

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI  
MONDAY, OCTOBER 22, 2018 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.**

Mayor Gatt announced that City Council and the entire City of Novi Staff are mourning the passing of their colleague and friend, Council Member Wayne Wrobel. Wayne died a week ago after battling a devastating disease for the past year. Wayne was an extremely dedicated individual who always thought of others, wanting to help everyone any way he could. Just two of the projects that he championed were free transportation rides within Novi for senior citizens, and the left turn lane in front of our beautiful library which are in existence today because of Wayne's tenacity and dedication to the service of others. He said we on City Council, City Staff and the citizens of this great City lost a friend last week. He urged everyone to keep Wayne and his family in their thoughts and prayers as we continue on this journey that we all call life. He asked that everyone rise and they offered a moment of silence in honor of Council Member Wayne Wrobel.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Mayor Gatt, Mayor Pro Tem Staudt, Council Members Breen, Casey, Markham, Mutch

**ALSO PRESENT:** Pete Auger, City Manager  
Victor Cardenas, Assistant City Manager  
Thomas Schultz, City Attorney  
Barb McBeth, City Planner

**APPROVAL OF AGENDA:**

Member Breen said she would like to add under Mayor and Council Issues: Play Area and Water Feature for Pavilion Shore Park.

Member Mutch said he would like to add discussion under Mayor and Council Issues: Vaping Ordinance.

**CM 18-10-154 Moved by Staudt, seconded by Breen; MOTION CARRIED: 6-0**

**Roll call vote on CM 18-10-154**                      **Yeas: Staudt, Breen, Casey, Markham, Mutch, Gatt**  
**Nays: None**

**PUBLIC HEARING: None**

**PRESENTATIONS: None**

**MANAGER/STAFF REPORT: None**

**AUDIENCE COMMENT:**

Rachel Sines, 2219 Austin Dr., Novi thanked Council for putting up with her the last year. She said the plans submitted by Robertson Brothers consist of three separate parcels. The Planning Department has stated that the max units allowed for this development is 21. This is how 21 units were determined; if you do the math, Parcel A only permits nine houses. Parcel C is allowed four, but only two have been submitted. Their previous plan had seven units on Parcel C so there is no reason they cannot put four. Currently there are two pages of deviations requested. She said the deviations would be greatly reduced if the proper number of homes were permitted on the west side. The City would not have to give up its easement rights. This City Council approved a consultant for more than \$16,000 to come in and ask the residents what they wanted see done with that area. She was told by MKSK that they asked Robertson brothers to wait for the results of this workshop, but they declined to do so. As you can see the residents overwhelming wanted to see cottage style homes. She noted that on page 11.5 of their packet it states that the proposed single family homes are consistent with their surrounding neighborhoods, but that is not true. Of the existing eight houses on Austin Drive that back up to the development, only one house is a true 2-story. The rest are either 1-story or 1 1/2 - story. If the plan is to put 2- story or 2 1/2- story we would like to see less invasive 1-story to 1 1/2-story on the west side because this development is so close to existing neighborhood. She asked that the please limit Parcel A to nine houses. If nine houses were used instead of 11 there would be room for front facing attached garages. Move some of the landscaping from the front to back as a buffer. Lastly they would like a solid masonry wall to limit noise and light pollution. During the Planning Commission, Mr. Loughrin agreed to the changes requested. Moving the orientation of the garages from side facing to front facing for a number of reasons, such as headlights shining, less concrete and snow run off not being pushed into swale or existing neighborhoods downhill from the development. Six foot garage setback and moving houses closer to Old Novi Road and fencing between the neighborhoods in the development. In a letter addressed to City Council from Robertson Brothers in preparation to of this meeting, included in your packet, Mr. Loughrin suggested that changing the orientation of the garages this comment was made well after the changing of the garages was agreed upon. She wanted to make it clear that they want front facing garages and a fence. Obviously there are cost cutting measures taking place at the expense of the residents. Please put the residents first.

Josephine Sines 2219 Austin Dr., said her issue is with the City of Novi. Back in June 2016, the Master Plan was updated and changed. The City Council approved those changes with increased the density of their area from 3.3 units per acre to 7.3 units per acre without informing or including residents. However, Robertson Brothers was informed and involved in the process. The residents were not aware and did not hear about it or the creation of Pavilion Shore Park until months later with the presentation with a new development. The City Council and every board heard from angry residents for months. She said they put together a petition and got signatures of over 70 percent of the residents within 100 feet of the Pavilion Shore Village concept and presented it to the City that fell on deaf ears. Apparently you can only petition a developer and not a Master Plan. A few weeks ago Robertson Brothers made their

formal presentation to the Planning Commission only one member of the Commission admitted to coming to look at the area that they were voting on that night. Resident after resident made comments about the issues with the development. The most common concern being was the increased density on the west side. The Planning Commission made a concerted effort to not address that issue. The Council needs to come up with a better way to inform its residents when major changes are made that will affect them, such as sending out letters as they got when this issue was before the Planning Commission. Please do not let other neighbors be blindsided. Robertson Brothers has been gifted because if residents were informed, there's a good chance we wouldn't be here tonight. Hold them to the proper number of homes per parcel.

Todd Keene, 2300 Austin Dr., Novi said he has been a resident there for 25 years. He's been here about this issue before. His biggest concern was that it's still too dense. It has come a long ways, but if they could convince Robertson Brothers to put a maximum of nine houses on the west side and also take off two houses on the east side. He thought that everything else looked good.

Colleen Crossey, 22279 Brockshire St., Novi said she was sorry for the loss of their friend, Wayne Wrobel. She echoed one of the previous speakers regarding people in the neighborhoods would like to be informed and involved in the process of the changing of the Master Plan. She agreed that their largest investment is their home and it's very important that the home retains its value. That includes the neighborhood as well. She appreciated that the builders did negotiate on their initial plan. It would be helpful for the citizens to work with the City just like the Police Department says they are partners in the community. The residents would like to be considered as partners in their community. For example she thought maybe a timeline of when you would the residents could see the Planning Commission. That way the residents would know when to provide their input on different matters. She also pointed out that every new building project that will happen in Novi will prompt the same question. She said one would be congestion and traffic. How will they be handled?

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

Member Breen asked that Consent Agenda Item K be removed for further discussion.

- A. Approve Minutes of:
  - 1. October 8, 2018 – Regular meeting
- B. Approval to award a contract for sidewalk snow and ice removal services to Xpert Lawn and Snow, Inc., the lowest qualified bidder, for a one year term with three one year renewal options with a total annual cost of \$18,900.
- C. Approval of the City of Novi - Charter Township of Commerce Sanitary Sewer Capacity Exchange Agreement between the City of Novi, Commerce Township, the City of Walled Lake and Oakland County.

