

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JANUARY 7, 2008 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 Capello, Council Members Crawford, Gatt, Margolis, Mutch, Staudt

ALSO PRESENT: Clay Pearson, City Manager
Pamela Antil, Assistant City Manager
Tom Schultz, City Attorney
Rob Hayes, City Engineer
Barbara McBeth, Deputy Director of Community Development
Frank Smith, Fire Chief
Ara Topouzian, Economic Development Manager
Rob Hayes, City Engineer

APPROVAL OF AGENDA

Mayor Pro Tem Capello added, Discussion at a future Council meeting regarding the ordinances involving reuse of existing development and buildings, as #1 under Mayor and Council Issues. He commented this might be covered during discussions regarding the EDC goals.

**CM-08-01-01 Moved by Capello, seconded by Gatt; CARRIED UNANIMOUSLY:
To approve the agenda as amended.**

Voice vote

PRESENTATIONS - None

REPORTS

SPECIAL/COMMITTEE

City Council In-Service Training City Services Overview Syllabus

Mr. Pearson said they had followed up on a suggestion from the Rules Committee to develop an in service training for Council members, after elections, to go over major topic areas and give an opportunity for Council members to learn more about operations. This would be a formal schedule to go from January to budget time with a series of presentations providing background information from the Finance Director. He suggested doing this from 6:00 PM to 6:45 PM before Council meetings. Ms. Antil had worked with the staff, provided topics and ideas and he said they would welcome Council's input.

Member Gatt thought it was a wonderful idea.

**CM-08-01-02 Moved by Gatt, seconded by Margolis; CARRIED UNANIMOUSLY:
To approve syllabus for in service training with the dates Council
Members received in their packets.**

MATTERS FOR COUNCIL ACTION – Part I

- 1. Consideration of Zoning Map Amendment 18.676 with Planned Rezoning Overlay (PRO) SP07-33A from the applicant, Lakeside Oakland Development, to rezone property located south of Twelve Mile Road, west of Wixom Road from I-1, Light Industrial, R-1, One-Family Residential and RA, Residential Acreage to RM-2, High-Density, Mid-Rise, Multiple-Family Residential, or some lesser residential designation, and favorable consideration of the PRO Concept Plan. The subject property is 115.89 acres.**

Matt Quinn was present representing the applicant. Mr. Quinn introduced Mr. and Mrs. Frank Pellerito, the owner's of the property, Mike Dewan and Ed Turik, the developers of St. Catherine, and some Sisters representing the Dominican Sisters of Mary, Mother of the Eucharist, Father Richard Elmer from Catholic Central. Mr. Quinn also advised Council of who would be on their consultant team.

Mr. Quinn advised Council about the surrounding property and what the use of the properties was at present. He explained what the high school would be like and said it would educate up to 750 young girls. He introduced Father Elmer who introduced Sister Augustan, the designated principal of the ten Sisters who would come to staff the school, and spoke about the mission of the school. Mr. Dewan, developer, spoke about what would go on in the Resource Center, which was to allow people to come in and bring their questions and ideas. Mr. Quinn stated the facility would also be used by the senior citizens, the Parks and Recreation program, public community associations and Boy Scouts and Girl Scouts for a nominal fee for janitorial and utility costs. Mr. Pellerito's B-2 property would also benefit to the maximum as a tax base for the City. There would be 70% of open space; Twelve Mile Road was proposed to be paved along with sidewalk use on the south side and the storm water drainage improvements. He said traffic for the site would not be a major impact for anywhere in Novi. Mr. Quinn said the major access to the high school would be off of Twelve Mile Road and because of the Wixom Road Interchange the area would be improved 100%. They believed having another cultural institution would be a benefit to the City.

Tom Ryan, attorney for St. Catherine, said the Planning Commission had endorsed the project but there were issues they were still dealing with. Mr. Ryan explained the issues to Council regarding 1) going from an R-A to an R-1 density, 2) Using an RT, Transitional Zoning, to buffer the residential zoning to the west. He said negotiations and cooperation would be needed to bring this project to fruition as it was R-A or R-1 on the map but it shouldn't be and Transitional Zoning was needed. He hoped Council would consider that. The Pellerito's were asking for R-M Zoning so this would work for them. Mr. Ryan asked Council to use the Transitional Zoning, allow the R-M zoning with a PRO and the controls the City would have, so this concept could become a reality.

Mr. Quinn thought the R-M 2 zoning, for the school property only, did no harm to the City because it was protected with the PRO contract and could make this an economic reality. He said without the R-M 2 zoning the project would be a financial impossibility and would not happen. He said the project was unique and would not set precedence.

Mr. Quinn said they would ask for 3.6 units per acre on their residential portion and that the property be rezoned to RT, duplex zoning, which was 4.8 units per acre. Another option that

the Master Plan Consultants came up with was to split the use with 3.3 units per acre on the north and 4.4 units on the south, which would give them more than what they the 3.6 units they were asking for.

Barbara McBeth said the project was about 116 acres and the applicant was proposing to rezone all or portions of the site from Light Industrial, Residential Acreage and R-1. She showed the proposed plan which entailed the Nicoleena Estates, the Catholic girls' school and the St. Catherine of Siena, the associated convent and the Catholic Educational Research Center, which was the portion proposed to be rezoned to R-M 2. The west end of the site they were proposing to rezone to RT. On November 28th the Planning Commission made a recommendation to rezone the property with the PRO to R-4 with 3.3 units per acre, and they recommended a deviation from the PRO be allowed to allow the duplex style development on the west part of the site. Ms. McBeth said the proposed density of Nicoleena Estates was presently 3.6 units per acre and the applicant would have to reduce the number of units by about 18 units to obtain 3.3 units per acre, which were 18 units less than the 230 that were shown on the plan.

On December 12th the Planning Commission completed their study of the Master Plan for Land Use. She said the western part of the site was shown at 3.3 units to the acre and the approval was for educational facility for the east side of the site. The final recommendation of the Planning Commission was for 3.3 units per acre and this option was consistent with the Planning Commission recommendation that was made two weeks prior to that. She said the Community Development Department suggested that Council consider one of four options. 1) the applicant's original request for the RM-2 maintaining the current proposed density of 3.6 units per acre. She noted that under the RM-2 there could be up to 20 units of two bedroom units per acre and that was their recommendation. 2) Staff's proposal for RT or any lesser single family residential designation as it was consistent with the duplex nature of the western part of the project and with the RT District which allowed a maximum of 4.8 units to the acre. 3) The Planning Commission's recommendation for R-4 with the necessary ordinance deviations and revising the concept plan to accommodate the maximum density of 3.3 units per acre to the acre, which was consistent with the recently approved Master Plan study density for that area unanimously endorsed by the Planning Commission. 4) The applicant's revised request as presented on December 19th which included rezoning of the 51.89 acres to RM-2 for the property to be developed with St. Catherine's of Siena and rezoning the remaining 64 acres to RT for the property to be developed with Nicoleena Estates with the necessary provisions of the PRO Overlay.

