

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, APRIL 23, 2012 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

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

PLEDGE OF ALLEGIANCE

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

ALSO PRESENT: Clay Pearson, City Manager
Victor Cardenas, Assistant City Manager
Tom Schultz, City Attorney
Charles Boulard, Community Development Director

APPROVAL OF AGENDA

CM-12-04-058 Moved by Fischer, seconded by Wrobel; CARRIED UNANIMOUSLY:

**To approve the Agenda as presented with an added Presentation
4. Kathy Crawford, Oakland County Commissioner.**

Roll call vote on CM-12-04-058 **Yeas: Staudt, Casey, Fischer, Margolis
Mutch, Wrobel, Gatt**
Nays: None

PUBLIC HEARING

PRESENTATIONS

1. Proclamation in Recognition of Novi Toastmasters Day – May 1, 2012 - Mark Corritore, Vice President of Public Relations

Mayor Gatt presented the proclamation to Mark Corritore, Vice President of Public Relations, in honor of the club's years of service to the City of Novi. Mr. Corritore thanked Mayor Gatt and the Council for hosting them and making it a reality for them. He wanted to take the opportunity to invite the Mayor, Council members, and City Government members to share Novi Toastmasters Day with them May 1st. He explained they meet in the Novi Civic Center in the Activities room. The meeting is from 7 p.m. to 9 p.m.

2. Proclamation in Recognition of Building Safety Month, May 2012 – Charles Boulard, Community Development Director

Mayor Gatt presented the proclamation to Community Development Director Boulard. Mr. Boulard wanted to thank them for the proclamation on behalf of the staff in the Community Development Department and all the other City staff that works so hard to keep our buildings safe,

3. Results from 2012 Community Assessment Survey for Older Adults – Dr. Tom Miller, National Research Center

Dr. Tom Miller, National Research Center, expressed they are out of Boulder, Colorado and designed this survey. This is the second reiteration of the survey. The Community Assessment Survey for Older Adults was done last in 2007 and one thing he can assure everyone is that they have all gotten older. The intent of the survey is to give Council and staff members opportunity to understand, from the perspective of older adult residents, what they feel about the readiness of the community to deal with the inevitable aging of the entire population, as well as, what their own needs are. In the next short period of time, 2030 there's going to be 70 million Americans over the age of 65. By 2040, there will be 20 million Americans over the age of 85. In Novi, we have 12,500 older adults of age 55 and older. Most of them are between 60 and 74, in ten years they will be between 70 and 84. He can guarantee that there are going to be important changes that are pressed upon the City over a period of time. There will be a change in terms of services needed. In particular, there will be more need for EMS, less need for K-12, and more need for walking trails and opportunities for physical fitness. He thought there would be less need for landfills and police. Going through the survey summary, there are specific areas that our older adults have identified as their particular needs. Rachel Zagaroli, Senior Service Manager has been an extremely helpful contact for them to make sure the results are given to staff to use. They surveyed 1,000 older adults, selected at random, with a response rate of over 35%. They statistically weighted the data so that the demographic reflection, as we know from the 2010 census, is a mirror image of what is found in the survey sample itself. So there will be confidence when they talk about the results. We are talking about results that would have been within a margin of error approximately the same had they surveyed all 12,000 older adults. The whole idea of the survey is ultimately having a more engaged older adult community. Political will of communities are being pressed by older adults for change. Novi is not going to be different in that respect. The survey itself had over seventy questions on a five page mailed survey. The questions were in four major categories, health and wellness, community design, community information, and productive activities. There were two other general areas of assessment, the overall quality of community life, and sense of belonging in the community. The responses by and large have these characteristics; the majority lived in the community for over 20 years or more. Still there were about 20% of residents over age 55 that had been here five years or less. It was not all of one kind. There are newer residents moving in who are older. The median income was about \$55,000 for a household that participated in the survey. Most of the older residents were white. What was a broad overview of Novi as a place to live for older adults? They asked several questions about community quality with six dimensions. The overall quality of community got the highest rating. These ratings are the integration of question responses that are on scales that go from zero, the lowest, to one hundred, the highest or worst to the best or least to the most depending how the question was asked. We integrate that with a rating of 74 for overall quality of community which comprises these questions that are mostly identified by place to retire and live, overall quality of services, whether they want to remain here and plan to during their retirement or whether they would recommend Novi. This is quite

