

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI  
MONDAY, JUNE 4, 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:** Victor Cardenas, Assistant City Manager  
Charles Boulard, Director of Community Development  
Thomas Schultz, City Attorney

**APPROVAL OF AGENDA:**

Member Markham added an item under Mayor and Council Issues: Transit Resolution.

**CM 18-06-082 Moved by Casey, seconded by Breen; CARRIED UNANIMOUSLY**

**To approve the Agenda as amended.**

**Roll call vote on CM 18-06-082**                      **Yeas: Staudt, Breen, Casey, Markham, Mutch,  
Wrobel, Gatt**  
**Nays: None**

**INTERVIEWS FOR BOARDS AND COMMISSIONS**

1. Mark Pehrson – Planning Commission

Mark Pehrson thanked Council for the honor and privilege of serving on the Planning Commission previously.

Member Markham thanked him for all he does for the community. They met when they served on Planning Commission together. She had a planning question. She wondered what his opinion was on gated communities. Mr. Pehrson said he didn't think it serves anyone other than who lives in there. He felt it was a sales aid or tool for the developers. They've had a number come through. There is usually more opposition than support.

Member Mutch thanked him for stepping forward again. He mentioned that he has been on the Planning Commission a long time. He appreciated all those years of service and the knowledge and experience he has brought to the position. One issue that comes up to Council is the Planned Rezoning Overlay process. He felt that the process was backwards. He explained that the developers had to jump through hoops before it gets to Council and when it gets to Council they have an expectation that it will be approved, but Council hadn't had the opportunity to weigh in. Often Council is looking for changes that are different than what the Master Plan contemplates for a particular area. Having served as Chairman, he asked Mr. Pehrson if there was a way they could improve that to give Council some more input in the process without them

being the last ones to weigh in. Mr. Pehrson said it would be more of an internal process. He would like to see it be a two stage process where both Planning Commission and Council have the opportunity to find the best solution. Typically they are trying to accommodate a project that doesn't fit in. There is the thought that once the Planning Commission approves, they don't know what Council members thoughts are on the project. He gave an example such as the development off of Novi Road, between Grand River and Ten Mile Road. They were going down the path to see what would bring something to the community and draw people into the downtown. He would like to see the developer have them discuss in general together to find the optimum condition instead of just hoping it would continue to move forward. Member Mutch appreciated his perspective that he brings to the table.

Mayor Pro Tem Staudt said there was discussion about the Master Plan. He wondered how Mr. Pehrson viewed it. He asked if he thought it was a rigid document or changing depending on circumstances. Mr. Pehrson said it's a living document. It has to grow and amend with the conditions of the City. If they lived with the Master Plan from 20 years ago it wouldn't fit into what's being developed now, just like the building codes. He mentioned that they just revamped some of the building codes. He thought the better thing to do with the Master Plan is to do a better job because the City is moving at a fast pace, is to do more in communicating via social media to provide them with input. He explained that we need input every time they come to Master Plan review. He would like that to happen on a regular basis so it may eliminate the surprise that they are going to do something. For example he spoke about the Grand River Corridor. He said if we could do everything on the Grand River Corridor we could make Novi even better.

Member Casey thanked him for his willingness to continue service as a member on the Planning Commission. She had no questions. She thanked him for service and the work that he does is legendary.

Member Wrobel noted that they go way back having served on the Planning Commission together. He said he didn't have any questions. He thanked him for doing a good job, and keep up the good work.

Member Breen thanked Mr. Pehrson for applying again and for all of the years of service with the Public Safety Department. They have a large contingency of citizens attending meetings regarding the Pavilion Shore Park area. She understood there was no public input regarding the PRO that is now out there. She wondered from his standpoint what could have been done differently, what we can do now, and how could we avoid this in the future. Mr. Pehrson wasn't sure if they have had or haven't had those discussions in the past with the citizens. They typically give residents within a certain radius notice that the something will happen. He said now we have an entire area or group of people that want to know what is going on in their section of the community. He thought going forward if they opened up the idea of being able to put that kind of presentation or discussion in a larger group of people as opposed to the small radius that would help initially.

Mayor Gatt said he didn't have any questions. He echoed some of his colleagues and said thank you for service for not only on Planning Commission, but as a Paid On Call Firefighter. Everyone in this community owes him a lot. Looking at his attendance he has attended 90% of the meetings. He said he has his full support.

## 2. Michael Lynch – Planning Commission

Michael Lynch stated that he's been on the Planning Commission for a while. He said he enjoys the questions.

Member Mutch thanked him for stepping forward again and pointed out that he has spent a bit of time on the Commission and seen controversial projects go through. He wondered what his perspective was regarding how we could better solicit resident feedback at the front end instead of people coming to a meeting when the plans are close to being done. Mr. Lynch said that's not an easy question. What he noticed is the negative feedback is when the developer wants to develop and the adjacent homeowners say it's zoned a certain way. It's an awkward position to be in to tell the homeowners they just weren't aware of the actual zoning. He didn't know how to get residents involved. They only show up when something is going on. He didn't think they understood the balance that the owner has the right to do what they want. Most of the confusion is lack of understanding what the zoning is in their area. HE said he wasn't what they can do other than tell them to look at the zoning map and website. Novi has one of the better websites of the communities in the area and all the information is there. He said to be open and transparent. Member Mutch agreed that we should provide as much info as possible through the process.