Mayor Pro Tem Capello said he had no problem with the developer's revised option #4. The RT was a higher density than the Planning Commission wanted, .but he thought 27 units per acre wasn't that great of an increase in the density given what the City would receive in return. He said not only was the City getting in return the girls Catholic high school but would also be getting the entire property that the high school would be built on that was not being developed as residential at all. So, the City would be getting the benefit of not having any density, except for the convent, on that entire piece of property, which he thought was a plus, because this had been a problematic area in the City. He said there was going to be a PRO so to him the zoning and the density on the property where the high school was to be located didn't matter. He said it didn't matter what it was rezoned to or what the density was because they knew with the PRO they would be guaranteed the density would be no more than just the Sisters living in the convent. He said he didn't understand the Planning Commission's logic wanting to keep

that as R-4 after they had already agreed it should be used for educational purposes. He said there was no detriment to the City whether it was RM-2 or R-4. The benefit to the Dominicans if it was RM-2, was possibly \$3 or \$4 million dollars of additional funds coming into the school to help not only build the school but to maintain payments and operating expenses for the first few years until the school could get on its feet. Mayor Pro Tem Capello couldn't understand why they wouldn't want money not taken out of the City's taxpayers dollars; give the school \$4 to \$5 million dollars to operate on with no detriment to the City whatsoever. He couldn't understand why they wouldn't do that. He understood the RM-2 zoning was inconsistent with any other zoning but with the PRO they were not going to have that zoning in place insofar as determining density. He said he didn't have a problem with duplexes whether RT or R-4 with the PRO provision for duplexes 18 units would not make or break it. The real question was whether or not the school property would get RM-2 rezoning. He thought if there was a problem rezoning to RM-2, after the project was over and funding in place, any harm in them coming back and asking for it to be changed back to R-4, if it looked better in the Master Plan.

Member Gatt concurred with Mayor Pro Tem Capello. However, he thought he understood why they wouldn't do this, and that was because the Master Plan and the new Master Plan that was coming out didn't recommend the RM-2 zoning. He said it would be covered by a PRO and he didn't believe it would set a precedent to any other developer down the line. Member Gatt said, as Mr. Quinn said, they needed it for the money, and with the higher density zoning they would be able to borrow more money and have it appraised higher, which they would use for the school. Member Gatt said Novi had the best co-ed school in Michigan, and then Catholic Central came in and was the very best all boys school that anyone could ask for. He said now they were proposing what he believed to be the very best all girls school and all in the City of Novi. He said these schools would increase the property values and the quality of life in Novi. He said he was fully in support of this endeavor and understood both sides and would lean toward the school's side more because the benefit to the City was black and white.

Member Crawford commented that she, as a new Council member, had met with Mr. Quinn and Planning Commissioners over the last four days and talked about it. She said she was very much in favor of the project and thought it would be a wonderful thing to have another educational venue in Novi. She loved the idea of having community involvement where the community would be invited to the campus to use it. However, there was time invested in the recent Master Plan study and she had wrestled with this but concurred with Mayor Pro Tem Capello and was very much in favor of the project.

Member Margolis also thought they would get an approval; the question was what kind of an approval. She said she absolutely supported the school and thought it would be a wonderful addition to the community. She said her issue was the idea of her position and job to set policy for this City, and with such strong discussion and emotional appeals about the importance of the school to the City, it was easy to lose sight of their responsibility to look at things with an objective eye. Member Margolis said one of their responsibilities was to follow the Master Plan. She said she had no problem with the R-4 designation but would not be able to support a rezoning to the RT or the R-M 2 at this point.

Member Mutch had concerns about the off site wetlands on the commercial property to the east. He asked if staff or consultants been able to quantify the impact of the wetland impacts and were they covered under the Wetland Permit process. Ms. McBeth said this was a concept plan at this point and she asked Dr. John Freeland from ECT to comment.

Mr. Freeland said on this stage of their review they had done wetland boundary verification but had not done a final regulatory determination. He recommended to the applicant that they submit an application to the MDEQ to see what they would or wouldn't regulate. He said they didn't want to do their final determination and determine a wetland might be non-essential and then have the MDEQ decide to regulate it. He said any wetland that was MDEQ regulated would also automatically be City regulated. He said now they were calling for impacts of approximately 4 ½ acres of wetland and proposing a little over 6 acres of wetland mitigation. He believed there was a total of 5 proposed wetland mitigation areas to compensate for the proposed impacts. Mr. Freeland said the highest quality wetlands were forested wetland or forested emergent open water wetland complexes that had high quality values in terms of wildlife habitat, water retention, stormwater storage, etc. He said they were concerned about the proposal to discharge water into a wetland adjacent to Knightsbridge Gate. He said it was a forested wetland and covered by a conservation easement. He said they had discharged stormwater into areas covered under conservation easements before but in this case he was concerned about putting a lot of water into a forested wetland that was on the east side of Napier Road in Knightsbridge Gate. They went out to look at culverts on Napier Road and it appeared that they were blocked from years of not having any maintenance, and if those blockages weren't dealt with there would be additional water building up in the forested wetland next to Napier Road. He said they didn't know who was responsible for those culverts, but suggested they take care of them to prevent damage to a very quality forested wetland.

Member Mutch said Mr. Freeland had raised the issue that the offsite stormwater conveyance into that wetland could lead to a tree die off from water saturation. He asked if that was west between Knightsbridge and Napier Road. Mr. Freeland said correct, it was on the west side of Nicoleena Estates. Member Mutch said Mr. Quinn said they were going to mitigate the wetlands that would be filled on the commercial property to the east on the site, and Mr. Freeland had noted in his letter that there had not been any determination by MDEQ or the City about essentiality or whether the wetlands were regulated or not. Mr. Freeland agreed and said it was typically done at the preliminary site plan stage and they thought there might be some very small wetlands that weren't regulated. He said 4 ½ acres of impact was probably a good number to think about tonight. Member Mutch asked if he had the formula of how they got to the mitigation number. Mr. Freeland responded he thought the formula was 1 ½ to 1 replacement ratio with the assumption that a few of the wetlands would not be regulated. Member Mutch asked what his view was on their concept of the wetland mitigation and how it would work. Mr. Freeland responded that they thought it was approvable depending on the details of the wetland mitigation plan, which had to be developed.

Member Mutch asked if the wetland permit approval process would be done at the Planning Commission level or would it be done by City Council. Mr. Schultz stated it would be a part of the overall approval, and what was going to happen with the wetland would be addressed in the PRO agreement. Then site plan approval at the Planning Commission level. Member Mutch asked if the wetland permit approval for the off site wetlands would be included in any wetland permit approval for development of these properties, or would it take place when Mr. Pellerito developed the commercial portion. Mr. Schultz said, at this point, they would expect that there would be an approval and permitting for that entire process. Member Mutch asked if language to that affect would be included in the PRO agreement. Mr. Schultz said if that was part of Council's understanding they would make that clear in the agreement. Member Mutch

asked Mr. Quinn if it was his expectation that the PRO agreement would include addressing the off site wetlands. Mr. Quinn said it was, and in their proposed Phase I included all wetland mitigation programs. Member Mutch said the permit would include the off site wetlands as well, and Mr. Quinn said yes. Member Mutch said Mr. Quinn talked about intrusion into a couple of the woodland areas in the Nicoleena Estates portion of the property, and he asked Ms. McBeth what staff's evaluation of the quality of the woodlands was. Ms. McBeth said Mr. Freeland worked with the City on woodlands as well. Mr. Freeland said the woodlands were fairly mature hardwoods common to the City. They contained some Hickory, Ash, Elm, Maples and Red Oak primarily. Member Mutch asked what the quality was of the woodlands in the area of the western pocket where the cul-de-sac came down and went into the existing woodlands. Mr. Freeland responded it was generally good quality.

