

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, September 26, 2016 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 TEN MILE ROAD**

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

PLEDGE OF ALLEGIANCE

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

ALSO PRESENT: Rob Hayes, Director of Public Services/City Engineer
Thomas Schultz, City Attorney

APPROVAL OF AGENDA:

Member Markham said she would like to add "Upcoming Events" to the Mayor and Council Issues.

Member Burked said he would like to approve the Agenda with the addition of Item N for the Consent Agenda: To Approve the Resolution Approving Renewal Uniform Video Service Local Franchise Agreement with Michigan Bell Telephone Company, d/b/a AT & T, Michigan.

CM 16-09-127 Moved by Markham, seconded by Casey; UNANIMOUSLY CARRIED:

To approve the Agenda as amended.

Roll call vote on CM 16-09-127 **Yeas: Staudt, Burke, Casey, Markham, Mutch, Wrobel, Gatt**
Nays: None

PUBLIC HEARING - None

PRESENTATIONS

1. Proclamation recognizing Fire Prevention Week October 9 – 15, 2016 – Jeff Johnson, Director of Emergency Services and Fire Operations

Mayor Gatt presented the Proclamation for Fire Prevention Week October 9 – 15, 2016 to Jeff Johnson, Director of Emergency Services and Fire Operations.

Mr. Johnson thanked Council for having him there representing the ninety-five, men and women on the Novi Fire Department. He said they have a number of fire prevention programs that are free to the public. He also mentioned that they have had a number of serious fires this year, and said they want people to be safe in their homes. He also mentioned they have free smoke detectors for anyone that doesn't have a working smoke alarm in their home. Mr. Johnson said the residents should look

at the City of Novi website; we have a variety of different programs available because we want residents to be safe.

Mayor Gatt said on behalf of the City Council and City Administration he thanked Mr. Johnson and all of the brave men and women who protect us 24-7, we cannot say thank-you enough.

REPORTS:

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

AUDIENCE COMMENT - None

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 16-09-128 Moved by Burke, seconded by Staudt; UNANIMOUSLY CARRIED:

Approved the Consent Agenda with the addition of Item N.

- A. Approve Minutes of:
 1. September 12, 2016 – Regular meeting
- B. Approval and Adoption of Ordinance 16-99.17, in order to amend the City of Novi Code of Ordinances, at Chapter 15, Fire Prevention and Protection, Article 2, Fire Prevention Code, Section 15-17, Amendments, Subsection 307, Open Burning and Recreational Fire, in order to add a provision relating to prescribed burns. **SECOND READING**
- C. Approval to grant a permanent 27-foot wide highway easement to the Road Commission for Oakland County along the Napier Road frontage of Barr Park (parcel 22-30-300-017) to create the master planned 60-foot wide half right-of-way on this parcel.
- D. Approval to purchase a pathway easement from Orchard Grove Community Church along the south side of 14 Mile Road from Haverhill Farms to M-5 for construction of the 2016 Pathways Program (Parcel 22-01-100-001) in the amount of \$493.
- E. Approval of an Agreement between the City of Novi and the City of Wixom for an emergency connection to public water in order to provide a secondary source of water at Ryan Court.
- F. Approval of the FY16/17 Winter Maintenance Agreement between the City of Novi and the Road Commission for Oakland County for snow and ice control on

selected County roads in Novi; and adoption of resolution authorizing Novi to provide winter maintenance of selected County roads.

- G. Approval to purchase a Zamboni 546 ice resurfer for the Novi Ice Arena from Frank J. Zamboni & Co., Inc., a sole source, in the amount of \$98,440.30.
- H. Acceptance of a Landscape Conservation Easement, Wetland/Woodland/Open Space Conservation Easement, and Open Space Conservation Easement from Pulte Homes of Michigan, LLC for wetland, woodland, and open space conservation areas as a part of the JSP14-42 & JSP16-37 Oberlin site, located on the south side of Eleven Mile Road between Wixom Road and Beck Road in Section 20 of the City.
- I. Acceptance of a Tree Preservation Easement and a Wetland Conservation Easement from Valencia South Land, LLC, offered as a part of the Valencia South development, JSP13-75, located in Section 29 on the southwest corner of Beck Road and 10 Mile Road
- J. Approval of a one-year extension option of the contract for as-needed Supplemental Building & Trade Inspection Services and Plan Review Services with SAFEBuilt Michigan, LLC with a reduced rate for some services.
- K. Approval of Amended Resolution Establishing Stoneridge Industrial Development District, Amended Resolution Granting Industrial Facilities Exemption Certificate, and Amended Tax Abatement Agreement for Stoneridge, Inc., previously approved by City Council on May 23, 2016.
- L. Approval of Resolution regarding New Video Service Local Franchise Agreement with Comcast of Colorado/Florida/Michigan/New Mexico/Pennsylvania and Washington, LLC
- M. Approval of Claims and Accounts – Warrant No. 972
- N. Approval of Resolution Approving Renewal Uniform Video Service Local Franchise Agreement with Michigan Bell Telephone Company, d/b/a AT & T, Michigan.

