

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, OCTOBER 20, 2008 AT 7:00 P.M.
COUNCIL CHAMBERS - NOVI CIVIC CENTER - 45175 W. TEN MILE RD.**

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

PLEDGE OF ALLEGIANCE

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

ALSO PRESENT: Clay Pearson, City Manager
Pamela Antil, Assistant City Manager
Tom Schultz, City Attorney
Ara Topouzian, Economic Development Director

APPROVAL OF AGENDA

Member Staudt added to Matters for Council Action #5: Approve Agreement between the Novi Community School District and the City of Novi for exchange of properties, subject to review and final approvals to form by the City Manager and City Attorney upon final approval by the School District.

Mayor Pro Tem Capello deleted Item B, Executive Session from the Consent Agenda.

**CM-08-10-175 Moved by Capello, seconded by Gatt; CARRIED UNANIMOUSLY:
To approve the agenda as amended.**

Roll call vote on CM-08-10-175 **Yeas: Capello, Crawford, Gatt, Mutch, Staudt,
Landry**
Nays: None
Absent: Margolis

PRESENTATIONS

1. Business Recognition Awards – Ara Topouzian & Cindy Uglow

Mr. Topouzian noted this was the first business recognition program. He said it was a pleasure to honor Dick Hooker, Chris Jacket, Whitney McClellan, Eleanor Rzepecki and Cindy Uglow who were folks that represented the Chamber of Commerce, EDC and the community who helped judge these.

Mayor Landry said they looked at businesses as members of the Novi family and noted he was happy that the City was recognizing leaders in the community.

a. Providence Park - Outstanding Community Leader Winner

Mayor Landry said Providence Park in Novi was formed in 1978. He said 500 people had been retained and Providence Park would create 1,700 jobs in the next six months. He said it was a teaching hospital with rigorous circulation that related to licensing and certification. He noted they had 150 volunteers with a wide range of community service and several thousand volunteer hours per year would be accumulated in Novi. He said they were a long time

community supporters of the Novi Chamber, Novi Rotary, Novi Lions Club and had been an absolute exemplary member of the business community. Mayor Landry said it was his pleasure to award the Outstanding Community Leader Award to Providence Park Hospital.

Lou Martin was present representing Providence Park Hospital and said City Council, boards, commissions, committees, Police Department and Fire Department made it easy for a company to work and be a part of the community in Novi. He said they were heartened by the amount of community activity that took place and was developed by City Administration and the service clubs that existed in Novi. He said they had over 100 beds open right now and would have 200 beds by February, and would continue to expand. Mr. Martin said Rob Casalou, previous president of Providence Park Hospital, was with them for 19 years and had left for another position. Many of the things they did in the community were solely at Mr. Casalou's direction. He said they would continue that trend and the things that Mr. Casalou had set forth and they were overjoyed to work with the City.

b. Emagine Theater and Fox Run- Large Business Winners

Mayor Landry said Emagine Theater opened in 2002 and employed 10 manager/supervisors and 50 to 100 staff members. The Emagine Theater was a major sponsor of Addicted to Movies not Drugs campaign with the Novi Youth Council and the Novi Police Department. They were avid supporters of the Novi High Athletic Boosters, Novi High School Band and Novi Girls Basketball camp. He said they encouraged education and maintained that all management positions must have a Bachelors degree. They know where they're going and how to stay a first class business. Mayor Landry stated it was his pleasure to present this award.

Paul Glanz said he was blessed to be surrounded with exemplary personnel who helped to perpetuate a culture of excellence. He said their goal was to provide the finest movie going experience possible and hoped that was what was experienced in their theater. He said they believed there was a responsibility that went along with the privilege of doing business in a community. He said part of that responsibility was to give back and embrace the community and for the community to understand that they were not there simply to take but to serve as well. He said they appreciated the award greatly.

Mayor Landry said Fox Run was formed in Novi in 2001 and he had often said Fox Run was one of the only businesses that actually did absolutely everything they said they would do when before the Planning Commission. They employ Novi youth, they are active business members and they began with 100 employees and now have 400 employees. He said they were sponsors of Walk Michigan by the Novi Senior Center and participated in and supported the American Red Cross blood drives, Salvation Army and the Oakland County Furniture Bank at several local schools. Mayor Landry said they were one of the businesses that defined the community Novi had become.

Ms. Kathie Shaffer said she was very appreciative of the award and accepted it on behalf of their staff and almost 900 residents who live at Fox Run. She said they appreciated the interaction they had with Novi and that Novi had been great partners. Ms. Shaffer said they just opened their seventh residential building and when complete they would have 1,000 residents by the end of the year.

c. Network Source One and Telcom Credit Union - Small Business Winners

Mayor Landry said Network Source One was formed in Novi in 2001 and had been active with the Novi Chamber and Novi Rotary. He said they were sponsors and participated in the Novi School District, Novi PTO and spent volunteer hours with American Cancer Society and the Red Cross. They offer continuing education to all their staff to stay on top of all leading IT needs.

