

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI  
MONDAY, APRIL 15, 2019 AT 7:00 P.M.  
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 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 Breen, Casey, Mutch, Poupard, Verma

**ALSO PRESENT:** Pete Auger, City Manager  
Victor Cardenas, Assistant City Manager  
Elizabeth Saarela, City Attorney

**APPROVAL OF AGENDA:**

Member Breen added to the Mayor and Council Issues: Human Trafficking

Member Poupard added to the Mayor and Council Issues: Commentary

Mayor Gatt added to the Mayor and Council Issues: Firefighter Breathing Apparatus.

**CM 19-04-061 Moved by Casey, seconded by Poupard; CARRIED UNANIMOUSLY**

**To approve the Agenda as amended.**

**Roll call vote on CM 19-04-061**                      **Yeas: Staudt, Breen, Casey, Mutch, Poupard, Verma, Gatt**  
**Nays: None**

**PUBLIC HEARING: None**

**PRESENTATIONS:**

1. Proclamation in Recognition of Arbor Day, Saturday, April 27, 2019 from 9 – 11 a.m. at Rotary Park – Wendy DuVall, Community Outreach & Events Specialist

Wendy Duvall, Community Outreach & Event Specialist was there to accept the Proclamation in Recognition of Arbor Day, April 27, 2019 from 9 a.m. – 11 a.m. She invited everyone if they can to join them at Rotary Park. We will be mulching, invasive plant removal, weeding, general clean up, and planting the trees.

2. Recognition of Novi Catholic Central 2019 Division 1 State Champions for Wrestling & Hockey

Mayor Gatt recognized talent, our own Novi Catholic Central are the Division 1 State Champions for Wrestling and Hockey. Head coach is Mitch Hancock. Mr. Hancock said it was a lot of hard work, a lot of good kids, good coaching staff, and the parent support. He stated that they have won their seventh State Title in 10 years. We had

seven individual State Champions which is a state record. This is the 10th year in a row that they were Academic All State also. They are good both in academics and sports. They have two representatives on the Dream Team. They are great leaders. Mayor Gatt said your success is our success. When Catholic Central does well, it reflects on whole community. We have the best schools in the State of Michigan both public and private. We are very proud of your great accomplishments.

3. Safe Routes to School – Jeff Herczeg, Director of Public Works and Jessica Katers, OHM Advisors

DPW Director, Jeff Herczeg stated they entered into this a year ago last summer. It is a Federal Grant Program that we entered with the Novi School District as well as the Michigan Fitness Foundation. It promotes students from K-8 grade to bike and walk to school by giving money allowable for infrastructure in the form of sidewalks and or student drop off locations. The grant process is lengthy, and arduous. City staff has been working on it for a year. We participated in walking audits. We prepared action plans, drafted memos, and agreements. Engineering gave a brief presentation to the Walkable Novi Committee. He said they have held three public information meetings. They provided a slide presentation for the audience and Council. Jessica Katers, OHM Advisors was there to give the presentation. She stated that they teamed up with the City of Novi and the Novi School District to evaluate all of the K-8 grade schools in the Novi School District. She explained that the Safe Route to Schools Grant dollars is a \$200,000 infrastructure grant available for each campus and an \$8,000 non-infrastructure programming grant available at each campus. The potential for the Novi Community School District proposal could have is a \$1.4 million in infrastructure, and \$56,000 in the non-infrastructure district wide. Three campuses were evaluated, and the Action Planning Team recommended sidewalks should be pursued. They suggested we get community input on the recommendations. The three schools were; Novi Woods, Orchard Hills, and Village Oaks. She said those were the three schools out of the seven that were available for funding that were good candidates for sidewalks. She stated that they held public meetings and received feedback from each. For the Novi Woods Elementary School we had Yorkshire Place Subdivision circulate a petition prior to the meeting. They were overwhelmingly in opposition to the sidewalk being installed in their neighborhoods with 59 opposed versus 7 in favor. For the Orchard Hills Elementary School, they collected votes to see if they were in favor or against. From those who attended the meeting they had 6 in favor versus 7 against. They were trying to address additional items as well. She said they were looking into installing the ADA compliant connection to the school property from an area where a neighborhood is accessing the school property. They were also looking into a sidewalk on Tamara and Borchart to connect to existing sidewalk that goes into the school property. They had three options for that neighborhood. Option A: Sidewalk only along Borchart Drive that would connect to an existing pedestrian facility leading to the school. B. Sidewalk only along Tamara Street along Tamara Street from Quince and toward the west into the school property. It was stated that there were a lot of walker that got dropped off on Quince Street itself and walked into the school property. That along with bus traffic, parent traffic in and out of the school made that section of road more dangerous than the rest

