

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, APRIL 4, 2011 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 Fischer, Margolis, Mutch, Staudt – absent/excused, Wrobel

APPROVAL OF AGENDA

CM-11-04-040 Moved by Margolis, seconded by Fischer; CARRIED UNANIMOUSLY:

To approve the Agenda as presented

Roll call vote on CM-11-04-040	Yeas: Gatt, Fischer, Margolis, Mutch, Wrobel, Landry
	Nays: None
	Absent: Staudt

PUBLIC HEARING – None

PRESENTATIONS

1. Proclamation in Recognition of National Library Week April 10 – 16, 2011

Mayor Landry presented the proclamation to Mary Ellen Mulcrone and Laura Casey.

Ms. Mulcrone thanked the City for helping celebrate National Library Week. She said they appreciated the proclamation to help spread the word about the great resources that the Novi Library had to offer. She said the library could be visited anytime but they especially encouraged it during the month of April when there were many special events in honor of National Library Week. She said on Monday, April 11th author Tom Stanton would present "A Journey through Detroit Tigers' History", the program was sponsored by the Friends of the Novi Library. She said on Friday, April 15th they had "Book It! An Evening of Shopping, Sipping, and Sampling", there would be food and drink, as well as, both silent and live auctions. She said the fundraiser event was for adults 21 and older and would help build the children's collection at the library; tickets were \$10 and may be purchased through the Library Administration Office. She said all through April they had a project called "Create Your Own Story", it was the theme of National Library Week. She invited everyone to come in and get a paper book template to draw or write their best library memory. She said the books would be displayed for all to see during April. She said in addition to those special events there were many other programs, as usual, such as snack tales, story times, and computer classes. She said more details were on their website, www.novilibrary.org.

**2. Proclamation in Recognition of National Emergency Telecommunicator's Week
April 10 – 16, 2011**

Mayor Landry presented the proclamation to Mr. Rick Mitchell.

Mr. Mitchell thanked the Mayor and Council on behalf of the dispatchers who did the work. He said he had been in police work for almost 30 years and came to Novi about 8 months ago. He said he continued to be impressed by the work of the dispatchers; they were highly trained and motivated. He said the support and recognition from the City would go a long way.

**3. Proclamation in Recognition of Michigan Paralyzed Veterans Annual Awareness
Week April 11 – 15, 2011**

Mayor Landry presented the proclamation to Jaclyn Kochis.

Ms. Kochis thanked the City of Novi for having been supportive of the Michigan Paralyzed Veterans of America. She said they appreciated the proclamation. She said they had an annual open house on April 14th and it was free to the public. She said they were located to 40550 Grand River Avenue and the open house would be held between 10:30 am and 3:30 pm. She said this year marked their 50th year of service.

REPORTS:

1. MANAGER/STAFF – None

2. ATTORNEY – None

AUDIENCE COMMENT –

Michael Looney, Oakwood Drive, said he had concerns over the planned 10 foot wide pathway on the north side of Nine Mile between Haggerty and Meadowbrook. He said several of his concerns weren't addressed in terms of City Government communicating with residents. He said he had the following concerns: maintenance, who was responsible for keeping a 10 foot wide pathway along with 2 feet of clearance on each side clear of snow and debris, the City or residents; pathway material, unless maintained on a regular basis it wouldn't be long before an asphalt pathway would deteriorate given the elements, who would perform the upkeep; safety, bike and pedestrian traffic had to cross from north to south before the Nine Mile and Haggerty intersection where vehicle traffic was heavy and compromised by frequent emergency vehicle runs, southbound motorists turning right onto Nine Mile from Haggerty wouldn't be able to see crossing bikers or pedestrians until they were almost on top of them, where was the safety data to show that such a crossing was alright; damage to the environment, over 100 trees along the shrubs would be uprooted along the stretch, the foliage had provided a welcome buffer over the years from the noise and sight of vehicle traffic, without the coverage, the entire stretch would be bare; insurance, who was responsible if someone was hurt biking along the pathway or if a resident was bit by a dog being walked, the City or residents; barriers, residents would be forced to erect fencing at their own expense to maintain the privacy they once enjoyed and to ensure

