

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JULY 18, 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-11-07-103 Moved by Gatt, seconded by Margolis; CARRIED UNANIMOUSLY:

To approve the Agenda as presented

| | | |
|---------------------------------------|--------------|---|
| Roll call vote on CM-11-07-103 | Yeas: | Gatt, Fischer, Margolis, Mutch, Staudt, Wrobel, Landry |
| | Nays: | None |

PUBLIC HEARING

- 1. Exemption Certificate of the Industrial Development District Grant Request - No public comment was received.**

PRESENTATIONS

- 1. Detroit Institute of Arts Inside Out Project – Michelle Hauske, Director of Inside Out Project**

Ms. Hauske said the Inside Out Project was a community outreach program. 80 famous paintings from the Detroit Institute of Arts were reproduced and installed throughout communities in the Metro Detroit Area. She thanked Novi by offering the residents four free general admission tickets to the DIA on August 7th.

- 2. City of Novi hosting the 2011 Novi Cricket Cup in August – Matt Ostermeyer, Novi Parks Supervisor and Venkat Adapa, Detroit Cricket League**

Mr. Ostermeyer said they were excited to add cricket to the array of athletics offered in the Parks Department. He said they were expecting to have 16 teams participate.

Sai Viswanatha said cricket was formed with the Marylebone Cricket Club in London in 1787; it began as a gentleman's game. He said it was very important that cricket was emerging in the USA and in Cities such as Novi. He said cricket was similar to baseball with two teams and 11 players, including a batting team and a fielding team. The teams reversed roles after innings. He said the team with the most runs won. He compared the cricket ball to a softball. He displayed the bat and explained that it was different from a baseball bat because it had a flat side, as well as a round edge. He said stumps in cricket were similar to bases in baseball. He said they wore protective

gear including a helmet, gloves and pads. Cricket was played on an oval shaped field with the center referred to as a pitch. He explained the positions saying that a batter in baseball was referred to as a batsman in cricket, a striker was always located at home base, a bowler in cricket was similar to a pitcher in baseball, a wicket keeper was the catcher in cricket, there were 9 fielders also called wicket keepers, and there were 2 umpires. He explained that the bowler bowled the ball to the striker who tried to hit the ball with the bat. He said each crossing of a pitch equaled one run, outs occurred when the ball hit a stump or was caught by a fielder. He noted there were many new teams mostly from England, Australia, India and West Africa. He said this was a great opportunity for the City of Novi coming in August.

REPORTS:

1. MANAGER/STAFF – None

2. ATTORNEY – None

AUDIENCE COMMENT –

Ray Garcia, 28250 Dixon Road, said the traffic on Dixon Road was terrible. He said they had a lot of construction traffic, as well as people who drove 40 to 45 mph on the road. He was concerned about the safety of the children on Dixon Road. He thought they needed another speed limit sign in the middle of Dixon Road to remind people of the 25 mph speed limit. In addition, he thought they needed a parking area for the cyclists who used the bicycle path in the park. He said they sometimes had up to 30 cars parked on the side of the road which made it hard to drive through, even at 25 mph. He said it was dangerous for the cyclists to remove their bikes and put them back on their cars in the middle of the road and he wanted the cyclists to submit petitions for a parking area.

County Commissioner Kathy Crawford, representing Novi, was present to bring the August issue of Family Circle magazine to the community, as Novi was recognized as the number 6 town for families in the United States. She said the communities were chosen based on their top notch schools, affordable housing, green space, access to healthcare, low crime rate, financial stability and the giving spirit of the citizens. She said in the past, Novi received national recognition for the growth award twice by the National Arbor Foundation and Novi was named in Money Magazine as the 48th of the nation's top 100 places to live. She said many people who originally settled in Novi were from the south, Henry Ford recruited people to move to this area, and the people did so because they loved the land that was available. She said growing up Novi didn't have schools, stores, a library, doctors or City Hall. She said there were not many paved roads. She said it was miraculous to her how far Novi had come in her lifetime. She said Novi had grown in the right way because of balance. She attributed it to the farmers who first came to Novi and knew about balance. She was flummoxed as to why City Hall didn't have the recognition stated on the sign on 10 Mile Road. She said it was a narrow opportunity to boast to the community and if she were a business owner, she would get a case of the magazine and share it with everyone in the community. She

invited everyone to the County on August 3rd where she would be presenting a proclamation, along with the County, in recognition of what Novi achieved. She said Novi was an economic engine of the County.