of the subdivision. The cost for these options; Option A was estimated at \$406,000, Option B was at \$404,000, and Option C was \$60,000. Option D: was a sidewalk installation as originally proposed. Option E proposal was no sidewalk installation. The other subdivision that they looked at was Village Oaks Elementary. This is where the Safe House to School initiative started. Residents within this subdivision contacted Novi requesting an evaluation on the pedestrian facilities available for the students in this subdivision. After meeting this neighborhood they had 9 that opposed versus 5 that were in favor from those that attended the meeting. Village Oaks Option A: was a sidewalk along Willowbrook Road that comes from Village Woods Drive and goes north into the campus, with two options in itself. One option with a 5-foot sidewalk on both sides of Willowbrook or the other option is a 10-foot carriage walk on the east side only. The 10-foot carriage walk would be in the side yards of homeowners, the 5-foot sidewalk option would be both in the side yard of the east side homeowners, and along the front yard of four residents along the west side. Option B: sidewalk as originally proposed. That would include a sidewalk along Village Oaks and up Willowbrook Road. Option C: would be no sidewalk installation. Option A was at \$53,000 infrastructure cost and Option B was at \$303,000 infrastructure cost. In addition to these neighborhood improvements they were also determined to have improvements within the campuses and within the ROW for existing pedestrian facilities. Parkview Elementary had some ADA compliance along 11 Mile that would be fixed with the grant. Novi Woods Elementary had ADA compliance within the campus. Also they would make a connection at the sidewalk that already existed at Cider Mill Road which would be the neighborhood to the west of Yorkshire Place. Once Yorkshire had shown opposition, we went back and looked back at Novi Woods Elementary and determined that there is not a pathway connection between Taft Road infrastructure and the actual campus. The path would be the infrastructure portion of the grant for Novi Woods work. Deerfield Elementary had two ADA compliant ramps that needed to be fixed. Novi Middle School we took a look at 11 Mile and Wixom interchange and found that ADA compliance needed fixed as well. In regards to the summary of where we are at those are the action plans that have been presented at public meetings. The direction they are looking for from the City Council is in regards to Orchard Hills and Village Oaks is how to proceed with application. She stated that it is a City right-of-way that would be used to install the sidewalk. We need City direction as to whether or not we want to pursue any of those options or none of the options for those neighborhoods.

Member Mutch asked about Orchard Hills Elementary and the options that were laid out there about the sidewalk along Borchart and Tamara. He asked for the numbers again. Ms. Katers replied that Option A is the sidewalk along Borchart was \$406,000, Option B was the sidewalk along Tamara was \$404,000, and Option C is just a portion of sidewalk from Quince to the school property on Tamara is \$48,000. Member Mutch believed it was a 5-foot sidewalk along both sides of the road for both locations? Ms. Katers said yes, that was correct. Member Mutch thought the costs seem high. Is that because of the swales? Ms. Katers said yes. Sidewalk installation in these neighborhoods would require drainage enclosure or ditch relocation to fit the sidewalk safely. Member Mutch asked if those costs associated with that work and covered under the grant. Ms. Katers said yes, as long as end product is the sidewalk. Then the drainage that would

be required to be enclosed is part of that grant application as well. Member Mutch wondered if the total cost would exceed what's available. Ms. Katers explained the way that the grant application is structured it is a district wide grant so you have the availability of the \$200,000 per campus. That \$200,000 can move throughout the district. If you only use \$58,000 at one campus, you can move the remainder to another campus. Member Mutch wondered if they have done the budget numbers to see if the cost would be covered. Ms. Katers said even if they chose the most expensive option in Orchard Hills and Village Oaks you are still below \$1.4 million available. Member Mutch said that was good to know. One thing that was noted regarding Village Oaks was that there is strong opposition to the segment along Willowbrook Drive. He wondered if that was due to the fact the sidewalk would be in the front yard? Mr. Herczeg said yes, a lot of it was. Member Mutch talked about the option that would put a 10-foot carriage walk because we wouldn't be doing 5-feet on each side. Mr. Herczeg replied that was correct. The stipulation of the grant is 5-feet on both sides or 10-foot on one side. The option to put the 10-foot on the east side would be called a carriage walk. It would provide a safe haven for parents to drop students and walk up along Willowbrook there on the east side of the road. Member Mutch noted from the evaluation and analysis for Orchard Hills is there a preference for one or the other? Would there be a preference of which of those two streets would have the greatest impact safety wise, utility wise, or are they equal? Ms. Katers said both require the same amount or drainage enclosure. Borchart would get you to the existing facility on Meadowbrook Drive, which Tamara would not. Both bring you into a front access to the school. She didn't believe there was a better choice. Member Mutch stated his general comments are that he thinks conceptually these improvements need to be done in the vicinities of these schools. The volume of traffic going to these schools every day, anyone who is walking, it is very dangerous. This goes back a few years, we installed some sidewalk in Village Oaks across from the school because parents were showing us photos of their children being forced to walk in the road in the winter because the snow piled up and there was no infrastructure in place for that. He understood the residents' concerns, that they like the feel of the subdivision without sidewalks. Outside of Yorkshire, it's a mix of in favor and opposed. He would like to explore moving these forward at each location. He thought we should pursue the full package because it doesn't make sense to do piecemeal. We need to move this program forward. There is a whole range of additional improvements that can be done at other locations. His perspective, knowing safety issues at the locations, he thought pursuing what is available makes sense. He also mentioned that as far as we know, we don't have to acquire the right-of-way; this is within City-owned right-of-way. Ms. Katers noted as design progressed we might need temporary grading easements along peoples frontages or driveways in order to construct infrastructure. Member Mutch said some of these improvements will be on school property, but the Novi Community Schools are on board with this proposal. Ms. Katers said that was correct.

