

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI  
MONDAY, AUGUST 23, 2010 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 Gatt, Council Members Crawford, Fischer, Margolis, Mutch, Staudt

**ALSO PRESENT:** Clay Pearson, City Manager  
Tom Schultz, City Attorney  
Barbara McBeth, Director of Community Development  
Rob Hayes, Department of Public Services Director/City Engineer

**APPROVAL OF AGENDA**

**CM-10-08-106 Moved by Gatt, seconded by Margolis; CARRIED UNANIMOUSLY:  
To approve the agenda as presented.**

**Roll call vote on CM-10-08-106 Yeas: Gatt, Crawford, Fischer, Margolis, Mutch,  
Staudt, Landry**

**PUBLIC HEARING - None**

**PRESENTATIONS - None**

**REPORTS**

**1. MANAGER/STAFF**

Rob Hayes, Department of Public Services Director, said the Fuerst Park improvements were essentially done except for the sealing of the concrete. Mr. Hayes commented that David Beschke and Aaron Staup both participated in the project. He said the lighting package would be next and bids would be opened next week and the services of a consultant would be needed in early October for the remainder of the irrigation. He noted some of the granite path had eroded and the best fix was to replace it with concrete. Mr. Hayes said wildflower meadows would be planted by the DPS staff along with installation of a rebar structure, tunnel and arbor that would be fabricated in the DPS facility and placed at the park in the spring.

Mayor Landry asked about tables for laptop use in the park. Mr. Hayes explained that was part of the next package to be bid.

**2. ATTORNEY - None**

## AUDIENCE COMMENT

**Steven Schwartz**, County Commissioner, was present to respond to the Mayor's letter regarding the Tri-Party road funding and said \$1 million had been allocated to continue this program for road funding. For the upcoming year another \$1 million would be allocated, as it was a popular program and there was broad support on the County Commission for it. He recommended not banking the funds but to use them for necessary, meaningful projects. Mr. Schwartz said the money should be spent each year, as the County was projecting a \$50 million deficit in 2013. He suggested they lobby other cities and townships to encourage their County Commissioners to support this in the future; the townships in particular because they tend to have more roads maintained by the Road Commission.

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

Items J and K were removed by Member Mutch.  
Item F was removed by Member Crawford.

**CM-10-08-107**      **Moved by Gatt, seconded by Margolis; CARRIED UNANIMOUSLY:  
To approve all Consent Agenda items except Items F, J and K.**

**Roll call vote on CM-10-08-107**      **Yeas: Crawford, Fischer, Margolis, Mutch,  
Staudt, Landry, Gatt**

- A. Approve Minutes of:
  - 1. August 9, 2010 – Regular meeting
  
- B. Approval of Zoning Ordinance Text Amendment 18.243, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance, at Article 24, Schedule of Regulations, removing Section 2401, Preservation Option and Section 2402 Subdivision Open Space Plan, and amending and renumbering Sections 2403 Residential Cluster Option, Section 2404 RUD Residential Unit Development, and Section 2405 Open Space Preservation Option in order to expedite the approval process, provide more flexible development options and to encourage the preservation of open space. **Second Reading**
  
- C. Approval of the Final Payment and Final Balancing Change Order to Cadillac Asphalt, LLC for Twelve Mile Road Construction, Paving and Roadside Improvements project, in the amount of \$9,773.24.
  
- D. Approval of Ordinance No. 10-149.11, an ordinance to amend Chapter 3, "Alcoholic Liquor", Article I of the Novi Code of Ordinances by amending Section 3-5(f), to comply with state law regarding the administration of preliminary breath tests to minors. **Second Reading**
  
- E. Approval of request by E&M, Inc. (Society Hill) for one-year extension, to October 9, 2011, of site plan approval for a 312-unit apartment project developed as a PD-1 option in a multi-family (RM-1) district, located at the southwest corner of Novi Road and 12 ½

Mile Road, previously extended under a consent judgment and subject to annual extension reviews.

- G. Approval to purchase Courts and Law Enforcement Management Information System (CLEMIS) and Fire Records Management System (FMRS) fees and services from Oakland County for the 2010-11 fiscal year in the amount of \$60,329.
- H. Approval to award bid for the purchase of two (2) 2011 Ford Expedition EL 4x4 Special Service Vehicles for the Novi Fire Department from Signature Ford of Owosso, MI, the lowest responsive qualified bidder, in the amount of \$60,206.
- I. Approval of appointment of Judy Reedy (Employee Delegate) and Cheryl McNamara (Alternate Officer Delegate) as the 2010 City of Novi representatives to attend the Annual Municipal Employees Retirement System (MERS) Conference to be held September 15 – September 17, 2010.
- L. Approval of Traffic Control Order 10-41 for the implementation of a 45 mph speed limit on 13 Mile Road between Meadowbrook Road and Haggerty Road, and approval of Traffic Control Order 10-42 to rescind Traffic Control Order 79-04 for the previous (non-posted) speed limit of 30 mph.
- M. Approval of Traffic Control Order 10-43 for the implementation of a 45 mph speed limit on West Park Drive between 12 Mile Road and West Road.
- N. Approval of 1) Traffic Control Order 10-44 for the implementation of a 25 mph speed limit on Crowe Drive, 2) Traffic Control Order 10-45 for the implementation of a 25 mph speed limit on Ingersol Drive (between Crowe Drive and Crescent Blvd), 3) Traffic Control Order 10-46 for the implementation of a 30 mph speed limit on Crescent Blvd, and 4) Traffic Control Order 10-47 for the implementation of a 30 mph speed limit on Town Center Drive, all located within Novi Town Center.
- O. Approval of the Final Payment to Matzak, Inc., for the West Oaks Regional Detention Basin Improvements project, in the amount of \$4,993.53.
- P. Adoption of resolution in support of Crosswinds West Condominium Association's request to participate in the Michigan Department of Natural Resources and Environment's Goose Nest Destruction and Round-Up Programs.
- Q. Approval of Claims and Accounts – Warrant No. 825

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

##### **1. Consideration of the 2011 City Council Meeting Calendar.**

Mayor Landry said, as proposed, Mr. Pearson suggested a January 8th goal setting session.