Member Mutch said there were questions from staff about sanitary sewer capacity downstream from the site and questions about how the sewage would be conveyed from these developments to the existing sanitary sewer system. He asked if they had been able to determine capacity downstream and what kind of facilities would be put in place, in terms of pump stations, to get the sewage from the site into the existing system. Ms. McBeth read from their letter "the project is within the Lanny's Sanitary Sewer District and we are currently undertaking a project to increase the capacity within that district with the addition of a diversion chamber, pumping system and bypass force main along Beck Road and I-96". She said that was based on the Master Plan for Land Use in 2004. She said they went on to talk about the site "the topography of the site the sanitary flow could be discharged easterly or westerly from the site. Any flow that was discharged from the west impacts three existing pump stations, the Knightsbridge Gate, the Napier Road and Wixom Road, along with the proposed Lanny's bypass pump station. A flow to the east would impact only the Lanny's bypass pump station. Therefore the Engineering Division supports the applicants plan to construct a new pump station to direct all sanitary flows to the east. Engineering can estimate, based on information provided in the PRO concept plan, that would result in an increased peak sanitary sewer discharge of .25 cubic feet per second over the anticipated flows assuming that a warehouse might have been developed in the Light Industrial District or a decrease of .1 CFS in flow assuming a factory was used in the I-1 District". She said they were saying it would require the applicant to provide sanitary basis and design, and the applicant would be required to study the existing capacity downstream. It would typically take place at the time of site plan.

Member Mutch asked at what point they would know whether there was an issue with capacity downstream. Mr. Hayes said they should know that at the preliminary site plan phase when they give them their initial calculations. Member Mutch said whose responsibility would it be to make improvements if an issue occurred with capacity, either at the pump station or in the lines, to accommodate it. Mr. Hayes said by virtue of their recommendation of directing all flow to the east to the new lift station on Beck Road that capacity condition should be ameliorated. Member Mutch asked if they would be putting in their own pump station and he assumed that would become the City's responsibility to maintain. Mr. Hayes said he was correct. Member Mutch said this would also be the most current design with backup generators, and Mr. Hayes agreed. Member Mutch assumed it would be covered by any agreements the City drafted and Mr. Hayes agreed.

Member Mutch commented he had no issues with the school site itself. The environmental impacts, the roadways, fields, etc., with the school itself were fairly limited. Member Mutch

said the concerns he had with the site plan as presented were with the impacts in the Nicoleena Estates area. He thought they had a blank slate to create a development that met the needs of the applicant and also addressed the City's environmental standards. He said when he saw a design that had some impacts to the good quality woodlands, and the questions about the wetland impacts, to him it meant they had some more work to do. The development team for the project needed to make changes to the site plan to address those environmental impacts. His concern with these parallel projects was once they were approved by Council they went back through the process, and he thought the perception by staff and the Planning Commission was that Council saw this and signed off on the plan so they must be OK with it. Member Mutch wanted them to know if this did go forward, there was more work to be done. This was not the final plan and it was not the intent of the PRO Ordinance or process to rubber stamp what had been presented before Council. Member Mutch thought they should address the issue of sewer capacity and water pressure, also the question of street connections to the vacant parcel between Nicoleena Estates and St. Catherine School. He didn't see anything that would permit a connection to the vacant land, and he didn't want to end up with the 20 acre parcel Mr. Quinn highlighted, being not developable in a quality way or a future dispute about access. He wanted to see some provision or understanding in the site plan that highlighted how these two properties could co-exist and be developed. He said the access drive would be a logical place to have at least one point of connection but if that wasn't spelled out more often than not it doesn't happen. He said he would be looking for the applicant to work with Catholic Central to better work out the pedestrian access between the properties, and even to the commercial section to the east.

Member Mutch said the school and the Catholic Education Resource Center were unique public benefits to the community. He thought a lot of the benefits presented really flowed more to the applicant's and the Pellerito's. He commented he wasn't impressed with the PRO Ordinance as a vehicle to bring forth projects that he saw equitable benefit to the public and the private sector. Member Mutch understood the needs of the applicant but that raised the two core issues he was struggling with. One was the Master Plan, which was not officially approved, and they were talking about making some deviations regarding density. Member Mutch said while each site was unique, when deviations were made it did create a precedent, and that was a concern. He was also concerned with using the PRO Ordinance as a vehicle to finance the project. He understood the economic and the obstacles the Sisters faced creating a school from scratch, they didn't have the alumni base that Catholic Central had, and they were depending on the Pelleritos being able to do the creative financing. But, that was not the responsibility of the City of Novi to make that happen. He said a PRO was a zoning tool; it was not a financial tool or some other tool that the City would have more leeway with. He was concerned that if they opened the door with this project, as good and as beneficial it might be for the City, long term what would be the impact of that. He asked how many other proposals would come forward that might not be as beneficial or have the same benefits. Member Mutch said he would not support the rezoning because of that. He thought the rest of the issue could be addressed.

Member Staudt said he walked the property and liked what he saw and what he was thinking about this. He saw this as a future opportunity for potential employees of Providence to locate close to their workplace. He said relative to the woodland and environmental issues, he agreed with Member Mutch that this was a less than complete project at this point. He said Mr. Quinn addressed his issues regarding the documentation of the usage of facilities, which he felt was an important element. He was happy to hear him offer the written documentation.

He said he would lean toward staff option 3. He thought this was an extremely complicated situation and he had given it much thought and thought they would have an interesting struggle dealing with this. Mr. Staudt was happy to see a girls Catholic High School and this was a great opportunity for our City to add another crown jewel to it.

Mayor Landry said he was in favor of the project, and thought that St. Catherine would benefit the City. He wasn't concerned about the traffic, thought the stormwater issues could be worked out, and the PRO requirements were met with the paving of Twelve Mile with respect to benefits to the City. However, he said he was concerned about the underlying zoning. He said it was his responsibility to protect the integrity of the City's Master Plan and the City's zoning plan. He said he understood the economic realities to the extent that in order for Mr. Pellerito to donate the property he had to see an economic gain, and in order for him to see an economic gain he needed increased density on the parcel he was retaining to the west. It was currently zoned R-A, which was .8 units per acre and R-1, which was 1.6 units per acre. Mayor Landry said what was being proposed, RT for Nicoleena Estates, was 3.6 units that quadrupled the density in R-A and doubled the density in R-1. He said R-M 2 would provide for between 15 and 31 dwelling units per acre depending on one bedroom or three bedroom apartments in high rise apartments. Mayor Landry stated he could not agree to RM-2. He said this was not the only religious or educational institution that was in the planning stages in the City. He said others were coming forward, and what he couldn't do was arbitrarily designate a zoning category for an area to give it the highest market value when it had nothing to do with the actual use that was going to happen on the property. He understood about the PRO and that they were going to guarantee it was an educational institution, but he could not utilize the Master Plan and Zoning Ordinance when they knew it would have nothing to do with the use that was there. Mayor Landry thought the Planning Commission hit the nail right on the head. The Planning Commission recommended R-4 for the entire property, which allowed 3.3 dwelling units per acre. He said that would give Mr. Pellerito the density he needed and was within 15 units, and he agreed with Mayor Pro Tem Capello that 15 units would not make or break that project. Mayor Landry said he wouldn't build on it for 10 years; he would not build on it but would sell it. He said 3.3 dwelling units per acre would give Mr. Pellerito what he needed for this project. Mayor Landry said he would be in favor of R-4 with a PRO to allow the school; he would also allow the duplexes on Mr. Pellerito's portion of the property but he could not agree to RM-2. Mayor Landry said they just spent a lot of time and money looking at the Master Plan, and had hired consultants to advise them on the Master Plan. He said the whole reason was to maintain the integrity of the Master Plan. He said they had to update the plan and it had to be fresh, if they were going to utilize it in the future. Mayor Landry said they were just coming to a close with that exercise, and the Master Plan was going to reveal 3.3 dwelling units per acre, and he could not ignore that in the very first project that comes before Council. He didn't think it would be maintaining consistency and they could not look at another project and say they weren't consistent with the Master Plan because they would say Council just totally ignored it and gave them 30 dwelling units per acre and gave them a PRO on top of it. He said he just could not agree to that. Mayor Landry said he was willing to bend and increase the density to allow Mr. Pellerito to get what he needed to allow the project to go forward and he had no problems with the PRO or the duplexes. He could do that but could not just arbitrarily use the Zoning Ordinance.