a high rating. He would say broadly, that as we found in 2007, Novi remains a very positive place for older adults to live. He thought it was instructive for us to know that, given that since we did this survey last, there has been a cataclysmic change in the overall economic circumstances for the country which Michigan has not escaped. The older adults living in this community, who have these positive feelings in the most general set of questions, are quite high. Yet, as seen there is a variety of quality responses that are quite a bit lower. People were looking for more community information sources. These ratings in comparison are lower to the other ratings. Still they are strong compared to other places. Specific questions, with the percentage who give an excellent or good rating, changed over time. There are quite a few ratings of Novi as a place for older adults to live that have improved since 2007. A few are Novi as place to retire, sense of community, the overall services provided to older adults, and openness and acceptance of the community to people of diverse backgrounds. All of those showed improvement since we did the survey last. One of the challenges he would make to Council and staff is to be thinking of what has happened in the community. Have we purposefully made interventions that we intend to show this kind of improvement or has it happened because of other things they still need to identify. The adults surveyed were given the chance to say if they would recommend living in Novi to another older adult. This also showed improvement. There were about forty questions about a variety of resident needs. He presented the top five needs that fit into the various indices showing the highest needs. He had a chart that showed percentages of an adult with a moderate or major need. Physical health and mental health was a greater need than we had in 2007. If going forward and there is no intended intervention, the trend could continue as the population ages. They took a look at all the problems, out of a possible 41 problems, the people could have. The slide showed the percentages of people with 10 or more problems, 1-9 problems, and no problems at all. Fewer had no problems at all than last survey in 2007. Renters, people who were of Hispanic ethnicity, people who were 60 to 74, and those who lived longer are more likely to have more problems. This kind of information can be instructive for people running programs in Novi to understand where the greatest needs are. They looked at the health and wellness opportunities that people rated and this allows seeing change over time. It showed the percentage of people who gave excellent or good ratings. Fitness opportunities and availability of preventive health services showed improvement. When looking at the health and wellness needs in these categories of indices, the top five needs can be translated into numbers of people. We know there are over 12,000 people, older adults who live here. If over half of them say that their physical health is either a major, moderate, or minor problem, it means that over 6,000 people have identified for us that their physical health is an issue. Staying physically fit was the next most identified problem, also feeling bored, and dealing with the loss of a close friend. There were also feeling depressed, affording medications, experiencing confusion and forgetfulness was in a smaller percentage of people saying these were problems but it was still at least a quarter of the residents over age 55 in the community have identified these as problems. We looked at community land use opportunities. This was the first time we asked about the ease of getting to typical places visited and got a very high rating. Ease of car travel seemed to improve so mobility was stronger. When it came to housing, same issues, there was the same percentage of people giving excellent or good ratings to availability of affordable quality housing and of the variety

of housing options. The greatest need in the category of community design and land use was doing heavy housework. This may not seem as a big a need, unless you have the need. A lot of the interpretation is the ability to stay in one's own house which is what most people want to do and to avoid being in an institutional setting. Having an opportunity to have help will allow people to stay in their own homes and there is a real cost savings for individuals and for society. Home maintenance and yard maintenance was also a problem for at least a quarter of the residents. Having productive activities later in life is another area of concern. Here again, in the ratings for Novi, they are positive ratings with opportunities to attend religious or spiritual activities at the top and an increasing sense of opportunities for social events or activities that we saw from the last iteration to this. In terms of what people see as their biggest need, is feeling like their voices are being heard when it comes to questions that relate to community. At least half of the residents felt that this was at least a minor need that they had and finding meaningful volunteer work were also needs. We talk about needs and don't talk enough about strengths. Some of the strengths to emphasize when we are talking about what's happening in a community of older adults are the economic contributions that older adults make. They did a calculation that our report shows the methodology of doing that. We broke the contribution into paid and volunteer value. The total paid plus volunteers were almost \$230 million, just in Novi and with about \$84 million for volunteer work. In an area of potential readiness is whether people felt that they had at their disposal information about what the resources are. More people than before felt that they did have information about resources and felt they were better informed. In terms of their needs, the biggest need was, not knowing what services were available, even though it showed improvement in terms of what residents felt about feeling informed. It is still a big need that is hard to cut into because you can transmit information but that doesn't mean necessarily on the other side of the transmission, it was received. So it is a real challenge to figure out how to communicate to people what resources are available. Finally, this was a take from the National Research Center's researchers, feeling comfortable with accepting this. It was their take from the outside. We identified three areas of opportunity: civic engagement, community design and land use. In terms of civic engagement, 80% said they had a need related to volunteering. 75% of people said they did not volunteer at all. One of the greatest ways to get people to volunteer, research has shown, you had to ask them. It seems simple and yet it is not done enough. When people are asked, they show a great deal of willingness to participate. Civic engagement is a huge thing, irrespective of age. It is one of the most important areas in cities, towns, and villages across America. Especially, as there are cut backs in services for delivery by the government body and now residents themselves are being asked to participate in a way they haven't before. There is a growing reservoir of older adults who are available or could be available with the right incentives and the right opportunities. In terms of community design and land use, affordable housing was an issue. A higher percentage of people were in housing stress for paying more than 30% of their income for housing in 2012 than in 2007. That is the traditional definition of stress. People may feel stress at different cut off points. When it comes to preparing for the future and aging in place, having policies and programs that emphasize home remodeling so that residents can stay in their homes, they can be safer, and there is more accessibility. These are the kinds of things that community design is for. 25% of residents over age 55