Mayor Pro Tem Gatt asked that the goal setting session not be the morning after the City's appreciation dinner. Member Fischer echoed Mayor Pro Tem Gatt's comments and suggested if it couldn't be move, they schedule it for later in the morning. Mayor Landry said he understood the request but if they moved it to the 15th, he thought they would be requesting staff to do three weekends in a row. He said the following weekend, the 22nd, was Neighborhood Leadership. Mayor Landry said he liked Member Fischer's idea of starting later and asked what Mr. Pearson thought about starting at 10 or 11 A.M. Mr. Pearson said the last couple of years they had gone from 8:30 A.M. and ended about 2 P.M. He said if they started at 10 A.M. and worked until 2:30 or 3 P.M. it should work. Member Margolis said it sounded good to her. Mayor Landry said the 15th was the Martin Luther King weekend and if staff wanted to have a three day weekend they couldn't if it was scheduled for the 15th. He asked how Council felt about January 8th at 10 A.M. and there was consensus.

**CM-10-08-108      Moved by Fischer, seconded by Margolis; CARRIED UNANIMOUSLY:  
To approve the calendar as stated with the condition that the goal  
setting session be January 8th at 10 A.M.**

**Voice vote**

**2. Discussion on community-wide event "Light up the Night in Novi"(a.k.a. Ringing in the Holidays).**

Mr. Pearson stated this had been a successful event but there had been certain logistical challenges with the venue in the past and he thought they had taken it as far as it could go there. He said there had been suggestions that they look at trying it in the Civic Center Campus along Ten Mile Road. He thought there would be an extra bonus with the Library, as they had said they would like to partner up on this.

Member Fischer asked what kind of action or discussion they were looking for. He commented that in his opinion, they had given Mr. Pearson the direction to make cost savings ideas, generate them and go forward with them. He said Council had been kept in the loop, had received two memos on this and he asked Mr. Pearson what he was looking for from Council. Mr. Pearson said if there was a consensus to keep it at the Main Street venue, then they would follow that. Member Fischer stated it didn't make sense to him either to have a family event in the Main Street area and he would support the move. Mayor Pro Tem Gatt concurred with Member Fischer.

Member Crawford stated she was also in favor of moving the event to the Civic Center. However, she assumed there would be no parade and thought there was something magical about outdoor lights during a Michigan winter for people of all ages. She said she liked the idea they were going with Light Up the Night and that she had visited a light parade in Calloway Gardens in Georgia. She said she had a vision of lighting up Fuerst Park by the patio at the Library. She said Calloway Gardens had business investments in a lot of the light displays and instead of a light parade they had a little train that went through the garden and the park so people could see all the light displays. She thought there was a real possibility for them to do some kind of light displays all over the campus, including Fuerst Park and the library. She

thought families could enjoy light displays for a longer period of time. Member Crawford said she would be willing to work as a volunteer on a planning committee or anything of that sort.

Member Staudt disagreed because he thought Ringing in the Holidays was very successful the last couple of years. He felt part of its success was having it in an area downtown where many families might never bring their children during the week. He said it was bustling with activity; there were a lot of things going on in terms of vendors and businesses that were benefiting. He commented he didn't understand why they insisted on taking something that had been relatively successful during the past several years, which wouldn't make a huge financial difference, and changing it. Member Staudt said they heard this argument last year and had agreed to retain the event downtown and there was a good turnout, so what had changed. He said they had lost the Fifties Festival and now Ringing in the Holidays, which were things they had dedicated to the residents and now had suddenly become a second priority. He said he had received an e-mail from TCF Bank, which was a very large landowner. He asked Mr. Czekaj if he had an opinion regarding this specific issue. Mr. Czekaj said TCF was the owner of 20 vacant acres in Novi Main Street and also was the mortgagee for the first large building on the property where Park 29, Grapevine, etc. were located. He said from a financial standpoint they had an ownership interest, which was significant as well as an interest as a mortgagee. Mr. Czekaj said when he first heard that this was under consideration; he thought the City was symbolically turning its back on Main Street. He said he was on the Town Center Steering Committee and the grand plan was to take the 26 vacant acres and turn it into downtown Novi. He said it was supported vigorously by the Council and Council's that came thereafter. Mr. Czekaj said the project probably suffered from the start, it struggled and it was struggling in today's environment. He said he recently authorized the payment of \$860,000 for back taxes on the vacant land and \$15,000 to replace lights, light fixtures, masonry and grass cutting. He noted that was not done for benevolent reasons but because they were trying to put the property in the most favorable light and be a good corporate citizen. He said he was a supporter of the Fuerst Park and corporately they wouldn't have any objection. However, at some point in time, the City had to start getting behind its businesses; he didn't mean to say they never got behind its businesses and it didn't always have to be money. He said the parade had been on that site since about 1995 and he didn't know how they defined success but thought the Novi Light Parade on Main Street had not been that far behind the perceived population that was in attendance for the Novi Memorial Day Parade. Mr. Czekaj said given that they were almost the same dollars, one would argue that, if in fact, Council deemed the success of the Holiday Parade as not being very successful then under that same rationale, they would have to say the Memorial Day Parade just didn't do it either. He asked that Council not forget about the rest of them because they wanted to see the Main Street project become a success sooner than later. He said they knew it probably wouldn't happen. He stated he was there to tell Council that it was probably not telling tales out of school that they would make a sizable contribution to the Main Street project not willingly but in terms of what they ultimately dispose the property of in terms of a price point. Mr. Czekaj said, from that standpoint, dollars and cents aside Council had a lot of tough decisions to make but they would certainly like to see a lot more emphasis placed on Main Street, it was a matter of finishing what was started. He noted there was some symbolism in place not only for Main Street but also for Fountain Walk and the Town Center. He said sometimes it was the little things that meant more than the larger things. He said to move it now would say Council had given up on it and looked at it