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

CM-11-07-104 Moved by Gatt, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the Consent Agenda as presented

Roll call vote on CM-11-07-104 **Yeas: Fischer, Margolis, Mutch, Staudt,
Wrobel, Landry, Gatt**
Nays: None

- A. Approve Minutes of:
 - 1. July 11, 2011 – Regular meeting
- B. Enter Executive Session immediately following the regular meeting of July 18, 2011 in the Council Annex for the purpose of discussing City Manager and City Clerk performance evaluations.
- C. Approval to dispose of obsolete ballistic vests by providing them to officers in need through the Vest for Life.
- D. Approval of an agreement with the Sheraton Detroit Novi to host the 2012 Appreciation Dinner, an annual event honoring Boards, Commissions, Committees and Employees for their dedication to Novi, on January 6, 2012 for the estimated amount of \$14,000.
- E. Approval of a one-year contract renewal to University Lithoprinters, Inc. for design and printing of the Annual Calendar in the amount \$21,000.
- F. Approval of the final payment to Pro-Line Asphalt Paving Corporation for the 2010 Capital Preventative Maintenance – Phase 2 project in the amount of \$16,344.76.
- G. Approval of the final payment to Hamlin Grading and Excavating, Inc. for the Miller Creek Pond Dredging project in the amount of \$4,333.90.
- H. Approval to award an amendment to the engineering services contract for construction engineering services related to the 2010 Neighborhood Road Program Phase II (Asphalt) to Spalding DeDecker Associates, Inc., in the amount of \$82,810.
- I. Approval of Claims and Accounts – Warrant No. 848

MATTERS FOR COUNCIL ACTION – Part I

1. Approval of Resolution Approving Application of Tognum America, Inc. for an Industrial Facilities Exemption Certificate for an approximately 68,450 square foot New Facility to be located at 39525 MacKenzie Drive in the Haggerty Corridor Corporate Park, Phase II.

Mr. Pearson said this was the second step, last week the district was established for the industrial facilities zone. This was the actual certificate for the Tognum headquarters project.

CM-11-07-105 Moved by Staudt, seconded by Fischer; MOTION CARRIED: 6 – 1

To approve the Resolution Approving Application of Tognum America, Inc. for an Industrial Facilities Exemption Certificate for an approximately 68,450 square foot New Facility to be located at 39525 MacKenzie Drive in the Haggerty Corridor Corporate Park, Phase II

Member Mutch reiterated that he would not be supporting the motion for the abatement; it was no reflection on Tognum. It was his belief that the City should treat all businesses equally, provide a balanced playing field for all the corporate citizens and let them succeed on that basis. He thought Tognum would have come to Novi even without the abatement. He said being consistent with all the business community members was the best approach for the future.

Member Margolis said she believed all businesses should be treated the equally which was why she strongly believed in having policies. She said any business that met the tax abatement policy was welcome to apply and she would support the project. She said that was why Novi had the policy, it brought jobs to the City, diversified the tax base and the industry in Novi. She said there was also a provision to verify that the jobs promised were produced and brought to the City. She said she would support the motion.

Roll call vote on CM-11-07-105 **Yeas: Margolis, Staudt, Wrobel,
Landry, Gatt, Fischer**
Nays: Mutch

2. Consideration of Zoning Map Amendment 18.699 of Catholic Central High School for the rezoning of property in Section 18, located on the south side of Twelve Mile Road, west of Wixom Road, from the I-1, Light Industrial District to the R-4, One-Family Residential District. The subject property is 39.8 acres.

Mr. Pearson said there was a positive recommendation from both Planning and the staff.

CM-11-07-106 Moved by Gatt, seconded by Margolis; CARRIED UNANIMOUSLY:

To approve the Zoning Map Amendment 18.699 of Catholic Central High School for the rezoning of property in Section 18, located on the south side of Twelve Mile Road, west of Wixom Road, from the I-1, Light Industrial District to the R-4, One-Family Residential District. The subject property is 39.8 acres

Approval is provided for the following reasons:

- **The requested zoning is in compliance with the Master Plan for Land Use and recommended residential density.**
- **Twelve Mile Road is largely residential in character in this area and residential zoning is appropriate for this location.**
- **The requested zoning is consistent with the residential zoning and residential special land use approved for Detroit Catholic Central High School to the south.-**

Member Mutch asked how much of the 40 acres would be used for the practice fields.

Mr. Wozniak said a little less than half because a lot of the area was heavy wetlands.

Member Mutch asked if Catholic Central had any future plans for divesting any portion of the site they weren't using for any other use, such as future residential development.

Mr. Wozniak said right now they had an intense need for practice fields; there was no intent for divesting.

Member Mutch said that was his only concern with a straight rezoning and the Planning staff had looked at a PRO rezoning. He said because 12 Mile Road was not paved and the property didn't have a full range of utilities, if a future residential development came in it would leave the City having to approve something without the ability to seek additional improvements that a PRO would provide. He said based on Mr. Wozniak's comments he felt comfortable approving the rezoning. He would like to see City staff address where the traffic, in terms of parking, would go. He said there was discussion that indicated parking would happen on the current Catholic Central property. He said he didn't want to see parking along the side of the road as we often did along Taft Road near Novi High School.

