

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI  
MONDAY, OCTOBER 24, 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 – absent/excused, Mutch, Staudt, Wrobel

**ALSO PRESENT:** Clay Pearson, City Manager  
Tom Schultz, City Attorney  
Charles Boulard, Community Development Director  
Barb McBeth, Planning Director

**APPROVAL OF AGENDA**

Mayor Pro Tem Gatt added the Michigan Association of Planning Award for Best Practice – Non-Motorized Transportation Plan under Presentations

**CM-11-10-153 Moved by Gatt, seconded by Fischer; CARRIED UNANIMOUSLY:**

**To approve the Agenda as amended**

<b>Roll call vote on CM-11-10-153</b>	<b>Yeas:</b> Gatt, Fischer, Mutch, Staudt, Wrobel, Landry
	<b>Nays:</b> None
	<b>Absent:</b> Margolis

**PUBLIC HEARING**

**1. Community Development Block Grant funding for Program Year 2012**

Mayor Landry opened the Public Hearing at 7:01 p.m.

Ernestine McCray, 30400 Telegraph Road, Suite 101, represented HAVEN. HAVEN was an agency that dealt with sexual assault and domestic violence. She said they served 208 clients in the Novi area since last year. They appreciated Novi's support.

The Public Hearing closed at 7:03 p.m.

**2. Whether to grant a Commercial Rehabilitation Exemption Certificate and Agreement for Property Tax Abatement for proposed hotel and meeting facility for Suburban Collection Showplace located at 46100 Grand River Avenue under the Commercial Rehabilitation District (PA210) Legislation.**

Mayor Landry opened the Public Hearing at 7:03 p.m.

Karen Moore, Hotel Investment Services – Staybridge Suites, said they didn't agree with the tax abatement for the Suburban Collection Showplace. They understood the hotel was going to be downsized to 100 rooms which she felt was too small to bring in additional business. She had communication stating that the Suburban Collection Showplace asked for commissions on hotel room nights utilized in the area, she didn't think that should be allowed if the tax abatement was granted.

The Public Hearing closed at 7:05 p.m.

## **PRESENTATIONS**

### **1. Keep Michigan Beautiful – Fuerst Park – Robert Ramsey**

Robert Ramsey said they recognized beautification and restoration efforts throughout the State of Michigan under the thought that all those efforts added to the greater pleasure and good living in the State. He said they were very pleased to award the City of Novi one of their highest awards, their Michigan Plaque for Fuerst Park.

Mayor Landry accepted the award.

### **2. Michigan Association of Planning Award for Best Practice – Non-Motorized Transportation Plan – Barb McBeth**

Barb McBeth said the City of Novi was honored with the award for Planning excellence for Best Practice for the City of Novi Non-Motorized Master Plan. The award was presented last week at the Michigan Association of Planning Conference in Grand Rapids. Novi was the only community honored for its efforts to expand and improve on pathways and trails throughout the community. She said Council Member Mutch and herself were present to accept the award last week.

Mayor Landry recognized Member Mutch and Member Staudt for their efforts while serving on the Non-Motorized Transportation Committee.

## **REPORTS:**

### **1. MANAGER/STAFF –**

Mr. Pearson said he and Mayor Landry represented the City of Novi at an event in conjunction with Oakland County announcing a grant sponsored by ITC Corporation for \$200,000 worth of tree plantings within the Rouge Watershed. The City of Novi would receive 380 trees with plantings starting on South Lake Drive. He said the County used some of Novi's RFP documents and tree planting specifications. He thanked David Beschke for putting Novi ahead of others in this area.

### **2. ATTORNEY – None**

## **AUDIENCE COMMENT –**

Tom Baird, 24549 Edgewood Drive, represented the Briarwood Condominium Association. He thanked the Mayor and Council for listening to their petition for an SAD in regard to the replacement of their roads. The condominiums were detached condominiums within the Briarwood, Roma Ridge and Simmons Orchard Development. He said the development, including 17 of the 68 condominiums in their specific development, was on City owned and maintained streets. He said 75% of the condominium development was an exception. After 23 years their roads were in need of replacement. He said the developer used mostly clay as a fill to make the area suitable for building. Minimal sub base and poor drainage had caused severe damage to the roads during the freeze and thaw cycles in southeast Michigan. He said another factor that may have contributed to the poor drainage was the water detention areas within the development which were redesigned to become water retention areas. He said the City of Novi had accepted a number of streets that were similar to their own; examples were Vista Hills in 2009 and Abbey Hills in 2006. He asked Council to postpone their decision and reconsider other options available. If the City did not want to consider an SAD, he asked them to consider allowing the condominium association to reconstruct the roads at the association's expense with the City accepting the roads after completion. He said they were an unusual case compared to other private roads. They believed it required further study.