Mr. Roger Rees said it was an honor to be in the presence of some of these larger companies. He accepted the award on behalf of his company and thanked his business coordinator, Laura Lonergan and his wife who was a huge supporter of his company.

Telcom Credit Union

Telcom Credit Union came to Novi in 2003 and retained 40 jobs and created 22 new jobs. They supported the community in youth team sponsorship along with events such as Michigan 50's Festival and Fall for Novi. They were the first donor for the Novi Parks Foundation Naming Rights program, which was something unique and wonderful for all members of the City. They spent approximately 50 volunteer hours in Novi teaching a literacy program at Novi High School and Catholic Central High School. He presented TelCom Credit Union with the small business award.

Tyler Ross, representing Telcom said they were proud to be a part of the City of Novi. She said they had been in business for 72 years and moved to Novi because they thought it was a thriving community. She said they now had two branches in Novi. She said they had 40,000 members and the importance of receiving this award was for people to understand, with the economy the way it was, they had a choice of where to do their banking. The Credit Union philosophy was people helping people and that was what they did everyday. She said the person really responsible for this award was Ms. Tschirhart in marketing. Ms. Tschirhart was the face in Novi of Telcom Credit Union, as she devoted so much time and energy to make sure they were a part of every community event and being able to teach youth financial literacy in the high school.

Mayor Landry read the honorable mention recipients; Advanced Vein Therapies, Art Van Furniture, Goodmen Orthodontics, Hagopian World of Rugs, Market Link Service, Novi Pizza Company, Rock Financial Showplace and Toyota Boshoku America.

Mr. Topouzian thanked Mr. Pegouskie, Ms. Uglow and Ms. Walsh as it was a team effort.

INTERVIEWS FOR BOARDS AND COMMISSIONS

1. Gerald Bauer – Zoning Board of Appeals

Mr. Bauer said he had been on the board for 32 years and 20 years as an officer and he wished to serve his City of Novi. He said he was an arbitrator for the Better Business Bureau and felt his experience had been a great help to the ZBA. Member Crawford asked what the role of the ZBA was and Mr. Bauer replied to interpret the ordinances. Mayor Pro Tem Capello noted Mr. Bauer only missed one meeting in the past three years. Member Mutch asked what

Council could do to help the ZBA. Mr. Bauer replied that the training from the attorneys had helped and he looked forward to a joint meeting with Council. Mayor Landry commended Mr. Bauer on his service. All Council Members thanked Mr. Bauer for his service.

2. Lee BeGole – Board of Review; Historical Commission

Chief BeGole stated he had participated in the community since 1953. Novi was a Township then and he was the first full time fireman and lived in an apartment above the Fire Hall. Later he became the first full time police officer and Police Chief, etc. Chief BeGole noted the Assessing Department was one of the finest and their goal, as well as the Board of Review's, was to make sure assessments were fair. He said he would not seek another term on the Board of Review, if chosen to serve again. Member Crawford said they appreciated Chief BeGole's many years of service to the City. She said after retirement he still immersed himself in the City, believed in the City and kept doing the things needed to help make it as wonderful as it was today. She said Council appreciated his many years of service and thousands of hours of volunteer service. Mayor Pro Tem Capello noted Chief BeGole was still a practicing attorney and Chief BeGole said he had been for over 50 years. Member Gatt said he would always be Chief to him and if it wasn't for the Chief, he would not be sitting at the Council table. Member Gatt said Chief BeGole was history in this City, was the City of Novi in his eyes and the epitome of civic responsibility. He said there would never be another Chief BeGole and he would have his support no matter what position he applied for in the City. He thanked him for everything he had done and was still doing. Member Mutch noted they would ask him to find a replacement for his Board of Review seat. He asked Chief BeGole to name some historical sites for the next generation of Novi residents from his experience living in the City from the Township days to the Village and to the City. Chief BeGole responded the ones that stood out most was the old Novi Township Hall on the west side of the community, the mansion on 9 Mile Road just east of Novi Road, and what was left of the Louie Caruso's estate at 9 Mile and Center Street. Member Staudt said it had been a pleasure knowing Chief BeGole. He said the only thing he would ask of the Chief on the Historical Commission was to sit down with a microphone and just talk because he had all the history and they didn't want to lose that.

