

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, MARCH 21, 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

APPROVAL OF AGENDA

CM-11-02-033 Moved by Gatt, seconded by Margolis; CARRIED UNANIMOUSLY:

To approve the Agenda as presented

Roll call vote on CM-11-02-033 **Yeas: Gatt, Fischer, Margolis, Mutch, Staudt, Wrobel, Landry**
Nays: None

PUBLIC HEARING - None

PRESENTATIONS

1. 2010 Siemens Award for Advanced Placement in science and mathematics in the state of Michigan - Sandeep Palepu

Mayor Landry said the City of Novi was honored to recognize Sandeep Palepu as the 2010 Siemens Award winner for Advanced Placement in science and mathematics in the State of Michigan. Mayor Landry said that it was his understanding that there were only two such recipients, a young man and a young woman, and Mr. Palepu was the young man from Novi who was recognized as the number 1 award winner. He said congratulations and gave him a certificate on behalf on the City. He said it was accomplishments such as that, speaking with respect to the next group of winners that not only reflected on the individual who was a state champion, it reflected on the City, it reflected on his parents, it reflected on his family, and it reflected on all around him. He said it was for that reason that they recognized state champions, because state champions add luster to the entire City and it was a way to recognize all who were involved.

Mr. Palepu said the award was given to two students in the state for AP scholar. He said it was based on the number of AP courses you took and the number of AP credits you received. He said people do not apply for the award, they are selected, and he was selected out of students who took AP courses. He said it was a great honor.

2. Novi High School Varsity and JV win Mid-American Pompon State Championship

Mayor Landry said Novi High School Varsity and JV Mid-American Pompon were State Champions. He said he wanted to read an example of the certificate that was given to

the recipients. He said it stated with a quote from Margaret Carty, "The nice thing about teamwork is that you always have others on your side." He said the City of Novi congratulated the Varsity and JV state champion pompon teams.

Coach Renaud thanked Mayor Landry. She said they were a sport that often went unrecognized and it meant so much to the team, the parents, and hopefully the community to be there. She said pom was a great sport because it didn't allow one person to shine, everyone had to shine equally. She said to become back to back state champions for both Varsity and JV and for Varsity's high kick championship this year, they had to rise up together as one and all become strong and leaders. She said that was what they attributed their success to. She said they thanked their seniors and every leader on their team, as well as the other two coaches who were present, Assistant Varsity Coach April Brousseau and JV Head Coach Elyse Bartos and the other Varsity Head Coach who wasn't present Erin Bartos. She said on behalf of the whole team she thanked the City of Novi for having them and on behalf of the Coaches they were so proud of the team.

Mayor Landry also presented a large sign to them with their team's title.

REPORTS:

1. MANAGER/STAFF – None

2. ATTORNEY – None

AUDIENCE COMMENT –

County Commissioner Crawford one of the things she thought everyone should be aware of was that on Wednesday, March 30th at 1 o'clock the sirens would sound for weather alert month. She said if you heard sirens at a time that didn't seem right it didn't mean there was eminent danger, it meant they were testing the system. She said sirens would sound the first Saturday of every month after that for weather, except on April 2nd which is a different day, it would be at 1 o'clock then. She said she wanted to announce that she appointed a member to the Senior Advisory Council for the County, Celia Todd had graciously volunteered to be the Novi representative and she would be serving Council and the City well, as she had in the past couple years. She said fortunately she came from a community that had ethic rules and policies. She said they were currently working on that with the County and would be creating an ethics policy shortly. She said they also asked her to serve on the webcast meetings to give tax payers greater access to the web page, she said they would start streaming meetings very shortly. She said they began to work on the budget and the County of Oakland had a 3 year rolling budget, they were very proud of their 3 year budget as something that is unique, probably to the whole country. She said they already had a 2011, 2012, and 2013 balanced budget which was somewhat unusual. She said there were challenges but they were beginning to work very hard even on the 2014 budget to balance it. She said if you were interested in knowing how the budget worked and what was in the budget for the County and how your money was being spent you