- D. Approval to award civil engineering services to AECOM for construction engineering services associated with the 2018 Boardwalk Repair Program in the amount of \$80,839.29.
- E. Approval to purchase (2) Service body up-fits from Knapheide Truck Equipment, in the amount of \$23,772.52 through the MiDeal Cooperative purchasing contract.
- F. Approval of an annual maintenance contract with ICS Integration Services LLC for assistance with the operation and maintenance of the City's water and sewer SCADA system, in the estimated annual amount of \$42,069.
- G. Approval of a Street Light Purchase Agreement with Detroit Edison Company for the installation and ongoing operation cost of one (1) street light with one (1) light fixture attached to one post at the entrance of Dunhill Park on Eight Mile Road, and approval of an agreement with the Dunhill Park Condominium Association for the sharing of installation and ongoing operation costs per the City's Street Lighting Policy.
- H. Approval of a Quit Claim Deed for a parcel located on the south side of Grand River Avenue, east of 12 Mile Road to dedicate 10 additional feet of right-of-way along the south side of Grand River Avenue to the Road Commission for Oakland County (parcel 50-22-17-101-026).
- I. Acceptance of a sidewalk easement along the west side of Novi Road for the Emerson Park (PRO) project (parcels: 50-22-22-400-019, 50-22-22-400-006, 50-22-22-400-007, and 50-22-22-400-020).
- J. Approval to apply for the 2018 Assistance to Firefighters Grant (AFG) to replace the Novi Fire Department's Self-Contained Breathing Apparatus (SCBA) equipment and accessories with a total potential 10% match of \$25,287.70 by the City of Novi. Also, to apply for a regional AFG grant for 800 MHz mobile and portable radios with a potential 10% city match of \$10,015.75.
- K. Approval to enter into an agreement with the Michigan Natural Features Inventory at Michigan State University to complete a Wild Life Study in the amount of \$25,060.26. **REMOVED, LATER APPROVED**
- L. Approval of request for Fireworks Display Permit by City of Novi Parks, Recreation and Cultural Services, to be operated by ACE Pyro, on Friday, November 30, 2018 for the Light Up the Night community event, subject to final approval as to form by City Manager and City Attorney.
- M. Approval of Claims and Accounts – Warrant No. 1022

**CM 18-10-155      Moved by Casey, seconded by Gatt; MOTION CARRIED: 6-0**

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

**Roll call vote on CM 18-10-155**

**Yeas: Breen, Casey, Markham, Mutch, Gatt,  
Staudt**

**Nays: None**

**MATTERS FOR COUNCIL ACTION**

1. Final Approval at the request of Orville Properties, LLC for Zoning Map Amendment 18.724 for a Planned Rezoning Overlay (PRO) Concept Plan and the PRO Agreement associated with a rezoning from Expo (EXPO) to TC (Town Center). The subject property is approximately 21.48 acres and is located at 43700 Expo Center Drive, north of Grand River Avenue and south of I-96 in Section 15. The applicant is proposing to develop the property as a multi-unit commercial development consisting of nine units accessed by a proposed private drive. The PRO Concept Plan includes a request for an Unlisted Use Determination under Section 4.87 of the Zoning Ordinance.

Member Markham stated that there are a lot of moving parts to all of this. A couple of them are important to her. One is the secondary emergency access that comes off the water tower. She was not clear whether that will be paved, permanent, or so on. The response from the City was that it was proposed to be gravel until Unit 2 is developed or less than 18 months from date of the agreement. Mr. Adell said it would be permanent and he has an easement already from Pico. Member Markham's other concern was the traffic. She said that the development will not make situation better. Council and City staff have been talking about the Ring Road and finishing that to relieve congestion in the area. She stated that for several years we have paid him for an easement for a small parcel so that we could ultimately finish the Ring Road. Her question had two parts. She asked Mr. Adell if the development is going forward, is it reasonable to expect we would stop paying him for an easement. Mr. Adell said he has no objection to the Ring Road and he believed it would help the development. Now that there is a great development for the City he would like to see less traffic. He said he would work with the City, City Attorney, and staff on the Ring Road. Member Markham asked City Attorney Schultz if we want to build the Ring Road, whether we have all the necessary easements. She wanted confirmation if we could move forward. Mr. Schultz said we should have ownership of the area where the road goes and permanent easement over some properties before we would need to be on the actual road construction. He believed the issue she referred to were the temporary easements for construction that we renewed with Mr. Adell every couple years. That is on the edges of that industrial spur road that is part of project. He believed that expires in 2019. Mr. Adell said it was a legal obligation, so he has nothing to do with the \$20,000. Mr. Adell said that was a judgment. Mr. Schultz said the question is whether we extend that judgment beyond 2019 which we haven't talked about with Mr. Adell. Mr. Adell said with this development here he thought it would be an opportunity to look at putting that road in and working with the City to alleviate the traffic. He understood what the City was trying to say and he said they would put forth their best effort. He thought it

was in everyone's best interest to put the road in. He said he would work with the City. Member Markham stated that we do not want to keep paying for something that we've moved beyond. She had a question regarding Carvana. She said it talked about single hauler trucks and where they would be parked. She said she saw the Carvana ad and it alleviated some concern because they were not like the large car carriers. She wondered where those trucks will be. Mr. Adell said they are similar to a tow truck. He said they extended the road, made it wider and provided a parking spot. The tow truck is only there to move cars in and out and it would probably be during the night when they move a car.

Member Casey said the last time this was in front of us she noted two things for the record. One was on the monument signs specifically and those have come through in the information packet. She appreciated that information. The second was about traffic study that the City had completed. She said they recently received an enormous amount of information so thank you to the City for passing that on. It's recognized that this development will not cause traffic problems. Every development along Novi Road and adds traffic. What's good to know is there are mitigation efforts noted in the traffic study. She said from her perspective she was looking forward from hearing from City staff what they recommend in terms of timing out those efforts such as the ones that we can control including the Ring Road. She was coming forward with a recommendation for cost so that we can put that in the budget. She also gave disclosure that she works for GM and Carvana will sell used GM vehicles. She will receive no benefit from sale of used GM products. She can be objective on this item. She said she would be supportive of this motion going forward.

**CM 18-10-156      Moved by Staudt, seconded by Gatt; MOTION CARRIED: 4-2**

**Final Approval at the request of Orville Properties, LLC for Zoning Map Amendment 18.724 for a Planned Rezoning Overlay (PRO) Concept Plan and PRO Agreement associated with a rezoning from Expo (EXPO) to TC (Town Center). The PRO Concept Plan includes a request for an Unlisted Use Determination under Section 4.87 of the Zoning Ordinance. This approval is subject to (1) the related Planned Rezoning Overlay (PRO) Agreement, and corresponding PRO Concept Plan, the findings and PRO Conditions contained therein; (2) the conditions listed in the staff and consultant review letters; and (3) the revisions (as also noted on the attached four-page exhibit) being made to the PRO Concept Plan prior to signature of the PRO Agreement by the City and its recording at the Oakland County Register of Deeds:**

- a. **On Sheet 02, PRO Plan (Overall), remove the following notes**
  - i. **Requested deviations (excerpts from PRO Agreement) (because the final list of deviations is in the PRO Agreement).**

- ii. **3.27.1.C. setback waiver for distance from I-96 centerline (not applicable to Town Center district standards).**
- iii. **List of Allowable uses and special land uses (because the permitted uses for this development are stated and regulated in the PRO Agreement).**
- iv. **Internal lot lines within Adell Center Development are subject to move (because the lot lines are approved as shown on the PRO Concept Plan).**
- v. **Proposed unit line between units 6 and 7 may move subject to the final layout configuration for units 6 and 7 (because the lot lines are approved as shown on the PRO Concept Plan).**
- vi. **All proposed buildings having a building width of over 125 feet shall have a pedestrian entranceway located at least every 125 feet (not applicable to Town Center district standards).**
- vii. **The users are as of 08-29-2018 and will be updated as new users are determined (because the permitted uses for this development are stated and regulated by the PRO Agreement).**
- b. **On Sheet 02, PRO Plan (Overall), End Users for Unit 6 and 7 revise to state 'Restaurants', not 'to be determined'.**
- c. **On Sheet 03, PRO Plan (North), sheet 04, PRO Plan (South) and sheet 12, Site Plan, remove note 'All proposed buildings having a building width of over 125 feet shall have a pedestrian entranceway located at least every 125 feet' (not applicable to Town Center district standards).**
- d. **On Sheet 02, PRO Plan (Overall) and Sheet 12, Site Plan, remove building and parking setbacks as noted (because they conflict with the deviations approved in the PRO Agreement)**

