

**SPECIAL MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, FEBRUARY 10, 2020 AT 5:30 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 TEN MILE ROAD**

Mayor Gatt called the meeting to order at 5:30 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Breen, Casey, Crawford, Fischer, Mutch

ALSO PRESENT: Pete Auger, City Manager
Victor Cardenas, Assistant City Manager
Thomas Schultz, City Attorney

APPROVAL OF AGENDA:

CM 20-02-008 Moved by Crawford, seconded by Casey; CARRIED UNANIMOUSLY

To approve the Agenda as presented.

Roll call vote on CM 20-02-008 **Yeas: Staudt, Breen, Casey, Crawford, Fischer, Mutch**
Nays: None

AUDIENCE COMMENT:

Barbara Kovac, a Novi resident, wanted to let Council know that she was a 53 year old nursing student. She stated that some of the things Council has implemented in the City have touched her family. She said that their house burned down in Novi right after September 11, 2001 and they were provided with all types of support through the churches in the community with food, clothing, and even her education. She wanted Council to know how important the meetings are and how Council impacts the community. Thank you.

PURPOSE OF THE MEETING

1. Initial City Council Member Roundtable Thoughts Mayor Gatt

Mayor Gatt said each will have a turn and we will go around the table and voice thoughts about goals for next year. He said after that we will move into our Early Budget Work Input Session. He mentioned he would go first and that he had some prepared remarks and they may be challenged. He asked that they wait until he was done. He began by addressing two of our most important projects out there at this time. First, the Committee to study the roads, problems, issues facing Novi now and into the future. The second is the Committee to study the need or desire to have a community recreation center in our great City. When these committees were first formed several months ago he foolishly and optimistically thought that we could have everything done and neatly wrapped up in a nice box to present it to the voters in August of this year. That was foolish. It cannot be done the right way by that time.

Both these projects are monumental and will not only cost a great deal of money, but be impactful on our great City for the next 50 to 100 years. His opinion is that we have to slow down. We need to turn over every stone, study every option, cost everything out, and when done have plans that are perfect. That cannot be done in a short period of time. He is hoping that both committees elongate their targets to present their findings and suggestions to the voters sometime in 2021. Let's get through this year and be ready to come to our voters in the year 2021 with perfect plans. Anything related to roads and the recreation center mentioned tonight, his goals are to fully support the important work of these two committees. He wanted them to continue their important missions and bring us all back a plan for the ages. He said this year our Goal Session is much later than normal. We usually have this Goal Session in early January. He said everybody should know that our budget has been in the works for months now. We are just now weighing in as a Council. He asked his fellow Council Members to take that into consideration when making goals. For him personally, this is his 17th Goal Session. Every one of them has been pretty routine and pretty much the same. He stated there has been little, if any, change over the years. He thought it was time to make some dramatic changes in the way we do our goals. He said he was going to make some proposals and after talking to City Attorney Schultz, some may be in the form of a motion. He said we are a Council, a City that advertises how transparent we are. Then we practiced being anonymous when listing our goals. Who said what? Whose goal was that? Who voted yes? Who voted no? For years he would make a goal of adding additional first responder's resources and invariably three and sometimes four people would not support that goal. In other words, would go against adding those resources, then those same people would opine about how they support the Police and the Fire and DPW. Starting this year there will be no more anonymous goals. Everything that we support and do not support will have names attached to it. Second, he believed that that they met too often. He thought once a year was too often. He proposed that they meet for the Goal Session sometime between the local Novi election in November of odd years and the following January 31st. He felt that they should not meet again for a Goal Session until after the next local election two years later. He explained that for the life of him he did not understand how this Council or any Council can make goals that affect future Councils. He stated that right now in Pontiac where he works, he is watching as the new Board of Commissioners changed dramatically the ways of the old Board of Commissioners. That is their right and he supported that right. He proposed that they do not make any goals that exceed the two years in between local elections. We could get four new Council Members every two years. No Council can or should tie the hands of the next Council. No Council should commit the Administration past the current Council term. It was his hope and aim that all of our old goals should be rescinded immediately. We have had a sizable change in Council Members since the last Goal Session and those goals are meaningless to the new members, as well as to the old members who are not in favor of them. If someone on this Council wants to add an old goal back to a current goal as long as it gets the support of the majority of Council. He asked City Attorney Schultz if it was appropriate to make a motion to incorporate some of these changes or should we just wait and make them a goal and incorporate them assuming that the majority of the Members go along. City Attorney Schultz replied that he could go either way. It

becomes a question of how you want the meeting to proceed. You can make a motion to formalize the way you are going to proceed or you can do it by informal agreement. Mayor Gatt said for the sake of continuity he would forgo making any motions at the time, they will be part of his goals as we move forward. If there is any confusion he can always make a motion during the Council meeting.