Mayor Gatt confirmed with City Manager Auger that this was not on the Agenda to debate the issue that evening, but it was a presentation to give an overview of the entire project so we could have this discussion. They are here to answer any questions Council may have.

Mayor Pro Tem Staudt wondered if they disappointed with the negative push back that they have been receiving on this project. Mr. Herczeg said he understood why the residents would not want sidewalks. Some frontages are shorter than others, there was opposition in Yorkshire in particular; concerns regarding maintenance, not having to shovel a sidewalk, they are going to use it anyway, etc. He said he was a little disappointed, but the improvements that they have presented are still good improvements and would not likely be done without the grant. Mayor Pro Tem Staudt said as a 25-year resident of Village Oaks he could tell him that the residents there are resistant to any kind of sidewalk put in by the City. A lot of it has to do with the whole issue with drainage and a lot of them have ditches. It makes it more difficult because those are part of their lawns in their mind. He would never He said he would never be interested in a ten foot in that particular area, that would be a killer for him. It is going to be interesting. He was with Council Member Mutch and he thought that we need to do something. As far as Village Oaks is concerned every three or four years this becomes an issue. This is just the tip of the iceberg. Kids walk in from all over in the subdivision into the school. It is a tough place. His kids walked there. It is a tough neighborhood to walk in because there is no space to walk on except the lawns. He would like to see us move forward on this, but we need to be cooperative with the neighbors. Mr. Herczeg said the 10-foot was only proposed on the one side with there are side yards of the Willowbrook. There would never be a 10-foot in someone's front yard. Mayor Pro Tem asked when we put in a side yard sidewalk about four or five years ago there was tremendous resistance and it was all side yard directly in front of the elementary school and we got a lot of push back. Ms. Katers said they did reach out to the two neighbors who were on the east side of Willowbrook that would be impacted. One of them responded and was all for the project, the other did not respond. Mayor Pro Tem said that was good it gives them an opportunity to weigh in. Thank you.

Member Poupard wondered how involved the school district has been, are they really being a partner in their engagement with working with the neighbors. Ms. Katers said they have been a partner since the beginning of the process. Each campus did a walking audit and action planning meeting. That consisted of members of the school community. It included parents, administration, teachers, and students. They did get a lot of input from each school. They helped identify priorities. They assisted in parent and student surveys in regards to what would make them feel safer to allow the children to walk to schools. The first public meeting was held at the School Board offices. They invited the community in to talk about the process. They have been an integral part of team. Member Poupard asked specifically about their involvement in the discussions and the dialogue with the neighbors about the safety of the children. Ms. Katers said so far it has been OHM and the City of Novi leading those public meetings. They have been there, but they have not been a major partner in that presentation.

