

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI  
MONDAY, JANUARY 10, 2022 AT 7:00 P.M.**

**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, Crawford, Fischer, Smith, Thomas

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

**APPROVAL OF AGENDA:**

**CM 22-01-001 Moved by Crawford, seconded by Casey; MOTION CARRIED: 7-0**

**To approve the Agenda as presented.**

**Roll call vote on CM 22-01-001**                      **Yeas: Staudt, Casey, Crawford, Fischer, Smith, Thomas, Gatt**  
**Nays: None**

**PUBLIC HEARINGS:**

- 1. Proposal for Approval of Resolution authorizing submission of a grant application to the Oakland County Parks and Recreation Park Improvements Grant Program for Development of Novi Northwest Park.**

The Public Hearing opened at 7:01 p.m. and closed at 7:02 p.m. with no public comment.

**PRESENTATIONS:**

- 1. Carefree Campaign Presentation - Vaishnavi Jagalur, Varnika Chandra, and Medha Maraju**

Medha, Vaishnavi, and Varnika are all seniors at Novi High School and citizens of Novi for the past 15 years. They are the founders of the Carefree Campaign, a nonprofit organization that works to fight period poverty. Period poverty is not only the lack of menstruation hygiene tools, but the lack of menstrual education, which feeds into the stigma that we find in our communities. While the stigma is an ongoing issue that requires breaking deeply rooted ideals, the supply shortage is one we can work towards fixing. Menstrual products are medical necessities and the possible health risks such as urinary tract infections and TSS, which in severe cases can even be fatal, are all caused by a lack of access to proper menstrual products. Their three main goals include reducing the supply shortage, lobbying for menstrual equity, and educating on the true spectrum of menstruation. Over this past year, they were proud to say that the campaign has donated over 8,000 menstrual products and collaborated with legislators statewide to

repeal the tampon tax in Michigan. Today, they were here to talk about mandating free sanitation products in all Novi public buildings. Thirty miles away, the City of Ann Arbor recently passed an ordinance mandating toilet paper, soap, tampons, and pads in all public restrooms. This includes those on campus, in schools, in City centers and in all businesses. The law went into effect in the beginning of 2022, and fines \$100 to entities that do not obey. The City does not pay for the supplies, but simply they just enforce the law. Not having access to these Medical Necessities is a monthly inconvenience for menstruators. Nearly 50% of the population menstruates, yet these products are not treated as the proper medical necessities that they in fact are. A lack of products not only poses health risks, as mentioned before, but they're incredibly inconvenient. As seen by the charts, 86% of people started their period unexpectedly in public without the supplies they needed. Out of this percent, 34 had to go home immediately to get the supplies with an astounding 79 improvising by MacGyvering, a pad or a tampon out of toilet paper, basically meaning they took the basic resources available to them to create a makeshift pad or tampon. Moving on from the inconvenience that not having these products causes, the severity of this issue has also often undermined it. One in four students in the United States miss school time due to a lack of access to these menstrual products. And 4.03% of Novi's population is below the poverty line, 58% of these being women ages 25 to 34. For those at or below the poverty line, the affordability of these menstrual products impacts their daily lives, many must choose between necessities, such as food for their families, and menstrual products for themselves. They were so proud to say that Michigan was the 24th state to repeal the tampon tax, however, there's still more work to be done. As stated previously, nearly 86% of menstruators start their periods unexpectedly. Unfortunately, there are only two Cities in the United States, Ann Arbor and Cleveland, that offer free sanitation products in all bathrooms, both of which were passed in late 2021 and put into effect at the beginning of this year. When it comes to student menstruators, only five states, and Washington DC, offer free sanitation products in schools. Outside of the United States, countries such as New Zealand and Scotland, and even Ontario and British Canadian areas offer free sanitation products as a national law. They understand that the City may have concerns with enforcing this law, the very first being the misuse of products specifically at school. However, this can be combated with proper education, and community building. A concern may be people taking advantage of products offered. However, this comes with the trust within the community and its citizens. For example, many public places offer free soap, toilet paper, hand sanitizers, and even nowadays masks, but there's little to no concern about stealing. When it comes to businesses, there may be a concern about how to place these products. However, this should be a minor concern. Because pads and tampons are individually wrapped, simply placing them in a basket would be a way to properly dispense them as you can see on this slide. As a growing city, Novi has many emerging small businesses. We understand that a concern maybe affordability. A box of around 36 pads or tampons costs approximately \$8 and depending on the number of bathrooms and employees the business has, fees will vary monthly, they can estimate that a business that has exactly one bathroom, they will spend maximum \$16, which includes one individual bag of pads and tampons. They said realistically there will most likely be products leftover unlike other toiletries, menstrual products will not be used as often and by every single user. Their goal is to have this bill passed by the end of this year. If Novi

were to pass this ordinance, it would be the third City in the entire nation to do so. They stated that they are so proud to be Novi citizens, as the Novi Community is one filled with leaders. By being the third city in the entire nation, Novi would be a leader in the national menstruation movement. By enacting this law, the City would help crush the stigma and help build the norm of taking period poverty as a serious public health issue. They thanked Council for their time today.