Roll call vote on CM 16-09-128

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

Nays: None

MATTERS FOR COUNCIL ACTION

- 1. Approval to award a unit price contract to RC Tuttle Refinishing Co., the low bidder, for the Fall 2016 and Spring 2017 Tree and Landscape Planting Project in the estimated amount of \$142,095.

Member Mutch said he was glad to see this come forward. He mentioned this is part of the annual program to replace trees in city parks and on city streets in subdivisions which helps to beautify the City of Novi. He noted since the beginning of 2016, through various developments that have been approved by the City, almost three thousand woodland credits will be paid into the tree fund. He said during that same time period developers have paid \$687,000 into the City's Tree Fund for replacement trees. He said the agenda item before them was around \$142,000 towards planting new trees. He felt they have a ways to go in order to replace the trees in the City removed during development. He said most people will recognize that if we remove a hundred-year old tree and we replace it with a 4-inch diameter tree that is quite a qualitative difference and takes many years to actually make up that difference. He said he would like to see the City be more aggressive in terms of replacing the trees that have been lost in light of the numbers he shared. He also said he would like to see City administration revisit where the trees are going. He said a lot of trees are going into the parks, which is good, but he would like to see more trees going out on the main roads where they are more visible and would have more of an impact for residents. He said in past years they made a concerted effort to plant more trees on major roads in the City. He didn't feel that this was the focus on this particular tree planting.

CM 16-09-129 Moved by Mutch, seconded by Wrobel; UNANIMOUSLY CARRIED:

To approve the award for a unit price contract to RC Tuttle Refinishing Co., the low bidder, for the Fall 2016 and Spring 2017 Tree and Landscape Planting Project in the estimated amount of \$142,095.

Roll call vote on CM 16-09-129

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

Nays: None

2. Consideration of requests from X-Golf Novi, LLC:

A) Consideration of a request for Special Land Use approval for service of alcoholic beverages.

B) Consideration of request to transfer ownership of escrowed 2016 Class C License with New SDM and Sunday Sales Permit (AM & PM) from San Diego Sushi, LLC, 30701 Dequindre, Madison Heights to X-Golf Novi, LLC, a new business to be located at 44325 W. Twelve Mile Road, Suite H-179, Novi, MI 48377.

CM 16-09-130 Moved by Wrobel, seconded by Casey; UNANIMOUSLY CARRIED:

- A) **Approval of a request for Special Land Use approval for service of alcoholic beverages, for the reasons stated by the Committee.**

- B) **Approval of a request to transfer ownership of escrowed 2016 Class C License with New SDM and Sunday Sales Permit (AM & PM) from San Diego Sushi, LLC, 30701 Dequindre, Madison Heights to X-Golf Novi, LLC, a new business to be located at 44325 W. Twelve Mile Road, Suite H-179, Novi, MI 48377, because the concept is unique to the area, would assist the economic health of the businesses in the area, and would not result in an excessive amount of similar licensed establishments in that area of the City.**

Member Markham questioned the liquor license itself. She said typically if someone is starting a business they take a liquor license from another business in town, but this one is coming from another community. She wondered if this license would be considered another permanent liquor license for the City, or if something happened to the business and the liquor license becomes available could it move around in Novi. City Attorney Schultz replied to the question and said it is here as long as the business is here, if they put it into escrow someone can purchase it back and it can be moved around outside of Novi. Member Markham confirmed with Mr. Schultz that it could be moved anywhere in Oakland County.

Roll call vote on CM 16-09-130

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

3. Consideration of tentative approval of the request of McBride Dale Clarion for Speedway at 14 Mile and Haggerty, JSP 16-13, with Zoning Map Amendment 18.714, to rezone property in Section 1, located at the southwest corner of Fourteen Mile Road and Haggerty Road from OST (Planned Office Service Technology) and B-3 (General Business) to B-3 (General Business) subject to a Planned Rezoning Overlay (PRO) Plan Agreement, and corresponding PRO Concept Plan. The property totals 2.03 acres and the applicant is proposing to update and rebuild the whole site.

