

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, APRIL 13, 2015 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 Casey, Markham, Mutch, Poupard, Wrobel

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

APPROVAL OF AGENDA:

CM 15-04-039 Moved by Mutch, seconded by Poupard; CARRIED UNANIMOUSLY:

To approve the Agenda as amended to add under Mayor and Council Issues – Licensing for Refuse Haulers.

Roll call vote on CM 15-04-039 **Yeas: Staudt, Casey, Markham, Mutch, Poupard, Wrobel, Gatt**
Nays: None

PUBLIC HEARING - None

PRESENTATIONS:

1. Proclamation in Recognition of Child Abuse Prevention and Awareness Month

The Care House proclamation from Mayor Gatt will be mailed as they were unable to attend.

2. Proclamation in Recognition of National Public Safety Telecommunicators Week
April 12 – 18, 2015 – Rick Mitchell, Communications Manager

Mayor Gatt presented the proclamation to Rick Mitchell, City of Novi Communications Manager. Rick Mitchell introduced some of his staff. He said they are the unsung heroes. He gave many accolades of their work ethic and spoke about the difficult responsibilities they have in different emergency situations.

REPORTS:

1. MANAGER/STAFF - None

2. ATTORNEY - None

AUDIENCE COMMENT:

Drew Lathin, 24291 Homestead Ct., spoke about the entryway program for City subdivisions. He has followed the Beautification Committee's actions and thought some changes could make the program better. The three main objectives of the program were sustainability, beauty and quality. He noted there was nothing under the criteria needed to evaluate the program and felt it was obtuse. He thought it should explicitly consider quality, sustainability, and beauty. He agreed the 75 point evaluation was proper to assess the project's viability. The first task should be to assess it on the 75 point system, and then do a second layer of assessment on beauty, quality and sustainability. He felt there was a logical disconnect between the stated purpose of the program and the criteria. The application should be judged on the three factors with additional criteria. He suggested criteria like solar materials, native plants, no irrigation and other sustainable practices become part of it. If the program is left unchanged, it is merely a giveaway to neighborhoods that update their entrances without the sustainability factor.

Bob Schwartz, Country Place Condominium's building manager, thanked the City for the award. He felt they met all the criteria. He noted they will be replacing 40-year old signs with fieldstone.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 15-04-040 Moved by Casey, seconded by Poupard; CARRIED UNANIMOUSLY:

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
 - 1. March 23, 2015 – Regular meeting
- B. Approval of the final payment to Fiore Enterprises, LLC for the 2014 Neighborhood Road Program–Contract 2 (Concrete) project in the amount of \$60,223.67, plus interest on retainage.
- C. Approval of the form of proposed amendment to the Novi Equities Limited Partnership v. City of Novi Consent Judgment at the request of Novi Promenade Holdings, LLC, relating to property located at the intersection of Grand River Avenue and Wixom Road, to allow the applicant to relocate the existing detention pond and construct two acres of wetland mitigation for the Grand Promenade project (JSP14-15).
- D. Approval of re-appointment of Finance Director to Building Authority for a three-year term ending March 1, 2018.

- E. Approval to award a unit price debris removal services contract to Ellsworth Industries, Inc., the low bidder, in the estimated annual amount of \$20,000. The contract term is one year with two one-year renewal options.
- F. Approval of cost participation agreement with Oakland County and the Road Commission for Oakland County for the Eastbound Grand River Dual Left Turn at Beck Road project to provide \$107,358 of outside funding toward the project costs.
- G. Approval of Traffic Control Orders 15-06 and 15-07 to require eastbound and westbound Calvert Isle to yield at Nepavine in Island Lake Orchards.
- H. Approval of Traffic Control Order 15-08 to prohibit right turns on red from southbound Old Novi Road to southbound Novi Road when the no turn on red sign is illuminated.
- I. Acceptance of a warranty deed from Toll MI II Limited Partnership for the dedication of an additional 60 feet of right-of-way along Ten Mile Road for The Preserve at Island Lake (Phase 8) project located at the northeast corner of Ten Mile Road and Napier Road.
- J. Approval of a Storm Drainage Facility Maintenance Easement Agreement from Toll MI II Limited Partnership for The Preserve at Island Lake (Phase 8) project located at the northeast corner of Ten Mile Road and Napier Road.
- K. Approval of a Storm Drainage Facility Maintenance Easement Agreement from Shastco, LLC, for the project located on Roethel Drive south of Nine Mile Road (parcel 22-35-127-018).
- L. Approval of (1) a Resolution Concerning Acquisition and Approving Declaration of Necessity and Taking and authorization of Offer to Purchase; (2) a Declaration of Taking; and, (3) an Agreement of Sale and Offer to Purchase Easements over Real Property in the amount of \$64,100 for highway easements and temporary grading permits on two parcels (22-16-151-010 and 22-16-151-012) for the relocation of the existing pathway and utility poles along the south side of Grand River for the widening of Grand River as part of the Eastbound Grand River Dual Left Turn at Beck Road project.
- M. Approval of a revised Good Faith Offer reflecting updated sales data in the amount of \$4,640 for a highway easement and a temporary grading permit on the property owned by 47087 Grand River, LLC (parcel 22-16-151-002) for the relocation of the existing pathway and utility poles along the south side of Grand River for the widening of Grand River as part of the Eastbound Grand River Dual Left Turn at Beck Road project.
- N. Approval of a Resolution of Support authorizing submission of a Transportation Alternatives Program grant application for the ITC Regional Pathway Phase 1B

from Nine Mile Road near Garfield Road to Fire Station #4 at Wixom and Ten Mile Roads.

