

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, SEPTEMBER 24, 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

APPROVAL OF AGENDA:

CM-12-09-162 Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the Agenda as presented.

Roll call vote on CM-12-09-162 **Yeas: Gatt, Staudt, Casey, Fischer, Margolis, Mutch, Wrobel**
Nays: None

PUBLIC HEARING - None

PRESENTATIONS

1. Recognition of the City of Novi as a participant in the Sustainable Community Recognition Program – Southeast Michigan Council of Governments (SEMCOG) – Susan Stefanski

Susan Stefanski, Southeast Michigan Council of Governments, presented the City of Novi with the SEMCOG Sustainable Community Recognition Award. The program was created to bring attention to local governments that have incorporated sustainable activities into community planning. The City of Novi is a leader in the region by achieving economic prosperity while protecting the environment and providing a high quality of life for residents. She cited a few of the activities that Novi has been involved in. The City of Novi has earned the highest level of recognition in the program. She congratulated the City on receiving the award this year.

2. Walled Lake Consolidated Schools Building and Site Improvement Sinking Fund – Judy Evola

Judy Evola, Walled Lake Schools Director of Community Relations, informed Council about the half mill renewal for the Walled Lake Schools Building and Site Improvement Sinking Fund that was first approved nine years ago. It has provided the District the ability to repair their facilities and to keep them in good condition. The renewal is

extremely important for the more than 15,000 students and families who attend Walled Lake Schools. The Sinking Fund can only be used for capital improvements. The Sinking Fund cannot be used for technology equipment, supplies, buses, maintenance work, or salaries and benefits for employees. She wanted to thank the community for approving the 2004 Sinking Fund and for the support in continuing this investment and commitment to the future education of their district. They are asking for support in the Novi community on this important initiative that will be on the ballot November 6th.

REPORTS:

1. MANAGER/STAFF – City Manager Pearson noted the new technology being used in the Council Chambers for broadcasting.
2. ATTORNEY - None

AUDIENCE COMMENT:

Brent Beshears, 1395 E. Lake Dr., wished to address item 2, on the agenda related to the hunting regulations in Novi. He has been hunting in Novi for close to 40 years and he understood new residents were trying to make changes to what has been in place for land owners in the area. The City ordinance presently has restrictions of not allowing groups to hunt and discharge firearms or bow-arrow within a distance of 800 feet from an occupied dwelling and 600 feet from any property line. If modifying the ordinance doesn't allow it throughout the community of Novi, this contradicts what is already in place from a safety standard. The DNR allows hunting and discharge of firearms within 450 feet from any property line or dwelling. Novi has already taken a conservative stance to keep the safety intact by almost double the distance. To amend the ordinance will not change whether people are going to hunt illegally in Novi or if they are legal. The groups that have large tracts of land in the community are already within those boundaries to be legal for the Chief of Police to allow a certificate to hunt. He didn't want to lose the right to hunt because of somebody being upset about what took place on a large tract of land adjacent to a small subdivision lot.

William Bowman, 46350 Grand River, asked permission for himself and Lee Mamola to be able to address the Council on item 4.

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

CM-12-09-163 Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
 1. September 10, 2012 – Regular meeting
- B. Approval of request by E & M, Inc. (Society Hill) for one-year extension, to October 9, 2013, of site plan approval for a 312-unit apartment project

developed as a PD-1 option in a multi-family (RM-1) district, located at the southwest corner of Novi Road and 12 ½ Mile Road, previously extended under a consent judgment and subject to annual extension reviews

- C. Approval of a Completion Agreement with S.E. Michigan Land Holdings, LLC for SP00-53A, the Maybury Park Residential Development Phases I & II located north of Eight Mile Road and west of Beck Road, in accordance with the requirements of Chapter 26.5.
- D. Approval to purchase Fire Department protective turnout gear from Apollo Fire Equipment, using existing contract, in the amount of \$26,550.
- E. Approval of a revised traffic control device maintenance agreement with the Road Commission for Oakland County for the existing traffic signal at Haggerty Road and Village Wood Drive/Mahle Driveway.
- F. Approval of Detroit Edison Pole Relocation Agreement to relocate two existing power poles located at Pavilion Shore Park in the amount of \$20,712.
- G. Approval of Traffic Control Orders 12-45 through 12-54 to establish traffic control at the intersections within Greenwoods Oaks Subdivision.
- H. Approval of Claims and Accounts – Warrant No. 876

Roll call vote on CM-12-09-163

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

MATTERS FOR COUNCIL ACTION

1. Consideration of a resolution to amend the City's public street light policy.

City Manager Pearson said the Department of Public Services determined that our current practices haven't matched an old resolution that has been in force. Member Mutch initiated this topic for research. This resolution is a modernization of the existing street light policy that the City uses when subdivisions ask for lighting.