3. Derek Blair – Parks, Recreation and Forestry Commission

Mr. Blair stated he wanted to give back to the community and lend his skills to the visioning process needed for the Parks, Recreation & Forestry. Mayor Pro Tem Capello noted Mr. Blair was involved with the school district in the 2007 bond proposal. Mr. Blair said he designed and created the brochure that went out to residents for the bond proposal. He also helped create some material for Parkview Elementary using his community relations skills. Member Gatt asked what his vision was for the senior citizen population in Parks and Recreation. Mr. Blair replied the Signature Park was an exciting venture for everyone including seniors. Whatever that park becomes, it should include a gathering place and services for seniors, as well as programming and continue to expand on the programs offered currently. Mr. Blair said a full time meeting place and community center for seniors might be an idea. Member Mutch said he was interested in the natural pathway system through the transmission corridors. Mr. Blair said two initiatives that were on hold were the natural pathways through the existing transmission corridors and pathway systems. He said that was something that could be

explored and developed further. Also, the Singh property at 10 mile and Wixom Roads had great potential for another path system for the City as a passive area. Mr. Staudt asked if he wanted to work at the Park Commission with staff and affirm their ideas or did he have ideas he would push and show leadership on. Mr. Blair commented he saw himself as a visionary and strategic planning/big picture sort of person. He said there was a very competent staff and people within the department to help get things done. He wanted to work with other Commissioners to plan and explore ideas. He talked about a coffee shop, limited retail with public and private money working together as a destination place within the park system. He also noted working with the soccer coaches and leagues for creating coaching clinics at the beginning of the season. Member Crawford noted that Novi Parks had such a big umbrella with a theater, leagues, senior housing, senior transportation, etc. She thought Novi Parks and Recreation was unique in the State and possibly the nation. She said not many other departments had as big of an umbrella as Novi Parks and Recreation had. She asked if he thought it was possible to be all things to each of these population groups. She asked how they could meet the needs of all these groups. Mr. Blair noted it would be important to maximize the partnerships working closely with the library and schools to maximize our complementing of services.

4. David Ghannam – Zoning Board of Appeals

Mr. Ghannam said he had enjoyed serving on the ZBA and complimented Justin Fischer on his leadership. Member Gatt asked what was most difficult. Mr. Ghannam responded it was seeing the need of the applicant and not being able to fulfill their request because their reasons didn't comply with the ordinances. Member Mutch noted he served as an alternate and asked if he was interested in the full term position, rather than an alternate. Member Staudt noted the City strived for exceptional people on the boards and commissions and Mr. Ghannam was exceptional. Member Crawford asked if there were ordinances that needed to be revisited. Mr. Ghannam said the majority of cases were related to the sign ordinance, so that might be one idea to look into. He also agreed on the idea of a joint meeting to express what the needs of the ZBA were as they related to ordinances that needed change or review. Mayor Pro Tem Capello stated Mr. Ghannam's colleagues spoke highly of him. Mayor Landry said the sign ordinance was quite stringent and Ordinance Review had just reviewed it. He commented that businesses tell him all the time about their concerns.

5. Scott Lewis – Public Access Promotion Commission

Mr. Lewis said he was interested in providing service to the community and had some experience with the governmental affairs division, and had resources available. Member Mutch asked him about his position in the cable industry. Mr. Lewis replied he was the operations manager out of the Plymouth call center and his resources were through the regional office with product managers. Member Staudt asked what the responsibility of the community to provide public access to the community and if City government should be responsible? Mr. Lewis replied PEG had been part of the process since the 1950's; he felt it could be a partnership with cable companies providing the outlet for it. He thought the committee should minimize school lunch menu items and focus on things that would cause more people to watch. Member Crawford asked about the types of things that would entice people to watch. Mr. Lewis replied most people were interested in seeing their students

performing on television. He said he had looked at what the big networks did and tried to do that on a smaller scale. Member Crawford asked about his personal goal for this commission.

Mr. Lewis replied it was to get the school productions out there so everyone could see them and record them, if they wish. Member Gatt asked where the PEG channels should be in the lineup. Mr. Lewis said the lower end channels take up a huge amount of the space and by pressing the minus button, it would go just as quick to get to the PEG channels. Mayor Landry noted that much of the new legislation dealt with hardware issues noting that the hardware could only be brought just so far. Mayor Landry said AT&T wouldn't provide any governmental channels now.

6. Christopher Palmer – Zoning Board of Appeals; Housing and Community Development Advisory Committee; Election Commission

Mr. Palmer noted he had been a resident for 7 years after graduating in Minnesota in pastoral studies. He said he had a brother that worked for the Novi Fire Department and he was affected by that service. He understood the importance of volunteers and wanted to serve Novi and thought he could be an example to others his age. Member Mutch thought Mr. Palmer would serve the HCD very well and Mr. Palmer agreed that HCD would also be a good place for him to serve. He thought he would be an asset working with people as he had done in the past. Member Staudt felt the Election Commission would also be a good fit. He said Mr. Palmer worked with Keith Butler for Senate and processed the campaign finance for him. Member Crawford said she appreciated Mr. Palmer stepping forward and asked him about his number one request to be on the Zoning Board of Appeals. Mr. Palmer said he hadn't attended a meeting. He said his role would be trouble shooting as he was good at listening to people and looking for the best situation without breaking the rules. Mayor Pro Tem Capello said looking at the three boards and commissions of interest to Mr. Palmer, he thought the HCD might be too boring for Mr. Palmer. Member Gatt asked what Council could do for any board he might be appointed to. Mr. Palmer replied communication with Council and working together.

