

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JUNE 17, 2019 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, Mutch, Poupard, Verma

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

APPROVAL OF AGENDA:

Member Casey added to Mayor and Council Issues: Road Projects Study Session

Member Breen added to Mayor and Council Issues: Pavilion Shore Park Water Feature

CM 19-06-100 Moved by Casey, seconded by Mutch; CARRIED UNANIMOUSLY

To approve the Agenda as amended.

Roll call vote on CM 19-06-100 **Yeas: Staudt, Breen, Casey, Mutch, Poupard, Verma, Gatt**
Nays: None

PUBLIC HEARING: None

BOARDS AND COMMISSIONS CANDIDATE INTRODUCTIONS

Mayor Gatt reminded the candidates that the rules had changed just recently for the Boards and Commissions candidates. He said today they will be given the opportunity to come down to the podium for two minutes and tell Council why they feel they should be appointed to the Planning Commission and what their qualifications are. Keep in mind that City Council has a copy of the comprehensive application form that they have filled out.

1. Cynthia Gronachan – Planning Commission

Ms. Gronachan said she was there to apply for the position on the Planning Commission. She is currently serving on the Zoning Board of Appeals. She stated that she had served from 2001 to 2006 and from 2013 to present. During that time she served as the chair for five years. She said that her eleven years of experience has prepared her for this position on the Planning Commission. She said she was well versed with the zoning ordinances, working with the staff, and the Master Plan. She stated that as a longtime resident she was very familiar with the Master Plan which offers balance and growth. As a current president of the Willowbrook Homeowners Association and

past president of the Garfield Homeowners Association she has learned to gather accurate information, help educated residents, and work as a liaison between the residents and the City. She said that is why she was there before Council with her experience, knowledge, and her commitment to Novi. She felt that it made her a perfect fit for this position. She thanked Council in advance for their consideration.

2. Brent Ferrell – Planning Commission

Mr. Ferrell thanked City Council. He said he has lived in Novi approximately nine years and he loved it. He has been actively involved in the City of Novi, and only after a few months of living in Novi he was appointed to the Zoning Board of Appeals. Currently he serves as chair; he has also served as vice chair, secretary, and a regular member. He has been on the Zoning Board of Appeals for eight years. In his time on the Zoning Board of Appeals he has become versed in zoning and variance issues. He felt that with the experience that he has gained and his strong desire to continue to make Novi a great place to live, he felt that he would be a great fit to continue with its growth and future. Thank you for your time and consideration.

PRESENTATIONS:

1. Proclamation – July as Parks and Recreation Month – Jeffrey Muck, Parks Director

PRCS Director Muck and Deputy PRCS Director Ringle accepted the proclamation. Ms. Ringle thanked Mayor Gatt and City Council for the recognition. She said it was an opportunity for her to recognize the Parks, Recreation, and Cultural Services staff that offer programming and great facilities for the residents of Novi. She appreciated the recognition. Mr. Muck thanked everyone and said one of the things that stood out to him was the economic impact. He said the Novi City Council has truly valued that and understood the role of the Parks and Recreation can have on economic impact. Every weekend they have people in our parks from all over the State of Michigan, if not the country, when we are holding our national tournaments. They are eating in our restaurants, staying in our hotels and shopping at our shopping centers. He said that it wouldn't be possible without Councils continued investment in the parks and facilities. On behalf of staff and the citizens of Novi, he thanked Council for their support.

MANAGER/STAFF REPORT: NONE

ATTORNEY REPORT: NONE

AUDIENCE COMMENT:

Dorothy Duchesneau, 125 Henning St., Novi said that at a prior Planning Commission meeting something came up that has been bothering her with regard to the City's check and balances. She wanted to bring this to the City Council's attention as something to keep an eye on. She said that quite a few months back, a developer came to the City Council to ask for tax abatement on a new building to be built north

of 12 Mile and east of West Park Drive. It was an existing business in Novi that needed a larger home. The tax abatement was granted in a large part due to the agreement between the business and the City, that the business would deed to the city a section of their 12 Mile Road frontage for the future development of 12 Mile Road from two lanes into a four lane boulevard to match 12 Mile east of Novi Road. It was a win-win for both sides. The business got the tax abatement, and the city got land that they would have had to buy with cash at a future point in time in order to widen 12 Mile Road. Recently, another developer came to the planning commission for a property across from this one, on the south side of 12 Mile Road. This project did not need to go before the Zoning Board or City Council for any reason. In going over the proposal prior to the Planning Commission meeting, her husband wrote to the Planning Department and questioned whether the future widening of 12 Mile from Cabaret to the Beck Road interchange was even considered. Every possible square foot of the property was being developed up to the existing narrow right-of-way. We had just attended the meeting held for the discussion of what could be done with 12 Mile to improve traffic flow. One of the explanations for the current condition was that the city had allowed both sides of many of the lots with 12 Mile frontage, to build right up to the narrow right of way owned by the county. There was no way now to obtain the land needed to fix the hour glassing of the road lanes. She said the reply her husband received back said the proposed 60 foot right-of-way dedication is consistent with other developments recently approved nearby. The City's Thoroughfare Master Plan (2016) did not include a recommendation to widen 12 Mile, although it has come up in discussions. The applicant's traffic study also did not include mention of widening or reconstructing 12 Mile. She said when it came time for the Planning Commission meeting a few days later; the project was approved with the retention pond and the sidewalk right where the second east bound lane of traffic and the turn lanes should be. She thought Planning seemed to rely on the traffic study that showed no future reconstruction. She said that on the City's website under Project 162-01 it says 12 Mile Road widening Beck to Cabaret Drive.

CONSENT AGENDA REMOVALS AND APPROVALS:

- A. Approve Minutes of:
 - 1. June 3, 2019 – Regular meeting

- B. Enter Executive Session immediately following the regular meeting of June 17, 2019 in the Council Annex for the purpose of discussing labor negotiations.

- C. Approval of Pawnbroker License renewal requested by Joseph Haddad, owner of Gold Buy and Jewelry, 41490 Grand River Avenue.

- D. Approval to award the purchase of a Kardex Remstar Lektriever Vertical Carousel from Kardex Remstar, LLC under the Sourcwell Contract in the amount of \$41,659.58.