Mayor Pro Tem Staudt thanked Mr. Lynch. He stated that as we move along and the developments become more difficult, a lot of things in the Master Plan are not congruent with the use that is being proposed. He asked how do you see the Master Plan dictating a development verses good common sense and understanding what we want to have accomplished in that area. Mr. Lynch said the Master Plan gives the strategic view of where they think the City will go. A developer will come in and they are the first eyes, other than staff, to look at it. They had to ask does it fit into that particular area, is it consistent, and appropriate. He thinks they've been consistent with trying to develop a win/win with developers and neighbors. He said you have to look at each project. He looks at the sites in person. Most times there is some negotiating and Council has the final say. He hoped they look at the comments they make and consider them. Mayor Pro Tem Staudt thanked him. He stated during his eleven year term, he reads the minutes, and it saves them a lot of time if they read their comments. He said in the past there has been some re-planning at the table, but he didn't think that was the case over the last seven or eight years. He thought they do a great job on their end and letting Council do their part.

Member Casey thanked him for the skills he has and experience which is such a benefit to the City. She was grateful he wants to seek reappointment. She looked forward to seeing him being reappointed.

Member Wrobel thanked him for stepping forward again. He mentioned he served with him on the Planning Commission. He didn't have any questions and said he has his full support.

Member Breen noted that Novi feeds into several school districts. When they are facing a rezoning that could impact other school districts, she asked what approach he likes to take. Mr. Lynch said the school districts are not part of his consideration. He looks at zoning ordinance and if it fits into community. He said it's was a good question, and maybe he could think about that.

Member Markham thanked him for his service. She didn't have any questions. Her philosophies on how she looks at the PRO's that come forward are that they are difficult pieces of property. She wants to balance the desire to protect things and yet allow developers to build profitable developments. What she looks for when she looks at a PRO rezoning is what they are disturbing and what they aren't disturbing. She likes to see when a developer thinks about how they can use the old with the new. She wanted to let him know what she is looking for in terms of the Planning Commission evaluation process. She wanted to be thoughtful about how we are using these pieces of property. Mr. Lynch thought the PRO's were something Council liked because they had control over them, but maybe they don't have as much control as he thought.

Mayor Gatt said the interviews were strictly a question and answer period only. He said he didn't have any questions at this time. He thanked him for his service.

3. Sharif Hasan – Parks, Recreation & Cultural Services Commission – (not present)

4. Willie White – Planning Commission

Willie White thanked Council for the opportunity to interview for the position.

Mayor Pro Tem Staudt thanked Dr. White for coming out and asked if there was anything as a Planning Commissioner she would be interested in with responsibility to the position. She said she has lived in the City of Novi for some time and plans to stay. She felt getting involved with the City and being on Planning Commission would help her do that. She's been reading in social media the controversy about the Novi Road and Grand River area. She thought she would try to get involved. She isn't a know it all, but can use common sense and analytically. What works and what doesn't work, and how can we improve.

Member Casey thanked Dr. White for coming out and serving the City. She mentioned that she has a varied background which is wonderful. With all things she has done, what skill does she have that would make her a great Planning Commissioner. Dr. White said she would rely on her past experience with owning a non-profit housing incorporation in the City of Detroit for a number of years.

Member Wrobel thanked Dr. White and stated that we need citizens like her to step forward to help the City grow. He said that she listed other positions on the application. He wondered what would be her number one choice. Dr. White said it was the Planning Commission. Member Wrobel asked what would make her a good Planning Commissioner. Dr. White said it would be her analytical background from having served years at GM as prototype engineer.

Member Breen thanked Dr. White for stepping forward. She said it was nice to see people wanting to get involved in the community. She mentioned that she was willing to serve on different committees. Given she listed Planning Commission first, what type of different approach would she do with Master Plan revisions. Dr. White said she would have to look at the Master Plan to weigh the pro and cons. What would be intended, what are you projecting it to do, does it best fit, and what's the benefit of the plan. She would make her best recommendation from there.

Member Markham thanked Dr. White for coming out and volunteering and asked if there was something that comes to mind when she thought why did they do that or something that should be fixed. Dr. White said she's been reading about the Manchester project, and how people felt they were overbuilding. She also mentioned the development of the 10 Mile and Grand River area that seemed to be a controversy.

Member Mutch thanked Dr. White for stepping forward. He said it was great to have new folks willing to serve. As someone who is relatively new to the community, he asked what aspects about Novi brought her here. He wondered what she thought were the positive aspects of Novi. He said obviously we would want to continue through our planning process to make this a community that other folks who are looking at Novi would choose to move here. Dr. White said Novi is a small, quiet town and it seems to be a close-knit community. She mentioned the services and amenities are for the people. She has nothing but good things to say. Everyone is very responsive and that impressed her. She said the service at the City Hall is great and has a friendly atmosphere. Member Mutch said if they don't find a spot on the Planning Commission, hopefully that can find a spot somewhere to put her talents to work.

Mayor Gatt thanked Dr. White and said he hoped they can find a spot. He did express that it was not often that someone would begin right at the Planning Commission. He commended her for her willingness to serve. He hoped that they can find something; she would be a great addition to any Board of Commission.

##### 5. Supriya Joshi - Parks, Recreation & Cultural Services Commission

Supriya Joshi stated that she has lived in Novi for about seven years. She is a physical therapist. She wanted to be a part of the community and give back.

Member Casey thanked her for stepping forward and asked what it is about PRCS Commission that has her interest. Ms. Joshi said she has an eight year old son and she's

been to all the community events. She wanted to be part of something that is really nice, but she would like to see what she could add to it to make it better.

Member Wrobel thanked Ms. Joshi for stepping forward. He wondered what service or program does the City not offer in the PRCS that she would like to see offered in the future. Ms. Joshi said that we have a variety of events around the holidays, and we have it covered in the summertime. She would have to think really hard to find something that isn't offered. She said we can figure out how we can make it better.

Member Breen stated that we have a wonderful problem where they have a lot of people stepping up to volunteer, but not enough spots. She wondered if there was any other committee that she would be interested in. Ms. Joshi said she submitted for the Beautification or Historical. She would prefer Beautification to keep the City beautiful. Member Breen thanked her for coming out.

