

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, NOVEMBER 9, 2015 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 TEN MILE ROAD**

6:45 p.m. SWEARING-IN CEREMONY – Mayor Gatt, Council Members Burke, Casey, Staudt, Wrobel

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

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Council Members Burke, Casey, Markham, Mutch, Staudt, Wrobel

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

APPROVAL OF AGENDA:

CM 15-11-151 Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the Agenda as amended with the addition to Presentations, item 1. Report from Kathy Crawford, State Representative.

Roll call vote on CM 15-11-151 **Yeas: Burke, Casey, Markham, Mutch, Staudt, Wrobel, Gatt**
Nays: None

APPOINTMENT OF MAYOR PRO TEM:

Mayor Gatt appointed Council Member Staudt as the Mayor Pro Tem.

PUBLIC HEARING – None

PRESENTATIONS:

1. Report from Kathy Crawford, State Representative

Kathy Crawford, State Representative congratulated the re-elected and new Council Members. She spoke about the 98th Legislature. They have passed close to 700 pieces of legislation. She spoke about a Bill she introduced that would increase penalties for those who abuse vulnerable adults, House Bill 5046 – 5049. The Bill will be going to the Judiciary Committee. She suggested if anyone was interested to let the State Representative and the Committee know. She was appointed to 5 committees. State Representative Crawford will have a Coffee at the Walled Lake Library this Thursday, 6 pm to 7 pm. She will be there to listen to any concerns. She applauded the Council on behalf of the Historical Commission for supporting the new ordinance for the historic

cemeteries in Novi. She commented that Novi's early history is in the cemetery and spoke about the work to restore them. She offered residents to consider the historical value of the cemetery as there are many veterans buried there.

REPORTS:

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

AUDIENCE COMMENT – None

CONSENT AGENDA REMOVALS AND APPROVALS (See items A-L):

CM 15-11-152 Moved by Casey, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
 1. October 26, 2015 – Regular meeting
- B. Approval of Resolution regarding Temporary Holiday Promotional Signage allowing temporary relief from the Sign Ordinance from November 27 through December 26, 2015.
- C. Approval of approval of Ordinance Amendment 15-186, as recommended by the Ordinance Review Committee, to amend the City of Novi Code or Ordinance, at Chapter 26, "Peddlers, Solicitors, Commercial Handbills, to add a new Section 26-12 entitled "Do-Not-Knock Registry" and to amend Section 26-10, "Hours of Peddling/Soliciting; Additional Requirements," to refer to same.
SECOND READING
- D. Approval of a retailer of hot tubs and swim spas as a use similar to those listed in the 2001 Stipulated Amendment to Consent Judgment for Gateway Village of Novi LLC for a tenant space in the Gateway Village "corner retail building", and minor modification to the building façade for that use.
- E. Approval of an addendum to the Huntley Manor Special Development Option (SDO) Agreement, to recognize the lack of stub streets connecting to adjacent properties, as shown on the approved Concept Plan, subject to final review and approval of the language of the Addendum by the City Manager and City Attorney.
- F. Acceptance of a Conservation Easement and an Open Space Preservation Easement from Park Place South of Novi, LLC. as a part of the Park Place South

development (f.k.a. Chamberlin Crossings), located on the east side of Napier Road between Eight and Nine Mile Roads in Section 31 of the City.

- G. Approval of a Storm Drainage Facility Maintenance Easement Agreement from Redwood-ERC Novi, LLC, as part of the Fox Run development located north of Thirteen Mile Road and west of M-5 (parcel 50-22-01-300-013).
- H. Acceptance of Taft Knolls II subdivision streets and adoption of a New Street Resolution accepting Sedra Court and a portion of Danyas Way as public, adding 0.19 miles of roadway to the City's street system.
- I. Approval of the final payment to Asphalt Specialists, Inc. for the West Road Rehabilitation project in the amount of \$11,760.07, plus interest earned on retainage.
- J. Approval of the final payment to Nagle Paving for Fire Station No. 3 Parking Lot Paving project in the amount of \$4,222.10, plus interest earned on retainage.
- K. Approval to award engineering design services to URS Corporation (AECOM) for the Civic Center Main Parking and Novi Way Rehabilitation Project in the amount of \$32,194.
- L. Approval of Claims and Accounts – Warrant No. 951

Roll call vote on CM 15-11-152

Yeas: Staudt, Burke, Casey, Markham, Mutch, Wrobel, Gatt
Nays: None

MATTERS FOR COUNCIL ACTION:

- 1. Consideration of a request from Michael and Rachael O'Sullivan to modify the conditions of a Design and Construction Standards Variance that was approved by City Council on August 24, 2015.

City Manager Auger commented they were able to speak to with Homeowners' Association. They asked for a document that the Homeowners' Association would have the homeowner sign in regards to the responsibility for the sidewalk. It can be included in the motion to execute any additional document required by the Homeowners' Association.

CM 15-11-153 Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve a request from Michael and Rachael O'Sullivan to modify the conditions of a Design and Construction Standards variance that was approved by City Council on August 24, 2015, to require Michael and Rachael O'Sullivan to

sign the Hold Harmless Agreement indemnifying both the City and the Association, to provide corresponding insurance, and to execute any additional document required by the Homeowners' Association.

Member Mutch asked to clarify what has changed since the last time this was considered. City Attorney Schultz answered the Council approved a motion to authorize the variance with a requirement that the City to be named an additional insured and have the Homeowners' Association execute a hold harmless with the assumption that they are primarily responsible for the sidewalk. The Homeowners' Association decided not to do that. The applicant decided to execute a hold harmless, add the Homeowners' Association and the City to the insurance policy, and to execute any additional document required by the Homeowners' Association. Member Mutch asked, if the homeowner's sell their house, how would the agreement bind to the property over the long term. City Attorney Schultz said it was a good point. He suggested after Council acts, make sure the City records for the property shows the requirement and it can be done without adding it to the motion.

