

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JANUARY 24, 2011 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

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

PLEDGE OF ALLEGIANCE

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

ALSO PRESENT: Clay Pearson, City Manager
Victor Cardenas, Assistant City Manager
Tom Schultz, City Attorney
Rob Hayes, Public Services Director
Brian Coburn, Engineering Manager

APPROVAL OF AGENDA

Mayor Pro Tem Gatt removed Item 2, Discussion of the potential options for the Meadowbrook Lake Dam Improvement project because easement rights have not been conveyed by the affected property owners, and postponed until February 28, 2011 City Council meeting. He added that if at that time an agreement between the Homeowner's Association and the City was not made, the matter should be brought back as an item on the consent agenda.

Member Margolis noted the item on the current agenda was the discussion of potential options and she asked what the item would be if it were brought back in 4 weeks.

Mayor Pro Tem Gatt understood that if there was no agreement between the Homeowner's Association and the City, the matter would be resolved by the City sending a letter to the DEQ advising that the City was unable to reach an agreement with the homeowners and therefore the matter was being sent to the DEQ for any improvements to the dam that have to be made.

Member Margolis confirmed that if there was an agreement, the item would be placed on the consent agenda. If there was no agreement, there would be an item on the consent agenda for the City to inform the DEQ that the dam is not under the City's ownership. Mayor Pro Tem Gatt said yes. Member Margolis stated the Homeowner's Association would then have the responsibility.

Mayor Landry noted that they had been dealing with the issue since 2007. The City had no obligations towards the dam, but was being asked to take the obligation over it and spend tax dollars on it. He said for 3 years the City had been trying to work out a resolution and have not been able to come to an agreement. He said in his opinion, the City should send a letter to the DEQ and indicate it is not the City's dam. He said we were being asked to take responsibility, to pay for it and to do it the way the Homeowner's Association wants to do it. He stated that if the City was going to spend tax dollars, the City had to make sure the project was done the way our engineers say it should be done, because we have to protect the tax payers. He said he would support the motion to postpone the item for 2 meetings in order to allow the homeowners and City to reach a final agreement on the wording of the easements, but only if

the motion states that if there is no agreement in the next 4 weeks on the wording of the easement, the City would place an item on the consent agenda to write a letter to the DEQ relinquishing all responsibility on the dam.

CM-11-01-010 Moved by Gatt, seconded by Fischer; **CARRIED UNANIMOUSLY:**
To approve the Agenda with the removal and postponement of Item 2, Discussion of the potential options for the Meadowbrook Lake Dam Improvement project because easement rights have not been conveyed by the affected property owners until February 28, 2011.

Roll call vote on CM-11-01-010 Yeas: Gatt, Fischer, Margolis, Mutch, Staudt, Wrobel, Landry
Nays: None

PUBLIC HEARING - None

PRESENTATIONS - None

REPORTS - None

1. MANAGER/STAFF - None

2. ATTORNEY - None

AUDIENCE COMMENT - None

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

CM-11-01-011 Moved by Margolis, seconded by Fischer; **CARRIED UNANIMOUSLY:**
To approve the Consent Agenda as presented.

Roll call vote on CM-11-01-011 Yeas: Fischer, Margolis, Mutch, Staudt, Wrobel, Landry, Gatt
Nays: None

- A. Approve Minutes of:
 - 1. January 8, 2011 – Special meeting
 - 2. January 10, 2011 – Regular meeting
- B. Approval of Pawnbroker License renewal requested by Gary Weinstein, owner of Weinstein Jewelers, 41990 Grand River Avenue.
- C. Approval of an agreement with Harbor House Publishers to produce a third edition Community Profile and accompanying Economic Development complimentary piece at no cost to the City of Novi.

