

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JULY 12, 2010 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 Gatt, Council Members Crawford, Fischer, Margolis, Mutch, Staudt

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

APPROVAL OF AGENDA

CM-10-07-90 Moved by Margolis, seconded by Crawford; **CARRIED UNANIMOUSLY: To approve the agenda as presented.**

Roll call vote on CM-10-07-90 Yeas: **Gatt, Crawford, Fischer, Margolis, Mutch, Staudt, Landry**

PUBLIC HEARING - None

PRESENTATIONS

Proclamation – Recognition of Parks and Recreation for the month of July, 2010

Mayor Landry presented a proclamation to Mr. Auler proclaiming the month of July 2010 Parks and Recreation month. Mr. Auler encouraged the residents to continue to participate in the many recreation services provided. He said Novi had over 1,000 acres of parkland and operated about 1,300 recreation programs annually.

REPORTS

1. MANAGER/STAFF - None

2. ATTORNEY - None

AUDIENCE COMMENT

Oakland County Commissioner Kim Capello said the City of Novi was the recipient of the Oakland County Green Community Excellence Award for its efforts to adopt policies and ordinances to encourage green development and the implementation of a walkable Novi Plan. The City was recognized for creating a Green Venture team for its innovative energy efficiency.

Commissioner Capello also presented a program for consideration by City Council in the future for Patriot Week.

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

CM-10-07-91 **Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY: To approve the Consent Agenda as presented.**

Roll call vote on CM-10-07-90 **Yeas: Crawford, Fischer, Margolis, Mutch, Staudt, Landry, Gatt**

- A. Approve Minutes of:
 - 1. June 21, 2010 – Regular meeting
- B. Enter Executive Session immediately following the regular meeting of July 12, 2010 in the Council Annex for the purpose of discussing pending litigation, labor negotiations and privileged correspondence from legal counsel.
- C. Approval of recommendation from Consultant Review Committee to award a contract for Environmental Services to ECT, Environmental Consulting Technology, for a two-year term and one-year renewal option, and adoption of associated fees and charges, effective August 16, 2010.
- D. Approval of an agreement with the Sheraton Detroit Novi to host the 2011 Appreciation Dinner, an annual event honoring Boards, Commissions, Committees and Employees for their dedication to Novi, on January 7, 2011 for the estimated amount of \$19,000.
- E. Approval of a one-year renewal of contract to University Lithoprinters, Inc. for design and printing of the Annual Calendar in the amount of \$21,000 and a one-year renewal of contract to Accuform for design and printing of Engage! and Enhance in the amount of \$71,072 for a combined total of \$92,072.
- F. Approval to adopt changes to the Articles of Incorporation of the Building Authority and to adopt a Resolution approving amendments to the Articles of Incorporation of the Novi Building Authority.
- G. Approval of Transfer Ownership of Escrowed 2009 Class C Licensed Business with Dance-Entertainment Permit, located at 31 N Saginaw, Pontiac, MI 48342, Oakland County, from Trifecta Pontiac Corporation to La Herradura, Inc.; Transfer location Governmental Unit under MCL 436.1531 (1) to 47690 Grand River, Novi, MI 48374, Oakland County.
- H. Approval to award a one year renewal option of the Debris Removal contract with Bob Myers Excavating Inc., based on the terms, conditions and pricing of the

existing contract for an estimated annual cost of \$30,000 and an effective date of July 15, 2010.