Mayor Landry stated he would support a motion consistent with what the Planning Commission did, or he would consider any other motion that Council might have.

Mayor Pro Tem Capello said the property was zoned I-1 and B-2 and they were asking to go for the school property to an R-4, and asked if the property value would be higher as a Light Industrial and B-2 than an R-4 in today's market.

Mr. Quinn said the school was not allowed in the I-1 but was allowed in all residential areas. He said they were seeking RM-2. Mayor Pro Tem Capello said he thought private schools were allowed in Light Industrial. Mr. Schultz said no, they needed the R designation in order to get their school. Mr. Quinn said a for profit went into I-1 not a non-profit school.

Mr. Quinn said they had come in before the Master Plan update began, it was not adopted yet, and he said they still had the right to come in under the existing Master Plan. He said even the proposed Master Plan said that the R area for the school facility was designated as education facility and he wasn't aware that there was an underlying density. He said the only 3.3 was on their residential component. He said if it was just designated as educational facility with no density applicable to it then they were in compliance with the proposed Master Plan.

Ms. McBeth said Mr. Quinn was correct. She said the 3.3 units per acre were shown for the western part of the site, and this was recommended for institutional and there would be no density associated with that.

Mayor Pro Tem Capello commented that it appeared there would not be consensus on the RM-2 and there might be consensus on the R-4. He said he didn't want them to leave with something they couldn't deal with and asked if they tabled this, would it give them an opportunity to go back and readjust and come up with another alternative. He said it looked like the consensus tonight was that it would all go to R-4.

Mr. Quinn said all the financial analysis had been done on the RM-2 basis and it was a break even point at that with a little bit of reserve. He thought they needed to do some additional financial evaluation if it was not going to go there. He said they would not mind a table, but if it was tabled, they would like it on the agenda for the next available meeting.

**CM-08-01-04 Moved by Capello, seconded by Mutch; CARRIED UNANIMOUSLY:
To postpone the consideration of Zoning Map Amendment 18.676
with a PRO to the next available City Council meeting to give the
applicant an opportunity to go back and consider comments made
by Council members tonight and reconsider their request of the City.**

DISCUSSION

Member Gatt asked if it was designated "education facility" could RM-2 fit there.

Ms. McBeth said the Master Plan recommended the underlying land use. The zoning districts allow the uses that would be permitted there. So during the months of study with the Planning Commission and consultants bringing the residents in to discuss this as well, the recommendation was for residential uses with the educational component associated with it. She said for that reason they didn't usually have a designated density on the Master Plan for Land Use when the educational component was recommended. She said the RM-2 allowed the highest density residential development that was in the community. The RM-2 District

would allow an educational facility as it carried through all the residential districts. Member Gatt said the new Master Plan would designate the property as educational facility. Ms. McBeth said correct.

Member Mutch said the fact that the Master Plan designated that as educational facility and did not designate a density didn't mean it was a blank slate and any number they wanted could be used. The designation of educational facility recognized that it was essentially a residential land use but without density associated with it. He said they couldn't just use the zoning and Master Plan to craft it into whatever designation Council wanted to do. He thought if there was an understanding that there was going to be some density associated with it, that would be something the Planning Commission would have reviewed. He said he highly doubted that RM-2 would have been the density they would have placed on that property. He would support the table so the applicant had the opportunity to review whatever issue they had that they could address, and also based on the Council's comments. He thought they needed to keep a couple issues in mind, and one issue with the school property was there was a proposal for the convent. He said the convent was a residential use, so this discussion whether the school could go into I-1 or not, he thought they had to keep in mind there was some residential component with that. He said he was always open to creative ideas and suggestions but within limits. He agreed with Mayor Pro Tem Capello that they had existing zoning on portions of the property that would seem more valuable than a residential zoning, which might be something to look at, or ways to utilize Mr. Pellerito's B-3 property to benefit this development. There were definitely some complicating factors and he hoped two weeks would be enough time for the applicant to bring forward a solution that the majority of Council could support.

Mayor Landry stated he had no problem tabling this, if the applicant needed more time. However, he would not support RM-2 under any circumstances. He said oftentimes tables were used to prevail upon people and that was fine, but to be fair to the applicant he was open to options, but would not designate a zoning category that dense in this situation under any circumstances.

Roll call vote on CM-08-01-04

**Yeas: Gatt, Margolis, Mutch, Staudt, Landry,
Capello, Crawford**

Nays: None

2. Adoption of the 2008 Economic Development recommendations as outlined in the attached report dated December 7, 2007.

Mr. Pearson said if Council saw fit to adopt the policy they would start to implement it and bring back a series of recommendations.

Mr. Topouzian said the report before Council addressed the goals, objectives and implementation strategies for 2007, which was adopted in December 2006 and also 2008 and beyond. The first part of the report addressed each strategy line item by line item, and 2008 considered where to go from here. He said there were items pertaining to attraction and retention and discussion regarding the EDC as well. Mr. Topouzian said Novi had such pride

as far as the business community went and it seemed to continue. He said they had done over 150 retention calls, and in talking to the business community the underlying theme was that they were happy to be a business in Novi and they were doing well.

Member Staudt said having been recently a member of the EDC he had some insight into that body. He thought they were making good headway until they hired the full time director. At that time, he thought the group kind of sat back and waited for direction and the more they waited the less they got done. He thought the rules that the EDC were formed under were unduly restrictive. It was created for a purpose that was really not for the intention of the group as it had been moving forward in the past couple of years. He said he would like to see that organization and its responsibilities re-evaluated, and that other alternatives be considered for volunteer members working on economic development. One of the areas they thought was an area of interest was a corridor, which they called the I-96 corridor. He said there were some very good people on the EDC and there were a lot of executives in this community who he thought, if asked, would be interested in working in a volunteer group. Member Staudt said he knew there were some responsibilities of the EDC to see the bond through but thought those things could easily be accomplished under another body of some type. He suggested that they look at the EDC, re-evaluate it, come up with some new alternatives and start over with something that had rules and responsibilities and goals that were set by Council and not an arbitrary State law that was long outdated. Member Staudt said he enjoyed working with Mr. Topouzian and he had done a very good job, and he has had a very good effect. He said Ms. Uglow had done a very nice job working with businesses and he thought they were making great headway and it was a good decision to hire somebody. Member Staudt said he would like to see Council adopt the goals with the idea that they were going to do something with the EDC and volunteer groups.

Member Margolis said it was great to see this moving forward and commended Mr. Topouzian and his department and thought they had done excellent work in this area, as have all the departments in the City. She said they look to his area to take the lead. However, the reality was that the Building Department, Planning Department, Police and Fire Departments really had a piece of economic development. She commended everyone for making this a focus for the community and thought it was needed for a long time. The work on business attraction was excellent and the large projects that had been completed and were ongoing such as ITC, Nordstrom, the mall, Providence were huge along with other projects.

