

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI  
MONDAY, JUNE 23, 2008  
COUNCIL CHAMBERS - NOVI CIVIC CENTER - 45175 W. TEN MILE RD**

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  
Tom Schultz, City Attorney  
David Molloy, Chief of Police  
Steve Rumpel, Community Development Director  
Rob Hayes, City Engineer

**APPROVAL OF AGENDA**

**CM-08-06-095** Moved by Margolis, seconded by Gatt; **CARRIED UNANIMOUSLY:**  
To approve the agenda as presented.

**Roll call vote on CM-08-06-095** Yeas: **Capello, Crawford, Gatt, Margolis, Mutch, Staudt, Landry**  
Nays: **None**

**PRESENTATIONS**

**1. Introduction of Officer Robert Manar and K-9 Alex**

Chief Molloy introduced Officer Manar and the department's new K-9, Alex. Chief Molloy said Officer Manar and Alex had just completed a five week rigorous training program at the Oakland Police Academy. He said he was looking forward to getting Officer Manar and Alex on the street to do some good work and good public relations.

**2. Recognition of Brent Canup for service on Zoning Board of Appeals**

Mayor Landry presented Mr. Canup with a certificate for his years of service to the City of Novi on the Planning Commission and the Zoning Board of Appeals. Mayor Landry said the hours Mr. Canup had put in were countless and without the service of people like Mr. Canup they couldn't do what they do.

**PUBLIC HEARING**

**1. Vacation of unimproved alleys in the Howell's Walled Lake Subdivision**

There was no response regarding this issue and the Public Hearing was closed.

**2. Vacation of unimproved portions of Paramount Street in the Howell's Walled Lake Subdivision**

There was no response regarding this issue and the Public Hearing was closed.

## REPORTS

### 1. MANAGER/STAFF - None

### 2. ATTORNEY - None

## AUDIENCE COMMENT

**Ray Szalony**, 24164 Brentwood Ct., said he lived west of the Fuerst Farm and felt it needed to be preserved as it provided a natural transition between homes and the school buildings. He stated demolition was not required for the construction of the new Library and asked why there was a rush to demolish the building. Mr. Szalony thought there should be a plan distributed regarding this. He asked if Council could use the additional funds found in the budget. He was concerned the legacy would be a vacant field and he urged Council not to demolish this property.

**Laura Lorenzo** said at times there had been a difference of opinion between Council and residents. She cited instances where concerned citizens placed issues on the ballot, and felt the Fuerst Farm should also be decided by the citizens and should be placed on the November ballot.

A citizen residing on Dartmoor St. spoke regarding Agenda Item #6 and said he objected to the sidewalks in Bradford Subdivision, and noted there were no sidewalks in Lexington Subdivision. He said when they built their home 15 years ago no sidewalks were planned and if they had been planned, they would have moved their house back from the road. He said it had been brought up at a City Board and the decision was made not to have sidewalks. He said the sidewalks would connect to those in Barclay Estates. He noted that if the sidewalks were connected, the kids would have to cross the street to get to school. He asked that this be grandfathered and the sidewalks be waived or put them on the north side of Dartmoor St.

Vice President of Camden Court asked who would get the property, if it were vacated.

**Chuck Tindall**, 2453 Shawood, said he was in favor of saving the Fuerst Farm. He noted that the Ford Farm in Highland had been damaged in a storm and Livonia took a vacant school and built a recreation center. He said the Fuerst Farm was still standing and asked why they would tear down something historical when it could be re-used. He also noted he was going to be on the ballot as a candidate for Democratic State Representative.

**Ginger Barrons**, Glenda resident, asked Council to consider the monkey on the back of the taxpayers with a \$3 million bill, and it would demolish an historical treasure when the Fuerst Farm could be taken care of with free services from Oakland County. She said in five short weeks, this issue had created a lot of public interest. She asked them to work with the Historical Commission, Fuerst Farm, County services, grants and volunteers to provide service to the citizens. She asked them to explore all the options for the citizens and not make any decisions until they had.