- I. Approval to award contract for provision of plant and hardscape materials, and construction and implementation services for the proposed Fuerst Park Gardens to Great Lakes Landscaping, Inc., the low bid, in the amount of \$42,229.
- J. Approval of the 2010/2011 Oakland Livingston Human Service Agency (OLHSA) contract for the Senior Center Coordinator position in the amount of \$49,901.
- K. Approval of Resolution to close Ten Mile Road from the Novi Civic Center to Taft Road and Taft Road to Nine Mile Road from 11:45 a.m. to 1:30 p.m. for the International Society for Krishna Consciousness (ISKCON) of Detroit's Festival of the Chariots Parade Saturday, July 24, 2010.
- L. Approval to award an amendment to the engineering services contract for construction engineering services related to the Beck Road at Cider Mill Road Traffic Signal Installation project, to URS Corporation (URS), for a not-to-exceed fee of \$11,907.
- M. Approval to award a contract for the preparation of an Americans with Disabilities Act (ADA) Compliance Transition Plan, to Giffels-Webster Engineers, Inc. (GWE), for a not-to-exceed fee of \$29,840.
- N. Approval to grant a highway easement and grading license for the Novi Cemetery parcel (Parcel ID No. 22-22-226-004) to the Road Commission for Oakland County in order to relocate a water main and allow the widening of Novi Road as part of the upcoming Novi Road Link project between Ten Mile Road and Main Street.
- O. Approval to award a professional services contract to Greenway Collaborative, Inc. for preparation of a Non-Motorized Master Plan in the not-to-exceed amount of \$49,831 utilizing a portion of the City's Energy Efficiency Conservation Block Grant funding.
- P. Approval of a Resolution confirming the City of Novi's participation in the planning process to update the Oakland County Hazardous Mitigation Plan.
- Q. Approval of Claims and Accounts – Warrant No. 822A, 822B & 823

MATTERS FOR COUNCIL ACTION – Part I

- 1. **Consideration of the request to designate a Tool & Die Recovery Zone with eight year tax abatement for Ecco Tool (42525 W. Eleven Mile Road).**

Mr. Pearson said Mr. Topouzian had been working for several months with the owner of Ecco Tool, economic development professionals from Oakland County and the State on this project. He said they were using a very unique State program for the tool and die industry that had been under a lot of restructuring. Mr. Pearson said the Ecco Tool and Die Company had been in Novi for decades and was one of the longest standing Novi firms. He thought this was a very unique and specific kind of program and not like all the rest in terms of PA 198 and tax abatements. He said it was a relatively small amount of City property taxes that would be foregone but it would make a big difference for this company. He said they had gone through a lot of hoops with the State to team up with other such companies, restructure and try to find new markets and diversify.

Mayor Pro Tem Gatt asked how much money they were talking about out of City money. Mr. Pearson answered about \$5,000 a year of property tax would be abated. Mayor Pro Tem Gatt asked for how many years. Mr. Pearson replied it was open in terms of the program. He said it was a wide range and they were suggesting eight years. Mayor Pro Tem Gatt said then he was asking the City to forego about \$40,000 worth of taxes. Mr. Pearson said yes. Mayor Pro Tem Gatt said he was perplexed about this issue and wanted to hear what his colleagues had to say. He said he understood the devastation the business had suffered as a result of the down turn in the economy and the auto industry. However, he noticed that the law they were contemplating tonight had an avenue that would not affect the school revenue, and he had no reservations about the tool and die industry receiving help from the State or Federal government. He said they caused the problem in many respects and the residents of Novi certainly didn't. He said to ask them to forego a \$40,000 tax bill over eight years was asking a lot. Then he had to ask himself about the other tool and die companies in the City and when globally thinking about it he thought about the downturn in the economy and how it had affected more than just the tool and die company. So, he had grave reservation about putting the City's tax money up for grabs and wished there was a way to make the City whole like the schools were whole. He thought the State and Federal government should be making the tool and die trade whole because they were the ones who caused it.

Member Crawford stated she was in support of this and said this company had been in Novi for 45 years. She commented that she appreciated the fact that they were looking for ways to reinvent themselves so they could compete in this market. She hoped it would bring more jobs to this area and to Novi as they were trying to retool, and really worked hard to come up with creative solutions. Member Crawford thought it was a creative idea and she would be voting in support of it.