- E. Approval to award the Novi Ice Arena HVAC Energy Management System Upgrade to L.J. Rolls Refrigeration, the low bidder, in the amount of \$75,400.
- F. Approval of amendments to contracts for the City Clerk and City Assessor as prepared and approved as to form by the City Attorney.
- G. Approval of a contract with Inner City Contracting for Court Ordered Demolition and clean-up of structure and property located at 44963 Eleven Mile for a total cost not to exceed \$25,995.00.
- H. Approval of a Street Light Purchase Agreement with Detroit Edison Company for the installation and ongoing operation costs of nineteen (19) LED street lights along Bond Street and Flint Street.
- I. Approval of a Resolution to close Ten Mile Road from the Civic Center to Taft Road for the Festival of Chariots from 11:45AM to 1:30PM on Sunday, July 21, 2019.
- J. Approval of Addendum to the Emerson Park Planned Rezoning Overlay (PRO) Agreement, to adjust the date by which the required sidewalk and boardwalk improvements are to be constructed along Ten Mile Road west of Novi Road, subject to final review and approval of the language of the Addendum by the City Manager and City Attorney.
- K. Approval of Claims and Accounts – Warrant No. 1038

CM 19-06-101 Moved by Casey, seconded by Poupard; CARRIED UNANIMOUSLY

To approve the Consent Agenda as presented.

Roll call vote on CM 19-06-101

**Yeas: Breen, Casey, Mutch, Poupard, Verma,
Gatt, Staudt**

Nays: None

MATTERS FOR COUNCIL ACTION

1. Final approval of the request of Orville Properties, LLC for Final Approval of the First Amendment to the previously-approved Planned Rezoning Overlay (PRO) Plan and Agreement, JZ18-24, Adell Center PRO. The subject property is approximately 23 acres and is located on Expo Center Drive (now Adell Center Drive), north of Grand River Avenue and south of I-96 in Section 15. The applicant seeks to revise the PRO Agreement to amend the approved layout for Units 6 and 7, common landscape areas, building signage, and location of accessory units.

Mayor Pro Tem Staudt asked City Planner McBeth if there have been any significant changes since the last meeting it was before Council. Ms. McBeth replied no, the preparation of the Planned Rezoning Overlay (PRO) Agreement was consistent with what the City Council requested. Mayor Pro Tem Staudt said that they usually leave some latitude for the City Manager and the City Attorney; he asked if any was taken. Ms. McBeth said no, not that she was aware of.

CM 19-06-102 Moved by Staudt, seconded by Gatt; MOTION CARRIED: 5-2

Final Approval of the request of Orville Properties, LLC for Final Approval of the First Amendment to the previously-approved Planned Rezoning Overlay (PRO) Concept Plan and PRO Agreement, associated with a rezoning from Expo (EXPO) to TC (Town Center), JZ18-24, Adell Center PRO. This approval is subject to (1) the related Planned Rezoning Overlay (PRO) Agreement, and corresponding PRO Concept Plan, and the findings and PRO Conditions contained therein; and (2) the conditions listed in the staff and consultant review letters. The final form and text of the First Amendment to the PRO Agreement shall be subject to review and approval by the City Manager and City Attorney's office.

This motion is made because:

- a. The proposed amendment fulfills the following objectives of the Master Plan for and Use by supporting the growth of existing businesses.**
 - 1. Retain and support the growth of existing businesses and attract new businesses to the City of Novi.**
 - 2. I-96/Novi Road Study Area. Develop the I-96/Novi Road Study Area in a manner that reflects the importance of this important gateway to the City in terms of its location, visibility, and economic generation. Mitigate impacts to the City's infrastructure.**
- b. The proposed amendment will have no negative impact on public utilities.**
- c. The proposed amendment will not have any additional impacts on existing Traffic conditions than what were identified at the time of original PRO Concept Plan approval.**

Roll call votes on CM 19-06-102

**Yeas: Casey, Poupard, Verma, Gatt, Staudt
Nays: Mutch, Breen**

- 2. Approval to renew the City's 2019-2020 Property and Liability Insurance coverage with the Stevenson Company in the amount of \$384,994.00.**

CM 19-06-103 Moved by Mutch, seconded by Casey; CARRIED UNANIMOUSLY

Approval to renew the City's 2019-2020 Property and Liability Insurance coverage with the Stevenson Company in the amount of \$384,994.00.

Roll call votes on CM 19-06-103 **Yeas: Mutch, Poupard, Verma, Gatt, Staudt, Breen, Casey**
Nays: None

3. Approval of deficit elimination plans for the Capital Improvement (CIP) Fund and the Corridor Improvement Authority (CIA) Fund.

Mayor Pro Tem Staudt confirmed with City Attorney Schultz that it was a single motion for both.

CM 19-06-104 **Moved by Staudt, seconded by Casey; CARRIED UNANIMOUSLY**

Approval of deficit elimination plans for the Capital Improvement (CIP) Fund and the Corridor Improvement Authority (CIA) Fund.

Roll call votes on CM 19-06-104 **Yeas: Poupard, Verma, Gatt, Staudt, Breen, Casey, Mutch**
Nays: None

4. Adoption of a resolution authorizing cost participation associated with the Michigan Department of Transportation (MDOT) Local Bridge Program for Preventative Maintenance on three City-owned bridges (Meadowbrook Road over Ingersol Creek, Cranbrooke Drive over Ingersol Creek, and West Park Drive over CSX Railroad), and approval of a cost sharing agreement with MDOT (with an estimated allocation of \$125,100 paid by Federal funds, \$96,500 paid by MDOT Local Bridge Program funds, and \$11,600 to be paid by the City of Novi).

Member Mutch commented that he was pleased to see City staff has been able to secure this funding for these important bridge projects. He believed the City's share of the total cost is only going to be five percent of the total cost for this work. That was a great job bringing in those outside dollars.

