

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI  
MONDAY, MAY 21, 2012 AT 7:00 P.M.  
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

Mayor Gatt called the meeting to order at 7:00 P.M.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Mayor Gatt, Mayor Pro Tem Staudt, Council Members Casey, Fischer, Margolis, Mutch, Wrobel

**ALSO PRESENT:** Clay Pearson, City Manager  
Victor Cardenas, Assistant City Manager  
Tom Schultz, City Attorney  
Barb McBeth, Deputy Community Development Director

**APPROVAL OF AGENDA**

**CM-12-05-072 Moved by Margolis, seconded by Wrobel; CARRIED UNANIMOUSLY:**

**To approve the Agenda as presented with an added Presentation  
4. Blair Bowman for the Great Lakes State Fair.**

**Roll call vote on CM-12-05-072**                      **Yeas: Staudt, Casey, Fischer, Margolis,  
Mutch, Wrobel, Gatt**  
**Nays: None**

**PUBLIC HEARING**

1. Vacation of part of Orchard Avenue/Paul Bunyan Drive (a.k.a. Sixth Gate)

Call to the Public at 7:01: No public comment received. Mayor Gatt closed the Call to the Public.

**PRESENTATIONS**

1. Proclamation in recognition of May as Mental Health Month – Christine Burk, Oakland County Community Mental Health Authority

Mayor Gatt presented the proclamation to Christine Burk, Oakland County Community Mental Health Authority. She thanked the Mayor and the Novi City Council for supporting this meaningful initiative. Any effort to create awareness about mental health was supporting people in the community who strive to recover and achieve social quality and independence in their lives.

2. Field Services Complex Open House – Wednesday, May 23, 2012 from 10 – 2 p.m.  
a) Proclamation in recognition of Public Works Week, May 20–26, 2012 – Rob Hayes, Director of Public Services

- b) Proclamation in recognition of Drinking Water Week, May 20–26, 2012 – Bob West, Water & Sewer Manager

Mayor Gatt presented Rob Hayes, Director of Public Services with the proclamation in recognition of Public Works Week. Director Hayes said they will display it proudly and invited everyone to the Open House Wednesday, May 23<sup>rd</sup> from 10:00 am to 2:00 pm located off Lee Begole Drive. They will be showcasing new equipment and programs for environmental sustainability.

Mayor Gatt presented Bob West, Water & Sewer Manager with the proclamation in recognition of Drinking Water Week. He thanked Council and said they will continue to deliver the highest quality water in the most efficient manner.

3. Proclamation in recognition of the City of Novi's 20-year designation as Tree City USA – John Thompson, Parks & Forestry Asset Manager; and David Beschke, Landscape Architect

Mayor Gatt presented the proclamation to John Thompson, Parks and Forestry Asset Manager and David Beschke, Landscape Architect. He thanked Council and the City for their support. He gave the 20-year Tree City USA plaque to the Mayor to put in the Council Chambers.

4. Blair Bowman, Suburban Collection Showplace presenting the Great Lakes State Fair

Blair Bowman, Suburban Collection Showplace explained that he reached out to the Great Lakes Agricultural Fair Board and has teamed up with them to host the event. The Board is bringing a wealth of contacts and informational sources for equipment for the Fair. It is a rain or shine environment. There will be a concentration of Michigan made products. The momentum has been great. The Shriners have committed their resources to bring the Shrine Circus to the Fair operations, along with Arnold Amusements providing the midway attractions. There will be a single priced ticket.

**REPORTS:**

1. MANAGER/STAFF – None
2. ATTORNEY - None

**AUDIENCE COMMENT:**

Diana Canup, 47201 Glamorgan, thanked the City Council and City Manager Pearson for the tax rollback. She also noted that while visiting Florida, she took the Family Circle magazine that included Novi as being in the top 10 places in the Country to live. She visited the City of Oviedo which is listed as number 9 of the top 10 places to live. She received a gift from the City of Oviedo and presented it to Mayor Gatt.

