

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, MAY 19, 2008
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE RD.**

Mayor Landry called the meeting to order at 6:58 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Landry, Mayor Pro Tem Capello, Council Members Crawford, Gatt, Margolis, Mutch, Staudt-absent/excused

ALSO PRESENT: Clay Pearson, City Manager
Pamela Antil, Assistant City Manager
Tom Schultz, City Attorney
Sheryl Walsh, Community Relations Manager

APPROVAL OF AGENDA

**CM-08-05-077 Moved by Gatt, seconded by Capello; CARRIED UNANIMOUSLY:
To approve the agenda as presented.**

Voice vote

PRESENTATIONS - None

REPORTS

Mr. Pearson informed Council that a third City web site had been launched. He said now there was the regular cityofnovi.org, an internal employee web and today they were adding investnovi.org. He said the City would be hosting and maintaining the new web site but it would be dedicated to economic development, business retention and attraction. Mr. Pearson said he would welcome any feedback or suggestions Council might have.

1. MANAGER/STAFF – Youth Council Update – Sheryl Walsh

Ms. Walsh introduced Vidhi Banzai, Chairperson of the Youth Council, who would provide Council with an overview of all the initiatives, programs, events, etc. that Youth Council had participated in during 2007-2008 and a few items that were upcoming.

Ms. Bamzai said Youth Council had accomplished quite a bit this year and they were very proud of their accomplishments, which were: the Sticker Shock Program, Fire Up Fest with Parks and Recreation, Addicted to Movies not Drugs, Ringing in the Holidays, and a Youth Forum in Rochester Hills. They would also have a Senior to Senior Prom on Wednesday, and would be partnering with Novi Meadows residents for the Memorial Day Parade.

Ms. Bamzai said they would host a new initiative with the Police Department scheduled for June 15th, which was Addicted to Games not Drugs at Lucky Strike in Fountain Walk. She said tickets would be on sale at the Novi High School for \$25 each and would be available at the Civic Center for Novi, Catholic Central, Walled Lake Western, Northville High School, Mercy or South Lyon students until a few days prior to the event. Information for this event would be on the City's web site.

Ms. Walsh commented the Youth Council would be hosting a work session this summer at Lakeshore Park to find other ways they could assist the community.

2. ATTORNEY - None

AUDIENCE COMMENT

Chief Lee BeGole spoke about the Fuerst Farm and said the Police Department and the City Hall complex was built on land the Fuerst sisters owned, and felt the farm should be maintained, as it was, in their memory. He asked Council for their full consideration of the wishes of the Fuerst sisters.

Mary McConville, 24669 Naples Dr., asked Council to reconsider the Fuerst Farm issue. She said if economics were an issue, then she would ask that just the barn be saved.

Kathy Mutch said the 2008 Fuerst Farm Family Day was held on May 18th and went well. She said there would be an informational event about the farm held at the Library on May 28th at 7 P.M. She noted that Ron Campbell, Principal Planner and Preservation Architect with the Planning Economic Development Services office of Oakland County would be present. Also, Pat McKay, Manager of the Museum for Rochester Hills, and supervisor of Interpretive Services, who had built an incredible facility over 15 years, would speak to the potential of a municipally owned site that was run under their Parks and Recreation Department.

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

CM-08-05-078 **Moved by Gatt, seconded by Capello; CARRIED UNANIMOUSLY:
To approve the Consent Agenda as presented.**

Roll call vote on CM-08-05-078 **Yeas: Landry, Capello, Crawford, Gatt, Margolis,
Mutch**
Nays: None
Absent: Staudt

- A. Approve Minutes of:
 - 1. May 12, 2008 – Regular meeting
- B. Approval to Participate in Oakland County's Urban County Community Development Block Grant Programs for the years 2009, 2010 and 2011.
- C. Approval to award the bid for Debris Removal Contract (West Road Location) to Bob Myers Excavating, Inc., the low bidder, in the amount of \$39,550.
- D. Approval to award telephone system maintenance contract (fixed amount) and Moves, Adds & Changes (MAC) services (based on hourly rate) as well as, Alternate #1 (Testing of Uninterruptible Power Source (UPS), based on hourly rate) to SunTel Services, the low bidder, for two (2) years with two (2) renewal options in increments of two (2) years, with an anticipated annual cost of \$25,000.
- E. Approval of Claims and Accounts – Warrant No. 769

MATTERS FOR COUNCIL ACTION – Part I

1. **Acceptance of Churchill Crossing Subdivision No. 2 streets and adoption of Act 51 New Street Resolution accepting Cavendish Avenue East, Perceval Lane, and Thatcher Drive as public, adding 4,075 linear feet or 0.77 miles of roadway to the City's street system.**

CM-08-05-079 Moved by Margolis, seconded by Crawford; **CARRIED UNANIMOUSLY: To approve Churchill Crossing Subdivision No. 2 streets and adoption of Act 51 New Street Resolution accepting Cavendish Avenue East, Perceval Lane, and Thatcher Drive as public, adding 4,075 linear feet or 0.77 miles of roadway to the City's street system.**

Roll call vote on CM-08-05-079 Yeas: Capello, Crawford, Gatt, Margolis, Mutch, Landry
Nays: None
Absent: Staudt

2. **Discussion of a request from Northern Equities Group to consider the early acceptance of Cabot and MacKenzie Drives in Phase II of Haggerty Corridor Corporate Park by waiving the 90% build-out requirement of Ordinance Section 26.5-33. Cabot and MacKenzie Drives are to be constructed in summer 2008.**

Mr. Pearson said their position was that a case could be made for consideration given that it was an arterial road and part of the road the City had paid for with the Ryder development next to it. He said it gave them uniqueness in terms of comparing it to other requests that might come before Council. Mr. Pearson said the City had paid for part of the road but it was outside of their direct control unless Council accepted it and they were asking for Council's consideration of this request.