CM 19-06-105 **Moved by Mutch, seconded by Poupard; CARRIED UNANIMOUSLY**

Adoption of a resolution authorizing cost participation associated with the Michigan Department of Transportation (MDOT) Local Bridge Program for Preventative Maintenance on three City-owned bridges (Meadowbrook Road over Ingersol Creek, Cranbrooke Drive over Ingersol Creek, and West Park Drive over CSX Railroad), and approval of a cost sharing agreement with MDOT (with an estimated allocation of \$125,100 paid by Federal funds, \$96,500

paid by MDOT Local Bridge Program funds, and \$11,600 to be paid by the City of Novi).

Roll call votes on CM 19-06-105

Yeas: Verma, Gatt, Staudt, Breen, Casey, Mutch, Poupard

Nays: None

5. Approval to Purchase a 2019 SPH100 aerial platform Sutphen ladder truck from Sutphen Corporation for the Novi Fire Department, through the Sourcewell competitive purchasing contract #022818-SUT, in the amount of \$1,474,687 and amend the budget.

Member Breen mentioned that we allocated \$1.8 million dollars for this truck, now it is coming in significantly under that amount; she asked City Manager Auger if they were getting everything that they need. Mr. Auger replied, yes, the price came in lower than anticipated. Member Breen thanked the Fire Department for saving the City a lot of money on that.

CM 19-06-106

Moved by Breen, seconded by Casey; CARRIED UNANIMOUSLY

Approval to Purchase a 2019 SPH100 aerial platform Sutphen ladder truck from Sutphen Corporation for the Novi Fire Department, through the Sourcewell competitive purchasing contract #022818-SUT, in the amount of \$1,474,687 and amend the budget.

Mayor Pro Tem Staudt questioned Finance Director Johnson on the \$1.8 million allocated in their CIP Funds, but we have a \$900,000 budget item that we're making a \$500,000 addition to, which one are we doing? Mr. Johnson replied that at the budget meeting it was proposed that half of it be put in FY 2018-2019, and half of it be put in FY 2019-2020. It was budgeted for \$1.8 million dollars, but it was split between the two fiscal years. Mayor Pro Tem Staudt didn't think it was according to the CIP budget. We currently have before us and what we approved that night was that the CIP budget shows \$1.8 million. There was an amendment that night to move half of it forward. That was at the budget hearing, that is how it got pushed forward. He said he believed the thought was to get it going as soon as possible because it is one year build. The down payment amount was pushed forward, but it is payment due, because it is a custom build. Mayor Pro Tem Staudt said the remaining balance; approximately \$300,000 can flow back through down to the fund balance. Mr. Johnson said that was correct, the budget will ultimately be amended and the CIP Fund will pick up the \$300,000. Mayor Pro Tem Staudt wondered if that was a necessary part of the motion. Mr. Johnson said the budget is set at the \$1.8 million so it is not necessary. He said they will come back to Council, but one way or the other they are only going to spend what Council approved that evening which was the \$1,474,687. Even without a motion, the \$300,000 would just fall back to Fund Balance.

Member Mutch said he thought it was important to note that when the voters approved the Capital Improvement Millage a few years ago, one of the major items that were listed was the ladder truck and the number that was associated with it was a significant amount which is one of the reasons we were asking for that millage. With their support for that millage we were able to check that off our list. If we look at the projects presented to the voters we are pretty well along taking care of the projects that we said we were going to do with this millage. He thought it was great to see this moving forward. It is another accomplishment using those funds; hopefully we can make progress on the remainder of those other items.

Roll call votes on CM 19-06-106 **Yeas: Gatt, Staudt, Breen, Casey, Mutch, Poupard, Verma**
Nays: None

6. Approval to award the construction contract for the Flint Street and Bond Street (Southwest Ring Road) Road, Culvert, Streambank Stabilization, and Utility Project to Fonson Company, Inc., the low bidder, in the amount of \$2,601,211.96.

CM 19-06-107 **Moved by Casey, seconded by Mutch; CARRIED UNANIMOUSLY**

Approval to award the construction contract for the Flint Street and Bond Street (Southwest Ring Road) Road, Culvert, Streambank Stabilization, and Utility Project to Fonson Company, Inc., the low bidder, in the amount of \$2,601,211.96.

Roll call votes on CM 19-06-107 **Yeas: Staudt, Breen, Casey, Mutch, Poupard, Verma, Gatt**
Nays: None

7. Approval to award the construction contract for the road rehabilitation associated with Cabot Drive from 12 Mile to 13 Mile Roads, Lewis Drive from Cabot Drive to Haggerty Road, Trans X Road, and the intersection of West Oaks and Donelson Drives to Cadillac Asphalt, LLC, the low bidder, in the amount of \$1,731,005.72.

CM 19-06-108 **Moved by Casey, seconded by Poupard; CARRIED UNANIMOUSLY**

Approval to award the construction contract for the road rehabilitation associated with Cabot Drive from 12 Mile to 13 Mile Roads, Lewis Drive from Cabot Drive to Haggerty Road, Trans X Road, and the intersection of West Oaks and Donelson Drives to Cadillac Asphalt, LLC, the low bidder, in the amount of \$1,731,005.72.

Roll call votes on CM 19-06-108 **Yeas: Breen, Casey, Mutch, Poupard, Verma, Gatt, Staudt**
Nays: None

8. Approval to award the construction contract for shoreline protection, erosion control and streambank stabilization improvement projects associated with Pavilion Shore Park, Lakeshore Park, and Thornton Creek to Anglin Civil, LLC, the sole bidder, in the amount of \$318,930.10.

CM 19-06-109 Moved by Staudt, seconded by Casey; CARRIED UNANIMOUSLY

Approval to award the construction contract for shoreline protection, erosion control and streambank stabilization improvement projects associated with Pavilion Shore Park, Lakeshore Park, and Thornton Creek to Anglin Civil, LLC, the sole bidder, in the amount of \$318,930.10.

Member Verma wondered how many bid packets went out. City Manager Auger said he wasn't sure of the number that went out, but we only received one back. He said this is a construction company that we have used on several other projects. Mr. Auger said DPW Director Herczeg could answer that question. Mr. Herczeg said the bid package went out to multiple contractors on every project. He said there is a lot of work going on at this time, so it is not unusual that we get just the one bid. It is happening industry wide. Mr. Herczeg said it goes out over BidNet to approximately 30 to 40 contractors.