**Roy Prentice**, 28115 Meadowbrook Road, commended Council for recommending a green space. His concern was that there was no real plan for the Fuerst Farm. He said first the relocation of the Township Hall would take place, and he was concerned that it would be moved before there was a plan for the Fuerst Farm property. He felt the Township Hall shouldn't be placed anywhere permanently, until there was a specific comprehensive plan. Mr. Prentice felt that much, if not all, of the renovation costs could be obtained from the private sector. Mr. Prentice noted the Americana Foundation had assets of over \$20 million dollars and had sent a letter stating they would be interested in receiving a request related to the Fuerst Farm as it would qualify. If the community worked together, he would like the time and the opportunity to try.

**Kathy Mutch**, President of the newly formed Friends of Fuerst Farm, requested that she be given time to make a presentation. She was concerned about the demolition of a municipal asset and they had been circulating a petition and would present it at the July 7<sup>th</sup> meeting. She noted that if it were a Council consideration item, there could be discussion. She noted they had the expertise of those people who were on site who would share their expertise and identify funding sources. Ms. Mutch said their website was [www.fuerstfarm.org](http://www.fuerstfarm.org), there were over 1,000 signatures on their petition.

**Sherry Konkus**, 22278 Cascade, said she supported working together. She commented that she went to McKenna and Associates to give them her thoughts. She said she didn't fault the firm for their solution, but felt they could accomplish something that the City wanted while preserving the Fuerst Farm. She asked what it would cost to demolish the building, how it would be paid for and thought it should withstand public scrutiny. Ms. Konkus said she wished to renovate and put new elements into the site.

**Michael Zerkich**, 24139 Brentwood Ct., stated he had a degree in urban planning and land use. He commented that there was at least one thing in every suburb that had an identifying building about where that City came from. He felt the residents would be losing out because they wouldn't have any history to teach their children, if the Fuerst Farm was demolished. He felt there was nothing else in the City. He noted other cities had some context for the founding of their cities.

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

**CM-08-06-096**      **Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY:  
To approve the Consent Agenda as presented.**

**Roll call vote on CM-08-06-096**      **Yeas: Crawford, Gatt, Margolis, Mutch, Staudt,  
Landry, Capello**  
**Nays: None**

- A. Approve Minutes of:
  - 1. June 9, 2008 – Regular meeting
  
- B. Enter Executive Session immediately following the regular meeting of June 23, 2008 in the Council Annex for the purpose of discussing pending litigation, property acquisition and the City Manager and City Clerk's evaluations.

- C. Approval of Policy Resolution for Special City-wide Business Signage from July 7 – 26, 2008 in conjunction with the 2008 Michigan 50's Festival.
- D. Approval of contract for the Ice Arena Pro Shop Lease to Summit Sports, Inc. for a one-year period through June 30, 2009 with an additional two-year option through June 30, 2011.
- E. Ordinance Review Committee recommends the Approval of Ordinance No. 08-1.11 to amend Chapter 30, "Special Assessments", Section 30-16, "Payment in Installments", and Section 30-17, "Delinquent Special Assessments", to change the penalty provision for certain delinquent payments. **Second Reading**
- F. Approval of Addendum to the original agreement to include printer language in the Live Scan Agreement with Oakland County for the use and maintenance of Live Scan equipment and printer for submission and exchange of fingerprint information.
- G. Approval of a request from Chase Bank for acceptance of a hold harmless agreement related to an access drive for property located at the northeast corner of Grand River Avenue and Beck Road.
- H. Approval of a contract amendment to Fishbeck, Thompson, Carr & Huber for additional engineering services for the Greenwood Oaks Sanitary Sewer Extension and Lift Station Abandonment project in the amount of \$8,382.80.
- I. Approval of Traffic Control Order 08-04 to Void TCO No. 92-4 (15 MPH speed limit on Willowbrook Drive from south of Rock Hill Lane to north of Village Wood Road) and Approval of Traffic Control Order 08-05 for 25 MPH speed limit on Willowbrook Drive from south of Rock Hill Lane to north of Village Wood Road.
- J. Approval of request for a Fireworks Display Permit from the Michigan 50's Festival to be held at 12 Mile Road and Dixon Road on Friday, July 25, 2008 subject to final inspection by the Novi Fire Department.
- K. Approval of Claims and Accounts – Warrant No. 771

