

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, FEBRUARY 7, 2011 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

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

PLEDGE OF ALLEGIANCE

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

ALSO PRESENT: Clay Pearson, City Manager
Victor Cardenas, Assistant City Manager
Tom Schultz, City Attorney

APPROVAL OF AGENDA

**CM-11-02-016 Moved by Gatt, seconded by Fischer; CARRIED UNANIMOUSLY:
To approve the Agenda as presented.**

**Roll call vote on CM-11-02-016 Yeas: Gatt, Fischer, Margolis, Mutch, Staudt,
Wrobel, Landry
Nays: None**

INTERVIEWS FOR BOARDS AND COMMISSIONS

1. David Byrwa – Construction Board of Appeals; Zoning Board of Appeals

Mr. Byrwa could not be present.

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

Mr. Gedeon said he was currently the alternate member on the Zoning Board. He said he would prefer to be on the Library Board, but was happy to continue serving on the Zoning Board as well. He said he didn't have anything to present but felt they had all heard what he had to say a year ago when he first applied.

Member Staudt asked for the background that made him interested in the Library Board and what skills he would bring which would assist the Library Board. Mr. Gedeon said he had a diverse education background in technology, a Masters Degree in Library Science as well as being an attorney practicing in copyright and trademark and patent law. He said all three of those were relevant to the library's operations.

Member Wrobel said he was familiar with Mr. Gedeon's service on the ZBA. He pointed out that Mr. Gedeon had a Master's in Library Science and thought that was a unique skill set. He asked what he could bring to the Library Board by having that degree. Mr. Gedeon said he wouldn't be using the degree to step on anybody's toes, but said it was unique to his educational background. He said he hadn't actually worked in a library, but said the University of Michigan was the school he went to and the program was Library and Technology. He said it wasn't a classical librarian degree, but more an

information technology degree. He said in that regard it wouldn't have any bearing, but it might lend some respect to the board from the professionals at the library.

Mayor Pro Tem Gatt asked him to tell about one particular case he had heard while serving on the ZBA in the past year, that may have been a difficult decision and why. Mr. Gedeon said there was a case regarding the storage facility on Novi Road, south of 9 Mile that was also in the business of renting U-Haul trucks. He said it was a tough decision because the owner came and had legitimate concerns about where he was parking his trucks, as well as safety and convenience issues because he was blocking the sidewalks. He said it was one of those times where there wasn't enough communication ahead of time before the appeal was filed, and thought it could have been worked out if there had been more negotiation. He said he had an engineering background and liked to find solutions as opposed to finding controversies. He said being on the ZBA, one doesn't have the opportunity to suggest how to run a business or suggest alternatives.

Member Margolis said since he first applied for the Library Board, there had been a large change with the library actually opening. She asked given the opening of a new building, what he thought the major goals for the Library Board should be in the coming years. Mr. Gedeon said there was a lot of support from the community for the new library. He said what would be important would be converting that support into ongoing patronism and making sure people continue to come year after year.

Member Mutch asked if they chose to appoint him back to the ZBA, would he still be willing to serve as a full member. Mr. Gedeon said it would be his preference.

Member Fischer asked what unique experience or qualification he brought to the Library Board or the Zoning Board. Mr. Gedeon said with the Library Board, he had young kids and was a frequent patron of the library. He thought he had some relevant interest in the library and would be a full supporter and advocate for the library either on the board or outside the board in the community. As far as the ZBA, he said his background as an attorney was helpful because it required comparing the facts to the law.

Mayor Landry asked how he thought the ZBA was doing in the economic times when businesses and residents come with concerns about keeping their business open and wanting signs and residents wanting to make changes. Mr. Gedeon said the ZBA was functioning as expected. He said one issue that comes up was that everyone wants a larger sign and his personal opinion was that if everyone had a larger sign, then nobody would have a larger sign. He said he didn't have a problem sticking to the sign ordinances unless there was a particular unique issue that would warrant a variance. He said that came as a surprise to many applicants because they apply for a larger sign with the reason that times are tough and they need the marketing exposure. He said the problem was that it was mainly people coming from outside of Novi and were not thinking they were competing with other Novi businesses, not necessarily outside businesses.

3. Willy Mena – Library Board

Mr. Mena said he had the pleasure of serving on the Library Board for the past 3 years. He said during his tenure, he had served as the Secretary for 2 years, Chair to the committee tasked with rewriting the bylaws for the board, advocated for the café and served as technology expert on the board. He said in terms of technology, the new library had been improved in many ways. He said they installed many self sorting machines which have improved productivity at the library. He said they added a significant number of self-serve machines which account for about 60% of all check-outs. He said they added wireless internet at Fuerst Park and even have their own U-Verse channel, which he believed they were the first library in the region able to do that. He added they had a great Grand Opening and attendance was at 150% of what it was previously. He said they had healthy fund balance and continue to be fiscally conservative. He said he was proud to have played a very small part in what turned out to be a gem of a library. He said he did that by serving on the Library Board but also by volunteering on the Bond Committee for the library.

Member Wrobel thanked Mr. Mena for his service. He asked what would be one thing he looked forward to doing this coming year. Mr. Mena said one of the things they were discussing was that they were looking to move into a 2-year budget forecast. He said that was something he would like to see done. On a personal level, he said he would like to see the Novi News digitized.

Mayor Pro Tem Gatt asked what Council could do to help with those goals. Mr. Mena said he couldn't think of anything, but knew that anytime something came up, he could count on Council.