Member Markham was intrigued with her background in physical therapy. She wondered if there was something that she thought we could add to the PRCS that her professional insight would tell us. Ms. Joshi didn't think we had any accessible park and recreation community events that would accommodate physically handicapped individuals. Member Markham thanked her for her answers.

Member Mutch thanked Ms. Joshi and asked if there were any facilities that the City doesn't currently provide to meet the needs of families. Ms. Joshi said we have beautiful parks. She said she does have a hard time finding a place that is a more of a hiking trail other than Lakeshore Park. She wished we could explore more of those opportunities. Member Mutch said that was interesting idea and they could look into that.

Mayor Pro Tem Staudt stated that they will be talking about the Villa Barr Park. He wondered how she would feel about PRCS being involved in cultural things like the Villa Barr Park. Ms. Joshi said it's a good idea, but it has to be a coalition of different services.

Mayor Gatt thanked her for coming out and her willingness to serve.

6. Domenic Policicchio – Planning Commission; Parks, Recreation & Cultural Services Commission

Domenic Policicchio stated he was a new resident. He was in Westland for over 20 years. After college he co-founded his business. They are a re-seller and consulting company. He also works for a distance learning school that focuses on online training. He was part of Westland ZBA for four years. He was also appointed to serve on the Michigan Board of Medicine. He said he wanted to help and volunteer in the City.

Member Wrobel thanked Mr. Policicchio for stepping forward. He noticed on his application that he was on Westland Rotary; he might consider joining Novi Rotary. He

wondered what he would bring to the PRCS Commission. Mr. Policicchio said he was a college athlete, coached at two schools. He mentioned he has a strong background in sports and that would help.

Member Breen thanked him for coming out; it was nice to see younger people taking an interest in serving their community. She thought he had an impressive background. She wondered, given his background as athlete, if there was anything lacking as far as facilities or services. Mr. Policicchio said he hasn't had that much time to check it yet, he has only lived in Novi for 3 weeks. He did mention he was very happy with Dog Park.

Member Markham thanked him for offering his services right after moving here. She noted that he served on ZBA in Westland and asked if there was something that he learned in that process that you want to share. Mr. Policicchio said he learned a lot about ordinances and site plans for commercial and residential development. Being part of the ZBA was a great learning opportunity. He believed the Planning Commission would be a next step.

Member Mutch thanked him for being willing to serve so soon after coming to the Novi community. He said obviously with his previous experience and service, it's something you value. He stated that one of the challenges is getting younger people to step forward and get involved. The younger people are busy and often times starting jobs or families. He wondered what we can do as a City to get folks like you involved. Mr. Policicchio said he has always been passionate about being involved in his community. He has been volunteering for almost nine years. He said he has a passion to help. It's continuing to show young adults we have a place and getting us involved with certain activities and events that are marketed towards them. Use social media to reach out and get them involved. Member Mutch appreciated the energy and passion he had to serve the community.

Mayor Pro Tem Staudt asked him what was there in Westland that he really would like to bring to Novi. Mr. Policicchio said Westland has a unique dynamic with strong background of great leadership. The Mayor has done a tremendous job with developing and getting residents involved. He mentioned part of that was building a new park in central city which was a \$4.5 million dollar project. He stated seeing what he's done from an economic development standpoint, and getting people involved. He thought he could help get people passionate and involved in the City of Novi.

Member Casey thanked him for stepping forward. She said most of her colleagues have asked most of the questions she would have asked him. She wanted to clarify if there were committees that he was interested in first such as, Planning Commission first, then PRCS? Mr. Policicchio replied yes, that was his preference.

Mayor Gatt didn't have questions. He stated that his youth and exuberance lends everyone to wish we were all your age again. He thanked him for coming forward. He hoped we can find a spot for him. If we don't this time, he didn't want him to be discouraged.

7. Jay Dooley - Parks, Recreation & Cultural Services Commission

Jay Dooley humbly asked for reappointment to PRCS Commission.

Member Breen thanked Mr. Dooley for his years of service. She wondered what he thought the PRCS could be doing differently right now to improve things for the City. Mr. Dooley thought it was a great question and said one of the things we made strides in over the past three years is that they made an effort to hit all of the parks in Novi and put presentations together. He stated they gave responsibility to each Commission Member, who addressed two different parks and did those presentations. He said it was seasonal, they looked at a park in the fall/winter and came back and looked at it again spring/summer. He said they made recommendations. They looked at the sanitary conditions, overall conditions; make great strides in recommitting themselves to meetings, but also being able to present conditions and recommendations to make the parks better. Member Breen thanked him for his answers and again thanked him for stepping up again.

Member Markham thanked Mr. Dooley for all of his service. She mentioned he has so many places he has volunteered over the years, and that he shows up to everything. She had a question related to bike sharing and if they had considered a bike sharing program from park to park. She suggested a stand of bikes at ITC Park, Lakeshore Park, and Rotary Park. She believed other communities have those programs to rent bikes. Mr. Dooley said no, they haven't. He committed it would be addressed at their next meeting; he thought that was a great idea.

Member Mutch thanked him again. He appreciated all that he has done. He said they all recognize the different roles he has played on behalf of the Novi community. He wondered if there were any big potential or planned projects that they are looking forward to working on and what would it bring to the community. Mr. Dooley hoped they would get input on the Bosco property. He mentioned that he, along with Mayor Pro Tem Staudt go way back on that campaign and he certainly hoped it was something that the City could really embrace. He thought it could be one of the essential parts of the City as far as exposure and part of the walkway that is ongoing and continuous. He believed it would be a jewel. Member Mutch appreciated him giving his time to the City.