#### **MATTERS FOR COUNCIL ACTION – Part I**

1. **Consideration of the request of McDonald's Corporation for approval of a Special Land Use request and approval of a Preliminary Site Plan with PD-2 Planned Development Option. The subject property is located in Section 14, on the south side of Twelve Mile Road, east of Novi Road. The subject property is approximately 1.35 acres and the applicant is proposing to demolish and rebuild the existing McDonald's restaurant.**

Member Mutch commented he would not be able to support the proposal as submitted primarily due to the deviations from the ordinances that were being requested by the McDonald's proposal. Recently, Council amended the Ordinance to allow this kind of use on a smaller site, and obviously it was an existing use and they were going to redevelop the site.

However, when looking at the deviations from the Ordinance that McDonald's proposed, he thought they were being driven by the plan that McDonald's was putting forward and that they had created self imposed needs to deviate from the Ordinance. He said the biggest problem he had with the project was the setback requirements of a couple of the perimeter areas where the parking areas were encroaching into the green space, instead of meeting the Ordinance standards for green space. If looking at the site from an aerial viewpoint, it was pretty well built out in terms of the parking and the structure, and there was very little green space around that. Member Mutch said because the existing structure footprint was being expanded, which increased the square footage of the building and the parking requirements, even with the reduced parking requirements being requested, McDonald's was creating a situation where they were unable to meet the setback standards. He didn't think it provided for a visually quality site. Member Mutch said he did appreciate the improvements McDonald's was seeking to do on the site but he wanted it to meet the Ordinance standards. Member Mutch said he had some sympathy for the parking standards, and thought the City needed to look at the parking requirements for fast food use again, especially with the drive through feature. He said the Ordinance required 89 parking spaces and he had never seen a fast food restaurant where that amount of the parking spaces was used. He thought they needed to meet the Ordinance requirements but Council needed to look at them and whether what was required for this kind of use made sense. He didn't think it made sense but that was the standard to be met today and it was in place to get a quality looking development. He thought if the standards were met, it would be a better looking development than what was proposed.

Mayor Landry thought they had to look at the genesis of the project. He said McDonald's was an ongoing business within a regional mall. He said it was not a McDonald's on a street corner or in a neighborhood; it was within the context of a regional mall. Mayor Landry said it sat in the middle of a sea of parking. He said they talk about green space and he appreciated that but this was in the middle of a sea of parking. He said the applicant was taking an existing store and improving it, which was what they wanted to encourage businesses to do. They would raze the structure and build it from the ground up. Mayor Landry said every single one of the waivers was supported by the Administration and the Planning Commission made a positive recommendation. He said this was a business that wanted to improve and be state of the art and that was, in his opinion, exactly what they wanted in the City of Novi. He said he would certainly vote in favor of granting this particular PD-2 Option with the waivers.

Member Gatt asked, if he made a motion, would he have to read all the points in the recommended action or could he just make reference to it. Mr. Schultz said there would be two separate motions, one was the special land use and the second would be the site plan. He thought it was appropriate to pick the ones he could make a finding on and make sure that the record was clear.