Diana Canup, 47201 Morgan, reminded Council that the residents of Pioneer Meadows subdivision were very much against the density of the rezoning in the Suburban Low-Rise District. She said they understood there would be zoning changes made north of 11 Mile Road and accepted that, but they didn't feel anything on the south side of 11 Mile should be considered because it was a residential area.

Ben Landry, spoke on behalf of his brothers Max Landry and Jackson Landry. He thanked City Council and the employees of Novi for making the past ten years a wonderful experience for his family. They thought the experience had been very valuable because of the character of the elected officials on Council and their interactions with each other and the public. He said in the 1980's many of the Supreme Court Justices began to speak out publically against each other with criticisms and insulted each other. He said one Justice; the late Thomas J. Cavanaugh remarked to one of his clerks that they did not throw stones at their colleagues. He said local politics could be hotly contested, very contentious and emotional. He said over the past ten years Council had exemplified Justice Cavanaugh's sentiment. He thanked Council and their dad.

William Bowman, Sr., 36350 Grand River Avenue, Suite C, explained that the proposed Suburban Low-Rise Zoning District had resulted from a long study period by the Planning staff over the past two years. After that study and evaluation the Master Plan and Zoning Committee made a recommendation to the Planning Commission. The Planning Commission then began the process of Master Planning the properties as Suburban Low-Rise. He said because the application was made by the City of Novi, not an individual, they didn't follow normal processes of attempting to get together with the

residential community in close proximity. He requested that the second reading be approved for the rezoning of the identified properties.

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

Member Mutch removed items B and F.

**CM-11-10-154 Moved by Gatt, seconded by Mutch; CARRIED UNANIMOUSLY:**

**To approve the Consent Agenda as amended**

**Roll call vote on CM-11-10-154**                      **Yeas: Gatt, Fischer, Mutch, Staudt, Wrobel,  
Landry**  
**Nays: None**  
**Absent: Margolis**

- A. Approve Minutes of:  
1. October 17, 2011 – Regular meeting
  
- C. Approval of a Completion Agreement for SP02-30 Tuscan Reserve Residential Unit Development (RUD) Phase I, in accordance with the requirements of Chapter 26.5.
  
- D. Approval of a Completion Agreement for SP02-30 Tuscan Reserve Residential Unit Development (RUD) Phase II, in accordance with the requirements of Chapter 26.5.
  
- E. Approval to award an engineering services contract for design engineering services to update the design standards, specifications and standard details for water main and sanitary sewer and storm sewer to Orchard, Hiltz & McCliment, Inc. (OHM), in the amount of \$35,500.
  
- G. Approval of 2011-2012 Winter Maintenance Agreement between the City of Novi and the Road Commission for Oakland County for snow and ice control on designated County-owned roads in Novi, and adoption of authorizing resolution for providing winter maintenance on County roads.
  
- H. Approval of Claims and Accounts – Warrant No. 854

**MATTERS FOR COUNCIL ACTION – Part I**

- 1. **Approval of Resolution Approving Application of HEYOTS, LLC, for Commercial Rehabilitation Exemption Certificate for 46100 Grand River Avenue, proposed hotel and meeting facility for Suburban Collection Showplace.**

Mr. Pearson said Council had been provided voluminous materials. He believed the application was complete in terms of meeting the policy questions. He said this was the second step of a two-step process; the district was formed last week.

Mr. Bowman said they were prepared to answer any additional questions.

**CM-11-10-155          Moved by Gatt, seconded by Staudt; MOTION CARRIED: 4 - 2**

**To approve the Resolution Approving Application of HEYOTS, LLC, TBON, LLC, for Commercial Rehabilitation Exemption Certificate and related agreement for 46100 Grand River Avenue, proposed hotel and meeting facility for Suburban Collection Showplace**

Member Fischer said he didn't support the creation of the district last week and would not support the application. He clarified it wasn't that he didn't think a hotel connected to the Suburban Collection Showplace was a good thing. He said if it was a site-plan approval or rezoning request he would likely support it. He believed that they had to look at the abatement differently. From everything he researched and read he didn't believe it brought any exceptional services or amenities compared to other offerings in Novi. Because of that he didn't feel it met the intentions of the policy approved by Council. He didn't believe that being attached to the convention center made the hotel unique. He said he didn't believe that because the Legislature carved out this Legislation it created a unique situation. He fully supported the hotel and hoped it did everything the petitioner said it would do. But he thought it would be detrimental to the current businesses located in Novi and he couldn't support a subsidy to do so.