as a lost cause and if it came back it came back. He suggested they ask, early on in the process, some of the stakeholders what their thoughts were, such as should it be December 3rd or the first Friday after Thanksgiving, should it be on a Thursday again or two weeks later. He said they would certainly like all the help they could get in assisting in the terms of the sale; they would do their part to attract a good owner at the right price point that would not only attract and hold but also make it viable for someone to ultimately do some vertical construction. Mr. Czekaj said they have the vacant land and had tried to maintain it, and offered it to the City to use for bond fires, corn roasts, or whatever the need might be, provided the necessary insurances were in place.

Member Staudt said they should maintain the long standing history of Ringing in the Holidays on that date. He thought they had heard a compelling argument from someone who had made a significant investment in the City.

Member Margolis said Council received two memos on this and she didn't think the staff received any feedback that there was a problem; they needed to look at that issue too. She appreciated what had been said but thought the fact that this event didn't really fit on the Main Street site was a different issue than that fact that the City might be turning their back on Main Street. She said the City spent a lot of staff time and work this summer doing advertising for the Farmers Market and she thought the City's investment in Main Street was pretty strong. She commented she didn't agree that the City was turning their back on Main Street because of one event. Member Margolis said based on everything she had read the event didn't fit on that site and when she had attended it in the past she had the same impression. She said she was fully in support of this. She said the bottom line was Main Street was a commercial development and was not the City's project. Member Margolis said ultimately commercial and business developments would live or die based on whether or not they were marketable. She thought anything Council could do to help that was great but it wasn't part of the City's mission to make any particular commercial development more or less successful.

Mayor Landry stated he was in favor of moving this to the Civic Center. He said he appreciated the interest of the mortgagee. However, the City had never turned its back on Main Street. He said over the years the Fifties Festival, International Festival, Classic Cars and most recently the Farmer's Market was there. He said, as a Council, they had worked very hard when new businesses came in and had accommodated the new dance club that was coming in with parking. Mayor Landry said when the prior owner came to the City, Council worked very hard to approve a mixed use development. He thought they had shown that Council was 100% behind Main Street and Ringing in the Holidays would not make or break Main Street. He thought the obligation of the City was to have a festival that was the most advantageous for the residents of the City. He said the parade was wonderful but it lasted about 15 minutes and people run out in the cold, watch the parade and run back inside and he always wondered if it was worth all that effort for 15 minutes. Mayor Landry said what was being proposed was a stationary **parade** with some big vehicles, Zamboni and things like that between City Hall and the Library, which would involve Fuerst Park, the Library building, Township Hall and the Civic Center. He said it was his understanding that there were some electrical problems with Main Street and lighting up the tree because of the current condition. He noted it would save money

to do it on the Civic Center Campus and would be in favor of moving Light Up the Night to the Civic Center area.

**CM-10-08-109 Moved by Margolis, seconded by Gatt; MOTION CARRIED:  
To approve Light Up the Night at the Civic Center Campus.**

**Roll call vote on CM-10-08-109 Yeas: Fischer, Margolis, Landry, Gatt, Crawford  
Nays: Mutch, Staudt**

3. **Approval to submit a Joint Application to the Oakland County Local Model Showcase Sustainability Partnership Grant Program with the City of Farmington Hills.**

Mr. Pearson stated Marina Neumaier and a representative from AKT Peerless had been working on this. He said this was an opportunity to engage with Farmington Hills and see what they could do together towards sustainability in addition to all the things being done individually.

**CM-10-08-110 Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY:  
To approve submittal of a Joint Application to the Oakland County Local Model Showcase Sustainability Partnership Grant Program with the City of Farmington Hills.**

**Roll call vote on CM-10-08-110 Yeas: Margolis, Mutch, Staudt, Landry, Gatt,  
Crawford, Fischer  
Nays: None**

4. **Consideration of the request of Novi Town Center Investors, LLC, for the approval of the Preliminary Site Plan SP 10-29 for the renovation of four existing monument signs and associated landscaping. The four existing monument signs are located at Town Center Drive and Grand River Avenue and at Crescent Boulevard and Novi Road. The applicant is also proposing to add a lighted "Novi" sign and lighted interior element to the existing Novi Town Center clock tower.**

Matthew Quinn was present on behalf of Novi Town Center Investors with a site plan to modify their monument signs at Novi Road and Crescent Blvd and at Town Center Drive and Grand River. He said they wanted to increase the height of the sign with an architectural component and it would still say Novi Town Center. He said they were asking the ZBA for a variance to have the same four business names placed on each of the four signs instead of two. He said staff was asking why they didn't place two of those companies on one sign at the entranceway and a separate two companies on the other monument sign at each entranceway. However, the purpose of those signs was that people would see them as they passed by from different directions. So, they disagreed with staff and asked Council's approval motion to allow them the opportunity to go to the ZBA to get the four signage areas. Mr. Quinn said the other items they were looking for to benefit the City and themselves was on the building at the intersection of Town Center Drive and Novi Road where the clock tower was. He said the clock was already

there and there would be LED lighting that outlined the top of the steeple, the interior green area would change seasonally. He said, to benefit Novi, they would increase the Novi signs on each side of the towers and backlight them. He said the staff was supportive of the landscaping package.