- D. Approval of transfer of escrowed 2010 Class C liquor licensed, from 30855 Southfield, Southfield, MI 48076, Oakland County, Independent Bank Corporation, to City Center Plaza Limited Liability Partnership, 25875 Novi, Suite 170, Novi, MI 48375, Oakland County. Transfer is for recordkeeping purposes only; license will remain in escrow until a tenant is secured and full review and approval process will be required to remove and complete transfer.
- E. Acceptance of a Conservation Easement from Citizen's Bank, for Charneth Fen located on the south side of 12 ½ Mile Road between Novi Road and Dixon Road, in Section 10, covering 0.88 acres.
- F. Acceptance of a Conservation Easement from Redwood-ERC Novi, LLC, for Fox Run Village located on the north side of Thirteen Mile Road, between Meadowbrook Road and M-5, in Section 1, covering 39.46 acres.
- G. Approval of a Storm Drainage Facility Maintenance Easement Agreement from The Kroger Company of Michigan for the Kroger Facility Engineering Office development located at 40393 Grand River Avenue, between Joseph and Bashian Drives in Section 24 (parcel 22-24-327-010).
- H. Approval to award a construction contract for the Miller Creek Pond Dredging project to Hamlin Grading and Excavating, the low bidder, in the amount of \$16,250.
- I. Approval to award the contract for Network Services to VisiCom Services, Inc. in the amount of approximately \$68,500 per year for a two year period with the option of a third year.
- J. Approval to extend the 2010 Electrical Services contract (an annual contract with two one year renewal options) with Great Lakes Power & Lighting, Inc. for one year based on the same terms, conditions and pricing as the original contract at an estimated amount of \$50,000-\$70,000.
- K. Approval of Traffic Control Order 11-01 for the implementation of a 30 mph speed limit on Orchard Hill Place between Haggerty Road and Eight Mile Road.
- L. Approval to Award the Purchase of Natural Gas Supply for the April 2011 through the March 2012 billing cycle to Interstate Gas Supply, Inc. (IGS).
- M. Approval of Claims and Accounts – Warrant No. 836

MATTERS FOR COUNCIL ACTION – Part I

- 1. **Approval of resolution to revise the City's General Fund-Fund Balance Reserve Policy to increase the reserve range from 14-18% to 18-22% of budgeted expenditures.**

**CM-11-01-012 Moved by Gatt, seconded by Staudt; MOTION CARRIED 6-1:
To approve the resolution to revise the City's General Fund-Fund
Balance Reserve Policy to increase the reserve range from 14-18%
to 18-22% of budgeted expenditures.**

Mr. Pearson stated he thought it was good process for a policy like this to be acted upon in a formal meeting in order to ensure there was a formal record of it.

Mayor Landry commented that there was discussion of this item at the goal setting session, but Mr. Pearson indicated there should be a written resolution if there was a change, which was why the item was presented.

**Roll call vote on CM-11-01-012 Yeas: Mutch, Staudt, Wrobel, Landry, Gatt,
Fischer
Nays: Margolis**

DISCUSSION

Member Margolis wanted it to go on record that she was not supporting the motion because she didn't think it was good policy to change fund balance policies based on year-to-year changes. She said she thought the 14%-18% was sufficient and they could easily direct administration to stay at the top of that range. She said she believed when there was too much in fund balance it was akin to personally having too much sitting in a checking account. There were much more appropriate ways to invest money by putting it into legacy costs or retiree health care. She said she couldn't see them sitting on a large fund balance when people were asking for their roads to be fixed.

Mayor Landry said he did not support this item at the goal setting session, however it prevailed 4-3 and he would support it because it was the will of the Council.

- 3. Consideration of award of an amendment to the engineering services agreement with Orchard, Hiltz & McCliment (OHM) for additional design engineering services associated with the Nine Mile Pathway project for a proposed alternate preliminary design of an 8-foot wide pathway, in addition to the 10-foot pathway currently being designed, in the amount of \$8,500.**

CM-11-01-013 Moved by Mutch, seconded by Margolis; MOTION CARRIED 4-3: To direct the city administration to continue with the 10-foot wide design and through the design process identify landscaping replacement and tree replacement for the affected residential properties and put together a proposal to utilize tree fund dollars to cover those costs to replace any trees removed due to pathway construction.