Mayor Gatt responded by saying thank you. He was thoroughly impressed with the presentation. Mostly with their passion and courage. It takes a lot of courage to do what they were doing. These students are poised and professional. He thanked them from the bottom of his heart. It just gives him great heart to think that the Novi schools are putting out students like them.

**MANAGER/STAFF REPORT: None**

**ATTORNEY REPORT: None**

**AUDIENCE COMMENTS: None**

**CONSENT AGENDA REMOVALS AND APPROVALS:**

**CM 22-01-002            Moved by Casey, seconded by Crawford; MOTION CARRIED: 7-0**

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

- A.     Approve Minutes of:  
       December 20, 2021 - Regular Meeting
- B.     Approval to purchase materials and labor provided by Garland Industries for the restoration of the roof at Fire Station No. 2 under the OMNIA purchasing agreement in the amount of \$83,260.
- C.     Approval to purchase materials and labor provided by Garland Industries for the restoration of the roof at Fire Station No. 3 under the OMNIA purchasing agreement in the amount of \$66,598.
- D.     Enter Executive Session immediately following the regular meeting of January 10, 2022 in the Council Annex to discuss acquisition of real estate property.
- E.     Approval of claims and warrants – Warrant 1099

**Roll call vote on CM 22-01-002**

**Yeas: Casey, Crawford, Fischer, Smith, Thomas,  
       Gatt, Staudt**

**Nays: None**

**MATTERS FOR COUNCIL ACTION:**

- 1. Approval of Resolution authorizing submission of a grant application to the Oakland County Parks and Recreation Park Improvements Grant Program for Development of Novi Northwest Park. Total estimated development cost, including \$100,000 grant, is \$569,442.**

Member Casey asked if when it would be announced who won the grant. City Manager Auger responded that we would probably know in the spring, possibly April. This is a new program that the county is rolling out now, so I think they're all trying to figure it out as they go.

**CM 22-01-003 Moved by Casey, seconded by Fischer; CARRIED UNANIMOUSLY**

**Approval of Resolution authorizing submission of a grant application to the Oakland County Parks and Recreation Park Improvements Grant Program for Development of Novi Northwest Park. Total estimated development cost, including \$100,000 grant, is \$569,442.**

**Roll call vote on CM 22-01-003**

**Yeas: Crawford, Fischer, Smith, Thomas, Gatt,  
Staudt**

**Nays: None**

- 2. Consideration for payment to Oakland County Water Resource Commissioner for the Novi Trunk Sewer project, in the amount of \$2,200,000.**

Member Thomas asked about the sewer project. From the paperwork, it appeared that the existing pipe was only about 23 years old. She wondered if that was typical that the City should be replacing it so soon. She wondered who did the previous work and if there is any recourse if that's how long it should last. City Manager Auger said that he believed it had to do with the soil underneath it, which allowed the pipes to sag. Normally they last longer than this, but this is a county line that the City has to pay to maintain. Member Thomas asked how long we would expect the new line to last. Mr. Herczeg commented that given the wetland, we hope for a service life of 50 to 80 years. Member Thomas asked if that considered what we know now that we didn't know before, that was unknown during the original project. Mr. Herczeg said that was correct. The new pipe will be put in on pilings that will be driven down to get to the stable soils and the new centers will be on top of that. That should give it a longer life.

**CM 22-01-004 Moved by Crawford, seconded by Fischer; CARRIED UNANIMOUSLY**

**Approval for payment to Oakland County Water Resource Commissioner for the Novi Trunk Sewer project, in the amount of \$2,200,000.**

**Roll call vote on CM 22-01-004**

**Yeas: Fischer, Smith, Thomas, Gatt, Staudt,  
Casey, Crawford**

**Nays: None**

3. **Approval of change order number 14 for the Lakeshore Park construction contract in the amount of \$135,000 and approval of the final payment and final retainage pay out to Demaria Building Company for the Lakeshore Park construction contract in the amount of \$161,315.97, plus interest earned on retainage and amend the budget.**

**CM 22-01-005 Moved by Casey, seconded by Fischer; CARRIED UNANIMOUSLY**

**Approval of change order number 14 for the Lakeshore Park construction contract in the amount of \$135,000 and approval of the final payment and final retainage pay out to Demaria Building Company for the Lakeshore Park construction contract in the amount of \$161,315.97, plus interest earned on retainage and amend the budget.**