Mr. Wozniak said it was discussed at the Planning Commission meeting that there would be no outside access from 12 Mile Road; it would strictly be used by the students on the teams for practice.

Member Wrobel said he would support the motion because it was in line with the Master Plan. He said several years ago there were concerns voiced by Island Lake residents of additional changes on the Catholic Central property having to do with parking during events. He didn't know if those issues still existed. He asked if parking lots were built on the property, would they be used as general parking or for Catholic Central events.

Mr. Wozniak said general parking was close to being full; the school was probably at its capacity right now. He said there was no room to increase the school size and they had no intent on going any larger than what it was.

Roll call vote on CM-11-07-106 **Yeas: Mutch, Staudt, Wrobel, Landry, Gatt, Fischer, Margolis**
Nays: None

- 3. Consideration of Zoning Map Amendment 18.695 to approve rezoning of an approximately 20.05-acre parcel of property, located on the north side of Eleven Mile Road between Beck and Wixom Roads in Section 17 from R-3, One-Family Residential to RM-1, Low Density, Low-Rise, Multiple-Family Residential pursuant to the Planned Rezoning Overlay provisions of the Zoning Ordinance, §3401, et seq., and to approve the corresponding Concept Plan and PRO Agreement between the City and the applicant for construction of a 120 bed, 78,560 square foot convalescent (nursing) home building.**

Mr. Pearson said this item was a PRO and Council had review of the site development. He said the Medilodge project was something Council had already seen in a few variations, this was the actual agreement. He said it had a positive recommendation and met the guidelines set. He said there was a public benefit; the applicant would build a pathway along the ITC corridor north of 11 Mile, across their property and through the PRO.

Mayor Landry said he was concerned about the following comment in the material: "As currently proposed, the conservation easement fails to provide long-term protection for woodland replacement credits and significant site natural features". He asked where they currently stood on that.

Ms. McBeth said there was a sizeable conservation easement proposed for the property but some of the woodland replacement trees would be located outside of the conservation easement. She said additionally, there was a gourd-shaped wetland not included in the conservation easement and some of the woodland replacement trees were outside the conservation easement. She said the question remained if Council was comfortable with the conservation easement as proposed, the 8.5 acres, or if they would like to expand the conservation easement to include the additional woodland replacement trees and the gourd-shaped wetland.

Mayor Landry asked how comfortable the administration was with what was proposed by the applicant.

Ms. McBeth said through the environmental consultant there was some concern based on possible future development because just a portion of the site was being developed with the Medilodge facility. She said the applicant indicated that there could be further development to the north. Any further development would have to come back before the Planning Commission and City Council because of the PRO mechanism, however,

the woodland replacement trees were supposed to be maintained in perpetuity and the best way to do that was through a conservation easement.

Mayor Landry asked how much larger the conservation easement would have to be if all the woodland replacement trees were included.

Dr. Freeland, ECT, Woodlands and Wetlands Consultant, said the gourd-shaped wetland was approximately half an acre. He said if, in the future, they were to fill it in it would require wetland mitigation. He said with the extent of the proposed development at the site and with the conservation easement of 8.5 acres he didn't think there would be room left for wetland mitigation. He said a rough estimate of the additional area for the replacement trees would be about an additional $\frac{1}{3}$ of an acre to include the gourd-shaped wetland and it would be about another $\frac{3}{4}$ of an acre to include the buffer around the woodland and the wetland itself.

Mayor Landry asked if they were being asked to approve an exception to the woodland mitigation requirements.

Mr. Schultz said the trees that were planted there would be required to remain there unless the City allowed them to be removed. He said the PRO agreement would cover the whole 20 acres, if anyone wanted to fill the wetland and mitigate or not mitigate they would have to come before City Council looking for approval of a different site plan.

Member Fischer confirmed with Mr. Pearson that the pathway had to be constructed within 12 months of the start of construction or prior to a temporary certificate of occupancy. He asked if the company would be required to post the required amount up front to ensure the City would be able to construct the path if necessary or if the City would go after the funds if the requirements weren't met.

Mr. Pearson said the City didn't want to tie up their money while in the process of building the pathway. If they didn't have it completed by the timeline they would have to post the money.

Member Fischer said he believed the public benefit was there and would support the motion.