their children and property weren't threatened by unwanted transient bike or foot traffic, this fencing could be of different height and quality; project justification, within a one square mile area, Nine Mile to Ten Mile and Meadowbrook to Haggerty, only 26 residents participated in the online survey that the City hung their hat on, there were hundreds of residences in the area, himself and another resident, Pauline Wolstencroft, did their own survey by visiting homes along Nine Mile and other parts of Village Oaks and obtained 79 signatures of disapproval for the pathway out of the 85 people they solicited, 93%; actual cost, based on a review of Novi's Capital Appropriation Plan \$207,000 of municipal funding had been budgeted for the project, \$97,000 is the amount the City would pay, what was the actual City contribution when money was supposed to be scarce; feedback to residents, residents weren't given adequate responses by City Government in terms of pathway concerns made in writing and in meetings. He said in his opinion their concerns were downplayed or ignored. He said in closing he saw the pathway situation revolving around \$146,000 of Federal Grant, which was being portrayed as free money, to get the free money due to Federal pathway requirements which were quite rigid, the City would have to needlessly spend money to help complete the project, while the residents were force fed a pathway wide enough to drive a car on. He said too much emphasis was placed by the City on the grant when many other issues needed to be considered. He said much better research needed to be performed to craft a pathway plan actually made sense. He said if the present plan was implemented the result would negatively impact residents. He said he respectfully requested that City Council reconsider the matter of a 10 foot wide pathway and reach out to residents to arrive at an agreeable compromise that both sides could live with and would minimize damage to the environment to the fullest extent possible.

Naomi Wood, Chestnut Tree, said she was there because of her great concern of the environment. She said she hated the fact that these were some of the most mature trees in Novi, 40 year old trees that were put there when the sub was first built. She said they were mature, established, healthy, extremely rare trees in a newer suburban community like Novi. She said they supplied a huge amount of homes for birds, animals, as well as just having greenery that was large and substantial in the community. She said part of her other concern was with the pathway plans. She said they didn't know if there was a forester who looked into how close the path came to some of the large mature trees that they may leave root systems. She said with that kind of substantial tree there was considerable concern for that pathway taking away its root system and therefore eventually killing the tree down the road. She said the other issue was safety reasons, they felt that 14 feet, 10 feet of a path and 2 feet on each side of gravel, was too wide. She said she supported a sidewalk that was consistent with the sidewalks around them continuing onto Nine Mile to Novi as well as on Meadowbrook. She said her issue was that the pathway was too large, it wasn't the same style, it didn't have a curb, or an easement. She said she understood Federal funding was available but in her perspective that wasn't worth putting in such a humungous pathway in an inappropriately sized space. She said in her opinion that pathway was for an open space and this was a very established residential area it would be going through, not an appropriate place to put such a large pathway. She said her other concern was the simple fact that it didn't provide residents with the protection and sound barriers that

they were used to having on a very busy street. She said she understood there were a lot of streets in Novi that backed up to a kind of pathway but they were on a very major street that went directly to Haggerty, they got a lot of passerby's that already left debris, with all of them having families and children it was a huge concern.

Larry Smith, Park Forest Ct, said when he attended the informational meeting in December he didn't see a plan for his property in terms of losing bushes and trees that were taken out as a result of this. He said he wasn't sure if his response would have to be to build a fence or plant his own trees because he felt it would be an evaluation of his personal property. He said on a community level he was concerned with the Nine Mile egress regress east west entry level into Novi. He said it was always noted as a beautiful drive with the trees. He said he was concerned with the effect that would have on the Nine Mile area. He said it was noted for many years that the trees were a noted feature and he was very sad to see them go by any respect. He said on a third level, the bikers he had talked to, serious cyclists who have expensive equipment, their recommendation was an expanded contiguous bicycle path in the nature of Taft Road between Eight Mile and Nine Mile where it is a path that is contiguous with the road and there is a logo, they rode in a single file, they could maintain a 10 to 20 mile per hour speed limit they didn't have to be concerned with dogs, walkers, or joggers in the nature that would happen on a 10 foot path. He said he asked Council to respectfully consider all of the concerns and he commended them on their efforts with the grant and the beautification of Novi and he appreciated the things Council had done but he wanted them to consider modification of the Nine Mile bike path.