**As indicated in the PRO Agreement, the developer shall obtain all necessary off-site easements for connecting secondary emergency access to the west prior to Final Site Plan approval for Roads and Utilities.**

**The City Manager and City Attorney shall review the final form of the PRO Agreement prior to signature and recording and may make any required minor final amendments thereto that are**

**necessary to carry out the City Council's approval, with any such minor amendments to be incorporated by the City Attorney's office prior to the City's execution of the final agreement.**

**This motion is made for the following reasons:**

1. **The proposed Town Center zoning district is a reasonable alternative to the Master Plan for Land Use, because the development will improve a property that is blighted, and because the likelihood of alternative development is unknown and the potential for less favorable development exists.**
2. **The proposed plan meets several objectives of the Master Plan, including:**
  - i. ***Maintain quality architecture and design throughout the City (by proposing a consistent entryway wall and landscape along the proposed private drive that may serve to unify the development, as required by the Town Center Ordinance).***
  - ii. ***Retain and support the growth of existing businesses and attract new businesses to the City of Novi. (since the property is positioned to accomplish this goal with any appropriate development).***
  - iii. ***Develop the I-96/Novi Road Study Area in a manner that reflects the importance of this important gateway to the City in terms of its location, visibility, and economic generation. (The subject property falls in that study area and is located at an important gateway to the City.)***
  - iv. ***Protect and maintain the City's woodlands, wetlands, water features and open space (by proposing an enhancement plan to restore the woodlands areas in the southerly part of the site).***
3. **Submittal of a Concept Plan and the resulting PRO Agreement provides assurance to the Planning Commission and to the City Council of the manner in which the property will be developed and used in the future.**

Mayor Gatt was very happy to see this come to fruition. We've heard about traffic several times. He referred back to what he said before, that he hopes there is a lot of traffic. That's a sign of robust development. When Ford Field and Comerica were developed, they weren't worried about traffic. This is not a neighborhood area. We want traffic and development. This is good for Novi. He will support the motion.

Member Breen was happy to see that the issues regarding secondary access have been resolved. She thanked Mr. Adell and City staff for working so hard to make this go smoothly. She appreciated the fact that there are woodlands and wetlands being

preserved and a nice nature trail back there. She wondered if we had funding available for the Ring Road. City Manager Auger replied that it will be worked out in this year's budget. Member Breen wondered how quickly we can get moving on the traffic mitigation measures. Mr. Auger said City Council just received the report, he thought we would be premature to state how soon. Some are large ticket items that relieve some congestion. After they talk about it at the Council level and find out what direction they would like to go in, then we will proceed that way. Member Breen appreciated the fact that some people think traffic is a sign of a robust economy and it is. She stated she is not personally a fan of traffic. She is looking forward to working together to try to mitigate this because it is not a lot of fun coming from the north end sometimes. She said we are working with SMART to get bussing in Novi. Whatever we decide, she hopes we can accommodate bus stops necessary to help people get to and from work. A lot of the jobs will be in the service industry and they might be interested in using the bus routes.

Member Mutch was not in support of the motion. He recognized that since the last meeting several issues, like secondary access have been addressed. That was a safety concern. He was glad that will be permanent, paved access to the adjacent property. He said the enhancements that are being done to the environmental areas are noteworthy. He gave Mr. Adell credit because it's much more than they often see from other developers of properties in the City. If they don't cut down all woodlands and fill in the wetlands, they rarely do any restoration work. What is proposed is not only restoring the Rouge River Corridor, but also adding trail features that would allow access to enjoy this area. It was isolated and cut off from public. For the four reasons used to justify the plan, that is most compelling because it stands out from other developments. He is stuck on two key issues. He felt that the nature of development in terms of City's vision for I-96, Novi Road area was not what we were looking for. Mr. Adell decided to move in a different direction which is his prerogative. The City Council had decided that is a different direction that they are willing to pursue. Another concern that he didn't feel was addressed was the traffic generated from this development. He said he had a chance to read through the summary of the traffic report and it was eye opening in terms of future traffic impacts in the area. He said they were not solely from this development, but from all proposed/approved developments. He believed the Ring Road will help, but overall traffic benefit is limited. He thought this would be a serious challenge for everyone going through that corridor, particularly Mr. Adell's property. If that area is overly congested to the degree the report suggests, a lot of potential customers will say they don't want to deal with that traffic. He said those of us in the City deal with it because we live here. Customers may not have same attitude about traffic. While he thinks City has significant responsibility to address traffic, we have never had a development of this scale come to the City where we've had no mitigating offset of the traffic to address. They will have to tackle it as a City. It will be very expensive over the short-term and long-term. If the recommendations from the traffic study are the direction they decide to go, unfortunately there are no easy fixes. He said based on that he could not support the proposal as presented.

**Roll call votes on CM 18-10-156**

**Yeas: Casey, Markham, Gatt, Staudt,  
Nays: Mutch, Breen**

2. Final approval of the request of Carvana for an Unlisted Use Determination under Section 4.87 of the Zoning Ordinance. The applicant is requesting a determination on the appropriateness of a Vending Machine Fulfillment Center as a Special Land Use in the TC, Town Center District, as part of the proposed Adell Center Development.

**CM 18-10-157**

**Moved by Staudt, seconded by Gatt; MOTION CARRIED: 4-2**

**Final approval of the request of Carvana for an Unlisted Use Determination under Section 4.87 of the Zoning Ordinance, for the use of a Vending Machine Fulfillment Center as a Special Land Use in the TC, Town Center District, subject to final approval of the Planned Rezoning Overlay (PRO) rezoning of the property on which the proposed Adell Center Development is to be located, including the recording of a PRO Agreement at the Oakland County Circuit Court, and subject to the recommended conditions ( 1 through 7) as noted in this motion sheet above. This motion is made for the following reasons:**

- a. Carvana is not expressly authorized or contemplated in the City of Novi Zoning Ordinance as a principal permitted use or a principal permitted use subject to special conditions;
- b. The proposed use is an appropriate use in the TC District but only in the location and as part of the development proposed at 43700 Expo Center Drive, and not in other locations in the TC District, and therefore this determination is subject to and contingent upon the City Council's final approval of the proposed PRO rezoning for the property as a whole and the recording of the PRO Agreement and the terms thereof; and
- c. A trip generation report or any additional information as required by the City's Traffic Consultant, will be submitted at the time of Special Land Use Consideration.

**Roll call vote on CM 18-10-157**

**Yeas: Markham, Gatt, Staudt, Casey  
Nays: Mutch, Breen**

3. Adoption of a resolution to rename an existing public street from Expo Center Drive to Adell Center Drive. The street is located on the north side of Crescent Boulevard, west of Novi Road, in Section 15.

Member Mutch said he will support this. He said as a general rule he would not support naming streets after businesses. He said we've had some examples in the City where we did it, but that business goes away. He is aware that Mr. Adell intends to be here long term, but things happen. Brickscape Drive on the south end is an example. There is no Brickscape anymore. Having said that, he stated that we didn't have anything in our policy that precludes it, but he felt they should consider it in the future. There was no reason not to approve.

**CM 18-10-158            Moved by Mutch, seconded by Casey; MOTION CARRIED: 6-0**

**Adoption of a resolution to rename an existing street from Expo Center Drive to Adell Center Drive. The street is located on the north side of Crescent Boulevard, west of Novi Road, in Section 15. The resolution, however, is subject to completion of the PRO rezoning process, including the recording at the Oakland County Register of Deeds of the PRO Agreement with respect to the property proposed to become the Adell Center Development, and shall only become effective 30 days after the approval of the Final Site Plan for Streets and Utilities for the Adell Center Development.**

**Roll call vote on CM 18-10-158**

**Yeas: Mutch, Gatt, Staudt, Breen, Casey,  
Markham**

**Nays: None**

4. Approval at the request of Orville Properties, LLC for Adell Center JSP 18-27 for City Council for approval of a Site Plan for Roads and Utilities, a Wetland Permit, a Woodland Permit and a Site Condominium Plan. The subject property is approximately 22.48 acres and is located at 43700 Expo Center Drive, north of Grand River Avenue and south of I-96 in Section 15. The applicant is proposing to develop the property as a multi-unit commercial development consisting of nine units accessed by a proposed private drive. The existing water tower on site will remain on a separate unit. Approval is contingent on completion of the rezoning of the property through the Planned Rezoning Overlay (PRO) process.