Member Margolis said they received a report on the reduction in the planning review cycle and it was within the goals they had set and she commended Mr. Topouzian for that. She said she had not seen the same thing for the Building review time and she would like to see that same kind of tracking there. She said in the report there was a piece about internal development and the negative perception of doing business in Novi. She thought it was important to see what specifically they were going to do in that area as they went on to develop plans. She said she had talked with Linda Blair from ITC who said it had been a great process and that they were so happy with how things had gone. She said they had a 10 year SEV evaluation on how the market value had changed. She thought it would be a great way to measure economic development, if they could look at the taxable value by category year to year. If they were doing a good job in economic development, she said she would like to see that the industrial and business categories were increasing as a percentage. Member Margolis thought they needed to play up what this community was all about. She thought people still saw Novi

as a bedroom community and she didn't think they crowded enough about the kind of development Novi had and she would like to see that incorporated into the marketing strategy. Lastly, she agreed with the previous speaker about the EDC and agreed with the recommendations. The advisory board was perfect and Novi had some high profile corporate citizens who she thought would be willing to serve on something like that.

**CM-08-01-05 Moved by Margolis, seconded by Staudt; CARRIED UNANIMOUSLY:
To adopt the 2008 Economic Development recommendations as
outlined in the report dated December 7, 2007 and including Council
comments and direction for City Attorney to look into winding down
the EDC responsibilities.**

DISCUSSION

Member Gatt said they had completed a lot of projects in the last year or two and he thanked Mr. Topouzian and City staff for their hard work. He asked what the future held and what big projects were on the horizon.

Mr. Topouzian said as he had heard from a number of economic developers was that we have the privilege of saying "you just never know what it would be". He thought they were careful about how they did development and used the tools they could and that differentiated Novi from another City. He thought Novi had another 5 to 7 more years to be developed out, and after that they might have to look at other economic development tools to re-develop, green building, and brown fields had also been talked about. It was hard to predict exactly which direction they would go because Novi was still under the confines of a State that was a one State recession, however as a City, Novi was still doing fairly well. He thought they should continue to push forward and thought Novi's attraction tools gave them a lot of flexibility as far as where they intended to go.

Member Gatt asked if the motion incorporated Member Staudt's comments. Mayor Landry said yes.

Mayor Pro Tem Capello said he would support the motion, and that Mr. Topouzian had been a great addition to the City, and that a lot of the issues that would assist him in performing his job were not under his control. He said it was Council's responsibility to get the other departments up to speed to give him the tools needed to work with. He said they were trying to retain existing businesses and also needed to help those developments that might not be up to par and might be Class B projects to bring tenants in. He commented that a high percentage of people of the City complained about how long it took and how difficult it was. Mayor Pro Tem Capello didn't think it was Mr. Topouzian's fault or a particular department's fault. He thought they needed to take a good look at the ordinances to see if they needed to be updated, to become more flexible to make it more workable.

Member Mutch echoed the previous Council members regarding the work that Mr. Topouzian had done. He said when Council discussed creating the position Mr. Topouzian held, there wasn't unanimous support. However, he thought through Mr. Topouzian and his department's work, and because of the fact that once Council and Administration decided that was the direction they were going to go, got behind that direction and had really demonstrated the wisdom of making that decision. He thought the real payoff had been for the business

community and the work Mr. Topouzian had done on their behalf. Member Mutch said overall he was pleased with the recommendations that Mr. Topouzian was making. He said one of the areas he felt there was more movement for was leveraging information technology to allow businesses, existing or prospective, to do more of their work on line. He said that was not a stated goal in the report but expected, during budget time, Council would see more action towards and a request for more resources to that end. Member Mutch thought they could play a greater role in identifying where the infrastructure needs were in the community. He said one of the things he heard from people who worked in the City, but were not residents was the challenges they had getting from their home through Novi to their place of business. He said in addition to the I-96 study that Mr. Topouzian identified, he thought areas like the M-5 corridor and the road leading to it, the Twelve Mile corridor especially east and west of the mall, were areas that he didn't feel were given enough attention. He commented he would like to see them look at how infrastructure improvements in those areas could create opportunities for businesses. He thought Busch's was a good example where they had known that more tools needed to be put in place to allow businesses and property owners to re-develop those properties. He said, especially on the east side of the City, there's a lot of need among the residents for retail opportunities that were not always met because of its age and the upgrading needed for older structures and sometimes the financials didn't work out for those property owners. Regarding the EDC replacement, an advisory group of 4 members or less, he asked how they saw that, and asked if it would be an overarching group and then from that, they would have a broader group of participants. Member Mutch said he didn't think they could fully capture what the business community had to offer if they only had a handful of people sitting at the table.

Mr. Topouzian said they had not fully flushed it out yet, but it would be more of an ad hoc group depending on the project. Member Mutch felt it was important to reach out to all segments of the business community. He said Novi had everything from Mom and Pop stores to national and international companies and a lot of resources. He said they wanted to be sure to capture all those concerns and needs because everybody, in some way, was contributing to the community. He said they definitely didn't want anyone to feel like they weren't important because everybody was important to the long term health of this community. He said he would support the goals.

Member Crawford said she was a fan of economic development. She said for years people didn't think of the businesses as residents who were an important part of the City. She said, whether they lived here or not, they had a business in Novi that was vital to Novi's economic health. She commented she had talked to many of the business people in both small and large businesses who said they felt a new energy, and she knew that Mr. Topouzian's department was doing it.

Mayor Landry echoed the comments of Member Crawford.

Member Staudt asked if it would be appropriate for Council to ask the City Attorney to look into the alternatives for winding down the responsibilities of the current EDC, and could that be added to the motion.

Mayor Landry commented his understanding was that was already in this motion and was part of the recommendation. Mr. Pearson said if adopted there would be an element that they would work with the City Attorney on how they would do that. Mayor Landry said that was just

the recommendation to wind it down. There was no specific recommendation on the table as to what to replace it with. The Administration would come back to Council with several options.

Mr. Pearson commented Ms. Uglow could not be present but was obviously a big part of the success of the last year. He said she was in San Antonio at a conference to learn some new tools. He commented he was very proud of the way it had worked out with not only Mr. Topouzian but also the division with Ms. Uglow's work on small business. Mr. Pearson said it was not just one or two peoples goals as Council members had said, and if that could be carried forward and the story told and bragging when out and about about things going on in Novi and that economic development was what was paying the bills so everyone needed to take that under their wing. Mr. Pearson said if a discussion on re-development was forthcoming, one of the first things he would do would be to say what was their latitude. He said frankly, he didn't know if there was a ton of things that they had discretion about changing, when talking about ordinances. The State accessibility rules, ADA, when talking about retro fits, there were no options towards doing those when a certain level of investments were made that that had to be done. He said there would always be the push/pull where a quality development and upgrades were desired for stormwater, lighting, signage, etc. These things all cost money and the opportunity to do those things was when there were re-development projects. Mr. Pearson commented he wasn't saying they had to be iron fisted about it meeting every letter, but by the same token they had to be realistic and recognize that there would be things they would have to struggle with in the economics of those projects. He thought what was on the agenda tonight there was one area where they could make some changes in the ordinance that didn't make sense to require that level of detail with every single project.

Roll call vote on CM-08-01-05 **Yeas: Margolis, Mutch, Staudt, Landry, Capello, Crawford, Gatt**
Nays: None

Mayor Pro Tem Capello thought the City should take a look at the existing ordinances and how they relate with zoning and with the building code to see if there was some flexibility that could be created to make the process smoother and easier.

CM-08-01-06 **Moved by Capello, seconded by Staudt; CARRIED UNANIMOUSLY:**
To send to Ordinance Review Committee a study of current ordinances and Construction Code to see if there were any areas that could be Improved upon.