Mayor Gatt stated that he just returned from a trip abroad with 33 Novi residents and had time to talk to people. He said a lot of the people were older than him. They talked about one item and they want benches placed on Meadowbrook Road where they walk everyday between 8 Mile Road and 10 Mile Road. He thought we could move it up to Meadowbrook Commons where he sees a lot of those residents walking also. He thought some benches that are easily maintained. He gave full credit to his colleague, Member Fischer, who he talked to about this. He said Member Fischer said we can have naming rights and it won't cost the City a penny. That is one of his goals to have cement benches, zero maintenance, placed on Meadowbrook Road on the west side of the road where the sidewalk is. He would like them strategically placed from Meadowbrook Commons down to 8 Mile Road. His second goal, which is a pet peeve of his, is to change the way that we assess the City Manager. He said anyone who has been here for any length of time will know that the way we do it now is in a closed Executive Session in the back room. He would like to move away from that. He explained he would like a system where the Council Members meet individually with the City Manager, one on one, expressing their likes, dislikes, offering suggestions on improvements or praise. At a later time, a much more modified, structured, closed Executive Session with the City Manager to discuss pay can be had after Council Members have completed their one on one session. He said he will not be supporting plans or goals that touch on any State or Federal issues. He wanted to concentrate on Novi issues. Novi is the greatest City in the State and maybe the entire country. He said people laugh at him when he says that, but he means it. He wants to concentrate on issues to keep it that way. Let the politicians in Lansing and Washington focus on their issues.

Member Casey said she would keep her remarks brief. She stated she would focus on what she talked about on the campaign trail which was public safety, older adult services, and balancing the environment with growth and development. She said that was a pretty big goal. We will see how they start getting laid out as we go through the short-term and long-term goals. The other subject she talked about on the campaign trail a lot was what she heard from residents regarding roads and mobility. The Mayor mentioned that we have a Committee designed and designated to do that work. She will leave those goals off to the side and let the Committee do its work. She looked forward to hearing the conversation that evening and see what her colleagues have as their ideas.

Member Fischer mentioned that he heard many of the same things that Member Casey discussed. He will continue to support and engage in those dialogues during today's goal setting. One specific goal he will propose today had to do with the sidewalk maintenance within our neighborhoods. He said Council has done innovative things.

He would like to see this Council support this because he thought this was a safety concern. He thought the Fire Department Station No. 1 was a spot to concentrate on. He mentioned the auxiliary and paid-on-call programs. He also heard a lot on the campaign trail about the woodlands and wetlands ordinances. He stated that we need to tell our story and get it to resonate.

Member Mutch stated he didn't have any specific goals to share at this time. He looked forward to incorporating his goals into the process. He looked forward to hearing from his other colleagues and see what they bring to the table.

Member Breen said she was excited to keep the City moving forward. The goals she entered this year are similar to what she has done in the past. She is focused on public safety, balancing the environment with economic development, collaborating efforts with other entities within Novi so that we can make sure that we are not extending resources that we don't necessarily have to. Maybe we can collaborate with the schools on a particular project. She would like to see partnering with Oakland County on issues such as human trafficking. She wanted these goals to be practical and address issues in Novi. She looked forward to hearing what else her colleagues had to say. This will be an ongoing discussion.

Member Crawford said it is difficult to highlight goals. He agreed with everything that was said and with the Mayor's ideas. He said his number one goal is police and fire protection. That's the main reason we have a City. He would like to place an emphasis on the woodlands and wetlands ordinance. He thought the woodlands ordinance needed be strengthened and enforced differently. He stated he would support the roads and recreation center.

Mayor Pro Tem Staudt said he used to have a lot of things he wanted to get done. He will take a step back and look at what we have accomplished. He will take a look at what we are already doing and do it better. He said he was not looking to pile on a lot of new things that we don't have time and resources to do right now. It will be really important for us to watch the storm clouds on the horizon. We need to prepare for an inevitable downturn in the economy. We were very fortunate to come back better than other cities, but it's time to prepare for difficult times. He said he was more focused on doing things well and preserving resources. He thought we should try not to get too far into debt. He thought we should look at what comes out of the Roads Committee and the Recreation Center Committee and move forward. They heard during elections to cut fewer trees down, less development, mitigate traffic, do better roads, and fix our neighborhood roads. We know what needs to be done.

2. Early Budget Input Work Session Pete Auger & Victor Cardenas

City Manager Auger said since we are meeting so close to budget season, staff did a great job getting a preliminary budget that they are preparing to balance. He would like Council to take that in mind especially with two potentially huge projects, our road

program and/or a recreation center in the near future. We are interested to find out the direction that you want us to go and will follow your lead.