Member Staudt asked in addition to the \$4,000 that would be coming from the City, what the total annual savings would be for this abatement. Mr. Topouzian said the City tax was what was abated. As Mayor Pro Tem Gatt said the schools were made whole. He said the idea behind the abatement portion of this was that the savings that Mr. Peterson and his company would be able to save from the tax abatement would be used to buy new equipment down the road. Mr. Topouzian said that was what part of the consortium was; this was really a smaller piece of the pie. He said if they were to

give Mr. Peterson this Tool and Die Recovery Zone and grant him an abatement theoretically he would use those funds to buy new equipment. Mr. Topouzian said in that consortium there was buying and marketing power that would enable him to get a discount on some of the equipment. Member Staudt thought it also said it abated portions of the State business tax. He said reading this he found that there was more than personal and real estate property tax abatement and that there were other things that were part of the abatement. He said he thought there would be more than \$4,000 in totality. David Curtis of Michigan Economic Development Corporation said in the packet it showed what the total taxes impacted were. He said for personal property taxes it was about \$2,300 and for real property it was about \$5,300. So, the State was giving up all of their taxes, special assessments would still be paid and the State was making the schools whole. Member Staudt asked if there was any requirement that the money be reinvested, or was this money that could be used for operations. Mr. Curtis said they could use it as they saw fit and Ecco Tool had indicated that they were going to reinvest it in assets to help them become more competitive. Member Staudt asked if they purchased additional equipment would it apply to that also. Mr. Curtis said it would. Member Staudt said if they bought additional presses, lathes, etc., all of that would be included in the abatement. Mr. Curtis said he was correct and then at the end of the abatement period everything would come back on the tax rolls.

Member Margolis asked for clarification on the abatement amount. She said in the chart in Council packet the amount of the abatement in total, for all the entities, was \$15,000 to \$20,000. Mr. Curtis said that was correct as a rough estimate. She said the \$4,000 to \$5,000 was the Novi portion and he said she was correct. She said it also talked about the fact that these companies in this collaborative working together to diversify. She said they really needed to target one industry and it mentioned the aerospace industry. She asked him to comment on the reason for the target. Mr. Curtis said that was one portion of the collaboration and they would like them to look at one industry to focus on but they collaborate on a lot of other things as well such as best practices, lean manufacturing as well as purchasing goods and services together. Also, cooperating if they had a lot of orders, he might give some to another person in the collaborative or they might give some to him if he's slow and they're busy. He said different companies had different expertise, so when they put the collaborative together they wanted people who complemented one another so they could get together and bid on a larger project. Mr. Curtis said they had some success and had received a Military tool and die collaborative contract for \$6.8 million that he didn't think any of the companies by themselves would have received. Member Margolis asked why aerospace was the target. Mr. Curtis said there were choices they had such as medical devices, aerospace, etc. He said aerospace was a very growing industry and didn't have enough suppliers at this point. She said the collaborative could go after the Federal contracts, etc. and Mr. Curtis agreed. Member Margolis said the recommendation was eight years and it looked like there was some discretion in that and Mr. Topouzian agreed. She asked why they said eight years. Mr. Topouzian said it was a range of five to fifteen years and if it was five years, the last three years were phased out in 25% increments. He said eight years was just an average. Member Margolis said she was very inclined to vote for this. She felt they had to find ways for

Michigan to diversify and this was an industry that really could get contracts outside of the traditional automotive. She thought one problem for Michigan was that when the autos were good we get addicted to them and unless industries could start looking outside there would always be this boom and bust. Member Margolis said one of her concerns with the abatements was that a company would come in and leave and this was a company that had been in Novi for 55 years and she thought there was something to be said for this. She noted she had never been one for abatements but being it was a specific industry, a very targeted program and a company that had been here for 55 years and paying taxes since 1955, she thought for a few years they could give them a break so they could purchase some of the equipment.