7. Ram Ramachandran, Housing and Community Development

Mr. Ramachandran said he began volunteering for the City of Novi to serve the community and enjoyed serving on the Housing and Community Development Commission and working with the Block Grant money. He felt they did a good job of providing information to the board. Member Staudt thanked him for serving and asked him if he was interested in other boards. Mr. Ramachandran said he was willing to serve on ZBA, if needed. Member Crawford asked when the requests came for CDBG funds, what criteria was used. Mr. Ramachandran said they saw what each group had and figured out which programs involved Novi residents. He noted that while HAVEN was such a wonderful program, they had many other funding resources. Mayor Pro Tem Capello asked what his thoughts were on getting this information out to the community. Mr. Ramachandran responded that they reached out to all the area churches and made the program visible and also used the newspaper. Member Gatt asked what Council could do to help, if he were re-appointed. Mr. Ramachandran said they could continue with what they had been doing. Member Mutch asked how he would compare the demand or need for services over the past few years and were they able to adequately meet the needs. Mr. Ramachandran said they were not able to meet the needs and could reach out to more.

8. Laura Schmidt – Beautification Commission

Ms. Schmidt said family, community and country were very important to her and her family and they had worked at schools, soup kitchens, etc. She commented they had moved to Novi from Colorado and decided to host Air Force Cadets. Member Crawford said she appreciated her choice in moving to Novi and noted she would be a welcome member to the Beautification Commission. Mayor Pro Tem Capello echoed Member Crawford's comments. Member Gatt noted her energy was admirable and it was wonderful to see that she was volunteering after living in Novi for one month. Member Mutch commented he appreciated the enthusiasm she brought for serving the community. Member Mutch asked, since she had traveled so much, what type of projects would make Novi a better place to live. Ms. Schmidt said she liked the downtown area. She said they had looked at over 200 homes because they wanted a place that felt like a home or community and felt that everyone should keep in mind what the people need in the community. Ms. Schmidt said whatever projects there were, she would like to keep a very natural setting. Member Staudt said with so many acres of parkland, there will be many projects ahead.

9. Donna Skelcy – Zoning Board of Appeals

Ms. Skelcy said she had attended ZBA meetings and practiced law since 1985 and felt her background was a good fit for this position. She felt the variance board had an impact on how the City presented itself to its citizens and visitors. She previously served on the recycling board when she lived in Huntington Woods so she had experience working on committees within a city. She said she would like to contribute something to Novi now that she was here. Mayor Pro Tem Capello asked what the area of her practice was. Ms. Skelcy said it was Insurance Defense and she practiced law until 1997 and then she moved into management with her employer, State Farm Insurance. Member Gatt asked if she were appointed to a board, what could Council do to help her in that role? Ms. Skelcy thought the board would help City Council more than they would help the board because they would be making decisions that would help the City and things Council didn't have time for. Member Mutch asked what she saw as the challenges in the area she lived in in terms of people trying to improve and redevelop their properties in her side of town. Ms. Skelcy thought the challenges were balancing needs of citizens with the intent of the City. She knew there were large issues with signage and she liked the stringency of the sign ordinance and the smaller town feel. She realized it was difficult but they had to try to make a balance and make decisions on a daily basis. Member Staudt thought her background would be a good addition to the ZBA. He asked how she saw the ZBA meetings, as it pertained to things related to the ordinances, did she see those as issues she could deal with in a very clear manner or were these things outside of the scope she had worked with in the past. Ms. Skelcy said they were outside the scope of her job. However, she knew members received a packet of materials and they could also visit the sites for additional information. Member Crawford thanked her and asked what her philosophy was about zoning. Ms. Skelcy said to try as much as possible to help the individual citizens seeking development of their property because she was a pro business kind of person. She said she also felt that the City presented itself to its citizens and that they had to balance both. Mayor Landry thought that in her business she had to tell people no and asked her to tell him how important it was when she had to tell someone no that at least they got a fair shake, and whether that played an important role in serving on the ZBA. Ms. Skelcy thought the most

important part of her job was to explain to people making claims, if it was denied, why it was denied and letting them know if additional information was needed.

10. Raymond Weidenbach – Election Commission; Zoning Board of Appeals

Mr. Weidenbach said he had been a resident for over 30 years. He stated he was currently retired and worked with Chief BeGole in developing the needs for the new police station. Member Mutch asked why he chose those two commissions. Mr. Weidenbach said he would serve on either. Member Staudt thanked him for coming forward and noted he had exceptional credentials. Member Crawford asked what the role of the Election Commission was. Mr. Weidenbach said he would need to read all of the rules and make sure the elections were run fairly. Mayor Pro Tem Capello asked why he would step forward now. Mr. Weidenbach replied he was now retired and wanted to give his time. Member Gatt said he had no questions and thanked him for his service in the past and especially for his service in getting the Police Department built.