Member Margolis said by having the first two interviews be for the Library Board, it shows how far the library has come. She asked what the major goals would be for the board in the coming years. Mr. Mena said the most important goal was budget related, forecasting and being fiscally responsible. He said he wasn't the financial guy on the board, but it was something that would be addressed.

Member Mutch said one of the interesting things was that he was an active citizen before being appointed to the Library Board. He asked now that he had served on the Library Board for 3 years, what he found was the biggest thing he didn't expect or had an expectation of that turned out to be different once he was serving on the board in terms of interaction with other board members, library staff or community at large. Mr. Mena said once you've had the opportunity to serve on a board, you get a different perspective on things. He said early on when he started getting involved in the community; he tended to be more publicly critical of things, but over time has learned there were better ways of handling things. He said you just get a better appreciation of things when sitting on the board.

Member Fischer said they had seen very impressive numbers since the opening of the library, what could the board and library administration do to keep those numbers high and continue to get residents to use the library. Mr. Mena said he didn't know what

could be done because he hadn't given a lot of thought to it. He said certainly they were always looking for different ways to market the library to the community. He said they were always open to feedback to find if there was any way to improve in that area.

Member Staudt asked what he saw as the greatest challenge, if appointed to another term, and how did he think the group would look at it and tackle it. Mr. Mena said he couldn't think of a big challenge because things seemed to be running smooth. He said his biggest concern was that they were financially solvent.

Mayor Landry said he would answer Member Staudt's question and indicate a challenge that he was interested in, which was integrating the library into the operation of the city as a whole. He said in his opinion, the library has operated as an island and in the last several years, the board and staff had done a wonderful job of integrating the library into the city. He asked how did he see that integration as it progressed and where did he see it going in the future. Mr. Mena said the director was critical in that aspect. He said the leadership between the library and the city prior was not the greatest. He said the current director, Julie Farkas, had done a great job integrating herself and her staff at the library with the city.

4. David Schied – Public Access Promotion Commission

Mr. Schied said he had received an invitation from Brian Golden, the president of the Promo Committee at the SWOCC Studios. He said it was a place he had been going for a few years to help out with some of the productions they do for the government access and community access. He said he had been in production before moving to Michigan from California in 2003. He said he had film and television production background and degree from USC. He added he wanted to see what he could do about making some productions and helping people in the community. He said he had a son who goes to school around here and he just moved from Northville last summer. He said he had sat at the table during the last 2 meetings and was starting to get familiar with their ideas. He said there was still a need for people to make quality productions and the studio was available there.

Mayor Pro Tem Gatt asked what was his number one goal to make the commission better and more active for Novi Residents. Mr. Schied said cooperation mainly and representation. He said Novi had a lack of representation over there and that Farmington and Farmington Hills had good representation while Novi only had one seat filled. He said he was a team player and had worked film productions in California and some television. He said he knew what was needed to put together a large production.

Member Margolis said she enjoyed seeing brand new residents step forward so quickly. She asked if he had experience in public access stations. Mr. Schied said he knew when people had limited funds and they want to do something, public access was their opportunity. He said people could make cooking shows and have dance classes. He said because of the First Amendment, people don't always have a venue to bring

out issues, especially issues in the community. He said it was something he wanted to help with.

Member Mutch asked what he saw as the 2 or 3 things that need to happen to engage other people to follow the same path he had followed. Mr. Schied said they need to let people know it was around. He said even when people see it, the quality wasn't all there. He said there was not a lot of training at SWOCC Studios, which was something Brian Golden wanted to put together a training program and getting better equipment. He said the government access was pushing the public access to the side. He said something they would like to do was provide the proper training and get people from other communities involved.

Member Fischer asked what could the City Council or administration do to help out the committee. Mr. Schied said he couldn't answer that question yet. He said keeping an open ear and having an interest in the facility.

Member Staudt asked what kind of additional programming he would like to see based on his experience. Mr. Schied said he didn't have anything in particular. He said he would like to see more entertainment as opposed to just talking. He said he would like to find ways to make things entertaining and get people to think outside the box.

Member Wrobel said his background and education was a perfect fit for the committee. He asked what could be done to increase usage by the residents of Novi. Mr. Schied said to make it more entertaining and let it be known that people could utilize it.

Mayor Landry thanked him for coming forward to offer his services.

5. Carol Spennachio – Public Access Promotion Commission

Ms. Spennachio thanked Council for the opportunity. She said she was not a technical person or a budget cruncher, but was a talent person. She said she has written many plays and productions as well as directed choirs, theatrical productions for children and adults. She said she could help people improve their presentation and help with their stage presence. She said she was very excited about the possibility of doing that. She said she believed in public access because it was a unique opportunity that Americans have and maybe people weren't aware of what they could do with it. She said incredibly talented people are around here, but they could present programs on public access. She said it was an opportunity for technically talented young people, and could see a wonderful opportunity in working with the high schools and Oakland Community College. She said it could open doors for them. She said as a naturopathic doctor, she would personally like to present programs related to natural health, topics such as detox, the importance of eating organic food and what genetically modified food can do to you.

Member Margolis said it was interesting to hear her speak after Mr. Schied because they had different orientations. She asked how she would get people interested. Ms.

Spennachio said it was a new venue as she had not worked in television, but had done a lot of marketing with the different productions she had done. She said the access magazine could utilize more promotion in the schools. She said if they could offer some seminars in the summer or maybe over holiday breaks, it would be a tremendous opportunity because they could present things to the schools. She said she attended one meeting at SWOCC and was impressed with the synergy.

