

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, APRIL 23, 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.

PLEDGE OF ALLEGIANCE

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

ALSO PRESENT: Peter Auger, City Manager
Thomas Schultz, City Attorney

APPROVAL OF AGENDA:

CM 18-04-051 Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY

To approve the Agenda as amended with the addition of Mayor and Council Issues regarding Post Office issues.

Roll call vote on CM 18-04-051 **Yeas: Staudt, Breen, Casey, Markham, Mutch, Wrobel, Gatt**
Nays: None

PUBLIC HEARING: None

PRESENTATIONS:

1. Proclamation recognizing May as Building Safety Month – Charles, Director of Community Development and Jeff Johnson, Director of Emergency Medical Services/Fire Operations

Jeff Johnson thanked Mayor and Council for the proclamation. He said that Charles Boulard had approached him and felt strongly they should continue working together to ensure everyone has a working smoke alarm and carbon monoxide detectors in their home. He said they have great teams in Community Development and in the Fire Department and they work seamlessly together. This is a great opportunity to continue the program. They want to ensure everyone has the ability to have a working alarm. Mr. Boulard thanked everyone. He said throughout the month of May they will reach out through social media to get the message out that this program is available.

2. Beautification Commission Update – Sheryl Walsh-Molloy, Director of Community Relations and Wendy DuVall, Community Outreach & Event Specialist

Sheryl Walsh thanked Mayor and Council for the opportunity to discuss this. She said it has been 6 months since the Beautification Commission transitioned to the Community Relations. They were excited about the opportunity to oversee the Homeowner's Associations, business relations, and community relations among residents. She added

that it was a great opportunity to expand the Commissions horizons and look at what programs they had offered in the past and start to step out of the box to be more progressive with their offerings. She said it was a great fit for Wendy DuVall, who was just certified as a Master Gardener. She said there were many events and this was a great opportunity for the Beautification Commission to get involved. Wendy DuVall said as of April 9th they have a full Commission. The first project was the evaluation and selection for recipients of the Neighborhood Entryway Enhancement Matching Grant Program. They awarded grants to four of the six applicants. They also plan to partner with area businesses, churches, community groups and individuals to establish an "Adopt a City Entryway Sign" program which would have guidelines similar to the Adopt-a-Highway program. They also will create a holiday decorating contest for subdivisions and businesses. They also want to create an object painting contest for the 50th Anniversary celebration. The Commission will play a major role in the "CARES" days. She said they are researching a National Wildlife Federation Community Habitat Certification program which is basically focused on keeping small animals and pollinators in the community. She said they have a good group of diverse members and they are excited to get to work.

MANAGER/STAFF REPORT: None

AUDIENCE COMMENT:

Michel Duchesneau, 1191 South Lake Drive, was present to talk about the setback requirements for 3 story buildings that require a RM-2 zoning without use of overlay. He said the requirements would be similar whether you use an overlay or not. In essence he wanted to point out was the Zoning Ordinance for a 3 story townhouse it would clearly be a RM-2 district. The setback requirements per the chart are 75 foot for the front, rear, and side yards. He said there was a proposal that the City was evaluating to build townhouses south of 13 mile along Old Novi Road. He said there were three parcels being reviewed. He said the first parcel was 100 feet deep and cannot meet the setbacks. The second parcel was a wooded lot and had 144 feet of frontage and was 200 feet deep; it also cannot meet the setbacks. The third parcel had 265 feet of frontage and was 200 feet deep. Once you factor in the setbacks there was only an area of 115 feet by 50 feet that could be built upon while meeting setbacks. He said the area in question would clearly not be appropriate when considering the intent of a RM-2 district.

Karl Migrin, 49450 9 Mile Road, said he supports Agenda Item 2 that makes changes to the Woodlands Protection Ordinance, but in reading through this ordinance, he noted that it does not encourage developers to transplant native species found within the boundaries of their development. It is easy for a developer to clear cut any trees, but with the current shortage of replacement trees 2.5 inches and above, he believes developers should be encouraged to relocate any smaller trees somewhere else on the property. When he built his home in 1987, he relocated several Silver Maple trees. He said they all survived and he was even able to transplant two to other properties.