Mr. Pearson said they had looked at the sign ordinance specifically with the Town Center in mind and the ordinance on the books allowed two businesses per sign. He said they were supportive of making it taller but suggested they follow the ordinance, which allowed two names per sign.

Mayor Pro Tem Gatt disagreed and was in favor of the four signs and said the ordinance was created under different times and circumstances. He said they had reached a point in the economy where they could and should do everything possible to help businesses succeed. He said people had told him they didn't know what was at the Town Center, the markings were not good there and hadn't been since it opened. He said he hoped Council was ready to grant this developer the other items he requested, he didn't see why they wouldn't send this to the ZBA to make their decision.

Mayor Landry asked Mr. Schultz what their role was with respect to whether there were two or four businesses on the sign. Mr. Schultz said Council could not grant the variances for the height or extra signs but they could kill the project by saying they didn't approve of the signs, wanted them to stay the way they were, wanted them lower or wanted only two signs. He said the reason for that was, unlike the other districts in the City, signs were referenced in the TC standards. He commented it didn't give Council a lot of assistance in how they say yes or no to signs; so if they didn't want to approve the signs and wanted to end it at the Council table, then they needed to make some findings and explain why in a motion. However, if they wanted it to go on to the ZBA to see if they would give the additional signage and height, they would do the same thing. Mr. Schultz said the only reason they were talking about signs was because in the TC District it talked about architectural amenities and about Council having the final approval and it put signage as one of the things Council considered. Mayor Landry said if they said no to four signs it wouldn't go to the ZBA, and if they said yes it would go to the ZBA, and they could still say no, only two signs.

Member Crawford said there would be four names on all the entranceway signs and Mr. Quinn agreed. She said it made more sense to have the main businesses on one sign versus having additional names on other signs and adding more signs with other names on them. She said she would rather have all four names on one sign. Member Crawford said she was in agreement that they should go to the ZBA and ask for four names.

Member Margolis said the reason they were dealing with this was that the TC District allowed more discretion when they set up the ordinance. She said she understood these were different times but there were people in there who built under the old ordinances and they were still in these different times. She asked if the other businesses in the TC District had this kind of variance.



Ms. McBeth said not that they were aware of as the sign ordinance was pretty specific in relation to the number of tenants that would be permitted on the signs. Member Margolis said they would have had to get it approved in their site plan and then go to the ZBA, correct. Ms. McBeth said she was correct. This site plan specifically mentioned the signs and the signs that they saw today were provided on that site plan along with a little landscaping. Member Margolis said she would be inclined to deny the request and ask that the site plan be approved reducing the number of tenant names on each of the signs. She stated she was concerned about changing that precedence when it was their ordinance they set up in the first place.

Member Mutch said Council was being asked to approve a preliminary site plan for a sign package and lighting and then the applicant would go to the ZBA for variances for specific issues. He said one option the Council had was to approve the site plan with only two signs per sign face and then the applicant could still go to ZBA and present their case for four and the ZBA could grant that. Mr. Schultz said there was no great answer and he could interpret the ordinance that way. He said the problem was a general proposition when someone denied a site plan they could go to the ZBA to say they wanted a different exercise of discretion. The problem here was that it was the City Council in the TC District making that determination to approve the signs in an exercise of discretion and do it with only two signs. Mr. Schultz said when faced with the question of whether that could even be put on a ZBA agenda, the inclination now was it would not go on a ZBA agenda, that's done. Member Mutch said the problem he had with this was ultimately if they approved this, it would go to the ZBA. He said it was like Council having its thumb on the scale telling the ZBA to go through the motions of approving this but they should or should not approve the four because that was what Council had predetermined. He said this was not how this happened as typically the ZBA looked at the issue from the ZBA perspective and made a determination. Member Mutch thought most commissioners, as much as they try to be objective, would not be unaware of how Council acted on this issue. He said in terms of the signs themselves, he had a couple of problems with what was proposed. He said one was the applicant was proposing four signs per sign face, which would give them eight at each entrance for a total of sixteen. He said there was no language that said it was the same four stores on each side and that opened up the possibility of having 16 different store names around the perimeter of the Town Center; he was concerned about that. He said all the major tenants had large signs on the buildings and he was sure that Wal-Mart would also have a significantly large enough sign package to be visible from Grand River and Novi Road. He understood but was concerned about that proliferation. Member Mutch said the other concern with multiple signs was what he had noticed with some of the signage that had gone up around the Civic Center Campus. He said once it went beyond one or two items on a sign, the text of the sign got so small that it became difficult to read and became a clutter, which was also a concern for him. He said if they were going to give this kind of consideration to this development, there were other smaller commercial centers south and west of the site that would probably like to have a similar kind of sign package where they could have multiple tenant signs. He asked if they were creating a precedent for this. Member Mutch said he didn't mind it going to the ZBA, if that was the appropriate process anyway but he would have a problem kind of endorsing a particular viewpoint. He said he didn't know if there was a way to approve this without taking that action but he would prefer to support a motion that did that versus one that specifically endorsed four signs on each of these. He said he wouldn't support that at this time.

Mayor Landry asked if they could do that and Mr. Schultz thought they could. He thought the question would be crafting it so that it sent the right information out to the ZBA. Mayor Landry asked if someone could make a motion that Council approved the preliminary site plan, and wished to send the issue about the number of signs on each monument to the ZBA and let them exercise their discretion and make a ruling on the matter.