Member Wrobel said it was speculated that a hotel of this proposed size wouldn't bring the shows into the City because the meeting planners would say it was too small. He asked why the sizing was chosen.

Mr. Bowman said the meeting planners communicated that they would use the facility if it had an attached hotel, it wouldn't meet all the room needs and that was the point they were trying to make. He said it would provide the ability to headquarter. He said they would try to combine, cooperate and partner with area hotels to attract large scale events. He said certain room blocks and room rates would be committed; it was usually orchestrated through the CVB (Convention Visitors Bureau) to attract business.

Member Wrobel asked if their contract with Hyatt was through the tax abatement period.

Mr. Bowman said per Hyatt's required standards it would be structured at a much longer range. He said the next step was to finalize their negotiations with the Hyatt, once that was in place the financing arrangements would be the final step. He said their structure required twenty years; he was hoping to have an agreement of ten years with a ten year extension.

Member Wrobel said his issue wasn't about a hotel; it was about the viability of the Showplace. If they needed a hotel to make it viable and continue to prosper he didn't see a reason not to give them the abatement. He said the City wasn't currently collecting revenue from the area. After the six year tax abatement period expired the City would be collecting revenue. He said he was willing to forego the short term gain for long term gain. He said if he was going to an event at the Suburban Collection Showplace he would look to stay there, but if he were dealing with the hospital he would want to stay at the hotel next to the hospital or if he were shopping he would look toward the Twelve Oaks hotel areas. He didn't believe from a practical standpoint that this additional hotel would drain the current room nights from existing hotels. He said if they were successful they would produce additional room nights.

Member Mutch said he wouldn't be supporting the application for the tax abatement request. He compared this request to the tax abatement granted to Tognum earlier in the year. The City granted an eight year 50% abatement with the promise of 221 full time jobs from Tognum with the potential to increase to 276 full time jobs ranging in salary from \$40,000 to \$100,000 per employee. He said by comparison the hotel included 24 full time positions with a salary range from \$40,000 to \$90,000 and the total tax abatement for the City would be \$627,500. Of the two, the Tognum proposal had a much greater benefit from an employment perspective which was guaranteed within the abatement contract. He said he didn't doubt that if the hotel was built and Mr. Bowman attracted the shows he'd stated that he would be successful which would benefit the City of Novi. He said he couldn't imagine the area hotels coming to Council not supporting the hotel if the Showplace had the effect on the community that was explained. Hotels in the community didn't fear competition. He said their role was to provide a fair and level playing field. He didn't feel comfortable getting into the financing of a particular business. He said once a business came to the City, it impacted Novi and he felt every business had to contribute a fair share of their taxes. He wished Mr. Bowman good luck and success but didn't think it was their role to grant an abatement in this situation.

Mr. Pearson said in addition to the certificate there was an agreement that was binding. It represented the terms.

Mayor Landry said the City of Novi didn't have the reputation of giving a tax abatement often; by their nature they involved making choices. He said he jokingly compared tax abatements to a three iron, to have a complete set of clubs in your bag you needed one but you didn't use it often. He said that was how he felt about tax abatements; you didn't use them very often. He thought it was in the best interest of Novi to grant the tax abatement. He said the Suburban Collection Showplace, other than Twelve Oaks Mall, no single business brought in 1.5 million people to the City of Novi. He said the economic impact was in the hundreds of millions of dollars. He said an expo center with a hotel would draw more conventions than an expo center without a hotel. He respected others opinions.

**Roll call vote on CM-11-10-155**

**Yeas: Staudt, Wrobel, Landry, Gatt**

**Nays: Mutch, Fischer**

**Absent: Margolis**

2. **Approval of the establishment of the Suburban Low Rise Overlay District and related regulations, including:**
  - a. **Zoning Ordinance Text Amendment 18.253 to amend the City of Novi Zoning Ordinance to add Article 23B, PSLR, Planned Suburban Low-Rise Overlay District; to amend at Article 24, Schedule of Regulations, Section 2400 Height, Bulk, Density and Area by Zoning District; and to amend at Article 25, General Provisions, Section 2509 Landscape Standards: Obscuring earth berms and walls, right of way buffers, and interior and exterior landscape plantings; Section 2519 Performance Standards and Section 2520. Exterior Building Wall Façade Materials; and**
  - b. **Zoning Map Amendment 18.700, initiated by the City of Novi, for rezoning 131.7 acres of property in Section 17 and Section 20, located north and south of Eleven Mile Road, east of Wixom Road and west of Beck Road, by overlaying the PSLR, Planned Suburban Low-Rise Overlay District on properties in the R-1, One-Family Residential; R-3, One-Family Residential; RA, Residential Acreage; RM-1, Low Density, Low-Rise Multiple-Family Residential; and I-2, General Industrial Districts. Second Reading**

Mr. Pearson said this had been worked on for a long time. It was a transitional area between commercial and residential developments. He said it went through a number of Public Hearings and Planning Commission made a positive recommendation. He said Council had three general areas that they had questions on. One related to the infrastructure, to make sure what was proposed could be handled by staff which he believed could. Second was the density of the residential developments. He said they looked at other examples such as Carlton Forest and Central Park Estates, they believed there was an option to look at 6.5 units per net acre. The third category was boundaries of the area. He said this had positive recommendations from staff and was important for this transitional area.