Mayor Pro Tem Staudt asked what his thoughts were about the potential facility at Lakeshore Park and wondered what he envisioned there if he had his choice. Mr. Dooley asked if there was something in particular he was referring to. Mayor Pro Tem said specifically the building size. Mr. Dooley replied small instead of the large. Mayor Pro Tem thanked him for coming back again.

Member Casey stated it was a pleasure seeing him. She said he was another one of those individuals whose service is exemplary. She wondered what he will talk about regarding accomplishments three years from now. Mr. Dooley replied that in three years he believed he would be standing again before them. He thought the



Commission was a team and that they will continue to look at the parks. The parks we have right now in the City of Novi are spectacular and are used extensively. He hoped he can stand there and say they've been used by citizens for their needs. Member Casey thanked him again for coming out again.

Member Wrobel thanked him for stepping forward again. He asked for his opinion on Novi partnering with private companies for getting additional recreation facilities or programs that we do not currently offer. Mr. Dooley said if there is no additional burden to the taxpayer, he would be in favor as long as it doesn't impede on protected wetlands. He knows there are plans out there for developments; he hoped they look at parks amenities to a neighborhood. He was in favor of it as long as it doesn't increase taxes. Member Wrobel thanked him for stepping forward again and stated that he has his full support.

Mayor Gatt commented that there are very few people in this City that you look at and say you're Mr. Novi, but you are one of them. He agreed with Member Markham and stated that he is truly a giver. He mentioned Mr. Dooley's involvement with the youth, the parks, and the Commission. Mayor Gatt said that he has his support. Mr. Dooley said that he loved the City.

**PUBLIC HEARING: None**

**PRESENTATIONS: None**

**MANAGER/STAFF REPORT: None**

**AUDIENCE COMMENT:**

Karl Migrin, 49450 W. Nine Mile Road, said he was recommending additional language to be added to the Agenda Item 1 regarding the City Policy. He forwarded his suggestions to Human Resource Director, Tia Gronlund-Fox and she forwarded a copy to City Manager Auger. He also stated on July 31, 2017 City Council approved a Resolution for the ITC Regional Trailhead Park property. Part of the agreement was to put in parking, restrooms, a play structure, and a shelter. He said we promised the Michigan Natural Resources Trust Fund (MNRTF) that we would do these things when we signed off on it. He said we should stick to what we promised the MNRTF instead of accepting it as a public benefit to a developer. In April 2018 this whole section of the new ITC Trailhead Park the trees were flagged. He didn't know why, he said he asked Mr. Muck who didn't know why either. He said the developer contacted surveyors from JCK and Associates to tag the trees with the intention of straightening out Garfield Road and running the entrance of the development right through this section of property as highlighted on his power point presentation. He said there was nothing in the Warranty Deed about changing the direction of Garfield Road or the parkland there. He said he was happy to report that the Governor just signed off and made into law the MNRTF funding for this year's proposal will give us the other 20 acres of

parkland to connect with the ITC Trailhead Park. He said we should be seeing that before us shortly.

Rachel Klein, Ferndale, MI invited everyone to an event at the Novi Public Library tomorrow evening at 7:00 P.M. regarding all of the benefits of proposed RTA millage.

**CONSENT AGENDA REMOVALS AND APPROVALS:**

Member Mutch removed Items D and L from the Consent Agenda for further discussion.

**CM 18-06-083            Moved by Casey, seconded by Breen; CARRIED UNANIMOUSLY**

**To approved the amended Consent Agenda with the removal of  
Items D and Item L for further discussion.**

- A. Approve Minutes of:
  - 1. May 21, 2018 – Regular meeting
  
- B. Approval to award bid for towing services to Hadley's Towing and Keford Novi Towing for three (3) years, with two (2) renewal options in one (1) year increments based on acceptance of City terms and conditions to function on a rotating basis with an effective date of July 1, 2018.
  
- C. Approval of Proposed Water & Sewer Rate Resolutions for 2018-2019.
  
- D. Approval to purchase a tax-foreclosed property from Oakland County under Act 123 of 1999, parcel number 50-22-15-151-001, located in the City of Novi Section 22, for the amount of \$3,284.12 plus additional fees, charges, or other costs as determined by the County and as required by law for the property. **REMOVED AND LATER APPROVED**
  
- E. Approval to award civil engineering services to AECOM for design engineering services associated with the Flint Street Streambank Stabilization and Culvert Replacement project in the amount of \$20,965.31.
  
- F. Approval to award civil engineering services to AECOM for construction engineering services associated with the Villa Barr Park Pedestrian Path and Parking Lot Additions in the amount of \$27,576.68.
  
- G. Acceptance of a warranty deed from Pulte Homes of Michigan, LLC, for the dedication of a 43-foot master planned right-of-way along the south side of 11 Mile Road, west of Beck Road, as part of the Oberlin Site Condominium project (parcels 22-20-200-017, -018 and -019).

- H. Approval of a Storm Drainage Facility Maintenance Easement Agreement from GSL Holdings, LLC, for the Beck West Lots 1 & 2 project located at 46890 Magellan Drive (parcel 50-22-09-176-018).
- I. Approval of Traffic Control Orders 18-01 through 18-05 for traffic control signs on Chase Drive.
- J. Approval of Resolution to close Ten Mile Road from the Civic Center to Taft Road for the Festival of Chariots from 11:45 a.m. to 1:30 p.m. on Sunday, July 22, 2018.
- K. Approval of a Street Light Purchase Agreement with DTE Energy for the installation and ongoing operation costs of five (5) street lights: two (2) light fixtures on one (1) post at the entrance of Phase II of the Oberlin Site Condominium on 11 Mile Road, and four (4) additional lights within the subdivision; and approval of an agreement with Pulte Homes of Michigan, LLC, and the Oberlin Condominium Association for the sharing of installation and ongoing operation costs per the City's Street Lighting Policy.
- L. Approval of a Second Completion Agreement with Tollgate Woods, III, LLC for SP12-0007 (aka SP98-50), the Tollgate Woods III Site Condominium residential development located south of Thirteen Mile Road and west of Meadowbrook Road, in accordance with the requirements of Chapter 26.5 and subject to final approval by the City Attorney and City Manager. **REMOVED AND LATER APPROVED**
- M. Approval of a Completion Agreement with Toll MI II Limited Partnership for SP13-0049, the Island Lake of Novi Phase 7C residential development located north of Ten Mile Road and east of Wixom Road, in accordance with the requirements of Chapter 26.5 and subject to final approval by the City Attorney and City Manager.
- N. Approval of Claims and Accounts – Warrant No. 1013