PUBLIC HEARING

1. Community Development Block Grant Fund for 2009

Ann Risto, Meadowbrook Commons resident, noted she was an invalid, and there were others, and they needed to have transportation. She was concerned about the decision on the block grant money and wondered what would happen to it.

Another resident was also concerned that they might lose the money for transportation and hoped that the money wouldn't be cut from the CDBG funds.

REPORTS

1. MANAGER/STAFF - None

2. ATTORNEY - None

AUDIENCE COMMENT

Greg Iszler, 621 South Lake Drive, President of Lake Board, stated that there were 250 properties that were first reported to possibly become represented by the Lake Board. He noted that the Board needed 105 properties and had signatures to submit to the City Attorney. He said they still had signatures coming in and had continued to reach out to the Shawood Lake property owners, with no response. He said they looked forward to timely validation of the signatures.

Hugh Crawford, County Commissioner and Republican candidate for State house of Representatives for the 38th District, said he would not forget his roots after serving 15 years on the Novi City Council and 8 years as County Commissioner. He said he would not allow the State to put mandates down here that weren't funded or mandates period. He stated he had always been part of the team and had a balanced budget in both the City and County. He said Oakland County had a triple A bond rating because of the way the Commissioners managed the budget

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

**CM-08-10-176 Moved by Capello, seconded by Gatt; CARRIED UNANIMOUSLY:
To approve the Consent Agenda as amended.**

Voice Vote

- A. Approve Minutes of:
 - 1. October 6, 2008 – Regular meeting
- B. Enter Executive Session immediately following the regular meeting of October 20, 2008 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 Electrical Services Contract to Trinity Electric Inc., the lowest qualified bidder, based on hourly rates for an estimated annual cost of \$42,000.
- D. Approval to award contract for municipal Generator Preventative Maintenance and Repair to Precision Generators, LLC, the low bidder, in the amount of \$10,575 (annually).
- E. Approval to award a contract for engineering services for the Storm Water Modeling and Analysis of Regional Detention Basins upstream of Meadowbrook Lake project to URS Corporation for a not-to-exceed design fee of \$65,000.
- F. Approval of an engineering contract amendment to URS Michigan, Inc. for additional engineering services associated with the design phase of the Meadowbrook Lake Dam Improvement project in the amount of \$10,900.
- G. Approval of resolution recognizing Novi Youth Hockey Association as a non-profit organization for purposes of fundraising.
- H. Approval of an agreement with the Sheraton Detroit Novi to host the 2009 Appreciation Dinner, an annual event honoring Boards, Commissions, Committees and Employees for their dedication to Novi, on January 9, 2009 for the estimated amount of \$19,325.
- I. Approval of Policy for the Water & Sewer/Treasury Department Identity Theft Prevention Program.
- J. Approval of the Collective Bargaining Agreement between the City and the Police Command Officers Association for the contract period July 1, 2006 through June 30, 2011.
- K. Approval of Claims and Accounts – Warrant No. 779

MATTERS FOR COUNCIL ACTION – Part I

- 1. Consideration of Zoning Map Amendment 18.682 with Planned Rezoning Overlay (PRO) SP08-09A from the applicant, J.S. Evangelista, LLC, to rezone property located at the southwest corner of Fourteen Mile and Novi Roads from RA, Residential Acreage with a Planned Unit Development (PUD) to RM-1, Low-Density, Low Rise, Multiple-Family Residential, favorable consideration of the PRO Concept Plan, and revocation of the right to develop under the existing Maples of Novi PUD. The subject property is 3.88 net acres.**

Marcus Evangelista, General Counsel for Evangelista Development, and owner and developer of the property was present as well as Alex Orman with Nowak and Fraus Engineering Firm and he believed their description was accurate and complete. Mr. Evangelista said in December of 2000, they were approved for congregate care senior apartments and they were proposing a nursing home, which was a less intense use with a lower impact on the property and ultimately less traffic and congestion in the area. He said the nursing home proposed would be very compatible with the surrounding area and would integrate well with the existing community. The adjacent property was a commercial retail mall with a CVS, Starbucks, Coney Island and Flag Star Bank. The other surrounding areas were multi family apartments and condo's; therefore the nursing home presented a viable, transitional type of use for that intersection. He said there was a tremendous need for a nursing home in the area and there was a high demand for long term care services and that could be demonstrated by the opening of the new Providence Park in Novi as well as the Henry Ford Hospital in West Bloomfield. In addition, the State of Michigan had also projected a 15% growth in western Oakland County by 2012, also supporting the need for long term care services. The other benefits included enhancing the local City economy. He commented they would improve the tax base and they were a for profit organization so the City could tax them. He said they also expected to create at least 100 new jobs in the City of Novi in a non automotive sector, which was good for the economy. Mr. Evangelista said Maple Manor was a family owned and operated company and his parents were the owners, Drs. Jose and Stella Evangelista. He said they were practicing physicians and had been practicing for over 30 years. He said they were hands on owners and he was also involved in the business as the CFO and General Counsel for the company. Mr. Evangelista said they had a track record that they were very proud of and currently owned and operated Maple Manor of Wayne and were ranked the #1 facility in Michigan rated by Medicare. He said last year they had a perfect State survey with zero citations and that was nearly impossible to do and they were also JACO credited, which was voluntary for nursing homes. They elected to be JACO credited to demonstrate their commitment to the highest quality of health care. He said their nursing was a beautiful, clean odor free environment and that was a reflection of the care they provide at all times. As a part of the PRO they were proposing to donate the City sign and would have it professionally manufactured and it would be identical to the existing new signs and would be place at the boundary of Walled Lake and the City of Novi.

