

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, SEPTEMBER 16, 2013 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

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

PLEDGE OF ALLEGIANCE

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

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

APPROVAL OF AGENDA:

CM-13-09-125 Moved by Casey, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the Agenda as presented.

Roll call vote on CM-13-09-125 **Yeas: Staudt, Casey, Fischer, Mutch, Wrobel,
Gatt**
Nays: None

PUBLIC HEARING - NONE

PRESENTATIONS:

1. Proclamation recognizing Novi Lions Club 40th Anniversary

Mayor Gatt presented the proclamation to Ed Kramer and Manny Barbosa. On the behalf of the Novi Lions Club, they appreciated the recognition. They hope to continue to serve the City of Novi.

REPORTS:

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

AUDIENCE COMMENT – None

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

CM-13-09-126 Moved by Fischer, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
 - 1. August 26, 2013 – Regular meeting
- B. Enter Executive Session immediately following the regular meeting of September 16, 2013 in the Council Annex for the purpose of discussing property acquisition.
- C. Approval of the recommendation from the Consultant Review Committee to award a three-year Environmental Services Consulting Services Contract to ECT, Environmental Consulting and Technology (with the option for two additional one-year renewals), and for the adoption of revised fee schedule, effective November 18, 2013.
- D. Approval to award an amendment to the engineering services agreement to Orchard, Hiltz & McCliment for additional design engineering services related to the Metro Connector Pathway project in the amount of \$50,432.
- E. Approval of liquor license request from Big Daddy's Parthenon LLC (d/b/a Big Tommy's Parthenon) to transfer ownership of 2013 Class C Resort, SDM with Sunday Sales Permit (PM), Dance Permit & Specific Purpose Permit (Food) with a New Sunday Sales Permit (AM) from Leo's Bar and Grill, Inc. located at 40380 Grand River Avenue, Novi, MI 48375
- F. Approval of Zoning Ordinance Text Amendment 18.268 to amend the City of Novi Zoning Ordinance at Article 19, "I-1, Light Industrial District", Section 1903, "Principal Uses Permitted In Locations Not Abutting a Residential District and Subject to Special Conditions" in order to permit passenger motor vehicle rental facilities in the I-1 District. **Second Reading**
- G. Approval to award a contract for design engineering services for a new traffic signal at the intersection of 13 Mile Road and Cabot Drive to Orchard, Hiltz & McCliment for a design fee of \$13,920 (of which 50% is to be paid by Northern Equities).
- H. Approval to award the Parks, Recreation & Cultural Services Department recreation bid for t-shirts and sports apparel to All American for one (1) year with two (2) renewal options in one-year increments based on unit pricing, with an estimated annual cost of \$40,000.
- I. Adoption of a resolution of support for the Application for Trail License on ITC Property from the north property line of ITC Community Sports Park to just south of 10 Mile Road (Phase IA and 1B of the ITC Corridor Regional Trail).
- J. Approval of an amended agreement with the Suburban Collection Showplace to host the 2014 State of the City Address & Breakfast on Thursday, January 16, 2014 for the estimated about of \$3,700.
- K. Approval of Claims and Accounts – Warrant No. 899

Roll call vote on CM-13-09-126

Yeas: Casey, Fischer, Mutch, Wrobel, Gatt,
Staudt

Nays: None

MATTERS FOR COUNCIL ACTION:

1. Approval of Master Agreements for Municipal Street Lighting and corresponding Purchase Agreements with the Detroit Edison Company for the Town Center Area Street Lighting Replacement Project in the amounts of \$182,893 (Phase I: Crescent Boulevard, Town Center Drive, Ingersol Drive, and Crowe Drive) and \$283,857 (Phase II: Novi Road and Grand River Avenue).

City Manager Pearson explained that there is an existing special assessment district for lighting in the Town Center area which means the property owners are paying additional property taxes for the present lighting system which is old and needs to be replaced. It was recommended to contract with Detroit Edison.

CM-13-09-127

Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY:

To approve Master Agreements for Municipal Street Lighting and corresponding Purchase Agreements with the Detroit Edison Company for the Town Center Area Street Lighting Replacement Project in the amounts of \$182,893 (Phase I: Crescent Boulevard, Town Center Drive, Ingersol Drive, and Crowe Drive) and \$283,857 (Phase II: Novi Road and Grand River Avenue).

Roll call vote on CM-13-09-127

Yeas: Fischer, Mutch, Wrobel, Gatt, Staudt,
Casey

Nays: None

2. Consideration of the request of Ivanhoe Companies for JSP 13-47 with Zoning Map Amendment 18.704 to rezone property in Section 18, on the west side of Wixom Road south of Grand River Avenue from B-2, Community Business and I-2, General Industrial to RM-1, Low Density Low-Rise Multiple-Family Residential with a Planned Rezoning Overlay (PRO). The property totals 29.20 acres and the applicant is proposing an 86 unit single-family residential development.

City Manager Pearson said Ivanhoe Developers have been in the area for a long time and will make a presentation before Council considers the PRO.