Member Mutch said he had a question regarding the development to the west of this property. He said when the site to the west of this development was developed they did not construct the sidewalk all the way to the property line and he asked Planning Director, Barb McBeth if that could be included in this development. Ms. McBeth thanked him for bringing this to their attention and asked the applicant to respond to the question, in which he stated they would be willing to do that. Member Mutch also mentioned that anything to help improve the traffic flow at that intersection, such as moving the driveways further away from the intersection, would be a big improvement. He noted he was in support of the tentative approval of this motion, but commented

that he had been corresponding back and forth with staff addressing a question he had about the road condition and at one point he thought they had mentioned a possible roundabout at the intersection at 14 Mile and Haggerty Rd. He said initially they came back and said no, we are no longer looking at that. He then mentioned he got another response from staff and they said they were not looking at it right now due to funding, but possibly down the road in the future it may be something that might happen. He said between now and the point that we approve this and go through the site plan review, it might be worth their while to go back and look at what they previously planned for that intersection. He said if they do run into a situation where the Road Commission for Oakland County says that they need to come in and take a portion of their property they should check to see if it will impact the operation of their business. He said we are dealing with another business at an intersection in the City where the Road Commission has to take some property and it has been kind of contentious. He noted it looked like they have some room to work with, but he thought he should put that out there. Member Mutch felt this was a good plan with the site that they have to work with now that they have consolidated the two properties together.

CM 16-09-131 Moved by Mutch, seconded by Staudt; UNANIMOUSLY CARRIED:

To tentatively indicate that Council approve the request of McBride Dale Clarion for Speedway at 14 Mile & Haggerty, JSP 16-13, with Zoning Map Amendment 18.714, to rezone property in Section 1, located at the southwest corner of Fourteen Mile Road and Haggerty Road from OST (Office Service Technology) & B-3 (General Business) to B-3 (General Business) subject to the related Planned Rezoning Overlay (PRO) Plan Agreement, and corresponding PRO Concept Plan as reviewed by the Planning Commission on September 14, 2016 and direction to the City Attorney to prepare a proposed PRO Agreement with the following ordinance deviations:

- a. A same side driveway spacing waiver to allow the driveway on 14 Mile Road to be located approximately 121 feet (200 feet required) from the neighboring driveway to the west to align with existing driveway on the north side of 14 Mile Road.**
- b. An opposite side driveway spacing waiver to allow the driveway on Haggerty Road to be located approximately 40 feet (200 feet required) from the driveway to the south in order to align with the existing driveway on the east side of Haggerty Road.**
- c. Section 9 Façade Waiver for the overage of Asphalt Shingles on the building (maximum 25 percent permitted; proposed 51 percent on east, 35 percent on west, 30 percent on south and north).**

- d. **Section 9 Façade Waiver for the overage of Flat Metal Panels on the fuel canopy (maximum 50 percent permitted; proposed 71 percent on east and west, 59 percent on south and north), and the underage of Brick (minimum 30 percent; proposed 20 percent on east and west).**
- e. **Proposed loading zone is located in the front yard, the ordinance indicates it should be located in the interior side yard of a double frontage lot.**
- f. **Proposed dumpster is located in the front yard, the ordinance indicates it should be located in the interior side yard of a double frontage lot.**

If the City Council approves the rezoning, the following conditions shall be requirements of the Planned Rezoning Overlay Agreement:

- a. ***Acceptance of applicant's offer of public benefits as proposed:***
 - i. ***Installation of a "Welcome to Novi" sign along the 14 Mile Road property line.***
 - ii. ***Dedication of 10 feet of ROW along 14 Mile Road to the Road Commission of Oakland County.***
 - iii. ***Redevelop the site with a building and canopy that is architecturally consistent with current zoning regulations.***
 - iv. ***Pedestrian access is improved: (a) sidewalks will be extended the length of the expanded property and will close gaps in the sidewalk system and (b) sidewalk connections from the convenience store to 14 Mile Road and Haggerty Road are provided.***
 - v. ***Safety improvements: (a) relocation of driveway away from 14 Mile and Haggerty intersection and to align with opposing driveway and (b) on-site circulation and visibility with new canopy.***
 - vi. ***Preservation of a 10 foot wide wooded buffer along the east property line.***
- b. ***Applicant shall provide a Noise Impact Statement with the Preliminary Site Plan submittal.***
- c. ***All grades of drive approaches shall not exceed 2-percent within the first 25 feet of the intersection, as demonstrated with the next site plan submittal.***
- d. ***All grading, storm sewer, and drainage areas shall meet all applicable City of Novi standards.***
- e. ***Applicant complying with the conditions listed in the staff and consultant review letters.***

