County Commission had hired their own private lobby group. He said they directed their lobbyists to try to convince the legislature to support the schools not to take away student tax dollars.

Carol Crawford, 22135 Beck Road, stated she was in favor of the Walled Lake project. She said she had been afraid that it was going to involve building condos, a restaurant or a gas station but said it was nicely done. She was happy to preserve the property and thanked the Council for proceeding with the plan to the Planning Commission.

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

CM-09-12-149 Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY: To approve the consent agenda as presented.

Roll call vote on CM-09-12-149	Yeas:	Fischer, Margolis, Mutch, Staudt, Landry, Gatt, Crawford
	Nays:	None
	Absent:	None

- A. Approve Minutes of:
 - 1. November 23, 2009 – Regular meeting
- B. Enter Executive Session immediately following the regular meeting of December 7, 2009 in the Council Annex for the purpose of discussing pending litigation and privileged correspondence from legal counsel.
- C. Approval of the request to transfer ownership of 2009 Class C licensed business with dance-entertainment permit, located in escrow at Pontiac Silverdome, 1200 Featherstone, Pontiac, MI 48342, Oakland County, from Liggett Restaurant Group, Inc. to Tin Fish III, Inc.; and transfer location to Twelve Oaks Mall, Building E, Store 121, Novi, MI 48377.
- D. Approval of resolution in support of a resolution for a charitable gaming license for Heart of a Child, a non-profit organization based in Novi.
- E. Approval of Traffic Control Orders 09-17 for the installation of a stop sign on eastbound Argyle Street to stop at Broadmoor Park Lane, and 09-18 for westbound Argyle Street to stop at Broadmoor Park Lane, creating a 4-way stop at this intersection.
- F. Approval of a Storm Drainage Facility Maintenance Easement Agreement from Nadlan II, LLC for the Beck North Corporate Park II – Unit #35 located at 29930 Hudson Drive, between Beck Road and West Park Drive in Section 4 (parcel 22-04-378-029).
- G. Approval of a Storm Drainage Facility Maintenance Easement Agreement from HEFCO Meadowbrook Office Building, LLC for the Meadowbrook Office Building located at

41555 Twelve Mile Road on the southwest corner of Twelve Mile and Meadowbrook Roads in Section 14 (parcel 22-14-200-039).

H. Approval of Claims and Accounts – Warrant No. 808

MATTERS FOR COUNCIL ACTION – Part I

- 1. Consideration of Sign Ordinance Text Amendment 09-100.39, to amend Chapter 28, Signs, of the City of Novi Code in order to increase the frequency that the text or message on a changeable copy sign can change. The proposed ordinance will modify the standard from a maximum of one text change per minute to four text changes per minute. First Reading**

Mr. Pearson said that the City was trying to keep with the times and as the ordinance had been reviewed, it would allow 15 second for the changeable message board sign to change versus the minute that was currently available.

CM-09-12-150 Moved by Staudt, seconded by Margolis; CARRIED UNANIMOUSLY: To approve Sign Ordinance Text Amendment 09-100.39, to amend Chapter 28, Signs, of the City of Novi Code in order to increase the frequency that the text or message on a changeable copy sign can change. The proposed ordinance will modify the standard from a maximum of one text change per minute to four text changes per minute. First Reading

Roll call vote on CM-09-12-150	Yeas:	Margolis, Mutch, Staudt, Landry, Gatt, Crawford, Fischer
	Nays:	None
	Absent:	None

- 2. Consideration of request from Novi Siam Spicy, Inc. for a new Class C quota license with Sunday Sales Permit to be located at 43436 W. Oaks, Novi, Michigan 48375.**

Rod Johnson, attorney for Novi Siam Spicy, said they were asking for the Class C quota license in order to better provide for the citizens of the community and individuals who enter the community. He said Novi Siam Spicy was a successful, financially viable and profitable business which has been in business for almost 7 years where it had earned a loyal customer base and demonstrated itself to be a responsible corporate citizen. He stated the business supported local services, local infrastructure and donated to local charities regularly. He noted that Novi Siam Spicy provided summer employment on occasion to students from Novi High School. He said that the Fire and Police department had no objection to the request and noted that the restaurant had been a model corporate citizen and planned to continue to be a pillar in the community for many years to come. Mr. Johnson said Novi Siam Spicy was the only Thai restaurant he was aware of in the City of Novi and was consistent with the planned character of West Oaks II. There were no other similar Class C licensees within West Oaks Plaza or its

immediate vicinity. He noted that Novi Siam Spicy served over 1,000 customers every week and the distinct cuisine is what brought the customers back. He said approximately 20% of customers requested for beer and wine to be added to the menu. He said it would enhance the local dining experience and local economy.