Member Mutch said it did come in under estimated costs. The engineering costs are significantly under the budgeted costs. A few were under by \$100,000, or at least close to it on a couple of components of that. He hoped that we are getting as many bids as possible on any of these projects, but in this case he thought because they came in under estimate and significantly under the budget amount, it looks like we are getting a pretty good deal on this particular one.

Member Breen asked PRCS Director Muck to come down for questions. She said for Pavilion Shore Park we are going to use a new slope protection system to deter geese. She wondered what that will look like. Mr. Muck said it is riprap so we are hoping instead of them having clean grass access which they currently have to the edge of the water, it will now be rock. We are hoping that will help deter them. Member Breen wondered if there any proof this is effective in other communities. Mr. Muck said he was not sure. Member Breen wondered if the MDEQ say this is something that might help by putting the riprap in there. Mr. Muck said the MDEQ would not go on record to say that. It has been proven that there a not many items that will deter the geese. We are hoping that this is a step to eliminate that entire grass area on the lake front area. He hoped that would help somewhat. Member Breen asked if the riprap is going to be put around that little beachy area. Mr. Muck said it extends mainly in between the fishing pier and the overlook.

Roll call votes on CM 19-06-109

Yeas: Casey, Mutch, Poupard, Verma, Gatt, Staudt, Breen

Nays: None

9. Approval of Change Order No. 1 to Mattioli Cement Company for the 2019 Neighborhood Road Program – Concrete Streets in the amount of \$633,230.43.

Mayor Pro Tem Staudt wanted to thank the DPW for following up with the residents on Guilford Road. Evidently they have been fighting an issue there for many years and there wasn't any relief in sight. He said this is a concrete street that pools water for whatever reason. After looking it over carefully there was a decision made to partially reconstruct the street and there are a lot of residents that live along it that have had to deal with it for many years.

CM 19-06-110 Moved by Staudt, seconded by Poupard; CARRIED UNANIMOUSLY

Approval of Change Order No. 1 to Mattioli Cement Company for the 2019 Neighborhood Road Program – Concrete Streets in the amount of \$633,230.43.

Member Mutch asked DPW Director Herczeg about the three segments that are in the packet, Bennington Drive, Wintergreen Circle and Guilford Road. These streets were initially slated for just panel replacement. DPW Director Herczeg said that Bennington and Wintergreen were not slated to get completed until the next program in 2020. We were able to situate the funding and pull some projects forward and they were the two that we felt were the most in need of repair. Member Mutch said it is noted in the packet that Bennington and Wintergreen will get reconstruction. Essentially you are going to tear everything out and rebuild these streets from the base up. Mr. Herczeg said yes, it is not a panel, it is a reconstruct. Member Mutch noted that Guilford is a partial reconstruction, so it will be just certain parts of the road. Mr. Herczeg said the original thought was that maybe they could save the middle; we are still looking at that engineering. It may be just a little more to reconstruct the whole thing; we are looking at funding and a possible change order to go to a total reconstruction. We have to see how the numbers work out. Member Mutch wondered how this will affect the residents. Mr. Herczeg said it typically takes 30 to 60 days. Guilford may be a little more. It will be pushed back towards the end of the season since there are additions to the 2019 Program. Member Mutch said obviously City staff will be communicating with the residents to make them aware of when this will happen. Mr. Herczeg said yes, it will be the same communication that we use with the Neighborhood Road Program. Member Mutch said as far as funding, Council has made Neighborhood streets a priority. City Administration should be getting as much done as possible within the funding and if they need additional funding, come back to Council and ask them. He thought that they have been pretty good about prioritizing that to make sure that the neighborhood streets are taken care of.

Roll call votes on CM 19-06-110

**Yeas: Mutch, Poupard, Verma, Gatt, Staudt,
Breen, Casey
Nays: None**

10. Approval of Change Order No. 1 to Great Lakes Contracting Solutions, LLC, for the 2019 Concrete Panel Repair Program in the amount of \$270,976.25.

CM 19-06-111 Moved by Casey, seconded by Breen; CARRIED UNANIMOUSLY

Approval of Change Order No. 1 to Great Lakes Contracting Solutions, LLC, for the 2019 Concrete Panel Repair Program in the amount of \$270,976.25.

Roll call votes on CM 19-06-111

**Yeas: Poupard, Verma, Gatt, Staudt, Breen,
Casey, Mutch**

Nays: None

11. Approval of a cost participation agreement with the Oakland County Board of Commissioners for the Crescent Boulevard/ Lee BeGole Drive Extension and 11 Mile Road/ Lee BeGole Drive Roundabout project, in the amount of \$104,471.

City Manager Auger said this was the same program that they took advantage of on the Bond Street Project as far as Oakland County actually helping us to pay for engineering services to projects that enhance economic development. He believed we rolled over two years into that of County funding. This will be the first that we are asking for Lee BeGole Drive.

Mayor Pro Tem Staudt stated that he was looking at the drawing of what is going to be done. It shows that the construction stops in phase 1 between the new road that runs into the DPW yard and the other new road that runs into the Gun Range. Is that a visual error or is that our intent. Mr. Herczeg said the shades of gray don't indicate the phasing of the project. That will be flushed out more in the design. Likely Phase 1 will include all three of the entrances, plus the Gun Range and stop at the Bishop Creek; Phase 2 would be Bishop Creek to 11 Mile. Mayor Pro Tem Staudt said if there is any confusion whatsoever, their intent was that Gun Range special parking lot to be completed as part of Phase 1. He said that he understood that to be the case when they initially approved the DPW yard. Mayor Pro Tem Staudt wondered where the roundabout came from and why we want a roundabout where there is no street currently. He thought that a roundabout in this situation basically we are looking at a future street that doesn't exist. Mr. Herczeg said for better traffic movement it would create a no stop situation from Crescent Boulevard all the way down to 11 Mile and potentially the segment in the future all the way to Grand River. He said is simply could be the three-way with a stop sign, but we felt that we might as well design for the complete package and decide if the project had support from there. Mayor Pro Tem Staudt wondered if there was a current stop sign there and would we need a three-way stop there. Mr. Herczeg said there is currently a stop sign there at 11 Mile and Lee BeGole Drive. Mayor Pro Tem Staudt asked if there was one at 11 Mile also. Mr. Herczeg said it would be a stop sign at the Lee BeGole connection to 11 Mile. Mayor