**CM-10-07-092 Moved by Margolis, seconded by Crawford; CARRIED
UNANIMOUSLY: To approve the request to designate a Tool &
Die Recovery Zone with eight year tax abatement for Ecco Tool
located at 42525 W. Eleven Mile Road.**

DISCUSSION

Member Fischer said it was about \$20,000 in totality that would be given up and about \$2,500 would still be paid by the corporation. He said \$5,000 would come from Novi, \$25,000 would be from the County or other and about \$10,000 would be reimbursed by the State to the school district. He asked if that included any savings from the Michigan Business Tax and Mr. Topouzian said he didn't believe so. Member Fischer said that would be above and beyond the \$20,000 a year. He asked what kind of savings would a business of this size see from the State at the MBT level. Mr. Topouzian said he wasn't aware of what their MBT level was but it eliminated the MBT for that period. Member Fischer said he was very concerned that the City and the County were kind of giving up their pieces but the school districts were made whole by the State. He said he wanted to see what the State was putting on the table. Mr. Curtis said the State was for all the taxes that were normally paid by a business to the State are not paid during that period. Member Fischer asked if there were any guarantees that reinvestment would take place, and that this wouldn't just go to the bottom line profit. Mr. Topouzian said what he knew about the application process and there was a lengthy process that Mr. Peterson had to go through after this step but it was not a guarantee that he was part of the consortium. He said he didn't know if there were provisions within the application that required him to buy X amount or not but thought it certainly encouraged and the other folks in the consortium were doing that, and it was the point of the abatement. He said Mr. Peterson was not here to go anywhere but was looking to retool his business and to leave something for his son. So, was there anything in the application; he said he had not seen that part of the process. Member Fischer said if the City were to agree to the abatement and he didn't follow through with becoming part of the consortium or if he was denied, what happened to the abatement. Mr. Topouzian believed if he was denied from the consortium that process would negate itself. Mr. Curtis said if he was not approved by the State then the Tool and Die Recovery Zone wouldn't go into affect, so none of the taxes would be abated. Member Fischer asked if they could move the phase out through year three through five or would it have to be 100% for years one

through five. Mr. Curtis said it would be a phase out years three through five. Mr. Curtis said if they said five, Mr. Peterson would have the full abatement for two years and then it would start being phased out. Member Fischer said then, as a city, they had that option to start phasing it out through years three if they wanted to. Mr. Curtis agreed and said if they chose five years, it would start phasing out in year three by definition.

Mayor Landry agreed with a lot of the concerns Mayor Pro Tem Gatt voiced. He said he didn't like Lansing foisting these solutions on cities especially when they were cutting State Shared Revenue. However, he would support this because this company had been in Novi for 55 years. He said certainly no one else could question their dedication and longevity to the City. He noted they had paid taxes for 55 years and had been a very good corporate citizen of Novi and had certainly shown their commitment. Mayor Landry said he liked it when small businesses were able to band together and create a consortium and compete against the big guys. He liked the feel of the statute where it allowed several small businesses to get together and recognize some economies of scales, buying powers to form a consortium. Mayor Landry said there was a whole bunch of people on this team and they were just asking the City to be on their team and in the process they might be able to keep a dozen businesses afloat. Mayor Landry said for that reason he could support it. He liked the eight years and thought it was a good compromise. He thought it melded together with the City's general property tax abatement program, so he liked the eight years.

Roll call vote on CM-10-07-092 **Yeas: Fischer, Margolis, Mutch, Staudt, Landry, Gatt, Crawford**
Nays: None

2. **Approval to award a contract to Serv-Ice Refrigeration, Inc., lowest qualified bidder, for the Energy Efficiency Improvement Project at the Novi Ice Arena, in the not-to-exceed amount of \$134,323.**

Mr. Pearson noted that the source of funds for this was Federal Stimulus monies designated for these energy kinds of improvements.

CM-10-07-093 **Moved by Gatt, seconded by Fischer; CARRIED UNANIMOUSLY: To approve a contract to Serv-Ice Refrigeration, Inc., lowest qualified bidder, for the Energy Efficiency Improvement Project at the Novi Ice Arena, in the not-to-exceed amount of \$134,323.**

Roll call vote on CM-10-07-093 **Yeas: Margolis, Mutch, Staudt, Landry, Gatt, Crawford, Fischer**
Nays: None

- 3. Consideration of Zoning Ordinance Text Amendment 18.242, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance, at Article 16, TC and TC-1 Town Center Districts in order to provide standards for open air business uses and the sale of outdoor produce and plants in the Town Center District. First Reading**

Mr. Pearson said this was a text amendment proposed by one of the property owners for consideration for accessory uses. He said it had been through the Planning Commission and received a positive recommendation.