Mayor Pro Tem Staudt stated that this is a project that is going to change the landscape of the corner, but will provide long term funding mechanism for a lot of the things that we are looking to do in that part of the City. We all know what the cost of the Ring Road was because it's come up numerous times. He said the cost would be about \$4 million to \$5 million. It doesn't appear like we will get any help with it. This is an important part along with the rest of the development that we are considering around the City. He believed it was important that we continue to bring good projects in. Not just from the standpoint of having them provide revenue, but we are a City of 60,000 going to 80,000 and we need to provide these services for the long haul.

**CM 18-10-159            Moved by Staudt, seconded by Gatt; MOTION CARRIED: 4-2**

To approve the request of Orville Properties, LLC, for the Adell Center JSP 18-27, of the Preliminary Site Plan for Roads and Utilities with a Site Condominium, including the deviations as noted in the PRO Agreement approval for Project JZ-18-24, if granted by the City Council. This approval is subject to completion of the of the PRO Concept Plan and PRO Agreement process at the City Council, and any and all requirements that result from such approval, if it is granted. If those approvals do not occur, then this approval of the preliminary site plan is null and void, and of no force or effect whatsoever. The applicant has been apprised of the fact that the PRO rezoning, which is required in order to allow site plan approval, might not occur, and has determined to bear that risk, including, but not limited to, all of the costs incurred in the preparation of the preliminary plans.

1. This Preliminary Site Plan approval is also contingent upon and subject to the following conditions being made part of the PRO rezoning through approval of the PRO Concept Plan and PRO Agreement approval for project JZ18-24, if granted by the City Council:
  - a. All PRO Conditions set forth in the PRO Agreement and any additional conditions made part of the City Council's final approval of the PRO Plan and PRO Agreement;
  - b. The applicant shall provide additional information required for the wetland restoration and enhancement plan at the time of Final Site Plan approval for Roads and Utilities;
  - c. The applicant shall stake the trail proposed on the south part of the site prior to construction to allow for the City of Novi's staff and consultants to approve the alignment prior to the applicant's construction of the trail;
  - d. Approval by the City of the timeline for paving the temporary gravel secondary access in the event Unit 2 is not completed within a certain period of time must be as addressed in the PRO agreement;
  - e. The applicant shall obtain all necessary off-site easements for connecting secondary emergency access to the west prior to Final Site Plan approval for Roads and Utilities.

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance.

Roll call vote on CM 18-10-159

Yeas: Gatt, Staudt, Casey, Markham,  
Nays: Breen, Mutch

CM 18-10-160

Moved by Staudt, seconded by Casey; MOTION CARRIED: 5-1

To approve the request of Orville Properties, LLC, for the Adell Center JSP 18-27, for approval of Wetland Permit, based on and subject to the following:

- a. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan; and
- b. This approval is subject to completion of the of the PRO Concept Plan and PRO Agreement process at the City Council, and any and all requirements that result from such approval, if it is granted. If those approvals do not occur, then this approval of the wetland permit is null and void, and of no force or effect whatsoever. The applicant has been apprised of the fact that the PRO rezoning, which is required in order to allow site plan/wetland approval, might not occur, and has determined to bear that risk, including, but not limited to, all of the costs incurred in the preparation of the preliminary plans.

This motion is made because the plan is otherwise in compliance with Chapter 12, Article V of the Code of Ordinances and all other applicable provisions of the Ordinance.

Roll call vote on CM 18-10-160

Yeas: Staudt, Casey, Markham, Mutch,  
Gatt  
Nays: Breen

CM 18-10-161

Moved by Staudt, seconded by Casey; MOTION CARRIED: 6-0

To approve the request of Orville Properties, LLC, for the Adell Center JSP 18-27, for approval of Woodland Permit, based on and subject to the following:

- a. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan; and
- b. This approval is subject to completion of the of the PRO Concept Plan and PRO Agreement process at the City Council, and any and all requirements that result from such approval, if it is granted. If those approvals do not occur,



(One-Family Residential) and B-3 (General Business) to RM-2 (High Density Multiple Family Residential) subject to a Planned Rezoning Overlay (PRO) Agreement, and corresponding PRO Concept Plan. The property is located in Sections 10 and 11, on both the west and east side of Old Novi Road south of Thirteen Mile Road and totals approximately 3.15 acres. The applicant is proposing a new development with 21 single-family detached homes for an overall density of 6.67 dwelling units per acre.

City Manager Auger noted that the project has changed immensely since the developer first brought this. The developer worked very well with the residents around the area and City staff to get a final project here.

Tim Loughrin, Manager of Land Acquisition with Robertson Brothers Homes. He said that Robertson Brothers Homes is a family company around for over 70 years. Currently this year they are second overall in permits pulled in Oakland County. They have been both the HBA Builder and Developer of the Year for the past couple years. They built Charneth Fen. That was a failed condominium that they took over and they finished it up nicely. They worked diligently with City staff and homeowners. They originally started down the path of proposing medium density townhome development to meet the component of the Lakeshore Pavilion Overlay. That was met with a resounding thud from the neighborhood. They believe the current plan is a quality compromise that still meets the intent of the plan. It has significant challenges based on the physical geometry of the site. They needed a creative approach to provide what would seem to be the best development approach to the site. If you asked neighbors, they have gone far to find resolutions. Some neighbors want nothing there. There are many neighbors not there that evening that do appreciate what they have proposed. The Planning Commission recognized that and gave them unanimous approval of the project. He explained that part of the uniqueness of the site is due to the fact that the western parcels are only 100 feet in depth, which requires a creative approach to development. He said given the nature of building on single family lots rather than townhomes which were originally proposed. They will be constructing a pond large enough to accommodate the historic storm water flows from the City's roadway and an established HOA will maintain all common open space areas. The Pavilion Shore Village plan identifies a need for housing plan for redevelopment areas especially cottage court homes which is what they are proposing. They believe the proposed use of land will provide for a seamless transition from existing residential to commercial areas which are envisioned in the plan to be located closer to the park. This is appropriate land use. He said there are several benefits to public such as development to an otherwise un-developmental property under current zoning regulations. The development has a unique site configuration with significant development challenges. It is meeting the intent of the Pavilion Shore Village planning area and is meeting the maximum density of the City's Master Plan. It has ADA accessible sidewalks to provide for neighborhood access to Pavilion Shore Park. Public parking spaces along Old Novi Road to allow for overflow park parking. It has landscape and amenity improvements to an oversized ROW. It offers new housing options for residents that are currently under served. It includes limitation of several non-conforming buildings and uses that are in

disrepair. It will off storm detention in that area that currently has no structured storm and accommodation of roadway storm water flow. It offers quality architecture and design that will provide a catalyst for more retail amenities in the Pavilion Shore Village area. He was happy to answer any questions that Council would have.