DISCUSSION

Member Margolis said this was to the Ordinance Review Committee and not to Administration, correct. Mayor Pro Tem Capello said yes, and from there they would decide where they wanted to go, and they would do some work with Administration and find out what direction they wanted to go.

Roll call vote on CM-08-01-06 **Yeas: Mutch, Staudt, Landry, Capello, Crawford, Gatt, Margolis**
Nays: None

3. Consideration of request from Etkin White Novi, LLC, doing business as The Hilton Garden Inn, 27355 Cabaret Drive, Novi, for a new quota Hotel B liquor license.

John Carlin was present on behalf of the applicant, and said this was a new 148 room Hilton Garden Inn that was being constructed on Cabaret Drive west of Fountain Walk. He said it would be a full service restaurant with breakfast, lunch and dinner in the hotel and would have two meeting rooms. Mr. Carlin said 50% of this would be owned by White Lodging who would also be the manager of the hotel. He said they were currently managing 8 hotels in Michigan and they had an outstanding record. The remaining investors were part of the Etkin Group who were known in the City, Oakland County, the State and nationally in hotels and commercial office buildings. Mr. Carlin said they were asking for a Quota License and they would upgrade to a B hotel with the various permits to allow for the meeting rooms, etc. He said they addressed the needs in the ordinance and the first priority was a hotel, which this would be. He said the hotel was badly needed because of the growth in this area, especially with the success of the Rock Financial Center. They thought it would be a great use of one of the licenses, it fit the ordinance and it was a complement to the community.

Member Crawford welcomed them to Novi but felt it was still not following what Council had hoped for the licensing. She said they asked that the facility have a minimum of 250 rooms as well as a number of meeting rooms, and with just three licenses they were looking for something larger and more unique. She said she could not support giving this license to them.

Mayor Pro Tem Capello concurred with Member Crawford, and commented this was always difficult but they didn't really comply with the requirements of the ordinance in any respect whatsoever. He said if there were a hotel on the Rock Financial site and bringing in that type of conference business to the City, he could see that as something Council would be looking forward to. He thought their menu was typical and nothing was unique or outstanding about the menu. He welcomed them to Novi.

Member Gatt also welcomed them to Novi and said Novi would continue to grow and provide their business with great profits. However, the three Quota Licenses were reserved for a very unique concept and he felt they had treated everyone the same, they had to meet the ordinance and he didn't believe that this facility would.

**CM-08-01-07 Moved by Gatt, seconded by Margolis; CARRIED UNANIMOUSLY:
To deny the request for a liquor license for Etkin White Novi, LLC,
doing business as The Hilton Garden Inn, 27355 Cabaret Drive, Novi,
for a new quota Hotel B liquor license, because it did not meet Article
2, Section 3.14(4) of the ordinance in that it was not a unique facility.
the length of time the applicant had conducted business in the
Community did not meeting ordinance, and the facility did not
provide a service or function not presently available to the general
public residing in the community. Also, the standards that were in
the ordinance for the granting of new licenses, hotel with 250 rooms
and 150 walk in diners, had not been shown on the record.**

DISCUSSION

Member Mutch said he would support the motion as stated but not for the reasons of the previous speakers. He commented he had previously stated before applicants that he would be looking for projects that supported the development in Fountain Walk and Main Street. He said he would acknowledge that was the case with this project. Member Mutch commented, regarding Rock Financial, that he did not think hotels had to be on site to support that facility and its use. However, the other speakers did highlight areas that did not meet the standards or did not stand out from other projects. Member Mutch said he saw these licenses as economic development tools and businesses that would be using the licenses, he would want them to be utilizing them for those businesses that were primarily focused on or a key component of the activity was the alcohol sales. Member Mutch said that was not the case in terms of this business, and he felt liquor licenses needed to be geared toward those businesses that would fully maximize the license use.

Mr. Schultz said because this was a hotel and hotels were specifically mentioned in the provision that dealt with issuance of new licenses, he thought it would be appropriate for the motion to make reference to the fact that the standards that were in there for the granting of new licenses, hotel with 250 rooms and 150 walk in diners, had not been shown on the record.

The maker and seconder of the motion accepted Mr. Schultz's language.

Roll Call vote on CM-08-01-07

**Yeas: Staudt, Landry, Capello, Crawford, Gatt,
Margolis, Mutch**
Nays: None

4. Consideration of Zoning Ordinance Text Amendment 18.221, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance, to modify various sections throughout the ordinance relating to the application of Section 2519.10.c, Special Land Use approvals, modifying the standards, application and requirements for submittal of a noise analysis currently required with consideration of Special Land Use approvals. First Reading

Ms. McBeth said the Zoning Ordinance currently required a noise analysis to be provided with any special land use request. She said her staff looked at that and made a determination that there could possibly be three different categories for the special land use requirements. The first category would be those uses that would not require any type of noise analysis. The second group would be those that required a noise impact statement, somewhat less than a noise analysis. The third group would continue to require a noise analysis with the submittal of a special land use. She said the noise impact statement was being introduced as a way to collect information regarding noise impacts without the full scale noise analysis. It would be prepared by a design professional such as a project engineer, architect or whoever was bringing the plans in for review. Ms. McBeth said that would include information such as a description of the proposed use and the expected noise emissions, the hours of operations of the use, any proposed noise abatement measures and manufacturing specifications on all internal and external equipment that generated noise. They also wanted to know too, at the Public Hearing in front of the Planning Commission where they recommended favorable consideration of this, there was discussion about the design professional and the qualifications of that person. She said staff explained that they anticipated the design professional would be the engineer or the architect or whoever was bringing the plans in. Ms. McBeth commented that if Council wished before the second meeting, they could add a description of that into the

ordinance. She said consistent with the previous requirements they knew there were some uses they would continue to recommend. She said they anticipated that the amendment to the ordinance would benefit those people wishing to invest in the community while still providing a mechanism to insure compatibility between properties and they thought that for a number of reasons. Ms. McBeth said first, the noise analysis prepared by the professional sound engineers would be significantly reduced. She said the ordinance, as they've written it, still reserved the right by the Planning Commission and City Council or staff to request a noise analysis for any special land use. She said changes to the language would now allow the Planning Commission to waive the noise analysis requirements or noise impact statement requirements if there was a practical difficulty without being required to go before the ZBA for consideration. She said the Planning Commission would also have the authority to permit submission of the noise impact statement in lieu of the submission of a noise analysis.