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

**CM-12-05-073 Moved by Fischer, seconded by Mutch; CARRIED UNANIMOUSLY:**

**To approve the Consent Agenda as presented.**

- A. Approve Minutes of:
  - 1. May 7, 2012 – Regular meeting
- B. Enter Executive Session immediately following the regular meeting of May 21, 2012 in the Council Annex for the purpose of discussing pending litigation, labor negotiations, property acquisition and privileged correspondence from legal counsel.
- C. Approval to award an amendment to the engineering services agreement with URS Corporation for construction engineering services related to the West Oaks Area Roadways (including West Oaks Drive, S. Karevich Drive and Fountain Walk Drive) and Ten Mile Road Pathway Project, in the amount of \$85,081.
- D. Approval of Traffic Control Orders 12-03 and 12-04 to prohibit trucks as through traffic on Chase Drive and Ashbury Drive.
- E. Approval of Traffic Control Order 12-05 to prohibit parking adjacent to the island of the cul-de-sac located on Thatcher Drive in Churchill Crossing Phase III per the approved site plan.
- F. Acceptance of Churchill Crossing No. 3 Subdivision streets and adoption of Act 51 New Street Resolution accepting the remainder of Thatcher Drive as public, adding 2,328 linear feet or 0.44 miles of roadway to the City's street system.
- G. Approval of a Storm Drainage Facility Maintenance Easement Agreement from Eden Garden, LLC, for the Evergreen Estates development located on Nine Mile Road, between Napier and Garfield Roads.
- H. Approval to award the one (1) year contract renewal option to Terzo Bologna Inc., Fuller Appraisal Services, and Integra Realty Resources, to provide Property Appraisal and Related Services, for an estimated annual amount of \$100,000.
- I. Approval of Claims and Warrants – Warrant No. 868

**Roll call vote on CM-12-05-073**

**Yeas: Casey, Fischer, Margolis, Mutch,  
Wrobel, Gatt, Staudt**  
**Nays: None**

**MATTERS FOR COUNCIL ACTION**

- 1. Approval of the "Final Tax Abatement Policy and Area Plan" for the Ten Mile and Meadowbrook Commercial Rehabilitation Area consistent with the Tax

Abatement Policy adopted by the City Council in October 2011 for the properties near the intersection of Ten Mile and Meadowbrook Roads.

City Manager Pearson said it brings to fruition the Council Policy that is important for Ten Mile and Meadowbrook commercial area.

Member Wrobel noted that the developments in the Ten and Meadowbrook intersection area are among the oldest in the City. He said it was imperative that the City do whatever it can to assist the property owners to enhance the existing developments. We need this area to be vibrant. He believed this was a step in the right direction and he would support it.

Member Margolis said the staff did a great job putting specifics around this area. She liked that there was a vision for this corner. She thought it was a great chance for business owners in that area to improve their properties.

**CM-12-05-074      Moved by Margolis, seconded by Wrobel; CARRIED UNANIMOUSLY:**

**To approve the "Final Tax Abatement Policy and Area Plan" for the Ten Mile and Meadowbrook Commercial Rehabilitation Area consistent with the Tax Abatement Policy adopted by the City Council in October 2011 for the properties near the intersection of Ten Mile and Meadowbrook Roads and to amend Item F. j) to add Vehicular and....**

Member Mutch asked City Attorney Schultz to explain the evolution and what is to be accomplished by the change from 50% real property value in terms of improvements to 50% of current True Cash Value not including the land. Mr. Schultz said the question of what was meant by real property came up in the Planning Commission hearing. It was changed to be consistent with the Act. It was a clarification with the definition of Commercial property which is the building and any appurtenances without the land and left in the 50%. The Act permits use of the abatement as long as 10% was met. The Act uses True Cash Value instead of property value. He felt they were consistent with what Ordinance Review Committee states and it allows more than the Act permits. Member Mutch felt that would clarify the types of property at 50%. He also asked whether item D, any approved tax abatements will undergo a yearly compliance review, was limited to the duration of the abatement. Mr. Schultz said yes it was. Member Mutch asked Deputy Community Development Director McBeth what provision would include improvements to access drives or interconnections between developments or do we need specific language. Ms. McBeth noted that it was the point of developing the area to establish a vision for the area and identify any ordinance deficiencies and potentially some improvements to the area. Traffic circulation improvements were one of them that is included in the plan. Member Mutch asked if by the adoption of the plan, we don't have to spell it out specifically. Mr. Schultz said item J. covered those and can be clarified by adding "vehicular and..." Member Mutch agreed with Member Wrobel as to what they are trying to

accomplish with this plan. He felt by putting together a plan pushes the boundaries and challenges our thoughts of what that intersection and area could look like. The area is fully leased but it is older. They don't meet our current standards of façade materials and parking lots but they do have all the uses for the area. It is showing property owners that there is potential beyond what there is today and with improvements could have a better business environment in the area. It would benefit the City also. He asked that the City not forget the plan. He asked the City Administration to make sure there were no obstacles and to make any public improvements possible. He asked the City to be ready to move forward when the property owners are ready to commit.