Dorothy Duchesneau, 125 Henning, thanked Council for their hard work. She wanted to address Agenda Item 3. She said Goose Busters is an excellent organization; they are humane to the geese and effective in deterring geese. She would like to see the City add the wastewater treatment plant and the shores of Shawood Lake to the program. She explained that the objective is to destroy the nest and eggs during the 2-3 weeks that a female cannot relay eggs is. It has to be something that harasses the goose and makes them go somewhere else. Geese can live up to 25 years without a natural predator. She said where they are born is where they come back to and where they will nest for the rest of their life. Other things like dogs, noises, sparkly objects don't work but destroying the nest does work. It can be done humanely. She asked that they consider adding some of the Novi property to the target zones.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 18-04-052 Moved by Casey, seconded by Wrobel; CARRIED UNANIMOUSLY

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
 - 1. April 9, 2018 – Regular meeting
- B. Enter Executive Session immediately following the regular meeting of April 23, 2018 in the Council Annex for the purpose of discussing confidential communications from the city's legal counsel.
- C. Approval of First Amended and Restated Agreement between the City of Novi and Emergency Medical Service provider to include changes to the City of Novi's Emergency Medical Services Contract with Superior Air-Ground Ambulance of Michigan, Inc., to expand the Company's use of City Fire Station property for parking and living quarters purposes, to include access to the City's Fire Station No. 2, and to clarify the scope of access to Fire Station No. 3.
- D. Approval to award civil engineering services to Spalding DeDecker for design engineering services associated with signal modernization and intersection improvements at Beck Road & Pontiac Trail and at Haggerty Road & Fourteen Mile Road in the amount of \$42,438.00.
- E. Approval of the final payment to Springline Excavating, LLC, for the Christina Lane Culvert Replacements project in the amount of \$28,510.60, plus interest earned on retainage.
- F. Acceptance of pathway easements, temporary grading permits and storm sewer easements for the following parcels: 50-22-04-100-010, 50-22-04-100-034 and 50-22-04-200-011 for the construction of new sidewalk along the south side of Pontiac Trail between Beck Road and West Park Drive.

- G. Approval of a Storm Drainage Facility Maintenance Easement Agreement from Novi Partners of KY, LLC for the Trilogy project located south of Twelve Mile Road, west of Meadowbrook Road (parcel 22-14-200-031).
- H. Acceptance of a Woodland Conservation Easement from Beck North Corporate Park II, LLC for woodland conservation areas offered as a part of the Beck North Unit 54 development, located on the north side of Nadlan Court, east of Hudson Drive in Section 4 of the City.
- I. Approval of Claims and Accounts – Warrant No. 1010
- J. Approval to change the September 10, 2018 Council meeting to Monday, September 17, 2018.

Roll call vote on CM 18-04-052 Yeas: Breen, Casey, Markham, Mutch, Wrobel, Gatt, Staudt
Nays: None

MATTERS FOR COUNCIL ACTION

- 1. Approval to award a unit price pavement marking services contract to J.V. Contracting, Inc., the low bidder, in the estimated annual amount of \$181,295. The contract term is one year with three one-year renewal options.

CM 18-04-053 Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY

To approve the award of a unit price pavement marking services contract to J.V. Contracting, Inc., the low bidder, in the estimated annual amount of \$181,295. The contract term is one year with three one-year renewal options.

Roll call vote on CM 18-04-053 Yeas: Casey, Markham, Mutch, Wrobel, Gatt, Staudt, Breen
Nays: None

- 2. Approval of Zoning Ordinance Text Amendment 18-125.24 to amend the City of Novi Woodlands Protection Ordinance at Section 37-8, Relocation of replacement of trees, within Article 1, In General, to update the Woodland Tree Replacement Chart in order to align it more closely with the stated goals of the ordinance, and to update the Reforestation Credit Table to increase the effectiveness of on-site replacement plantings. **FIRST READING**

Member Mutch asked Rick Meader about encouraging developers to transplant trees. He questioned whether the City has a policy in terms of how we handle those situations and if we encourage it and if he thought it was effective. Mr. Meader said he had not seen that in the ordinance and it's never come up as a suggestion. Member Mutch

asked if it was a viable option for certain sites instead of clearing all trees. Mr. Meader said it would be viable with small trees, but would be cost prohibitive with big trees. They would also need a place to put them during the transplantation process. Member Mutch said the language doesn't address the developer getting credit for saving a native tree. He felt it would be worth adding language prior to the second reading to give a developer credit for keeping trees on site and discourage clear cutting. Member Mutch commented that the changes were necessary and good changes. It discouraged certain tree species that don't fit in Michigan so people will use native plants. He said in terms of the Woodland Ordinance overall, he wanted staff, consultants, and the Planning Commission to recognize it is a woodlands protection ordinance not a replacement ordinance. He said we want to protect trees not just replace them.