have fallen and were injured. 20% were in the hospital in the twelve months prior to doing the survey. This kind of information is dramatic in the sense of whether there is something that local government can do to help those residents and help all of us as we reach a certain age. Lastly, the physical and mental health opportunity, in this instance we ask people if they felt that they were having a problem caring for someone else. It showed from 2007 to 2012, a higher percentage was saying they were having trouble caring for someone else. 30% of residents, age 55 and older, were having at least a minor problem taking care of some other person. They are suggesting that identifying ways to help those residents would be quite useful. Mental health issues are understood, through research, to be rampant, especially in the older adult community. It is still a great stigma to admit to it. There were a reasonably high percentage of residents who said they were depressed or felt lonely. A quarter of the residents said they were depressed. Those were the ones who were willing to admit it, even though this was a self-administered questionnaire. Older adults are more reluctant to say they have a problem. He would suggest looking at these problems we have identified and would be understood as conservative estimates of what the magnitude of the problems is.

Member Margolis noted one of the first slides showed that this was administered or mailed to people 65 and older, but a lot of the demographic talks about 55 – 59. Dr. Miller confirmed that there was a typo in that summary, it was 55 and older. It was interesting to her that people's satisfaction with services went up and yet their needs increased in the survey. One of the things that occurred to her is the demographic of those replying, were we skewing adults that are older than they were at that time. Dr. Miller said it was interesting because they did not have the 2010 census in 2007 and they weighted the data to the 2010 census. The population has aged and we mirrored as close as we can to the current population. He said there has been an aging of the population and as the results reflect. Member Margolis mentioned that they were magnifying it and going back more years. She understood and appreciated the information.

Member Wrobel appreciated the information and questioned if they had a breakdown of the 349 responses as to how many were received from the three active senior complexes in the City. Dr. Miller did not have a breakdown. It is possible to geocode the response in a way we could know where they live. Member Wrobel was curious because those residents seem more active than those who lived in the regular homes.

4. Presentation by Kathy Crawford, Oakland County Commissioner.

Mrs. Crawford wanted to commend the Council members for being forward thinking about the older population of Novi. She has seen the municipalities surrounding Novi in Oakland County, for over a year now, and many of them are not with the times by looking at what we can do to serve the people 55 and over in an effective manner. A couple of the things from the survey she wanted to point out was one of the reasons Novi has been stable during this economic downturn has been the economic base that older adults provide. Surveys have shown that older adults shop locally. They do things in their own community. We are fortunate that we have the seniors that we do. One of

the things she has been telling other municipalities, is to use as a base is the 2010 census. Something to be aware of is looking at age 55 and up, but the 2010 census for Novi showed age 50 and up we had 17,234 people. When you think about that, our number of seniors actually is really larger than some of the municipalities in Oakland County. Additionally, it was amazing to her that Novi Township had 73 of the 150 residents were age 50 and up. Oakland County overall had 34.7% age 60 and over. We need to pay attention to these kinds of surveys and one of the reasons we decided to do it. One of the things that were disappointing to her was that older adults in this community are not aware of what services are available to them. Since we have this continuing issue, we may want to do some brainstorming about how we can be more effective reaching the older population. She would like to share this data with the health community including Providence Park and all of the health facilities that we have in the City. Maybe there could be some kind of consortium or committee meeting that could talk about how we can address these needs. Even area churches provide services to seniors but there is no coordinated effort to tell people what is available. A message she brought from the County was that the County has gotten a lot of awards for their financial planning and budget. Out of more than 3,100 counties in the Nation, Oakland County is one of 38 to have the distinction of AAA bond rating. We are all aware that we are lucky to live in Oakland County as compared to other counties which are having a number of problems. The County has received a lot of awards including the Distinguished Budget Presentation Award for Tri-Annual Budget and for the twentieth consecutive year, they have received the Governor's Finance Association Award. Novi has been a great winner of awards for their budgets and so has the County. One of the things they have done recently is to enact and recognition of National Law Enforcement Week. It will be observed May 13 – 19, 2012. She spoke of a proclamation for May 15, 2012 for Peace Officers Memorial Day in honor of those law enforcement officers through their courageous deeds made the supreme sacrifice. Also, there is a card with the telephone numbers of the various departments in the County that can be kept in the wallet for reference if residents ask questions. On Monday through Friday from 8:30-5:00, there is a number for a "Nurse on Call". It is a free service for all of our residents provided by Oakland County Health Division. For example, one of the things it provides is information for immunizations for travel and they can make a referral to a clinic that is near for that service. The "Nurse on Call" provides a resource for the costs of different medications and where there are free or low cost medications. For more information call North Oakland County at 248-858-1406, toll free at 1 (800) 848-5533 or e-mail at noc@oakgov.com. One of the things coming up, at Lyon Oaks off of Pontiac Trail, is a clinic offered on May 5, 2012. This clinic is for your dog. It is possible to get a dog license and vaccines there at a reduced cost of \$7.50. A park permit is required to enter the park. There is an annual pass and go as often as you want because there is a dog park there. A new service offered at the Oakland County Clerk's Office is an ID for Veterans for approximately \$10.00. It can be acquired online or at the Clerk's Office for Veterans who produces valid documentation of their discharge. A 31 acre lake called Upper Bushman Lake in Independence Oaks, for the first time for a public access lake in Southeast Michigan, will have a catch and release program. It is one of seven in the State of Michigan. They also offer a class called Hooked on Fishing, which is youth based fishing event at the lake, June 9, 2012. In closing, she appreciated the time to share this information