Mayor Landry said Council had been provided the materials and the request for the waiver of the 90% build out and/or four years. He said he would not have a problem supporting this as long as there was a site restoration guarantee posted. He asked Mr. Sosin if he would have an objection to posting that guarantee. Mr. Sosin responded he would not, and had talked with Mr. Hayes and Mr. Staup about what the amount should be and would discuss it again. Mayor Landry said the reason such a guarantee was posted was if there was any damage to the road by future building, the guarantee was that Northern Equities would pay for the repair of the road so it would be 100% as it was today.

CM-08-05-080 Moved by Capello, seconded by Crawford; **CARRIED UNANIMOUSLY: To direct the Administration to pursue the waiver, acceptance of the road with the granting of the waiver and the site restoration bonds to be brought back to Council on the Consent Agenda for approval at a future date, and to include more than just the small Ryder portion but also include the additional section going northerly once built.**

DISCUSSION

Member Mutch asked if the site restoration bond would be for the entire Phase I and II construction of that roadway. Mr. Pearson said if Council gave direction that they were open to a site restoration bond, it would come in as they constructed it and there would be a site restoration bond for each segment as it was added. He said he didn't envision them posting the entirety of Phase I and II now, as it would be an amount demonstrative to the portion built now and then progress as the road went further. Mr. Sosin said to make it a little easier administratively, they were two or three weeks from paving the second phase, the larger portion of the road, so they would wait a month or month and a half and come in with the Ryder portion they had already built plus the portion to be built within the next two or three weeks.

Mr. Schultz said at this point it was just down for discussion, and he thought that a motion to approve might be perceived down the road as more action than the Council needed to take. He said there was a fair amount of paperwork that went along with this; the road would need to be inspected, bills of sale would need to be received and a resolution would need to be brought before Council. Mr. Schultz said if Council just directed the Administration to move the paperwork forward as though acceptance would be in advance of the 90%, he thought the City would be covered. He commented Mr. Sosin would have his direction and Council would not be limited by a flat out approval.

Mayor Landry said then the motion Mr. Schultz was looking for was to direct the Administration to pursue the waiver, acceptance of the road with the granting of the waiver and the site restoration bonds to be ultimately brought back to Council for approval on a future date. Mr. Schultz agreed. Mayor Landry said perhaps it could be on a Consent Agenda and Mr. Schultz agreed. Mayor Landry asked if a motion was needed to override the previous motion, and Mr. Schultz suggested a friendly amendment. Mayor Pro Tem Capello accepted the amendment and said he understood then that when it came back to Council it could include more than just the small Ryder portion but also include the additional section going northerly. Mr. Schultz said once built. Member Crawford agreed to the friendly amendment.

Member Mutch stated conceptually he didn't have a problem considering it and would support moving it forward. He said the goal of the ordinance was to ensure that the City didn't get stuck paying the restoration costs of construction damage. He said they had correspondence that that shouldn't be a problem and in all likelihood it wouldn't be. However, there was reference to a previous development on the west side of town and in that situation the road had been constructed for two and a half years, so the window of potential activity was a lot longer and that was a concern he had. He said, when it came back, he wanted to be assured that four years out the City wouldn't be on the hook for any of those costs and if an agreement could be structured that addressed those concerns, he would support it.

**Roll call vote on CM-08-05-080 Yeas: Crawford, Gatt, Margolis, Mutch, Landry,
Capello
Nays: None
Absent: Staudt**

3. **Consideration of Zoning Ordinance Text Amendment 18.222, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 25, Subsection 2508.1, "Uses Not Otherwise Included Within a Specific Use District" to modify the standards for "Commercial Television and Radio Towers, Communication Antennas, Public Utility Microwave Towers and Public Utilities and T.V. Transmitting Towers". First Reading**

Mr. Pearson said this had a positive recommendation from the Planning Commission and the Public Hearing had been held.

CM-08-05-081 Moved by Gatt, seconded by Margolis; CARRIED UNANIMOUSLY: To approve Zoning Ordinance Text Amendment 18.222, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 25, Subsection 2508.1, "Uses Not Otherwise Included Within a Specific Use District" to modify the standards for "Commercial Television and Radio Towers, Communication Antennas, Public Utility Microwave Towers and Public Utilities and T.V. Transmitting Towers". First Reading

DISCUSSION

Member Mutch said from Administration he would look for an example of a situation where an applicant wasn't able to construct to the standard the City required in terms of a brick enclosure and had requested a metal cabinet. He stated that had happened a couple of times and he was looking for an example of why that was a hardship for the applicants. Mr. Pearson said they could provide that at Second Reading. He said he didn't have an issue with the clarification of the language for the Stealth Tower but thought the enclosure was one of the things Council had done to avoid an industrial look. He said they didn't always have control over where the towers were sited and they didn't always end up in industrial areas. He commented he would have a concern about letting them move away from the brick enclosures unless Administration could show some examples that would justify it as a hardship. Otherwise, he saw it as a cost savings measure for the cell tower companies at the expense of the visual impact of those facilities. He said he would not support that part of the amendment unless he could see some good clarification for that.

Roll call vote on CM-08-05-081

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

Nays: None

Absent: Staudt

AUDIENCE COMMENT - None

MATTERS FOR COUNCIL ACTION – Part II - None

COMMITTEE REPORTS - None

MAYOR AND COUNCIL ISSUES - None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION - None

AUDIENCE COMMENT – None

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 7:29 P.M.

David Landry, Mayor

Debra Blashfield, Deputy Clerk

Transcribed by Charlene Mc Lean

Date approved: June 9, 2008