**Roll call vote on CM 18-06-083**

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

**Nays: None**

#### **MATTERS FOR COUNCIL ACTION**

- 1. Approval of revisions to the City of Novi's Anti-Discrimination and Anti-Harassment Policy.

Mayor Gatt asked Assistant City Manager Cardenas why the City Council is weighing in on an Anti-Discrimination and Anti-Harassment Policy when normally Policies are not the purview of the City Council. Mr. Cardenas said this question was posed to the City's labor law attorney. He suggested, in his written opinion, it should be made by City

Council rather than Administration due to the fact that it is not legally binding or protected by law at this point. That is why he suggested it be done by Council because these are not protected classes in statute at this time. Mayor Gatt clarified that there is one provision in the policy that is not legal. Mr. Cardenas said he believed they are protected classes that are listed that are being proposed in the policy, but they aren't protected under law. City Attorney Schultz said he had to add to Mr. Cardenas's first comments, he pointed out that this is a policy that was adopted by City Council initially, so Council is being asked to amend a policy that was adopted by Council in 1999. He said that the two items that our Labor Council said the City Manager could not add to the policy were sexual orientation and gender identity because it is not clear under state law that those are protected classes. The labor attorney recommended that the City Manager not make those changes and that it should be a policy question for the City Council. Mayor Gatt said this was brought forward by Member Breen and he appreciated her efforts. He is in favor of protecting people's rights. He can embrace the whole policy except for the fact that he doesn't believe that the City Council should adopt it, the City Manager should. The City Charter is our constitution and they operate under it. The City Charter says the Council shall deal with officers and employees solely through the City Manager. Also the City Manager has rights, and powers and duties which shall be the chief administrative officer of the City and shall be responsible to the Council for the administration of all City affairs. If this policy was amended just a little bit to take away the part that makes the City Manager unable to write the policy, then he would vote yes. He heard Mr. Cardenas say that the City Council did something in 1999 and they are amending that policy. He said previous City Councils have made plenty of mistakes. He felt that was one of them. The City Council should not be in the business of doing the City Manager's job. They are overstepping bounds. He stated if we can't amend the policy to remove just the one class that is "illegal", why the City Manager can't just do it. Mr. Schultz clarified the policy is generally aimed at stating that the employees of the City of Novi will not be discriminated against by anybody of the City, not just employees, it includes vendors, and contractors. They can't be discriminated against for a list of things. Most of those things (race, sex, national origin) are clearly protected in state and federal law. There are a couple of terms (gender identity and sexual orientation) that are not as clearly protected or may not be protected at all. This policy proposes to put those in the class of individuals, but the labor attorney said that the City Manager cannot approve it. Mayor Gatt wondered if the policy could be rewritten that protects those classes of people that could be put in the hands of the City Manager. Mr. Schultz replied as long as those terms are included he wasn't sure it would happen. Mayor Gatt said if they can't tweak it to be approved by the City Manager, he can't support.

Member Mutch asked Mr. Schultz in terms of scope of policy, one thing that was highlighted in the legal memo was that this is a policy that is broader than just an employment policy. In fact the current policy says it applies to elected officials. He asked if the City Manager has authority to impose employment policies over Council. Mr. Schultz replied no, he would not. Member Mutch asked if it would apply to others like contracts, etc. He wondered if Mr. Auger would have authority to put together anti-discrimination policies that would apply to those folks. Mr. Schultz said that is a closer

question, in a sense that Administration brings to Council their contracts, etc. He said that is broader than the City Charter talks about governing employment situations. You could argue that. Mr. Schultz said the original two-page policy was not part of the City Personnel/Administrative Manual. Member Mutch noted that this was adopted by Council in 1999 with some legal guidance that they had authority to do that. To their knowledge, in almost 20 years, no one has come forward to challenge their authority to adopt that. Mr. Schultz stated that he was not aware of any challenge. In order to write the opinion, he had to look into whether there was very much in the record when the policy came to be, and he didn't find anything. Member Mutch said the Mayor was conflicted in how this would operate. Essentially his ability is to govern those who work under him and not broader. It appeared to him, which the City Managers authority is not restricted to solely to employees that essentially that the main thrust of his ability to promulgate policy as it applies to the people who work under him. He doesn't have the authority to adopt policies that would broadly apply beyond those folks. Mr. Schultz said in the context of dealing with employees that would be a fair statement. Beyond that he didn't want to get outside this narrow scope. Member Mutch said as it's presented, the flaw in this policy, if you view it as a flaw, he felt it was a benefit of this policy. It is broad and it is intended to apply beyond employees of the City. If there was some unfortunate incident where an elected official was engaging in harassment or discrimination then there is language that they could use as recourse. It is not that we are adding language, it applies to a broader group and those outside the City staff. From his perspective, tweaking would not help. You either accept this policy is properly formulated and can be amended by Council. If folks are looking to repeal this policy and allow the City Manager to adopt something in its place, that would be the appropriate direction. He personally thought what was being presented is consistent with what's been done for 20 years and is being amended to reflect the changes that have happened over the last 20 years where we recognize a broader scope of protection. As we've all learned, it's important to have processes in place to deal with harassment and sexual harassment that the previous policy didn't clearly spell out. It's appropriate and the scope of the policy is appropriate. Council has authority to approve it. If they don't believe that, then they should repeal policy.