CM-11-07-107 Moved by Fischer, seconded by Margolis; CARRIED UNANIMOUSLY:

To approve the Zoning Map Amendment 18.695 to approve rezoning of an approximately 20.05-acre parcel of property, located on the north side of Eleven Mile Road between Beck and Wixom Roads in Section 17 from R-3, One-Family Residential to RM-1, Low Density, Low-Rise, Multiple-Family Residential pursuant to the Planned Rezoning Overlay provisions of the Zoning Ordinance, §3401, et seq., and to approve the corresponding Concept Plan and PRO Agreement between the City and the applicant for

construction of a 120 bed, 78,560 square foot convalescent (nursing) home building. As amended to include the comments of Member Mutch and Mr. Schultz.

Member Wrobel asked what the pathway would be made of.

Mr. Pearson said it was a 10 foot asphalt pathway.

Member Wrobel said it made perfect sense for a convalescent home to be on the perimeter edge of a fine medical facility and he would support the motion.

Member Mutch said he didn't see specific language in the agreement, in regards to the pathway across from the Medilodge property itself, which spoke to a public easement. He asked if it was implied within the discussion of a public pathway.

Mr. Schultz said the agreement covered the offsite improvements as a condition to the approval and the rest would be covered under the site plan.

Member Mutch stated that if replacement trees were planted in an area that wasn't covered by a conservation easement and at a future date an applicant wanted to expand buildings on the site into the area where the woodland replacement trees were planted, they would then be required to replace those trees. He asked if there was a formula to determine how many trees would have to be planted to replace each tree that was cut down.

Mr. Schultz said if they were removing trees that were required under the site plan it would be a violation calculation. The ordinance would determine the amount of trees that would have to be replaced. He said he looked at the PRO agreement as essentially the same thing as the conservation easement; it was recorded against the property and had all the requirements for what would need to be replaced to comply with the woodlands ordinance.

Member Mutch asked if it was appropriate within the PRO agreement to stipulate the number of woodland replacement trees that were required for the property so if at a future date they took out half of them they would have to replace at least half.

Mr. Schultz said we could come up with language with the applicant that addressed the issue.

Member Mutch said he understood Dr. Freeland's concern. He said if it was a typical development plan and they were planting replacement trees not covered by a conservation easement he wasn't sure if they would have the level of protection down the road that they had with the PRO agreement. He said if someone wanted to expand into an area not covered by the conservation easement, they would have a lot more control over what would happen in the area than they would have over a similar situated piece of property that was a straight site plan with no conservation easement. He said he was comfortable moving forward without the conservation easement, as

long as the number of replacement trees required by the site was clarified in the agreement.

Member Margolis said the PRO included six ordinance deviations and they could approve them as long as they met the Master Plan and were compatible with the surrounding areas. She asked if the staff supported all of the deviation.

Ms. McBeth said staff did support the six deviations.

Member Margolis said the PRO, with the addition of the section that Member Mutch mentioned, covered the issue.

Roll call vote on CM-11-07-107 **Yeas: Staudt, Wrobel, Landry, Gatt, Fischer, Margolis, Mutch**
Nays: None

- 4. Approval of Zoning Ordinance Text Amendment 18.248 to amend the City of Novi Zoning Ordinance at Article 25, "General Provisions," Section 2515, "Fences (Residential and Non-Residential)" in order to add regulations regarding maintenance and materials, with certain exemptions. Second Reading**

Mr. Pearson said some of the changes that were mentioned at the last meeting were made by Mr. Schultz and Community Development.

CM-11-07-108 Moved by Margolis, seconded by Fischer; CARRIED UNANIMOUSLY:

To approve the Zoning Ordinance Text Amendment 18.248 to amend the City of Novi Zoning Ordinance at Article 25, "General Provisions," Section 2515, "Fences (Residential and Non-Residential)" in order to add regulations regarding maintenance and materials, with certain exemptions. Second Reading

Roll call vote on CM-11-07-108 **Yeas: Wrobel, Landry, Gatt, Fischer, Margolis, Mutch, Staudt**
Nays: None

- 5. Approval of Zoning Ordinance Text Amendment 18.250 to amend the City of Novi Zoning Ordinance at Article 9, "NCC Non-Center Commercial District," Section 902; at Article 13, "B-1 Local Business District," Section 1302; at Article 14, "B-2 Community Business District," Section 1402; and at Article 16, "TC and TC-1 Town Center Districts," Section 1602, in order to add veterinary clinics as a special land use in each district. Second Reading**

Mr. Pearson said the changes to the B-1 district discussed at the first reading were made.

CM-11-07-109 Moved by Margolis, seconded by Wrobel; CARRIED UNANIMOUSLY:

Nays: None

AUDIENCE COMMENT – None

MATTERS FOR COUNCIL ACTION – Part II

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 7:55 P.M.

David Landry, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Natalie Laitinen

Date approved: August 8, 2011