and wanted to mention that there are a number of Novi residents that she appointed to committees that are serving the County at various positions. She was very pleased that there are people here that want to serve as volunteers and could call her at any time there is a question or comment for her. She also wanted to mention that City Manager Pearson appeared on her show Commissioner's Corner. It was one of the most informative shows they ever had. A show coming up in June will have Mayor Gatt as a guest, in July they will have Garth Wooten, Veterans Services, and in August, Brooks Patterson will be on the show. Stay tuned to the show because it provides information to citizens.

REPORTS:

1. MANAGER/STAFF – City Manager Pearson shared with Council that Dr. Miller will be meeting tomorrow with a group of Staff members and community partners for the presentation. They want to delve into the information deeper and generate some ideas and strategies and how we can act upon them. As part of our communication outreach, he will join Senior Service Manager Zagaroli in a program at SWOCC studios afterwards. Use of this information, as we did in 2007, will allow us to act upon it. It is one of the budget transmittals about generations, so we can do everything we can to make sure we are in a position for the right way to serve.
2. ATTORNEY - None

AUDIENCE COMMENT – None

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

CM-12-04-059 Moved by Fischer, seconded by Margolis; CARRIED UNANIMOUSLY:

To approve the Consent Agenda with the removal of item F for Council Action and all other items as presented

Roll call vote on CM-12-04-059 **Yeas: Casey, Fischer, Margolis, Mutch, Wrobel, Gatt, Staudt**
Nays: None

- A. Approve Minutes of:
 1. April 9, 2012 – Regular meeting
 2. April 14, 2012 – Budget meeting
- B. Approval to schedule a public hearing on May 7, 2012 for Proposed Annual Fiscal Year Budget 2012-2013.
- C. Approval to award an amendment to the engineering services contract for additional design engineering services and construction engineering services related to the Meadowbrook Road and Nine Mile Road Traffic Signal

- reconstruction project to Orchard, Hiltz & McCliment, Inc. in the amount of \$18,858.
- D. Approval to award an engineering contract for design engineering services for the rehabilitation and repaving of the parking lots and access drives for Power Park and the Novi Ice Arena to Orchard, Hiltz & McCliment in the amount of \$44,400.
 - E. Approval of Resolution to enter into a Local Government Investment Pool (LGIP) Agreement with Oakland County Treasurer.
 - F. Approval of adoption of Ordinance Text Amendment 12-42.04, as recommended by the Ordinance Review Committee, to amend Chapter 24, "Outdoor Gatherings", of the Novi City Code to change the time for submission of an application from 30 days before an event to 10 days before an event and to make other minor revisions in the review process. **Second Reading – REMOVED FOR COUNCIL ACTION**
 - G. Approval of Ordinance Text Amendment 12-173.04, as recommended by the Ordinance Review Committee, to amend Chapter 26.5, Performance Guarantees, of the City of Novi Code to revise requirements for posting a guarantee to allow posting a performance bond. **Second Reading**
 - H. Approval to award a one-year contract extension (the second of two potential extensions) to Allie Brothers, Inc., for the Police and Fire Department uniforms, for an estimated annual amount of \$50,000-\$60,000.
 - I. Approval to award the Spring 2012 Tree Planting contract of 95 trees to Creative Brick Paving & Landscape Construction, the low bidder, in the amount of \$18,111.05.
 - J. Approval of Resolution to close Ten Mile Road from Karim Boulevard to Taft Road from 9 am to 12 pm for the Memorial Day Parade on Monday, May 28, 2012.
 - K. Approval of the revised *City of Novi Investment Policy* (update List of Financial Institutions ONLY).
 - L. Approval of Claims and Accounts – Warrant No. 866

MATTERS FOR COUNCIL ACTION

- 1. Consideration of recommendation from Consultant Review Committee to award a contract for Civil Engineering Private Development Field Services to Spalding DeDecker Associates, Inc. (for a two-year term and three one-year renewal options) and adoption of associated fees and charges effective May 1, 2012.

Mayor Pro Tem Staudt mentioned that the Consultant Review Committee voted unanimously to support this and we think they are the most qualified candidates.