**CM-08-06-097      Moved by Gatt; seconded by Crawford; MOTION CARRIED:  
To approve the special land use request for the proposed  
McDonald's Restaurant, SP# 08-21 subject to the following:**

**(a) Consideration of the following factors under Section 2516.2c:**

**Whether, relative to other feasible uses of the site, the proposed use  
will not cause any detrimental impact on existing thoroughfares;**

**Whether relative to other feasible uses of the site, the proposed use will not cause any detrimental impact on the capabilities of public services and facilities;**

**Whether relative to other feasible uses of the site, the proposed use is compatible with the natural features and characteristics of the land;**

**Whether relative to other feasible uses of the site, the proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood;**

**Whether relative to other feasible uses of the site, the proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use;**

**Whether relative to other feasible uses of the site, the proposed use will promote the use of land in a socially and economically desirable manner;**

**Whether relative to other feasible uses of the site, the proposed use is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicant site design regulations of the zoning district in which it is located.**

**(b) Compliance with all conditions and requirements listed in the Staff and consultant review letters.**

**Also, there was a positive finding on each one of the above points.**

## **DISCUSSION**

Member Margolis said one of the things they had to do was encourage people who had existing businesses that when they wanted to improve those businesses the Council would work with them. She said the alternative was that people wouldn't improve their businesses because they were afraid of running up against Ordinances that really wouldn't make a difference in the overall impact of the development. She would support the motion and appreciated the owner coming forward with the improvements.

**Roll call vote on CM-08-06-097**

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

**Nays: Mutch**

**CM-08-06-098**

**Moved by Gatt, seconded by Capello; MOTION CARRIED:  
To approve the Preliminary Site Plan with a PD-3, Planned**

**Development Option, for the proposed McDonald's restaurant, SP# 08-21 subject to the following:**

- (a) City Council approval for an ordinance deviation for the northern parking setback;**
- (b) City Council approval for an ordinance deviation for the eastern parking setback;**
- (c) City Council approval for an ordinance deviation for the lack of parking spaces;**
- (d) City Council approval for an ordinance deviation for the lack of loading zone space;**
- (e) City Council approval for an ordinance deviation to locate a loading zone in an exterior side yard;**
- (f) City Council landscape waiver for the berm required along Twelve Mile Road;**
- (g) City Council landscape waiver for the required canopy and sub-canopy trees;**
- (h) City Council Section 9 façade waiver;**
- (i) City Council waiver of the required Traffic Impact Study; and**
- (j) The conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan.**

Mayor Pro Tem Capello said he understood that, by the motion, all of the requirements for City Council waivers were all being granted with this motion. Member Gatt agreed.

**Roll call vote on CM-08-06-098**                      **Yeas: Margolis, Staudt, Landry, Capello, Crawford, Gatt**  
**Nays: Mutch**

**2. Consideration of Zoning Ordinance Text Amendment 18.226, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 31, Subsection 3107, "Miscellaneous" to modify the standards for the number of days a Zoning Board of Appeals ruling is valid. First Reading**

Mr. Rumble said this was an opportunity to be more user friendly to the applicant. They currently had 90 days to submit for a building permit once they receive a Zoning Board of Appeals variance. He said there was a change in the past that required architectural plans to come along with Zoning Board variances and now they were allowed to go forward with plot plans, which was much more cost effective for the applicant. However, if they need more time once they get their variance to submit their application, the time period was being extended out to six months. He thought it would be very helpful to staff and the applicants.

Member Mutch asked if the change in the process was recommended by the ZBA. Mr. Rumble said yes, it came from some comments from staff to a ZBA member. Member Mutch said he would commend the ZBA because what Council had encouraged members to do was when they found problems or ways to resolve concerns with the process, to make those

recommendations known to City Council. He thought they should continue to encourage that with all boards and commissions.

**CM-08-06-099** Moved by Margolis, seconded by Gatt; **CARRIED UNANIMOUSLY:**  
To approve Zoning Ordinance Text Amendment 18.226, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 31, Subsection 3107, "Miscellaneous" to modify the standards for the number of days a Zoning Board of Appeals ruling is valid. First Reading

Roll call vote on CM-08-06-099 Yeas: Mutch, Staudt, Landry, Capello, Crawford, Gatt, Margolis  
Nays: None

### **AUDIENCE COMMENT**

### **MATTERS FOR COUNCIL ACTION – Part II**

#### **3. Appointments to Boards and Commissions**

There were three Mayoral appointments to the Planning Commission. The first name offered by Mayor Landry for reappointment was Michael Meyer.