Member Breen thanked him for working diligently with the community and City staff. A lot of her neighbors have strong opinions on what should be done there. She felt they have come a long way from where they started. She wondered what the starting price point was for these proposed homes. Mr. Loughrin said it was too early to tell. They are trying to hit an affordable price point as much as they can. They will probably start in the mid to high 300's. The product will be about 2100 to 2600 square feet, both single story and two-story homes. Member Breen asked about Parcel C which will have two homes that have wetlands behind it. She wondered if they have been out there to look at it to see how much of wetland encompasses that area. Mr. Loughrin said yes, they have a wetland consultant, they flagged it. He believed it was there from historically run-off stormwater from Old Novi Road. It was his understanding that it normally wouldn't be a significant wetland other than the fact that it is within 500 feet of a watercourse which would be Shawood Lake. He proposed keeping as much of it undisturbed as possible. He said adding the pond in particular would take flow from our development but also from offsite roadway flow. It would act as a first flush into that wetland. In many respects fixing the area storm drain issues that have been out there historically. Member Breen said that some residents along Austin Dr. have concerns of drainage. What measures have been taken to address these concerns? Some already have flooding in their yard. Can you improve or prevent additional? Mr. Loughrin stated that they looked at this very closely. We do have structured storm on the rear or the property line on the west side of Old Novi Road. The backs of those lots, there is structured storm meaning that they will have catch basins. Everything will funnel down north and across to the pond. Or there is a break in the middle of those lots as it comes south it will come down to the very corner which is Unit 1 and through structured storm there is a catch basin and come out into Old Novi Road. The City staff vets this and they have a professional engineer. They can't add any stormwater to neighboring properties. Member Breen wondered what the height of buildings on west side. Those are single story family homes. Are you able to keep homes to 1 1/2 to 2 story homes? Mr. Loughrin said they are proposing three plans. One of the products looks like single story but is 1 1/2 story. He said they would open it up to buyers to choose. They have added that plan. They are building in Royal Oak and Milford. There is a 25 to 33 percent take rate on those. He believed this would be popular on the west side, a Cape Cod style home with a first floor master suite. Member Breen asked if there was anything to guarantee the people on Austin wouldn't end up with the 2 to 2 1/2 story homes behind them. He replied no, they weren't proposing anything. She mentioned the concern about the density. You are taking a parcel as a whole to determine density. She lives in area and is concerned about the density. She felt it should keep in compliance with what they have now. She wasn't happy with the addition of the homes on the west side. She didn't know if there was any wiggle room to reduce that? Mr. Loughrin said it always works with a couple less units, but from his standpoint, they have already lost 49 lots. That what townhome type of units, but they feel that is considering what the Village

Shore Plan calls for, the most appropriate use. He said they have spent a lot of time with the City and neighborhood to come up with this plan. He said it always comes down to compromise and they have more than they typically do. They are looking at overall density. We do have to include a pond for the whole project. At this point the project in his estimation works as shown. This is the best plan. Member Breen said she appreciated all of the work they put into this. She agreed that it was challenging. She personally was not comfortable proceeding without knowing the price point, and not knowing the exact plan for the wetlands area. She said this may meet their plan, but she didn't think it met the resident's plans. She appreciated the fact that they were adding sidewalks. Personally wanted to see something else with fewer homes, and to make sure she has an understanding about the wetlands impact.

Member Markham mentioned there is on street parking, 10 spaces, this is a City road. She said she is thinking of winter, these are parallel parking? It will get plowed by the City? If there's a snow day, those spaces won't be able to have cars in them? City Manager Auger replied that all City streets are plowed for parking, we don't act on snow emergencies. Member Markham commented about when we talked about Pavilion Shore zoning category, as part of that was small commercial development. The idea up in this part of the City there would be small shops as part of development like a coffee shop, maybe a paddle board shop, etc. She said part of this is about walkability and having amenities and features without getting in car. As it relates to density, if some of this area ended up with commercial, then density would be less of an issue. Just throwing it out there because they put it in the ordinance because it's something they wanted. She said she was sorry to see that. Mr. Auger said that was one of the things that we looked at. Can we put in mixed use? The issue becomes part of the density. You need density to make those shops thrive. So with less density, you lessen the chance of those shops. There is still room for a couple lots to be refurbished. You need density to make it work.

Member Mutch said her was trying to understand where things are located and arranged. You've been through Planning Commission and Master Plan and Zoning Committee. For City Council this is the first time they are seeing it. This gives Council some opportunity to have feedback. He started with the west side with 11 units. One point raised, he thought it was valid point, he wished there was a fix for it was the issue of 120 foot ROW. In his perspective, that width of ROW doesn't make sense in that part of town. He said that it works against what the developer is trying to achieve which is a neighborhood feel. Old Novi Road will never be the Main Street to north end of City. It really doesn't make sense from a planning perspective. If you go into our existing neighborhoods, they have 60 foot wide streets or 86 foot wide streets on collector roads. He was sympathetic to what he's trying to accomplish. He was trying to understand the impact to ROW. If we aren't vacating that, we have to set up a mechanism for the developer to utilize that. He wondered what their expectations for that area. Mr. Loughrin said the biggest challenges in going to single family. Originally it was proposed as townhomes. This is very challenging to do single family within 100 foot. They are proposing 15 foot use easement within ROW. He said because it's on original plats, it was not feasible. No way to do single family because of lot depth.

Taking some of that and making it feel like it is part of the front of homes. He said part of the request was to have 6 foot front setback, no one wants that. He said they are hoping that can have 15 foot use easement. He said realistically is a landscape area to make it part of front yard. It makes it more residential with planting and fence. That was holding them back for a long time. Member Mutch stated that it would essentially be equivalent to a common area. No use agreement with each owner, just a common area held with HOA. Mr. Loughrin said it would depend on how they worked out the legal ramifications of it, but makes sense as one easement with HOA. Member Mutch asked City Attorney Schultz if we had ever done this anywhere in the City to this scale? Member Mutch said we have allowed people to do a brick paver driveway, but like this? Mr. Schultz said he didn't believe we have done anything like this to this scale or nature. The concept is the same. He said if it's required to allow the development of the property. We will find a way to write it and make sure the City is held harmless insured, and there is an entity, not just an individual homeowner that is responsible for that. He said that is the intention, they haven't written anything yet. Member Mutch wondered about the taxing/assessing viewpoint because it is just an easement, it's not taxed. Mr. Schultz replied that he was correct, it is still our property. Member Mutch said they would get free use of that property? Mr. Schultz said that piece is probably not the significant portion of value. Member Mutch said it's a significant benefit to them to utilize City ROW in that way. He stated that it would be a permanent use upon which they wouldn't pay taxes. Mr. Schultz said it would not be in their legal description. Member Mutch wondered in terms of residents along Austin Dr., the proximity of the home to the garages to their property. Is there any reason they can't be moved up to the front of the property line assuming this use easement is in place? Mr. Loughrin said that was a great question, he thought it was more of a perception. There is no magic number. He said they are proposing 6, originally it was 7. Since the Planning Commission they have moved garages to allow 6 foot separation in the back which would help the drainage and also provide more of a buffer. He said they are proposing to make this front setback 6 feet. Their thought of selling home with 0 front setbacks that is where that came from. Member Mutch said from his perspective was the further you move houses the forward, it offsets concerns of residents and for future homeowners it shifts that open space from front to back where they want to utilize it. Most folks will use backyards. In regards to the garages, he knew there have been conversations at Planning Commission. Does this show the current understanding of how the garages will be arranged? Mr. Loughrin showed a revised plan. The neighbors were concerned about headlights. They wanted area to back out and on to Old Novi Road. Member Mutch said he did not see it as a concern for the 11 homes to have to back up onto Old Novi Road; he does it on Taft every day. He thought the garage arrangement would be preferable for folks on both sides. In terms of sidewalk location he wondered how far that is from roadway. Mr. Loughrin said in this version they relocated or offered the relocation or the sidewalk to east. That would allow a 12 foot separation to curb. If they want that, they can. He said there are power lines that they would have to work around. He said right now it's closer to homes. He said it looked like it was at the 15 foot. He said it was another 10 feet back. It was about 22 feet from curb originally. It's their option. Member Mutch thought the sidewalk was close to the home. He said he would lean towards something closer to road. You have to strike that balance. We