Mayor Pro Tem Capello asked if they needed the existing Maples of Novi residents to sign off on this before the PUD status was released from this piece. Mr. Schultz said he didn't believe so as they looked at it and looked at the revocation issue. He said the prior ordinance had been repealed talked about essentially continuing to act as a regulatory body as though it was still in place and talked about the revoking the area plan, if appropriate, and talked about a hearing. Mr. Schultz thought the owner of the property was the appropriate person to give

notice to a hearing, which they were having tonight. Mayor Pro Tem Capello asked if the existing Maples residents had been given notice of this. Mr. Schultz said he didn't know if the other elements of the PUD area plan had but thought the appropriate people to give notice to were the people within this portion of the area plan. Mayor Pro Tem Capello asked if the pharmacy they wanted would be totally internal and Mr. Evangelista replied it was and was just for their patients.

CM-08-10-177 **Moved by Capello, seconded by Staudt; MOTION CARRIED:**
For tentative approval of Zoning Map Amendment 18.682 with Planned Rezoning overlay (PRO) SP08-09A from the applicant, J.S. Evangelista, LLC, to rezone property located at the southwest corner of Fourteen Mile and Novi Roads from RA, Residential Acreage with a Planned Unit Development (PUD) to RM-1, Low-Density, Low Rise, Multiple-Family Residential, favorable consideration of the PRO Concept Plan, and revocation of the right to develop under the existing Maples of Novi PUD. The approval would be subject to: (1) City Council waiving the Traffic Impact Assessment because the proposed Convalescent Nursing Home use would generate less traffic than the previously approved senior housing apartment building. (2) Favorable findings of the proposed conditions as listed above, (3) Acceptance of applicant's offer for public benefits, (4) Tentative approval of the PRO concept plan, (5) the applicant entering into a PRO agreement with the City Council including provisions required to revoke the PUD. Approval for this site and withdraw this property from that development for the following reasons. (1) conditions consistent with the Master Plan for Land Use 2004 fit the area for multiple family uses, nursing home uses were compatible with the family land uses, adequate infrastructure existed to support nursing home and multiple family uses and the proposed PRO concept plan meets the intent of the zoning ordinance in providing a transition between multiple family and commercial development protecting and conserving the character of the area and providing adequate access to these facilities.

DISCUSSION

Member Gatt asked if there would be independent people who drive, etc. Mr. Evangelista responded it would predominately be dependent. He said it was a skilled nursing facility and the typical patient would be people right out of the hospital who had surgery and needed to stay at their facility for a short term basis, usually up to 100 days of care. He said they would restore their abilities and confidence so they could return home. They would also have a long term care unit, which would be more the end stages of their life and was a nursing long term care facility. He said they would probably have a few beds that were independent but usually those people would stay and then progress into the long term care setting. Member Gatt said there wouldn't be any permanent residents there and it was not a home for somebody. Mr. Evangelista said there would be and they were trying to come up with the actual number but

he guessed it would be about 20% of their residents would be independent/assisted living type of care. Member Gatt asked if he could compare it to anything that existed in Novi such as Waltonwood. Mr. Evangelista said no, Waltonwood was the assisted living and independent living and that was not their core competency. It would be more akin to Manor's of Novi.

Member Crawford commented she was glad that they were doing this project as she thought the City had been underserved in this area. She asked if there were any innovations in the project, like a greenhouse, that were newer than what people think of in a nursing home. Mr. Evangelista said he couldn't say they were offering anything special like a greenhouse, but were open to any suggestions Council had. However, he said they would provide a clean homelike environment. He said the facility they have now was carpeted and people said it looked like a hotel. He said they would provide staffing, care, ownership on site, which was more of a personalized, customized environment, and they would have all the usual amenities such as outdoor courtyards, activities and it would be a beautiful place. Member Crawford said she knew from being involved in the senior business some of the requests they received from Novi residents all the time was daycare. Mr. Evangelista said they offered it at Maple Manor of Wayne and called it respite care and they would definitely do that and it would be more of an ancillary business.