Member Mutch wanted to clarify the reference in the policy to installation of a single street light at the entrance to subdivisions. He asked if the policy applies to a single entrance at the subdivision or does every subdivision entrance in a development qualify for the "free" street lighting.

Rob Hayes, Director of Public Services, answered that it would be for every entrance.

Member Mutch noted that the chart indicated 52 street lights.

Mr. Hayes said that there are 52 residential entrances that do not currently have street lights and would be covered under the policy.

Member Mutch confirmed with Mr. Hayes that the policy as currently written would apply to any residential development whether it is a single family or multi-family and that the 52 number included apartment complexes and mobile home parks. He asked, whether under the current policy, if the City would pick up the cost for an apartment complex if they want a street light. Director of Public Services Hayes said that was correct. Member Mutch said that was one point he had an issue with. A mobile home park or an apartment complex is really a commercial development that is serving hundreds of apartments or mobile homes. He felt that they were different than a residential subdivision in how they operate for profit. He thought it wasn't appropriate for the City to bear the cost of it. There has been discussion about other locations within the City that do not have street lights and were not covered in the policy. How is the City administration going to address those locations?

Director of Public Services Hayes said that it was an on-going process in identifying those locations. A comprehensive list of the locations will be presented to Council with a proposal to get them funded.

Member Mutch questioned the execution of the policy with new subdivisions that would qualify under the policy and how they would be made aware of this opportunity. Will the City pro-actively contact subdivision associations or will we leave it up to them to ask the City?

Director of Public Services Hayes said they would leave it up to them to submit a request to the City and for proposed developments, it would require an amendment to the zoning ordinance to require the developer to provide the street light in advance.

Member Mutch thought it depends on the location but some of the existing subdivisions would benefit from a street light installed at the entrance to the sub. The City has existing subdivisions where there are a number homes built without a homeowner's association in place to initiate the request. He would like to see the City administration to be more pro-active and identify a homeowner's association or identify a process for residents of the subdivisions to get them installed. It not only benefits residents of the subdivisions but also benefits the public at large.

CM-12-09-164 Moved by Margolis, seconded by Fischer; CARRIED UNANIMOUSLY:

To approve consideration of a resolution to amend the City's public street light policy.

Roll call vote on CM-12-09-164

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

Nays: None

2. Consideration of adoption of Ordinance 12-23.28 to amend the City's Code of Ordinances, Chapter 22, Offenses, Article VI, Offenses Against Public Safety, Section 22-129, Possession of Dangerous or Deadly Weapons; Transportation of Firearms, in order to clarify the weapons to which the existing general prohibition of discharge applies, to clarify the areas where discharge is not prohibited, and to remove the discretion of the police chief to issue permits allowing the discharge of certain weapons. **Second Reading**

City Manager Pearson explained this is to modernize the ordinance and to bring it into conformance with State law. This is something that has come from staff. The exception in the ordinance was difficult to administer in terms of enforcement. The reference and allowance for approved indoor shooting ranges was added from the first reading. Farmington Hills did something similar and adopted additional allowances.

CM-12-09-165 Moved by Margolis, seconded by Casey; MOTION CARRIED: 5-2

To approve the Second Reading of the Ordinance 12-23.28 to amend the City's Code of Ordinances, Chapter 22, Offenses, Article VI, Offenses Against Public Safety, Section 22-129, Possession of Dangerous or Deadly Weapons; Transportation of Firearms, in order to clarify the weapons to which the existing general prohibition of discharge applies, to clarify the areas where discharge is not prohibited, and to remove the discretion of the police chief to issue permits allowing the discharge of certain weapons.

Member Mutch said he cannot support it because our existing ordinance has standards that are in excess of what the Department of Natural Resources requires for hunting. From the discussion of the previous meeting, he thought with a large enough acreage and appropriate set up, there is no reason why people can't do bow hunting, archery target practice within the City limits. He recognized the City has changed quite a bit from when this was adopted in the 70's. There are still large parcels. He has never heard of an issue with bow hunting activity within City limits. Farmington Hills provides a good example. They had an actual situation and still allow it with appropriate standards. He felt it was the appropriate way the City should handle it.

Mayor Pro Tem Staudt agrees with Member Mutch because the City still has areas that are predominately rural. Taking away property owners rights because it is our preference isn't an acceptable reason to do it. It would give some control of the herds of deer that may go in front of cars.

Mayor Gatt supports the motion because, in 2012, residents may be shocked to hear that hunting is still allowed. It is not only dangerous but it a terrible waste of manpower when a police officer is called to the scene of a hunter. It could be hours that an officer is tied up with the situation.