Member Margolis said she assumed that there were two versions; the applicant version and the staff version. She said she liked the staff version and felt it fit with the vision they had for the City and the kinds of standards they had for other businesses in the City. Member Margolis said she would support the first reading of the staff version.

CM-10-07-094 Moved by Margolis, seconded by Staudt; CARRIED UNANIMOUSLY: To approve the staff version of the Zoning Ordinance Text Amendment 18.242, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance, at Article 16, TC and TC-1 Town Center Districts in order to provide standards for open air business uses and the sale of outdoor produce and plants in the Town Center District. First Reading

DISCUSSION

Member Mutch asked if Mr. Quinn was present representing the other version. Mr. Quinn was present on behalf of Novi Town Center and investors. He said he originated the application process, with the consent of his client. He said they had gone through the various generations of this with the Planning Commission and staff and were satisfied with the staff's version and asked that it go forward for adoption. Member Mutch said Mr. Quinn was familiar with the façade requirements in the Town Center District and asked if it was his understanding that the screening required for the outdoor storage garden area would be a similar or matching façade. Mr. Quinn said it would match the building or there would be a request for a Section 9 waiver but the intent was that it would match any building that would be there. He said since it was all brick in that area that was what they could expect to see.

**Roll call vote on CM-10-07-094 Yeas: Mutch, Staudt, Landry, Gatt, Crawford, Margolis
Nays: None**

- 4. Consideration of Zoning Ordinance Text Amendment 18.243, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance, at Article 24, Schedule of Regulations, removing Section 2401, Preservation Option and Section 2402 Subdivision Open Space Plan, and amending and**

**renumbering Sections 2403 Residential Cluster Option, Section 2404 RUD Residential Unit Development, and Section 2405 Open Space Preservation Option in order to expedite the approval process, provide more flexible development options and to encourage the preservation of open space.
First Reading**

**CM-10-07-095 Moved by Mutch, seconded by Gatt; CARRIED
UNANIMOUSLY: To approve Zoning Ordinance Text
Amendment 18.243, to amend Ordinance No. 97-18 as
amended, the City of Novi Zoning Ordinance, at Article 24,
Schedule of Regulations, removing Section 2401, Preservation
Option and Section 2402 Subdivision Open Space Plan, and
amending and renumbering Sections 2403 Residential Cluster
Option, Section 2404 RUD Residential Unit Development, and
Section 2405 Open Space Preservation Option in order to
expedite the approval process, provide more flexible
development options and to encourage the preservation of
open space. First Reading**

DISCUSSION

Member Mutch said he was pleased to see this come forward as he thought the proposal was a move in the right direction. He said there were a couple of areas that he would like to have additional discussion about and one was the One Family Cluster option because the change proposed still limited that option to the R-1 through R-4 Zoning Districts. Member Mutch stated he would like to see Council allow the Cluster Option within the RA Zoning District. He said they currently allowed a certain amount of Cluster development under the RUD provision of the Ordinance. He commented he would like to see if that could be opened up as a straight Cluster Option development. He said he would also like staff's input on some of the provisions within the Cluster Option. Member Mutch said one of the limitations he saw with the Cluster Option was the requirement that Clusters had to be in groups of a minimum of two or a maximum of four. He said if they looked at most communities doing open space zoning ordinance through a Cluster Option, they didn't have these kinds of requirements. He said when the Cluster Option was first adopted, he thought it was the standard to have these pods of homes but if they looked at modern developments with clustering, they didn't have those kinds of limitations. He said he would like Council to consider that and some of the other limitations that really limited the applicability. He stated he knew there was concern that removing some of those limitations might open up areas of the City to Cluster development but if looking at the sites within the City that were facing future development, they were very limited and difficult. He said most of them have a lot of limitations such as environmental features, the location and parcel size and he would like the Ordinance to have enough flexibility that when they got to the difficult sites they would not try to force a standard development pattern into a location that didn't really work. He said another area he would like staff to provide input on was that the R-4 District was not allowed an RUD. He said one of the items being presented under the