should go to oakgov.com and look at the fiscal score card. She said the County employed a number of part-time employees throughout the summer months, particularly in Parks and Recreation and there were a number of different positions in the County, so she encouraged anyone looking for part-time employment to get on the County website oakgov.com to see if there were any positions that interested them. She said there were also a number of Boards and Committees throughout the County and they were looking for people to fill those positions and she would really love to see more Novi people on the Boards and Commissions. She said if you knew anyone that would be good particularly on one of the Boards that had to do with the courts, the probate courts or any of those, to contact her or look on the website. She said there were a number of new brochures that would be available and she would take them to the Novi Library so they would be on display there. She said one of the ones she really wanted to point out was a brochure on potholes as this was the time of the year where everyone has seen some and according to the Road Commission for Oakland County, if you know of a large pothole that should be identified, please call the Road Commission, the Department of Citizens Services at 877-858-4804 to tell them about it. She said if there was a signal that wasn't working or something was wrong with the timing of a signal you could call the same department. She said she wanted to address flashing yellow arrow turn signals, she said it could be confusing for people when they see the flashing yellow, they think it is just like any other caution light at a signal and it is okay for them to turn, however, you have to be cautious of oncoming traffic because their light is green. She said all of the signals with a green arrow were going to be replaced with an added yellow flashing, throughout the nation. She said just know when you saw the flashing yellow you needed to make sure there was no traffic coming toward you. She said she had people ask her about roundabouts, there was a brochure about roundabouts, you are not supposed to stop in a roundabout, traffic circles are what people were used to seeing and now at roundabouts you are supposed to merge with the traffic. She said the Road Commission had developed a DVD which would be available at the Library as well. She said there was a new County Clerk, Bill Bullard, his goal was to have people go online rather than in line. She said there were a number of County services that used to be services you actually had to go to the County to get such as vital records, legal records, and some election information, but now you can do a major portion of your business online. She said there was a cost involved in it and she would have some brochures available. She said if you wanted to know what type of services were available online, go to oakgov.com/clerkrod and you would be able to see what kind of services were accessible online. She said she took a tour of the County's law library and many were probably not aware that not only were there a number of legal services available free of charge and classes and workshops, such as estate planning, immigration law, and a variety of other things but also at the law library there are a number of adaptive technology kinds of services available. She said there was a computer lab for people that must read in Braille and they had classes for people with some kind of visual impairment. She said people in the Novi region could call the library and get audio books in digital formats sent to their home, they wouldn't have to go there to get the information, and there are over 1,700 books that had already been put into digital format so everyone could access that as a free service if you had a visual impairment. She said she encouraged people to take advantage of those services that were

already there and were paid for. She said a lot of time we didn't know what was in Pontiac because we felt so detached because it seemed so far away. She said her goal was to try and bring that information to the residents and citizens so that they knew what kinds of services existed currently and some of the new services that were coming online. She said one of the things she was going to introduce in resolution form that came to her sort of by way of Hugh Crawford, State Representative, he brought home a brochure from Michigan State University's product center and there was a little square in the product center information that said that if everyone in Michigan would spend \$10 a week on Michigan products that it would put \$37 million back into Michigan's economy every single week. She said she had a number of people say they were depressed about the economy and there was nothing they could do, especially a number of seniors she's come in contact with. She said this was something simple that we could all do, there were many ways that you could find out, many websites, buymichigan.com and other places. She said all we would each have to do was spend \$10 on Michigan products. She said Busch's Market had a little logo "buy Michigan" by all the products they had in the store that were Michigan products, most of the stores were also starting to recognize that we could control a lot of what was wrong with Michigan ourselves, there were things that we could do. She said there was a lot more information that she would be bringing forth periodically. She said she appreciated their time and all that they did.