Pro Tem Staudt commented that there is a lot of heavy equipment that moves through there and questioned if a roundabout can accommodate that equipment. Mr. Herczeg said it was the same design as the one on Crescent Boulevard and the trucks can manage the roundabout. Mayor Pro Tem Staudt said regarding the Crescent Boulevard extension, he would much rather see that money spent in the Neighborhood Road Program as opposed to something that would accommodate us primarily and there was some discussion about a pole that fell down and we didn't have any access out. He wasn't sure why we don't have an additional access road on the back of the DPW yard to 11 Mile Road which would accommodate emergency situations like that. Mr. Herczeg said they still have to cross Bishop Creek which would include another headwall, culvert, regardless we will have to cross the wetlands at some point. Mayor Pro Tem Staudt said there is a lot more money being considered for this Crescent Boulevard extension. He personally thought we have spent a ton of money in that general area and he is not a big fan of that, and he is not a big fan of a roundabout in that situation. He asked if we don't want the whole plan at this moment, will the \$100,000 from Oakland County still be applied to repairing Lee BeGole Drive or is that contingent on putting a roundabout in and the entire Crescent Boulevard extension. Mr. Herczeg said it is not contingent on the roundabout; it is contingent on economic development which was created with the access to the four parcels to the east. The money would still be eligible for the design portion of the project. Mayor Pro Tem Staudt said we can design it, but we don't have to build it until we are ready. He wondered if there has been any design work on this in the past. Mr. Herczeg thought that in 2001 a developer brought forward a conceptual site plan that included the same thing. However that would have included the removal of the DPW facility and the Gun Range to another location.

Member Mutch raised some concerns about this project. He stated that Council had approved \$5.1 million dollars for roads just that evening, but we didn't have an unlimited amount of funds to spend on roads. He raised this issue at a previous project that he had concerns that we are spending essentially what we have saved up for the major road projects without having a conversation about where those dollars would have those greatest impact. He noted that Member Casey added an item under Mayor and Council Issues regarding a Road Project Study Session; perhaps she has thoughts along the same line. He is concerned about making yet another commitment, another multi-million dollar commitment into a road project that frankly from his perspective is not our highest priority. He wasn't sure where it would fall on their priority list. He doubted that it would be on his top 10 list. He said it is speculative on the economic development side. He hasn't heard from City administration that anyone is indicating that if we do this road we would be really interested in building on these parcels to the west. He thought if they ran the numbers, even if someone wanted to put a significant development there, it will not come close to paying the cost to put this in. Is there value to having Crescent Boulevard extended? Yes. Is there value to the DPW yard having a secondary access point? Yes. Is there value with the potential in the future in extending this down to Grand River? Yes, but in terms of all the places that we need to focus road dollars in the City, he is having a hard time with the \$3.8 million dollar total price tag of which \$3.7 million dollars is going to be the City of Novi's

responsibility. It is hard when the County is offering money for this project to say thanks, but no thanks. It is such a small portion of this project in this regard. He was hesitant to make this first step. We have set aside some money for this in the upcoming budget. He said it was nowhere near the cost of what we are seeing bottom line now. He thought we needed to have a conversation about where we are spending our dollars and where our priorities will be. He said at this point he was not ready to commit to moving this project forward.

Mayor Gatt agreed. Money should be directed towards our neighborhood roads. This is something that is not on his priority list. He couldn't imagine how it was going to serve the citizens of Novi in such a fashion that it would be worth spending nearly \$4 million dollars on just because we get \$100,000 from Oakland County. He hated to turn down any money from the County, but he didn't see the return on this. He would not be in favor of this if there was a motion to go forward.

Member Breen agreed and thanked Commissioner Markham for working on getting us this funding. We need to spend money on roads where people use them. This isn't an area well-traveled by the residents. If we are going to be dropping this much money on a major project, we need to make sure that it is something that will benefit a good portion of our residents. She understood that there is a possibility of some economic development there, but she also wondering why they are taking this approach. She wondered what the long-term vision was for that area. She hoped that economic development would come, but she hasn't heard anything on what Novi could expect. She believed we should stop speculating and go with what we know. We know that there are a lot of other places in Novi that this money could go that would make a significant benefit for our residents.

Member Casey said she concurred that connecting Crescent Boulevard is going to be the thing to do at a future point. At this time, she agreed that we're saying now is not the right time for that. She said they are going to talk a little further in Mayor and Council Issues. She believed that we do need secondary access anytime we have people that need to leave a place, either a residence or work. Right now she could not support bringing this particular project forward knowing that we have other priorities in front of us that residents and visitors. Thank you for all the work you did to pull this together.

Mayor Pro Tem Staudt thought we were throwing the baby out with the bath water here. He said they need a new road for the DPW yard regardless if we extend it to Crescent Boulevard or build a roundabout. Mr. Herczeg said yes, that was correct. Mayor Pro Tem Staudt said he wasn't sure what they were voting against. The question he had was can we design a new road into the DPW. He doesn't want to stop that process if we are able to use the \$100,000 to pay for the engineering that is necessary to rebuild Lee BeGole Drive without consideration necessarily for the roundabout and the extension of Crescent Boulevard. He thought we should approve this request for the \$100,000 and approve as we move forward into the engineering because we need to put ourselves in a position to fix that road now. He wanted everyone to think this out.

A motion by Mayor Pro Tem Staudt to approve the cost participation agreement with the Oakland County Board of Commissioners for the Crescent Boulevard/ Lee BeGole Drive Extension and 11 Mile Road/ Lee BeGole Drive Roundabout project, in the amount of \$104,471 failed to receive a second.

Member Mutch said there is some merit that Lee BeGole Drive there is a segment that needs to be addressed. He said that Council did not have that information in front of them. He suggested postponing Item 11 and Item 12 because they both dealt with the same issue. That would allow administration to explore whether we can do a portion of Lee BeGole Drive to serve the DPW facility along the lines that the Mayor Pro Tem Staudt suggested and still utilize these dollars. Also to determine what a reduced scope project would look like in terms of not doing the roundabout, and not doing the extension all the way to Crescent Boulevard. Reducing the scope of that and what would that dollar amount look like. That would also effect what an engineering services contract would look like as well.