Rebecca Smith, Park Forest Ct, said she wanted to commend Council on the grant. She said as an educator who worked for the school district she knew all about writing grants and how hard it was to get a grant and how exciting it was when you received the grant. She said she believed their hearts were in the right place when it came to their vision for Novi and the purpose of the grant. She said also working for a school district, when something was put in place that affected people you needed to involve community input. She said she didn't feel they took the time to do that in this case. She said when they were invited to the informational meeting on December 10th it was a meeting with architects who told them what it was going to be and what it would look like, they weren't able to ask questions, they responded by saying it was for the City Council to answer. She said they weren't given the opportunity to meet with Council or hear from Council to discuss how it affected them as families along the stretch. She said they weren't unreasonable people and a sidewalk might have been okay. She said she didn't think it was communicated to Novi residents that the pathway was 10 feet with 2 feet of gravel on either side, 14 feet total. She said her backyard was actually on Nine Mile and on Chestnut Tree. She said Detroit Edison hacked away her beautiful trees, she had a row of Willows and Corkscrew Willows along the back and she had to pay to have them removed. She said because it was important to her to keep her yard beautiful she didn't put up a fence when she could have, instead she invested in trees and she invested in trees called Giant Green Thujas which grew very quickly so she wouldn't have to wait 30 years for whatever other tree planting the City might put in to grow, so she would have a block for her small children playing in her backyard. She said she did this and now she saw that her entire backyard would be cleared, which meant,

10 bushes, 30 year old forsythias, 2 lilacs, 10 brand new trees that she paid \$1,000 to put in and her entire backyard would be wiped. She said she invited Council to come to her backyard and personally walk them along the stretch to her neighbors' yard. She said it was one thing to make a decision from looking at a plan but to actually see what 14 feet looked like. She said she had a huge ditch there and she understood there weren't plans to do anything with the ditch and if 14 feet was measured from the ditch they were into her yard and her yard was open to all of the noise, traffic, and cars. She said now she had to worry about her small children being back there with bicycles, pedestrians, and dogs. She said she had a neighbor who was attacked by a Pit Bull and almost killed and now she had to worry about being out in her backyard with dogs going through. She said it was not only the pathway, it was the Nine Mile traffic and not having a block there devalued her property. She said she urged them to table the project, it seemed like it was being pushed through, the gas company was already out marking lines and the gas lines went right where the pathway was going and they would have to be moved into her backyard so 14 feet was past 14 feet now.

Pauline Wolstencroft, 40611 Oakwood Drive, said she opposed the 10 foot pathway. She said there was no communication to her or her husband about an informational meeting. She said if there was an informational meeting there would have been a sign in sheet. She said once they saw their names weren't on the sign in sheet someone from the City should have come to their house to talk to them about it. She said the first communication they received was from the City with a letter stating they wanted them to donate their property, and their privacy fence which gave her 3 small children safety. She said the City now wanted to take her fence down and run the sidewalk right through the fence line and into her landscaping. She said there was 80 feet on the other side of her fence, from Nine Mile to her fence line and they couldn't find 14 feet to use on the other side of her fence. She said her other concern was maintenance. She said there was currently a shoveling ordinance and they had to shovel the pathway. She said 10 feet was a lot to shovel, once they shoveled the drive way then they had to drag it all to the back and shovel that. She said if someone slipped and fell on the path who would pay for it, her homeowner's insurance or the City. She said it would be made out of asphalt, asphalt didn't hold up as long as concrete, who was responsible for patching it, the homeowner or the City. She said if the City was responsible and they took a long time coming out who would pay for the insurance claim once someone was hurt because they stepped in or rode over a pot hole. She said the other issue she had was safety, regardless of where they lived they now had to deal with added traffic from bikers and pedestrians. She said if they took her fence down her kids could run out to Nine Mile and what would happen when one of her kids got hurt. She said would she sue the City, because it was safe now, but once the fence was down the sense of security was taken away.