Timothy Gilberg, 47599 Aberdeen Drive, said there was an item on the agenda entitled Handbill Ordinances and he had some comments to share with Council. He said some of the issues the homeowners were complaining about were the assault on their mailboxes at this time of year. He said they had no way of stopping the variety of things that were attached to, stuck to, taped to the mailboxes and the damage that was done to those mailboxes as a result of it. He said some of the damage was the red flag that stands up getting bent and distorted as people tried to stuff things in there. He said he had asked some of the handbill deliverers to not do that and the comments they received could be a bit arrogant such as, you can't stop us. He said you could put a no solicitation sign on your house but that didn't include the mailbox. He said the homeowners association requested that City Council considered something in the order of posting a sign that is enforceable by the Police Department at the subdivision entrance that said no solicitation. He said they could put a sign on every house but some of the neighbors weren't anxious to do that. He said that didn't protect the mailboxes. He said by the time most of the homeowners get home from work those items were litter. He said there were days when you could get half a dozen items attached to the mailbox. He said he didn't know if their Homeowners Association was unique but they got more than their fair share. He said he didn't know how the rest of the City felt about it but for them it was a problem. He said as he read what was apparently going to be the first reading, it didn't address that. He said he was pro-business but if someone wanted to send him something, with the cost of gas, it was probably cheaper to pay the postage. He said some of the items he got in the mail via USPS he looked at and some he threw away but he asked Council to consider putting some teeth into an ordinance that allowed Homeowners Associations the authority to post a sign to eliminate this littering effect.

Doug Wood, Village Oaks Subdivision, said he lived on the border on Nine Mile and he wanted to seek more information on the pathways project. He said there was a growing contingent of people in the Village Oaks Community that were opposed to the project and from what he understood the proposal for the project had already been passed. He said he wanted to clarify if in the budget meeting scheduled for April 16th the money to pay for the project would be either approved or rejected. He said he wanted Council to know there was a growing contingent and in 2 days they had 40 signatures of Village Oaks residents that were opposed to the project so Council would probably be hearing from more of them.

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

CM-11-02-034 Moved by Margolis, seconded by Fischer; CARRIED UNANIMOUSLY:

To approve the Consent Agenda as presented

Roll call vote on CM-11-02-034

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

Nays: None

- A. Approve Minutes of:
 - 1. March 7, 2011 – Regular meeting
- B. Enter Executive Session immediately following the regular meeting of March 21, 2011 in the Council Annex for the purpose of discussing pending litigation and privileged correspondence from legal counsel.
- C. Approval to award the second of three one-year renewal options of the water service connection contract with D & D Water and Sewer, Inc., based on the terms, conditions and pricing of the existing contract, for an estimated annual cost of \$70,500 and an effective date of April 27, 2011.
- D. Approval of Change Order No. 1 for the Miller Creek Pond Dredging project to Hamlin Grading and Excavating in the amount of \$6,560.
- E. Approval to award an amendment to the engineering services contract for construction engineering services related to the South Lake Drive/Old Novi Rd/13 Mile Intersection Improvements project to Orchard, Hiltz & McCliment, Inc. (OHM) in the amount of \$17,221.
- F. Approval of Claims and Accounts – Warrant No. 840

MATTERS FOR COUNCIL ACTION – Part I

1. Consideration of Ordinance Amendments 11-176 (Chapter 2), 11-99.5 (Chapter 15), and 11-23.26 (Chapter 22) to update and expand cost recovery options for extraordinary or avoidable public safety expenses:

Mr. Pearson said the materials that were sent out with the Agenda on Thursday included an older version of the Ordinance; they e-mailed that to Council this afternoon. He said what Council received two weeks ago, as an early heads up, was the correct one. He said it only affected section A. He said the item was reviewed with the Ordinance Review Committee and they've had staff input in terms of legal and public safety departments. He said there were different affects and outcomes in section A, B, C, and D.