Member Mutch said he was overall satisfied with the Suburban Low-Rise Overlay District as it was presented. The changes that Mr. Pearson outlined in terms of reducing the density and restricting it to net acreage so wetlands weren't included brought it closer to what he was looking for. He said the one area of concern that he expressed was dealing with the Bosco property south of 11 Mile Road.

**CM-11-10-156            Moved by Mutch, seconded by Fischer; CARRIED UNANIMOUSLY:**

**To approve the second reading of the Zoning Ordinance Text Amendment 18.235 to amend the City of Novi Zoning Ordinance to add Article 23B, PSLR, Planned Suburban Low-Rise Overlay District, and other sections as noted, as amended and recommended by staff based on City Council's comments from the first reading:**

1. Multiple family residential will be allowed only to the maximum actual density of 6.5 units/net acre.
2. The applicant will be required to submit information sufficient for Engineering review of utility capacity of the request at the time of Concept Plan review. This information would include uses anticipated, number of residential units, total square footage, and storm water features.
3. This excludes any properties south of 11 Mile Road.

This motion is made for the reasons provided in the report and as provided below:

- These amendments will fulfill the Master Plan for Land Use's implementation strategy to create a Planned Suburban Low-Rise form-based zoning district.
- The new Overlay District would permit an expanded set of moderate-intensity development opportunities that could benefit the City as a whole while protecting the property values of the neighboring detached single-family home neighborhoods by limiting the scale and maintaining a residential character to any new development.
- Moderate-scale and intensity development could increase City tax revenues beyond that which would occur if the properties were developed as currently zoned for detached single-family and general industrial uses.
- Moderate-density residential development could also increase the demand for retail, office and industrial floor space in the City and increase housing options that could help attract more young families and senior to the City.

Member Mutch said he wanted to address excluding the Bosco property. He said it wouldn't be rezoned at this time but did not preclude the Bosco family from initiating rezoning to this district or another district in the future. At that time City Council could consider the property. He realized they couldn't predict what would happen with the school district property surrounding the Bosco property. He thought it needed to be addressed by itself because it was separated by the rest of the Suburban Low-Rise District.

Member Wrobel supported the motion and agreed with Member Mutch. He said everything north of 11 Mile Road served as a good transitional area. He said the property south of 11 Mile Road didn't fit with the rest of the overlay. He said 11 Mile Road and Beck Road were natural barriers and this would push the barrier south.

Mayor Pro Tem Gatt addressed the 300 feet rule. He would like to see the City forego the letter of the law going forward. He said there was a subdivision of people that weren't notified. He hoped going forward that the people in Pioneer Meadows would be properly notified.



Mayor Landry said he would support the motion. He said he didn't see the Bosco property being developed as residential property in the future. He saw a low intensity office type use.

Roll call vote on CM-11-10-156

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

Nays: None

Absent: Margolis

CM-11-10-157

Moved by Mutch, seconded by Fischer; CARRIED UNANIMOUSLY:

To approve the second reading of Zoning Map Amendment 18.700, initiated by the City of Novi, for rezoning property in Section 17 and Section 20, located north and south of Eleven Mile Road, east of Wixom Road and west of Beck Road, by overlaying the PSLR, Planned Suburban Low-Rise Overlay District on properties in the R-1, One-Family Residential; R-3, One-Family Residential; RA, Residential Acreage; RM-1, Low Density, Low-Rise Multiple-Family Residential; and I-2, General Industrial Districts. Rezoning is recommended for the following reasons:

- The proposal is consistent with the 2010 Master Plan for Land Use Future Land Use Map and land use goals;
- The PSLR Overlay District's set of moderate-intensity permitted uses will be compatible with neighboring single family uses because the District's "form-based" standards will require developments be of a moderate scale and single family residential character;
- Adequate infrastructure exists or is planned to support the uses permitted in the PSLR Overlay district;
- The permitted moderate-density residential development could increase the demand for retail, office and industrial floor space in the City and provide additional housing options that could help attract more young families and seniors to the City; and
- This proposed district is located where the natural and built environment provides defined borders to provide additional buffer and separation from one-family residential area.