This motion is made because:

- a. ***The Master Plan for Land Use objective to foster a favorable business climate is fulfilled by allowing an existing business to expand and provide 5 more jobs, \$235,000 in sales tax, and \$3.1 million in investment.***
- b. ***The Master Plan for Land Use objective to support and strengthen existing businesses is fulfilled by allowing an existing business to expand and develop a vacant parcel.***
- c. ***The concept plan improves existing non-conformities (minimum site size from 0.7 acres to 2.03 acres, location of driveways away from intersection, and upgraded stormwater management).***
- d. ***There is a negligible impact on the utilities due to expected utility demand reduced from 4 residential equivalent units to 3, minimal impact on available water capacity, pressure, and flow, and no apparent impact of the downstream sanitary sewer.***
- e. ***The rebuild and expansion of this site provides an update to the visual aesthetic at an entryway to the City, modern fuel dispensers and convenience store, and replacement of underground storage tanks.***

Roll call vote on CM 16-09-131

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

Nays: None

4. Consideration of the request of Feldman Automotive, JSP 16-31, for Zoning Map Amendment 18.713 to rezone property in Section 23, located on the south side of Grand River Avenue, between Novi Road and Meadowbrook Road, from the RM-1, Low-Density Multiple-Family District to the P-1, Vehicular Parking District, and a waiver of the required Rezoning Traffic Impact Study. The subject property is 1.67 acres and rezoning approximately 0.9 acres.

Member Casey wanted to disclose for the record that she works for the Global Connected Customer Experience Team at General Motors and her work does not have any involvement with the GM dealers. She said Feldman is a third party franchise owner so they are not General Motors employees and she gains no benefit from any proposal that they have brought forward.

Mayor Pro Tem Staudt said this is a great example of a good local business expanding in our city.

CM 16-09-132

Moved by Staudt, seconded by Wrobel; UNANIMOUSLY CARRIED:

To approve the request of Feldman Automotive, JSP 16-31, for Zoning Map Amendment 18.713 to rezone property in Section 23, located on the south side of Grand River Avenue, between Novi

Road and Meadowbrook Road, from the RM-1, Low-Density Multiple-Family District to the P-1, Vehicular Parking District, and a waiver of the required Rezoning Traffic Impact Study. The subject property is 1.67 acres and rezoning approximately 0.9 acres. FIRST READING

Approval is provided for the following reasons:

- 1. The Master Plan for Land Use objective to foster a favorable business climate is fulfilled by allowing an existing business to expand,**
- 2. The Master Plan for Land Use objective to support and strengthen existing businesses is fulfilled by allowing an existing business to expand and develop a vacant parcel,**
- 3. This is a reasonable alternative to the recommended land use and will be consistent with zoning to the east and the long-term related dealership use,**
- 4. No additional traffic would be expected with the proposed zoning than would be expected with the existing zoning,**
- 5. There is no negative impact expected on public utilities as stated in the Engineering memo, and**
- 6. It provides an opportunity for a long-standing business to expand at their current location.**

City Attorney, Thomas Schultz said the Mayor gave indication that this will be treated as a "First Reading", and there will be a "Second Reading" if it passes, at a subsequent meeting.

Member Mutch said he supports this and thought it makes sense to consolidate the property with the Feldman Dealership. He also mentioned he didn't know how this would be developed otherwise. He hoped that they would be mindful of the residents both to the south and to the west regarding the existing trees which he knows some will have to come down, but he would like the City and applicant to do whatever they can to maintain that visual buffer from Grand River.

Roll call vote on CM 16-09-132

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

Nays: None

5. Approval of resolution to authorize Budget Amendment #2016-17b.

CM 16-09-133

Moved by Mutch, seconded by Wrobel; UNANIMOUSLY CARRIED:

To approve the resolution to authorize Budget Amendment #2016-17b.

Roll call vote on CM 16-09-133

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

AUDIENCE COMMENT - None

COMMITTEE REPORTS - None

MAYOR AND COUNCIL ISSUES

Member Markham spoke about two upcoming events that she wanted to remind the public about. First, there will be officials from the Regional Transit Authority at the Novi Library on Tuesday, September 27th to present information on the ballot initiative. Secondly, the City of Novi is hosting Household Hazardous Waste Day on Saturday, October 1st from 10:00 am until 2:00 pm. There will be a group called Sustainable Novi holding a workshop in the atrium to discuss sustainable practices in your home.

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION - None

COMMUNICATIONS - None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:21 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: October 10, 2016