DISCUSSION

Mr. Pearson stated this was an important sidewalk on 9 Mile between Meadowbrook Road and Haggerty Road and was one of the top priorities. He said a couple years ago an opportunity was brought forward to Council for a grant with the Feds to secure that. He said we received that grant and started on the design. As part of the grant, the City is required to follow all of the federal AASHTO standards with no flexibility. He said that standard was a 10-foot wide paved surface and tapered shoulder. He said before the pathway was built, the 5-foot walk would have to be torn up in order to replace it with 10-foot walk. He said that before it went to bid, he thought it would be worthwhile to double check with Council that it was how they wanted to proceed. It was his opinion that an 8-foot path was more consistent with what had been built in the past and was consistent with the Master Plan for Land Use. He said with an 8-foot path, there would be flexibility and would allow the design to save some of the vegetation and it wouldn't have the same maintenance and upkeep costs. He said the maintenance of the path was one of the concerns that came up at the public information meetings. He added the item was presented for policy direction, not to say they didn't want to build it. He had concerns and wanted to make sure we knew what we were doing and what they would be getting. He thought it was overkill in terms of paving and tearing things up.

Mayor Landry wanted clarification on what they were being asked to consider. He said it was his understanding they were being asked to decide whether or not to award amendment of the engineering services to ask Orchard, Hiltz & McCliment to design an 8-foot path. Mr. Pearson said that was correct. Mayor Landry said they would not want to do that unless we were prepared to build that 8-foot path. Mr. Pearson agreed. Mayor Landry said that if we chose to build the 8-foot path, we would not be accepting federal government funds to do it, we would be paying for it. He said they have to decide if they want the flexibility that came along with an 8-foot path, including saving vegetation but at increased costs, or if they wanted to build the 10-foot path and take the federal government money.

Member Fischer wanted clarification on how far along the designs were for the 10-foot path. Mr. Hayes said they were about 60% complete and were past the preliminary design phase. Member Fischer said the smart thing to do would be to go with the 8-foot path. He would be willing to support the 8-foot path. He said a 10-foot path would be overkill in that area and he would be willing to forego the federal funds if that was what the residents wanted in order to save vegetation and maintenance costs. He asked whether they should go forward with the 10-foot design if Council direction was to not proceed with the 10-foot path, but realized they were too far into the design on the 10-foot path. He said he was open to the 8-foot path and thought it was a wise investment of \$8,500 to amend the contract.

Member Mutch had some questions on the costs associated. He asked if the City forewent the federal funding, what would the additional cost total for the project that the City would incur by building an 8-foot path versus a 10-foot path. Mr. Hayes estimated it would cost approximately \$110,000, which included the \$18,000 in additional design. Member Mutch asked where the funds to construct the pathway would come from. Mr. Hayes said it would come from the municipal street fund. Member Mutch said that \$110,000 would be other projects that wouldn't be able to be funded if they put that money towards the 8-foot path project. Mr. Hayes said they would have to balance things out to see what they could afford with what was projected to be available in that fund. Member Mutch said one of the issues that had been highlighted was