Roll call vote on CM-12-09-165

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

3. Approval to purchase ten (10) replacement marked patrol vehicles from Shaheen Chevrolet, Lansing, MI for the Novi Police Department in the amount of \$273,190 through the State of Michigan MiDeal cooperative purchasing contract.

Member Fischer wanted to clarify if this would be a change in an ongoing purchasing policy barring of any major changes in production. He wanted to ensure that we continue to get economies of scale.

City Manager Pearson said that would be a plan going forward. This would be the standard vehicle. The new Caprice vehicles are larger. They have two batteries and they have electronics that are much better suited of what we need today.

CM-12-09-166 Moved by Fischer, seconded by Margolis; CARRIED UNANIMOUSLY:

To approve the purchase of ten (10) replacement marked patrol vehicles from Shaheen Chevrolet, Lansing, MI for the Novi Police Department in the amount of \$273,190 through the State of Michigan MiDeal cooperative purchasing contract.

Roll call vote on CM-12-09-166

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

4. Referral to the Planning Commission for Public Hearing and recommendation back to the City Council for consideration of a Zoning Map Amendment to rezone from RA, Residential Acreage to PSLR, Planned Suburban Low-Rise Overlay of the Bosco family property located at 25805 Beck Road, parcel 22-20-200-012, on the west side of Beck Road, south of Eleven Mile Road.

City Manager Pearson said that now that Medi-Lodge has come forward with construction, staff recommends this to go back to Planning Commission to go back to the process.

William Bowman, 46350 Grand River, thought that the Planning staff did an excellent job reporting the history of this situation. The City requested the owner to work with them in regards to the new Suburban Zoning. The Bosco's are present and in full support. The genesis of the program was initiated by the City Planning and the Master Plan and Zoning Committee in 2010. All studies showed that, the Planned Suburban Low-Rise Overlay was the appropriate use for the property. Notices were sent and hearings were held for the proposed change. Everything came to a halt when the actual rezoning was started. One concern was that there would be property protection for the

adjacent owners. The Bosco's are very pleased that there is potential for a recommendation to the Planning Commission.

Member Fischer withdrew this parcel at the time because he thought it was a very prominent corner in the City of Novi and wanted to be careful how to proceed but with additional information, he can support it going through the process.

CM-12-09-167 Moved by Fischer, seconded by Staudt; MOTION CARRIED: 6-1

To approve a referral to the Planning Commission for Public Hearing and recommendation back to the City Council for consideration of a Zoning Map Amendment to rezone from RA, Residential Acreage to PSLR, Planned Suburban Low-Rise Overlay of the Bosco family property located at 25805 Beck Road, parcel 22-20-200-012, on the west side of Beck Road, south of Eleven Mile Road.

Member Margolis supported the motion. If you look at the Zoning Map, this parcel is an island within the other Planned Rezoning Overlays.

Member Wrobel said he was hesitant with the rezoning but given the development and the opportunity to send it back to the Planning Commission, he can support it.

Member Mutch expected this to be a land owner proposal coming forward with a specific development proposal or a specific rezoning request for the property. He didn't expect the City to undertake this. The proposed developments were known to City Council when they reviewed this previously and he felt nothing has changed in regards to that. He thought the underlying issue was the extension of the Suburban Low-Rise into the area south of Eleven Mile. Assuming it is not a single family residential development on this property, it creates an island of commercial, office use or potential multi-family use there. It would set a bad precedence. It was a good justification for excluding the Suburban Low-Rise area from south of Eleven Mile. The property owner always has the right to petition for rezoning.

Member Gatt felt as beautiful as the property is, it's no longer a residential area. Beck Rd. is a major thoroughfare, the hospital is to the north, and the ambulance company is across the street. The area has changed. He felt they should not deviate from the Master Plan.

Roll call vote on CM-12-09-167

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

5. Approval to purchase five (5) Ford F-350 4x4 pickup trucks with snowplows from Signature Ford-Lincoln, the lowest responsive bidder, in the amount of \$143,240.

CM-12-09-168 Moved by Fischer, seconded by Staudt; **CARRIED UNANIMOUSLY:**

To approve the purchase of five (5) Ford F-350 4x4 pickup trucks with snowplows from Signature Ford-Lincoln, the lowest responsive bidder, in the amount of \$143,240.

Roll call vote on CM-12-09-168

Yeas: Wrobel, Gatt, Staudt, Casey, Fischer,
Margolis, Mutch,
Nays: None

AUDIENCE COMMENT - None

COMMITTEE REPORTS - None

MAYOR AND COUNCIL ISSUES - None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION - None

COMMUNICATIONS - None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:41 P.M.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Jane Keller

Date approved: October 8, 2012