CM-12-04-060 Moved by Fischer, seconded by Staudt; CARRIED UNANIMOUSLY:

To approve a contract for Civil Engineering Private Development Field Services to Spalding DeDecker Associates, Inc. (for a two-year term and three one-year renewal options) and adoption of associated fees and charges effective May 1, 2012.

Roll call vote on CM-12-04-060 **Yeas: Fischer, Margolis, Mutch, Wrobel, Gatt, Staudt, Casey**
Nays: None

2. Referral to the Planning Commission for Public Hearing and recommendation back to the City Council of a Zoning Ordinance Text Amendment for modification of the standards in the OST, Planned Office Service Technology District, Retail Service Overlay provisions, to expand the areas where the Retail Service Overlay is permitted.

City Manager Pearson explained that a suggestion came from Council. Some of the work was done by Staff, but the next step in the process would be for Council to add any comments, parameters and, or suggestions. We will ask the Planning Commission to review, also. They will conduct a formal public hearing, make the recommendation, and then it will come back to Council and will have something to act upon towards this.

CM-12-04-061 Moved by Mutch, seconded by Margolis; CARRIED UNANIMOUSLY:

To approve referral to the Planning Commission for Public Hearing and recommendation back to the City Council of a Zoning Ordinance Text Amendment for modification of the standards in the OST, Planned Office Service Technology District, Retail Service Overlay provisions, to expand the areas where the Retail Service Overlay is permitted.

Roll call vote on CM-12-04-061 **Yeas: Margolis, Mutch, Wrobel, Gatt, Staudt, Casey, Fischer**
Nays: None

3. Referral to the Planning Commission for Public Hearing and recommendation back to the City Council of a Zoning Ordinance Text Amendment for modification of the standards in the TC-1, Town Center Zoning District to allow drive-through restaurant uses.

City Manager Pearson said they have had some requests from the property owner to look at the possibility of this in the TC south of Grand River area and deserves a look.

With the nature of retail, having this option, not to make these types of uses not as a drive-through focus but as a similar accessory like we do allow with banks or drugstores, improves the viability and marketability of the properties without detriment. He thinks it is more important that we review how the property is used, how they look, and fit together and not to have outright prohibition as we do right now.

Member Mutch had some concerns about the scope of what can come back from the Planning Commission. The biggest concern he had was allowing fast food drive-through use in the TC-1 district. We have a number of zoning districts that permit the fast food drive-through uses. We only have two zoning districts that are intended to have pedestrian and auto access on an equal basis. Every other commercial district in the City is automobile-focused in its intent. When you look at the actual amount of acreage in the City that is given to the TC-1 district that has this focus of balancing of auto and pedestrian use, it is pretty small. He is concerned about watering down or opening up that district to allow drive-through fast food restaurants which are primarily high intensity auto focused use. If the intent is to allow some accessory uses to an existing use, such as a bank or pharmacy, would be allowed in a TC-1 district and consider that on a site by site basis. One of the concerns was the potential locations in the TC-1 district and the map that was provided to us and he understood these were preliminary ideas. The idea that we could potentially end up with these uses on every significant corner of the TC-1 district, the way the TC-1 district is designed, in terms of the setbacks and some of the features, anything that is not an accessory and is a primary use doesn't fit into that. If we want it in that general area, we could look north of Grand River in the TC district or where it is permitted in other districts. If there are some accessory uses or accessory use with a drive-through that would accommodate that, it would be worth considering, but he wouldn't want to see a situation where we end up with a lot of these uses in the TC-1 districts and would not be compatible with the long term vision we have for that area.

Member Margolis had similar concerns about the scope and was asking the Planning Commission for ways to limit this use. It is acceptable to look at some limited use. She commented on the idea that this is our pedestrian friendly district. She thought that pre-dates many of members on Council. She didn't think this was a pedestrian friendly district, the Main street area, but the number of pedestrians is minuscule. It is another piece of recommendation, we need to look at revising this to be more realistic as to what this district has become and perhaps finding some way to find areas to try to promote pedestrian friendly areas that make sense.

Mayor Gatt agreed with Member Margolis in saying that the Town Center is not a pedestrian friendly district. Maybe when Main street is developed, there may be a possibility in the future, that area will be pedestrian friendly. He pointed out that the library area is pedestrian friendly and has a drive-through window. The two can be entwined and looked forward to what the Planning Commission will present.

CM-12-04-062 Moved by Mutch, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve referral to the Planning Commission for Public Hearing and recommendation back to the City Council of a Zoning Ordinance Text Amendment for modification of the standards in the OST, Planned Office Service Technology District, Retail Service Overlay provisions, to expand the areas where the Retail Service Overlay is permitted.

Roll call vote on CM-12-04-062

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

Nays: None

4. Consideration of request from AC Restaurants, LLC, d/b/a Tilted Kilt Pub & Eatery, for a new Class C quota license with Sunday Sales Permit to be located at 44175 Twelve Mile Road, Suite F139, Novi, Michigan 48377.