want it to be walkable but not have sidewalk right up by the house. He said to further the setback is his preference. He touched on the drainage issue was a concern to residents. He asked Mr. Loughrin to address the comments related to rear portion of yards in terms of screening. He read the same things as residents. Mr. Loughrin said the original proposal was to have side garages and put up a fence or landscape screening or something to that nature to protect from the headlights. They moved to the head-in. They are proposing not doing the fences. He didn't want that to be a hold up of the development. He said losing units is one thing, putting up a neighborly fence is another thing. It is up to Council's direction. If they do the head-in and still provide screening or fence. Member Mutch said the difference is that they are presenting a single family development, but also asking for R2 zoning which has a different set of screening requirements. He said because they are asking for them to be allowed to put a lot more units than R4 would allow as far as density and frontage. These are a lot smaller units than you could build otherwise if you were just putting in single family homes here. He said that it would be on the developer in terms of some of the issues to step up and do a higher level of screening than we would otherwise request from a single family development. If it were a single family R4 homes he wasn't sure if we could legally request a fence. He also touched on the wetlands on lots 20 and 21. Historically the City has not allowed developers to plat wetlands into their lots. People have perception that it's their property they can do what they want. It's harder to enforce than when it's a common element. What's the reasoning? Mr. Loughrin said it just easier to have on lots themselves than to do a conservancy easement. It would be put in the master deed. These lots are deeper and bigger, they are 143 foot deep and 56 feet wide. They are bigger than normal. If we moved that out and made it part of HOA, he hasn't engineered it. It might be able to have potential to have lots less in depth and have HOA maintain pond and that area if that is how Council would like to see it. They were looking at it from simplicity. He would have to look at rear setback to that property line. Member Mutch said what we are discussing; they threw setback standards out the window in terms of what we are approving. Just to understand, the detention basin the flows will go from there into the wetland. He mentioned the sidewalks on east side of road. He said it was the reverse. These are right up to edge of the road. There is some topography there and also some on street parking and the sidewalks would serve that. Mr. Loughrin said since the Planning Commission this would be agreed on to extend from a 6 foot to 8 foot sidewalk to allow car doors to open that was intent. The grade jumps up there. It is to service on road parking. They agreed to widen to 8 feet. Member Mutch had concerns with sidewalks that close to the road is in winter is that the snow plows cover it. The City will plow parking areas; there is nowhere for snow to go. That affects walkability. In regards to the detention basin he said City staff said he would maintain 25 foot buffer. He said in an engineering letter it said they would maintain the 25 foot buffer, and now staff said they were not sure at this point. Mr. Loughrin said he wasn't sure to what he was referring to. Mr. Loughrin said sites like this require a creative approach. He said they feel they are taking quite a bit of the off-site drainage which makes pond larger. They had proposed a 14 foot setback, 9 foot to north and west and 20 foot from south. No, that's not 25 feet. He stated a lot of it is compromise. He understands they get things out of PRO. They felt it was adequate. That was a comment that came up late. There are maybe some options to it if they wanted

to go down that route. There is a lot of ROW; perhaps they could extend into that. This setback is meaningless because there is landscaping. Maybe there are areas to shift it around. He said we are at a 1 in 6 slope. He believed a 1 in 4 slope could be approved by the City. There are options they can discuss with engineering to get closer to the requirement. Not sure why or what requirement. Who is affected since its commercial parking and new residents? Member Mutch said he was trying to understand challenges they are facing and what are the trade-offs that are taking place in terms of number of units, size of lots, where lots are placed, as well as question of use easement. To him this is a huge public benefit in the opposite direction. In terms of process, residents are here, he said they could have done a better job with the whole Pavilion Shore Village area, not only for residents, but also the developer. They felt that they got put through the ringer in terms of vision of that area. Going forward, from planning perspective, when we are doing a specific planning concept, we need to have residents involved from the get go. It didn't happen. The residents need the opportunity to provide input at the beginning. That didn't happen. It came out and was presented to them and already approved and in the Master Plan. Then we asked for their input. If this moves forward, 80% of the area in consideration essentially has already been approved for. We gathered public input but it was too late. He apologized to the residents, we could have done better. He did agree that the developer made effort to solicit input. At least it provided public to share their view, which we didn't give them. In terms of what they are considering tonight, it's close to what he saw as what made sense and was reasonable for this area. He wasn't sure about the density. When you look at west side, there aren't as many homes backing up. Those lots tend to be larger. These are smaller units. He also was disappointed about the Cornelius Austin house at the corner of Wainwright and Old Novi Road. It is the oldest home in the City of Novi and is still standing. It was built by Veteran of the War of 1812. His name was Cornelius Austin who lived until the age of 97. He was one of the earliest white settlers in what was then Novi Township which is part of our history. Most of the history of that part of the City has been lost. He has a real problem with losing a piece of City's history in that location. There are some areas that would be helpful to have more information and more detail. He stated that he was not ready to approve this proposal as presented.

Member Casey thanked him. She said they have done a lot of work to work with residents and to gain their feedback. We have seen good progress since first plan they saw. She asked City Planner McBeth what the landscaping requirements were. What is allowed, what is required? Ms. McBeth said if it were RM2, a taller apartment building, we would expect significant landscaping. They've chosen to go single family detached homes. In this area, It would be nice to have solid buffer or landscape buffer between the new homes and the existing homes. It would not a berm. She said it should have some screen wall or a fence with some additional landscaping trees. Member Casey asked Mr. Laughrin about the east side. She asked about the side yard setback between the units proposed on the east side, both property lines to the houses to the east of the existing houses. Is that still 15 feet from a side yard setback? Mr. Loughrin said it would be a 10 foot set back in many areas. Many areas would be farther due to driveways, etc. Member Casey said she noted questions on the water issues, but her colleagues addressed those issues. She said she is not known as someone who gives

developers direction in terms of what to do or not do. She said however when it comes to adding a new development that abuts existing residents she is very focused on the screening between them. She gave examples. She wanted more detail in how they will do screening against houses on Austin drive. She wanted to see detail. How you plan to make sure existing residents get the greatest privacy. She wants to see the best recommendation that you can make. She thought the development is interesting. On the west side, she thought they were too tall with 2-2 1/2 story homes. She thought they were too close to residents on Austin. She said there was a lot of density in that area trying to put 11 properties into that space. She said she would leave that thought with him. She was curious to see if they could only offer only certain types of housing that would be the 1 to 1 1/2 story along Austin Dr. as well. Mr. Loughrin brought up the density on west side. He hasn't mentioned this yet, but this is not in the middle of a neighborhood. This is on a road. He said you are trying to create something with commercial that needs more people. This is not in neighborhood. This is not what you'd see a block this way or a block that way. That's an important fact. They have been juggling density, product. At the end of the day, Old Novi Road is a different animal than Austin. That is an important factor. Member Casey said she respects that point of view. She is focused on west side. Not in a place where she could place tentative approval. She wanted more information; she was not ready to approve even the tentative approval. She needs more insight on screening.