Member Staudt asked what type of City services he envisioned using. Mr. Evangelista said they work closely with the communities and have a lot of activities for the residents. He said they have lunches; they take them to the baseball games and to various things in the area. He thought the mall would be a great venue for them because it was safe and nearby. He said they look for things that were not too far that the seniors could enjoy and the library would definitely be one of them.

Member Mutch said he wouldn't support the motion and his reasons were not criticism of their facility. He commented everything he had read was impressive and the Planning Commission was very impressed by the standards that their facilities had met. Member Mutch said the concern he had with the proposal was the kind of use and its location and he was very concerned that on the north side of town they were really getting a concentration of facilities that would require a higher level of City services than could currently be provided for that area of town. He said some of the other facilities had created a strain on emergency services and this being located at 14 Mile and Novi Road so anytime they had to respond it created a challenge for the City. Member Mutch said with that in mind, he recognized that the change in use from what was previously proposed would be a reduction in traffic but he was concerned about the other impacts that would come from additional demands on emergency services. Member Mutch said the other criticism he had went back to the whole PRO concept and the public benefit, outside of the entrance sign, would really come with any development at that location and almost any use would bring those benefits to the City. He said he didn't think the PRO concept worked well with what they wanted to achieve and they needed a better vehicle to do that. He said perhaps a PUD zoning option that would allow Council to consider unique developments in locations across the City without getting into this little game they play. He said it didn't do justice to the process and didn't reflect well on what they should be doing as a City and it made the applicant jump through hoops that he didn't think were necessary. He said most of the PRO agreements that were approved had never been carried out and he hoped theirs would be the exception. He expressed concern about the process of separating out parcels from the PUD and thought it created concerns as there were multiple PUD in the City and when approved they were approved as a whole and separating those out raised some

concerns about how they were originally approved and whether or not this was the correct process to undue those.

Mayor Landry said he was very impressed with the accreditation, the 100% Medicare Audit, the creation of 100 jobs and mostly because they were jobs in a quality organization evidenced by those accreditations.

Roll call vote on CM-08-10-177 **Yeas: Crawford, Gatt, Staudt, Landry, Capello**
Nays: Mutch
Absent: Margolis

2. **Approval of Resolution authorizing cost participation in the Michigan Department of Transportation's 2009 state trunkline projects in the City of Novi, and approval of local cost share contract with MDOT in the amount of \$432,400.**

CM-08-10-178 **Moved by Capello, seconded by Crawford; CARRIED UNANIMOUSLY: To approve Resolution authorizing cost participation in the Michigan Department of Transportation's 2009 state trunkline projects in the City of Novi, and approval of local cost share contract with MDOT in the amount of \$432,400.**

Mayor Pro Tem Capello said, regarding the \$432,400 for the City's contribution, this was \$37,600,000 project; so the City's participation was a little over 1%.

Member Mutch commented that many of these projects were well overdue. He said if MDOT really did all these projects next year, it would be an interesting summer.

Mr. Pearson said he received another call from MDOT and they wanted to come and share a briefing with the business community and Council. He said it was tentatively set up for the second meeting in November.

Mayor Landry said he was looking forward to the rehabilitation of I-96 and particularly the entrance ramps at Novi Road and also another ramp coming off of M-5 or another lane.

Roll call vote on CM-08-10-178 **Yeas: Gatt, Mutch, Staudt, Landry, Capello, Crawford**
Nays: None
Absent: Margolis

3. **Approval of (a) Ordinance 08-42.3, an Ordinance to amend Chapter 24, "Outdoor Gatherings" of the City of Novi Code, to provide new substantive regulations concerning requirements for filming permits within and throughout the city, and related fee resolution. Second Reading; and (b) Zoning Ordinance Text Amendment 18.231, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 19, I-1, Light Industrial District and Article 23A, OST, Planned Office Service Technology District, to add provisions for motion picture, television, radio and photographic production facilities. Second Reading**

**CM-08-10-179 Moved by Crawford, seconded by Gatt; CARRIED UNANIMOUSLY:
To approve (a) Ordinance 08-42.3, an Ordinance to amend Chapter 24,
"Outdoor Gatherings" of the City of Novi Code, to provide new substantive
regulations concerning requirements for filming permits within and
throughout the city, and related fee resolution. Second Reading; and (b)
Zoning Ordinance Text Amendment 18.231, to amend Ordinance No. 97-18
as amended, the City of Novi Zoning Ordinance at Article 19, I-1, Light
Industrial District and Article 23A, OST, Planned Office Service Technology
District, to add provisions for motion picture, television, radio and
photographic production facilities. Second Reading**

Member Mutch thanked Mr. Schultz for adding the language that made it clear that private events for non-commercial purposes were excluded from the permitting process. He asked about 24-26.3 when talking about exemption from productions when conducted within legally established commercial, motion picture, television, photography studios; he asked how they would define whether a photography studio was in existence legally or not. He asked if that was as permitted by zoning or business permit. He asked for clarification. Mr. Schultz thought that was exactly it. He said the retail used described that was seen in photography studios and also the building ordinance amendment that comes after that specifically allowed that in the two districts it kind of was intended to pick that up as well. They would not have to come in for these permits as long as they were within their building, if they fall within that use. He said existing photography studios were all covered as well.