Mayor Gatt would like the City to follow Member Mutch's advice of getting all of the obstacles out of the way that may be in the way for the developers to improve that area.

Member Margolis requested to add an amendment to item F. j, to add the words "vehicular and...."

**Roll call vote on CM-12-05-074**                      **Yeas: Fischer, Margolis, Mutch, Wrobel,  
Gatt, Staudt, Casey**  
**Nays: None**

2. Consideration of adoption of Ordinance No. 12-81.25 to amend the City of Novi Code of Ordinances at Chapter 33, Traffic and Motor Vehicles, to allow prosecution of cases under Section 625 (1) (C) of the Motor Vehicle Code with enhanced penalties for high bodily alcohol level (BAC). – **First Reading**

**CM-12-05-075                      Moved by Mutch, seconded by Staudt; CARRIED UNANIMOUSLY:**

**To approve the first reading of Ordinance No. 12-81.25 to amend the City of Novi Code of Ordinances at Chapter 33, Traffic and Motor Vehicles, to allow prosecution of cases under Section 625 (1) (C) of the Motor Vehicle Code with enhanced penalties for high bodily alcohol level (BAC).**

**Roll call vote on CM-12-05-075**                      **Yeas: Margolis, Mutch, Wrobel, Gatt,  
Staudt, Casey, Fischer**  
**Nays: None**

3. Consideration of the request of TCF Bank for Preliminary Site Plan approval for Main Street, SP12-16. The subject site is 20.66 acres of land located in Section 23, east of Novi Road, and south of Grand River Avenue, in the TC-1, Town Center-1 Zoning District. The applicant is proposing to terminate the two condominiums recorded over the property, and create three separate metes-and-bounds parcels. Preliminary Site Plan approval is subject to the following documents

being approved by the City signed by all relevant parties at the time of Final Site Plan approval:

- a. Main Street Area Reciprocal Parking, Access, and Public/Private Utilities Agreement;
- b. First Amendment to Exchange Agreement (Main Street Area);
- c. Termination of Condominium Project and Master Deed - Main Market Condominium;
- d. Termination of Condominium Project and Master Deed - Novi Main Street Condominium; and
- e. Any other easements or documents required in connection with Final Site Plan approval.

City Manager Pearson said this is a complicated set of agreements to unwind the long standing condominium agreement for the Main Street area private development and replace it with a series of documents that were referenced above. This condominium was assembled by one developer. The developer is no longer in control of all the properties. There are three condominium units. Each of the properties needs to go their separate ways for site development and to be able to retain the common access. It is allowing them to go forward as individual sites and replacing the pieces of the one development with shared parking as common access. It is changing the lease with the condominium and replacing it with one. It will come back to Council for the Final Site Plan approval.

Larry Czekaj spoke on behalf of TCF Bank. A lot of work has gone into this and this was the preliminary. This was a collective petition with the three owners.

Victor Cassis spoke about the development of Main Street. He took on this project because he has been successful and hasn't given up like other developers. He noted he's already lost one customer and hoped it wouldn't be delayed. He has a signed contract with a credit union that will be built on an acre. This was supposed to be a pedestrian project. That is what he is planning to do. He asked Ms. McBeth or any member of the Planning Commission to sit down with him if they feel he needs to make any changes. He wanted to move forward.

Asher Husain was representing Main Street Partnerships along with his partner Dr. Hafeez Shaikh. He wanted to thank Council and City staff. He noted they are making a lot of progress for finalizing the necessary documents to finalize the separation. He asked for support for the final documents. It will set up the area for development and all will benefit. A new Mediterranean restaurant called Alexandria will be going in the formerly known Grapevine Restaurant location. They are starting an arts and crafts fair the first Friday of every month in the atrium. On Wednesday, June 6th will be a Telematics Trade Show after party reception at the atrium and will host over 500 senior leaders. It will showcase that area. He urged support of the measure when it comes to a final vote.