**Roll call vote on CM 22-01-005**

**Yeas: Smith, Thomas, Gatt, Staudt, Casey,  
Crawford, Fischer**

**Nays: None**

4. **Tentative approval of the Request to Amend the Maples of Novi Planned Unit Development (PUD) Agreement and Area Plan at the request of AJSS Property, LLC, for Maple Medical Office, JSP21-33, located on the east side of Novi Road, south of Fourteen Mile Road in Section 2. The applicant is proposing to remove the existing tennis courts and construct a 2,558 square foot medical office on approximately 0.42 acres of property.**

Rami Farah from Maples Medical Building said that he wished the process could be faster, but everything takes time. He thanked the staff in the office. They were very helpful. He thanked the Council and wished them good luck.

Member Fischer asked if Council were to approve this tonight, this would allow Mr. Schultz to work with the applicant and it would come back for final approval. Mr. Schultz confirmed that was correct. The motion would be a tentative approval. He would do the agreement with the applicant, then it would come back for essentially a second reading.

**CM 22-01-006 Moved by Fischer, seconded by Gatt; CARRIED UNANIMOUSLY**

**Tentative approval of the request of AJSS Property, LLC, JSP21-33 Maple Medical Office, to amend the Maples of Novi Planned Unit Development Agreement and Area Plan as a major change based on and subject to the following, with the final language of the amendment of the PUD Agreement to be brought back to the City Council for final consideration and approval:**

1. The requested amendment constitutes a major change to the PUD Agreement & Area Plan because the modification proposed includes a change in use and character of the development as indicated by Article 27, Section 9, Subheading C, specifically, as a change in use and character of the development since the applicant is changing the use from a tennis court to a medical office;
2. The application does not constitute a minor change to the PUD Agreement and Area plan since it does not meet the following criteria: Modifications to be considered minor changes, for which approved plans may be revised rather than amended, shall include, among other similar modifications, the following:
  - a. A change in residential floor area;
  - b. A change in nonresidential floor area of five percent or less;
  - c. Minor variations in layout which do not constitute major changes; and or
  - d. A change in lot coverage and FAR of the entire PUD of one percent or less.
3. The proposed use of the site as a medical office is approved as a reasonable alternative to the uses provided in the PUD Agreement and as recommended on the Master Plan for Land Use;
4. The proposed use of the site as a medical office is consistent with the commercial developments immediately to the north and should be reviewed as part of the Local Business (B-1) Zoning District as requested by the applicant;
5. The requirement for a 40 foot wide transition strip between residential and commercial area is waived because the site is 0.42 acres in size and is properly screened along the east property line from the existing homes by the existing open space/golf course and proposed landscape improvements;
6. City Council waiver for the lack of a 540 square foot loading area because the site is minimal in size and is proposed to be used by a medical tenant, which does not typically require deliveries by large trucks;
7. The applicant shall comply with the findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those being addressed on the Preliminary Site Plan following consideration and approval of the Planned Unit Development Amendment by the City Council; and
8. This tentative approval of the amendment to the PUD Area Plan is contingent upon and subject to the City Council's approval of a corresponding amendment to the PUD Agreement.

Mayor Gatt asked for Barb McBeth, City Planner, to come to the podium. He wanted to put on the record that there are a couple projects pending up in the Maples complex,

and one in particular. He didn't know about the rest of the Council, but he had received numerous emails from residents opposing a daycare center. He asked what the mood of the public was regarding this project. Planner McBeth said that they had a public hearing for this at the Planning Commission and did not get anybody to come out for that public hearing. They did get one response from a neighbor who was in support of the request. Mayor Gatt asked, to the City's knowledge, if the residents in the Maples were not opposed to this project. Planner McBeth said that is correct. Mayor Gatt said that's really interesting that residents are fine with that. He asked if we polled the residents or just held the public hearing. Planner McBeth said that there was just the public hearing. She said they do get a number of residents asking questions about the daycare and a few of them came into the office and staff talked to them about it. They said they didn't have any issue with the redevelopment of the tennis courts.

**Roll call vote on CM 22-01-006**

**Yeas: Thomas, Gatt, Staudt, Casey, Crawford,  
Fischer, Smith,  
Nays: None**

- 5. Initial review of Planned Rezoning Overlay (PRO) eligibility of the request of Michigan CAT, for Michigan CAT Catherine Drive Access Parcel, JZ21-22, to rezone from I-1, Light Industrial to I-2, General Industrial on land located on the north side of Catherine Industrial Drive, east of Novi Road in Section 23. The applicant is proposing to utilize the Planned Rezoning Overlay option to rezone and use the site for outdoor storage of construction equipment related to shore and pump operations on approximately 5.29 acres of land. Under the new PRO Ordinance, this initial review by City Council is an opportunity to review and comment on the eligibility of the proposal.**