Assistant City Manager Cardenas said he was happy to assist with the technology. Mayor Gatt said his goal is that the long-term goals are not longer than two years and wondered if he needed to make a motion. City Attorney Schultz said they should have the discussion among the Council Members, and if unanimous, then you just proceed. Otherwise make a motion. Mayor Gatt asked City Manager Auger what the long-term was at present. City Manager Auger said long-term now is three to five years; right now it is one to two years is the short-term goals. He said right now Council is wrestling to go one to three years before the Mayors introduction.

CM 20-02-009 Moved by Gatt, seconded by Staudt; MOTION CARRIED: 4-3

To adopt goals for our Administration to contemplate that do not exceed the two years between local elections.

Member Mutch said every time we have an election in the City there is potential for new majority and that majority can change direction. He stated that at the same time, the City as an organization has to be able to undertake long-term planning and be able to be guided by this decision making body on things that extend further than two years. The roads program is perfect example. That's not a two year project. Whatever comes forward from that group will take years to implement. He thought that everyone understood that. Under this concept we wouldn't have a goal to approve roads beyond two years. Likewise, there are things currently underway. If we wipe away previous goals and start from scratch, we have staff working on initiatives by previous Councils. He believed it would be very disruptive to the process to stop what you've been working on if it is a previous goal. He believed this process that we have done for a number of years. He said he was not opposed to re-evaluating the process, but they should do it in a deliberative manner and not on the fly. There is potential for unintended consequences. We don't know the impacts. They should have feedback from City Administration regarding the impacts of changing it in the way that we are talking about. If you would like to set a goal to re-evaluate the goal setting process, he would be on board with that. He stated that if part of that direction the Mayor would like us to limit the number of long-term goals he thought there was a conversation in terms of what kind of goals are appropriate for long-term goals. He thought as a Council they would not be serving our community well if we limit ourselves to goals for two years. He said based on that he couldn't support the motion. He would be open to a motion that directs a sub-committee of this Council to re-evaluate our goal setting process.

Member Fischer said he will support the motion. He would like the motion maker to consider adding a third year because it may be needed for implementation. He said he would prefer that, but would support as is. When he looks at long-term goals, like the road program and recreation center for example, to sit there once a year or every two years and talk about goals and set long term goals, we force ourselves into a situation

where we are coming up with several different buckets. We have ten long-term goals out there. These are things that are going to take three to five years. He didn't think anyone was accountable at this point. He said things don't move along quick enough. It doesn't prohibit us as a Council from directing staff to undertake long term projects. We can set up any committee to investigate a long-term goal. We used to have seven buckets, with short-term and long-term goals for each. This is a great streamline.

Member Casey said it's been clear that she would like to see them look farther out into the future. She respects a point of view that says we have Council that changes every two years. We need to make sure that we are holding Council accountable. There are cities that plan long-term. She was hesitant to not have long-term goals; she would like to see them longer personally. Yes, Council can choose to put a project out at any point in time. If we don't have an overall vision, this doesn't help us get further along. She said she was hesitant, and would not support motion. She thought like the previous speaker said she would like a goal to evaluate this. She would rather have Council have the conversation more fully than just at this moment.

Member Crawford said a lot of these goals will be long-term whether they designate them as long-term or short-term. He didn't see any reason to not have goals and visit them every two years. If they need to be extended two years from now then they see fit to do it. He said they should have goals, get rid of long-term and short-term. He liked the idea of revisiting it every two years instead of every year.

Member Breen said everyone has expressed their frustration with the length of time it takes to accomplish some goals even if they start out as short-term goals. She said the fact that we are setting these long-term lofty goals that are "pie in the sky". She echoed her colleagues to not forego this process every year. She thought to make this subject to the whims of political wins would be haphazard, and not serving residents correctly. There are ways we can better achieve what you are aiming at. She thought Council should establish long-term vision for the City, but not change every other year depending on those elections. She agreed that we do need a long-term vision for the City. She believed that they should not rescind everything we've been trying to do. She also mentioned that they do not know where each project is at this time without staff input. She thought that would put us in lurch. Already it takes a long time to review an ordinance or move forward with a bid or grant. To make this goal setting sessions every other year rather than every year would stall projects. She thought it was prudent to re-evaluate the process. Perhaps there are some long-term goals, instead of those sitting there as long-term goals, we could focus on long-term strategic plan and vision for the City. There is a better way to do this. She didn't disagree with anyone's line of thinking, but she was not prepared at this time to support this motion because we don't know repercussions.

Mayor Pro Tem Staudt said every year we redo the long-term goals. We redo them and come out with a new list. We all complain about the fact that we didn't achieve most of long-term goals or even short-term goals. This would give opportunity to take our goals seriously. These long-term ones will block us doing things long-term. To have a

mindset that we are putting together three to six year goals and seeing them all the way through and they are not changing dramatically. They change every time we have a new Council. In this particular situation this Council has some very different views about some of the goals that were passed in the last session. He was completely behind starting over and going to a two year rotation. He agreed with the Mayor, these goals are political exercise more than they are a practical exercise. Really having solid goals, sticking with them for two years seeing how they work out is really the way to go.