Gary Shapiro, Ivanhoe Companies, detailed reasons for proposing the 86 detached units on 29.20 acres with a rezoning to RM-1 with a PRO. He said there is a high demand for unique detached Multi-Family Residential development.

Brad Strader, LSL Planning, Inc., said they have worked with Ivanhoe Companies for fifteen years. The site has very unique features. They concluded that a commercial development wasn't appropriate for the site. A RM-1 plan with a PRO would be very marketable. It would be a new product available to Novi. It fits the characteristic of the site. It would have a lot of amenities. The wetlands and natural landscaping buffer the views of the commercial to the North. They will be donating additional right-of-way on Wixom Road. They will put in a Welcome to Novi sign at the corner. The development will have less traffic than a commercial development under the current zoning. It will have better land use transition. Detroit Catholic Central, south of the site, preferred to have the land developed as residential. There will be wetland protection by combining parcels. He noted the Planning Commission unanimously recommended approval of the proposed PRO.

Barb McBeth, Deputy Community Development Director, displayed zoning maps. She noted the proposed zoning would be contrary to the recommendations of the Future Land Use Plan. The Planning Review did recommend approval of the proposed rezoning with PRO. The applicant has presented a reasonable alternative to the proposed Master Plan designation of Community Commercial. They think the proposed RM-1 zoning would provide a reasonable transition between the commercial properties to the north and east and the school uses to the west and south. It would allow for removal of the incompatible I-2 zoning that is currently in place. With the PRO, they noted that the concept plan shows 86 units detached single family development. The staff agrees the application offered a reduced density, protection of natural features by a conservation easement, several pocket parks located throughout the site, upgraded facades, and proposed nature path. It is staff's opinion that these public benefits go over and above what you would expect with a new development. They are recommending approval of the concept plan with additional detail to be provided at preliminary site plan if the project moves forward. The façade review determined the proposed renderings would be considered enhancements that would typically be required by the ordinance.

Member Mutch asked Ms. McBeth a few questions on zoning. He noted there were still parcels inconsistent with the Master Plan and questioned why they haven't taken the steps to rezone the properties knowing that they are not in compliance. Ms. McBeth said, in a recent packet, she provided all the updates to the Master Plan for Land Use that had been recommended in the previous Master Plan for Land Use and the 2010 update with the status of each of the parcel's implementation strategies. Member Mutch was concerned because this project has been brought forward and shows we still have parcels inconsistent with the Master Plan.

Member Mutch asked Mr. Shapiro about the single family homes. Mr. Shapiro clarified that these are individual lots that will be maintained by homeowners. The plan has pocket parks with a pool and playground. It will be a quality diverse community neighborhood design. Member Mutch confirmed the homes will be detached condos. Mr. Shapiro said the condo will be a site condominium where everyone takes care of their own yard under strict architectural control. Member Mutch reiterated that they

will be single family residential neighborhood with preservation areas behind them. The minimum width will be 35 feet with no brick façade. There will be two car garages. The garages won't protrude more than six feet. Mr. Shapiro hadn't decided whether there will be asphalt or concrete driveways when asked. He was open to discussion on it. Member Mutch noted asphalt driveways are hard to maintain and knew Bristol Corners had been developed with them. He spoke about the tree requirements of more than one tree per building for a single family development. He felt the plan should match the standards of a single family residential development and will be discussed. He had some concerns about the plan in viewing some of the details of it. A concern was the proximity of the I-96 interchange. The noise levels would be significant. Also, across the street is a big box center that isn't fully developed. To the north there is a large commercial strip center and to the south is commercial zoning in front of Catholic Central. He sees an island of residential with no connection to the community. He didn't doubt the quality but he was concerned how viable this area will be for single family development over long term. Generally, he is looking for lower density and the one thing the higher density proposals provide is the stability of a management company maintaining the properties and the density of units to support the amenities. He thinks it is notable that some of the amenities are questionable. High turnover may result in no interest in maintaining them. A big concern is there are no connecting sidewalks and provisions for easements to access the schools, parks and neighboring developments. He would approve a proposal that incorporated pathways to Island Lake. He felt it would be the kind of PRO benefit he would support. He thought it would be a fair tradeoff for the density and variance they are requesting. He is looking for something more than what is presented.

Member Wrobel asked about the projected price point of the homes in the proposed sub. Mr. Shapiro answered from the low \$300's to \$340's and square footage would be 2,200 to 3,400. Member Wrobel asked if the access road to the north was going to be gated or left open. Mr. Shapiro said it would be gated. Member Wrobel said he was hesitant supporting the idea of rezoning the parcels. He doesn't think industrial is appropriate any longer from what exists there now. There is no need for it. He feels more comfortable now that they are using the 86 unit number as opposed to the 116 unit plan and individual homes. He could support this proposal.

Mayor Gatt fully supports the proposed development as presented.