the impact on the landscaping and trees along that stretch where the path was proposed. He asked how many trees were expected to be lost during the construction process with the current design. Mr. Hayes said it was roughly 30 trees based on the current plans. Member Mutch asked how many trees they expected to save by reducing it to an 8-foot path. Mr. Hayes said it was hard to estimate because they haven't done a new alignment with an 8-foot path, but thought it could be less than 10 trees saved. Member Mutch wanted to be sure that there were no tree replacement costs built into the project budget. Mr. Hayes confirmed that. Member Mutch said whether it was 25 trees lost or 30 trees lost, they haven't put any money in the budget to replace any of the trees. Mr. Hayes said that they don't necessarily replace in kind when they take trees out, it usually gets handled on a case by case basis. Member Mutch asked if the trees being removed were in the public right-of-way or if they were on private property. Mr. Hayes said mostly the trees were on public right-of-way, but some were on private parcels. Member Mutch asked if a tree was lost on private property, did the City typically replace it. Mr. Hayes said that was correct. Member Mutch said there was a section of existing sidewalk in front of the Pavilion Court Apartments that was 5-feet. He asked if the proposal for the initial plan was to take out the 5-foot segment and have a continuous 10-foot path, if there was enough money. Mr. Hayes said that was currently being designed. Member Mutch asked if Mr. Hayes had indicated by going with the 8-foot path, the funds would not be available to make that conversion from 5-foot to 8-foot path. Mr. Hayes said the cost would be in addition to the \$110,000 to fund the 8-foot path over the current 5-foot path. Member Mutch said that if they wanted to have the entire length the same width using the 8-foot path, it would cost \$110,000 plus \$40,000 or \$50,000. Mr. Hayes said it would make sense to tear out the 5-foot because it was pretty old. Member Mutch said he would not support a motion that would allocate the additional dollars towards the proposal. He said the bottom line costs were clear in terms of the construction costs to the City in terms of taking on the full weight of the project instead of having the majority covered by federal funds. He said it really wouldn't have an appreciable difference in terms of saving landscaping along the route. He stated he didn't like to see trees lost in the City through projects in terms of improvements, including road projects, sewer projects or sidewalk project, but the reality of trying to retro-fit the pathways into areas is that they will lose some trees. He said if he were making the decision on how to spend \$8,500, he thought it would be much wiser to take the design dollars and allocate them towards tree replacement and stay with the 10-foot width. He said it could be anywhere from 30-90 trees, depending on the amount and cost. He thought they could even use tree fund dollars instead of municipal street fund dollars. He said he could not support something that would result in taking dollars away from other projects, whether they were intersection improvements or neighborhood street maintenance or other sidewalk projects. He said they don't have the effect of saving that many trees and then results in a pathway that goes from 8-feet to 5-feet and back to 8-feet. He said those were the type of pathway projects they had been trying to get away from in the City; projects that were haphazard. He said he thought the proposal of the original grant, while probably not ideal in terms of its impact, would not see any difference in terms of the 8-foot path except there would be a lot more money available for other projects. If they want to address the issue of landscaping and trees, they have other ways to do that. He said it didn't make sense to pour \$8,500 or \$18,500 into doing a re-design of the project when it was already that far along.

Member Staudt said he considered that particular segment a critical part of what they were trying to do with the non-motorized master plan. He said that really would tie Meadowbrook into the I-275 trail project. He said he saw that it was essential in the long term goals and plans as related to the non-motorized master plan. The problem he felt they were facing was that there are allocated funds that they would hate to give up. He said he walked the entire length of the path with a tape measure and looked at some of the areas; he could empathize with the neighbors having a large pathway in their backyard. He said as a resident of Village Oaks, he had easements all over the place because of underground utilities. He added that he hoped they understood this was one of the issues when you live next to a major road and there are right-of-way issues at times. He said he could look back at the time when they turned down the funding for the widening of 10 Mile Road, largely because the residents there didn't want to widen the road. He said they ended up turning away a large number of dollars at that time. He asked if there were tree fund dollars available for the project. Mr. Hayes was not sure if they typically used tree fund dollars for that type of project. Member Staudt asked if there was anything that would keep them from using tree fund dollars if that's what they chose to do. Mr. Hayes said there was flexibility and they have used tree fund dollars on other types of projects. Member Staudt asked if a 5-foot sidewalk was ever considered for the project at any time. He said he knew the focus when they received the grant was to go with whatever they had to, whether it was 10-foot or 8-foot. Mr. Hayes said a 5-foot path was never considered because of the need for a multi-use or shared use pathway in that segment to hook up the 8-foot pathway to the west of Meadowbrook Road with the I-275 trail. Member Staudt said that was the primary reason they went with a 10-foot and the federal funding was to tie all of that together. Mr. Hayes said that was correct. Member Staudt said it was a real dilemma and looked forward to what other Council members thought. He said the difference to him between 8 and 10 feet was insignificant. He said potential use of the tree fund to replace a lot of the trees that would be lost around there would be something for them to consider. He said he was leaning towards staying with the 10-foot path and taking the federal dollars in these difficult financial times. He added he really did empathize with the residents there.