Member Mutch asked how she got involved in SWOCC and the interest in public access programming. Mr. Spennachio said because of her work with children in churches and schools developing productions, one of the things she had wanted to do was to have them put on film. She said she spent one summer downtown with channel 56 and had taken a youth group to write their own script and act it out themselves. She said it was an exciting and wonderful thing. She said when her children were in school in West Bloomfield, she wanted to be part of the public access then, but it wasn't the right timing. She said she approached SWOCC while living in Livonia, but again the timing didn't work. She said now was the time to make it work.

Member Fischer said he was interested and excited with the opportunities she brought forth with the youth. He asked what other ideas she had for getting some of the older citizens involved. Ms. Spennachio said it could be intergenerational and use the children as the focus in the afternoon or morning. She said if they could get some of the older citizens to be story tellers to read stories or to act them out. She said there is a great senior center off of Meadowbrook, and she thought there would be many people willing to be a part of that.

Member Staudt said he didn't have any questions, but was pleased to see two people back to back interested in the Public Access Promotion Commission. He said it was rare that they get an opportunity to point people to that body who were truly interested in being an active part of it.

Member Wrobel said he noticed she was a part of Livonia CERT and he urged her to become involved in the Novi CERT. He asked what her biggest skill was that she would bring to the committee. Ms. Spennachio said it would be working with talent and being able to encourage people to be more comfortable.

Mayor Pro Tem Gatt said he had no questions.

Mayor Landry said he was intrigued with her background and asked if she has worked with music therapy. Ms. Spennachio said she had thought about it many times and had taken a class on how to help people. She said she didn't want to go back and take that many years to pull up a music therapy. She also said she was more people oriented than technology oriented.

6. Celia Todd – Beautification Commission; Library Board

Ms. Todd could not be present.

7. Hideki "Harry" Torimoto – Parks, Recreation and Cultural Services Commission

Mr. Torimoto said the reason he wanted to serve was because he had been a citizen of Novi for 12 years and recently decided to stay here for good. He said he had a daughter that would be entering the education system. He said the reason they decided to stay in Novi was the quality of life. He wanted to be proactive in keeping the quality of life. He said he chose Parks, Recreation and Cultural Services because he was a participant in the adult athletic activities and they attend the shows at the Novi Civic Theatre. He said he was also a volunteer as a coach. He said his professional background was working as a part of the management team for operations of his organization.

Member Mutch said one of the things he liked to see with applicants for the Parks, Recreation and Cultural Services Commission was people who had a broad range of experience with the city activities. He asked where the strengths were and what area needed to be improved. Mr. Torimoto said the demographics were changing and to make sure they were able to pull out the right information from the data regarding what types of services citizens want to see more of and then prioritize. He said his specific needs were met because the variety of services the city offers was what made the quality of life here.

Member Fischer said as the demographics change in Novi, was there anything he felt was missing at this time, or even one or two years down the road. Mr. Torimoto said potentially the senior services could be improved, but he didn't have the data to prove that.

Member Staudt asked if he had attended a Parks, Recreation and Cultural Services Commission meeting and what did he see as the role of a commissioner. Mr. Torimoto said he had not seen a meeting, but had skimmed through the meeting minutes. He said the Commission itself was making sure there was an open forum, so having an open discussion in order to hit different perspectives and values to reach balance was the function of a Commission to him.

Member Wrobel asked what he thought he could do to involve the corporate community to enhance the program. Mr. Torimoto said he was the management representative at his workplace for the community relations committee. He said they provide the financial services and were currently looking at the volunteer hours. He said there were guidelines for his company and they have to show how it will benefit both sides. He said they need to make the benefits clear especially to the side that does the giving.

Mayor Pro Tem Gatt asked if he had any specific ideas or goals to involve the senior citizens in the Parks and Recreation area. Mr. Torimoto said they were currently offered, and they need to know if the citizens are happy with the current services. He said also to find out what the seniors wanted to see that currently wasn't offered. He suggested looking at that objectively once the information was gathered.

Member Margolis said she appreciated how prepared he was. She said she didn't have any questions.

Mayor Landry said he could see he was very well prepared and had excellent ideas.

8. Farah Baig – Library Board; Parks, Recreation and Cultural Services Commission; Public Access Promotion Commission

Ms. Baig said she recently moved back to Novi after living in Europe for 4 years. She said it made her realize how important city services were. She said she was excited to be part of the community again and wanted to take an active role in it. She said she was most interested in the Library Board, but was open to others as well.

Member Fischer asked about her time in Europe and what unique perspective she could bring the Library Board. Ms. Baig said she was in Germany and her 4 kids were attending international schools. She said she missed having a public library they could utilize because everything was in German. She said initially it was hard for them. She said she did like the fact that they had a great use of public land. She said it was important to develop the sense of community.

Member Staudt said she had an extensive background in education. He asked what kinds of lessons she learned from doing that profession could she bring to a board or commission in the city. Ms. Baig said she learned she was a team leader and a good mediator. She said when you work with a board of any group of people, everyone has different ideas. She said she felt that her function in a group was to prioritize the ideas and move forward.

Member Wrobel asked for her rationale behind applying for the Parks, Recreation and Cultural Services Committee. Ms. Baig said the first event she attended when she moved back to Novi was the International Culture Festival. She said she felt it was a great idea but was disappointed about the attendance. She said it was such a great event and wondered how they could make it better. She said she would like to encourage higher attendance. She said the parks were a great place for fitness and fun as well as a great way to bring families and the community together.

Mayor Pro Tem Gatt asked what was the biggest change she noticed after returning to Novi. Ms. Baig said the demographics have changed and Novi had become more culturally diverse. She said she lived in Novi in 1993 and it was very different. She said the city has become more developed, but the biggest change is the demographics, diversity and cultures.