Mayor Gatt agreed with Member Crawford, we can have goals, just plain goals. To hold a future City Council responsible for a goal that we come up with tonight is just not workable. It doesn't work. What Mayor Pro Tem Staudt just said cements that. This Council sitting here now is not the same Council that sat there a year ago that made goals, short-term or long-term. Those goals that have not been implemented up to date will be wiped out. Tonight we will start anew and if those goals are made again and get the support of the Council then they will be goals. He felt that it is misleading to the public and his main goal is to be transparent and honest with the public. He stated if you look on out on the sheet of paper that is above or below their names and it has all of the long-term goals. If they are really aren't going to happen why they are there. What was said earlier is indicative to what we are going to do long-term. We have two committees that are going to come to the voters in the next 12-14 months. They will come to the voters with some very detailed, very important, and very expensive propositions. That is long-term. They are not going to happen next year. Next year we will ask the voters if they want it to happen. If they do then the real work begins. Certainly in the next two years those projects will set in motion. They won't be goals any more, they will be projects. He thought if this proposal passes it will set them on a course for more honesty and more transparency. It would certainly give our Administration more workable ideas that they can embrace and accomplish. We as a Council can hold them more accountable than we have in the past.

Mayor Pro Tem asked exactly what the motion was. If he understood it from the Mayor it is to go to a two year goal setting and to rescind all prior goals. Mayor Gatt said he didn't rescind any goals. City Clerk Hanson said the motion was to adopt goals for Administration to contemplate that do not exceed two years between local elections. Mayor Pro Tem Staudt asked about the current existing goals. Mayor Gatt said that would be another motion.

City Attorney Schultz stated that the document that they are creating is not a legal document. It is not required by statute in the Charter or anything like that. It is a document that you create from a process. He asked the Mayor if his intention is that at the end of this process you will have a single list of goals that will be in your mind a two year plan. Mayor Gatt replied yes, it would be where they can be accomplished in two years, or to address Member Fischer's concerns, would certainly be started. He wasn't saying they have to be accomplished in two years. They have to be set in motion. City Attorney Schultz said that list would replace the list that was created last year. Mayor Gatt replied yes. City Attorney Schultz said he wasn't sure that he needed two motions. Mayor Gatt said the list that they create tonight will supersede any list in existence as of

right now. City Manager Auger said you are creating a list of goals that staff is to get into motion or work on for those two years. Mayor Gatt said they are to be completed or set in motion within the next two years. That list will supersede any list that is in existence today.

Member Mutch said each year on the goal setting process the Council sets and establishes a set of short-term and long-term goals for the upcoming fiscal year, 12 to 18 months for the short-term and three to seven years for the long-term. He said the goals that were passed in the previous goal setting session are still in effect and still operating because City Administration has undertaken them. In fact if we look through our existing goals there are quite a few that have been incorporated into the budget, they are part of our ongoing efforts, things like the road conversation, the parks and recreation facility conversation. When we have adopted a new set of goals it was never with the intent of wiping out what is currently in effect. What he was hearing now is yes, not only were these new goals going into effect, he assumed immediately, we also in that process rescind any previously adopted goals. He was having a real problem with where we are going with this process because he thought we have projects that are ongoing, initiatives that are ongoing, that were adopted by past Councils. If you don't like specific ones then let's call out the specific ones that you don't like. He stated to sit here and say that we are going to trash the previous set of goals and that they are suddenly rescinded what is the direction of staff with those that is already underway.

Mayor Pro Tem Staudt said that goals are something that we haven't acted on yet. Things that the staff our working on, projects that under consideration, things that are budgeted are no longer goals. They are part of the fabric of what City Council does. He said to think that they have goals from 10 to 12 years ago that City Council has asked staff to continue to work on, he didn't have any examples of those. The roads for example go past a goal to a project of City Council. It is no longer a goal to have a Roads Committee and the have been chartered with a specific purpose. The same goes with the Parks and Recreation Committee. That is the same with many of the projects where we have moved them beyond being a goal to an actual thing that is being done that is on behalf of us through the staff. Goals to him are something they haven't gotten to yet, but we would love to do. Those are not what staff deals with, they deal with things that are quantified, budgeted and those aren't going to change. While he understands some of the trepidation, he didn't remember back four or five years ago that those goals are part of the fabric what this City Council is working on. If they are, they probably weren't very good goals in the first place if they are still lingering out there.

City Attorney Schultz said to be clear, he wasn't weighing in on what the Councils goals ought to be or what that document that you are going to create tonight is going to look like. You are not literally getting rid of a document that was created last year that still exists. The City Manager's office might make use of it when bringing forth the budget. They can change the look of it. How you arrive at Capital Improvement Plan, which is required, which is actually your legal planning document that you have to

have and do have. He stated that how the City Manager brings the budget to you in a way Council can adopt it as a Council is important for that. It will go on regardless of the document. There are plenty of communities that do not have this night at all.