CM 19-06-112 Moved by Mutch, seconded by Gatt; MOTION CARRIED: 6-1

To postpone Item 11 to give City Administration an opportunity to come back to City Council with additional information to allow Council to consider reconstruction of Lee BeGole Drive with a reduced scope.

**Roll call votes on CM 19-06-112 Yeas: Verma, Gatt, Breen, Casey, Mutch, Poupard
Nays: Staudt**

12. Approval to award design engineering services to OHM Advisors associated with the Crescent Boulevard/ Lee BeGole Drive Extension and 11 Mile Road/ Lee BeGole Drive Roundabout project, in the amount of \$225,978.

CM 19-06-113 Moved by Mutch, seconded by Gatt; CARRIED UNANIMOUSLY

To postpone Item 12.

**Roll call votes on CM 19-06-113 Yeas: Gatt, Staudt, Breen, Casey, Mutch, Poupard, Verma
Nays: None**

13. Approval of a Street Light Purchase Agreement with Detroit Edison Company for the conversion of 363 DTE-owned street lights to LEDs throughout the city.

City Manager Auger noted that the payback time on these lights will be about three-years.

CM 19-06-114 Moved by Mutch, seconded by Poupard; CARRIED UNANIMOUSLY

Approval of a Street Light Purchase Agreement with Detroit Edison Company for the conversion of 363 DTE-owned street lights to LEDs throughout the city.

Roll call votes on CM 19-06-114

**Yeas: Staudt, Breen, Casey, Mutch, Poupard,
Verma, Gatt**

Nays: None

14. Approval of Zoning Ordinance Text Amendment 18.282 to amend the City of Novi Zoning Ordinance in numerous separate sections, and Zoning Ordinance Text Amendment 18.287 to amend the Zoning Ordinance at Article 3, Section 3.31 "Planned Development Options." The amendments make miscellaneous revisions necessary to address inconsistencies, to clarify certain ordinance language, and to conform with other recent ordinance amendments. FIRST READING

Member Mutch asked City Manager Auger if he or City Attorney Schultz could clarify what we are attempting to do relative to the B-3 Zoning District and some of the uses. He said he read it a couple of times and he still wasn't clear exactly what we are trying to accomplish. He said he thought he understood what they are trying to accomplish, but not sure of the process that you are trying to accomplish that. Mr. Schultz said the comprehensive amendment with multiple sections came through the Planning Commission and one of the things that they were trying to do is clarify the issue of whether certain uses such as theaters, assembly halls, restaurants, and a few other things were included in the B-3 Zoning District. Although there have been an interpretation at the staff and administration level and the attorney's office that there were, the Planning Department sent forward that as a clarification. It became kind of an issue at the Planning Commission a few months ago when that amendment was on the same night as the movie theater. What happened between then and tonight was that they had an Ordinance Review Committee meeting where the Ordinance Review Committee suggested that the planning staff, Planning Department and the Planning Commission look at making several different kinds of uses, special land uses instead of permitted uses. He said they talked about the vape ordinance/shops, they talked about massage establishments and one of the items that came up was theaters and assembly halls in the B-3 District. The intention was in light of the questions that came up during the day today, this whole discussion of B-3 and whatever we are trying to do is not ready to be addressed in this ordinance at all. The request from Mr. Auger is just delete Section 6 and Section 14 which talks about the B-3 Zoning District; we will bring those concepts back to Council at a future meeting. Member Mutch reiterated and said Section 6 and Section 14 out of this draft ordinance. Mr. Schultz said if they just removed them we can talk about B-3 Zoning District at a future meeting. Member Mutch said Section 6 talks about quite a few in B-3 Zoning District, pull that out, and Section 14, the missing B-3, where it wasn't referenced at all. Mr. Schultz said the intention is within the next couple of months to have that Ordinance Review Committee recommend to the Planning Commission. Member Mutch said the Planning Commission is essentially going to take B-3 Zoning District as its own separate section

and go through all those uses and make recommendations in terms of which would be principle or some of those uses. He was trying to understand scope. Mr. Schultz said the scope of the ordinance review is much broader. Essentially they asked can you look at the ordinance, generally why are some of these things that may be more controversial, maybe they ought to be special land uses and can you consider this whole theater issue while you are having that conversation. Member Mutch said that is what they are talking about when they are talking about B-3, to get to that point we are not going to make any changes to B-3 Zoning District is what they are recommending. In terms of that conversation he said it wasn't discussed here because they haven't seen it. Does that also allow the opportunity for additional provisions to be put into the ordinance sections such that for these uses for instance not within an "x" number of feet of a residential district or not on B-3 Zoning District properties that border a residential district. He said that was standard language we have elsewhere in the ordinance. Mr. Schultz confirmed that they could use that language. Member Mutch said he didn't have any issues on Ordinance 18.282, the clean-up piece. One issue he had a significant problem with and wanted some clarification from Mr. Schultz was on 18.287, which is the change to the Planned Development Option. The way it is supposed to work is that if somebody is seeking a change to their property to allow them to use this Planned Development Option which is in either regional commercial areas or for multi-family residential that has to be formally designated on the Master Plan before they come and request the zoning change. Mr. Schultz stated that is the way the ordinance is as it stands now, yes. Member Mutch said that is a strictly defined set of properties. These are not properties throughout the City; this is regional commercial properties, a handful of properties around the Twelve Oaks Mall area. The Planned Development -1 options also there are some in proximity to Twelve Oaks Mall. He stated that Fox Run is a PD-1, the Sassoon property at 12 1/2 Mile Road and Novi Road he believed was a PD-1. Beyond that it is just not widespread across the City. What this change contemplates is opening up every parcel in the City of Novi to the potential for a PD option in some form. He wondered if that was accurate. He said it doesn't have to be on the Master Plan someone could do the normal Zoning Map change request and it would be any piece of property in the City could do this. Mr. Schultz noted that it would be through the City Council. Member Mutch confirmed that it would need City Council approval without having to go through the Master Planning process. Mr. Schultz said that was correct. Member Mutch said he had a big problem with that. He said he thought Regional Commercial properties are fairly limited we are not going to get people coming in and requesting regional commercial development properties. He thought there was a potential for a can of worms. He said the difference was fairly low density multi-family, 2 1/2 stories, and 7.3 units per acre verses something on the scale of Fox Run. He said the way he understood it there is no height limitation in the PD District. You can go up as long as you can get enough set back you can go up as high as you want. You can have 100 foot tall buildings or more in these PD Districts. He felt that is what they were opening this to by making this change. Mr. Schultz said the solution to that would be, since this is the first reading, to clarify that you are talking about only in the Regional Commercial (RC-District) which is where this particular change had its genesis, and you could even say in the area of other Planned Development option properties. He said he understood what Member Mutch was saying and that it was a