Member Margolis asked for her to expand on her realization of the importance of city services. Ms. Baig said it had to do with moving back to Novi, that she had taken it for granted before. She said she felt very welcomed by the community and school system when she moved back.

Member Mutch asked what she would tell a person about Novi who was interested in moving to Novi from outside the community. Ms. Baig said she moved back to Novi specifically for the schools. She said there is a sense of community and the public services were good.

Mayor Landry asked how the City of Novi could tap into the energy of cultural diversity. Ms. Baig said the more voice given to individual citizens; the more you are able to tap into that. She said even by having a host coffee hour for different cultural communities to attend and to have a representative from Council speak. She said it would tell the community they have a voice and that Council cares. She said she knew when the community representatives come out to the individual people and allow them to have a say, it does tap into the energy.

PUBLIC HEARING

1. Briar Pointe Shopping Center to Allow Limited Restaurant Uses

Gary Kravitz, Law Firm of Lewis and Monday 660 Woodward Ave., Detroit MI – Mr. Kravitz said he was there on behalf of Briarwood of Novi, Limited Partnership who was the applicant seeking to amend the 1990 consent judgment. He said the consent judgment limited the use to the shopping center to B-1 zoning, which did not include restaurant use. He said the applicant was seeking restaurant use at the shopping center. He believed the application was appropriate because they believe it would serve the residents in the neighborhood and provide a convenience that didn't currently exist. He pointed out that the closest shopping center was approximately 2 miles away. He said it would also provide new businesses and add to the tax base and increase the business opportunity in Novi. He added the shopping center had vacancies that have existed for a year and a half to two years. He said they were looking to have restaurants in the shopping center to avoid blight in the neighborhood and provide a vibrant shopping center and community. He said the retail industry in Michigan has had a severe downturn over the past two and a half years, and it was unlikely that the retail industry would come back quickly. Alternatively there was still active restaurant business available. He said many shopping centers in Novi and surrounding communities have restaurants which are adjacent to residential areas without an adverse effect. The Planning Department had proposed several restrictions, which were conceptually agreeable to the developer. He said the restrictions would aid in abetting the concerns of the neighborhood behind the shopping center. He added in the B-1 zoning category, it allows for grocery stores, which is similar to a restaurant use. It would not provide the adverse affect which the neighbors are concerned about. He asked Council to approve the amendment to the consent judgment.

Jeff Lofgren – 24249 Scarlet Court – Mr. Lofgren said he was president of the homeowner's association which was comprised of 77 homes, which would be directly affected by the action. He said 20 years ago, the City entered into a consent judgment, which included the owners of Briar Pointe Plaza. He said since the owners were having problems renting the space, they wanted to change the rules. He said it

was left to the integrity of the Council to determine whether or not the wishes of few would outweigh the wishes of many. He said it seemed far too often that the government ignored voices of the citizens. He applauded the Council for having the public hearing and allowing citizens to speak their mind. He said he found it interesting when he read in the Novi News that it was highly recommended by city staff, considering the staff was only hearing one side of the story. He added it said most of the retail centers in the city that have restaurants do not have negative effects on the area. He said he was curious how many of those centers he referenced had changed the rules 20 years after the fact. He said his guess was that most were in existence from the beginning and that the homes built around were built based upon the zoning law. He said his house was built in 1992 and it wasn't the first time the subject had come up. He said he believed the voices of the citizens should be heard, especially regarding the problems he saw in the plaza. He said the reason they couldn't rent the space wasn't because they needed a restaurant. He felt that the plaza was a mess and strewn with litter. He said he lived on the wall of Briar Pointe Plaza and said trash was constantly blowing over. He added he also wanted to talk about the smell. He said they would smell food preparation for 16 hours a day. He said the wasted food would go into dumpsters, which were less than 100 feet from the home. He said there were a number of things to consider, including rodents and other things. He said their decision would have a greater impact on the 77 houses of Briarwood Village than the owners of Briar Pointe Plaza. He said they expect Council to live up to the promise the city made to the citizens 20 years ago.

Jennifer Logan – 47194 Scarlet Drive South – Ms. Logan thanked Council for the opportunity to share her concerns. She said she has lived in the neighborhood for 14 years and when they bought their home it was a concern as the house backed up directly to the wall behind CVS. She said they looked into the zoning at that time and once they were able to find a comfort level that there would be no restaurant opportunity, they decided to purchase the house. She said they have 4 children who play in the backyard and they constantly have trash in their backyard. She said she has had several conversations with the CVS store manager about emptying the front receptacles. She added that the nearest restaurant was about 2 miles away and she would be happy to drive that instead of having the smell and further trash issues that come with a restaurant.

John Kuenzel – 23819 Heartwood – Mr. Kuenzel said they have discussed the issue in Echo Valley among the board of directors representing 105 families. He said in the late 80's and early 90's the consent judgment limited an overly aggressive land speculator and developer from extensively commercializing a residential area which surrounds the intersection of Beck Road and Ten Mile. He said it was their understanding that the owner of the Briar Pointe shopping center wished to amend the consent judgment to allow restaurant uses in the center. He said the board of directors discussed the issue at length at a recent meeting. He said they would not oppose sit-down and carry-out restaurants in the Briar Pointe Plaza if certain restrictions were met. He pointed out that by saying they did not oppose, it didn't mean they supported it. The restrictions were that drive-through restaurants would not be considered or allowed, a limit of 20% of the total shopping center was established as recommended by the City of Novi Planning

staff, the operating hours be limited to 6am – 10pm as recommended by the City of Novi Planning staff, that alcoholic beverages would not be allowed to be served at the restaurant, no new additional out-buildings or square footage be added to the shopping center or additional parking and last the decision to allow any restaurants was not be understood to modify any other aspects of the Briarwood of Novi consent judgment nor modify any aspects of the overall Master Plan for Land Use. He said while it was important to support the business community, such support should not occur at the expense of the quality of life of the neighboring residential areas and families.