Mayor Gatt asked City Manager Auger if he understood what they were doing. City Manager Auger replied yes. He said they will get done what Council wants done.

Roll call vote on CM 20-02-009

Yeas: Crawford, Fischer, Gatt, Staudt

Nays: Breen, Casey, Mutch

Assistant City Manager Cardenas explained the system they were using and said they have the capability to be able to show whatever City Council desires. They will then go to the voting process. Mayor Gatt asked that the goals be placed under one heading, Short-Term Goals. Mr. Cardenas said in years past anything that has four more votes would be the goals that they would incorporate into the document for Councils goals for that year.

Mayor Gatt said they had the results for the first category "Nurture public services that residents want and value". There were three of them with four or more votes. Member Fischer said in light of some of the discussion that has taken place he thought that they should consider increasing the number of goals and potentially re-voting on the items that only received three votes and didn't become a goal. He said he was trying to come up with some solution to come up with more than three goals. He said we basically got rid of a whole bucket of long term goals for four buckets. He would like a least four goals per bucket.

CM 20-02-010

Moved by Fischer, seconded by Casey; MOTION FAILED

To re-open voting and allocate one more vote to each Council Member.

Member Breen asked if they could allocate their vote to one goal instead of multiple goals so they could weight them. Member Fischer said as the maker of the motion he did not plan to incorporate that.

Member Crawford said he didn't see how adding one more vote is going to add goals. He said he was still going to vote the way he did before.

Member Fischer said the main reason is that we've also gone from having 25 some odd goals to basically four buckets that only have three goals per bucket. He thought the minimum number would be at least four goals.

Member Crawford asked what if they changed it to allow those with three votes to become a goal. Member Fischer said he would not amend his motion to reflect that.

Roll call vote on CM 20-02-010

Yeas: Casey, Fischer, Gatt

Nays: Crawford, Mutch, Staudt, Breen

Member Breen said she wanted to make a motion going back to what Member Fischer was trying to do if we each get another vote that each Council Member would be allowed to not selectively use each and every vote or weight their votes towards a particular goal. She made a motion to weight the votes to a specific goal. As an example to use all 5 votes towards one goal or allocate 2 votes towards one goal. Mayor Gatt said since there is no support for the motion, the motion will not be considered.

Council continued with goal setting and approved goals for the following categories: operate a world-class sustainable local government, value and build a desirable and vibrant community for residents and businesses alike now and into the future, and invest properly in being a safe community at all times for all people. Results of the goals are attached.

Member Mutch mentioned that traditionally this is a two part process and is used to help inform City Administration on budget priorities. We started later this year which limited making major changes. He wanted to know what the Mayor thought in terms of next year's budget process. He wanted to know if Council would have any input. He mentioned that maybe they could meet not to set goals, but priorities. Mayor Gatt said that was a good point and thought Council could talk about it during a meeting this year. He thought it was a wonderful idea since goals are every two years. In lieu of a goal sessions, they have an early budget input session to talk about what we want without mandating to City Administration, but letting them know our thoughts.

PUBLIC HEARING:

1. Oak Pointe Plaza to Allow Instructional Centers and Public or Private Indoor Recreation Centers

Public hearing opened at 7:01 p.m. and closed at 7:02 p.m. with no public input.

PRESENTATIONS: None

MANAGER/STAFF REPORT: None

ATTORNEY REPORT: None

AUDIENCE PARTICIPATION:

Mike Duscheneau, 1191 South Lake Dr., Novi said there was no surprise the goals for this year's budget were similar to last years. Two Members mentioned the woodlands and the wetlands ordinances. He felt the woodlands ordinances, cluster options and other avenues available to developers are pretty good. They may need a little tweaking. We don't see any developments where there don't clear cut any property. The

wetlands are under attack you will have an opportunity to weigh in on that shortly. The wetland ordinances we are one of the few cities that have strict ordinances trying to preserve them within the City. He said Council will probably be approached to consider where we want to be with the wetlands ordinance. He wanted to hear on an annual basis as the Mayor suggested on a November time frame, perhaps without the actual goals and computerized version. He thought an annual basis he would appreciate each Council Members thoughts and priorities as far as what may have changed over the last year. If you go with the two year budget that is fine, but he would still like to hear the comments from each Council Member.

Mindy Fernandez said she works for State Representative, Kathy Crawford. She wanted to remind you we have the ability to do tributes and certificates for people or businesses celebrating something. She wanted everyone to be aware of that. A quick update on what they are doing in the office they will be Introducing bill on Kinship Care. They will be creating a Council on Kinship Care. There are family members raising someone who isn't their own child. They don't know what services are available to them or how to get guardianship of the children if they need to take them to the doctor's appointments. This Kinship Care Package will help and Representative Crawford is a champion of that. They are also working on fighting HB 5229 which is municipal compact that would add up to 5 mills to your taxes every year. They are keeping that from happening. They are working to make sure it's stronger for Novi and 38th District.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 20-02-011 Moved by Casey, seconded by Fischer; CARRIED UNANIMOUSLY

To approve the Consent Agenda as presented.