Doug Wood, Village Oaks Resident, said he was there to voice his disapproval of the approved Nine Mile pathway project. He said the project reminded him of an expression he once heard from a law professor saying that just because it's legal doesn't mean it's ethical. He said his take was just because money was available didn't mean the project was a valid one. He said in his opinion some members of the City Council believed that free money should be spent regardless of the project or its

impact. He said having grown up in Michigan he understood the importance of public works style projects to get people employed, however, the project fell short of any such goal. He said he would like to remind everyone that the so called free Federal money wasn't free, it came from the taxpayers. He said the voting public put their trust in them, the elected officials, to deploy their money responsibly. He said they heard a lot about government waste and needless endeavors like the bridge to nowhere project that got a lot of press. He said the Nine Mile pathway project was an example of such spending on an admittedly much smaller scale but still the comparison was valid. He said it was hard for him to fathom how anyone could think a 14 foot wide pathway through a very well established neighborhood was a very good idea, even if it didn't entail the destruction of natural habitat and bulldozing of trees. He said they may all disagree on the number of trees but in the end the result was the same. He said their green buffer zone between their homes and Nine Mile would be stripped away, leaving them feeling vulnerable and exposed. He said as a resident of Novi with a property that butted up to Nine Mile Road they got a lot of registered voters passing by their property and if anyone who was up for reelection wanted to place a sign in his yard, if they voiced their disapproval on this issue they would be welcome to put up as many signs in his yard as they wished.

Wallace Popravsky said he wanted to talk about money for a second, specifically amendment 11-176 Chapter 2 about expanding cost recovery options for public safety expenses. He said what he thought it really meant was when the City had to dispatch an ambulance or a police car for an accident the City would also issue a bill to the person who called the ambulance or police car. He said he thought it was wrong that the City had to start billing people for emergency services when their property taxes and various fees they already paid were enough. He said it was more than a little ironic that the City seemed so hard up for money that they had to charge for police calls and accident calls when they had \$100,000 to throw away on the Nine Mile pathway. He said government projects rarely went as cheaply as planned, it could end up being \$200,000. He said it was irony that on one hand the City seemed to be putting their hand in everyone's pocket for more money and yet they had \$1.1 in the tree fund and money to throw away on a pathway project. He said he thought it was wrong; the economy was bad and wasn't going to get better soon.

Karen Hanley, Park Forest Ct, said there were several widows that lived on Nine Mile who were original homeowners and had lived in Novi and paid taxes in Novi for as long as 41 years. She said their retirement was vested in their property values. She said by building the 14 foot bike path, their home values, thus their retirement, would be adversely affected as well as the value of their properties; the City was putting their safety in jeopardy. She said by depleting the tree lines and creating the bike path they were increasing the vulnerability to strangers and naysayers. She said it wasn't only widows that would potentially be harmed but also children who played in the back yards on Nine Mile. She said as more strangers pass by more children would be exposed to the unknown.

Jean Hanley, Park Forest Ct, said she was a resident in the home for 39 years. She said when she bought the house she was told the subdivision was built with the concept of a

country atmosphere with no sidewalks. She said they had the landscape put in and planted Evergreens in the back of their home for privacy from the road. She said the trees took years to mature. She said an appraisal was done on her house in 2002 which showed a photo which said, "View from backyard large Pine Trees partially block the view of the main street". She said that proved to her that they felt the trees were an asset to the value of their property. She said taking the trees down and putting in a bike path decreased the value of all their homes plus it took away what little privacy they had. She said her neighbor 2 doors down from her was the original owner and attended the first meeting in December. She said shortly after she was diagnosed with brain cancer and passed away. She said her husband and her surrounded their home with beautiful evergreens along the sides of their back yard and the back. She said she was glad that her friend didn't have to see that her trees would be taken down for the project.