Member Breen agreed with her colleagues and that this was difficult. We need to keep kids safe, but we want to honor our resident's wishes. She appreciated the difficulty in

this. Residents do not want have their property disrupted or trees uprooted. She wanted to see this move forward and discuss the options with the neighbors. She stated that parents are busy, to what extent is this available on our website/school website? Is there a way to direct parents to this information online instead of a public forum? Mr. Herczeg said the criteria for the grant included only one public meeting and after the first public meeting we decided it made sense to go directly to the school districts that were affected. We had separate public meeting for both Orchard Hills and Village Oaks. They were contacted by the school, he believed by email and we also sent a letter. There was a specific public meeting held also for each campus. As far as information on websites he said we are still in the process. Member Breen thought knowing how busy parents are she thought it would be a way to keep parents informed as to options. She asked if it was the Village Oaks parents who raised the issue. Mr. Herczeg replied yes. She said we need to do everything we can to make sure the residents stay informed and parents are notified. She would like to see some changes made. The traffic is increasing, the number or residents in Novi is increasing, and we have long winters with snow along the sides of the roads. We need to make sure the kids can walk safely. Mayor Gatt thanked them for the presentation. Good luck.

**MANAGER/STAFF REPORT: NONE**

**ATTORNEY REPORT: NONE**

**AUDIENCE COMMENT:**

Dorothy Duchesneau, 125 Henning, Novi thought the Recognition of Arbor Day is appropriate. Much of the remodeling of Lakeshore Park is already out there. The City is getting bids and will be moving forward shortly. With that, she read a definition from Miriam Webster Dictionary of the word denuded which means to strip of all covering or surface layers of especially land. She said the "Grand Ole Lady" is going to get a haircut. She would like to request that City Council specifically instruct administration that every possible tree credit in this plan be utilized within Lakeshore Park. She said preferably near playgrounds and picnic areas where the shade is needed. Some trees are coming down that will be missed and the number of replacements doesn't make up for this. Also the type and variety of trees planted should be similar to what is found in a natural Michigan wooded setting, irrespective of the types and varieties and sizes that are currently required by our ordinances. We would like to see the Lakeshore Park looking like a natural random area, not a commercial one.

Judy Evola, Community Relations and Marketing with the Walled Lake School District said she came to inform City Council about the bond that is coming up. Walled Lake Schools has \$316 million bond. The election is May 7, 2019. The bond is to renovate Walled Lake Western High School, rebuild Dublin Elementary School, construct an Early Childhood Center, and upgrade the infrastructure of building systems and technology at all 19 of the Walled Lake Schools and district buildings. To attend too much needed building renovations such as; roofs, windows, boilers, parking lot paving, and more. This bond will also improve safety systems as well as offer us the opportunity to purchase

buses. This bond can be done with this small window of opportunity as a tax decrease. How can this be done? Four of the five current bonds will soon be paid off for Walled Lake Schools that is going to be reduced by 50 percent and payments by 73 percent. Previous bonds that we initially going to be paid off in 30-years, are being paid off much sooner. The Walled Lake Schools community is stable, growing, and has an increased taxable value. Residents are currently paying 4.53 mills on a house valued at approximately \$200,000 with a taxable value of \$100,000 that homeowner is paying \$453 per year. With this proposal residents will pay 4.13 mills so there is a lot of information on their website. She included a folder with a complete presentation as well as a list of projects that will be done within the Novi area schools. In the packet is a proposed statement for City Council to consider possibly supporting the initiative? Thank you.

Zachary Rzotkiewicz, 233 Bernstadt said he lives west of Lakeshore Park. He moved to the area about a year and a half ago. He is recently getting up to speed and checked out some of the plans. He had some concerns. He was excited, it looks great, and the park needs renovations. However, the public did not see from these sketches the impact on the community. He asked City Council and the residents to seriously question some of the existing details of the plan. First being the lighting. The new plan includes a parking lot that wraps closely around the neighborhood. He thought while it was undesirable it can be neutralized with berms and screening which we are working on. The plan also includes an excessive number of light sources. This will fundamentally change the nature of the community. The lighting plan in place seems to be out of touch. He believed security is important for the building, but consider having lighting times for active hours. The plan does not address the blurred lines between the community center and the park. He felt the current plan promotes after dusk use by not considering remoteness of the location. The new parking lot extends deeper into the park. In the off season, the park is closed from the back side during the off-season and while we should get more use of the park during the winter months with cross country skiing, etc. He noted that the number of emergency vehicles in the location is higher during that time. With the existing plan he does not see how that is addressed. He will continue working with the City, Council and Planners to address some of these details that he believed should be addressed. He felt the City should be cautious with some of the details moving forward.