Member Mutch had concerns about the current draft and one was the definition of the professional engineer because he thought that needed clarification regarding who would qualify to meet that definition. He thought having a definition would make it clear to applicants what was required in terms of the person who was making the analysis, and then insuring from the City's side that the person making the analysis was qualified to do so. The other concerns he had were along the lines of the letter that was presented to Council by Ms. Kocan, who previously served on the Planning Commission, was also instrumental in having the noise impact analysis brought into the ordinance as it currently stood. Member Mutch thought she made an important point and it underlined why they had the ordinance, and was one that Council members who were not familiar with how this came about needed to understand. He said when there were problems with noise from adjacent land uses impacting residential land uses, the genie's out of the bottle and can't be put back in, when those noises were present it became very difficult to then go back and redesign or retro fit the use to ameliorate the impact of the noise standards on the residential use or even getting a determination that it was or wasn't meeting the standards. Member Mutch said the purpose of having the developments go through this analysis was to insure that they were not creating a situation down the road where there are land uses within or adjacent to a residential district having a negative impact on neighborhoods in Novi. He said unfortunately that had happened in Novi and neighborhoods have had to suffer from the impact of unwanted, excessive noise and the goal of the changes to the ordinance was to try to address that with the goal first to always protect the residential neighborhood. He thought it was good to review the standards and find ways to not require or limit the amount of analysis needed to be done for some of the uses that were not abutting residential districts. He thought Ms. Kocan's point that when in or adjacent to a residential district, we need to err on the side of caution in protecting residential districts versus trying to make the path a little easier for an incoming development or re-development. He said the specific areas she felt had not been addressed were the Section 402 uses, which were special land uses within a residential district. He said currently the draft required that a noise impact statement for only utility and public service buildings, but there were a number of uses in that section of the ordinance that raise concern such as church facilities because sometimes the church was so large there could literally be semi trucks pulling up to the back door because they were putting on a production like a professional stage production, which was a potential for noise. He said there was also another concern, regarding church uses, of whether there could be a standard that would apply to one church use and not another church use. He commented that Mr. Schultz's law firm recently put on a presentation dealing with the Federal law that dealt with religious land uses and the care that municipalities had to take in insuring

that those uses were treated equally. If they were not treated equally, they could literally create a Federal case out of it. Some other uses of concern were the large day care centers that were permitted in the residential district and school uses could all potentially raise noise issues, and yet under this draft all of them have been excluded from having to provide even a limited noise impact study. He thought the recommendation that Ms. Kocan made was that those uses should be required to make a noise impact statement to insure that a negative noise impact from a use within a residential district would not be a problem. He said he would support that because he thought it made sense, in terms of the direction they needed to go.

Member Mutch said one of the uses excluded from a noise impact analysis was the mini lube oil change businesses, which he thought had previously been required to provide a noise analysis. Now, they were not required to provide any analysis, and he questioned that. He said he had talked with some of the residents on Novi Road across the street from Galway, where one of those businesses was near, and they said they had problems with the activity in that business and its impact on the residential area. He thought that use was very akin to a gas station, and there were some ways they could address the noise through the structure, but he wouldn't assume that was the case. Member Mutch said he would like to see those concerns addressed before approving a second reading.

Mayor Pro Tem Capello said he would approve the First Reading but would like to see a definition with a distinction between the noise impact statement and the noise analysis. He felt it was difficult to ascertain what the difference was between the two of them, and maybe identify which they could submit first, and if approved and Council wanted a higher standard the second could be submitted.

**CM-08-01-08 Moved by Capello, seconded by Crawford; CARRIED
UNANIMOUSLY: To approve Zoning Ordinance Text Amendment
18.221, to amend Ordinance No. 97-18 as amended, the City of Novi
Zoning Ordinance, to modify various sections throughout the
ordinance relating to the application of Section 2519.10.c, Special
Land Use approvals, modifying the standards, application and
requirements for submittal of a noise analysis currently required with
consideration of Special Land Use approvals, and a definition with
distinction between the noise impact statement and the noise
analysis. First Reading**

**Roll call vote on CM-08-01-08 Yeas: Landry, Capello, Crawford, Margolis,
Mutch, Staudt
Nays: None**

5. Approval to award vehicle bid to Halt Fire, Inc. for two fire apparatus: One Pierce Arrow XT Pumper for \$410,356 and one Medtec Ambulance model AD-170 (medium duty) for \$219,793.

**CM-08-01-09 Moved by Margolis, seconded by Mutch; MOTION FAILED:
To approve to award vehicle bid to Halt Fire, Inc. for one Pierce
Arrow XT Pumper for \$410,356.**

DISCUSSION

Mayor Pro Tem Capello said he had no problem with either the Pumper or the Medtec Ambulance. He said he knew that Mr. Pearson and Administration were doing some kind of study regarding medical units. He commented he wanted to look seriously at whether they wanted to keep the medical in house. He said he was, personally, not satisfied with the service that was being provided, and before spending \$220,000 he would like to wait another 90 days until the report came back from Administration, and then take another look at purchasing that particular unit.

Member Gatt asked what kind of study was being done and would they have any answers within 90 days. Mr. Pearson said what they had asked for was staffing work, in terms of long term. He said the Chief had talked about this piece of equipment and the multi purpose and primary uses, etc. and requested Chief Smith to speak about this before Council put off the acquisition of this vehicle based on what might or might not happen down the road. He didn't think it was as simple as being just an ambulance, but if it was then they needed to talk about that.

Chief Smith said this was a medium duty rescue, it would be licensed as a basic life support transporting unit, which meant it was capable of doing that should there be a hang up in the private ambulance company, or if the weather conditions were such that a bigger rig was needed for transport. He said it had that capability but that was not its first role, but it was larger than a normal ambulance. Chief Smith said its first role would be EMS response, and it would bring the fire department first responders to medical runs, and would take with them the equipment required on various medical runs. It would also have extrication equipment for car accidents. Mr. Pearson said it might make sense to defer this as part of the budget process as they could always reinstitute the order at a later time. However, he didn't know when they would have to re-bid this. Chief Smith thought they had 90 days on this. Mr. Pearson said they would be hard pressed to get something by then but it was not out of the question.

Member Gatt asked if the study was geared toward eliminating rescue with the Fire Department or enhancing it. What was the ultimate goal? Mr. Pearson said they had not gotten the exact scope of any of that. However, through the goal setting session there were ideas suggested, nothing completely new because it was always a question of how they balanced their contracted service, what was provided and they were constantly looking at how to make improvements on that. He said he wanted to find the scope of exactly what they were going to look at but on the other hand they would look at something during the budget process. He said he wouldn't have a problem holding off on that purchase. Member Gatt commented, based on the doubts he was hearing, he didn't want to go ahead and approve purchase of an item that could be agreed on during the budget process. He said he would support deleting that item from the motion.

Member Margolis asked what would be the downside or danger of waiting to buy this vehicle. She thought during goal setting there were a lot of ideas regarding how to deal with this issue of fire, rescue and medical, which was always an issue. However, she saw the planning of this as a long term process, and they had not come to a consensus as a Council to give direction to staff to "study that" at this point.

Chief Smith said the number one downside would probably be the change in price, if they went beyond the 90 day limit. He said beyond that there would be no other downside. Member Margolis asked what vehicle they were using for this type of work now. Chief Smith answered the vehicle that it would be replacing was currently housed at Station 1 and was a rescue vehicle without transporting capabilities. He said it would be there in case they needed it and not a primary objective of its use. Member Margolis said she didn't see the purpose in delaying this but could go along with it until the next budget cycle.

Member Gatt asked for a friendly amendment to delete the rescue vehicle portion of the motion. The amendment was accepted by the maker.

Member Staudt asked if they could receive the \$10,000 discount, if they didn't purchase both vehicles. Chief Smith responded they didn't have to buy both units at the same time to receive the \$10,000 difference.