City Manager Pearson commented about the Staff report, while they don't have any out right fundamental objections in terms of the zoning or the use, we do have concerns and questions in terms of the appropriateness of the quota license. We have just a few of those and the area has other similar restaurants that have bought licenses on the open market. They didn't see any reason they could not follow the same path.

Sean Cahill, AC Restaurants, LLC and his partner Dan Allen have been in the Tilted Kilt system for about 5 years. He used to do openings for the company around the Country and identify locations for them from when the concept started when it was in its infancy stage with 5-6 locations. Now they have about 80 locations and with 100 locations at the end of this year. As far as Michigan is concerned, he identified this market, especially Novi, as being the best area to have this. Fountain Walk especially because it does have some entertainment focus, it is also food driven. When looking at locations across the Country, we cluster a lot with users such as Buffalo Wild Wings, Bar Louie, and Lucky Strike. What we found is their sales go up. Our average unit sales are between 5 and 6 million a year. We average about 200 employees with about a fourth of that are males and the servers are female. Again, this concept would bring to Oakland County, especially Novi, in a space that has been vacated by World Market and we'll be submitting building plans to the Building Department tomorrow. They appreciated the opportunity and it would be a great location for them. They hope they would be considered for a quota license and thinks it would do a lot for the community. It would give a great economic tax base and people hired will be from the community.

Mayor Pro Tem Staudt noticed their application that there were comments made that they can't move forward with this building unless they get this quota license. Great location, great community, and great atmosphere but a \$40 to \$50 thousand license would stop you from doing this? Mr. Cahill said every municipality is different where we have opened these restaurants. He felt it would help to get the project started and shows we have approval from Council. We could take those monies and add to our build out and to our marketing, budget more and would help things to move forward easier. Mayor Pro Tem Staudt wanted to clarify the comment that they won't open unless they get the quota license. Mr. Cahill said they can't open without a liquor

license. He didn't mean that specifically as a quota license. At the time, when they were filling this out, they were still going through the measures that were needed to get a liquor license to open the business and we are new at this. Every municipality is different and some are hard to get with various different options. Member Wrobel said that they could trust us that there are many, many quota licenses available throughout this region. We treat these with kid gloves because we get so few and generally used to reward unique situations. In your case, as stated throughout this document your situation is not unique, we'd love to have your business, and would be happy to approve the transfer. He has a very difficult time giving one of the four extremely valuable quota licenses that we have.

Member Margolis would love to welcome them to the City. She said Council is very open to this and would hope that they would become a corporate citizen. She could not support a quota liquor license and wouldn't have any trouble supporting a transfer license, but we have some specific criteria that we go by. She tries to be consistent and should be unique to the community and generate extra economic development or someone within the City who is opening a long term business. She said they didn't follow those. She said they have a lot of experience but would not support the quota liquor license request.

Member Wrobel agrees with the previous speakers and welcomed them to Novi. He hoped they do very well there, but he didn't see anything unique about this establishment that would warrant the use of our quota liquor licenses. He would be happy to support them with a transfer liquor license.

Member Fischer wanted to clarify the employment numbers they gave. He saw 200 employees, four of which would be managers and was the rest full time or part time staff as waitresses only? Mr. Allen said there would be a combination of both with some kitchen and wait staff. There are some tip employees which are hourly. We would generate a payroll out of 1.5 million. Member Fischer asked if they had a breakdown of the full time and part time. Mr. Allen said they could get a break down from other locations if Council wanted it. Member Fischer said not at this time. He felt Council treat these liquor licenses with too much of kid gloves. We like to protect them so much to the point where we are not rewarding people in a sense where they should be. This is a business that is looking to be one of the first in Michigan and thought it was unique in and of itself. We are talking a part of the City where we need investment, we just lost the Great Indoors and we want to re-establish and redevelop the Fountain Walk area. The petitioners are looking to do so. They are representing a financial investment in Novi and he saw the investment is upward of \$1.5 to \$2 million with 200 jobs. The establishment, we no longer have Gus O'Conner's, a pub type atmosphere is different and he could not think of a place that has as much of a sports centric atmosphere, he believed, this will provide. He could support it based on the uniqueness and an investment in the City. He can't think of any other business that would come in that would be more unique and meet the subjective nature that we require in the policy.

Member Mutch agreed with Member Fischer and he touched on most of the points that he would have touched on. We have a lot of users that want to relocate in

Fountain Walk and some cases we did give them quota licenses and in some we did not and told them to go elsewhere. He has been consistent saying we all recognize as a Council that Fountain Walk and Main Street has never truly realized the vision that some people had for that area. Going to back when it was first built. He thought both locations had their challenges and one of the things they have talked about was what the City can do to make these areas more successful and viable. Part of the center of Fountain Walk was completely torn down and is an open grass field. The Great Indoors location, which is 152,000 square feet, will be empty in a couple of months. World Market has been empty for over two years and these gentlemen want to fill that space. He realized that based on what they are saying and track record of this organization they probably have the ability and resources to get a liquor license from elsewhere in the State and bring it back to Novi. He would support it if they do but at a certain point we help out other businesses in the ways that we can whether it's through tax abatement or changes to our zoning ordinance. The quota liquor license would help this business move forward tomorrow. We haven't had a lot of people coming in for the last couple years to ask for these licenses. Here is someone ready to invest and he would be willing to grant a quota liquor license for this use.

