

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI**  
**Monday, JANUARY 5, 2009 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, Council Members Crawford, Gatt, Margolis, Mutch, Staudt

**ALSO PRESENT:** Clay Pearson, City Manager  
Pamela Antil, Assistant City Manager  
Tom Schultz, City Attorney  
Ara Topouzian, Economic Development Manager  
Cindy Uglow, Neighborhood and Small Business Manager

**APPROVAL OF AGENDA**

**CM-09-01-01** Moved by Margolis, seconded by Gatt; **CARRIED UNANIMOUSLY:**  
To approve the agenda as presented.

**Roll call vote on CM-09-01-01** Yeas: Landry, Crawford, Gatt, Margolis, Mutch, Staudt  
Nays: None

**PRESENTATION**

**1. Mayor's Appointment of Mayor Pro Tem**

Mayor Landry said it was his pleasure and privilege to appoint Council Member Bob Gatt as Mayor Pro Tem.

**2. Economic Development 2008 Accomplishments and 2009 Goals – Ara Topouzian and Cindy Uglow**

Mr. Topouzian and Ms. Uglow were present. Mr. Topouzian presented the 2008 Economic Development Report with their recommendations for 2009. He pointed out that they continued to exist in the current economic conditions and Novi was still the front runner when it came to business development and retention. He said today's Crain's newspaper published a story focusing on Novi titled "Novi Business Growth Beats Odds". He said they would continue to strategize for the future of the residents and business community.

Member Margolis congratulated Mr. Topouzian, Ms. Uglow and the City staff. She said the headline in Crain's today really spoke volumes. She said they had worked hard and taken leadership and moved these economic development goals forward, along with the whole staff, to make the City a much more customer service friendly place. She said some of the quotes regarding past experiences with Novi and experiences now spoke volumes.

Mayor Landry thought what they were doing not only for development but also retention was very important. He thought that, as a City, one of their hallmarks was becoming their attention to retention of businesses. He said Ms. Uglow's BAT Team was doing wonderful and just the

fact that Novi's businesses received calls from the City asking how they were and what the City could do for them was wonderful. He thought that communication was so important and echoed the comments of Member Margolis.

Ms. Uglow said the next Novi BAT, Business Assistance Team, was scheduled for February 5th. She said if there were any businesses listening; please contact her because they were so anxious to get out there again.

## REPORTS

1. **MANAGER/STAFF - None**

2. **ATTORNEY - None**

**AUDIENCE COMMENT - None**

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

**CM-09-01-02 Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY:  
To approve the Consent Agenda as presented.**

**Roll call vote on CM-09-01-02 Yeas: Margolis, Mutch, Staudt, Landry, Gatt  
Crawford  
Nays: None**

- A. Approve Minutes of:
  - 1. December 15, 2008 – Regular meeting
- B. Approval of an engineering contract amendment to FTC&H for additional construction engineering services for the Pontiac Trail Water Main project in the amount of \$25,850 as a result of an increase in actual versus budgeted construction cost.
- C. Approval to award a contract for engineering and surveying services for the City Land Survey Benchmark Re-Establishment project to Stantec Consulting Michigan, Inc., for a not-to-exceed fee of \$61,400.
- D. Consideration of Ordinance 09-120.10 amending Chapter 20 Massage Ordinance, Sections 20-51 and 20-52 to revise the requirements for submission of applications for massage therapist permits. **First Reading**
- E. Approval of Claims and Accounts – Warrant No. 784

## MATTERS FOR COUNCIL ACTION – Part I

1. **City Council Vacant Seat Appointment.**

Member Staudt said he had a business relationship with one of the individuals on the ballot and just wanted to disclose that to Council. Mr. Schultz said his understanding was that it was an occasional business professional service that was ongoing. He said the Charter talked

about not voting when there was a financial interest in the question before the Council. He said he didn't see this as a financial interest in the actual question before the Council, which was the appointment of another Council member. He noted that under the Charter that meant there was an obligation to vote unless there was some other basis for disqualification like an indication from the Council Member that he couldn't be fair and impartial. Member Staudt said there was no problem.

City Council voted by ballot.