Mayor Landry said Member Mutch assumed that there was going to be lettering on both sides of each monument, is that true. Mr. Quinn said no, there was only one face to the monument sign and there would only be four tenant names on all the signs and they would be the same four tenant names. He said they would be anchors and they wouldn't see 16 separate businesses to clarify that. Mayor Landry said right now the extent of the sign was that it was just static white letters on a brick background and they were not backlit or anything like that. Mr. Quinn said he was correct and they just said Novi Town Center. Mayor Landry asked what the plan was of the Town Center and asked if it would still just be static letters on a brick background, or was it going to be backlit with different colors. Mr. Quinn said they would be internally lit. Mayor Landry said that meant that the letters themselves would be lit; Mr. Quinn agreed. Mayor Landry said they could be different colors for each business name and Mr. Quinn agreed.

Member Fischer said there was a total of four signs; so hypothetically there was not a condition that it must be the anchor stores, they could have sixteen different names there. Mr. Quinn said that was never their request. Member Fischer asked Mr. Schultz going back to the Council tipping the hand of the ZBA, when this arrived at the ZBA would they use their normal process to decide if a practical difficulty existed. Mr. Schultz said they would. Member Fischer said he would not be as concerned with allowing this case of the four signs to go to the ZBA. He said they were an independent body and had their own criteria that they must examine and make their decision. Member Fischer said while he was on the ZBA he was always confused as to why the TC District had the extra language where Council had discussion on the signs. He asked about signs on the building within the Town Center. He said there was a scrapbook store in the Town Center that had to go to the ZBA and asked why the ZBA had jurisdiction on that case but this had to come to Council first. Mr. Schultz thought it had to do with the fact the the monument signs were approved as part of the site plan and part of the architectural concept of the site. Ms. McBeth agreed with Mr. Schultz. Member Fischer said his take on the signs, as far as the tenant names, if he were on the ZBA he would not be in favor of the four signs. He thought two would be more appropriate and the size requirements needed to be looked at. He was not in favor of Council, with no real direction in the ordinance, making an arbitrary decision on signs. Member Fischer stated he would favor sending this to the ZBA and letting that independent body make the decision on whether or not to allow four signs. He stated he appreciated the efforts of the Town Center and liked the clock tower and thought it would be a great addition.

**CM-10-08-111      Moved by Fischer, seconded by Margolis; CARRIED UNANIMOUSLY:  
To approve of the request of Novi Town Center Investors, LLC, for  
the approval of the Preliminary Site Plan SP 10-29 Novi Town Center  
site signs and landscaping subject to the following:    applicant**

**receiving a ZBA variance modification for the proposed increased height from 6 foot 10 inches to 8 foot 10 inches for the monument signs, applicant receiving a ZBA variance for the modifications to the Novi signs proposed for the existing Town Center Clock Tower, applicant receiving any additional ZBA variances as required for the size and number of the proposed signs and the conditions and items in the staff and consultant review letters being addressed on the stamping set submittal. Also, Council would appreciate the ZBA using their independent authority in the decision making and Council had no bias as to the decision on the tenant signs.**

Mr. Schultz said Item D talked about the size of the proposed signs and he thought it should also say the number of signs. He said if they want four signs, they need ZBA approval. Member Fischer accepted that amendment.

## **DISCUSSION**

Member Mutch said a friendly amendment would be the offer from the applicant to agree to limit each of those four signs to the major tenants. Member Fischer said while he agreed, he wasn't sure that he felt comfortable with the City Council urging the ZBA as to what conditions they should put on the signs that they would be looking at. So, he said he would be inclined to not approve that amendment. He said while he agreed with Member Mutch and if he was on the ZBA, he would look to put that type of condition, hence his question to Mr. Schultz, he couldn't support the friendly amendment.

**Roll call vote on CM-10-08-111**

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

**Nays: None**

- 5. Consideration of the request of SBA Towers, LLC for Special Land Use permit and Preliminary Site Plan approval, SP08-40D, for a proposed 150 foot tall cellular phone monopole tower, associated equipment shelters and accessory structures for property located at the southwest corner of Twelve Mile Road and the M-5 connector.**

Krysten Kitzman, Black and Veetch, was present for SBA. She reminded Council that these sites were driven by need, so SBA had interest from both Verizon and T-Mobile to co-locate on the tower with other carriers expressing interest. The tower would provide space for six co-locators plus an MDOT traffic management system, which would include a closed circuit TV camera at the top of the tower to monitor the traffic along M-5 and Twelve Mile intersection. Ms. Kitzman said in the information provided there was an affidavit from Verizon's RF engineer, which stated they had been looking for a site in the area for a good six years and had been unable to find a suitable location and this site was critical to provide essential communications for their customers. T-Mobile also provided information to the City and that was done through propagation maps provided by both carriers, which would be the industry standard on how carriers would express the need for coverage. She noted MDOT was

interested in placing equipment at the site, which would make it both essential and desirable to Novi residents in that it would be a dual use, private and public partnership. Ms. Kitzman said they had worked with the City staff for two years and the Planning Commission recommended approval.