Member Casey said she could not be as eloquent as the two previous speakers. She too would support giving the quota liquor license based on much of the comments that have already been made. Those of us of Irish descent might be looking for a new locale.

Mayor Gatt pointed out what makes this Council so unique is that we have seven different people with unique ideas. He will stay consistent. He will not support a quota liquor license. He didn't find the establishment unique enough to get one. He welcomed them to the community and is confident they will come back with a license they will find somewhere else.

Member Margolis asked City Attorney Schultz if they could move to deny through the Mayor. City Attorney Schultz explained they could deny through the Mayor and in this circumstance, just by the way the staff report is laid out. He suggested that if you move to deny and you found findings or adopted them all, you could do that by reference to the staff report.

CM-12-04-063 Moved by Margolis, seconded by Staudt; MOTION CARRIED: 4-3

To deny a request from AC Restaurants, LLC, d/b/a Tilted Kilt Pub & Eatery, for a new Class C quota license with Sunday Sales Permit to be located at 44175 Twelve Mile Road, Suite F139, Novi, Michigan 48377 for reasons detailed in the staff letter and the reasons outlined in Member Margolis' previous speech.

Roll call vote on CM-12-04-063

**Yeas: Wrobel, Gatt, Staudt, Margolis
Nays: Casey, Fischer, Mutch**

AUDIENCE COMMENT – None

COMMITTEE REPORTS - None

MAYOR AND COUNCIL ISSUES - None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION:

- F. Approval of adoption of Ordinance Text Amendment 12-42.04, as recommended by the Ordinance Review Committee, to amend Chapter 24, "Outdoor Gatherings", of the Novi City Code to change the time for submission of an application from 30 days before an event to 10 days before an event and to make other minor revisions in the review process. **Second Reading**

Mayor Pro Tem Staudt wanted to reference the information given to him regarding Paradise Park and asked who is responsible primarily for doing the inspections there once they are beyond the five that they are allowed annually. Then, we inspect after each application. City Manager Pearson explained it would be a combination of Building Department and Fire Marshal. Mayor Pro Tem Staudt asked how the first five events are different than the rest. Community Development Director Boulard has seen that there are temporary special uses that are allowed, but there is a limitation for the number of days for those. Once a property owner has exhausted those days the option that has been taken by a property owner is to apply for an Outdoor Gathering permit which there is not a limit on. Mayor Pro Tem Staudt confirmed that the first five events that they have are unregulated. Community Development Director Boulard answered that they are regulated. They have the same inspection process. Mayor Pro Tem Staudt asked if there was a fee for the first five as part of the special license. Mr. Boulard said that there was fee. If a property owner applies for a tent permit for x number of days, they would pay the \$100 fee for it and would include the inspections. If he came and wanted another event, they would have to pay another \$100 for it. A lot of times it is a different situation each event. Mayor Pro Tem Staudt questioned that it appears there doesn't need to be a notification period for the first five or is that wrong. The way he reading it is that Paradise Park, specifically, had multiple events where they provided very short notification periods and that was part of the reason this whole issue came to the forefront. Mr. Boulard said generally, the first five events aren't typically large amounts of people that require notice for Police or Fire Departments and so on. For example, a property owner said he was going to have his initial event with 200-400 people, then that would be an Outdoor Gathering permit from the start. An example would be the night before Thanksgiving where Best Buy had entertainment in their parking lot for shoppers. The Outdoor Gathering is for larger amounts of people and involves more notice and reviews. Mayor Pro Tem Staudt asked how it works with Paradise Park because obviously nobody has nowhere close to the number of events they have and said it was mentioned that the reason they have all these events was they didn't build a pavilion that everyone thought they were going to build. They seem to be disproportionately having to provide these additional permit requests with no satisfaction with the time limit they are providing. City Clerk Cornelius explained that