The Bosco property south of 11 Mile Road is excluded from the Zoning Map Amendment.

Roll call vote on CM-11-10-157

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

Nays: None

Absent: Margolis

3. Approval of Sign Ordinance Text Amendment 11.100.41 to amend the City of Novi Code of Ordinances at Chapter 28, to add regulations concerning the

**placing of signs in the PSLR, Planned Suburban Low-Rise Overlay Zoning District.  
Second Reading**

**CM-11-10-158 Moved by Mutch, seconded by Fischer; CARRIED UNANIMOUSLY:**

**To approve the Sign Ordinance Text Amendment 11.100.41 to amend the City of Novi Code of Ordinances at Chapter 28, to add regulations concerning the placing of signs in the PSLR, Planned Suburban Low-Rise Overlay Zoning District. Second Reading**

**Roll call vote on CM-11-10-158**

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

**Nays: None**

**Absent: Margolis**

- 4. Approval of Ordinance Text Amendment 11-115.05, as recommended by the Ordinance Review Committee, to amend Chapter 33, Traffic and Motor Vehicles, of the City of Novi Code to designate certain streets as snow routes to prohibit on-street parking during a snow emergency declared only for snow routes, and to clarify the conditions under which a snow emergency would be declared. First Reading**

Mr. Pearson said designating snow routes for limited circumstances and prohibiting on street parking on these residential streets would allow staff to plow the roads more efficiently and quicker.

Mayor Pro Tem Gatt said in the 40 years he had worked with the City there had only been one or two snow emergencies declared, one in 1977 and one after that. He said reading this amendment a snow emergency would be considered four or more inches of snow. He said that wasn't an emergency, it was heavy snowfall. He said the plows had gotten through in the past. He understood it might be more difficult but he was taking the side of the residents. He said if a car was on the street there was a reason they couldn't move it. He said if Novi started to get the Police involved in towing the cars they were talking about a lot of money. He didn't see it as something that improved City services. He didn't believe that four inches of snow constituted a snow emergency. He said he couldn't support this the way it was written.

Member Wrobel said in theory he agreed with this but in application it would be very difficult to implement. He said if this was enacted, the City residents would then be notified. Nixle would be used to notify residents but half of the resident probably didn't know what Nixle was. He said there were too many loop holes to get the word out when there was a snow emergency and it would be difficult to enforce. He said he couldn't support it as written right now, it seemed unenforceable and the amount of snow was too little.

Member Fischer said he had the opportunity to ride with the DPS staff during one of the major snow falls last year. He could understand and appreciate the difficulties they

had. He was in Meadowbrook Glens and had interactions with residents that weren't happy to be plowed in. He said given the technology available to notify residents this was a plausible policy that could be enforced. His problem with it was the four inches. He said a snow emergency should be an emergency, in most communities the threshold was eight to ten inches.

Member Mutch said the current language in the ordinance stated that when there was four inches of snow, it was considered a snow emergency. He said if they wanted that number changed they would have to change it in the ordinance. He said this change narrowed the scope. It took that designation away and narrowed it down to the situations where the Director of Public Services may declare a snow emergency under certain conditions. He said after last winter Council had a lot of discussion about how snow events in the City were handled and several Council Members were not happy with the City staffs handling of certain streets and snow falls. He said they asked staff to put together equipment needs, ordinance changes, procedures and policies that they felt necessary to meet the requirements Council felt necessary. He said if this was what staff needed to accomplish that, then he was willing to try it for a year. He said if it didn't work they would hear about it after the first snow storm. He said if they made it through the winter without complaints then the residents were generally happy. He said narrowing the focus of it and giving staff what they said they needed to have to do the proper work was a reasonable compromise. He said if they didn't feel these were the standards to follow they had to give more direction to staff because the ordinance currently stated that four inches was a snow emergency.

Member Staudt said they did a lot of things since last winter. They bought equipment and talked about staffing issues. He said sometimes they couldn't get everything they wanted in one season. This was a good opportunity to see what happened after the improvements that had been made. He thought the law enforcement side of this could be tabled until a future point.

Mayor Landry said this was dealing with two sets of streets, it was not City wide. He said the Department of Public Services said these two sets of streets were narrower than the average street in the City. Snow plows on these streets damaged cars parked on them. Because the plows weaved in and out of cars it took twice as long to plow the streets. DPS staff said there were damage claims being made and it was inefficient to plow these two sets of streets. He said he would support the amendment

**CM-11-10-159            Moved by Fischer, seconded by Gatt; MOTION CARRIED: 4 – 2**

**To deny the first reading of the Ordinance Text Amendment 11-115.05, as recommended by the Ordinance Review Committee, to amend Chapter 33, Traffic and Motor Vehicles, of the City of Novi Code to designate certain streets as snow routes to prohibit on-street parking during a snow emergency declared only for snow routes, and to clarify the conditions under which a snow emergency would be declared. First Reading**

Mr. Pearson said the four inches was not what was before them. He appreciated the hard work from the staff. He said this was done in a lot of other Cities. It was to be done on limited streets and there would be a learning curve.