Mayor Gatt explained that he met with City Manager Pearson to talk about Main Street. Mr. Pearson has worked tirelessly on this project. Seeing Main Street come to fruition will bring life to the City. He would support it.

Member Fischer said the original vision of Main Street was highly unlikely at the time. The City was already well established. This is an opportunity to move forward. He would whole heartedly support it. They want to see something positive and to be proud of. It may not be the original vision that was created, but it something that will be phenomenal.

Member Mutch asked about the north/south access drives. It would split the units. The petitioners didn't want to set a specific location for the drives. Where does that stand with the various parties? City Attorney Schultz said the preliminary site plan shows these access drives where they are. From the City's perspective, the Site Plan approval will require that they stay there until some future development proposal causes them to be moved. It will be an issue that they will have to discuss with the property owners between now and Final Site Plan approval to make sure they agree. That was the idea. The North access where the sanitary sewers are may be some chance to move those to create a different access and decide that as the plans move forward. The southern access he thought was an open question and needed to be addressed. Member Mutch wasn't sure if it had to be decided on at this point to move this forward. It may be necessary in the Final Site plan. He mentioned as to whether there should be language for flexibility in the document. City Attorney Schultz said there is already a Site Plan showing where the access drives are. They have to work with all the property owners for that flexibility. Member Mutch said he wants to be flexible to help move this forward because there has been substantial investment by some of the property owners. He will support it.

Member Wrobel said it was about time. He was on the Planning Commission when Main Street came before them. Originally, it was a great idea but that was not really Novi. He thanked Mr. Pearson and his staff for all the hard work, to the property owners, and to the Mayor for making this one of his top priorities. He looks forward to seeing the Final Plan and will support the Preliminary Site Plan.

Mayor Pro Tem Staudt noted that TCF staying with this property was a good sign. He was pleased this was moving forward.

Member Margolis was glad to see this move forward. She said she was glad to see a vision for this area. People with a financial stake seem to work the best.

**CM-12-05-076      Moved by Margolis, seconded by Casey; CARRIED UNANIMOUSLY:**  
  
**To approve the request of TCF Bank, SP 12-16 Main Street for the Preliminary Site Plan, subject to the following:**

1. Consideration for Final Site Plan approval must return to the City Council and is subject to the following documents being approved by the City and signed by all relevant parties at the time of Final Site Plan approval:
  - a. Main Street Area Reciprocal Parking, Access, and Public/Private Utilities Agreement;
  - b. First Amendment to Exchange Agreement (Main Street Area);
  - c. Termination of Condominium Project and Master Deed-Main Market Condominium;
  - d. Termination of Condominium Project and Master Deed-Novi Main Street Condominium; and
  - e. Any other easements or documents required in connection with Final Site Plan approval, including any agreements or consents required from third parties, if any.
2. Compliance with all conditions and requirements listed by the Planning Commission in their motion of April 25, 2012, including:
  - Applicant to include locations of all applicable cross-access easements on a Revised Final Site Plan;
  - Applicant to submit Application for Site Plan and Land Use Approval that includes the notarized signatures of all applicable parties;
  - Applicant to provide a Revised Final Site Plan signed and sealed by an architect or engineer registered in the State of Michigan;
  - Applicant to adjust of parcel lines for proposed Parcel 1 to eliminate existing building encroachment; and
  - Applicant to remove former condominium unit boundaries on the Revised Final Site Plan.
3. Compliance with all conditions and requirements listed in the staff and consultant review letters.
4. City Assessor's review and approval of the proposed land division.

This motion is made because the plan is otherwise in compliance with Article 16, Article 24, and Article 25, and all other applicable provisions of the Zoning Ordinance.

Roll call vote on CM-12-05-076

Yeas: Mutch, Wrobel, Gatt, Staudt,  
Casey, Fischer, Margolis  
Nays: None

4. Consideration of adoption of a resolution to vacate the remaining public right of way of Paul Bunyan Drive, also known as Orchard Avenue or Sixth Gate, east of Novi Road and south of Grand River Avenue.



City Manager Pearson said that this needs to be done in conclusion with the Final Site Plan and recommended a postponement and present it in conjunction with the creation of the metes and bounds areas.