Mayor Pro Tem Gatt said a couple years ago they put in a pathway on Meadowbrook Road and made it 5 feet wide. He said he has walked it and felt it was too narrow. He said they did it to appease the homeowners and for safety reasons, but 5 feet was too narrow to handle the traffic. He said the pathway they were talking about would get even more traffic than that. He said he agreed with Member Staudt in the respect that the difference between 8 feet and 10 feet was insignificant to the neighborhood. He said based on that, his feeling was to stick with the 10-foot path and take the federal dollars. He said he was in the City when they turned down a large amount of money to widen Ten Mile and he didn't want to turn down money that the government wants to give us in the economic climate. He said he was inclined to go with the 10-foot pathway since an engineering study had already been done.

Member Wrobel asked about the quality of the 30 trees that would be removed to put in the path. Mr. Hayes did not have an answer regarding the amount of high-quality trees that would be affected. He did state that the affected trees would be 6 inches or larger in diameter at breast height. He said he did not know what species would be affected. Member Wrobel asked about the maintenance of an 8-foot path versus a 10-foot path and what would the difference for the City be down the road cost-wise. Mr. Hayes said there were only selected

pathways that the City maintains, in terms of providing winter maintenance, but this one wouldn't be a candidate for the City to maintain. Member Wrobel agreed with the previous Council members and stated \$110,000 was a lot of money to turn down especially when it could be used in other parts of the city. He said there would be a path there and 8 to 10 feet was not that big of a difference. He said he understood the homeowners may not agree with that but in reality, they should go with the 10-foot path and use the money elsewhere and also have money for additional trees to supplement the ones that get taken down.

Member Margolis wanted to clarify that the reasons why they were considering moving from a 10-foot to an 8-foot path were the number of trees that would have to be removed and the larger easements needed from residents. Mr. Hayes said initially they thought they would only need easements that would have a smaller area but it turned out those size easements that were proposed for the 10-foot path were essentially what they would need for a narrower path and it wasn't an issue. He added that the reason they were looking at the potential narrower path was because it would give them flexibility in the design. He said they wouldn't know what the benefits of an 8-foot path would be until they actually do the design. Member Margolis said that her understanding was it wasn't just the 10-foot but an additional space required. Mr. Hayes said yes, a shoulder of 2 feet on each side would be required and 1 foot preferably on the 8-foot path just for safety's sake. Member Margolis said a big concern of the residents was the snow maintenance, but she understood there wouldn't be any difference with the 8-foot path. Mr. Hayes said the abutting private parcel owner would be responsible for it or the association would be responsible for it. Member Margolis wanted to thank Administration on this item and the tabled item 2 were a testament to the way the staff goes about projects. She said she saw often that when feedback from the residents was received, they try to make adjustments. She said \$110,000 would buy a lot of trees and we could use the tree fund to replace some of the landscaping. She said she understood the concerns of the residents, but when it came to \$110,000 in the economic time, it was a lot of money to hand back for 2 feet of pathway. She said she would lean toward the 10-foot path, but to see something come back to Council on what they could do in terms of replacing the landscaping or using some of the money they would have spent on the design to really mitigate the impacts on the homeowners.