Member Wrobel asked for an estimated amount of damages that the City incurred in a year.

Mr. Pearson said he didn't have an estimate but it included mailboxes and vehicles. He said he would get back to him with an amount.

**Roll call vote on CM-11-10-159**

**Yeas: Gatt, Fischer, Staudt, Wrobel**

**Nays: Landry, Mutch**

**Absent: Margolis**

- 5. Approval of Ordinance Text Amendment 11-104.08, as recommended by the Ordinance Review Committee, to amend Chapter 21, Nuisances, of the Novi City Code to increase the time to clear sidewalks and pathways after the end of each accumulation of snow greater than two inches from 24 to 48 hours, and to exempt occupants of single-family premises from having to clear major pathways that are not adjacent to the front of the lot or premises. First Reading**

Mr. Pearson said they wanted the sidewalks to be used year around. He said the ordinance had stated that sidewalks had to be cleared by property owners within 24 hours which had created some issues. The Ordinance Review Committee recommended these amendments for an increase in the time allowance and the requirements for residential sidewalks that were behind properties.

**CM-11-10-160**

**Moved by Fischer, seconded by Gatt; CARRIED UNANIMOUSLY:**

**To approve the Ordinance Text Amendment 11-104.08, as recommended by the Ordinance Review Committee, to amend Chapter 21, Nuisances, of the Novi City Code to increase the time to clear sidewalks and pathways after the end of each accumulation of snow greater than two inches from 24 to 48 hours, and to exempt occupants of single-family premises from having to clear major pathways that are not adjacent to the front of the lot or premises. First Reading**

Member Staudt said this addressed specific issues they discussed regarding the school routes.

Member Mutch said this was a two part package. Along with the change to the ordinance, one of the things they identified was looking at the City clearing major pathways in residential areas. He said if they didn't do both together they would end up with a lot of pathways that no one was responsible for clearing. City staff indicated that it could be done at a reasonable cost by using contractors. He said they would look to the Ordinance Officers to make sure the paths were cleared within 48 hours.

Member Wrobel asked if a Homeowners Association Bylaws stated 24 hours and the City Ordinance stated 48 hours who's would take precedence.

Mr. Schultz said they were two separate sets of rules. It would be 48 hours before any Ordinance Officers would be out enforcing but the Associations would still have whatever rights they currently had after 24 hours.

**Roll call vote on CM-11-10-160**

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

**Nays: None**

**Absent: Margolis**

**AUDIENCE COMMENT – None**

**MATTERS FOR COUNCIL ACTION – Part II**

- 6. Approval of a Commercial Rehabilitation Tax Abatement Policy under Public Act 210 of 2005, as recently amended, following recommendation by the Ordinance Review Committee for the property located at 43700 Expo Center Drive (former Novi Expo Center).**

Mr. Pearson said the next two items were additional economic development tools that the Ordinance Review Committee had reviewed with staff. He said Public Act 210 opened the door for a lot of possibilities. They looked to narrow it down to specific areas that were good candidates. The next two items adopted policies that set up criteria to look for in future applications for these specific areas if the property owners chose to apply.

Mayor Landry said having been on the Ordinance Review Committee, they were asked to look at the entire City. They decided they didn't want to open up the entire City to tax abatements for commercial reasons. There were two areas of the City that they felt this could be used as a tool to spur some development. This is to adopt the policy to allow someone to come forward and apply for a tax abatement in these two districts.

Member Fischer said the two areas were areas that should be considered. He said the one thing he noticed from other municipalities was they had programs in place to allow for some type of redevelopment or façade improvements to encourage businesses to redevelop their properties. He always thought of the area near Ten Mile and Meadowbrook Road and he wished the City of Novi had some of those tools in place.

**CM-11-10-161 Moved by Fischer, seconded by Staudt; CARRIED UNANIMOUSLY:**

**To approve the Commercial Rehabilitation Tax Abatement Policy under Public Act 210 of 2005, as recently amended, following recommendation by the Ordinance Review Committee for the**



certain directional signage. The request also included further increasing one of the main signs which they could not recommend.

Mayor Pro Tem Gatt said in the motion sheet it stated that the applicant was erroneously sent to the Zoning Board of Appeals. He asked what happened.