Member Breen thanked colleagues and City staff for working on this issue with her. She was happy to see this come to vote. She stated that the Michigan Civil Service Commission recently included protections for discrimination based on sexual orientation and gender identity. She said the State of Michigan is getting on board with protecting the rights of the LGBTQ community. She thought that we need to practice what we preach. The City of Novi should hop on the train. Many people have spoken to her about feeling isolated and alone. There are real economic concerns about enacting this policy. People will look to see what the City has to offer. Novi has always been willing to embrace new ideas, technology, modify policies and practices accordingly. She thought we were at that tipping point right now. She stated this is appropriate under the circumstances. She has studied the Constitution and our City Charter. This is an opportunity to say we will not discriminate but embrace members of LGBTQ community.

Mayor Pro Tem Staudt wondered if there have there been changes to policy since 1999, or was that the sole purview of City Council. Mr. Schultz said there have been no changes to 1999 policy. The two-page policy remains in place today. Mayor Pro Tem Staudt said with all things that have changed in 20 years, from Supreme Court rulings, to new law and legislation, there have been no policy changes. Mr. Schultz confirmed there have been no changes to that Discrimination Policy. Mayor Pro Tem Staudt asked how we as a City are able to interpret and enforce the protections of gender identity and sexual orientation if we add this to the Policy if there is no federal or state law. Tom stated the general conception among communities that have adopted similar policy or ordinance, is a broad interpretation of Home Rules Cities Act that gives Council a broad ability to operate on behalf of the community as long as it isn't against state or federal law. The general argument in favor of these is that it is on top of, not in violation of those state and federal laws. Mayor Pro Tem Staudt asked if the City has signed any agreements that include the language about gender identity or gender orientation. Tom said there have been agreements that have mentioned sexual orientation which is less of an issue because we have law that wraps sexual orientation maybe a little bit under sex discrimination. He wasn't sure about gender identity. He stated whatever they do, whether it is do adopt this or not, we have gotten motivation to revise those provisions in every contract going forward. Sometimes it says things and other times it says other things. It has become apparent that we need to get standard language. Mayor Pro Tem Staudt mentioned a conversation he had with Mr. Schultz and he said that if you call an employee directly it is a form of intimidation or construed as intimidation. He noted this policy talks about intimidation by elected officials. After having that conversation, it concerned him that a policy exists that in essence says they are participating in an act of intimidation. Mr. Schultz explained they were talking about the City Charter language which Mayor Gatt read earlier that Councilmembers are to deal with employees only through the City Manager. He said that is a policy and procedure that the City Manager is responsible for coordinating in terms of whether or not he or she is happy to have Councilmembers call the department heads which is a typical practice. He said the City Charter language is aimed at Council members directing City staff to do things as opposed to inquiries. Mayor Pro Tem Staudt said he would agree. He said we are looking at two issues; one is the action of 1999 City Council where he had heard various discussions about why they implemented the policy when they did. He stated instead of it being unilaterally presented by the City Manager which would have been a more appropriate action. The second issue is, now that it has been approved previously by the City Council, the only way to go backwards would be to unwind this current policy and allow the City Manager to come up with a policy within the bounds of the law. Having been here a long time, it took a new Councilmember to come and make recommendations to the City Manager as opposed to him suggesting the changes. He asked if there has been effort to change this since 1999 and why did we wait 20 years to update this policy. Mr. Schultz said he didn't have an answer, this was the first time he has seen this policy. Mayor Pro Tem Staudt said he was siding with the Mayor. He felt uncomfortable voting on things and making these decisions on behalf of the City Manager and the Human Resource Department. He was uncomfortable with individual Councilmembers giving

recommendations and putting language into a policy, he said he would not support this policy.

Member Markham believed they have the authority to do this based on the fact we have had a policy for almost 20 years. She thought it needed to be updated. She thanked Member Breen for bringing this forward. She also commended the City staff and all of the other Councilmembers that have worked with her on this to clarify the language. She asked Mr. Schultz if it was true that other communities have policies that are similar, under purview of Council as opposed to the City management. Mr. Schultz stated he was more familiar with the handful of communities that have adopted ordinances, as opposed to policies. There are a few communities that have similar rules that are in ordinances.

**CM 18-06-084            Moved by Markham, seconded by Casey; MOTION CARRIED: 4-3**

**To approve of the revisions to the City of Novi's Anti-Discrimination  
Anti-Harassment Policy.**

Member Wrobel mentioned that he supported 100% of what was in the policy, but wasn't convinced it was their job as City Council to handle policy. His opinion was that it was the City Manager's position and the City Charter backs that up. Yes, Council made the decision many years ago, why make more exceptions to the policy. It takes away from the City Managers authority in the future. He stated at this time he could not support the policy.

Member Casey supported the policy. Regardless of what the intent was of Council in 1999. She stated the fact is that we have a policy, and it was adopted by Council. She asked Mr. Schultz if the staff could have amended this policy. Mr. Schultz replied no, they would have not amended that policy unilaterally. Member Casey said the fact that it has been in existence for 20 years, staff couldn't have amended it because it was approved originally by Council. Mr. Schultz wanted to be clear that he was talking about this policy. There are things that could have been placed in the administrative manual in a different way that might have done something like that. Member Casey thanked him for the clarification. She explained that she was speaking specifically of this policy. She stated that because this does exist as a Council policy that has been set; she would support it. She referred to a question by a previous speaker regarding Council adopting any type of contract that has included some of this language. She said yes, they approved the EMS contract with some of the language they were questioning. She thanked Mr. Schultz for his insight and appreciated the conversation at the table.