Member Mutch stated he had several concerns with the proposal and was well acquainted with the site and surrounding area and how the tower might or might not fit into it. He stated he was concerned with the height of the tower and there was some representation in the packet that the tower would be compatible with some of the surrounding light towers that MDOT had on their property. However, information provided to Council indicated that this tower was significantly taller than the MDOT light towers, which were about 100 feet tall and sat about a quarter mile south of the new tower location closer to the power lines that ITC owned and where other cell tower providers had located. Member Mutch said this tower would be significantly taller by 50 feet and he considered the location of it a gateway to Novi and the OST District, which magnified the potential impact of this particular location. He said he recognized the cell phone providers had a legal right through Federal laws that covered cell tower facilities to locate in appropriate locations. However, in reading through information received from staff in terms of meeting the standards of the ordinance and showing a compelling need to locate at this specific location, he didn't think the case had been made. Member Mutch said the maps showed that if a cell tower was at this location, it would address some of the gaps in coverage but there was no indication this was the only location where that need could be met. He thought the ordinance would require other potential locations and how they could fill that gap; that part of the record had not been completed. Member Mutch said based on ordinance standards, he didn't think the proposal had met all those requirements. He said there were also site improvements that he saw as detracting from the surrounding area with this location. Member Mutch said one was a six foot tall industrial looking fence proposed to be placed along Twelve Mile Road on a major road in the OST corridor area. He said he couldn't think of anything that was more out of place. He said there was a giant fence blocking the entrance to a gravel road that if they went 100 feet either way, they could go around. He said it didn't fence in anything at all and the cell tower location had its own fencing; so why that kind of fence at that entrance was beyond him; it was ugly and would detract from that area and he couldn't support it. Member Mutch said there was no landscaping proposed for it and he wasn't clear why staff wouldn't want some screening for the fence and that would need to be addressed. He said in terms of the entrance onto Twelve Mile it had gone from an asphalt or concrete apron to a gravel entrance again. He said having a gravel road with a giant industrial fence fronting onto a main boulevard in the high value, high tech Office Service Technology District just seemed to be completely out of place. Member Mutch said although that was not a significant part of the proposal in terms of the overall development of the site, he thought it was something that, in addition to those other factors, really detracted from the proposal. He said he would not be willing to support this as proposed. If the applicant wanted to go back and show Council that there was truly no other alternative site, it would be something to consider. Member Mutch said at a minimum he would not support the proposal with some of the site improvements that were shown. He commented he would want to see something in place that did a much better job of screening what was proposed and toning down what was along Twelve Mile.

Member Margolis said she would not be in favor of approving this proposal. She said the ordinance required “substantial information demonstrating that the location is essential”. She thought the information she looked at provided some information that it might be useful, but she didn’t see anything that said it was essential and that was part of the requirements. Also, there wasn’t information about the fact that it was not feasible to co-locate somewhere else.

**CM-10-08-112**

**Moved by Margolis, seconded by Gatt; MOTION CARRIED:**

**To deny the request of SBA Towers, LLC for Special Land Use permit and Preliminary Site Plan approval, SP08-40D, for a proposed 150 foot tall cellular phone monopole tower, associated equipment shelters and accessory structures for property located at the southwest corner of Twelve Mile Road and the M-5 connector as it did not comply with ordinance requirements demonstrating that the location was essential for service or desirable for the public welfare and it did not provide substantial data demonstrating that it was not feasible to co-locate on the existing sites or other structures. Also, it was not compatible with development of the OST District and would be detrimental to the orderly development, environmental or use of adjacent properties in that zoning district. Also, whether the proposed antenna tower or pole is of such location, size and character as to be compatible with the orderly development of the zoning district in which it is situated, and shall not be detrimental to the orderly development, environment or use of adjacent properties and/or zoning districts. The applicant should present a creative solution to proliferation of antennas. The pole is a standard monopole with extending antenna arrays in a very visible location. The denial of the request would prohibit or have the same affect of prohibiting the provision of personal wireless service, the applicant submitted proposed signal propagation charts for Verizon and T-Mobile both have applied to SBA to be located on the tower but no level of technical details had been provided to support the charts. The relief asked was for the minimum necessary to not have any affect of prohibiting personal wireless services. Alternate charts showing proposed coverage at lower heights or other locations have not been provided and the applicant was seeking to establish a new pole for wireless services shall be required to provide information regarding the feasibility of pole location at an existing site. There are several 90 foot tall ITC towers located nearby. The applicant provided correspondence from their potential wireless customers stating they were not able to co-locate on other facilities. Staff asked for a response from ITC and/or DTE stating that it was not possible to locate on their nearby electrical transmission towers, but no response from ITC or DTE was submitted. Also, for Special Land Use Section 2516.2.c for the same reasons articulated for the first part.**

Mr. Schultz said, because this was a cell tower, what they really needed to do was go through all of the provisions on page 2 and try to figure out as many points of fact to go along with each of those conclusions that were represented by those bullet points. Mr. Schultz suggested adding for Special Land Use Section 2516.2.c for the same reason articulated for the first part. Member Margolis accepted the additions recommended by Mr. Schultz. Mayor Pro Tem Gatt, seconder of the motion, accepted the amendments.

**Roll call vote on CM-10-08-112**            **Yeas: Landry, Gatt, Crawford, Fischer, Margolis, Mutch**  
**Nays: Staudt**

6. **Approval to purchase eight (8) 2011 Ford Crown Victoria Police Interceptors (CVPI) from Gorno Ford of Woodhaven, MI and one (1) 2010 Dodge Charger Police Package vehicle from Slingerland Chrysler-Dodge of Owosso, MI for the Novi Police Department Uniform Division in the amount of \$188,904, based on the lowest quotes received from dealers with current State & County contracts.**

**CM-10-08-113**            **Moved by Fischer, seconded by Gatt; CARRIED UNANIMOUSLY:**  
**To approve to purchase eight (8) 2011 Ford Crown Victoria Police Interceptors (CVPI) from Gorno Ford of Woodhaven, MI and one (1) 2010 Dodge Charger Police Package vehicle from Slingerland Chrysler-Dodge of Owosso, MI for the Novi Police Department Uniform Division in the amount of \$188,904, based on the lowest quotes received from dealers with current State & County contracts.**

Mr. Pearson said this was a joint purchasing agreement using Federal Drug Asset Forfeiture monies and reusing some of the interior loose equipment to get very good pricing.