Member Margolis noted that one of the first considerations when she got on Council was about a road vacation. The consideration we need to give to a road vacation is that it is a public benefit to the City. Until we have the Final Site Plan in place, she would support postponing it.

**CM-12-05-077 Moved by Margolis, seconded by Wrobel; CARRIED UNANIMOUSLY:**

**To postpone the resolution to vacate the public right of way on Paul Bunyan Drive until the Main Street Final Site Plan is presented to Council.**

Mayor Gatt asked about the time frame that this will come back to Council. City Manager Pearson said it could be very quick from the City's perspective. It is in control of the property owner's and should be brought back as a package with no more missteps and no confusion as to who is doing what. Everyone has worked very diligently to get the documents done.

Victor Cassis had no objections and wanted to clarify his intentions. Paul Bunyan will still be an open thoroughfare. He noted he owns the flower shop and there will be access to his restaurant that will come from Grand River that will embrace Paul Bunyan. He said they have had discussions about the north and south access drives and about moving that to flow from Sixth Gate to where it is now. He does not know yet what shape the final plans will take. He said they will work together and thanked everyone who has worked on this project. He wanted to keep the flow of traffic going south to north, from Grand River to Main Street but still wanted to keep this pedestrian friendly. If the parcel to the south has anything that is connected with pedestrian traffic that would add to the support that is needed.

**Roll call vote on CM-12-05-077**                      **Yeas: Wrobel, Gatt, Staudt, Casey, Fischer, Margolis, Mutch,**  
**Nays: None**

5. Approval to award a construction contract for the West Oaks Area Roadways (including West Oaks Drive, S. Karevich Drive, and Fountain Walk Drive) and Ten Mile Road Pathway Project to Cadillac Asphalt, in the amount of \$564,085.

City Manager Pearson said this road was built in 1985 and needs to be reconstructed. He said this is a major improvement that is going to improve not only the wearing surface but also the marking configuration. The engineers designed this project that will come this summer and will have a better flow through West Oaks Drive and S. Karevich Drive back to the Crown Plaza Hotel with sidewalk connections along Novi Road. It will be an improvement in the retail environment and access.

**CM-12-05-078 Moved by Fischer, seconded by Wrobel; CARRIED UNANIMOUSLY:**

**To award a construction contract for the West Oaks Area Roadways (including West Oaks Drive, S. Karevich Drive, and Fountain Walk Drive) and Ten Mile Road Pathway Project to Cadillac Asphalt, in the amount of \$564,085.**

**Roll call vote on CM-12-05-078**                      **Yeas: Gatt, Staudt, Casey, Fischer, Margolis, Mutch, Wrobel**  
**Nays: None**

6. Approval of Resolution authorizing cost participation for the Nine Mile Road (Taft Road to Beck Road) Rehabilitation Project under a Federal Surface Transportation Program grant and a cost share agreement with Michigan Department of Transportation with an estimated allocation of \$380,000 paid by Federal grant funds and \$217,400 to be paid by the City of Novi.

City Manager Pearson said the staff has identified outside dollars to help reconstruct Nine Mile between Taft and Beck.

Member Mutch said this is why they asked voters for the additional road millage as there were three road projects on the agenda for over one million dollars. If voters are wondering why the City is asking for additional funding, it will allow us to do projects such as this one.

**CM-12-05-079 Moved by Mutch, seconded by Margolis; CARRIED UNANIMOUSLY:**

**To approve the Resolution authorizing cost participation for the Nine Mile Road (Taft Road to Beck Road) Rehabilitation Project under a Federal Surface Transportation Program grant and a cost share agreement with Michigan Department of Transportation with an estimated allocation of \$380,000 paid by Federal grant funds and \$217,400 to be paid by the City of Novi.**

**Roll call vote on CM-12-05-079**                      **Yeas: Staudt, Casey, Fischer, Margolis, Mutch, Wrobel, Gatt**  
**Nays: None**

7. Approval of Resolution for Budget Amendment 2012-4.

City Manager Pearson said we are spending a lot of money investing in our roads as Member Mutch mentioned. This budget amendment is recognizing some of the costs that have been incurred with the Novi Road Project. It was a twenty -five million dollar project. Approximately half of the cost was land acquisitions. The Federal and Road Commission are paying the majority of the project but we need additional dollars to cover the project.