- A. Approval of Minutes from January 27, 2020 - Regular Meeting
- B. Approval to award a contract for cybersecurity overlay services to Access Interactive in the amount of \$76,787 for one (1) year with the option of three (3) additional years.
- C. Approval to award a contract for Microsoft Office 365 implementation services to Access Interactive in the amount of \$41,250. Contract pricing based on Oakland County's G2G Marketplace competitively bid contract.
- D. Acceptance of a Wetland Conservation Easement from Pulte Homes of Michigan, LLC for wetland conservation areas offered as a part of the Heritage Woods development, located on the east side of Taft Road, south of Eleven Mile Road, in Section 22 of the City.
- E. Acceptance of a Conservation Easement from Meadowgrand, LLC for wetland and woodland conservation areas being offered as a part of JSP17-65, Jaguar

Land Rover development, for property located on the southwest corner of Grand River Avenue and Meadowbrook Road, in Section 23 of the City.

- F. Approval to authorize submission of an American Association of Retired Persons (AARP) grant application for a FitLot fitness park to be installed at Wildlife Woods Park.
- G. Approval of Claims and Warrants – Warrant No. 1053.

Roll call vote on CM 20-02-011 Yeas: Mutch, Gatt, Staudt, Breen, Casey, Crawford, Fischer
Nays: None

MATTERS FOR COUNCIL ACTION

- 1. Consideration of approval of a Second Amendment to the Selective Development Consent Judgment in order to add 'Indoor Recreational Facility' and 'Instructional Center' as permitted uses for the subject property, known as Oak Pointe Plaza. The property is located on the east side of Novi Road south of Nine Mile Road, in Section 35.**

Mayor Gatt said the petitioner's attorney was here and welcome to address Council. Mr. Landry said they were there to request approval of a second amendment of a consent judgment that was entered into in 1992 regarding the developmental use of a commercial center at the corner of Novi Road and Nine Mile Road. There was litigation in 1988 and there was a trial. After the trial, the City entered into a consent judgment and later amended in 1992. At that time it was zoned B-1 and they added two uses, a restaurant and a grocery store and the catch-all of "other similar uses". The property developed into three parcels. The applicant, Sunil Agrawal, has been a business owner in the City for 28 years. He purchased the building and made significant developments to the property because he wants to market it. He has already invested significant funds in this and is asking for two changes to the consent judgment to add indoor recreational centers and instructional centers. The applicant has a commitment from a company that wants to operate Novi Play. It's a combination use that is part restaurant use and a play area for young children between the ages of one and twelve. It is not a daycare center; the children must be accompanied by an adult. The applicant already has a successful play area called Rochester Play. They believe the use is allowed under the current ordinance but administration wasn't so sure. They asked them to seek approval from Council. This is a unique situation because it is half restaurant and half indoor recreation center. The restaurant part is already approved and the current zoning of I-1 would allow the indoor recreational part. They are consistent with the consent judgment and the way the City wants this area to develop. The consent judgment says future ordinances shall not prohibit the development as it is allowed under the consent judgment. It doesn't say you can't add uses, it just says you can't take away uses. They are not seeking to take away any use; they just want to amend the consent judgment to include the indoor recreation and instructional

centers. It's interesting because in the southernmost building there are already two instructional centers there. While we are here, they will clean it up and add that use as well. His client is present as well as the owner and operator of Novi Play, Jeff Schamanek.

Mayor Gatt thanked him for the explanation and was confused why there were here. He asked if the establishment will have an arcade. Mr. Schamanek said he and his wife own Rochester Play and want to continue that with the new center. He said there will be a small gaming area. They make it part of the strategic aspect to offer an active and healthier approach to family entertainment. The games are directed to younger kids. Mayor Gatt asked the target age group. Mr. Schamanek said one to twelve years old. Mayor Gatt asked if it steered toward the younger range of that or older. Mr. Schamanek said younger, toddler age to school age. The families sometimes have older siblings so the gaming helps support that. Mayor Gatt asked where his closest competitor would be. Mr. Schamanek said Jungle Java in Farmington Hills. Some people might say Chuck E. Cheese, but they are a premium approach with what they offer in terms of play and food. Mayor Gatt asked if they would serve beer or wine. Mr. Schamanek said no.