Jim Chasse, 22599 Sheridan Road, said his family moved to Novi when he was 11 years old and his parents' backyard is on Nine Mile Road, they lived on Oakwood Drive. He said one of the things he requested was the decrease of the 10 foot wide plus the 2 foot buffer on both sides because of the environmental impact it had on the north side of Nine Mile Road. He said he was supportive of pathways in Novi, he had 2 children himself. He said he thought it made it a lot easier for people to use the pathways to get around the City. He said he knew the people living in that area knew of an older couple that ended up walking right along Nine Mile itself or on the edges of it and there were some concerns for the people who were doing those things. He said however, at the same time a 10 foot wide pathway was in excess and would destroy more than twice as many trees as would be necessary if it were a pathway that was more consistent with what was put in elsewhere within Novi. He said Nine Mile was paved in 1979 and with that his parents moved in to Novi in 1980. He said during the 80's the berm that was put in on the south side of the road was put in by the City and had the unintended consequence of increasing the level of road noise for the people on the north side of the road. He said many people on the north side of the road chose to put in trees, shrubs, and bushes, to provide a sound buffer to their home, whether they were in the backyard or within the house. He said a 10 foot wide pathway with the 2 foot buffer on both sides of it would completely eliminate everything between the telephone poles and the roadway to accommodate that pathway. He said in doing so, the effort that had been put in place to create that type of buffer would be wiped out when probably half the environmental impact could have been done if the pathway was more consistent with what had been done within the rest of the City of Novi. He said he requested to take a look and reconsider some of the other pieces that went along with it. He said reading the documentation, when it came down to a pathway they talked about the benefit of vertical barriers and that was when he looked at some of the documentation on pathways that Novi provided. He said it talked about the benefit of one that had vertical barriers such as trees that went along with it. He said there would be many more of those if the City of Novi was able to look at doing it in such a way that it was more consistent with the rest of the paths in Novi and closer to something of the 5 or 6 foot type range. He said it wasn't going to be a heavily passed area that needed to be 10 feet wide. He said the safety benefits the trees provided was the consideration of knowing that twice there were cars, prior to the bushes and

trees being put in, that ended up all the way in backyards but that buffer provided a level of protection against that.

Debbie Popravsky said one of her concerns was the pathway would encourage people to bike and walk. She asked if there was going to be a speed limit for the bikers so her grandchildren would be safe if they crossed over the pathway and she wouldn't have to worry about them getting hit by a bicyclist going too fast and the safety of animals. She said her concern was also about the trees that harbored wildlife, there were a lot of bunnies, foxes, and all types of wildlife that lived in the trees and bushes. She said they weren't just trees and bushes; they were 40 years old and were part of Novi. She said for them to come along and just wipe them out, a part of the community is being wiped out. She said with reference to the trees being on City property, she understood the trees were built on City property when they were put in, as opposed to being on individual property. She said she didn't know how much of a concern that would be as far as taking them out and replanting them on their property. She said she wasn't in favor of it because it wasn't brought to their attention in a proper manner. She said she thought they should be more involved as a community and take their time, take the surveys, talk to the neighbors. She said 200 people responding to a survey that was taken for the pathway a year or two ago wasn't sufficient for the number of people who lived in Novi. She said more information had to be given to the older folks that lived in the community so they were aware of more traffic coming in and out of the neighborhoods and their backyards. She said please reconsider the pathway and let the community become more involved and let them voice their opinions and concerns in a timely manner so they could make an effort to involve everyone and get an answer that was agreeable to everyone.

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

CM-11-04-041 Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY:

To approve the Consent Agenda as presented

Roll call vote on CM-11-04-41

Yeas:	Fischer, Margolis, Mutch, Wrobel, Landry, Gatt
Nays:	None
Absent:	Staudt

- A. Approve Minutes of:
 - 1. March 21, 2011 – Regular meeting

- B. Approval of the final payment to Florence Cement Company for the 2010 Capital Preventative Maintenance – Phase 1 project in the amount of \$77,363.47.