Mr. Pearson said the typical process would have been for them to go to the ZBA for such a consideration. Staff didn't catch that it was part of this PRO and the applicant was sent to ZBA instead of Council. They followed the normal process.

**CM-11-10-163      Moved by Gatt, seconded by Mutch; CARRIED UNANIMOUSLY:**

**To approve:**

- A. Denial of the proposed oversize monument sign as the request is beyond what has been approved by City Council or ZBA for similar uses in Novi.**
- B. Approval of the reduced west wall restaurant sign (47.5 square feet proposed, 40 square feet allowed in the previous PRO agreement)**
- C. Approval of the requested oversize directional signs ((2) 4.8 square foot signs proposed, 3.0 square feet allowed)**

Mr. Schultz asked if the applicant was presented the opportunity to comment.

Jeff Heyn said Kevin Banham, USA 2 GO gas station owner, was also present because of the gas station signage. He said he was a partner at the project developers. He said this had been an ongoing process and he was there regarding the monument sign. He said his partners indicated that during the original PRO approval process in March 2010, there would be a contemplated revisiting of the total project signage as the project evolved. Earlier this year they collaborated with the USA 2 Go owners to design a consolidated sign at the entrance of the gas station, which was also the City Gate Drive entrance. He said it was contemplated that it was a ring road that serviced the 24 acre and six parcel development that would reverse from Beck Road through to Grand River. He said the intent was to avoid needing two monument signs at the Beck Road entrance. He said the City of Novi officials suggested they appear before the ZBA for their approval. They appeared before the ZBA on June 14<sup>th</sup> and they were granted approval of a reduced version of their proposed sign. It was reduced to 60 square feet and lowered from 12 feet to 10 feet high. He said they then applied for building, engineering and sign permits and received the permits on July 28<sup>th</sup>. He said they also received engineering and sign foundation permits for the sign in August. He said the consensus he received from the ZBA was that it was better to have one larger combined sign than two disconnected signs at the Beck Road entrance. He said this sign would serve the users of the total larger development. He said this was a unique freeway access multi-zone corner site for three high traffic major thoroughfares. He said it was very important to have clear directional signage for drivers' safety at this development. Also, identifying the interior businesses within the project was important. The signage would also help drivers find their way from the Beck Road interchange. He

said the overall intent of the plan was to reduce the number of curb cuts and accesses that would be necessary with standard parcel next to parcel frontages. He said signage would be very important to businesses in this area.

Mayor Pro Tem Gatt asked if the ZBA approved a larger sign than they were approving tonight.

Mr. Pearson said they did but it wasn't in their purview to do that. They did not see the entire PRO package.

Member Mutch said the sign package that was approved including the changes they talked about tonight would include one wall sign on the west side of the gas station, a second wall sign on the west side of the building for Tim Hortons, a wall sign on the north side, two canopy signs at 16 square feet all on this single building identifying the Tim Hortons and gas station.

Mr. Pearson said he believed so. He said they had to look at the topography of the area.

Charles Boulard said in the motion sheet there was a table that showed what the ordinance allowed, what was approved in the original PRO and the current proposal. The only signs proposed that were not in the original PRO were the directional signs.

Member Mutch said looking at the overall package he thought there was sufficient signage on the buildings for the Tim Hortons and the USA 2 GO. He said as far as the monument sign, what was approved in the PRO was already greater than the ordinance allowed; this would take it even further beyond that. He said he understood the concern for signage for future tenants on interior parcels but he thought what was originally proposed was reasonable. If additional square footage for other tenants was necessary they would have to give up a little on the gas station signage.

**Roll call vote on CM-11-10-163**

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

**9. Consideration of request by Adams Outdoor Advertising to amend its consent judgment with the City in order to increase the height of an existing billboard located adjacent to I-96 near Taft Road**

Eric Eggan, Honigman Miller Schwartz and Cohn LLP, said he was there on behalf of Adams Outdoor advertising.

Shannon Bellers said their request was regarding one of the four existing billboards adjacent to I-96 that Adams Outdoor Advertising owned and operated. She said it had been materially damaged by the Michigan Department of Transportation construction project of an overpass on I-96 rendering one of the faces almost completely



obstructed. They were requesting the ability to increase the height of the existing sign to mitigate the obstruction and restore visibility to their advertising face.

Mayor Landry asked how the sign had been physically damaged.

Ms. Bellers said it was materially damaged by not being able to see the advertising face.

Mayor Landry asked if there was anything structurally damaged on the sign.

Ms. Bellers said not on the sign structure itself.