Member Staudt wanted to confirm that the license was only for beer and wine sales. Mr. Johnson confirmed that it was. Member Staudt said he could support it. Member Margolis said she could support it and said she could appreciate a business continuing to do business in the City of Novi during the rough economic times. She said it complied with the criteria of a business that has been conducting business within the community and she appreciated them doing that.

Mayor Pro Tem Gatt said he disagreed because the restaurant was not unique and he didn't think the liquor license was necessary for the restaurant to stay in business.

Member Mutch stated initially he felt it was important to award a liquor license to businesses that would have a significant economic impact on the community. He said regarding Novi Siam Spicy it was in addition to the restaurant experience so he could support such requests until the remaining liquor licenses are utilized. He felt the City had an opportunity for additional licenses through the redevelopment option under the state law that the City had yet to utilize.

Member Crawford said although the restaurant was providing a unique service, she thought there were only three quota licenses available. She stated they have reserved them for larger enterprises such as a hotel that would serve a larger number of people. She said she could not support the liquor license being given to Novi Siam Spicy.

Mayor Landry said that it came down to whether the business was unique or whether the business was trying to make a significant upgrade to the facility. He said they have denied quota liquor licenses to Asian restaurant cuisines, so he could not be consistent in granting a quota liquor license to Novi Siam Spicy. He said he could not support the motion.

Mr. Pearson wanted to clarify that there were only two quota licenses available.

CM-09-12-151 Moved by Margolis, second by Staudt; MOTION CARRIED: To approve the request from Novi Siam Spicy, Inc. for a new Class C quota license with Sunday Sales Permit to be located at 43436 W. Oaks, Novi, Michigan 48375.

Roll call vote on CM-09-12-151	Yeas:	Mutch, Staudt, Fischer, Margolis
	Nays:	Landry, Gatt, Crawford
	Absent:	None

- 3. Consideration of the request of Novi Town Center Investors, LLC, for Preliminary Site approval for Building I, located on the south side of Crescent Boulevard, east of Ingersol Drive in the Novi Town Center development. The applicant is proposing to renovate and demolish portions of the existing Building I, add**

parking immediately adjacent to the north side of the building, move the loading and dumpster area, and complete interior renovations to reconfigure lease spaces.

Matt Quinn said Building I was the old Boyne Sports building and would be the next building to be redeveloped. He said the same renovations would be happening to this building as have happened with the rest of the Town Center. He said a portion of the building would be demolished and then rebuilt; the purpose being smaller leasing areas in the center. He said it was currently one large leasable area and was not a good market strategy. He said they would upgrade the façade in the same manner as the rest of the center. He said they would add front yard parking on Crescent Boulevard with buffered parking and give a front door entrance. He said they would relocate the dumpster and the building areas from the west side to the opposite side and obtain the necessary permits. He said the Planning Commission made positive recommendations regarding the items. He said they were scheduled to attend the Zoning Board of Appeals meeting in order to get three variances.

Mr. Pearson stated that there are positive recommendations from the staff, consultants and the Planning Commission. He said it was a positive piece to the reinvestment in the Town Center.

Member Mutch asked about the berm and whether they had already gotten a variance or would be asking for a variance. Mr. Quinn said they submitted a letter stating they would commit to putting in the berm. Member Mutch said he would prefer a wall or neither as opposed to a berm especially if their effort is to create a lawn. He said although generally they look for that type of treatment in the commercial areas, one of the goals in Town Center is to move away from the Suburban style and allow for an Urban development. He said the berm didn't make sense to him and felt open to leaving it out, but wasn't sure if that was a decision the Council could make. He also had a concern about the dumpster location and whether other alternatives were explored. Mr. Quinn explained that the dumpster would be moved to the opposite side so that as people enter Crescent Boulevard, they would no longer be able to see it. Also, it would not be visible from the access road. Member Mutch noted that the Planning Commission was concerned that the future site of the dumpster would be too far away from a high volume user of the dumpster. Mr. Quinn stated that they did not know what type of business would end up on either side of the building and that they did not see it as a problem from a leasing standpoint.