Mayor Pro Tem Staudt stated in this case counting heads amongst his colleagues it was in our best interest to postpone this to a future date. It would give them an opportunity to come back. He said clearly you've worked with residents in a way they seldom see. Where he started and where they end up. Some like to be involved from the beginning and some like to wait to see the product. You've really listened to residents. The biggest thing is the density on west side. You can come back next time and probably have an affirmative answer if you deal with that. He isn't interested in planning, that's someone else's job. One thing, he would like to talk to City Planner McBeth for a moment. He heard frequently about how Council is responsible for the Master Plan. Give us overview. He said in his time here, almost 11 years, he never voted on the Master Plan. He said he has never had an active role in it. What is Council's role? Ms. McBeth stated that in Novi the Planning Commission has a Master Plan and Zoning Committee who is primarily responsible for development of the Master Plan. Requests do come to the City Council to send the plan out. They also send it to staff, the railroads, and utility companies so everyone can look at it. That is the extent of City Councils action. Presentations are made to City Council in terms of what Planning Commission has done. The Planning Commission adopts the plan and approves it. Mayor Pro Tem Staudt thought his was important because it comes up frequently. In this case Master Plan is something they don't get involved in. Maybe moving forward, they may want to be more active. Member Mutch had good recommendations about when significant changes are made; we make contact with neighbors at a much earlier time.

**CM 18-10-163**

**Moved by Staudt, seconded by Mutch; MOTION CARRIED: 6-0**

**To postpone the request of Robertson Brothers Homes, for Lakeview, JSP 18-16, with Zoning Map Amendment 18.723, to rezone property in Section 10 and 11, located on the west and east side of Old Novi Road south of Thirteen Mile Road from R-4 (One-Family Residential) and B-3 (General Business) to RM-2 (High-Density Multiple-Family Residential) subject to a Planned Rezoning Overlay (PRO) Agreement, and corresponding PRO Concept Plan.**

**Roll call vote on CM 18-10-163**                      **Yeas: Markham, Mutch, Gatt, Staudt,  
Breen, Casey**  
**Nays: None**

6. Approval to purchase a 930M Wheeled Loader from MacAllister Machinery Co. dba Michigan CAT in the amount of \$189,801.50 through the MiDeal Cooperative Purchasing Contract.

**CM 18-10-164**                      **Moved by Mutch, seconded by Breen; MOTION CARRIED: 6-0**

**Approval to purchase a 930M Wheeled Loader from MacAllister Machinery Co. dba Michigan CAT in the amount of \$189,801.50 through the MiDeal Cooperative Purchasing Contract.**

**Roll call vote on CM 18-10-164**                      **Yeas Mutch, Gatt, Staudt, Breen, Casey  
Markham**  
**Nays: None**

7. Approval to purchase a 2019 F-550 Swaploader with attachments from Signature Ford through the Macomb County Cooperative Purchasing Contract, in the amount of \$121,479.

**CM 18-10-165**                      **Moved by Mutch, seconded by Breen; MOTION CARRIED: 6-0**

**Approval to purchase a 2019 F-550 Swaploader with attachments from Signature Ford through the Macomb County Cooperative Purchasing Contract, in the amount of \$121,479.**

**Roll call vote on CM 18-10-165**                      **Yeas: Gatt, Staudt, Breen, Casey, Markham  
Mutch**  
**Nays: None**

8. Approval to purchase a 2019 7400 model single-axle chassis from Tri-County International through the MiDeal Cooperative Purchasing Contract; and the up-fits by Truck and Trailer Specialties through the City of Rochester Hills RFP Contract, in the amount of \$219,040.

Member Mutch asked if it will be in fleet by snow. DPW Director Herzog said it would take a year to build. Member Mutch said it would be a nice addition to our fleet.

**CM 18-10-166 Moved by Mutch, seconded by Gatt; MOTION CARRIED: 6-0**

**To approve to purchase a 2019 7400 model single-axle chassis from Tri-County International through the MiDeal Cooperative Purchasing Contract; and the up-fits by Truck and Trailer Specialties through the City of Rochester Hills RFP Contract, in the amount of \$219,040.**

**Roll call vote on CM 18-10-166**

**Yeas: Staudt, Breen, Casey, Markham, Mutch, Gatt**

**Nays: None**

9. Approval to award civil engineering services to Spalding DeDecker for construction engineering services associated with the Bosco Fields project in the amount of \$138,583.18.

**CM 18-10-167 Moved by Casey, seconded by Gatt; MOTION CARRIED: 6-0**

**Approval to award civil engineering services to Spalding DeDecker for construction engineering services associated with the Bosco Fields project in the amount of \$138,583.18.**

Member Mutch had questions in regards to the proposal for construction of improvements to Bosco Fields site. There was a plan in June or July showing fields. Now the current setup will be all soccer fields. He knew at one point City Council discussed a cricket pitch to meet that need in our community. He said we have used other fields that aren't dedicated to that purpose. What is the status of that? City Manager Auger said we originally put one softball field/cricket pitch on this facility. He said after talking with some councilmembers it was felt to be left open field and put all soccer out there. The PRCS Department was fine with shifting the cricket matches at Power Park. We worked with Cricket Association and they adopted their game to fit and play on softball diamonds. They have no problems arranging games on that. They scheduled to fix last softball diamonds in future budgets. Member Mutch said he thought they should have something dedicated. As we work through finalizing plans, we should work through revisiting that. Maybe if we have conversations about having them help fund it. One thing is the Council approved the 3 acres adjacent to it. We haven't completed that process. What is administrations vision for that as it relates? City Manager Auger said the lease with the schools doesn't allow permanent facilities on fields. He said City staff may come back to put the well on that property for irrigation purposes. They may come back with the recommendation for restroom facilities. He said they wanted to talk to City Council as well to find out what their vision and view is for that property. Member Mutch said one thing that seemed missing from plan was most of our parks that have sports facilities also have playground structures. If we have

a 25 year lease, it strikes him that parents using those parks have younger siblings who need to be occupied. That typically is the purpose that serves. That is an element he wants to see figured out. He said maybe it is the permanent property we will own or elsewhere on site. He said that was something that jumped out that was missing from the plan. Thought we needed site plan to figure out how foot traffic and bike traffic will be dealt with. They will want to cut across 11 Mile where there is no path. There is no way to cross 11 Mile safely. He wanted City staff to look at that during the next steps of getting this constructed. They need to identify additional elements that we may not have caught in this first go around that would be future improvements to the park.

**Roll call vote on CM 18-10-167**

**Yeas: Breen, Casey, Markham, Mutch, Gatt  
Staudt**

**Nays: None**

10. Approval to award the construction contract for the Bosco Fields project to Anglin Civil, LLC, the low-bidder, in the amount of \$1,931,663.68, and amend the budget.

Mayor Pro Tem Staudt said this is a pretty big day for us. This goes back to the Signature Park that was a great idea, just the wrong time. We all hope that the property we purchased from Griffin family, and other properties, and potentially the back 40 with its connectivity to the ITC Trail will create a much larger and robust park. We have to start somewhere. He said the somewhere is scraping all that stuff off and putting down grass. He said when we talk about soccer fields, and cricket fields what we really wanted from the beginning was a big green space for children to recreate. He said that is what we are coming up with. It is time to move this forward and this year we saw the barn come down, house will come down. There will be a lot of change on that corner. Next year will be positive with big green fields and in a few years, they will talk about people not ever thinking that was anything but an active park. He was excited to see this come to fruition. He stated there has been a lot of pushing and politicking to get to this point.

**CM 18-10-168**

**Moved by Staudt, seconded by Casey; MOTION CARRIED: 6-0**

**Approval to award the construction contract for the Bosco Fields project to Anglin Civil, LLC, the low-bidder, in the amount of \$1,931,663.68, and amend the budget.**

Member Mutch echoed Mayor Pro Tem. For those of us who have been on Council for a while all thought this would never happen at some point or another. He said they were not getting anywhere with school district. They couldn't cross the finish line in terms of a common vision after the Signature Park proposal was voted down. He said they thought let's look elsewhere that may provide an opportunity. Then things changed. He was not sure what the element that changed, but suddenly we had the school seeing value and the vision and put together an agreement we could all agree with. Mayor Pro Tem deserves a lot of credit for being persistent. He persisted with working with the school board to come around to the idea that Bosco Field wasn't just

a part of Novi's past, but can be part of the future. The change has been hard for a lot of folks, seeing the barn go down, and a funeral home going in that spot. He believed that area for the next 25 years, and hopefully forever, will be a dedicated open space and recreational space for the Novi community. We are just getting started. There will be more opportunities available. This is a gateway into this part of City that a lot of residents will appreciate. He looked forward to seeing this go forward.