good point. There are ways to solve that concern. Member Mutch said he would be more open to that. If someone is suggesting that big a change to go through the Master Planning process, but at least if it is constrained to some degree he would feel more comfortable approving this change. He was surprised staff and the attorney's office didn't think about the potential ramifications of this and how it could play out. He said the genesis of this is one development on a small piece of property and you could argue they could have gotten the Planned Development designation in the first place. The solution is something like the flood gates opening potentially. He didn't see how this benefited the residents, but said this may make the development process a little easier, but nothing about this change is good for the residents from his perspective. If staff and the attorney's office want to draft some language along those lines before second reading he thought that would be great, if not he could not support these changes for both. He is fine with first reading to move the process along, but not with what is suggested in 18.287. Mr. Schultz said they would be happy to do that.

Mayor Pro Tem Staudt said from his perspective as it related to some of the Special Land Use, he didn't know that it was their intent during their Ordinance Review Meeting to limit those to B-3. That is not the case correct? Mr. Schultz said that was correct, he was sorry if that was what he took from that. The planning staff is going to look generally at the ordinance, but we are going to include the B-3 District. Mayor Pro Tem Staudt said part of the Ordinance Review Committee discussion was that some of these uses in B-3 like massage and some of the other uses were not consistent with what we want we our community without having a very significant discussion at the City Council table. He believed that was his intent in the whole theater situation, B-2 or B-3. They want to talk about the placement of theaters and just not it is automatic under B-2 or B-3. There are a lot of other more specific things and he thought that Planning Commission is going to have an opportunity to really hash these out with staff. When they come back we hope that there will be a much larger list of Special Land Uses and a much smaller list of automatic zonings.

CM 19-06-115 Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY

Approve of Zoning Ordinance Text Amendment 18.282 to amend the City of Novi Zoning Ordinance in numerous separate sections. The amendments make miscellaneous revisions necessary to address inconsistencies, to clarify certain ordinance language, and to conform with other recent ordinance amendments. FIRST READING

Member Casey requested the motion include the removal of Sections 6 and 14. Mayor Pro Tem Staudt wanted someone to explain to him so that he understood everything correctly. Mr. Schultz explained that Section 6 and Section 14 contain the amendments that relate to B-3 that started at the Planning Commission that were suggesting to Council to hold off on. He said if the motion to approve those two sections removed we will bring those back at a later date. Mayor Pro Tem Staudt said he would support that.

AMENDED MOTION

CM 19-06-115 Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY

Approve of Zoning Ordinance Text Amendment 18.282 to amend the City of Novi Zoning Ordinance in numerous separate sections, except Sections 6 and 14. The amendments make miscellaneous revisions necessary to address inconsistencies, to clarify certain ordinance language, and to conform with other recent ordinance amendments. **FIRST READING**

Roll call votes on CM 19-06-115 Yeas: Breen, Casey, Mutch, Poupard, Verma, Gatt, Staudt,
Nays: None

CM 19-06-116 Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY

Approve Zoning Ordinance Text Amendment 18.287 to amend the Zoning Ordinance at Article 3, Section 3.31 "Planned Development Options." The amendments make miscellaneous revisions necessary to address inconsistencies, to clarify certain ordinance language, and to conform with other recent ordinance amendments. **FIRST READING**

Roll call votes on CM 19-06-116 Yeas: Casey Mutch, Poupard, Verma, Gatt, Staudt, Breen
Nays: None

15. Approval of resolution to authorize Budget Amendment #2019-4.

CM 19-06-117 Moved by Staudt, seconded by Casey; CARRIED UNANIMOUSLY

Approval of resolution to authorize Budget Amendment #2019-4.

Roll call votes on CM 19-06-117 Yeas: Mutch, Poupard, Verma, Gatt, Staudt, Breen, Casey
Nays: None

16. Appointments to Boards and Commissions

Mayor Gatt submitted John Avdoulos, Brent Ferrell, and Cindy Gronachan for nomination to the Planning Commission for full terms.

CM 19-06-118 Moved by Staudt, seconded by Poupard; MOTION CARRIED: 6-1

Mayor Gatt submitted John Avdoulos, Brent Ferrell, and Cindy Gronachan for nomination to the Planning Commission for full terms.

Member Mutch said he understood the Planning Commission appointments are the Mayor's prerogative, and he will select and appointment folks who he feels best represent his perspective on the Planning Commission, he is good with that. He said his comments are not in any way of criticism of the folks that have interviewed. He said he knows both applicants as well; they have long service with the City of Novi and have a lot of experience on the Zoning Board of Appeals. He said he has a problem with the process that we followed with these applicants because we put out publically to the residents of the City a deadline of May 24, 2019 to submit their applications. This allowed Council to schedule the slate of folks that came before us previously to do their presentations. He said for this meeting we have two additional people showing up to be interviewed and from their applications they submitted those within the last few days which were weeks after we told the public that we were done accepting applications. As far as he knew he didn't see anything from the City opening that up that opportunity to anybody else. He thought we had a process in place that we were following, if we are not going to follow that process consistently then he thought that should be shared with the entire Council so we can let folks know they don't have to worry about the deadlines that we put out there publically, you can submit any time before we do the appointments and be considered. It is not fair to anybody else. Anyone else in the City that is interested in applying either had to make their intentions known by May 24, 2019 or they missed out, but apparently not. He hoped the Mayor could address that. It was his choice to do that or not.