Gary Zack, 359 S. Lake Dr., stated that the light plan has 32 street lights and 43 bollard lights in the park. He echoed the previous speaker and felt that it was excessive. Many of the lights are very commercial looking. That's not necessary and doesn't go with the up north atmosphere that people are looking for. He said the community building maximum occupancy 179 persons per the City. That requires 60 parking spaces per City code. The main lot in the front next to the building contains over 60 spaces. He felt there was no need to illuminate the back portion of the park and the road. He mentioned the trees and topography, the demolition plan for leveling off all the hilly topography on much of the seven acres being redeveloped. He said that the playground area will have little or no shade. The tree replacement plan is undercounting trees needed. They also stated that much more of the area developed

should be treated as regulated woodlands. He showed a picture of a tree that is 36 inches in diameter, one of the largest in the park. However, that tree is listed at six inches in diameter on the City's replacement tree plan and therefore exempt from replacement. Normally a tree that size would require a four replacement trees if it were being cut. He made some suggestions: eliminate bollard lighting on paths in the park, eliminate street lighting along the road beginning at the south end of the main parking lot, verify developer is calculating trees accurately, and plant replacement trees within park.

Leanne Link, 210 Bernstadt St. has lived in Novi for 31-years next to Lakeshore Park. She went on record a year ago that she appreciated improvements and downsizing the largest structure. At that time there was no mention of the lighting. She said their Bedrooms face that way, and not interested in having a commercial property illuminated all night long. Another issue was the screening. She was very concerned about screening between park and her street. Very quiet street and they dead end at park. She said they have always enjoyed a very quiet area. She thought the lights are excessive. She said they will be going from 3 streetlights to 32 streetlights. That's quite a change. She would really like to see a berm in the screening. She also mentioned the fencing that is there, owned by City, and should be addressed. Its dilapidated old fencing that they have called about. It's falling down, and if an ordinance officer saw it somewhere else, they would have to fix it. She thought we were violating our own ordinance on that. She stated that their privacy matters to them. They like the up north atmosphere. We don't want to see the paradise that is there be paved. Please consider our concerns.

#### **CONSENT AGENDA REMOVALS AND APPROVALS:**

**CM 19-04-062            Moved by Casey, seconded by Poupard; CARRIED UNANIMOUSLY**

**To approve the Consent Agenda as presented.**

- A. Approve Minutes of:
  - 1. April 1, 2019 – Regular meeting
- B. Enter Executive Session immediately following the regular meeting of April 15, 2019 in the Council Annex for the purpose of discussing City Manager Performance Evaluation and privileged correspondence from legal counsel.
- C. Approval to purchase Wonderware Human Machine Interface Software and associated equipment for the Novi Police Department from CBTS for \$40,125 through a General Services Administration (GSA) contract.
- D. Approval of Ordinance No. 19-97.04, an Ordinance To Amend The City of Novi Code of Ordinances, Chapter 4, "Amusements And Entertainments," Article III, "Pinball Arcades And Machines", in order to repeal the regulations and provisions therein in their entirety. **SECOND READING**

- E. Approval of Warranty Deed to dedicate 30 feet to 35 feet of variable half-width right-of-way along the south side of Flint Street (aka: Bond Street) along the frontage of the proposed The Bond (Mixed-Use) Development (parcels 50-22-22-226-003 and 50-22-22-226-005).
- F. Approval to award geotechnical engineering services to Professional Service Industries, Inc. (PSI) for material testing services associated with the Crescent Boulevard (NW Ring Road) and Industrial Spur Road Construction project in the amount of \$89,620.
- G. Approval of the final payment to Hutch Paving, Inc., for the Special Assessment District 179 (Holmes Road, Hemingway Drive, and Brownstone Drive within the Vistas of Novi PUD) project in the amount of \$34,734.11, plus interest earned on retainage.
- H. Approval of the final payment to Anglin Civil, LLC, for the Villa Barr Park Pedestrian Path and Parking Lot Additions in the amount of \$11,793.39, plus interest earned on retainage.
- I. Approval of Claims and Accounts – Warrant No. 1034

**Roll call vote on CM 19-04-062**

**Yeas: Breen, Casey, Mutch, Poupard, Verma,  
Gatt, Staudt**  
**Nays: None**

**MATTERS FOR COUNCIL ACTION**

- 1. Approval of the Development Agreement Regarding Commercial Property for The Bond (Mixed-Use) Development between Bond at Novi, LLC and the City for the construction of a mixed-use development with two four-story multi-family residential buildings with a total of 255 apartments and a single-story commercial building up to 5,578 square feet, and associated site improvements.

City Manager Auger stated that our attorney found a paragraph that we didn't see in both copies of what you read. City Attorney Saarela explained that there was a provision was added in paragraph 4 by applicant regarding trees and not having to pay into the tree fund or put in any replacement trees. They said something about the low quality of trees on the property. She said we have confirmed with the woodland consultant that is not consistent with his recommendation. Not having fully discussed this paragraph with the applicant staff's recommendation to take this paragraph number 4 out of the development agreement prior to approval. The applicant may have some additional information on that. At this point it is staff's recommendation to take that out because it is not consistent with the woodland consultants review. Mayor Gatt said what they debate tonight would be absent that section. We would recommend approving the development agreement without paragraph 4. Mayor

Gatt asked if the developer was there to answer questions if needed or address the issue.