- C. Approval to award a service contract for Sanitary Sewer Televising and Cleaning Services for CMOM Assessment Areas C2, C3, F1 and F2 and as-needed emergency televising and cleaning services to Metro Environmental Services,

- Inc., the lowest responsive bidder, in the estimated annual amount of \$39,880.08. The term of the contract is one year, with the option of three one-year extensions.
- D. Approval to award the City Generator Preventive Maintenance and Repair Services contract to American Generators Sales and Service, LLC, the lowest responsive bidder, for an estimated annual amount of \$24,665. The term of the contract is for one year, with two one-year renewal options.
 - E. Approval to award a construction contract for the Fuerst Park Irrigation Improvements project to H2O Irrigation, the low bidder, in the amount of \$44,960.
 - F. Approval of Resolution regarding Temporary Promotional Signage for those Novi businesses along Novi Road (between Grand River Ave and Ten Mile Road) allowing temporary relief from Sign Ordinance from April 5 through November 1, 2011.
 - G. Approval of a Resolution to close Ten Mile Road from Karim Boulevard to Taft Road from 9am to 12pm for the Memorial Day Parade on Monday, May 30, 2011.
 - H. Approval to award an amendment to the engineering services contract for construction engineering services related to the 2010 Neighborhood Road Program (Concrete) to Spalding DeDecker Associates, Inc., in the amount of \$34,585.
 - I. Approval to award an engineering services contract for construction inspection services related to the water main and sanitary sewer relocations for the Novi Road Link (Ten Mile Road to Main Street) widening project to Spalding DeDecker Associates, Inc., in the amount of \$29,213.
 - J. Approval of Claims and Accounts – Warrant No. 841

MATTERS FOR COUNCIL ACTION – Part I

- 1. **Consideration of Ordinance Amendments 11-176 (Chapter 2), 11-99.5 (Chapter 15), and 11-23.26 (Chapter 22) to update and expand cost recovery options for extraordinary or avoidable public safety expenses, together with fee resolution, as recommended by the Ordinance Review Committee:**
 - a) **Consideration of Ordinance No. 11-176 to amend Chapter 2, "Administration," of the City of Novi Code of Ordinances to add a new Article VIII regarding cost recovery for emergency response. Second Reading**

CM-11-04-042 Moved by Margolis, seconded by Mutch; MOTION CARRIED: 4 – 2

To approve Ordinance No. 11-176 to amend Chapter 2, "Administration," of the City of Novi Code of Ordinances to add a new Article VIII regarding cost recovery for emergency response

Mayor Pro Tem Gatt said he would be opposing the ordinances, not so much on what was written, because they were watered down versions of what they saw several months ago. He said it was a matter of fact that in the Oakland Press there was an article about crash taxes and other fees being levied on residents. He said the particular article was about out of towners being taxed. He said the City was engaging themselves on a slippery slope and hoped they never went down the path that other Cities seemed to go down, where residents were being charged for police and fire services.

Member Mutch said he had concerns about how the ordinance was originally drafted and as Mayor Pro Tem Gatt noted, the changes that had been made to the ordinance had significantly reduced the scope of the ordinance. He said for that reason he was comfortable approving the ordinance as it was presented. He said some of the changes that were included were made due to court decisions. He said the remainder of the changes that had been incorporated were tailored in a way that would apply in few situations but in situations that he didn't feel it was appropriate to burden the taxpayers of the City of Novi with the costs. He said those were situations such as a hazardous substance incident, an incident where someone had broken the law and was found responsible for breaking the law and the cost associated with that violation of the law or large scale incidents or mutual aid requests where other communities billed Novi. He said when they previously discussed it one of the other Council Members referred to it as an insurance policy and that was how he saw it. He said it was an insurance policy for a very few select situations where the City would be able to collect the costs associated with the limited situations. He said Member Gatt raised a legitimate concern about the potential in the future to broaden the scope of the ordinance but that was always true, there was always a cost recovery ordinance in place and the Councils before them and this Council had shown the wisdom of keeping it limited in scope and he trusted the future Councils would exercise the same wisdom and not go down the path that some other communities had done with the ordinances.