Mayor Gatt explained that after consulting with the City Attorney's office and the City Clerk's office he believed he was following all of the legal guidelines and rules. If he understood it correctly he believed they didn't have to have interviews for a position like this. He asked City Attorney Schultz if there was anything improper, illegal, or immoral here. Mr. Schultz confirmed that the Mayor's appointment authority is in the statute and in the ordinance. The Council Rules are guidelines that you follow, but it is not so much a legal obligation. He didn't know adopting rules circumscribes that state law and ordinance authorities. He said it really isn't a legal question, it is an authority question.

Roll call votes on CM 19-06-118

**Yeas: Poupard, Verma, Gatt, Staudt, Breen,
Casey**

Nays: Mutch

Deputy Clerk Spaulding provided the results of balloting for the Parks Recreation and Cultural Services Commission: Charles Staab was reappointed full term, Salene Riggins, appointed full term, and Brian Smith appointed full term to the Parks Recreation and Cultural Service Commission.

AUDIENCE COMMENT: None

COMMITTEE REPORTS: None

MAYOR AND COUNCIL ISSUES:

Member Casey added Road Study Session. She said she thought everyone had alluded to the intent of her adding this to Mayor and Council Issues. Over the last year Council has given several directives to staff to look for ways to improve traffic in the City and make it easier for residents, business employees and our visitors to get around. She said they put all of these directives out and there are many studies that they have done and projects that they have entertained, it makes sense for them to have time to digest a full scope of all of the insights and information that staff has and then time to discuss it as a Council. She said that she knew that as a Council they typically don't hold Study Sessions, a lot of the work they do is at the table. In this case the topic warrants Council to schedule a separate session where they focus specifically on the roads, look at all of the information they read from the Novi Road Study, all they have on Beck Road, their conversations about Taft Road, looking at the extension portion for Crescent Boulevard from Lee BeGole Drive. It would behoove us to have a separate Study Session to focus specifically on all of the information that staff has pulled together on the major roads in the City. She wanted to get her colleagues opinion, and understand if they want to do a Study Session. If that is the case, she would have the Mayor ask City Manager Auger to let us know when would be a reasonable time for us to have that conversation.

Mayor Gatt asked if anyone would object to a separate Road Study Session. Mayor Pro Tem Staudt said he didn't have an objection except if we are going to have a Study Session, one of the outcomes they need to consider is a bond to fund what we are talking about. He said he didn't want to go to a Road Study Session to spend hours talking about roads, then we all look at each other, and there is no funding to do the major things. He would only support a Study Session if we conclude at the end of that session based on the information that is available. He said some of the projects we are talking about are Beck Road, a bridge over I-96 from Taft Road, and some of the other major projects we have been discussing. If we are not willing to go there and put a bond on soon, we need to put this out there for the voters to consider. This is just too big an issue to talk about and let languish. He has been here 12 years and we have a lot of discussions about roads. We did a lot of road things, but most are minor. If we are going to talk about funding he was in support. If it is just talk then he was not in support.

Mayor Gatt said if we are going to talk about a bond, he doesn't want to limit it to just roads. What they just saw in Westerville, Ohio about a Parks and Recreation facility is what he would like in our City. He wanted to see a bond that would support all of the things that we just talked about. He thought they should have a Study Session on a possible bond. He asked City Attorney Schultz when the deadline was to get something ready to appear in a November election. Mr. Schultz said usually the first part of August. Mayor Gatt noted that wasn't much time.

Member Breen echoed the sentiments that were viewed by her colleagues. One thing she would like to see if we could make this happen is to get someone from the Oakland County Road Commission involved. We need a clear understanding as to where they are at with some of these things. She stated that 12 Mile Road is a hot mess. If we are going to be talking about some major road improvements, we need to know what page the County is on. If we can't get somebody from the County, she would like to have a memo from staff prepared ahead of time so that we know what is on the table and we know what is coming up. If we start planning some road projects and we start putting a time table on anything, we need to make sure that people are still going to be able to get around the City with all the construction involved. Mayor Gatt agreed that the Oakland County Road Commission plays a big part in the piece of the puzzle. If we are going to put a bridge over I-96 on Taft Road leading to 12 Mile Road we want 12 Mile Road to be a road that you can turn onto. Mayor Gatt asked if there were any objections to scheduling a Study Session that would include everything we just talked about.

Member Casey stated that she had no objections. She thanked her colleagues for hearing her out and making it better.

Mayor Gatt asked Mr. Auger to get with staff and get a few dates together. He stated they were all very busy people. He thought it would be a several hour Study Session, more like a Goal Setting Session. Mr. Auger said they could look at an off Monday night if we want to stay away from weekends. Mr. Auger said they would find a date.

Member Breen mentioned the Mayor's Exchange trip to Westerville, Ohio. While visiting Westerville, Ohio they learned that they have a phenomenal Parks and Recreation system. She brought up the concept plan for the Pavilion Shore Park that had been presented to Council it included a small water feature. It was not elaborate; nothing like what her kids would want which is a mega water park. She noted that there are no other parks in Novi that have a small water feature, something people can get their feet in, walk their pets through to get a drink of water. Something small and simple was evident on the concept plan. She said she knew that we have things in the works, but they aren't coming to fruition anytime soon. She was hoping they could direct City staff to look at some possible small water features and come back to Council with a proposal for something that might be feasible at Pavilion Shore Park. Mayor Gatt said he would support that. He asked if anyone objected to getting proposals for a small water feature at Pavilion Shore Park. There were no objections. City Manager Auger said they will get on it.

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: None

Mayor Gatt noted that Council will enter Executive Session at 8:22 p.m., and they planned on returning to Open Session.

Council returned to Open Session at 8:32 p.m.

CM 19-06-119 **Moved by Verma, seconded by Poupard; MOTION CARRIED: 6-1**

To approve the Collective Bargaining Agreement between the City of Novi and the Novi Clerks and Dispatchers Association of the Police Officers Association of Michigan (POAM).

Roll call votes on CM 19-06-119 **Yeas: Verma, Gatt, Staudt, Breen, Casey, Mutch, Poupard**
Nays: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 8:33 P.M.

Dawn Spaulding, Deputy City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: July 8, 2019