**Roll call vote on CM-10-08-113**            **Yeas: Landry, Gatt, Crawford, Fischer, Margolis, Mutch, Staudt**  
**Nays: None**

**AUDIENCE COMMENT – None**

**MATTERS FOR COUNCIL ACTION – Part II**

7. **Approval to Appoint Kirsten West as the Student Representative to the Library Board and Tom Lindberg to the Economic Development Corporation.**

Member Staudt asked if the EDC was a mayoral appointment and Mayor Landry said it was.

Mayor Landry nominated Tom Lindberg to the Economic Development Corporation.

**CM-10-08-114 Moved by Landry, seconded by Gatt; CARRIED UNANIMOUSLY:  
To approve appointment of Tom Lindberg to the Economic  
Development Corporation.**

**Voice vote**

City Clerk Cornelius announced the appointment of Kirsten West as the Student Representative to the Library Board.

**8. Approval of Labor Contract with Police Command Officers Expiring June 30, 2013.**

Mr. Pearson said they had approached labor groups to look at the contracts and try to be fair and come up with some ongoing cost savings that the City could realize recognizing that property taxes would be decreasing over the next several years. The police command was the first and presently the only, but there were others in the wings, that stepped up and offered the contract terms seen tonight. He said it did represent a group that had a high level of standing being public safety and police and command. He said for them to offer up these wage modifications for the three years to go to the 10% employee co-pay and to eliminate the Blue Cross program was a significant step. He thanked all the members for their work with the City and Ms. Gronlund-Fox who not only had to work with this group but all the open ones. He said they would continue to work at it and be fair recognizing the employees for what they were doing but also realizing the financial constraints.

Mayor Pro Tem Gatt said this was a group of individuals who didn't have to do this at all. They had a signed contract that went through the next couple of years. He noted that on July 1 these men received a pay raise and voluntarily came to the City and gave it up and they should be commended for their actions. This group of people consisted of Lt. Jerrod Hart, Lt. Keith Wuotinen, Sgt. Matt Conquest, Sgt. Mike Warren, Sgt. John Nelson, Sgt. Ken Meier, Sgt. Terry Whitfield, Sgt. Pat Fanning, Sgt. Jason Meier, Sgt. Eric Zinser, Sgt. Kevin Rhea and Sgt. Scott Baetens. He said these were the men who pretty much ran the police department sixteen hours a day, Monday through Friday and 24 hours a day Saturdays, Sundays and holidays unless something major happened where the Administrative staff was called in. These were the men who made the decisions day in and day out and he felt they should really be commended for stepping up to the plate and recognizing the economic problems and doing the right thing. Mayor Pro Tem Gatt also thanked Ms. Gronlund-Fox. He thanked Chief/Public Safety Director David Molloy and his staff of Deputy Chief Tom Lindberg and Assistant Chief Victor Lauria. He said these men didn't just happen to do this they were shown by example of how to be a leader and those three people were perfect examples of the best leaders in Novi.

**CM-10-08-115 Moved by Gatt, seconded by Margolis; CARRIED UNANIMOUSLY:  
To approve the Labor Contract with Police Command Officers  
expiring June 30, 2013.**

## **DISCUSSION**

Mayor Landry echoed Mayor Pro Tem Gatt's comments. He said this was almost culture defining, this is leadership at its best because it's action. He said several years ago the Council approved a contract before the economy tanked that provided for this employee group to get a raise this year. He said no one else was getting a raise but because of a multi year contract and a decision made before any one foresaw these economic times they were allowed a raise. Mayor Landry said they were giving it back and that's incredible. He said that was leadership, they understood the City was not in a position to be giving raises and in fact were asking for concessions and this group stepped forward and offered concessions. He said this was admirable action and leadership in Novi at its best.

**Roll call vote on CM-10-08-115**

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

**Nays: None**

## **COMMITTEE REPORTS**

Member Crawford stated she participated in an Energy and Technology Committee telephone conference call and would report more on it at the next meeting. Coming up in September, the Novi Theater will have a variety show much like that on a USO tour. It's a great show for veterans to see; many have heard of the music in the show. There would be six shows; four of them are luncheon shows for \$20 and \$15 for the matinee. She said the September 9<sup>th</sup> is the first show date.

**MAYOR AND COUNCIL ISSUES - None**

## **CONSENT AGENDA REMOVALS FOR COUNCIL ACTION**

- J. Approval of Traffic Control Order 10-37 for the implementation of a 45 mph speed limit on Novi Road between 12 Mile Road and 14 Mile Road and Traffic Control Order 10-38 for the implementation of a 30 mph school speed limit on Novi Road from 300 feet north of the north driveway to Hickory Woods Elementary School to 300 feet south of the south driveway of Hickory Woods Elementary School on school days only during the periods of 8:27 AM to 8:57 AM and 4:00 PM to 4:30 PM. Mutch**

Member Mutch stated he pulled Items J and K for related reasons. These particular items involved Traffic Control Orders where the City had done traffic studies at various locations throughout the City. He said the concern he had about these two locations was because it would increase traffic speeds on roads where two elementary schools were located, Meadowbrook Elementary School on Meadowbrook Road south of Thirteen Mile and Hickory Woods Elementary School on Novi Road between Thirteen and Fourteen Mile Roads. He said looking through all the information provided there was almost no discussion of the impact of these traffic speed limit increases on pedestrians crossing to the schools during the school hours and other times during the day. Member Mutch commented the Walled Lake School