Mayor Landry said as a member of the Ordinance Review Committee they took a look at it on 2 separate occasions. He said it came before Council in the first place because 15-197 of the City Code of Ordinance regarding Fire Department recovery for hazmat clean up did not require that they first went to court to have some legal responsibility established. He said there was a case law, Howell Township vs. Rooto Corporation that came out and now the current ordinance 15-197 was no longer proper or legal and had to be cleaned up. He said this came to Council with the entire subject of cost recovery, the first time it came before Council there was some discussion about it and it was sent to Ordinance Review. He said it came back shorter, they focused on responsible party and got rid of joint and several liability, and they put a definition of responsible party, someone who was found at fault. He said they broke it up into several sections which was why it was broken into A, B, C, and D. He said they anticipated it wouldn't be 7 to 0 on any of it so they set it up to be brought back to Council to let Council talk about each single one, vote on each single one, and see whether they vote them up or vote them down. He said they specifically broke it out so that they could deal with each of the individual sections.

a) Consideration of Ordinance No. 11-176 to amend Chapter 2, "Administration," of the City of Novi Code of Ordinances to add a new Article VIII regarding cost recovery for emergency response. First Reading

Member Fischer thanked the Ordinance Review Committee for taking a look at the Ordinance. He said he had two issues. If the personal property owner knew of illegal activity happening on their property they should be held liable. He said he would like there to be some type of violation of the law for the person committing the criminal act that they should be held liable and not the homeowner necessarily and that seemed to have taken place in section 2-222. He said he still had concerns on section 2-222 (4) as it related to costs for Police responding to down power lines. He said a lot of the ordinance resulted from large scale incidents. He said what he was concerned with last time was calling out particular areas, whether it was railroads, public utilities, et cetera. He said he did not approve of section 4.

CM-11-02-035

Moved by Fischer, seconded by Margolis; MOTION CARRIED: 4 - 3

the City of Novi Code of Ordinances to revise the standards for the regulation of alarm systems in Section 22-96 to include fees for responses to false alarms from fire alarm systems

Member Mutch asked if City Administration could touch on why they revised that particular section dealing with the fire alarm ordinance requirements changing and what they were trying to accomplish with those changes.

Mr. Pearson said they had a long standing false alarm ordinance on the police side for those kinds of calls. He said to be clear, the provision was if you had an automatic alarm system and it was proved to be false because it wasn't being kept up properly the City gave out a notice on the first and second time but after the third time they had to go out to the same address within a calendar year, there needed to be corrective actions by the people that had the automatic alarms so the City was not expending the public resources to go out. He said it was a warning bell to try to get people's attention to take care of their automatic alarm systems. He said they had the same issue on the fire side of things with medical alarms. He said it was trying to bring those into harmony with the police and fire side. He said it was the same set-up, first time and second time with no charge, just a notice, but the third time was a \$50 penalty and even then you could appeal if you were trying to get it fixed. He said it was a provision in light of dwindling resources, trying to make sure what they had was being used efficiently and every time a call came in they would respond. He said their people and equipment were exposed to traffic accidents when they go to an incident. He said they were cutting down on times that they were doing it and they didn't have to be out there.

Member Mutch said they were provided some background information a while back about the number of times they had to respond to certain locations and if he recalled correctly, there was one location where they had over 20 false alarms in a certain time period. He said they had a couple locations that were beyond someone accidentally setting off the alarm a couple times.

Mr. Pearson said he had the notice come in from the City when they had accidentally set their alarm off and it gets your attention. He said there needed to be some sort of process so they didn't need to keep going to the same address.

Member Fischer confirmed that Mr. Pearson said it was a calendar year not a rolling year.

Mr. Pearson said that was correct.

Member Fischer asked if the fee schedule was the same for residential and businesses.

Mr. Pearson said yes.

Roll call vote on CM-11-02-037

Yeas: Landry, Fischer, Margolis, Mutch

Nays: Staudt, Wrobel, Gatt

d) Consideration of a resolution establishing the fee schedule for cost recovery for the determination of the cost of a response under Chapter 2, new Article VIII of the City Code.