Member Breen thanked everyone that has been working on this, especially Mayor Pro Tem Staudt. She also thanked the school board. She commented that she will be there frequently, she has small children, and she would like to see something for the smaller children to play on. Possibly we can incorporate a play area for younger children as a distraction, while the older children are on the fields.

Member Markham stated as this goes forward, it will be a sea of green soccer fields. She would like to see us use native plantings and more towards sustainability as we develop property. The City needs it, the planet needs it, and it is something we can do as we are developing. She said we already have a really good landscape architect who knows how to do that.

**Roll call vote on CM 18-10-168**

**Yeas: Casey, Markham, Mutch, Gatt, Staudt,  
Breen**  
**Nays: None**

11. Approval to award the construction contract to L.J. Construction, Inc. for the 2018 Boardwalk Repair Program in the amount of \$544,847.00.

Member Markham wanted clarification, these boardwalks she thought would last a long time, but they are not. Is this normal? Are boardwalk repairs a regular thing? City Manager Auger replied yes, in the future budgets; there will be more on maintenance of the boardwalks and pathways. They say that every mile of pathway, we should add \$5,000 to the budget for maintenance to stay on top of projects. No one did maintenance during the recession. Since then they have improved the construction technique and design of the boardwalks so hopefully we will get more longevity with them, but they still have to be maintained.

**CM 18-10-169**

**Moved by Mutch, seconded by Casey; MOTION CARRIED: 6-0**

**Approval to award the construction contract to L.J. Construction, Inc. for the 2018 Boardwalk Repair Program in the amount of \$544,847.00.**

**Roll call vote on CM 18-10-169**

**Yeas: Markham, Mutch, Gatt, Staudt, Breen,  
Casey**  
**Nays: None**

12. Approval of resolution to authorize Budget Amendment #2019-1.

**CM 18-10-170            Moved by Casey, seconded by Markham; MOTION CARRIED: 6-0**

**To approve resolution to authorize Budget Amendment #2019-1**

**Roll call vote on CM 18-10-170**

**Yeas: Mutch, Gatt, Staudt, Breen, Casey  
Markham**

**Nays: None**

**AUDIENCE COMMENT:**

Colleen Crossey, 22279 Brockshire St., Novi thanked Council for postponing the one motion. She also thanked Council for allowing speakers with a presentation to get the information to the Clerk by noon the day of the meeting. She thought that was excellent, as before it was much earlier. She stated since Council has two separate audience participation times, one at the beginning of the meeting, and one at the end of the meeting in which the speakers have the opportunity to speak two times during a meeting for three minutes each time. She suggested Council should consider upon request of the speaker with a presentation to use both of their allowed three minute audience participation allotments at the same time which would allow six minutes for their presentation instead of splitting up their time.

**COMMITTEE REPORTS:**

**MAYOR AND COUNCIL ISSUES:**

Member Breen wanted to talk about Pavilion Shore Park. She said it is fantastic and she loves it, everyone loves it. She said they have heard from a lot of residents in session about how they would like something for the children at Pavilion Shore Park. It was designed as a passive park, and the original conceptual plan had a small play area and a small water feature. She mentioned she has own concerns about traversing from Pavilion Shore to Lakeshore Shore. It can be dangerous, there is not a lot of room, and it is not fun going there with an eight year old, four year old and a golden retriever when there is traffic at your back. She said there are signs there for Pavilion Shore Park, but you cannot go into the water from the park. Now with the construction at Lakeshore Park being eminent the options for kids on north end will be nil. It is a large park, it would be a significant benefit to our smallest residents if we could re-visit the original concept to get a small play area and water feature on the west side of the park would be an ideal area. She would like to hear what her colleagues have to say on this. Maybe get direction to City staff to come up with something that we can implement before Lakeshore closes.

Mayor Pro Tem said when we envisioned this park, one thing was keeping it clear of a lot of things like buildings, play structures, and trees, but time goes on and things change. With the imminent improvements at Lakeshore Park, it is probably a good time to move forward with some type of a playground. If something comes up that does not

require a lot of cost and plumbing and wouldn't look strange in that area. He hoped the PRCS and City staff can sit down and plan something out that not only is appropriate for the site, but also is something that we can get up and relative quickness. He said it doesn't look like Lakeshore Park will be open for playground purposes. He supports Member Breen's concept and it is something we should budget sooner rather than later. He would support.

Mayor Gatt said he supports Member Breen's idea. He suggested Member Breen be liaison with the Council working with City staff. Her needs and wishes would be valuable in the input process.

Member Markham wanted City staff to consider and come back at a later time to discuss is putting in a small kayak launch or paddle board launch so people can enter the water at Pavilion Shore Park.

Member Mutch echoed what Mayor Pro Tem Staudt said and agreed with the Mayor that moving this forward in timely fashion is important. We have the resources available to do that. He would be looking at City staff to move this forward in timely matter.

Member Mutch said the subject of vaping has been brought to his attention from a couple of our surrounding communities. They are in the process of implementing ordinance changes to addressing a loop hole that exists in the state law where minors can purchase vaping equipment/devices. Currently it's not illegal under state law even though the product is nicotine based. It is no different from cigarettes. Apparently folks in Lansing don't see it as pressing priority. It's a real issue. No different than trying to discourage underage drinking. Thinks we should have an ordinance in place to discourage sale of vaping devices to minors. He thought City Attorney Schultz could put that together fairly quickly.

Mayor Gatt said without objection, they would all agree.

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

Item K: Approval to enter into an agreement with the Michigan Natural Features Inventory at Michigan State University to complete a Wild Life Study in the amount of \$25,060.26.

Member Breen thanked Council Members and City staff for her constant haranguing on the status of the Wildlife Study that is long overdue. We haven't had a wildlife study in Novi since 1993. She asked Mr. Muck if he had an estimated start date and timeline completion for this study. Mr. Muck asked to defer those questions to Assistant City Manager Cardenas. He replied that we are in preliminary steps right now. If approved by City Council, I would be done throughout the winter and into spring. The completion would be in 4th quarter of the fiscal year. Member Breen stated that we sit on Huron River and Rouge River watershed. Unfortunately there is news of PFAS in these areas. She wondered if there were any particular plans as part of this study, noting that there

has been deer found in the Upper Peninsula that have been hurt by the PFAS. Is there a plan to work with the DEQ to check with the PFAS as part of this? Or is there a way to possible include this to make sure that we are testing for these contaminants. Mr. Cardenas said that is something we can ask our consultant, DNR, and DEQ. There will not be much field presence in there because of the expense. We can pose a question to see what their expertise in that field.

**CM 18-10-171            Moved by Breen, seconded by Gatt; MOTION CARRIED: 6-0**

**Approval to enter into an agreement with the Michigan Natural Features Inventory at Michigan State University to complete a Wild Life Study in the amount of \$25,060.26.**

**Roll call vote on CM 18-10-171**

**Yeas: Gatt, Staudt, Breen, Casey, Markham  
Mutch  
Nays: None**

**ADJOURNMENT** – There being no further business to come before Council, the meeting was adjourned at 9:04 P.M.

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Cortney Hanson, City Clerk

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Robert J. Gatt, Mayor

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Transcribed by Deborah S. Aubry

Date approved: November 13, 2018