Member Crawford clarified that their intent would be to not ask for a liquor license in the future. Mr. Schamanek said they can't predict the future but there are no plans. Member Crawford questioned it because the plan labels the counter as a bar. Mr. Schamanek said their idea of a bar was an open counter for people to sit at, not with alcohol. Member Crawford asked what their maximum occupancy would be. Mr. Schamanek said the calculation would be based off of their current building with a capacity of 220 but the new building is approximately 50% greater so possibly 300. Member Crawford said they have shared parking and asked if he felt there was sufficient parking for the maximum amount of people. Mr. Schamanek said absolutely. He said looking at their existing model, they have allocated 55 spots and if you increase that 50% you are looking at 75-80 spots. Member Crawford asked if there was parking on the east side of the building. Mr. Schamanek said that area was for loading only.

Mayor Pro Tem Staudt asked if there was any intention of having daily programs where you pick children up from daycare facilities or plans for buses coming in. Mr. Schamanek said no. Mayor Pro Tem Staudt asked the City Attorney if it would be a special land use that would come back to Council if they wanted to apply for a liquor license. Mr. Schultz said yes. Mayor Pro Tem Staudt said this will be a kick back and relax type of place and the natural thought is to do that with a glass of wine. If they chose to do that at some point that would have a different connotation and Council would have the opportunity to review that.

Member Breen appreciated the prior questions about a liquor license being pursued. She said she was excited to see this type of facility come to Novi. That particular area has been struggling to keep businesses. She wanted to clarify with the City Attorney that this would impact the consent judgment only and nothing in our Zoning Ordinance. Mr. Schultz said that was correct.

Member Casey asked what the hours of operation would be. Mr. Schamanek said they operate seven days a week. Monday through Saturday is 9am-8pm and Sunday is noon until 6pm. He said there are a couple times throughout the year where they might do something a bit earlier or later for special events. Member Casey asked if the business model was that people come in and pay an entrance fee and can stay however long they like. Mr. Schamanek said that was correct. They offer a membership approach with discounted visits as well.

Member Fischer asked for clarification on the play area. Mr. Schamanek said they are not a trampoline park or bounce house. It is fixed play with soft sided structures with some mazes. There is an open carpeted area for easy movement and smaller children. There is a separate toddler area that allows for added safety. He said there are ninja type courses and obstacle courses as well. Member Fischer said he would support this.

Member Mutch asked the City Attorney if the amendment to the consent judgment would apply to the entire plaza, not just this business. Mr. Schultz said yes. This particular use in this particular building would be permitted but anything going somewhere else, if over 2,000 square feet, would be a special land use in the future. Member Mutch said it was interesting to read the language under paragraph A that talks about if at some point the traffic conditions warrant it, the plaintiff would be required to construct a passing lane on the left side of Novi Road opposite the southernmost driveway of the development. It uses language if at such time the warrants are met under the standards of the Oakland County Road Commission. He said based on what has been shared by Mr. Landry, the applicant did not expect the amount of traffic would be generated to trigger that but he was curious how it would come into play in the future. This agreement has been in place for over 30 years. He asked if a new tenant comes in that produces more traffic, would it be flagged by staff in the review process. Ms. McBeth said that's what she would expect and a traffic study would be conducted. Member Mutch said because of the conversations they've had in the Road Committee they know that stretch of Novi Road is being looked at by the Road Commission. It may be addressed anyway. He hoped that these investments would trigger additional uses coming in and revitalize that center. He pointed out that stretch of Novi Road is challenging because it lacks a center turn lane. He said the consent judgment, being the age that it is, nobody who was involved in drafting that version of the agreement is around to question the changes. He asked if there was any conversation about scrapping it and doing a PRO or another agreement in place. He thought it was a broad range of uses, B-1 plus a restaurant and a grocery store, but there is a lot of potential hoop jumping that a potential client looking at the center might just throw up their hands. Mr. Schultz said there was no discussion like that, not that it would be a bad idea. There was some urgency to move on this. There are two or three other property owners who would be involved in a discussion that broad. He thought that could be a good idea. Member Mutch said when you go through litigation, things get heated and some of the language was abrasive. Mr. Schultz said it was originally a judgment as opposed to a consent judgment. Member Mutch said he could understand it but at this point and for how long the plaza and uses have been in place,

it seems like overkill in terms of what both sides want to accomplish here. He felt Council expressed agreement that they were fine with this particular use plus the existing uses, including the instructional centers. He said he was concerned with having this in place, whatever legal protections it gives the property owner, is also going to potentially create problems or extra hurdles for applicants. Mr. Schultz said that could be something to explore. Member Mutch said he was fully in support of this and thought it was an interesting use. He could see a lot of folks interested in utilizing it. He was looking forward to the addition and more importantly the investment. He hoped it was the start of many new businesses in this location.

CM 20-02-012 Moved by Casey, seconded by Crawford; CARRIED UNANIMOUSLY

Approval of a Second Amendment to the Selective Development Consent Judgment in order to add 'Indoor Recreational Facility' and 'Instructional Center' as permitted uses for the subject property, known as Oak Pointe Plaza, for the reasons provided in the staff review letter, and subject to approval of the final form of the Agreement by the City Manager's Office and the City Attorney, including any required amendments or revisions required by the Court for entry.