Mayor Landry said he understood that if a 10-foot path was constructed, they need to maintain 2 feet clear space on either side. Mr. Hayes said that was correct. Mayor Landry said if an 8-foot path was constructed, would they only need one foot clearance on either side. Mr. Hayes said yes. Mayor Landry asked if it was a difference of a 10 foot right-of-way and a 14 foot right-of-way. Mr. Hayes said yes. Mayor Landry said it was a tough decision because no one wanted to turn down the money but they are comparing 10 feet to 14 feet. He said by looking at the bicycle and pedestrian master plan he didn't see any 10-foot pathways on the plan. He said it would not be like Novi. He said he didn't think it would be an issue except for the money. He said the question was what they wanted to do. Do they want to maintain the system of pathways in the long run or did they need to look at 10 years from now and have the City have 10 foot paths in some spots and 8 foot paths in others. He said maybe it wouldn't make any difference, just to build them. He said maybe it was important to look at the uniformity as best they could. He said he could go either way on the issue. He said 14 feet was a big right-of-way and would require a lot of trees to be cut down.

Member Staudt said this was the first time he had heard that it would be an option of the association to maintain the pathway. He asked if it was an issue of how wide the pathway was or if it was going to make a difference to the people who live adjoining to it to have an 8-foot pathway. Mr. Coburn said he got the sense from the homeowners that they were not in favor of the project. He said that the pathway being 10-feet and so different from their expectations of other pathways in the city, that was one of the things they could cite as being in opposition to the 10-foot pathway. Member Staudt asked if they had been presented with the 8-foot path as an option. Mr. Coburn said they were not. He said it was presented as the City was given a federal grant to build a 10-foot path and they were given the preliminary design to receive their feedback. Member Staudt asked what Mr. Coburn thought about whether the residents would oppose it equally if it was 8-foot. Mr. Coburn said one of the big oppositions they had was the winter maintenance. He said the people were explaining they would have to bring their snow blower to the back of the yard in order to snow blow the pathway behind their house. He said there was general opposition to the path and thought it would be similar if they were given the option of the 8-foot path. Member Staudt asked if they could resolve the winter maintenance issue. He thought it was a decision they would have to make, especially in that particular area where it was clearly at the back of everyone's lot. He said there was no direct access other than going through the backyard. He said they just put a sidewalk in the subdivision recently and imposed on the residents to have to shovel that for the schools. He asked how they would resolve such an issue. Mr. Pearson said Mr. Hayes made the point that we have to keep wheeling down the sidewalks that we have acquired. Mr. Hayes said they have not acquired the sidewalks around Willowbrook Elementary. Member Staudt said that the property owners were doing it.

Member Fischer said something to take into consideration was that they weren't making the policy decision immediately, but it would be spending \$8,500 to allow for the design of the 8-foot path. He said once they have that designed, they would be able to go forward and look at the impact to the trees and the maintenance. He said the \$8,500 was a small token from the Council to show that they are appreciative of the concerns of the residents and could look at the full design and move forward once they see the full picture. He said that would be why he was in favor of spending the \$8,500. Mr. Pearson said they were guessing at the impact of what it could do. He said if they had a 10-foot path, it would be straight and you can't tweak or change it. He said the only concern would be the time frame on the grant. Mr. Coburn stated the idea was to do 2 parallel designs so they weren't missing the opportunity with the 10-foot grant and could still meet the milestones. He said at some point they would have 2 designs and then they could decide which design to proceed with. Mayor Landry stated they would not have to worry about the timing, so they could proceed with the 8-foot design and not lose the grant.

Member Mutch said he appreciated the thought behind it, but \$8,500 could buy 30-40 new trees and that was a sentiment that every homeowner would appreciate regardless of whether it was an 8-foot path or 10-foot path. He said he wanted to address the winter maintenance issue, which was a concern of the homeowners. He said practically speaking, although unfortunate, the reality was that people don't drag their snow blowers to their backyards to plow. He said he lived across the street from an 8-foot path on Taft Road where he has never seen in 8 years a homeowner clear the path. He said technically they were required to, but it

didn't happen. He said he doesn't expect it to happen there either. He said he didn't want residents caught up on that issue when the truth of the matter was that it wasn't really enforced in the City consistently.