CM-13-09-128 Moved by Fischer, seconded by Casey; MOTION CARRIED: 5-1

To approve the request of Ivanhoe Companies for JSP 13-47 with Zoning Map Amendment 18.704 to rezone property in Section 18, on the west side of Wixom Road south of Grand River Avenue from B-2, Community Business and I-2, General Industrial to RM-1, Low Density Low-Rise Multiple-Family Residential with a Planned Rezoning Overlay. The property totals 29.20 acres and the applicant is proposing an 86 unit single-family residential development.

Member Mutch requested the motion maker to reflect representations made by the applicant be included into the motion. He didn't hear a round of support for the concept to extend the sidewalks. He doesn't feel the PRO process serves the City Council well when they are the last ones to have input. Council should be allowed to see concept plans earlier. When referring to public benefit, changes to the Master Plan, and significant changes to zoning ordinances, the process should allow Council to have input earlier.

Member Fischer asked Mr. Shapiro his thoughts on the possibility of some type of sidewalk connection. Mr. Shapiro said they are dedicating the right-of-way in front of the project to put a sidewalk there. It just leaves a gap where there is undeveloped property he doesn't own. He can't put a sidewalk on property he doesn't own. The site will be enhanced and provide many public benefits.

Member Fischer liked the different ideas that were brought up to give the developer the opportunity to respond and comment. He thought the benefits have been articulated by staff and by the applicant. He noted they will have a lot of these as we continue to develop the smaller pockets that may be an island and they are tough decisions. This will be a beautiful development with a developer that is familiar to Novi and it will provide the transition that is needed in the area.

Member Mutch asked staff to explore the property in front of Catholic Central that is currently zoned I-1. Everyone is saying the properties to the south that are currently zoned Commercial, can't be developed because of the market. Until those properties develop, no sidewalks are going to be going in there unless the City does it. He would like the staff to review it.

Roll call vote on CM-13-09-128

**Yeas: Wrobel, Gatt, Staudt, Casey, Fischer
Nays: Mutch**

3. Approval to award the New Vehicles bid as follows: two (2) 2013 Ford F150 pickup trucks and three (3) 2014 Ford F350 pickup trucks with plows from Varsity Ford in the amount of \$131,059, and two (2) 2014 GMC Terrain crossovers from Red Holman Buick GMC in the amount of \$45,080.

City Manager Pearson explained that this is part of our budgeted fleet replacements. Collaborative bidding opportunities were used.

CM-13-09-129

Moved by Wrobel, seconded by Fischer; CARRIED UNANIMOUSLY:

To approve the New Vehicles bid as follows: two (2) 2013 Ford F150 pickup trucks and three (3) 2014 Ford F350 pickup trucks with plows from Varsity Ford in the amount of \$131,059, and two (2) 2014 GMC

Terrain crossovers from Red Holman Buick GMC in the amount of \$45,080.

Roll call vote on CM-13-09-129

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

AUDIENCE COMMENT – None

COMMITTEE REPORTS – None

MAYOR AND COUNCIL ISSUES

1. Discussion of City Council liaisons for Novi Youth Council, Older Adults Advisory Board, and Arts and Culture Advisory Board – Mayor Gatt

City Manager Pearson explained that Council had started a Council Committee for interviewing Youth Council candidates and it seems to be working well. It seems more comfortable for the applicants. We would like to extend the recommendation to have interviews for the Older Adults Advisory Board and Arts and Culture Advisory Boards to be conducted in a similar way.

Member Wrobel, as being a member of the Committee that interviews the Novi Youth Council, thought it was a better use of time to do it away from the Council table. It does create a more casual atmosphere.

City Manager Pearson said he hasn't coordinated the initiation of it and recommended he bring back a change of rules amendment on the agenda.

Member Fischer discussed they should all agree on which Boards they want to change. It would be incumbent upon them to have a discussion to make sure they are comfortable with a specific direction before Council rules were amended.

Member Casey thanked the previous speaker and believed they had determined as a Council that the two Boards were part of Parks and Recreation and was not overseen by Council. She interpreted that there was a typo in the agenda and it was different than what was provided in the packet.

City Manager Pearson noted the title was a placeholder from a past agenda. Council had already set those aside.

CM-13-09-130 Moved by Fischer, seconded by Casey; CARRIED UNANIMOUSLY:

To enter into executive session for the purpose of discussing property acquisition.

It was noted that Council was expected to return to open session.

Voice vote on CM-13-09-130 Carried Unanimously

Council entered Executive Session at 8:10 p.m. and rose from Executive Session at 8:14 p.m.

MATTERS FOR COUNCIL ACTION:

CM-13-09-131 Moved by Fischer, seconded by Mutch; CARRIED UNANIMOUSLY:

Approve an offer to purchase real estate discussed in closed session and to authorize the Mayor and City Clerk to sign same with any minor changes after submission to the seller to be reviewed and approved by the City Manager and City Attorney.

**Roll call vote on CM-13-09-131 Yeas: Gatt, Staudt, Casey, Fischer, Mutch, Wrobel
Nays: None**

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 8:15 P.M.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Jane Keller

Date approved: September 30, 2013