they provided a memo in the packet that detailed some of the days that we were given for the City to review and they average from only one-days' notice to up to four days which make it difficult for us to review but to submit to the other departments such as the Building Department or Fire Marshal. Each application would have the maximum number of guests and typically an Outdoor Gathering permit is not needed unless you plan to have more than 200 people in attendance. The list includes the different events that we've had when the Fire Marshal is given 24 hours' notice to stop what he is working on and check for the safety of the patrons that are visiting the Park are determined to be safe. They look for the ingress or egress or whether the tents are safe especially if there will be cooking underneath the tent, fountains, lighting, candles, etc. The number of days that we are given to review was a thirty days' notice, however, even with the shorter notice of 1-4 days we have been providing that permit to the applicant with approvals. After the Ordinance Review Committee met and discussed that they thought ten days was a more reasonable time rather than thirty days. Mayor Pro Tem Staudt asked if the first five events listed on that chart, those covered under the Special Use permit or are those treated differently. City Clerk Cornelius said that they were treated differently. The events that were listed on this chart were specifically only Outdoor Gathering Permits they did not include other Temporary Special Land Use permits already received by the Community Development Department. Mayor Pro Tem Staudt asked under the Special Land Use permit if the same inspections are done. He said if those five were included wouldn't you have the identical issues with short notice and those would have been a part of the chart. Mr. Boulard said the difference was not necessarily the inspections but the reviews. The Outdoor Gathering Permits are intended for groups of 200 or more and require additional City departments for review. Mayor Pro Tem Staudt wanted the Ordinance Review Committee to take a look at this circumstance, namely Paradise Park is the only applicant that is doing many different events each year. He talked with them briefly last week and one of their concerns is that this entire process is causing them considerable amounts of business. He thought that we could find a way through Ordinance Enforcement and through inspection that they could have at least some type of annualized permit and we could use the premise that someone has to have a Special Land Use permit prior to being issued a seasonal permit so that they can have a flat fee that they don't have to go through a rigorous inspection each and every time unless, there has been circumstances where they've violated or there has been problems. This is an organization that does this on a regular basis. He could understand it if someone is doing it once a season, but if someone is doing this on a regular basis and who has a regular need for this type of service, we can find a better way than having someone fill out a form every time. There has to be a better way of doing it. He would like to see Ordinance Review take a look at this and see what we can do to accommodate a seasonal license for Paradise Park.

City Manager Pearson understood the sentiment, but for reference is the Suburban Collection Showplace is an exhibit hall that does it regularly. They have inspections each time. There are some templates of layouts and there is a need for that because each event is unique. There is a need for us to be there and regulate it for the public safety that is gathering there. There is a certain expectation. That is part of a business. The thought is they pay the freight for that and build that in and not everyone else paying for it. This is the philosophy of it. This recommendation is trying to accommodate

a business by shortening the time frame from 30 to 10 days and need to stick to 10 days as the ordinance states. If this was approved, we would have the advanced notice to schedule and do the reviews and not have to rush, which is not favorable to everyone. He asked if it is possible to have this adoption and have that as an ancillary. He did not know the intention. That was the background and another example was Art Van does sales often.

Member Margolis said Ordinance Review is always happy to look at anything that gets referred. She stated she would not be comfortable with any kind of annual or long term for structures put out for one particular event. There is a reason we have inspections. For buildings, we have inspections to make sure they are safe and stay in place. For temporary structures, she would not want to be responsible for one change being made in a structure that somebody wasn't aware of and something happens that dramatically injures people. We have heard all kinds of things in the news about structures that were not put up correctly. She understood the concern about a business person in the community, but thought the goal of this change was to make a shorter time frame that could be met by the applicant yet give the City staff enough time to do the kinds of safety inspections that are necessary. She would not be in favor of anything that would allow putting a structure up that might be unsafe.

Member Mutch would agree with Member Margolis. We would want an inspection process in place for each time an event occurs. He didn't think the Outdoor Gathering permit ordinance change that was proposed works for this business because they are essentially utilizing two different processes. The first is the Temporary Special Land Use permit process they utilize until they max out and then they switch over to this Outdoor Gathering permit process. So something is not working there and instead of holding this up and or change the Outdoor Gathering ordinance, he thought at the ORC level they could look at a process we can put in place for a use like Paradise Park that would provide some level of consistency, like what happens to Suburban Collection Showplace, especially if they are utilizing the same tent, in the same location and same arrangement. See if it is possible to standardize that process and put in place a process that works with them. He didn't think we are well served by having them fit into our system when it doesn't fit for them. He suggested we can approve the ordinance change that has been proposed but have Ordinance Review Committee work with staff to see if there is an alternative process that would work for this particular use. Maybe it would be separate and draft up a different process that works for them to have it accomplish making it safe for anyone that attends that facility, business friendly, and more standardized than the process that is taking place.

CM-12-04-064 Moved by Staudt, seconded by Fischer; CARRIED UNANIMOUSLY:

To approve adoption of Ordinance Text Amendment 12-42.04, as recommended by the Ordinance Review Committee, to amend Chapter 24, "Outdoor Gatherings", of the Novi City Code to change the time for submission of an application from 30 days before an event to 10 days before an event and to make other minor revisions in the review process. Second Reading

Roll call vote on CM-12-04-064

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

Nays: None

COMMUNICATIONS - None

ADJOURNMENT:

There being no further business to come before Council, the meeting was adjourned at 8:31 P.M.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Jane Keller

Date approved: May 7, 2012