revisions to the Master Plan was extending the R-4 zoning into some areas along Eleven Mile west of Beck Road and the R-4 zoning density. Also, in the area of Twelve Mile and Wixom Roads, there were some parcels opening up for R-4 development that could benefit from this kind of option. Member Mutch said the RUD option allowed not just the standard subdivision but also a collection of uses, such as Island Lake, schools, parks, clubhouses and the things that they hadn't seen a lot of in Novi since Village Oaks in the seventies. He thought they would want to encourage that if possible. He asked staff to provide feedback on those options. He said it would allow them to provide a little more flexibility in development options and hopefully, when difficult sites came forward, it would give those developers more opportunity to utilize some of the tools that Novi was providing. He thought it would help provide more open space, more recreational opportunities within the City and also preserve more of the environmental features.

Roll call vote on CM-10-07-095 **Yeas: Staudt, Landry, Gatt, Crawford,
Fischer, Margolis, Mutch**
Nays: None

- 5. Approval to award a construction contract for the Beck Road at Cider Mill Road Traffic Signal Installation project, to Metropolitan Power and Lighting, Inc., the low bidder, in the amount of \$143,432.**

CM-10-07-096 **Moved by Gatt, seconded by Crawford; CARRIED
UNANIMOUSLY: To approve award of a construction contract
for the Beck Road at Cider Mill Road Traffic Signal Installation
project, to Metropolitan Power and Lighting, Inc., the low
bidder, in the amount of \$143,432.**

Roll call vote on CM-10-07-096 **Yeas: Landry, Gatt, Crawford, Fischer,
Margolis, Mutch, Staudt**
Nays: None

AUDIENCE COMMENT – None

MATTERS FOR COUNCIL ACTION – Part II

- 6. Consideration of the request of Novi Town Center Investors, LLC, for the approval of the Preliminary Site Plan SP 10-26 and Section 9 façade waiver. The subject property is located east of Novi Road, north of Grand River Avenue, in the TC, Town Center District. The applicant is proposing to demolish Building F and construct a parking lot and associated landscaping in its place.**

Mr. Quinn, on behalf of Novi Town Center Investors, was present with Jim Clear, Manager of Town Center Mall with representatives from YE and Giffels Webster engineers to talk about this site plan regarding Building F. He said this was a partial tear

down of Building F and then reconstruction of the area with parking lot landscaping. He said for the first time they would have an interior north/south road driveway. By tearing down half of the Old Navy building and opening it up they would be able to access almost all the way from Eleven Mile Road on the south all the way up to Crescent Blvd on the north. He said the Town Center Mall was designed by a City Council and the result wasn't the best in the world. He said they learned to let private industry develop malls themselves. He said what happened when created was that there were two isolated ends of the mall. There was the Borders expressway side and it was isolated away from Eleven Mile Rd side. He said now by opening this up with this interior north/south roadway they would create activity and increase more visual space for more tenant use. He said this site plan tore the building down, recreated parking, landscaping and reconstruction of the golf/racquet club building. He said it was one of the next steps and over the next few months they would be seeing what they called the X1 Building, a partial renovation tear down and ultimately the bigger building on the other side on the south end. Mr. Quinn said they agreed with the terms of the motion that staff proposed and would appreciate approval.

Mr. Pearson said this was a longstanding retail area and they saw it as staying current and trying to reinvigorate that center and the recommendation from staff was positive.