Member Mutch was concerned about the layout of the entrance drive. He said the Town Center traffic was already tricky so to add the curb cut, even though it would be a one-way function, was concerning him. He felt that the Council was getting a piecemeal vision of what the Town Center was going to be and felt it would be important for the Council to get an understanding of where the Town Center as a whole is going and how the individual pieces fit into the vision. He said that he could tell it was evolving but wanted a better understanding of what it was going to be so instead of viewing all of the projects independently they could view them as a whole. Member Mutch wanted the representatives to share additional information with Council so that they could fully embrace where the Town Center was going and understand where the development would be 5 years down the road.

Member Margolis thanked them for investing in the City during difficult economic times and their willingness to work with the staff. She said as long as she didn't have any safety concerns and could see a predictable process, she would be happy to approve it.

Member Gatt said the City of Novi was very fortunate to have a shopping center that was being developed.

Mayor Landry echoed comments of the two previous speakers and was very pleased with the additions including the fountain feature and the out buildings. He thought they have done a wonderful job of freshening the place up and was in favor of the motion.

CM-09-12-152 Moved by Margolis; seconded by Crawford; CARRIED UNANIMOUSLY: To approve the request of Novi Town Center Investors, LLC, for Preliminary Site approval for Building I, located on the south side of Crescent Boulevard, east of Ingersol Drive in the Novi Town Center development. The applicant is proposing to renovate and demolish portions of the existing Building I, add parking immediately adjacent to the north side of the building, move the loading and dumpster area, and complete interior renovations to reconfigure lease spaces.

Roll call vote on CM-09-12-152 Yeas: Staudt, Landry, Gatt, Crawford,
Fischer, Margolis, Mutch
Nays: None
Absent: None

4. Adoption of resolution to rename one portion of Grand River Avenue to Old Grand River West for the access road located on the west side of the CSX railroad tracks, on the south side of Grand River Avenue, west of Novi Road in Section 15.

Mr. Pearson stated that upon further review, they just want to rename the west side of Grand River Avenue.

CM-09-12-153 Moved by Margolis, seconded by Staudt; CARRIED UNANIMOUSLY: To approve adoption of resolution to rename one portion of Grand River Avenue to Old Grand River West for the access road located on the west side of the CSX railroad tracks, on the south side of Grand River Avenue, west of Novi Road in Section 15.

Roll call vote on CM-09-12-153 Yeas: Landry, Gatt, Crawford, Fischer,
Margolis, Mutch, Staudt
Nays: None
Absent: None

5. Adoption of policy resolution for winter road maintenance.

Mr. Pearson stated this was something that was discussed two weeks prior and had been changed according to the rational distribution of the resources. He said the maintenance on neighborhood streets would be according to a tiered basis and only when the need arose and during normal work hours.

CM-09-12-154 Moved by Staudt, seconded by Margolis; MOTION CARRIED: To approve the adoption of policy resolution for winter road maintenance.

Roll call vote on CM-09-12-154	Yeas:	Gatt, Crawford, Fischer, Margolis, Staudt, Landry
	Nays:	Mutch
	Absent:	None

DISCUSSION

Member Mutch asked about the review of the snow falls from last year and a review of the situations when they went out to plow and salt the streets. He said he was surprised at the number of times that the City went out to salt the streets where there was an insignificant amount of snowfall. He said one of the things they had been asked to fund was pre-wetting equipment for the salt application. He wanted to know the effectiveness and the impact on salt usage and if it the utilization of that equipment would have any result in the amount of salt put down on the roadway. Mr. Hayes stated they expected to see a significant savings in salt use. He said there could be savings of 20-30% at a minimum. Member Mutch said that when there was not significant snowfall and they were putting down salt, would there be any reason to be in the neighborhood plowing and not laying salt down. He said the numbers indicated a significant cost was from the utilization of salt and wanted to know if there was any reason they couldn't be plowing instead of salting the roads. Mr. Hayes said yes, depending on the nature of the storm. He said if it was a very dry snow that could be easily cleared from the roadway; there would be a chance they wouldn't have to put down any salt. He said if it was slushy and looked as if it would bond to the road and freeze later on, they would need to put salt down. Mr. Hayes said this year they were going to look at weather related parameters and taking pavement temperature readings to better predict what will be needed in the future.

