

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JULY 2, 2012 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

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

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Casey, Fischer, Margolis (Absent Excused), Mutch, Wrobel

ALSO PRESENT: Clay Pearson, City Manager
Victor Cardenas, Assistant City Manager
Tom Schultz, City Attorney

APPROVAL OF AGENDA:

CM-12-07-102 Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the Agenda as presented.

Roll call vote on CM-12-07-102 **Yeas: Staudt, Casey, Fischer, Mutch,
Wrobel, Gatt**
Nays: None

PUBLIC HEARING - None

PRESENTATIONS - None

REPORTS:

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

AUDIENCE COMMENT – None

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

CM-12-07-103 Moved by Mutch, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
 1. June 18, 2012 – Regular meeting
- B. Enter Executive Session immediately following the regular meeting of July 2, 2012 in the Council Annex for the purpose of discussing pending litigation, labor negotiations and privileged correspondence from legal counsel.

- C. Adoption of Act 51 New Street Resolution accepting Gen Mar (between Novi Road and existing Gen Mar as realigned as part of the Novi Road bridge project) as a public street, adding 0.12 miles to the City's street system, and acceptance of the following items from the Road Commission for Oakland County as a result of Novi Road reconstruction between Ten Mile Road and Main Street and construction of the new bridge over CSX railroad:
 - a) Quit Claim Deed Reserving Highway Easement from the Road Commission for Oakland County for the 70-foot wide right-of-way for the newly constructed Gen Mar,
 - b) Quit Claim Deed from the Road Commission for Oakland County for a residual parcel west and south of new Gen Mar,
 - c) Water System Easement for new water main constructed on property owned by the Road Commission for Oakland County,
 - d) Storm Sewer Easement for new storm sewer construction on property owned by the Road Commission for Oakland County.
- D. Approval to award a contract in the amount of \$56,167 to R.W. Mercer Company to upgrade the City's fuel management system.
- E. Approval of transfer of ownership of 2011 Resort B-hotel licensed business with Dance-Entertainment Permit, located at 42100 Crescent, Novi, MI 48375, Oakland County, from GTIS I-AIMCAP Novi, LLC (A Delaware Limited Liability Company) to Hospitality Ventures Management-Nov, LLC (A Delaware Limited Liability Company), (Co-Licensee) & Novi Crescent Hotel, LLC (An Illinois Limited Liability Company) (Co-Licensee)
- F. Approve the authorization for the City of Novi's participation in the SEMCOG Sustainable Community Recognition Program.
- G. Approval of a one year contract with ImageSoft, Inc. in the amount of \$28,754.86 for software maintenance and customer care support related to the City's document imaging system.
- H. Approval of resolution to establish a fee for Liquor License re-submittals.
- I. Approval to apply for three (3) projects identified as priorities in the 2012 Assistance to Firefighters Grant (AFG) with a total potential match of \$22,340 by the City of Novi.
- J. Acceptance of a sidewalk easement from Richard Atto for the vacant property located at the northwest corner of Meadowbrook Road and Cherry Hill Road in conjunction with the 2012 Pathways project as a donation from the property owner (parcel 22-23-251-019).
- K. Acceptance of a sidewalk easement from Novi Physicians Group for the vacant property located at the southwest corner of Meadowbrook Road and Grand

River Avenue in conjunction with the 2012 Pathways project as a donation from the property owner (parcel 22-23-251-018).

- L. Acceptance of a sidewalk easement from Basilian Fathers of Milford for the property located on Taft Road north of Eleven Mile Road in conjunction with the 2012 Pathways project as a donation from the property owner (parcel 22-16-451-034).
- M. Approval to award a contract for design engineering services for the Novi Road (Nine Mile Road to Ten Mile Road) Pathway Gap and 2013 ADA Compliance Program to Spalding DeDecker Associates, Inc. for a design fee of \$28,787.
- N. Approval to award a contract for design engineering services for the Providence Park Connector Trail to Spalding DeDecker Associates, Inc. for a design fee of \$18,108 (part of the regional pathway that will link the ITC Community Sports Park and Maybury State Park to the south with Providence Park Hospital and the City of Wixom to the north).
- O. Approval to award a contract for preliminary design engineering services for the Greenways Development Phase 1 (part of the regional pathway that will link the ITC Community Sports Park and Maybury State Park to the south with Providence Park Hospital and the City of Wixom to the north) to URS Corporation for a design fee of \$56,270.
- P. Approval to award a contract for design engineering services for the Metro Connector Trail Phase 1 to Orchard, Hiltz and McCliment for a design fee of \$40,940.
- Q. Approval to award an amendment to the engineering services agreement to Orchard, Hiltz & McCliment for additional design services for the 2012 Parking Lot Improvements project, in the amount of \$28,329, to include design engineering services for parking lot improvements at the Public Safety facilities.
- R. Approval of Claims and Accounts – Warrant No. 871