Girish Arora – 24244 Scarlet Court – Mr. Arora said they bought their home about 10 years ago. He said allowing the restaurant would create a smell, which would not be healthy. He said it would cause the smell outside as well as inside the home. He said there were plenty of restaurants in Novi and he said they were comfortable driving a mile or two to access the restaurants. He said the trash was an issue and would become an issue if restaurant usage was allowed.

Barun Saha – 47186 Scarlet Drive South – Mr. Saha said his house backed up to the CVS lot and would be impacted if a restaurant were built in that area. He said he had 2 kids who spend a lot of time outside in the summertime and the smell concerned him. He said his family goes for walks around that area and the increased traffic concerned him. He said it was not something he was happy about.

Tracey Arbour – 47205 Scarlet Drive South – Ms. Arbour said she was the original homeowner and has lived there for 18 years. She said they looked extensively before moving in for specific reasons. She said they knew the plaza would be there but that there wouldn't be any restaurants. She said they chose to move there and they were not in favor of having any type of restaurant there. She said in the 18 years they had been living there, they had picked up the trash in her yard as well as along 10 Mile and Beck Road. She said that was why she was most concerned.

PRESENTATIONS - None

REPORTS - None

1. MANAGER/STAFF - None

2. ATTORNEY - None

AUDIENCE COMMENT

County Commissioner Kathy Crawford stated she had been appointed to serve on three standing committees; Finance, Vice-Chair of General Government and the Planning and Building Committee. She was also appointed to 5 other important committees. She became Vice-Chair of the Community Development Advisory Committee, which has to do with HUD and CDBG. Also, she is the Chair of the Senior Transportation Committee, member of the Oakland County Retirement and Compensation Board, the Oak 65, member of the Oakland Livingston Human Service

Agency. She said her ultimate goal was to deliver information and results back to Novi. She added she has taped her first 2 shows on SWOCC. She said there was a lot of talk during her campaign regarding the roads. She said she has been urging the Oakland County Road Commission to bump the Grand River project up in the priority list. She said there were communities out there that wouldn't be able to afford and come up with the match money for the projects that are already lined up. She said she was hoping the project would be bumped up. She said the Road Commission would also be having a strategic planning committee meeting in Novi before April and that the discussion would be brought up regarding roads. She said one of the things mentioned was that they have been successful in using brine and have drilled wells to get the brine. She said it might be a good idea to look at if the city owned property where they could drill a well instead of buying brine. She said sometimes the residents were afraid to call the Oakland County Pet Adoption Center because they are afraid the animal would be put down. She said that was a question she asked and they do not euthanize the animals unless they are extremely sick. She added that the Lyon Oaks Park in Wixom was a dog park and has over 13 fenced acres. She said they would be having a citizen appreciation day where a person would not need the park pass to enter; it would be February 21st in honor of President's Day.

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

**CM-11-02-017 Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY:
To approve the Consent Agenda as presented.**

**Roll call vote on CM-11-02-017 Yeas: Fischer, Margolis, Mutch, Staudt, Wrobel,
Landry, Gatt
Nays: None**

- A. Approve Minutes of:
 - 1. January 24, 2011 – Regular meeting
- B. Enter Executive Session immediately following the regular meeting of February 7, 2011 in the Council Annex for the purpose of discussing pending litigation, labor negotiations and privileged correspondence from legal counsel.
- C. Approval to award bid for the purchase of one (1) 2011 Ford Expedition EL 4x4 Special Service Vehicle for the Novi Fire Department to Gorno Ford of Woodhaven MI, the lowest bidder, in the amount of \$31,397.
- D. Approval of City Code Amendment 11-100.40 in order to include definitions and standards to permit promotional wall signs in the EXO District. **Second Reading**
- E. Approval of Zoning Ordinance Text Amendment 18.246 in order to permit accessory buildings and structures as principal permitted uses in limited instances, to require a noise impact statement instead of a noise analysis for some uses, to allow more than one outdoor storage tank where necessary and to address minor inconsistencies in the Zoning Ordinance. **Second Reading**