Roll call vote on CM-11-04-42

Yeas: Margolis, Mutch, Landry, Fischer
Nays: Wrobel, Gatt
Absent: Staudt

b) Consideration of Ordinance No. 11-99.15 to amend Chapter 15, Article II, "Fire Prevention Code," of the City of Novi Code of Ordinances to specify in Section 15-16 the penalty for violation, to revise Section 15-17 regarding hazardous materials discharge recovery action, and to refer in Section 15-20 to Chapter 2, Article VIII for cost recovery. Second Reading

CM-11-04-043

Moved by Margolis, seconded by Mutch; MOTION CARRIED: 4 – 2

To approve Ordinance No. 11-99.15 to amend Chapter 15, Article II, "Fire Prevention Code," of the City of Novi Code of Ordinances to specify in Section 15-16 the penalty for violation, to revise Section 15-17 regarding hazardous materials discharge recovery action,

Permits and Site Plans on sites totaling four acres or less in the RC District. Second Reading

Mr. Pearson said it was an effort to streamline some of the reviews. He said it wasn't for everything in the zoning districts but for the limited circumstances of small projects, additions, amendments. He said it brought them more into conformance with how other zoning districts were handled.

CM-11-04-046 Moved by Margolis, seconded by Gatt; MOTION CARRIED: 5 – 1

To approve Zoning Ordinance Text Amendment 18.245 to allow façade waivers in the TC and TC-1 Districts to be approved by the Planning Commission without review and approval by City Council, and to allow Planning Commission approval without review and approval by City Council of Special Land Use Permits and Site Plans on sites totaling four acres or less in the RC District

Roll call vote on CM-11-04-46 **Yeas: Gatt, Fischer, Margolis, Wrobel, Landry**
Nays: Mutch
Absent: Staudt

3. Consideration of Zoning Ordinance Text Amendment 18.247 to include provisions to allow for additional height on properties adjacent to limited access freeways. First Reading

CM-11-04-047 Moved by Gatt, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve Zoning Ordinance Text Amendment 18.247 to include provisions to allow for additional height on properties adjacent to limited access freeways

Mr. Pearson said the recommendation from the Planning Commission cleaned up some ordinances and provided for additional height on the limited situations next to the freeways.

Member Mutch said he wanted to clarify the language that was presented following the recommendation from Planning Commission. He said he was unclear on the discussion during the Planning Commission review of it about OST properties south of Grand River. It was clarified the way the language had been modified it wouldn't apply to any OST properties south of Grand River, even down around Eight Mile and Haggerty.

Roll call vote on CM-11-04-47 **Yeas: Fischer, Margolis, Mutch Wrobel,**
Landry, Gatt
Nays: None
Absent: Staudt

4. **Approval to award a construction contract for the 2010 Neighborhood Road Program (Concrete) project to Hard Rock Concrete, Inc., the low bidder, in the amount of \$426,900.**

Mr. Pearson said they were looking forward to reconstructing more neighborhood roads and they had good success with the contract to recommend approval.

CM-11-04-048 Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY:

To approve the award of a construction contract for the 2010 Neighborhood Road Program (Concrete) project to Hard Rock Concrete, Inc., the low bidder, in the amount of \$426,900

Roll call vote on CM-11-04-48

Yeas: Margolis, Mutch, Wrobel, Landry, Gatt,
Fischer

Nays: None

Absent: Staudt

5. **Approval of Resolution authorizing participation in the Road Commission for Oakland County's 2011 Tri-Party Program for Road Improvements dedicating \$155,524 of Novi's 2011 allotment of Tri-Party funds, and reallocating \$35,997 of Novi's unused 2010 allotment of Tri-Party funds (\$191,521 total) to the construction of the Grand River (Novi Road to Haggerty Road) Rehabilitation project.**

Mr. Pearson said there were a lot of good things about the project, the road itself, Grand River Avenue, was in desperate need of the rehabilitation. He said it entailed evening out the shoulders and doing work at the intersections and getting work done for sidewalk preparation so there was a lot going into the project. He said the item was called the Road Commissions Tri-Party; it was a successful program that included Oakland County, the City of Novi, and the Road Commission. He said Council had advocated continuing the program and it had been looked at in the past but it has been funded by the other partners and they were able to use the monies toward the very important project.

Mayor Landry said it was his understanding that while Grand River was being resurfaced there would be at least one lane open at all times.

Mr. Pearson said it may be intermittent while they were putting some pipes in, but during construction it would be one lane in each direction minimum. He said there were a lot of details to work out, it looked like it would be a later summer or early fall construction start.