Mr. Pearson said this could be brought back in the second reading with the other pieces and it was more informational right now.

2. Consideration of adoption of Ordinance 11-40.07 to amend the Code of Ordinances of the City of Novi, Chapter 26, "Peddlers, Solicitors and Transient Merchants," in order to change the title of the Chapter to include commercial handbills, and to include standards for the distribution of commercial handbills. First Reading

Member Margolis said that as part of the Ordinance Review Committee they looked at it and considered some of the discussion that was brought up in the public comment. She said their concern was if the subdivision posted a sign at the subdivision entrance and then an individual member in the subdivision did not agree. She said it seemed like a condo association had more of a control in terms of the private property there. She said the point that was brought up by the speaker about the mailboxes, if the mailboxes are across the street and she put a sign on her front door, it isn't going to do anything for her. She asked if there was anything they could do when it came back in second reading, that perhaps the subdivision could post something on a mailbox block, would that be possible?

Mr. Schultz said he would be happy to look into it and he didn't know what people were allowed to affix to a U.S. Post Office Box.

Member Margolis said she would like to take a look at that because if it was an issue, maybe it could be dealt with in that way.

CM-11-02-038 Moved by Margolis, seconded by Fischer; CARRIED UNANIMOUSLY:

To approve the ordinance 11-40.07 to amend the Code of Ordinances of the City of Novi, Chapter 26, "Peddlers, Solicitors and Transient Merchants," in order to change the title of the Chapter to include commercial handbills, and to include standards for the distribution of commercial handbills. First Reading

Member Fischer said he would echo the comments of the public speaker as well. He said he would have liked to see the ordinance come back with some teeth. He said he would be in support of giving homeowners' associations the ability to put a sign up, with some regulations on what type of sign could be used and the size of the sign. He asked Mr. Schultz what they were allowed to grant homeowners associations the power to do.

Mr. Schultz said that was the question that came to their office originally through the Police Department. He said that was the suggestion, to have a subdivision wide sign. He

didn't find any law on it and told the Ordinance Review Committee that if that was what the policy decision was they thought it would be permissible. He said there was some language drafted, but ultimately, as Member Margolis said, that didn't make it into the ordinance. He said if Council wanted to allow a sign at the entrance of a subdivision, it was permitted.

Member Fischer asked if at this time a subdivision was allowed to put up a sign but it wouldn't be enforced by our ordinance.

Mr. Schultz said it wouldn't be permitted or enforced at this time.

Member Fischer said of course they would support this, anything they could do to cut down on that type of behavior was good.

Member Wrobel said he would also support it, being a Homeowner Association President; one of the concerns of many of their residents was the number of non-requested solicitors coming through. He said they've talked about what the City could do to stop it. He said it was good in theory if they were allowed to put out a sign, but was it really enforceable. He said they could call the Police Department and tell them there was a solicitor in the subdivision, but would they come out and shoo them away. He asked how practical it was.

Mr. Schultz said that question came up at the Ordinance Review Committee, what would actually be the enforcement. He said they would do the same as what they would do if there was someone soliciting without a permit. He said they would get the complaint, go find the person in violation of the rule, and essentially say you are not permitted and in 99% of the cases that would happen. He said if they came back later and they were in the same neighborhood that would be enforceable. He said there would be notice and it would be permissible.

Member Wrobel said he would support it, it was something each subdivision should have, the determination on whether they wanted to add this or not. He said if the residents all decided through their association that they wanted it, then the City should accommodate them.