**Roll call vote on CM 20-02-012 Yeas: Gatt, Staudt, Breen, Casey, Crawford, Fischer, Mutch
Nays: None**

2. Consideration of approval to award a two (2) year contract for fuel purchases to RKA Petroleum Companies and Petroleum Traders Corporation (a split award) for truck transport deliveries (over 5,000 gallons); and Atlas Oil Company and RKA Petroleum Companies (a split award) for tank wagon deliveries (under 5,000 gallons) through the Michigan Intergovernmental Trade Network (MITN) cooperative purchasing bid for an estimated annual amount of \$319,000.

CM 20-02-013 Moved by Crawford, seconded by Casey; CARRIED UNANIMOUSLY

Approval to award a two (2) year contract for fuel purchases to RKA Petroleum Companies and Petroleum Traders Corporation (a split award) for truck transport deliveries (over 5,000 gallons); and Atlas Oil Company and RKA Petroleum Companies (a split award) for tank wagon deliveries (under 5,000 gallons) through the Michigan Intergovernmental Trade Network (MITN) cooperative purchasing bid for an estimated annual amount of \$319,000.

**Roll call vote on CM 20-02-013 Yeas: Staudt, Breen, Casey, Crawford, Fischer Mutch, Gatt
Nays: None**

3. Consideration of contracts for as-needed Supplemental Building and Trade Inspection Services and Plan Review Services with Code Enforcement Services and McKenna for one year with option for two additional years.

Member Mutch said last time this came up he raised concern that it seems like every time this is presented to Council they are told it will cost a certain amount but what happens is they go significantly over that. He said those costs are paid for by the development communities so it doesn't have a direct impact on the bottom line. It raises concern with him because he questioned whether we have a handle on what these costs are. He said the memo estimated the total cost this year is \$65,000. He asked the Finance Director what we have already spent this year on these services and it was \$19,000 for one and \$14,000 for the other. We are already at the halfway point with that and more than halfway through the fiscal year. He was concerned that we might run into the situation again where we exceed those costs. The argument made for contracting these out is that we don't necessarily want to add staff, but at a certain point there is a dollar cost to the City budget and a cost in terms of the level of service. In terms of these services, while the firms have excellent reputations, they won't be able to provide the same level of service at City staff. He still isn't clear on where the break point is in terms of when we say it makes sense to bring a new person on board. We have done a good job of reducing those long term liabilities like pension and retiree health care costs. Now we have those fixed costs for all employees in terms of pay and benefits and when they go away we aren't left with a long term liability to pay. He asked how comfortable the City Manager was with the amount presented and at what point or level of activity would we need to see for considering staff in that area. Mr. Auger replied that the old legacy costs are gone for these positions. He understood that it seemed like we were budgeting almost the same amount as the position. He said the challenge is that this covers multiple disciplines as far as heating, plumbing, and electrical. By having these contracts we can bring people that we need at the time for that work. Hiring for each discipline would mean hiring three people for work we don't have. He thought the threshold would be when they had to come to City Council because they had enough work for those positions. They are very competitive positions right now. He said they also look at hiring part-time positions for these because we don't have the amount of work for a full-time position. Member Mutch asked in terms of part-time positions, would they be union. He wanted to know how strongly we were looking at part-time positions. Mr. Auger said we were always looking for good part-time help in consistent positions as a supplement. Member Mutch encouraged that. He said in terms of approving these contracts, he was concerned that at a certain point the customer and what they are paying will not get the level of service we expect to provide. At a certain point, bringing some of the work in house, in terms of the quality and level of service, would be cheaper for us and them.

CM 20-02-014

Moved by Staudt, seconded by Casey; CARRIED UNANIMOUSLY

Approval of contracts for as-needed Supplemental Building and Trade Inspection Services and Plan Review Services with Code

Enforcement Services and McKenna for one year with an option for two additional years.

Roll call vote on CM 20-02-014

**Yeas: Breen, Casey, Crawford, Fischer,
Mutch, Gatt, Staudt**
Nays: None

AUDIENCE COMMENT: None

COMMITTEE REPORTS:

Member Casey provided an update on the Roads Committee. They have had 3 meetings and have been on a learning journey. They have a meeting scheduled for February 19th where they will finish their lessons about what the committee needs to understand. She said based on the comments by the Mayor earlier in the meeting, she thought the Committee would have some conversation about scheduling and how they will move forward. Mayor Gatt said both committees are very important but the Roads Committee is bigger and larger than the Recreation Center Committee. The Roads Committee is encompassing our entire City and it's very important to get it right.

MAYOR AND COUNCIL ISSUES: None

COMMUNICATIONS: None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION:

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:42 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: February 24, 2020