Member Mutch said he was open to this plan when it first came up because he felt they had to look at all opportunities to save costs. He said one of the things that people have raised as a valid point is that by looking only at this activity, it reduces the level of service provided to the residents. He said compared to all the activities and services that the city of Novi provides, that service is not where he would start cutting dollars. He compared it to the police service and fire service. He said there should be some alternatives beyond what had been presented, including the recognition that the equipment they have invested in would reduce the amount of salt used and produce a savings. Also that there would be instances where they could plow and not use salt and continue to provide a higher level of service without incurring that cost. He said he could not support the policy as it was submitted.

Member Fischer said he did not see this as a reduction in service but that they had been wasting taxpayer dollars in the past. He supported the motion.

Member Margolis said they had asked the staff to continuously look at ways to best use the taxpayers money. She said it was part of a cost-benefit analysis. She didn't think cost savings come from grand schemes only at policy time and it was an opportunity for the experts to do their job. She said the only change was that there would be no overtime pay for plowing under 4 inches on residential streets. She stated that they made a commitment to put money towards plowing Oakland County streets in Novi because the City does a better job. She said she saw it as putting the money into plowing the major roads to make sure they were done quickly at the level of service that the residents require rather than under 4 inches paying people to plow. She said supported the motion and appreciated the staff continuing to look at it.

Mayor Pro Tem Gatt said that as a resident, he did not like it and that residents have come to expect that service. He said it did seem like it would be taking a service away from the residents although it was only that the City would not be paying overtime for under 4 inches. He wanted to confirm that if there were 3 inches of snow on Saturday morning that did not melt, if they would plow side streets during normal business hours on Monday. Mr. Hayes said yes. Member Gatt said it would be a change and one of several changes that the Council would have to make decisions about as they moved forward toward the Budget process. He said he could support it as a councilman but as a resident wished they wouldn't change anything.

Member Crawford said they had been looking at ways the Council could look smarter. She said as a policy, she didn't see it as a safety problem but if they found that it was not working in the future, they would re-address it to make it better. She said she appreciated the staff looking for ways to save money concerning overtime.

Mayor Landry said he could support the motion and thought that it should be emphasized that for a major snowstorm, there would be no change to the policy. There would be no decrease in services to the residents if there was a large snowstorm of 4 inches or more. He noted that it did not change the policy the City held, and that no other surrounding city does that.

6. Consideration of Text Amendment 09-149.09 to amend Chapter 3, Alcoholic Liquor, of the Novi Code in order to add a section relating to licensing policy, revise the application process, clarify review criteria, and make other changes relating to application review and revocations/non-renewal. First Reading

Member Margolis said that originally she had put this on Mayor and Council Issues to look at the Liquor License Ordinance and it had been referred to the Ordinance Review Committee. She said the depending on which section of the ordinance was read, it could be interpreted differently. She said there was not a huge change, but it removed some of the limiting language and replaced it with a general policy statement. She said as a Council Member, she felt more comfortable that she knew what exactly to look for in an application. She said there was also a piece on requesting revocation in order to stop someone from coming into the City, getting a quota liquor license and then selling it.

Mr. Schultz said that one of the things that was clarified was an anti-profiteering contract that would put a limitation on transferring the license from the licensee for a period of 3 years. He said there was also a section that stated if an applicant received a quota license and did not use it for a period of time, than the City could request through the Liquor Control Commission that the license be revoked.

CM-09-12-155 Moved by Margolis, second by Fischer; CARRIED UNANIMOUSLY: To approve the Text Amendment 09-149.09 to amend Chapter 3, Alcoholic Liquor, of the Novi Code in order to add a section relating to licensing policy, revise the application process, clarify review criteria, and make other changes relating to application review and revocations/non-renewal. First Reading

Roll call vote on CM-09-12-155	Yeas:	Crawford, Fischer, Margolis, Mutch, Staudt, Landry, Gatt
	Nays:	None
	Absent:	None

AUDIENCE COMMENT - NONE

MATTERS FOR COUNCIL ACTION – Part II - None

COMMITTEE REPORTS - NONE

MAYOR AND COUNCIL ISSUES - NONE

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION – NONE

AUDIENCE COMMENT – NONE

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 9:38 P.M.

David Landry, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Cortney Brennan

Date approved: December 21, 2009