- F. Approval of a Resolution Concerning Acquisition and Approving Declaration of Necessity and Taking and authorization of Offer to Purchase in the amount of \$220 for a temporary grading permit on the Yauck property (parcel 50-22-25-380-003) for the purpose of constructing a pedestrian safety path on the north side of Nine Mile Road between Meadowbrook Road and Haggerty Road.
- G. Approval of a Resolution Concerning Acquisition and Approving Declaration of Necessity and Taking and authorization of Offer to Purchase in the amount of \$242 for a temporary grading permit on the Frankum property (parcel 50-22-25-380-004) for the purpose of constructing a pedestrian safety path on the north side of Nine Mile Road between Meadowbrook Road and Haggerty Road.
- H. Approval of a Resolution Concerning Acquisition and Approving Declaration of Necessity and Taking and authorization of Offer to Purchase in the amount of \$242 for a temporary grading permit on the Looney/Ostrowski property (parcel 50-22-25-380-005) for the purpose of constructing a pedestrian safety path on the north side of Nine Mile Road between Meadowbrook Road and Haggerty Road.
- I. Approval of a Resolution Concerning Acquisition and Approving Declaration of Necessity and Taking and authorization of Offer to Purchase in the amount of \$220 for a temporary grading permit on the Boland property (parcel 50-22-25-380-006) for the purpose of constructing a pedestrian safety path on the north side of Nine Mile Road between Meadowbrook Road and Haggerty Road.
- J. Approval of a Resolution Concerning Acquisition and Approving Declaration of Necessity and Taking and authorization of Offer to Purchase in the amount of \$220 for a temporary grading permit on the Wolstencroft property (parcel 50-22-25-380-007) for the purpose of constructing a pedestrian safety path on the north side of Nine Mile Road between Meadowbrook Road and Haggerty Road.
- K. Approval of a Resolution Concerning Acquisition and Approving Declaration of Necessity and Taking and authorization of Offer to Purchase in the amount of \$347 for a temporary grading permit on the Camaj property (parcel 50-22-25-400-025) for the purpose of constructing a pedestrian safety path on the north side of Nine Mile Road between Meadowbrook Road and Haggerty Road.
- L. Approval of a Resolution Concerning Acquisition and Approving Declaration of Necessity and Taking and authorization of Offer to Purchase in the amount of \$264 for a temporary grading permit on the Stowell property (parcel 50-22-25-400-028) for the purpose of constructing a pedestrian safety path on the north side of Nine Mile Road between Meadowbrook Road and Haggerty Road subject to confirmation of final description and drawings by Director of Public Services and City Attorney's office.
- M. Approval of a Resolution Concerning Acquisition and Approving Declaration of Necessity and Taking and authorization of Offer to Purchase in the amount of \$23

- for a temporary grading permit on the ARC, LLC/Stowell property (parcel 50-22-25-400-028) for the purpose of constructing a pedestrian safety path on the north side of Nine Mile Road between Meadowbrook Road and Haggerty Road subject to confirmation of final description and drawings by Director of Public Services and City Attorney's office.
- N. Approval of a Resolution Concerning Acquisition and Approving Declaration of Necessity and Taking and authorization of Offer to Purchase in the amount of \$273 for a temporary grading permit on the Barduca property (parcel 50-22-25-400-029) for the purpose of constructing a pedestrian safety path on the north side of Nine Mile Road between Meadowbrook Road and Haggerty Road subject to confirmation of final description and drawings by Director of Public Services and City Attorney's office.
- O. Approval of a Resolution Concerning Acquisition and Approving Declaration of Necessity and Taking and authorization of Offer to Purchase in the amount of \$22 for a temporary grading permit on the ACR, LLC/Barduca property (parcel 50-22-25-400-029) for the purpose of constructing a pedestrian safety path on the north side of Nine Mile Road between Meadowbrook Road and Haggerty Road subject to confirmation of final description and drawings by Director of Public Services and City Attorney's office.
- P. Approval of a Resolution Concerning Acquisition and Approving Declaration of Necessity and Taking and authorization of Offer to Purchase in the amount of \$988 for a permanent pathway easement and a temporary grading permit on the Koziarz property (parcel 50-22-25-400-016) for the purpose of constructing a pedestrian safety path on the north side of Nine Mile Road between Meadowbrook Road and Haggerty Road.
- Q. Approval of a Resolution Concerning Acquisition and Approving Declaration of Necessity and Taking and authorization of Offer to Purchase in the amount of \$5,813 for a permanent pathway easement and a temporary grading permit on the vacant property (parcel 50-22-25-400-027) for the purpose of constructing a pedestrian safety path on the north side of Nine Mile Road between Meadowbrook Road and Haggerty Road.
- R. Approval of a Resolution Concerning Acquisition and Approving Declaration of Necessity and Taking and authorization of Offer to Purchase in the amount of \$21,412 for a permanent pathway easement and a temporary grading permit on the Pavilion Apartments property (parcel 50-22-25-400-019) for the purpose of constructing a pedestrian safety path on the north side of Nine Mile Road between Meadowbrook Road and Haggerty Road.
- S. Approval of Claims and Accounts – Warrant No. 837

MATTERS FOR COUNCIL ACTION – Part I

1. **Approval of Mayor's Exchange dates to host Orland Park, IL on May 1-2, travel to Tinley Park, IL on July 24-25, and host Tinley Park, IL on August 14-15, in 2011.**

Council consensus was to approve the Mayor's Exchange dates.

2. **Consideration of Memorandum of Understanding between the City of Novi and the Michigan Opportunities and Resources for Entrepreneurs Program (MORE) to promote the Statewide Entrepreneurship Support System. (Economic Development Strategy No. 6A).**

CM-11-02-018 Moved by Staudt, seconded by Margolis; CARRIED UNANIMOUSLY: To approve consideration of Memorandum of Understanding between the City of Novi and the Michigan Opportunities and Resources for Entrepreneurs Program (MORE) to promote the Statewide Entrepreneurship Support System. (Economic Development Strategy No. 6A).