Member Mutch asked if it would have any impact on any of the purchase agreements, if they didn't make the purchase at this time. Chief Smith said it would not. Member Mutch said in terms of the vehicle that was currently going out now, was this a vehicle that went out regularly on runs or was it a follow up vehicle. Chief Smith said it went out very regularly on a daily basis at all hours of the day. Member Mutch asked what kind of vehicle it was. Chief Smith said it was a rescue truck that had a selection of medical equipment on it, and initially it carried a lot of the specialized extrication and rescue tools. He said what they did on the new Engine 1 that they took delivery on this summer, was take those extrication tools and not only hooked them to power units on the new engine but also had them as portable so there was a multi functionality as far as the rescue tools that were on Rescue 1. He said a new Rescue 1 would be an air vehicle which the old Rescue 1 also was, and a vehicle capable of BLS transport and taking probably three people to a scene and all the associated medical equipment. Member Mutch said if the ambulance vehicle/rescue truck were approved tonight, when would it go into service. Chief Smith said the recommendation was 220 days, which was 10 days longer than the Engine, so he thought they were giving them the outside number as far as delivery time. However, he was expecting it would be less than that. Member Mutch said if Council delayed that they would still be looking at the same timeline just pushed back three months. Chief Smith agreed. Member Mutch said he seconded the motion and was agreeable to allow the friendly amendment to stand. However, he thought he would vote against this. He said he didn't think there was a consensus in terms of a direction, in terms of this kind of activity that was being discussed by Mayor Pro Tem Capello. He said to make a decision on something that was already approved in the budget process, that was a frontline vehicle used everyday, and that would be an upgrade when in service, he would rather see it move forward. He commented he would like to see the vehicle in the community sooner rather than later. Member Mutch said based on the uses the Chief described, he would imagine that the vehicle, whether Council made a change in ambulance service or not, would still be utilized. He asked the Chief if that was the case. Chief Smith said yes, and what they were running into with the current rescue that was in service was hardware that was corroding and needed replacement, rear steps that were corroding and rusted, and they were replacing those things currently. He commented like most vehicles in Michigan it's rusting out from underneath them and it did need replacement. Member Mutch said he wouldn't support a motion with the friendly amendment but would support a motion to approve both vehicles.

Mayor Landry asked if this vehicle was being proposed as a replacement and not an additional vehicle. Chief Smith said it was. Mayor Landry said it was being proposed because the current vehicle was wearing out, and Chief Smith agreed. Mayor Landry said this vehicle would allow extrication and transport of an injured person, and Chief Smith agreed. Mayor Landry said the current vehicle allowed for extrication but no transport, and Chief Smith agreed and said it didn't have a fixed, locked down on the floor stretcher inside like most transporting vehicles. Mayor Landry agreed with Member Mutch and stated he would not support the motion.

Member Margolis said when she asked about the downside of this she meant what was the problem with the current one. She said the problems he described regarding rust and corrosion were a real concern. Member Margolis said she accepted the friendly amendment but now asked if she could vote against her own motion. Mr. Schultz said she could vote against the motion but not speak against it according to Council rules.

Member Gatt asked if the fire department transported. Chief Smith replied not as a regular practice but there were times when the ambulance company might be tied up, or the fire department was ready to move the patient to a facility and transport had not arrived yet. He said it didn't mean they were very delayed, it just meant that time was of the essence and the patient needed to be moved right a way. Member Gatt asked when the last time they transported someone. Chief Smith said within the past week. Member Gatt asked if those people were charged. Chief Smith said at this time they did not charge a fee.

Mayor Pro Tem Capello commented that the reason he didn't want to spend the money now was because he thought the entire EMS system was lacking. He said he had talked with Mr. Pearson about this and wanted to get together with Providence Hospital and find a fix. He didn't think the EMS system in place had qualified people that run the ambulances. He said he wanted to look for an updated full time service and have a couple ambulances in town that would arrive at the scene in a timely manner and be able to do something once they got there. He thought if they could find that type of a process, even if it was an outside contracted company, they wouldn't need to spend \$220,000 now because the vehicle wouldn't be needed. He said they needed a major fix and perhaps it would be the Fire Department that would assume that role, and then the vehicle would be needed. However, he wanted time to look at it so the City didn't have a \$220,000 vehicle that just followed the EMS ambulance there and sat.

Mr. Pearson said the equipment does not follow EMS. He said it was a piece of equipment for the Fire Department. Mr. Pearson said the City had a fully qualified contracted ambulance service with two dedicated units in the City by the contract with CEMS, which provided ambulance service throughout the area for hundreds of thousands of people. Mr. Pearson commented they just upgraded with the last contract a year ago to two dedicated units, and suggested perhaps they needed to look at that to see if there should be three or four units. He said the only reason he was hedging a bit was because of the aspect of the addition of being able to transport with the unit. He didn't know if there was another option that would be slightly less without that option.

Mayor Pro Tem Capello said he respectfully disagreed with Mr. Pearson. He commented he didn't think the EMS operators were qualified. He thought they had minimal training and didn't think they were qualified to operate the medical ambulances and he was looking for a higher

grade of employee, and if EMS couldn't provide them then Council should look to someone else to provide it. Mr. Pearson said they have all the advanced life support and the City provides basic life support. Mayor Pro Tem Capello said it was minimal training and he thought the City should look for more and he felt he could find several examples of that when they get into the study.

Member Mutch agreed with Mayor Pro Tem Capello that it was a discussion Council needed to have and thought it would take a fair amount of time. He said from what he heard from Mr. Pearson and Chief Smith they planned and budgeted and needed to replace this vehicle. He said whether a change in the ambulance service or not it sounded like the City had to send a vehicle out. He said according to the Chief the benefit of having the vehicle was if for whatever reason EMS didn't show up, and we have qualified people and a vehicle that met the standards it could be used for basic transport. He said that might be the difference between life and death for someone who needed to be at the hospital now. He said EMS services was a big dollar thing, and if we could buy a smaller truck and save \$30,000, he didn't think that was where the money would be saved or spent on this issue. He said he wanted to see Council go forward with the acquisitions and get the vehicles in to service as soon as possible, and then have this discussion but discuss all the issues but not discuss this piece of equipment.

**Roll call vote on CM-08-01-07
Motion**

**Yeas: Capello, Gatt
Nays: Crawford, Margolis, Mutch, Staudt, Landry**

**CM-08-01-08 Moved by Margolis, seconded by Mutch; CARRIED UNANIMOUSLY:
To approve award of vehicle bid to Halt Fire, Inc. for two fire
apparatus: One Pierce Arrow XT Pumper for \$410,356 and one
Medtec Ambulance model AD-170 (medium duty) for \$219,793.**

Roll call vote on CM-08-01-08

**Yeas: Crawford, Gatt, Margolis, Mutch, Staudt
Landry, Capello
Nays: None**

6. Approval to award a contract for design and construction engineering services for the Regional Basin Retrofit/Water Quality Improvement Project for the Taft and Bishop regional stormwater detention basins to Orchard, Hiltz & McCliment, Inc. for a cost plus fixed fee contract amount of \$132,379.

**CM-08-01-09 Moved by Mutch, seconded by Margolis ; CARRIED UNANIMOUSLY:
To approve to award a contract for design and construction
engineering services for the Regional Basin Retrofit/Water Quality
Improvement Project for the Taft and Bishop regional stormwater
detention basins to Orchard, Hiltz & McCliment, Inc. for a cost plus
fixed fee contract amount of \$132,379.**

DISCUSSION

Mayor Pro Tem Capello asked if Orchard, Hiltz & McCliment did the pump station on Beck Road that the Canups constructed. Mr. Hayes said no, it was Fishbeck, Thompson and Carr who did the engineering design.

Roll call vote on CM-08-01-009

**Yeas: Gatt, Margolis, Mutch, Staudt, Landry,
Capello, Crawford**
Nays: None

AUDIENCE COMMENTS – None

MATTERS FOR COUNCIL ACTION – Part II - None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION - None

MAYOR AND COUNCIL ISSUES - None

- 1. Discussion at a future Council meeting regarding the ordinances involving reuse of existing development and buildings – Mayor Pro Tem Capello**

This item was addressed during Council discussion.

AUDIENCE COMMENTS – None

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 8:05 P.M.

David Landry, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Charlene Mc Lean

Date approved: January 22, 2008