Albert Ludwig, Tricab Holdings said they combined with another company DTN Management out of Lansing. We have created The Bond of Novi LLC as the owner of this property. The trees they are talking about here are clustered on one end of property. Right now it is about half of the property was used as the industrial use and other half was undeveloped. In that section, their consultants looked at it and told them that the vast majority of trees were low quality cottonwood trees. He said they were big, but a junk tree. He didn't believe that is considered by the City to be high quality tree. He just heard about this tonight, he did not have his tree survey with him that evening. He couldn't tell Council how many of the trees cottonwood trees versus other trees were. One of the reasons they requested this was financial. This project was estimated between \$35-\$40 million dollars, and now looking at over \$60 million. He said the cost of labor and materials have gone up 30% across the board. The approximate \$50,000 dollars for the tree replacement is not substantial when you are looking at being \$10 million to \$15 million over budget, but every bit helps. They have asked if there was anything to be done to help. The water main extensions that have to come off of Novi Road as part of the new street paving, we asked if those could be included, but apparently the paving of the road is at its maximum cost so they didn't have any money for them. Asked if those could be included, but paving of road is at maximum cost. They brought it up early; it has been in the development agreement since day one. It went back and forth between the attorneys and staff at least six times or more. This has never been brought to their attention. It has been in there since the original draft. He was shocked to hear there was opposition to it.

Mayor Gatt asked if it should be tabled. City Manager Auger said it is Councils prerogative; staff makes their recommendation based on our ordinances. This one paragraph was not in one of the red lined as it goes back before the attorneys. City Council can approve this even if staff says we don't recommend it because we wanted to research it. The developer makes a good point about the \$50,000 value to the tree fund versus the added taxable value that it is going to bring to the City. City Council could still go forward with the agreement, the rest of the agreement is good and it is still a great project.

Member Mutch said with all due respect to the City Managers comments, and to the applicant, he objected to this concept. He didn't want to see the City Council and City get in practice of negotiating away contributions to the Tree Fund. We have this process is in place, because when you remove these trees of varying quality, they all have a benefit. If they are very low quality, dead or diseased, you don't have to pay for them. The other issue he had was that he felt we are being nicked and dimed on something that is important to us as a city. The City of Novi is making a significant financial contribution towards this. The paving of Flint Street for this project, is about \$2 million dollars and the second phase is \$671,000. That is just for construction costs. There is also going to be ROW cost in addition to that. The City has already put in \$250,000 into preparation for constructing this road. We are looking at \$3 million dollars

investment from the City for a road that essentially serves this property to make this a viable project. It is not like the City is being stingy over here; we are putting a lot of money into this. There are benefits to the Ring Road beyond this project, but clearly the Bond project is the primary beneficiary of this. The value of land and project would not exist without the City's investment. He said he liked this project. He wanted to see this project go forward. If there are areas we can work in terms of trying to figure how financially pieces come into place. That needs to be conversation with Council discussing options. Not something that goes into agreement that was never disclosed to Council. He would support the project, but not with that language. He thought it was a terrible precedent.

Mayor Pro Tem agreed. He asked the applicant if he wanted to move forward without that section in agreement. City Attorney Saarela said if they are agreeable to taking it out, we wouldn't have to come back. City Manager Auger said if there is a deviation away from ordinance, they would have to come back and get Councils approval. If we can agree to something that meets ordinance it won't come back. Mayor Pro Tem said let's make it really clear we will probably not agree to the deviation of the ordinances on this. This is really an issue of deciding which trees are viable and which aren't. He thought that is really something that staff and the developer will work out. He was comfortable that staff can make determination, and wouldn't expect it to come back.

**CM 19-04-063            Moved by Staudt, seconded by Mutch; CARRIED UNANIMOUSLY**

**Approval of the Development Agreement Regarding Commercial Property for The Bond (Mixed-Use) Development between Bond at Novi, LLC and the City for the construction of a mixed-use development with two four-story multi-family residential buildings with a total of 255 apartments and a single-story commercial building up to 5,578 square feet, and associated site improvements, subject to approval of the final form of agreement by the City Manager and City Attorney, including minor and non-substantive edits and with the removal of Paragraph 4.**

Member Breen said she was excited about the project. Novi needs to make the City more walkable. She stated that DTN has a lot of properties around Michigan State and they do a good job. When it comes to nickel and diming on some of these issues, they aren't the only ones feeling pain of construction costs. She agreed that costs keep going up. She supported the motion as made. She understands the pain that they are feeling, but they are not the only one. She wanted it on record; she believed that we can come to equitable agreement.