Roll call vote on CM-11-02-018

Yeas: Margolis, Mutch, Staudt, Wrobel, Landry, Gatt, Fischer

Nays: None

Ara Topouzian asked Ken Agacinski, Executive Director of the MORE program to give a brief overview. Mr. Agacinski said they were a 501c(3) non-profit funded by the New Economy Initiative. He said the New Economy Initiative was local and national foundations who have contributed \$100 million to invest in innovative ways to grow and diversify Michigan's economy. He said they were a spin-off of Digerati which is based in Detroit. They are developing a system based on retooling the innovative work of Digerati in the medical differential diagnosis field. He said medical differential diagnosis was how a doctor efficiently and effectively asks a patient questions to quickly identify what is wrong. He said their primary philosophy in theory is that they can apply that work to the entrepreneurship and business development field. Mr. Agacinski said there were basically 4 different legs to their work. The first part was inventorying the extensive business support resources, including grants and tax abatements available in Michigan. The second part was the medical differential diagnosis retooling for the business space. The third part was taking the pool of resources they have catalogued and identifying what would be best from that pool for the problem and matching you to that. The fourth part was that they didn't want to create another business support resource because there are already about 20 in the state. He said people just don't know where those are or who to turn to. He said the work they do through their philanthropic funding from the New Economy Initiative is that they are gifting the system they are developing to all Memorandum of Understanding signed partners. He said it was not a financial transaction and there was no money involved. He said it meant they wanted the system imbedded and integrated everywhere they think a business or entrepreneur would turn for help. For example, if someone thinks of the City of Novi as a place to look to answers, they can access the City's website which has access to the system. He said they want people to know that when they turn to the City of Novi, they get the business support they need. He said they have nearly 100 partners, including the

university research schools in the state, half of the community colleges, about 40 municipal partners and other business support organizations.

Member Staudt asked who was funding the MORE program. Mr. Agacinski said the New Economy Initiative. Member Staudt asked who was funding the New Economy Initiative. Mr. Agacinski said they were funded by 10 local and national foundations; the Kresge Foundation, Knight Foundation, Hudson-Weber Foundation, Ford Foundation and others.

3. **Approval of Interagency Agreement between Wayne County and the City of Novi for Rouge River National Wet Weather Demonstration Project Round X – Part B Funding for Regional Basin Retrofit Projects (Leavenworth, Lexington Green and Thornton Regional Stormwater Detention Basins) to allow the award of a federal storm water facility improvement grant. The grant award amount is \$202,500 with a local match of \$202,500 from the City's Drain Fund.**

CM-11-02-019 Moved by Mutch, seconded by Margolis; CARRIED UNANIMOUSLY: To approve of Interagency Agreement between Wayne County and the City of Novi for Rouge River National Wet Weather Demonstration Project Round X – Part B Funding for Regional Basin Retrofit Projects (Leavenworth, Lexington Green and Thornton Regional Stormwater Detention Basins) to allow the award of a federal storm water facility improvement grant. The grant award amount is \$202,500 with a local match of \$202,500 from the City's Drain Fund.

Roll call vote on CM-11-02-019 **Yeas: Mutch, Staudt, Wrobel, Landry, Gatt, Fischer, Margolis**
Nays: None

Mr. Pearson said it was close to rounding out the identified stormwater improvement projects. He said the staff did a good job of acquiring outside grants and this was another example of that.

4. **Consideration to amend the Briarwood Consent Judgment to allow limited restaurant uses in the Briar Pointe Plaza located at the northeast corner of Ten Mile Road and Beck Road.**

CM-11-02-020 Moved by Gatt, seconded by Staudt; CARRIED UNANIMOUSLY: To not amend the Briarwood Consent Judgment because the proposed amendment is not in the best interest of the City or the residents.

DISCUSSION

Mr. Pearson wanted to note that it was a discretionary item that the Council could choose to amend the consent judgment. He said they had sent out an email earlier that afternoon to explain what kinds of restaurants could be put there.

Mayor Pro Tem Gatt asked for the history of the property and to explain to the public what a consent judgment was. Mr. Schultz said there was a challenge to the zoning ordinance prior to 1990. He said the property was then zoned part B-1 and part R-1 and the property owner challenged the limitations on the use. He said ultimately what resulted from that lawsuit was the determination on the part of City Council then and the property owner to rather than to litigate the question of whether or not the zoning of the property was permissible or legal to resolve that case through the consent agreement. He said the consent judgment from 1990 laid out the specific uses on the 2 portions of the property; the commercial property that they are currently talking about and the residential portion. He said the limitation in the consent judgment was straightforward and stated the City was to permit commercial development of the land under the B-1 provisions of the zoning ordinance. He said the developer had come forward and stated they had been operating under the B-1 limitation which did not permit restaurant uses and they would like some relief from that. He said the question before Council was whether the Council was interested in amending the limitation on B-1 uses to allow some uses that wouldn't otherwise be permitted. Mayor Pro Tem Gatt said knowing that the question came before Council 7 or 8 years ago and was turned down, he personally didn't see any reason why he would be inclined to change the consent judgment. He said the applicant hadn't proven their case to him and the residents were right when they said the plaza needed some work. He said he didn't believe it would serve the residents or the City if they amended the consent judgment.

Member Mutch said he supported the motion but wanted to add that several residents raised questions about maintenance around the property. He said he drove around the plaza and agreed that there was an issue with the dumpsters. He said there was also an issue raised about the amount of trash around the area and said he saw that while walking around. He said that was something that needed to be addressed because it was having a negative impact on the residents. He said one thing that was really highlighted by those who spoke was the fact that the neighborhood was a well established neighborhood. He said he would not support anything that would lead to a negative impact beyond what people were already dealing with. He said he thought adding a restaurant use into the center would create those negative impacts that the residents outlined. He strongly encouraged the center owner to rethink how they were approaching the center. He said they were in difficult economic times and the fact that there were vacancies in the center didn't point to a definitive statement that there was something wrong with the center that needed to be addressed by changing the uses that were permitted. He said they were allowed a wide range of uses under the B-1 zoning district and they needed to market to potential tenants who could fit that usage.