**Roll call vote on CM-08-10-179 Yeas: Mutch, Staudt, Landry, Capello, Crawford,
Capello, Gatt
Nays: None
Absent: Margolis**

4. Approval of resolution to authorize Budget Amendment #2009-2.

**CM-08-10-180 Moved by Gatt, seconded by Crawford; CARRIED UNANIMOUSLY:
To approve resolution to authorize Budget Amendment #2009-2.**

**Roll call vote on CM-08-10-180 Yeas: Mutch, Staudt, Landry, Capello, Crawford,
Capello Gatt
Nays: None
Absent: Margolis**

5. Approve Agreement between the Novi Community School District and the City of Novi for exchange of properties, subject to review and final approvals to form by the City Manager and City Attorney upon final approval by the School District

Mayor Landry said this would all be subject to a vote of the people. He said this was the discussion on the potential Signature Park. He said they had many discussions with the school board and Thursday evening the school board unanimously approved the concept of the property exchange and this would all be contingent on a successful bond approval in the spring.

Mr. Pearson said the Parks, Recreation and Forestry Commission had also been involved with this and joined a lot of community members in looking forward to try to move this partnership forward. He thought it was one of the key aspects of this in that it was not just the City Parks trying to meet some of their needs but was partnering up with the school district and taking public lands that were in public hands and putting them into active use.

**CM-08-10-181 Moved by Staudt seconded by Capello; CARRIED UNANIMOUSLY:
To approve Agreement between the Novi Community School District
and the City of Novi for exchange of properties, subject to review and
final approvals to form by the City Manager and City Attorney upon
final approval by the School District.**

DISCUSSION

Member Mutch said on page 3, H the acreage described as 68.33 acres that the school district would transfer to the City and he believed it to be 63.88 acres. Member Mutch said letter J-I said "conveyance from the school district to the City 62.88 transfer of property." He asked Mr. Schultz to look through the document and make sure all the acreages added up. Member Mutch stated he was willing to support the proposal and thought the City and school district had worked hard to get to this point. He said there were compromises made from both sides to reach an outcome that both bodies could fairly represent as being an equitable trade while accomplishing something that both bodies could represent as being an equitable trade and beneficial to the community. However, as Council Members they didn't have all the information needed to go forward with a bond proposal and were presently working with guesstimates of the cost to develop the property, the facilities that would be proposed. He said they needed to develop those numbers to present the true costs to the residents for the bond as they would mean a lot in terms of moving this forward. Member Mutch asked if all the City's active parkland needs would be met on the signature park properties if they were assembled as proposed. Mr. Auler believed it would depending on the concept design they came up with such as using the festival area, when no in use, as practice or game space for sports. Member Mutch said if they were able to accomplish that it was great and if not he wanted to be clear with the community about what the park could and couldn't accomplish in terms of meeting all the needs the City had.

Mayor Landry said, having been personally involved with the dealings with the school board along with Mr. Pearson and Mayor Pro Tem Capello with the Facilities Committee, Bruce Bagdady, George Cortland and Peter Dion from the school board since the beginning of the 6:30 a.m. meetings with the school board. Mayor Landry said this had been one of the most impressive projects he had ever been involved in. The school board and the City looked at what each entity had and what the citizens of this City were really in need of and were really able to understand and come to a proposal to join resources. He said the school board was very professional and it was a pleasure to work with them. He said they always had, like the City, the best interest of the people as priority #1.

Member Staudt said school board president Jeff Neilson also participated in the committee and Mayor Landry said he did and thanked him. Member Staudt said as a result of several very late changes, one of the parts of the agreement that didn't pertain to the bonds specifically, was the additional property at the Fuerst Farm site. He said that had been agreed upon as a permanent regardless of whether the bond was approved or not. He said it would give them

the opportunity to build out the park completely with all the land in mind. Mr. Staudt said his friends on the school board took a very selfless approach to everything; he was very much looking forward to pursuing the bond and working with the school district and the City to come up with an outstanding project and facility.

Roll call vote on CM-08-10-181

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

AUDIENCE COMMENT

Pete Wolford, owner of Novi Pizza Company, stated he was concerned with changes to the sign ordinance, allowing signs that were previously not allowed. He noted they were previously limited to an "Open" sign at night; now the sign of a competitor was lit up with the name and had additional wording. He asked that the City make people aware of what could and could not be done when a new business opened.

MATTERS FOR COUNCIL ACTION – Part II - None

COMMITTEE REPORTS – None

MAYOR AND COUNCIL ISSUES - None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION - None

COMMUNICATIONS - None

AUDIENCE COMMENT - None

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 9:30 P.M.

David Landry, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Charlene Mc Lean

Date approved: November 10, 2008