District requested reduced speed limits during school hours and that was reflected in the Traffic Control Order. He said the concern he had was neighborhood elementary schools were used all hours of the day as there were playgrounds, meetings and activities beyond the normal school days, which put them outside the time when the reduced speed limit was in affect. He said he had a real concern with the impact of that and not seeing any discussion of it in the packet. He noted at the last Walkable Novi meeting they were discussing traffic speeds with the consultant and the evaluation he was doing of the City and one of the things he noted was as traffic speeds went up it was less comfortable for the pedestrians using the adjoining sidewalks. He said a 45 MPH speed limit was proposed for Novi Road for most hours of the day where there was very little separation between the road and the sidewalks. Member Mutch said these were not sidewalks and bike paths that were set back 20 or 30 feet from the road; these had a five or ten foot separation from the road in most cases. He said they were increasing the speed on Novi Road, which had very heavy traffic and it would have a negative impact. Member Mutch said he didn't see any discussion of the impact of the speed changes on pedestrians and people crossing the roads to the school. He said there was a limited amount of discussion about signage and he thought if driving the Novi Rd stretch by Hickory Woods there was a traffic light there; however, he didn't think it was obvious that it was where people were going to be crossing to go to the school. He commented he didn't have a problem with speed limit increases in commercial districts or along roads that were primarily commercial or industrial. However, in areas that were primarily residential, he didn't think their first impulse to address speeding on these roads was to increase the speed limit. He thought they should at least give consideration to ways to encourage people not to drive so fast versus taking the higher speed limit approach.

- K. Approval of 1) Traffic Control Order 10-39 for the implementation of a 35 mph speed limit on Meadowbrook Road between 12 Mile Road and 13 Mile Road, 2) Traffic Control Order 10-48 to rescind existing Traffic Control Order 98-12 for a permanent 25 mph speed limit adjacent to Meadowbrook Elementary School, and 3) Traffic Control Order 10-40 for the implementation of a 25 mph school speed limit on Meadowbrook Road from 500 feet north of the Meadowbrook Elementary School driveway to 200 feet south of the Meadowbrook Elementary School driveway on school days only during the periods of 8:27 AM to 8:57 AM and 4:00 PM to 4:30 PM.**

**CM-10-08-116 Moved by Mutch, seconded by Staudt; CARRIED UNANIMOUSLY:  
To table Items J and K to give staff and consultants an opportunity to address the concerns in terms of pedestrian safety expressed by Member Mutch.**

Mayor Pro Tem Gatt asked Mr. Hayes what he thought about the issue. Mr. Hayes said they used the manual of Uniform Traffic Control Devices to help them establish what would be an appropriate speed limit. He said the manual didn't address pedestrians, unfortunately. Mr. Hayes said there was a signalized crossing in front of Hickory Woods and a designated pedestrian crossing for the Meadowbrook School. He said those two types of controls do exist. Mayor Pro Tem Gatt asked if the motion passed, what kind of study he could do on pedestrian traffic. Mr. Hayes responded they would take a look at pedestrian flow to the

schools before and after the school day as well as during the school day. He said they would see what type of traffic they were dealing with and see how that might be impacted by the higher speed limits that were being recommended based on the 85th percentile speed of the studies. Mayor Pro Tem Gatt said then the study couldn't be started until school started and Mr. Hayes agreed.

**Roll call vote on CM-10-08-116**

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

**F. Approval to award Jorgensen Ford Sales the contract to purchase a 2011 Ford F250 Van for the Senior Van Program in the amount of \$31,918.46 and with a \$1,250 trade in for a total of \$30,668.**

Member Crawford pulled this because she had received a number of letters and calls with concerns from seniors about the cost charged for transportation in the vehicle. She said it went up one dollar, which meant a four dollar one way ride. This meant if the senior lived in Meadowbrook Commons and was going to Busch's, which was close by, it would be an \$8 charge for them. She said it was a hardship for a number of the seniors particularly those on low incomes. She said when she saw the purchase of the new vehicle, and she thought it was a good price, she thought it would have been a wise thing for them to have gone to some of the people that get the most ridership from Novi riders, for example in July 2010 there were 816 one way rides. She said 392 of those rides were medical related and of that number 106 of them were to Providence Park and 127 were to local doctors. She thought it would have been prudent to go to Providence Park and the Novi Kidney Company and ask for a donation towards a vehicle. She thought if they had received some subsidizing of the new vehicle, it might not have been necessary to continually raise the rates for these one way rides. Member Crawford said she would like to see Council make a concentrated effort to get some cooperation from Walton Woods and Fox Run where a number of senior residents contract with the senior van, because they don't want to pay for their van. She said they do have a van but they choose the senior van. She said she would like to see some information that the City had gone to those corporations and had asked them to participate with the City when the City purchased a vehicle.

**CM-10-08-117**

**Moved by Crawford, seconded by Gatt; CARRIED UNANIMOUSLY:  
To approve to award Jorgensen Ford Sales the contract to purchase  
a 2011 Ford F250 Van for the Senior Van Program in the amount of  
\$31,918.46 and with a \$1,250 trade in for a total of \$30,668.**

## **DISCUSSION**

Member Fischer appreciated Member Crawford bringing up that topic. He said he had gone back and forth a little with City staff about the decision to buy this van as opposed to some others that might drive cost savings, such as a smaller van and one that would get better gas mileage or an electric vehicle. He thought there was a lot of opportunity there and he loved Member Crawford's idea about talking with some of the businesses and he thought that might

be a great idea for the Parks Foundation to have advertising such as naming rights on the van. He said he would like to bring this up during goal setting to look at this program in its entirety because he had also received comments about the cost.

**Roll call vote CM-10-08-117**

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

**Nays: None**

**AUDIENCE COMMENT - None**

**ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 8:44 P.M.

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David Landry, Mayor

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Maryanne Cornelius, City Clerk

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Transcribed by Charlene McLean

Date approved: September 13, 2010