Mayor Landry said this was an issue that wasn't as easy as it may appear at first blush. He said they were dealing with first amendment rights to free speech and so you always had to be careful when treading that area. He said they were talking about commercial speech which had less protection than political speech. He said right now a no soliciting sign can be put up, the thought was, do they allow a sign to be put up at the entrance of a subdivision. He said there were a couple issues, if someone wanted to put a no soliciting sign that was their decision and people could do what they wanted with their property. He said if they wanted to start talking about subdivision wide, would it be a simple majority, a 2/3 majority of the sub, what if someone vehemently says their first amendment rights are being infringed on, then it was neighbor against neighbor. He said the second thing was do we want a City that says "Welcome to Sunny Side Subdivision, No Soliciting" and do we want 200 no soliciting signs all over the City. He

said maybe we do, maybe we don't. He said it was a problem and the other problem was an enforcement problem. He said he had been told by the Police Department that what normally happened was the mass handbills hired kids and dropped them off in the City and would pick them up in 4 hours. He said if the police came out, there were now a band of kids that didn't have anywhere to go and now they were standing on the street corner. He said that doesn't mean you couldn't prevent them from putting the handbills but the issue was more thorny. He said once they started discussing it in Ordinance Review they found it wasn't as easy. He said they initially went in thinking if the subdivisions wanted to put them up let them. He said it was something that had to clearly be thought about before it was passed. He said maybe they could ask to bring back 2 different ordinances, or an A and a B and they could let Mr. Schultz do more research about if a sign could be put on the pole that holds up the mailboxes, does the U.S. Government consider that the mailbox. He asked what you would do then if there were 4 mailboxes and 3 wanted the sign but 1 didn't. He said the issue wasn't as easy as it appeared. He said what he was hearing is that people would like to see options come back.

Member Staudt said he was also an officer on a Homeowners Association and he was torn on it. He said there were a lot of entrepreneurs that depended on something as simple as walking around the neighborhood dropping off handbills. He said he used those people regularly. He said he was concerned because he didn't want to see no soliciting signs on Homeowners' Association signs. He said he understood the litter and he picked it up from his lawn all the time. He said it was a Federal offense to put anything on a mailbox inside or outside. He said the Poster Master General would tell them it happened all over the country and it was a problem but there was law in place to deal with that. He said he was looking forward to seeing other options. He said he didn't want to tie up the police officers by picking on 20 year olds who were trying to be entrepreneurs and put a flyer in a newspaper box saying they would cut the lawn for \$20. He said he was looking for other options and was looking forward to a second reading.

Member Mutch said he wanted to point out that Ordinance Review Committee recommended the inclusion of the language to address the distribution of commercial handbills and that it becomes a nuisance or a litter problem. He said they were putting language in that allowed if they had a situation where someone was randomly distributing these in a way that they blew away immediately, then they would be held responsible. He said he believed there was language that if the business sent someone out in the neighborhood and they were essentially littering in the neighborhood, then the business would be held responsible. He said in terms of posting of the signs he agreed with a couple of the other Council Members. He said when they talked about it at Ordinance Review Committee the potential to have no solicitation signs at every subdivision entrance of the City and condo entrance; that was something that gave them pause. He said maybe there was support for that and maybe people would be okay with it, when they thought about the ramifications of that, it was one big concern that they had. He said if they were going to have some sort of enforcement there had to be some sort of notification. He said there couldn't be an ordinance in place and not give people fair notice of it. He said they also had a discussion about Condo

Associations. He said it seemed pretty clear cut to him and most condo associations had some level of control. He said he didn't think they felt the same level of comfort in a subdivision although subdivisions do have Homeowners Associations, it raised a question of whether the Homeowners Association could speak for every resident in terms of barring someone from being able to distribute information in that manner. He said they didn't have a lot of clear definite answers and they couldn't point to a particular case or community example and say that is how it plays out. He said he would support seeing different options, the language they had in there on commercial handbills now was good and it addressed the concerns that had been raised by the public. At the same time, if there were members that wanted to see language that offer the options for a subdivision wide or condo association wide restriction he was open to seeing that language. He said one of the things they talked about and didn't address because they didn't go down that route was what it would look like in terms of signage because as Member Fischer pointed out they wanted to have some language that addressed what the signs were going to look like in terms of size, location, and everything else related. He said if they were going to see language like that from the City Attorneys Office, he would also like to address that aspect as well because in his mind, those two go together. He said if there were going to be no solicitation signs at the entrance to every subdivision there had to be some regulation in place just as there was with any other sign in the City.