**CM-10-07-097 Moved by Gatt, seconded by Staudt; MOTION CARRIED:
To approve the request of Novi Town Center Investors, LLC,
for the approval of the Preliminary Site Plan SP 10-26 and
Section 9 façade waiver subject to provisions A through E in
the Council packet. The subject property is located east of
Novi Road, north of Grand River Avenue, in the TC, Town
Center District. The applicant is proposing to demolish
Building F and construct a parking lot and associated
landscaping in its place.**

DISCUSSION

Member Mutch commented he was not going to support this motion. He said these projects had been coming forward from the Town Center group bringing these various building additions and demolitions to the Council. He thought they were approaching this in a piece meal pattern. He said he knew the Town Center people had an overall plan and Council had probably seen some of that information but he still didn't have a good handle on where all this was going. Member Mutch said he didn't feel like they were making decisions based on an overall plan for the site and he wasn't comfortable doing that. The other concern he had about this proposal, as it was structured, was looking at the language of the Town Center Ordinance and the intent of it was really to have a commercial, retail area within the City that didn't have an auto centric focus. He said it wasn't designed to get rid of cars but it wasn't intended to be like every other commercial center in the City and that was the direction he saw the Town Center moving. He thought it was moving more towards a "big box" center and if that was the direction that the City Council wanted to see it move in, then they should have that

discussion. However, that was not the intent of the Town Center Ordinance. He thought the biggest example of that was the introduction of additional parking into the area and the destruction of the continuity of the sidewalk system within the Center. He said there were sidewalks being placed in front of the stores and if they followed that path all the way around, they could eventually get from point A to point B. He said the intent was not to make it as easy as possible to park in front of the store at the expense of the pedestrian experience; it was to recognize that both were important. He said there were locations throughout the City that had this kind of auto centric focus retail kind of development and if the goal was to move the Town Center in that direction, then he thought they should have that policy discussion and be clear about that. Member Mutch said he would not approve moving in that direction without that policy discussion and without an overall plan of where they were going.

Member Margolis stated she would be supporting the proposal. She said the motion on the table was the plan to eliminate the parking adjacent to Building D, if warranted by the Traffic Impact Study. Member Margolis thought the Planning Commission said it must be eliminated if the traffic study showed it to be unsafe or ineffective. She asked, for clarification, if the motion was supporting the Planning Commission version. Mr. Schultz said he read the Planning Commission motion and thought they were saying the same thing. He thought it was a fair statement of the condition that it could be eliminated, if it was found to be inappropriate. She said she was glad to see this area of the City getting an update and regarding the idea that this wasn't suppose to be an auto centric center, she didn't know if she had ever seen anyone on those sidewalks. She said people park in front of the store and go in and she didn't think it was any different now than it would be when this went in; it just added more convenience.

Mayor Pro Tem Gatt commented that since Mr. Quinn had been involved in the Town Center he had seen nothing but progress made. He said the Town Center was now a vibrant part of the community and the restaurants had a wait list everywhere and people were excited to go up there. He said he would look forward to the completion of the project.

Mayor Landry thought that Member Mutch, if looking at the Ordinance, was correct and thought the intent of the Ordinance was a pedestrian based center. However, the Town Center must be about 30 years old and after 30 years he thought maybe they did need to take a look at it again. He thought if there were tenants that the Town Center was attracting, and they were quality tenants that wanted to make a significant investment in the City that only meant good things for the City and the Town Center. He commented that no one was going to invest millions if they didn't plan on being around for a long time. Mayor Landry said maybe they needed to look at the TC Ordinance but with respect to this issue tonight, he was in favor of it. He said it was positive change and positive movement to reinvigorate the Town Center, and he would wholeheartedly support it.

Roll call vote on CM-10-07-097

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

7. **Consideration of Transfer Ownership of an Escrowed 2010 Class C Licensed Business, located at 363 Commerce, Commerce Township, MI 48382, Commerce Township, Oakland County, from Waylor, Inc. to G.P. Company in Michigan, Inc.; Transfer location Governmental under MCL 436.1531(1) to 25750 Novi, Suite 101, Novi, MI, 48375, Oakland County.**

Mr. Pearson stated that with the reviews that staff had conducted, as a normal part of each one of these transfers, they found that they could not recommend approval from the City's perspective.