Mayor Landry asked for the results of the vote.

Clerk Cornelius said Brian Burke was elected to fill the vacant Council seat.

Mayor Landry thanked everyone who put their name in and agreed to come forward. He said they were blessed by the willingness of the people to serve. He congratulated Mr. Burke and everybody who came forth.

2. **Acceptance of Vista Hills Condominium streets and adoption of Act 51 New Street Resolution accepting Sandstone Drive, Quarry Court, Stonewall Court, Hearthstone Drive, Brookstone Drive, Clay Court, and Ledgeview Drive as public, adding 8,857 linear feet or 1.68 miles of roadway to the City's street system.**

**CM-09-01-03 Moved by Mutch, seconded by Gatt; CARRIED UNANIMOUSLY: To approve acceptance of Vista Hills Condominium streets and adoption of Act 51 New Street Resolution accepting Sandstone Drive, Quarry Court, Stonewall Court, Hearthstone Drive, Brookstone Drive, Clay Court, and Ledgeview Drive as public, adding 8,857 linear feet or 1.68 miles of roadway to the City's street system.**

**Roll call vote on CM-09-01-03 Yeas: Staudt, Landry, Gatt, Crawford, Margolis, Mutch  
Nays: None**

3. **Consideration of Zoning Ordinance Text Amendment 18.233, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance, at Article 25, General Provisions, Subsection 2516 "Site Plan Review" and Subsection 2520 "Exterior Building Wall Façade Materials;" in order to provide for administrative approval of façade waivers when existing non-conforming facades are upgraded. First Reading**

**CM-09-01-04 Moved by Crawford, seconded by Margolis; CARRIED UNANIMOUSLY: To approve Zoning Ordinance Text Amendment 18.233, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance, at Article 25, General Provisions, Subsection 2516 "Site Plan Review" and Subsection 2520 "Exterior Building Wall Façade Materials;" in order to provide for administrative approval of façade waivers when existing non-conforming facades are upgraded. First Reading.**

**Roll call vote on CM-09-01-04**

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

**Nays: None**

- 4. Consideration of Zoning Ordinance Text Amendment 18.234, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance, at Article 14, B-2 Community Business District, Article 15, General Business District and Article 17, Regional Center District in order to modify the standards for outdoor sales of produce and seasonal plants. First Reading**

**CM-09-01-05 Moved by Margolis, seconded by Crawford; CARRIED UNANIMOUSLY: To approve Zoning Ordinance Text Amendment 18.234, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance, at Article 14, B-2 Community Business District, Article 15, General Business District and Article 17, Regional Center District in order to modify the standards for outdoor sales of produce and seasonal plants. First Reading**

## **DISCUSSION**

Member Mutch said one of his concerns was that he knew in a number of communities these kinds of uses, where there were outdoor sales, they would see things like gas stations selling landscape materials like cedar chips, etc. He said this language seemed to restrict the sales to items that were similar to what was being sold within the business that sales were being conducted at. Member Mutch said he wanted to be clear on how strict that limitation was and would they have gas stations selling landscape materials versus gas stations selling windshield washer fluid.

Mr. Schultz thought Member Mutch was right and didn't think that would be incidental to gas station use but could be window washing materials and things like that. Member Mutch said if it was directly related to the use that took place, he wouldn't have a problem with it but was concerned that it would become a loophole for people to sell everything and anything. Mr. Schultz stated the intent was that it be limited to what the actual underlying use was.

Mayor Pro Tem Gatt asked if it would prohibit someone from bringing a load of lilies around Easter and selling them on a vacant lot next to a gas station. Mr. Schultz replied this language was just sales incidental to an actual ongoing use that was approved and site planned. He said it would not apply to the vacant lot situation.

**Roll call vote on CM-09-01-05**

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

**Nays: None**

**AUDIENCE COMMENT - None**

**MATTERS FOR COUNCIL ACTION – Part II**

**COMMITTEE REPORTS**

**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 7:11 P.M.

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David Landry, Mayor

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Maryanne Cornelius, City Clerk

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Transcribed by Charlene Mc Lean

Date approved: December 26, 2008