Mayor Landry said they approved on the Consent Agenda for temporary signage relief for the business that would be affected.

Mr. Pearson said Council had approved for some businesses to provide some extra signage to mitigate some of the construction inconvenience.

CM-11-04-049 Moved by Margolis, seconded by Mutch; CARRIED UNANIMOUSLY:

To approve a Resolution authorizing participation in the Road Commission for Oakland County's 2011 Tri-Party Program for Road Improvements dedicating \$155,524 of Novi's 2011 allotment of Tri-Party funds, and reallocating \$35,997 of Novi's unused 2010 allotment of Tri-Party funds (\$191,521 total) to the construction of the Grand River (Novi Road to Haggerty Road) Rehabilitation project

Roll call vote on CM-11-04-49

Yeas: Mutch, Wrobel, Landry, Gatt, Fischer,
Margolis

Nays: None

Absent: Staudt

AUDIENCE COMMENT –

Rebecca Smith, Park Forest Ct, said she wanted to add information about accidents and cars drifting from the road into property. She said that happened to her personally 3 to 4 years ago. She said at 8 o'clock in the morning she was having breakfast when a gentleman blacked out behind the wheel and his car drifted off through the ditch and along Nine Mile and ended up in her trees. She said the car was totaled and it took out all of her bushes. She said according to the police report if the trees hadn't been there he would have ended up in the living room because he accelerated and his foot was stuck and the car was heading straight for the house. She said the trees further down in the neighbors yard kept his car from coming into a house sooner and the trees guided him along until the angle sent him into her Corkscrew Willows. She said she wanted to show Council how large a 14 ft area was with a tape measure. She said she asked for their consideration because she knew it was a consideration earlier to make the pathway smaller and she knew they voted for 10 feet so they could get more money. She said to consider using the money to move the pathway down closer to Nine Mile and cover the ditch, put a culvert in and put the pathway over the ditch, run it alongside Nine Mile so they didn't have to take out the trees. She said she thought that might be a reasonable solution for all parties.

Naomi Wood, Chestnut Tree, said she wanted to leave documents for Council to see. She said one of the main concerns they she had was the depreciation of their real estate value because they had already lost about half the value of their home in about 5 years. She said she had a letter from a real estate professional explaining her vision on how that large of a pathway would impact all the homes along Nine Mile. She said the other document was the police report that Ms. Smith had spoken about.

MATTERS FOR COUNCIL ACTION – Part II

6. Approval to award a construction contract for the Fuerst Park Lighting Improvements project to MHM Construction, LLC, the low bidder, in the amount of \$198,067.

Mr. Pearson said that between the lighting and the irrigation project that was on the Consent Agenda, those were in the next phase of the Fuerst Park improvements. He said it finished things off, provided interior lighting and irrigation to the site. He said they had success with the first year of Fuerst Park and this would polish things off.

Member Margolis said she wanted to clarify that this was the next phase and the other piece of it was construction of arbors and using some rebar.

Mr. Pearson said that has been fabricated and has been polished off, they were waiting for this to get done first so there weren't any conflicts. He said as soon as this was done, in June or July, then they would bring out the arbor.

Member Fischer asked if there were any concerns from neighbors around the area about the impact of the lighting.

Mr. Pearson said he hadn't heard of any. He said they were well directed down and met the standards. He said they installed the lights along Ten Mile and extended those along the sidewalks. He said between the High School and the other things there he didn't envision that these would be seen anymore that the rest of the structures that were there.

Member Fischer said looking at the renderings it appeared they would be low impact.

CM-11-04-050 Moved by Margolis, seconded by Gatt; MOTION CARRIED: 5 - 1

To approve the award of a construction contract for the Fuerst Park Lighting Improvements project to MHM Construction, LLC, the low bidder, in the amount of \$198,067

Roll call vote on CM-11-04-50

Yeas: Wrobel, Landry, Gatt, Fischer, Margolis

Nays: Mutch

Absent: Staudt

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 7:59 P.M.

David Landry, Mayor

Cortney Hanson, Deputy City Clerk

Transcribed by Natalie Laitinen

Date approved: April 18, 2011