CM-10-07-098 Moved by Gatt, seconded by Margolis; CARRIED UNANIMOUSLY: To deny the transfer of the ownership of an escrow 2010 Class C License business located at 363 Commerce, Commerce Township Oakland County, from Waylor, Inc. to G.P. Company in Michigan, Inc.; Transfer location Governmental under MCL 436.1531(1) to 25750 Novi, Suite 101, Novi, MI, 48375, Oakland County, based on the City's investigation and recommendation. The denial was also based on the City Ordinance, Subsection G which set forth a particular review criteria which were G (1) (c), the applicant's general business reputation, G (1) (d), the applicant's moral character, G (1) (e), the applicant's financial status and the ability to build or operate the facilities and G (1) (f) the past criminal convictions.

Mr. Schultz said, because this was a denial, it would be helpful to point out the section of the Ordinance, which was Subsection G set forth a particular review criteria and he would outline a couple that he thought would apply to this situation based upon the criminal history and the investigation that the Police Department did with regard to previous business operations by this applicant. He said they were G (1) (c), which was the applicant's general business reputation, G (1) (d), the applicant's moral character, G (1) (e), the applicant's financial status and the ability to build or operate the facilities and G (1) (f) the past criminal convictions. Mr. Schultz thought, based upon the report, the information that the Police Department uncovered with regard to the previous operations, if that was incorporated into the motion it would be complete. The maker and the seconder agreed.

Member Margolis said one of the main pieces of the review criteria was their financial status and their ability to build and/or operate the facility on which the liquor license was to be located. She said not only were the pieces that were included in the motion in terms of the past criminal convictions, but also it was an incomplete application and there were a number of financial documents that were missing. She said the Finance Department, on review, felt that they didn't have enough information to believe that the applicant could operate the business in a manner that would allow it to continue. Member Margolis said she would support the motion to deny based on those reasons.

Member Mutch asked Mr. Schultz what influence City Council's denial had on the Liquor Control Commission's decision and if they had the authority to still issue a license. Mr. Schultz said the Liquor Control Commission would not issue the license with the recommended denial from City Council. Member Mutch asked if the Ordinance language was broad enough regarding moral turpitude, violence or alcoholic liquors or should they revisit and broaden the language so they didn't have a situation where there was someone trying to finesse their way out of that. Mr. Schultz said after looking at the application and how they had essentially limited themselves to those three kinds of crimes, he thought it would be a good idea to take a look and expand that a little bit. He said the language was pretty typical language and they didn't change that when they did the comprehensive review the last time. However, when a general sort of catch all authority that the City Council had was added and spread throughout the review criteria and when you add the general scope and intent section that was added and generally the idea that this was a privilege not a right, he thought they had more than enough based upon the facts and the language that was in the Ordinance. Member Mutch said if Mr. Schultz had recommendations for modifications to the language that could come from his office. Mr. Schultz agreed.

Mayor Landry said he would support the denial of this both for the criminal background and the financial condition. He said if someone wanted to conduct a business in the City of Novi and they couldn't produce signed tax returns he got a little concerned. He said if they didn't have them they should obtain them from the IRS. If someone was not prepared to submit signed income tax returns, he got concerned. He said if someone couldn't produce income tax returns, it was a huge red flag. He said for those reasons he would support the motion.

Roll call vote on CM-10-07-090 **Yeas: Crawford, Fischer, Margolis, Mutch, Staudt, Landry, Gatt**
Nays: None

8. Appointments to Boards and Commissions

Ms. Cornelius, City Clerk, read the results of the Boards and Commissions Appointments:

Planning Commission – Andrew Gutman, David Greco and Leland Prince

Beautification Commission – Samuel Ray

Parks, Recreation and Cultural Services – Charles Staab, Harold "Butch" Wingfield and Matthew Tecklenburg

Public Access Promotion Commission – Gwen Leapheart

Planning Commission Liaison to ZBA – Victor Cassis

COMMITTEE REPORTS - None

MAYOR AND COUNCIL ISSUES - None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION - None

AUDIENCE COMMENT – None

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 8:00 P.M.

David Landry, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Charlene McLean

Date approved: July 19, 2010