Member Wrobel said right now a solicitor would come and had to have a permit. He asked when they were going through the permit process for every person, could they be notified of ordinances at the time of application for the permit.

Mr. Schultz said that was something that could be done as part of the permit process for solicitors, but most of this had been focused on handbills. He said the idea wasn't to make people just distribute handbills without that face to face interaction, under this ordinance they aren't required to apply for a license.

Roll call vote on CM-11-02-038

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

Nays: None

- 3. Consideration of Zoning Ordinance Text Amendment 18.245 to allow façade waivers in the TC and TC-1 Districts to be approved by the Planning Commission without review and approval by City Council, and to allow Planning Commission approval without review and approval by City Council of Special Land Use Permits and Site Plans on sites totaling four acres or less in the RC District. First Reading**

Mr. Pearson said it was an effort to streamline one of the processes rather than having so many land use planning items come to City Council for approval that arguably could be handled administratively or with Planning Commission. He said it had a positive recommendation from Planning Commission.

CM-11-02-039 Moved by Margolis, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve Zoning Ordinance Text Amendment 18.245 to allow façade waivers in the TC and TC-1 Districts to be approved by the Planning Commission without review and approval by City Council, and to allow Planning Commission approval without review and approval by City Council of Special Land Use Permits and Site Plans on sites totaling four acres or less in the RC District. First Reading

Member Mutch said he would support it for a first reading but he wouldn't support the change that deals with the RC District. He said historically City Council has had final approval on projects in the RC, Regional Center, District, as well as specific projects in the Town Center District. He said that was done because past Councils understood that those two areas were some of the most important areas in the City both from an economic perspective and also in terms of the impact visually and on the Community. He said there were often projects that involved simply approving a building site, if you looked at the locations that were affected by the RC change, these were sites directly adjacent to Novi Road, Twelve Mile Road, and some other significant roads in that area. He said the past City Councils understood that those projects didn't exist in a vacuum, they were going to have impacts beyond just the site itself and so Council gave themselves the final authority over approval with a recommendation from the Planning Commission. He said he thought that was how it should continue to be. He said it was a very limited zone of authority that the Council would exercise in terms of final approval with the RC District and Town Center District. He said he thought it was appropriate in light of the visibility and potential impact of the projects. He said it made good sense in terms of projects that had come through the process and were first reviewed and recommended by the Planning Commission and then final approval by the City Council. He said applicants going through the process understood that if concerns came up at the Planning Commission level, they were going to have to address them before they got to City Council. He said that approval process then gives the Council some ability and the City some ability to get better projects. He said if they looked at the history of some of the sites that had gone through the RC approval process, if they looked back and saw what was presented at Planning Commission versus what was presented at City Council, often times they got better projects through that process. He said it wasn't an area that he personally, as a Council Member, wanted to give up the authority to have final say on those projects. He said he didn't want residents coming back and saying how did that get approved and Council throw their hands up and say it was the Planning Commission, what could we do? He said they had the authority and should continue to exercise the authority. He said the other change in the Town Center District dealt with façade waivers and he thought that was more of a technical change which he didn't have a problem with.

Roll call vote on CM-11-02-039

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

Nays: None

4. **Approval to award a construction contract for the South Lake Drive/Old Novi Rd/13 Mile Intersection Improvements project to Pro Line Asphalt Paving Corp., the low bidder, in the amount of \$105,626.**

CM-11-02-040 Moved by Margolis, seconded by Mutch; CARRIED UNANIMOUSLY:

To award a construction contract for the South Lake Drive/Old Novi Rd/13 Mile Intersection Improvements project to Pro Line Asphalt Paving Corp., the low bidder, in the amount of \$105,626.