Member Casey asked, Rachel Sullivan, if she was comfortable with the additional document. Ms. Sullivan said she was not aware of it but was comfortable with it.

Roll call vote on CM 15-11-153

**Yeas: Burke, Casey, Markham, Mutch, Wrobel,
Gatt, Staudt**

Nays: None

2. Reconsideration of October 26, 2015 Approval of Resolution Regarding Agreement for the Financing of Street and Utility Improvements and the Creation of Special Assessment on Property with West Park Office, LLC for the creation of Special Assessment District 178C to finance construction of roadway and utility improvements associated with the Crossroads Commerce Park Project to be located on Parcel Nos. 22-17-101-010 and 22-17-101-012, south of Grand River Avenue and west of Providence Parkway, and approval and confirmation of related Special Assessment Roll.

Mayor Gatt said after studying the project and seeing that the costs associated with it were much higher than anticipated, he recommended tabling this matter until there is a discussion about it.

City Manager Auger said staff is currently working with the developer to try to trim the costs.

CM 15-11-154

Moved by Wrobel, seconded by Mutch; CARRIED UNANIMOUSLY:

To approve reconsideration of October 26, 2015 Approval of Resolution Regarding Agreement for the Financing of Street and

Utility Improvements and the Creation of Special Assessment on Property with West Park Office, LLC for the creation of Special Assessment District 178C to finance construction of roadway and utility improvements associated with the Crossroads Commerce Park Project to be located on Parcel Nos. 22-17-101-010 and 22-17-101-012, south of Grand River Avenue and west of Providence Parkway, and approval and confirmation of related Special Assessment Roll.

Member Mutch noted the project engineering estimates that were provided to the City were based on information where elements were excluded and he asked for an explanation. City Engineer Rob Hayes explained Hubbell, Roth and Clark are the engineers for the developer and shared their estimates with the City, but the City didn't have an opportunity to review the bid form. The bid had items that were not listed on the engineers' estimates. Member Mutch asked if this happens again, would it be normal for staff to review the estimates in terms of the details of the bid to ensure that it is capturing what is happening. City Engineer Hayes said they were under a tight time frame to get it reviewed and tried to meet the developer's schedule. Member Mutch said the appropriate action is to approve the reconsideration. He said, in the future, the City needs to do more due diligence of a project that goes out for City financing to avoid this situation. Possibly in the future, the City needs to give staff more time or build it into the process an opportunity to do a more thorough review. He was concerned about the value of the property because it is the collateral of the loan the City is making. Also, the City missed their due diligence regarding the property value because the City is responsible if the owners go into default. They need to make sure the underlying property is as valuable as, or more than, the potential costs involved.

Roll call vote on CM 15-11-154

Yeas: Casey, Markham, Mutch, Wrobel, Gatt, Staudt, Burke

Nays: None

CM 15-11-155

Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY:

To approve to postpone any further action with regard to SAD 178C pending additional information regarding final plans and costs.

Roll call vote on CM 15-11-155

Yeas: Markham, Mutch, Wrobel, Gatt, Staudt, Burke, Casey

Nays: None

AUDIENCE COMMENT – None

COMMITTEE REPORTS – None

MAYOR AND COUNCIL ISSUES:

1. Appointments to Council Committees

Mayor Gatt appointed Mayor Pro Tem Staudt, Member Wrobel, and Member Mutch to the Capital Improvement Program Committee; Member Burke, Member Wrobel, and Member Casey to the Commission Interview Committee; Mayor Pro Tem Staudt, Member Casey, and Member Wrobel to the Consultant Review Committee; Mayor Gatt, Member Wrobel, Member Mutch, and Member Burke as Alternate to the Ordinance Review Committee; Mayor Gatt, Member Wrobel, and Member Burke to the Rules Committee; Mayor Gatt, Member Wrobel, and Member Casey to the Charter Review Committee.

Mayor Gatt submitted Member Wrobel and Member Burke for nomination to Walkable Novi (Pathway and Sidewalk Prioritization).

CM 15-11-156 Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve appointment of Member Wrobel and Member Burke to Walkable Novi.

**Roll call vote on CM 15-11-156 Yeas: Casey, Markham, Mutch, Wrobel, Gatt, Staudt, Burke
Nays: None**

Mayor Gatt submitted Member Markham and Member Casey as Alternate for nomination to the SEMCOG Committee.

CM 15-11-157 Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve appointment of Member Markham and Member Casey as Alternate to the SEMCOG Committee.

**Roll call vote on CM 15-11-157 Yeas: Markham, Mutch, Wrobel, Gatt, Staudt, Burke, Casey
Nays: None**

Mayor Gatt submitted Mayor Pro Tem Staudt for nomination to the SWOCC Committee.

CM 15-11-158 Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve appointment of Mayor Pro Tem Staudt to the SWOCC Representative.

Roll call vote on CM 15-11-158

**Yeas: Mutch, Wrobel, Gatt, Staudt, Burke,
Casey, Markham
Nays: None**

Mayor Gatt submitted Member Casey and Member Markham as Alternate for nomination as Youth Council Representative.

CM 15-11-159

Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY:

**To approve appointment of Member Casey and Member Markham
as Alternate as Youth Council Representative.**

Roll call vote on CM 15-11-159

**Yeas: Wrobel, Gatt, Staudt, Burke, Casey,
Markham, Mutch
Nays: None**

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION – None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:26 P.M.

Maryanne Cornelius, City Clerk

Robert J. Gatt, Mayor

Transcribed by Jane Keller

Date approved November 23, 2015