Rich Potosnak, Director of Facilities and Real Estate for Michigan CAT and MacAllister Machinery, the Caterpillar dealership for both Indiana and Michigan spoke. He commented that the Novi branch has been the headquarter branch for the Michigan CAT operation for a number of years. There were two parcels of land, one of which has been utilized for many years and other which has been non utilized, has been vacant. This project proposes to use that land for outdoor storage, which allows them to increase their operation there with a shoring and pump operation which will increase revenues and the tax base in terms of additional staff that would be brought to this location to facilitate that operation. In addition to that project, they propose to improve the streetscape along Novi Road. This parcel that they are talking about using for outdoor storage is kind of hidden off to the back, but their main campus is on Novi Road. He said they worked with the Planning staff and have put together some plans to improve the streetscape along Novi Road. He said he was a little bit surprised, but the Planning staff also said that they would like CAT to put a historical marker since they have been part of the community for a number of years. CAT has an existing flagpole along Novi Road so they are going to create that as kind of a flag plaza with a historical marker there.

Mayor Gatt opened to Council for discussion, reminding that there is no motion on this, just a discussion to get the feeling on what the Councilmembers believe.

Member Fischer confirmed again that this was just initial comments. It goes back to Planning and Council would have another shot. Mr. Schultz said yes. Member Fischer said he had a question as far as the equipment, the pumping shore. He asked if he was correct that most of that is about eight feet tall. Mr. Potosnak said yes, give or take. Member Fischer said that his only concern in making changes like this is that eventually things may shift, things may change. He said the only comments he would have as far as this whole proposal related for staff and for the City Attorney, is that if there's any way we can put some conditions around the height of equipment. Maybe not holding it to eight feet, maybe give them some leeway. He doesn't want to see cranes that are 30, 40, 50 feet eventually housed there. He knows that is not the intent now, but someday down the road, things may change. He wanted to make sure that the City protects itself in that respect.

Mayor Gatt echoed what Member Fischer said. His only concern when he read this was visibility from the road for neighbors, passersby, everybody. He doesn't want an eyesore anywhere in the City. He said he was anxious to see what comes back to Council and what Planning Commission does. He didn't have any problem with the concept. He just wanted to make sure that the residents and neighbors in that area are certainly protected from sights that they don't want to see. Mr. Potosnak agreed. He addresses this issue in many locations throughout Michigan and Indiana.

- 6. Approval to award a contract for professional services to Beckett & Raeder (BRI), as recommended by the Consultant Review Committee, for review of the Master Plan for Land Use (including review and update of the Thoroughfare Plan) in an amount not to exceed \$206,445, and to amend the budget, subject to final review and approval as to form, including any minor changes required, by the City Manager and City Attorney's office.**

Mayor Pro Tem Staudt said the Consult Review Committee reviewed this and unanimously supported it.

**CM 22-01-007 Moved by Staudt, seconded by Crawford; CARRIED UNANIMOUSLY**

**Approval to award a contract for professional services to Beckett & Raeder (BRI), as recommended by the Consultant Review Committee, for review of the Master Plan for Land Use (including review and update of the Thoroughfare Plan) in an amount not to exceed \$206,445, and to amend the budget, subject to final review and approval as to form, including any minor changes required, by the City Manager and City Attorney's office.**

**Roll call vote on CM 22-01-007**

**Yeas: Gatt, Staudt, Casey, Crawford, Fischer, Smith, Thomas**



**Nays: None**

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

**AUDIENCE COMMENT:**

Deanne Daugherty, 30996 Tanglewood Drive in the Maples of Novi Condo Association, said she was unaware of item 4 but would like to comment on that. The reason she would believe that most of the people in the condo association have not mentioned or were not aware of the medical office going in to where the tennis courts currently are. Also, this most likely doesn't pose a problem because the entranceway would be most likely on Novi Road, and not coming through the subdivision basically. She thinks that is why most people didn't object or probably weren't even aware of the public hearing that they wanted to put a medical office there. They did hear at one of their meetings, there was talk of medical office, but there wasn't anything definitive at that time. She thought most of the people in the association weren't aware of it, but most likely the entranceway is going to be coming off of Novi Road, and it's not going to affect them. She said that was her opinion as to why there were not any objections to changing the PUD, where if the City changes the PUD for the daycare center, that would be the issue. She just wanted to make Council aware, so it doesn't seem like the residents were not interested.

**MAYOR AND COUNCIL ISSUES: None**

**COMMITTEE REPORTS: None**

**ADJOURNMENT** – There being no further business to come before Council, the meeting was adjourned at 7:34 P.M.

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Cortney Hanson, City Clerk

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Robert J. Gatt, Mayor

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Transcribed by Melissa E. Morris

Date approved: January 24, 2022