Roll call vote on CM-11-02-040

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

Nays: None

AUDIENCE COMMENT –

Timothy Gilberg, 47599 Aberdeen Drive, thanked Council for the discussion on the matter regarding the handbills. He said he would like Council to consider the fact that the homeowners had rights too. He said he understood the paperboy or somebody wanting to cut the grass. He said unfortunately sometimes a step must be taken that might affect those folks and frankly some of the neighbors were strongly in favor of preventing that from happening. He said he thought it should be left up to the Homeowners Association to decide. He said they had officers and committees and a structure, it didn't have to be complicated. He said if they decided it would be 51% then it would be 51%. He said that was why they had dues. He said if someone came along that said dues needed to be raised by \$100 per house, guess what happened, it was 51%, it depended on your bylaws, covenants, and restrictions. He said they did those things all of the time and it happened perhaps similar but perhaps differently in every association, condo or homeowners, in the City of Novi. He said please remember that the homeowners had rights too and he didn't believe putting a no solicitors sign on every mailbox would be the right answer. He said that was almost as intrusive as the handbills being all over the lawn, it was another sight that no one wanted to look at. He said the enforcement side was interesting, Councilman Staudt brought up the fact that there was a Federal law. He said if you talked to the Post Master about the Federal law that was probably one law that would never be enforced in the next 100 years because it was violated everyday. He said no one would do it, he didn't believe the Police Department could respond because it was a Federal law. He said it was there but would never be enforced. He said the littering and the damage to the mailboxes and the intrusion into the privacy of the homeowners he thought were the 3 issues that needed to be discussed. He said he would like Council, prior to the second reading, to think about those because they were important to the homeowners.

MATTERS FOR COUNCIL ACTION – Part II

5. **Adoption of resolution to rename Arena Drive as Nick Lidstrom Drive.**

Mr. Pearson said it was an idea that came forward and was a unique opportunity. He said Arena Drive had existed as a dead end street and served 3 properties: a bank, The Sports Club, and the City property of the Ice Arena. He said Nick Lidstrom was obviously a hometown hero who was a mainstay of the region and pro sports. He said they thought it would be nice to recognize that and help the Ice Arena his kids have gone through, as well as, some of the other players. He said there was an opportunity to get more publicity and notoriety and there was already a lot of interest expressed already. He said they were planning on having a ceremony on Thursday at 5:30, if this went through.

CM-11-02-039 Moved by Margolis, seconded by Mutch; CARRIED UNANIMOUSLY:

To approve the resolution to rename Arena Drive as Nick Lidstrom Drive.

Member Fischer said he would support the motion at this time but he wanted to have more of a discussion, not necessarily on that item but in general on the naming of streets. He said back in September they had talked about honorary street names and at that time many people had concerns up at this table. He said he thought when they looked at it, they did have a policy and committee in place to review possible street renaming but there wasn't a policy on the books that he was aware of. He said if they were planning on going down that path there were a lot of notable residents in Novi and that wasn't to take away from Mr. Lidstrom. He said he didn't know him personally but has heard nothing but great things. He said if that was something they were looking to do in the future, then the policy needed to be adopted so they had set criteria that people could look at to apply fairly to many of the notable residents in the City.

Mayor Pro Tem Gatt said he agreed with Member Fischer 100% that Nick Lidstrom may be a hometown hero, but there were also people in Novi who have never heard of him, people who weren't hockey fans or sports fans at all. He said he thought to publicize an event and have it announced at a Red Wing game and put on television before City Council had a chance to discuss it, the process was reversed. He said he hoped that didn't happen in the future.

Roll call vote on CM-11-02-039

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

Nays: None

COMMITTEE REPORTS – None

MAYOR AND COUNCIL ISSUES – None

AUDIENCE COMMENT – None

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 8:06 P.M.

David Landry, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Natalie Laitinen

Date approved: April 4, 2011