- O. Approval of Claims and Accounts – Warrant No. 937

Roll call vote on CM 15-04-040

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

Nays: None

MATTERS FOR COUNCIL ACTION

1. Approval of the Beautification Commission's recommendation on the Neighborhood Entryway Enhancement Matching Grant Program to award \$5000 each to the following five neighborhoods upon successful completion of the entryway work depicted in the applications: Chase Farms, Country Place Condos, North Haven Woods, Olde Orchard Country Homes, and Orchard Ridge.

Assistant City Manager Cardenas explained this was a Council goal for the current budget year. It was an idea learned from a recent Mayor's exchange. The City staff did a fantastic job making it come to fruition. \$25,000 was budgeted. It is a step in the right direction, but may need some revisions in the future.

Member Wrobel said this is a project that Council learned from Fishers, Indiana. It is the first year for the project and there were 11 subdivisions that applied for this. It is a new program and in the future, there will be guidelines developed for the Beautification Commission to follow. He was very positive about meeting this goal. The City will benefit from this program.

CM 15-04-041

Moved by Wrobel, seconded by Poupard; CARRIED UNANIMOUSLY:

To approve the Beautification Commission's recommendation on the Neighborhood Entryway Enhancement Matching Grant Program to award \$5000 each to the following five neighborhoods upon successful completion of the entryway work depicted in the applications: Chase Farms, Country Place Condos, North Haven Woods, Olde Orchard Country Homes, and Orchard Ridge.

Member Mutch agreed they need to learn from this initial process. He was impressed with the amount of detail requested from the applicants. He thought going forward it is a learning experience. He expects neighborhoods will come back to apply next year. Council set priorities for the program and they should be reflected in the process.

Roll call vote on CM 15-04-041

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

Nays: None

2. Approval of the request of Toll Brothers for JSP 14-18 with Zoning Map Amendment 18.707 to rezone property in Section 26, on the east side of Novi Road, south of Ten Mile Road from I-1, Light Industrial and OS-1, Office Service to RM-1, Low Density Low-Rise Multiple-Family Residential with a Planned Rezoning Overlay and to approve the corresponding concept plan and PRO Agreement between the City and the applicant. The property totals 20.9 acres and the applicant is proposing a 93 unit attached condominium multiple-family residential development.

Matthew Quinn appeared on behalf of his client with Jason Minock, representing Toll Brothers. He spoke about the proposal and explained it has gone through the reiterations and meetings with City staff. The biggest change from an earlier proposal is that the orchard soil is being removed from site. The plan is the same as previously presented with the public benefits outlined in the PRO.

Member Mutch asked if there was language in the PRO that states when the public benefits will occur in the development process. Mr. Quinn said it will be a part of the approved site plan, before there can be any residence allowed to move in, the public improvements are completed prior to that time. Member Mutch directed the question to City Attorney Schultz and he answered it states there will be public pathways. It wouldn't hurt to confirm in the agreement that they have an obligation to assign the easements to the City before they commence construction. Mr. Quinn said he had no problem with that. Member Mutch noted the pedestrian lighting along Nick Lidstrom Drive will be added and asked if it could be stated in the final language. Mr. Quinn said he had no problem with it.

CM 15-04-042

Moved by Mutch, seconded by Casey; CARRIED UNANIMOUSLY:

Final approval of the request of Novi Ten Townhomes JSP14-18 with Zoning Map Amendment 18.707 to rezone the subject property from I-1 (Light Industrial) and OS-1(Office Service) to RM-1(Low Density Low-Rise Multiple-Family Residential) with a Planned Rezoning Overlay and to approve the corresponding concept plan and PRO agreement between the City and the applicant, subject to the conditions listed in the staff and consultant review letters, for the following reasons and with the understanding to provide easements for public walkways and location of pedestrian lighting along Nick Lindstrom Drive be addressed in the final agreement:

- a. The applicant has presented a reasonable alternative to the proposed Master Plan designation of Community Office and

- Industrial Research Development and Technology as outlined in the planning review letter;**
- b. The proposed property lines maintain a significant buffer (approximately 350 feet) from the adjacent railroad and industrial uses to the east of the subject property;**
 - c. The proposed multiple-family use would complement the existing multiple-family uses to the south and in the general area;**
 - d. The plan meets several goals, objectives and implementation strategies included in the Master Plan for Land Use as outlined in the planning review letter;**
 - e. The applicant has made an effort to minimize impacts to on-site wetlands to the extent practical and has offered to preserve all remaining natural features via a conservation easement; and**
 - f. The site will be adequately served by public utilities and the proposed zoning and proposed use represents fewer peak hour trips than the current zoning would require.**

Member Wrobel asked what percentage of soil will be removed. Jason Minock said it will start at 6 inches and then re-test. The deepest he said was approximately 12 inches at one spot.