Member Mutch said looking at the current ordinance for billboard signs and putting that in the context of this request, the current billboard sign was nonconforming, it didn't meet the current ordinance standards. He said the first principle of Zoning Law was that you didn't increase a nonconforming use. For Council to grant the request to increase the height of the billboard would in effect increase the nonconforming use beyond its current status.

**CM-11-10-164 Moved by Mutch, seconded by Fischer; CARRIED UNANIMOUSLY:**

**To deny the request by Adams Outdoor Advertising for a second amendment to the consent judgment**

**Roll call vote on CM-11-10-164**

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

**COMMITTEE REPORTS – None**

**MAYOR AND COUNCIL ISSUES**

1. Thank you – Mayor Landry

Mayor Landry thanked his colleagues. He said it had been a pleasure to serve with them. He was very proud that they comported themselves with respect. They handled the business of the City in an excellent manner. He thanked the administration. He told Mr. Pearson that he could not describe his respect for him as a professional. He told the administration that when the people elect the Mayor, they didn't get to decide whether they worked with the Mayor or not. He thanked them for working with him for the past six years. He said siblings were the only people who understood the hard act he had to follow. He thanked the people of Novi for placing their trust in him. He said it had been an honor to be their Mayor. He thanked his sons for understanding all the times he wasn't home and for the articles in the newspaper now and then. Last and mostly to his wife, he said he wouldn't have lasted ten days let alone ten years without her support.

**CONSENT AGENDA REMOVALS FOR COUNCIL ACTION:**

- B. **Approval of an agreement with Novi Investment Company, LLC for extension of Water Main within Phase II of the Tuscany Reserve Development at the option of and by the City of Novi with repayment by April 1, 2017 or prior to further construction on Phase II of the development, whichever comes first.**

Member Mutch said he couldn't support the agreement as it was currently written. His main objection was that the City was going to construct the water main at City expense and then the developer had until 2017 to repay the cost to continue future construction in that development. There was no interest factored in as they would for other public utility extensions. He said it was not a precedent he could support.

Member Fischer said there appeared to be some sort of public benefit because City staff was encouraging them to go down that route. He asked Mr. Pearson to elaborate on that.

Mr. Pearson said without the agreement the water main would not be built until the developer started phase two. He said they felt strongly that the main had to be installed to complete a loop that came down Garfield and would connect in with the rest of the system. He said it would benefit the public water system to complete this and it wouldn't happen unless the City fronted it. They would pay the City back when they could sell some of their lots from phase one.

Member Fischer asked what a normal interest arrangement would be.

Mr. Pearson said it wasn't equivalent to other situations. The interest rate would be around 1% on \$150,000 for three years. It would equal about \$4,500.

Member Fischer asked if it benefited only Tuscany or if it benefited the whole southwest quadrant.

Mr. Pearson said any benefit to phase one of Tuscany would be minimal, it would benefit the southwest quadrants water flow for fire protection.

**CM-11-10-165            Moved by Fischer, seconded by Staudt; MOTION CARRIED: 5 – 1**

**To approve the agreement with Novi Investment Company, LLC for extension of Water Main within Phase II of the Tuscany Reserve Development at the option of and by the City of Novi with repayment by April 1, 2017 or prior to further construction on Phase II of the development, whichever comes first**

**Roll call vote on CM-11-10-165**

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

**F. Approval of a resolution affirming that streets proposed as private on an approved site plan are to remain private.**

Member Mutch said he pulled this item off the agenda because he wanted to explain to the residents of Briarwood how they got to that position. He said the Ordinance Review Committee felt their pain, they understood the situation and what was driving the request. The streets needed attention and it was a difficult situation for them to be in. He said they looked at whether they could do a private street special assessment district, which was commonly done in Townships. He said based on the advice they received from the legal counsel, cities did not have that authority. The other issue was the nature of these streets. He said they varied from the City standards and they had concerns about the intersection designs and the ability for City staff to be able to adequately maintain those in the winter. He said he wished they had better options to offer. The only alternative was for the City to take over the streets after the resident did the repairs but they still ran into the issue of long term maintenance of the street. He said the committee's perspective was looking at private streets as a whole; there had been an understanding that they would be maintained by the private homeowners association.

**CM-11-10-166 Moved by Mutch, seconded by Landry; CARRIED UNANIMOUSLY:**

**To approve the resolution affirming that streets proposed as private on an approved site plan were to remain private**

**Roll call vote on CM-11-10-166**

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

**AUDIENCE COMMENT – None**

**ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 8:46 P.M.

\_\_\_\_\_  
David Landry, Mayor

\_\_\_\_\_  
Maryanne Cornelius, City Clerk

\_\_\_\_\_  
Transcribed by Natalie Laitinen

Date approved: November 14, 2011