Mayor Pro Tem Gatt said he would support the motion. He said he would rather go with the 10-foot and maybe they can mitigate the 14 foot because it was a lot, did they really need 2 feet on each side.

Member Margolis said she thought the 2 feet on each side was required. Mr. Hayes said that was part of AASHTO standards.

Mayor Landry said he would vote no because he would like to see the 8-foot design. He said he wanted to see a diagram that showed the differences.

Member Staudt asked if they had to spend \$8,500 to get some type of rendering of what it would look like. He said he agreed with the Mayor because he would like to have the options as opposed to completely committing to 10-foot. He said what they were doing at this point was committing the \$97,000. He thought they could do it for a lot less money. Mr. Coburn said they pared it back understanding the cost would be a concern. He said the problem was that there was grading associated with the pathway. He said they needed to lay it out and looks at the grades. He added that there were differences in the design criteria for the 8-foot and 10-foot. The 10-foot had AASHTO design criteria, which had certain curve alignments which were required. The 8-foot was completely up to them to decide how to do those curves. Member Staudt said they wanted to see some options that the Engineering Department could provide them. He said it was a big decision and they weren't getting an opportunity to see anything based on the 8-foot. He said he would really like to see a drawing before they have to make a decision.

Member Margolis said they shouldn't be asking the Engineering Department to create a drawing they are confident in because there could be problems. She said they have to make a choice to either spend the \$8,500 and get a design or vote to move forward.

Roll call vote on CM-11-01-013

Yeas: Mutch, Wrobel, Gatt, Margolis

Nays: Staudt, Landry, Fischer

4. Consideration of City Code Amendment 11-100.40 in order to include definitions and standards to permit promotional wall signs in the EXO District. First Reading

CM-11-01-014

**Moved by Margolis, seconded by Staudt; CARRIED UNANIMOUSLY:
To approve the Consideration of City Code Amendment 11-100.40 in order to include definitions and standards to permit promotional wall signs in the EXO District. First Reading.**

DISCUSSION

Mr. Pearson said this was at the request of the property owner who wanted consideration of the temporary promotional signs. He said it was presented to the Planning Commission who gave it a positive recommendation.

Member Mutch wanted to clarify with Blair Bowman, the applicant, whether he wanted 2 large signs or 4 smaller signs. Mr. Bowman said the question posed to him was if he was ok with 2 signs or 4 signs. He said he was not ok with having 2 of the smaller size. He said he believed 4 signs would help them disseminate information, especially when more than one show was going on. He said if he only had 2 signs, he wouldn't be able to help promote upcoming events. He said because they have multiple events at multiple times, having the ability to rotate them in on 4 panels was critical. Member Mutch asked if 4 was his minimum amount. Mr. Bowman said that would be sufficient. He said it would allow them to give the general public information safely and effectively about what's happening at the event. Member Mutch said another item referenced in the minutes was that Mr. Bowman was looking to have the signs on the freeway side of the building. He said they were seeing, in the mockups, on several sides of the building. Mr. Bowman said their intent on the mockups that were submitted was a grouping of 2 on the east side and a grouping of 2 on the west side of the expressway face of the building. He said the only difference was there were two possibilities on the east side, one which was the easterly most face of the bump out which was the showplace show halls or the easterly most edge of the Diamond center portion of the facility which would be the furthest east edge, and was further away from the expressway. He said one was more blocked by trees and the other was further from the expressway. Member Mutch said one of the concerns he had was that the language didn't limit the sign locations to the expressway side. Mr. Bowman said he would be ok with some type of limitation in the language. Member Mutch said he was concerned about having the signs turn up all the way around the perimeter of the building. Mr. Bowman said he would be fine with that limitation particularly for that component. He said the other signage issues they were going to ask the City to consider were that they would like to have something on the Grand River face of the building that differentiates between the 2 components of the building. Member Mutch wanted to clarify how many sign requests the applicant had. Mr. Bowman said he had submitted a map which proposed to expand the current marquis with a panel that would include the Diamond Center as it currently has no signage. There would also be a panel that would be dedicated for the future hotel. The far west entrance had nothing but was the larger entrance, though wasn't frequently used because the public travels to the signalized entrance. He said it didn't help them disperse the traffic flow and they would like to capture as many of the eastern bound travelers by adding a sign indicating it was the west entrance. He said for each of the two components inside the building, one would be on the portico shared main entrance and conference center and an identification sign over the main entrance to the showplace. He said it was just enough to provide the motoring public the indication on where they were going and then when they came in either entrance, they would know which way to go. Member Mutch said some of the proposals weren't in the scope of what they were discussing for the ordinance amendment, but appreciated knowing what the overall signage package would evolve into if they go along the lines of what Mr. Bowman had talked about. He said the last question he had was how frequently the signs would be changing. Mr. Bowman said it would depend on the time of year and the amount of events that were occurring. Member Mutch said one of the concerns was having the signs up there for a significant amount of time. Mr. Bowman said the