Roll call vote on CM 15-04-042

Yeas: Mutch, Poupard, Wrobel, Gatt, Staudt,
Casey, Markham
Nays: None

3. Approval of Zoning Ordinance Text Amendment 18.274 to amend the City of Novi Zoning Ordinance at Article 4, Use Standards, Section 4.82, Residential Dwellings in order to reconcile the standards for multiple-family uses for mixed use developments and non-mixed use developments. **FIRST READING**

CM 15-04-043 Moved by Wrobel, seconded by Casey; **CARRIED UNANIMOUSLY:**

To approve the Zoning Ordinance Text Amendment 18.274 to amend the City of Novi Zoning Ordinance at Article 4, Use Standards, Section 4.82, Residential Dwellings in order to reconcile the standards for multiple-family uses for mixed use developments and non-mixed use developments. **FIRST READING**

Roll call vote on CM 15-04-043

Yeas: Poupard, Wrobel, Gatt, Staudt, Casey,
Markham, Mutch
Nays: None

4. Approval to award contract for the 2015 Spring Tree and Landscape Planting to the lowest bidder, RC Tuttle Refinishing Co., for the amount of \$69,579, and to concurrently amend the FY 14/15 budget.

Member Mutch commented that the tree planting program does enhance the quality of life in the City of Novi and he is pleased it is being done in a number of locations throughout the City. He said one of the issues he will raise at budget is how the tree fund is utilized. He feels the monies should be used to plant trees.

CM 15-04-044 Moved by Mutch, seconded by Poupard; CARRIED UNANIMOUSLY:

To approve an award contract for the 2015 Spring Tree and Landscape Planting to the lowest bidder, RC Tuttle Refinishing Co., for the amount of \$69,579, and to concurrently amend the FY 14/15 budget.

Roll call vote on CM 15-04-044

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

Nays: None

5. Approval to award a unit price pavement marking services contract to RS Contracting, Inc., the low bidder, in the estimated annual amount of \$178,465. The contract term is one year with three one-year renewal options.

CM 15-04-045 Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY:

To approve an award of a unit price pavement marking services contract to RS Contracting, Inc., the low bidder, in the estimated annual amount of \$178,465. The contract term is one year with three one-year renewal options.

Roll call vote on CM 15-04-045

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

Nays: None

AUDIENCE COMMENT:

Andrew Sarpolis, 31036 Beachwalk Dr., Apt 1506, thanked Council for approving the proposals presented by the Beautification Commission. Also, he wanted to address some of the criteria issues, but the previous speaker hit most of those since this was a first attempt at this program and would integrate those ideas in the future. He thought the

funds might be uncertain for next year, but was happy to hear those funds will be available. He thanked Council for submitting the Michigan Natural Resources Trust Fund (MNRTF) grant application for contiguous property to ensure public open space was available. He will be submitting comments regarding this grant.

COMMITTEE REPORTS – None

MAYOR AND COUNCIL ISSUES:

1. Licensing for Refuse Haulers – Member Mutch noted residents have had issues with a new refuse hauler within the City because of the sale of one company. The City Attorney and City Clerk provided information regarding it. Our current ordinance that regulates the licensing process of the trash haulers is limited. He thought it would be appropriate for Ordinance Review Committee to visit the current licensing requirements that would be warranted and bring back to City Council any recommended changes in the hopes of a higher quality of service to residents.

Mayor Pro Tem Staudt noted it would be a good time to look at other potential haulers in the City. There were many complaints included alternating weeks for yard waste. Also, papers and trash have been lying throughout the sub. He was extremely dissatisfied with the transition of Advanced Disposal.

Member Wrobel also noted there had been many calls with people dissatisfied with service and new rates with a lack of communication. He agreed to look at rates and standards of operation.

Member Markham noted she heard the same complaints and the time was appropriate for reviewing the licensing. This is the first community she's lived in where individuals contract with different trash haulers. It seemed as though there are different trucks in the sub for 3 days in a row. She understood competition is good but there are other ways to be more environmentally sensitive and easier on the roads.

Members Casey and Poupard echoed some of the same thoughts.

Mayor Gatt noted that the first week of the change, there was trash left on his front lawn. He's also had discussion with his homeowner's association. It is worth talking about regulating trucks and the areas in which they provide service.

CM 15-04-046 Moved by Mutch, seconded by Casey; CARRIED UNANIMOUSLY:

To approve to direct Ordinance Review Committee to review licensing of refuse haulers.

Roll call vote on CM 15-04-046

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

Nays: None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION – None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:42 P.M.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Jane Keller

Date approved: April 20, 2015