Member Wrobel said he understood the issue the developer had with not being able to fill the vacancy but that was nothing the other businesses weren't facing in these economic times. He said does it mean the city was obligated to change the zoning,

grant variances or change the consent judgment due to economic times. He said it was part of the business plans that you had to take the risk to get the rewards. He said he hadn't seen any data that indicated a need for restaurants at that corner, neither had there been an outcry from the public asking for restaurants there. He said without that data, he would be hard pressed to support the change in the consent judgment to allow restaurants. He said he would support the motion to not modify the consent judgment.

Member Fischer said he would support the motion. He what struck him most about what the residents had commented on was the fact that they had been there as 10 to 20 year residents in the area. He said many of the residents had done their homework regarding looking into the business uses that could be used in the area and chose to buy given the consent judgment that was in place.

Member Margolis said she hadn't made up her mind before the meeting regarding the issue. She was curious that there have been variances granted in other B-1 districts to allow restaurants but that they pre-dated the zoning or were granted variances. She asked how many variances had been given. Mr. Schultz said they didn't have a clear list of how those came to be whether they were variances or consent judgments, but there were not a lot of them. Member Margolis said she recalled there being a grocery store but had prepared food. She wondered if anyone could comment on that use in that district. Mr. Schultz said the B-1 language talked about specialty foods, grocery and retail sales being permitted but then had a parenthetical that said excluding restaurant uses. He said he didn't know the particular circumstance, but thought if that type of use walked in today, the Planning staff would ask the question based on that kind of language, was it a grocery store with prepared food or was it really a restaurant. He said what was being asked for in this circumstance was to change the rule. Member Margolis said there was some type of flexibility then. She said given the comments by Council and the citizens who spoke, she was mostly struck by the idea the people had researched the uses within the center and made their decision based on that. She said that was something she had made clear that if they make a promise to the residents, they needed to follow through on that. She said she would support the motion to deny.

Mayor Landry said he was trying to find the use language in the consent judgment, but wanted to ensure he understood it as limiting the use on the particular portion of the property to B-1 uses. Mr. Schultz said on page 3, paragraph II was the Use, Construction and Development of Commercial Land and A was the Permission for B-1 Uses. Mayor Landry asked if there was anything preventing the developer from going to the ZBA and asking for a use variance. Mr. Schultz said the consent judgment would prevent that. He said the ZBA would not have the ability because it would essentially be amending the consent judgment. Mayor Landry said even though the consent judgment said the uses were limited to B-1 and normally the ZBA would have the ability to grant a use variance, they couldn't because of the consent judgment. Mr. Schultz said unless the consent judgment read they were willing to give up as a Council the enforcement. Mayor Landry said he would support the motion. He said he had mixed feelings because the city undertook a very serious study of the southwestern part of the

city because the residents said they didn't want any more commercial property. He said a couple years ago when the Master Plan was being reviewed, there were many developers that wanted to develop the northwest and southwest corners of Beck Road and Ten Mile Road. He said the residents didn't want more commercial because there was already commercial property at the northeast corner. He said they had to keep viable the northeast corner if they wanted to prevent any more development of commercial in the southwest part of the city. He said they didn't have to guarantee the economic viability of any center, but what he was most impressed by the residents with was the comments that the current operator was not maintaining the premises. He said currently they were not maintaining the premises, but were coming to ask for something more than what they agreed to. He said they had to keep an open mind with respect to the viability over the years. He said he would be supporting the motion.

Roll call vote on CM-11-02-020

**Yeas: Staudt, Wrobel, Landry, Gatt, Fischer,
Margolis, Mutch**

Nays: None

AUDIENCE COMMENT - None

MATTERS FOR COUNCIL ACTION – Part II - None

COMMITTEE REPORTS – None

MAYOR AND COUNCIL ISSUES

1. Confirmation of advancing the Grand River Road improvements – Mayor Landry

Mr. Pearson said the City participates in a federal aid committee that prioritizes major road work from the federal fund as opposed to the state and road commission. He said Rob Hayes and his team were attentive members at those committee meetings and received the signal that there was a strong possibility that there was another community that would have to rearrange their projects. That would free up money which would allow them to move up the Grand River repaving from 2012 to 2011, this coming fall. He said it was a big undertaking and was worth doing. He said the trick was that it would be done concurrently with the Novi Road Link project, which will close Novi Road at the railroad tracks by the post office. He said it was straight forward with the repaving; not just repaving what was there but would improve the shoulders and making other improvements. He said it would not be a total closure, except for limited times. He said they would like to take advantage of that because it's hard to know when another opportunity would arise as projects get deferred in this type of economy.

Mayor Landry asked if they could get the advance from 2012 to 2011, it would be fully cognizant of the fact that Novi Road and Meadowbrook Road would be under construction. He said personally he didn't care what the inconvenience was as long as they could get Grand River repaved.

Member Mutch said he agreed with the Mayor although it would be painful for drivers, it would be better to get it out of the way. He said it was way beyond needed. He wanted to clarify that Grand River would maintain its three lanes, not be upgraded to five lanes like West of Novi Road. Mr. Pearson said that was correct, it would be a three lane profile with improved shoulders and gravel. He said it was years in the future because of the land acquisition, engineering and money needed to create the five lanes.

Member Wrobel agreed with Member Mutch as a resident of the east side of Novi, he said thank you. He said he believed the residents would be willing to deal with the pain for the gain they would be getting.

Member Staudt said he agreed, but asked that the Economic Development Department begin to think of ways to assist the businesses that were along the corridor. He said there were a lot of valued businesses along that area and it would be very tough during the construction time. He said whatever the Economic Development Department could do to help assist, whether it was additional signage or whatever.

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 9:02 pm.

David Landry, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Cortney Hanson

Date approved: February 28, 2011