material had about a 3 year life span and if they were only having them up for a month or 5 weeks, they would be able to re-use the signage. Member Mutch asked in terms of the current language, are the signs limited to the shows that were associated at the site. He wanted to know if they would get into a situation for example where Coca-Cola wanted a sponsorship opportunity and it was financially enticing to the applicant. Mr. Schultz said the definition of promotional signs indicated they had to be tied to a particular event. Member Mutch said he was more concerned with off-site sponsor advertising. Mr. Schultz said they could look at the outer length and make sure there was a closer connection to a particular event. He said it currently said it had to be tied to a particular event. Member Mutch said he would be less concerned as long as there was a connection to the center and activities going on versus it turning into a mini billboard. He said they were open to some alternatives but were not looking for a proliferation of advertising separate from the center. Mr. Schultz said the intent was for it to be for the center and related to the event.

Member Margolis said the language allowed for promotional signs but not on the same side as an existing wall sign. She said that was saying they could have 4 signs on the whole building as long it was not on the same side where there was a wall sign. She said one of the pictures they saw was of two signs side by side on both sides of the building. Mr. Bowman said they would be positioned that way for the look. Member Margolis said there was nothing in the ordinance to stop them having 4 signs across the building. Mr. Schultz said that was correct as there was not a location indication. Mr. Bowman said that was a good point to bring up because he could say they were looking to put them in frames and identify the positioning, but because of the experience they had with the temporary mockup clearly demonstrated they needed to be formally affixed. He said he would be willing to say it would only be on the expressway side of the building because it was always his intent. Member Margolis said she was ok with it, but wanted to be sure she understood the intent. She said she was ok with going ahead with the first reading.

Member Wrobel said he had no issue with the 4 promotional signs, especially if they could say they were on the expressway side, as long as they were for an event related signage, and as long as they were taken down in a timely manner. Mr. Bowman wanted to clarify there would be instances where a show would have sponsors. Mr. Wrobel said he understood as that was part of the event.

Member Fischer asked if it was his intent to have any type of advertisement other than discussed. Mr. Bowman said they are a Pepsi facility and were talking about the extension of that arrangement. He said their intent was to deliver a simple, clear, concise message on a particular event and no general advertisement. Member Fischer said as far as the sides of the building, he would prefer not to see anything on the Grand River thoroughfare. He said he would support the reading as presented.

Member Mutch wanted to clarify the language in Subsection M that talked about the building size and allowing a certain amount of size based on the square footage. He said he wasn't clear why that section was there because there is only one EXO district and one significant building in that district. Mr. Schultz said he couldn't speak to the intent behind it as to how it was originally drafted like that. He said clearly the four signs would apply.

David Landry, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Cortney Hanson

Date approved: February 7, 2011