Mayor Gatt addressed a few comments that were made. He disagreed with one of the speakers comments when they said they agreed with the Mayor about stepping on toes of the City Manager, and that's not true. Mayor Gatt said he didn't not say that, he thought they were violating the City Charter. He believed the City Charter was a constitution and he said he felt we are doing a disservice to the City Charter. He also

mentioned that another speaker mentioned that we should practice what we preach. He pointed out that he has been in Novi for 40 years, we do practice what we preach in Novi, and we fully embrace all of it. Novi is an all-inclusive community. In 20 years we haven't changed anything because there has never been any violation. The City of Novi has embraced equality. Novi preaches that every day and we are proud of that. He questioned whether they were breaking the City Charter. He believed they were. Just because it happened before doesn't mean they should do it again.

**Roll call vote on CM 18-06-084    Yeas: Casey, Markham, Mutch, Breen  
   Nays: Wrobel, Gatt, Staudt**

2. Approval of Zoning Ordinance Text Amendment 18.286 to amend the City of Novi Zoning Ordinance at Article 3, Zoning Districts, Section 3.1.10, B-1, Local Business District, in order to allow restaurant uses in the Local Business Zoning District. **SECOND READING**

Assistant City Manager Cardenas stated that they have some revisions since this came before them previously. One of those revisions was the hours of the restaurant shall not exceed beyond the hours of 7:00 A.M. and 10:00 P.M., with the exception that deliveries may take place until 1:00 A.M. which would include pizza deliveries.

Mayor Pro Tem Staudt said it would be helpful if the petitioner came up and gave a brief overview of the changes. Jonathan Brateman stated that they've had a lot of discussions and he was grateful for time of Planning Commission, Council and City Planner McBeth. They've worked hard to get to this point, but they agreed to disagree. He wanted to go above the line, above Special Land Use, to include sit down restaurants in a planned commercial center. He wants it to be a permitted use, but staff wants it to be special land use. Every meeting he has been at, no one is in opposition to the change to having a restaurant there. Moe's on Ten Mile exists because it's grandfathered in. Cottage Inn was there for 15 years and there were never people against it. He stated in went through the Planning Commission, newspaper advertisements, and it wasn't opposed. He is looking at the marked up copy and he said he would like to tweak the hours of operation a bit to 11:00 P.M. Instead of 10:00 P.M. He agreed to no outdoor food preparation. They don't agree with the Special Land Use content of the ordinance. Mayor Pro Tem Staudt said he appreciated the comments and has heard from some of the residents in the area and there has been some feedback from staff.

**CM 18-06-085                    Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY**

**Approval of Zoning Ordinance Text Amendment 18.286 to amend the City of Novi Zoning Ordinance at Article 3, Zoning Districts, Section 3.1.10, B-1, Local Business District, in order to allow restaurant uses in the Local Business Zoning District, as provided in the attached Draft Ordinance language, subject to minor changes**



**to the ordinance language as determined by the City Manager's  
Office and City Attorney's Office. SECOND READING**

Member Casey said she would approve the second reading. She liked the Special Land Use because it ensured the residents have the chance to provide input during a Special Land Use. For future consideration, she thought it was awkward to be done the first time. If a restaurant changes hands, it would not have to go through Special Land Use again. She stated she wasn't sure it was the right thing to do, but she will approve to move this ahead. She wanted comments on the record; maybe they could consider a change in the future should it become the appropriate thing to do.

Member Markham supported this and thought we should be doing more to encourage walkability. She felt one mistake that was made was building residential areas without amenities nearby. She stated that over time people like the idea that little restaurants would be allowed. They will serve the local community which she appreciated.

Member Mutch commented about the previous meeting where he made a statement that he appreciates living near restaurants, but not next to one. Restaurants pose a challenge when they are adjacent to existing residential homes. Some changes that were made to limit scope of ordinance and not all B-1 but planned commercial centers. He said initially there were concerns regarding the square footage being excessive. He had mentioned the hours of operation at the last meeting, and Member Casey noted the Special Land Use requirement. He understood Mr. Brateman's challenges working with small businesses in small centers. These provisions can appear to act in a way that complicates the process. He pointed out that they are trying to strike a balance between allowing these centers to succeed with new uses, and protecting the adjacent residential homes. He thought the Special Land Use strikes that balance. This allows residents to get notifications. If it isn't an issue, it won't present a problem for businesses. If they end up getting a lot of complaints, they can revisit. He believed this would strike the right balance. He felt they should move forward as it was presented.

Mayor Gatt commented that all of the residents who have contacted him since they brought this up have asked that they keep it a Special Land Use.

**Roll call vote on CM 18-06-085    Yeas: Markham, Mutch, Wrobel, Gatt, Staudt,  
Breen , Casey  
Nays: None**

3. Approval to renew the City's 2018-19 Property and Liability Insurance coverage with the Stevenson Company in the amount of \$339,839.00.

**CM 18-06-086            Moved by Staudt, seconded by Casey; CARRIED UNANIMOUSLY**

**Approval to renew the City's 2018-19 Property and Liability  
Insurance coverage with the Stevenson Company in the amount of  
\$339,839.00.**

**Roll call vote on CM 18-06-086    Yeas: Mutch, Wrobel, Gatt, Staudt, Breen, Casey  
Markham  
Nays: None**

4. Approval of a cost participation agreement with the Oakland County Board of Commissioners for the Realignment of Flint Street in the amount of \$244,897.

Assistant City Manager Cardenas explained that this is through the Oakland County Grant Program which we applied for in 2016. The work has to be done the within three years, so 2019 will be our target year to complete this work.