Mayor Gatt agreed he also wanted to see project move forward, but they won't compromise on that ordinance. Mr. Ludwig thought that maybe the City could compromise on another issue such as the road construction. It was designed and

preliminarily funded before they purchased the property. He said that road was not going in there for them.

**Roll call votes on CM 19-04-063**                      **Yeas: Casey, Mutch, Poupard, Verma, Gatt, Staudt, Breen**  
**Nays: None**

2. Approval of a DTE Purchase Agreement to remove and relocate seven (7) DTE Energy utility poles to allow for the construction of the Industrial Spur Road off of Crescent Boulevard between Novi Road and Grand River Avenue in the amount of \$215,000.

Member Mutch stated that we just approved a significant expenditure on this project and he didn't realize additional costs. Do we have any other items related to this particular project that we will see in terms of additional funding? City Manager Auger thought this was it.

**CM 19-04-064**                      **Moved by Mutch, seconded by Casey; CARRIED UNANIMOUSLY**

**Approval of a DTE Purchase Agreement to remove and relocate seven (7) DTE Energy utility poles to allow for the construction of the Industrial Spur Road off of Crescent Boulevard between Novi Road and Grand River Avenue in the amount of \$215,000.**

**Roll call votes on CM 19-04-064**                      **Yeas: Mutch, Poupard, Verma, Gatt, Staudt, Breen, Casey**  
**Nays: None**

3. Consideration to approve Third Amendment to the previously-approved Conditional Agreement of Purchase and Sale on North Grand River City Property, located north of Grand River Avenue, east of Town Center Drive.

**CM 19-04-065**                      **Moved by Staudt, seconded by Breen; CARRIED UNANIMOUSLY**

**Approve Third Amendment to previously-approved Conditional Agreement of Purchase and Sale on North Grand River City Property, located north of Grand River Avenue, east of Town Center Drive, and to authorize the mayor and Clerk to sign the same, subject to final review and approval of the terms and conditions of the Purchase Agreement by the City Manager and City Attorney's office, including minor amendments thereto.**

**Roll call votes on CM 19-04-065**                      **Yeas: Poupard, Verma, Gatt, Staudt, Breen, Casey, Mutch**  
**Nays: None**

4. Consideration to Introduce Ordinance No. 19-71.01, an Ordinance to Amend the City of Novi Code of Ordinances, Chapter 36, "Waterways," Article II, "Business of Operating Docks and/or Marinas", in order to repeal the regulations and provisions therein in their entirety. **FIRST READING**

**CM 19-04-066            Moved by Casey, seconded by Mutch; CARRIED UNANIMOUSLY**

**Approval of Introduction of Ordinance No. 19-71.01, an Ordinance to Amend the City of Novi Code of Ordinances, Chapter 36, "Waterways," Article II, "Business of Operating Docks and/or Marinas", in order to repeal the regulations and provisions therein in their entirety. FIRST READING**

**Roll call votes on CM 19-04-066**

**Yeas: Verma, Gatt, Staudt, Breen, Casey, Mutch, Poupard**

**Nays: None**

**AUDIENCE COMMENT: None**

Mike Duchesneau, 1191 S. Lake Dr. stated that he thought the process that was followed for Lakeshore is a sad statement on how it was handled. He said that the bid packages have thousands of pages. There is an extreme amount of detail. He said that only minor changes would be allowed. He felt that the City did a poor job initially soliciting input from residents. He thought that the Planning Department does a great job making information available in great detail on other projects. He hoped in the future proposals are better followed by the Planning Department's guidelines and drawings.

**COMMITTEE REPORTS: None**

**MAYOR AND COUNCIL ISSUES: None**

Member Mutch commented on DTE Energy power outages. He said depending on where you live in Novi, this may have more or less relevance. He lives off of Taft Road and they have had a number of power outages over the last several years. He has been there since 2003 and there has been a significant increase over the last few years. He understood weather affecting power, but there has been a significant increase in other areas as well. It seemed like certain areas of the City it has been occurring on a regular basis. He would like the City to engage with DTE in terms of addressing a few areas. The first area would be redundancy. It seems often times that a single power line goes down or transformer blows and it takes out a large area of homes. We can't have every house wired independently, but it doesn't seem like that many homes should be affected by a small part of their infrastructure. The second area he wanted the City to look into would be reliability, some areas lose power regularly. The third area he wanted the City to look into would be their response. They generally do a good job, but some areas have been affected by major outages that lasted a significant amount