Roll call vote on CM-12-07-103

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

MATTERS FOR COUNCIL ACTION

- 1. Consideration of a License Agreement with International Transmission Company (ITC) to allow the City of Novi to construct 1,180 feet of 10-foot wide pathway on ITC property located north of 11 Mile Road and west of Beck Road, adjacent to the approved Medilodge site (part of the regional pathway that will link the ITC Community Sports Park and Maybury State Park to the south with Providence Park Hospital and the City of Wixom to the north).

add outdoor seating. He was glad to see additional ways that we can make this work even better for our business community.

CM-12-07-106 Moved by Mutch, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the First Reading of the Zoning Ordinance Text Amendment 18.258 to amend the City of Novi Zoning Ordinance at Article 25, "General Provisions" Section 2524, "Outdoor Restaurants" in order to revise the approval process and provisions for outdoor seating.

Member Fischer asked City Attorney Schultz if it would be wise to clarify the intent in subsection H there as well or are we trying to accomplish something different by having seats instead of occupants as in page 2, letter "F". City Attorney Schultz said he will take a look at it before the second reading.

Roll call vote on CM-12-07-106 **Yeas: Wrobel, Gatt, Staudt, Casey, Fischer, Mutch**
Nays: None

4. Consideration of Zoning Ordinance Text Amendment 18.259 to amend the City of Novi Zoning Ordinance at Article 25, "General Provisions," Section 2505, "Off-Street Parking Requirements," Subsection 14.e(3), "Automotive Service Establishment, Public Garage" in order to update the formula used for calculating parking requirements for such uses. **First Reading**

Member Mutch appreciated the staff looking into ways to adjust the ordinances. For this service use, the City was requiring significantly more parking spaces than what was found in comparable communities. He mentioned that parking lots don't pay taxes. It may not be literally true, but the effect of requiring a lot of parking where it is not necessary doesn't benefit our community. Anytime we can reduce unnecessary parking, he thought it is a good step forward. He hoped we continued this process for other uses and reduce parking requirements down to where they are needed and not based on some arbitrary standards that no longer apply.

CM-12-07-107 Moved by Mutch, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the First Reading of the Zoning Ordinance Text Amendment 18.259 to amend the City of Novi Zoning Ordinance at Article 25, "General Provisions," Section 2505, "Off-Street Parking Requirements," Subsection 14.e(3), "Automotive Service Establishment, Public Garage" in order to update the formula used for calculating parking requirements for such uses.

Roll call vote on CM-12-07-107

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

5. Approval to schedule a Special Council Meeting for Monday, July 9, 2012 at 7 p.m. to discuss the request of TCF Bank for Final Site Plan approval.

City Manager Pearson said that this is an important topic and asked if Council will consider a special meeting for this topic. In recalling the Preliminary Site Plan for unwinding the Condominium with several different steps involved with the Main Street Development, City Attorney Schultz has had a lot of progress but there are a lot of parties with many pieces to it. The parties have not come to an agreement and have not signed off. It will give the parties time to settle and to get something to Council for consideration.

CM-12-07-108 Moved by Fischer, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve a Special Council Meeting for Monday, July 9, 2012 at 7 p.m. to discuss the request of TCF Bank for Final Site Plan approval.

Mayor Gatt commented that there has been much, much work trying to unravel the condominium of Main Street. This is something the City has an investment in. It is a wise investment and good for all. In the last few weeks, one of the owners continually comes up with a new grievance or concern. It is getting to the point, in his opinion; it may not be worth the City's effort to continue this if we don't reach a successful conclusion in the next few days. He hopes there is an agreement next week. If it doesn't happen, he would be less inclined to support the City's involvement.

Roll call vote on CM-12-07-108

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

AUDIENCE COMMENT - None

COMMITTEE REPORTS - None

MAYOR AND COUNCIL ISSUES - None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION - None

COMMUNICATIONS - None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:13 P.M.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Jane Keller

Date approved: July 23, 2012