**CM-08-06-100** Moved by Gatt, seconded by Margolis; **CARRIED UNANIMOUSLY:**  
To reappoint Michael Meyer to the Planning Commission.

Roll call vote on CM-08-06-100 Yeas: Staudt, Landry, Capello, Crawford, Gatt, Margolis, Mutch  
Nays: None

Mayor Landry next offered the name of Victor Cassis.

**CM-08-06-101** Moved by Gatt, seconded by Crawford; **CARRIED UNANIMOUSLY:**  
To reappoint Victor Cassis to the Planning Commission.

Roll call vote on CM-08-06-101 Yeas: Landry, Capello, Crawford, Gatt, Margolis, Mutch, Staudt  
Nays: None

Mayor Landry brought forward Brian Larson.

**CM-08-06-102** Moved by Gatt, seconded by Capello; **CARRIED UNANIMOUSLY:**  
To appoint Brian Larson to the Planning Commission.

Roll call vote on CM-08-06-102 Yeas: Capello, Crawford, Gatt, Margolis, Mutch, Staudt, Landry  
Nays: None



Maryanne Cornelius, City Clerk, read the result of the vote by Council for Boards and Commissions.

**Parks, Recreation and Forestry**

Elizabeth Iszler  
Paul Policicchio

**4. Consideration of the vacation of unimproved alleys in the Howell's Walled Lake subdivision.**

Mr. Pearson said these were alleys that were no longer used, a public hearing had been set and conducted by Council this evening and Administration was recommending consideration of this item. Mr. Pearson said there had been a couple of questions asked about public benefit, tax impact and accessibility, which they had tried to cover.

Mayor Landry asked Mr. Schultz if he was correct, if the vacation went through, the property would become the property of the adjacent owners. Mr. Schultz agreed and said for purposes of the City it would be assessed to the adjacent landowners.

**CM-08-06-103 Moved by Crawford, seconded by Gatt; CARRIED UNANIMOUSLY:  
To approve vacation of unimproved alleys in the Howell's Walled  
Lake subdivision.**

**Roll call vote on CM-08-06-103 Yeas: Crawford, Gatt, Margolis, Mutch, Staudt,  
Landry, Capello  
Nays: None**

**5. Consideration of the vacation of unimproved portions of Paramount Street in the Howell's Walled Lake subdivision.**

**CM-08-06-104 Moved by Gatt, seconded by Margolis; CARRIED UNANIMOUSLY:  
To approve vacation of unimproved portions of Paramount Street in  
the Howell's Walled Lake subdivision.**

Member Mutch said he had raised the question of the walking path potential and Mayor Pro Tem Capello pointed out that there was a sidewalk just east of this. He said he looked at the aerial maps and somehow he had missed that, so all his concerns had been addressed.

**Roll call vote on CM-08-06-104 Yeas: Gatt, Margolis, Mutch, Staudt, Landry,  
Capello, Crawford  
Nays: None**

**6. Approval to award a construction contract for the 2008 Neighborhood Road Program to Hard Rock Concrete, Inc., the lowest qualified bidder, in the amount of \$1,349,733.05 (the contract is to be signed on or after July 1, 2008).**

**CM-08-06-105 To approve award of construction contract for the 2008  
Neighborhood Road Program to Hard Rock Concrete, Inc., the**





Mayor Landry returned to Council Chambers.

**COMMITTEE REPORTS - None**

**MAYOR AND COUNCIL ISSUES - None**

**AUDIENCE COMMENT - None**

**ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 8:07 P.M.

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David Landry, Mayor

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Maryanne Cornelius, City Clerk

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Transcribed by Charlene Mc Lean

Date Approved: July 7, 2008