of time. He requested City Administration to engage with DTE Energy and get back to Council in fairly short order with response on all of those issues. He would like them to share with City Council because it's on-going. This has been an ongoing issue with significant impacts on certain parts of the City. He felt that DTE was not known for proactively getting in front of us to speak about issues. He wanted to see a more active engagement with them for answers. He believed that we need more infrastructure addressed. Mayor Gatt thanked him for bringing it forward, he was excited. In his subdivision, they have lost power six times in 18 months. Once for three days. Difficulties with being out of power are too numerous to mention. DTE has shown no propensity to assist. He knows someone who works in Lansing and when he gives them a call they call someone and bingo within an hour the power is back on. He believed there are pockets of the City that go out extremely often. DTE Energy should do a study as to what is causing that and remedy it. It isn't fair to our residents that experience this on an ongoing basis.

Member Breen stated that Member Casey, and herself hosted a Town Hall Forum on Human Trafficking last week. They did this in conjunction with Commissioner Gwen Markham and Council Members Theresa Rich and Samantha Steckloff from Farmington Hills. They had several experts speak on different aspects of this. This is part of a series of events that we've done. We try to work along city lines within governmental levels. Last year it was a forum on what elected officials can do. This year was focused on labor trafficking. What we discovered through this Town Hall is that we all have different roles to play identifying victims and traffickers. We don't want to believe it happens here. But it is prevalent in Michigan and the Metro Detroit Area. She stated that they want to take whatever measures they can to play our role to deter this and train everyone. They were thinking of a community action plan. It starts with us identifying that this is a problem, and we can do something about it. There are wonderful resources out there that can assist local governments and individual departments within city government. If they know what to look for, we can identify problems. Public Safety is in the forefront, but everyone from the City Clerk, DPW and Parks and Rec. If they know what to look for they can identify victims and traffickers. She would like staff to come back with a plan on how to get every employee trained on how to spot trafficking. Mayor Gatt said as officer, the saying was "if you see something, say something". He assumed that's what is being talked about. Member Breen said a small amount of training could change this perspective. She said labor trafficking is more prevalent than sex trafficking. Members of Police Department and Fire Department attended the Town Hall Forum. There were also people from various community organizations. One thing they talked about was partnering across with the chamber, school districts, community coalition. Member Casey echoed Member Breen. She said part of challenge was that people do not recognize what they are seeing, to know if they should be saying something. This raises awareness with the community more broadly. If we could take this first step, this would be helpful for all staff. Mayor Gatt said Novi was fortunate, we don't seem to have that problem in Novi today. Our residents have not experienced that yet. Member Breen said there have been no arrests, no pending cases. That doesn't mean it hasn't happened. There are other measures to take to deter activity. Member Poupard asked if you see something, and

say something, to whom do you report it to? Mayor Gatt said you would call 911 they would know what to do.

Member Poupard commented that many people ask her how can Council move so fast on all of the decisions. She wondered why there are Consent Agendas that Council just says yes to. She wanted to make a comment to the public that they do not act in isolation. The Packets come with recommendations with thorough analysis and work from staff. There is a lot of behind the scenes work before it comes to Council. She wanted to acknowledge the work of staff, commissions and committees that do the work. She thanked City Clerk Hanson for the thoroughness of the City Council Minutes. Mayor Gatt reminded everyone that at the last budget meeting they learned that the firefighters breathing packs are becoming outdated and need to be replaced. They also learned that there is a grant that was applied for, but not likely to obtain. Council approved a motion to add the new packs into the budget starting in July 2019. We should hear soon if the grant is approved. He said if they are not successful in receiving that grant there would be no reason to wait until July. We have the money in our General Fund Balance. We should take that money and buy our firefighters the necessary equipment that they need.

**CM 19-04-067                      Moved by Gatt, seconded by Staudt; CARRIED UNANIMOUSLY**

**To approve spending dollars from the General Fund to purchase SCBA gear in the event that the grant application is denied.**

**Roll call votes on CM 19-04-067                      Yeas: Gatt, Staudt, Breen, Casey, Mutch, Poupard, Verma  
Nays: None**

**CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: None**

**ADJOURNMENT** – There being no further business to come before Council, the meeting was adjourned at 8:26 P.M.

\_\_\_\_\_  
Cortney Hanson, City Clerk

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Robert J. Gatt, Mayor

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Transcribed by Deborah S. Aubry

Date approved: May 6, 2019