CM 18-04-054 Moved by Mutch, seconded by Staudt; CARRIED UNANIMOUSLY

To approve the Zoning Ordinance Text Amendment 18-125.24 to amend the City of Novi Woodlands Protection Ordinance at Section 37-8, Relocation of replacement of trees, within Article 1, In General, to update the Woodland Tree Replacement Chart in order to align it more closely with the stated goals of the ordinance, and to update the Reforestation Credit Table to increase the effectiveness of on-site replacement plantings. FIRST READING.

**Roll call vote on CM 18-04-054 Yeas: Markham, Mutch, Wrobel, Gatt, Staudt, Breen
Casey
Nays: None**

3. Approval of the Canada Goose Nest Destruction at the Townes of Liberty Park by private contractor, Goose Busters.

CM 18-04-055 Moved by Staudt, seconded by Wrobel; MOTION CARRIED: 4-3

To approve the Canada Goose Nest Destruction at the Townes of Liberty Park by private contractor, Goose Busters.

Member Breen said she couldn't support this item. When she read the DNR materials it indicated a number of measures must occur before destroying the eggs and nest. She said we don't know what other measures have been taken by the applicant. She said she can't support the destruction of wildlife. She understands they are invasive but she cannot support without knowing what other measures have been undertaken.

Member Mutch said they are invasive and they have taken over. He can support this and explained that their role isn't to validate whether the applicant has done all necessary steps to receive DNR approval. He looks to DNR to do the appropriate review with the applicant to ensure they've followed all the steps. Their role is administrative and to acknowledge they are aware and accept the concept of the

nest destruction. He said it has been a controversial topic, but this is the least destructive and most humane way to deal with the goose problem.

Mayor Gatt said he has learned that anything and everything to do with animals is controversial. He said the DNR has very prohibitive fines and sanctions for those who break the rules.

Roll call vote on CM 18-04-055 Yeas: Mutch, Wrobel, Gatt, Staudt
Nays: Breen, Casey, Markham

4. Appointment to the Historical Commission

City Clerk Hanson provided the results of balloting and announced that Kelly Kasper was appointed to the Historical Commission vacancy.

5. Approval of resolution to authorize Budget Amendment #2018-3.

CM 18-04-056 Moved by Mutch, seconded by Casey; CARRIED UNANIMOUSLY

To approve the resolution to authorize Budget Amendment #2018-3.

Mayor Pro Tem Staudt asked about the PEG fees having an offset from Cable Franchise Fees. He asked how Cable Franchise Fees were involved with PEG fees. He said he understood there could be an increase in PEG fees but he didn't understand why Cable Franchise Fees could affect this line item. Carl Johnson said it must have been the wording because they are separate. Cable Franchise Fees are in the General Fund and PEG fees are in the PEG Fund. Mayor Pro Tem Staudt asked that the wording be corrected.

Roll call vote on CM 18-04-056 Yeas: Wrobel, Gatt, Staudt, Breen, Casey, Markham,
Mutch
Nays: None

AUDIENCE COMMENT:

Todd Keene, 2300 Austin Drive, said he has lived in Novi for 25 years. He wanted to speak about the townhomes at Pavilion Shores. He said there has to be a better way to fulfill the needs and wants of the City of Novi other than letting a developer build apartments in their backyards. He said he didn't know where any of the Council members live but he was certain that not one of them would like the same thing in their backyard. He asked that any time something related to this development comes before them, to please step in their shoes.

Karl Migrin, 49450 9 Mile Road, said he sent them two presentations in the mail dealing with the proposed developments in the southwest section of the City and the impact they will have on wetlands, woodlands, and wildlife. He said he spent many days

creating these presentations and asked they take time to review them. He said he didn't know when the project will come before Council but he wanted them to have the information. He appreciated them taking the time to look it over.

MAYOR AND COUNCIL ISSUES:

Member Markham said she lives in zip code 48374. She said about six to nine months ago, the Post Office changed the distribution from Novi to Walled Lake. When that happened, the service declined precipitously. She said she consistently receives material a day later than everyone else. She said the other residents in the zip code have complained as well.

Mayor Gatt said his zip code is 48375 and his tax return was mailed February 2nd but he just received it today. He said they need to keep in mind they have no control. He has noticed a large decline in service as well.

Member Markham said the biggest inconvenience is that they have to travel into Walled Lake instead of going to the Novi Road location.

Mayor Gatt requested administration work through our members of Congress to see if they can help.

Mayor Pro Tem Staudt said several years ago the mailing standards changed. First Class went from 1-2 days to 2-4 days. In this case he advised residents to call the Metroplex and talk to a postal supervisor there. He said it's not a local problem; it's a result of the distribution process.

Member Breen said the 48377 zip code has encountered problems as well. She has heard reports of missing mail, prescription drugs and boxes of checks disappearing.

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION:

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:40 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: May 7, 2018