**CM 18-06-087            Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY**

Member Mutch asked Mr. Cardenas about one thing that was highlighted in the cover memo to Council was the fact the construction of road is dependent upon the construction of the proposed private development along the south side of Flint Road known as the "District". He wondered how the two projects were linked, and why one is dependent on other. Mr. Cardenas explained in terms of development that takes place, it runs into where the actual Ring Road layout would be. Initially there was talk about the Ring Road dumping out just west of the Sunoco Station. After having conversations with the proposed developer in that area making that west of the old Chief's house between the Country Supply Store and make it align perfectly with the Northwest Ring Road was the most ideal and agreed upon alignment by engineers and the proposed developer. Member Mutch wondered if that developer has submitted any plans. Mr. Cardenas replied, yes. Member Mutch asked if we have an expectation of when that might be moving through the approval process. City Planner McBeth replied it would be within a few weeks. Member Mutch mentioned it wasn't clear how far along this was. He had concerns about tying up funds for a road project dependent upon a particular development and whether that will move forward or not. He was also concerned for the information provided by City Administration that we haven't acquired right-of-way for those portions of the roadway that are outside of the existing front street right-of-way. Mr. Cardenas said yes, that was correct, but we have started conversations. This has been on CIP for some time and been in the works for a number of years. Member Mutch asked if the total cost reflects the right-of-way acquisition or just construction. Mr. Cardenas believed it was just the construction at this time. Member Mutch pointed out, if we are potentially looking at three parcels for a right-of-way, it could be a significant cost. Mr. Cardenas replied it depends, but yes there could be significant cost. Member Mutch said he was willing to support moving this forward; there are a lot of steps still to occur. He wanted to make sure they were fully aware that the bottom line cost is going to be north of \$1.5 million and the City would be responsible for anything beyond Oakland County's share of this project.

**To approve of a cost participation agreement with the Oakland County Board of Commissioners for the Realignment of Flint Street in the amount of \$244,897**

**Roll call vote on CM 18-06-087**                      **Yeas: Wrobel, Gatt, Staudt, Breen, Casey, Markham, Mutch,**  
**Nays: None**

5. Approval to award the construction contract for Villa Barr Park Pedestrian Path and Parking Lot Additions to Anglin Civil, LLC, the low-bidder, in the amount of \$193,247.50.

**CM 18-06-088**                      **Moved by Casey, seconded by Mutch; CARRIED UNANIMOUSLY**

**Approval to award the construction contract for Villa Barr Park Pedestrian Path and Parking Lot Additions to Anglin Civil, LLC, the low-bidder, in the amount of \$193,247.50.**

**Roll call vote on CM 18-06-088**                      **Yeas: Gatt, Staudt, Breen, Casey, Markham, Mutch, Wrobel**  
**Nays: None**

**AUDIENCE COMMENT:**

Karl Migrin, 49450 W. Nine Mile Rd., wanted to clarify some items regarding Villa D'Este. He highlighted some concerns he had with the Villa D'Este development. He said there is a light industrial business dealing with wood chips in the area that he wasn't sure why the City hasn't done anything about. He also pointed out that the developer said there would be sidewalks throughout the development, but there is a variance needed for an area that is absent of a sidewalk along a portion of Villa Drive. He mentioned the walkway connecting to ITC Trail is shown as a six foot wide. The ITC Trail is ten foot wide and is asphalt. He noted that Member Breen had asked the developer if he could move the main driveway east a little more. The developer said it would be tough due to several reasons. Mr. Migrin pointed out that originally when they presented a plan for the Mercato development to the Master Plan and Zoning Committee in February 2016 the plan showed the entrance to Mercato being built on top of the Garfield Drain. This driveway can be moved east of its current location. He thanked Council for their time.

**MAYOR AND COUNCIL ISSUES:**

Member Markham mentioned that last week the regional transit was an important topic at the Mackinaw Policy Conference. Once again Novi was in the spotlight and not in a good way. Wayne County Executive Warren Evans took a bus from downtown Detroit to get to Eight Mile and Haggerty. He had to walk; it took almost 3 hours, simulating trying to get to a job in Novi. Also at the same conference over 200 business leaders including leaders of the four main hospital systems in this area submitted a joint letter to

the regional leadership asking that something be done to break this impasse on transit. She talked about the history of Novi and how transit relates to our area. We opted out of SMART in 1995 by a six to one vote of the City Council. Since then, bus service that was serving 12 Oaks and other spots ended. Since then the only public transit that we have is our senior transit. She explained at the time that vote was taken in 1995 we had just over 30,000 residents and today we have over 60,000. In this year's budget, they agreed to add additional local funding for more localized transit operations because we have seen some increasing needs. In just a few weeks since we took that vote there was an article in Hometown Life; she said she has been contacted to thank her for keeping topic in play. The current facts according to SEMCOG indicate over 22,000 residents leave the city to work someplace else and 29,000 workers come to Novi. She stated less than 5,000 live and work here. In addition to Detroit, Livonia, Farmington Hills, Southfield and Dearborn are all communities that exchange thousands of commuters with Novi every day. Two years ago a ballot initiative by the Regional Transit Authority (RTA) was defeated across the region. It was defeated in Novi by less than 2% of the vote which says there is interest in some of the population and it's not that Novi doesn't want transit. Since the ballot initiative went down, RTA has spent 1.5 years creating new proposal and it is called Connect Southeast Michigan. It addresses a lot of the prior concerns that people had. RTA continues to hold listening sessions to make the plan more of what the communities need. She said she knew this was a political topic. What she hears from voters, officials and business, is they want us to work together. Many people see regional transit as the overall infrastructure needs of our total region going forward. It's not roads or transit, not SMART or RTA, its building on the existing infrastructure to continue to try to move people better through the region. She said this problem will not go away. The Oakland County Executive has taken the position that the communities who opt out don't want transit so therefore he is not supporting putting this newest proposal on ballot. She didn't agree. She pointed out the current and future workforce has changed since we decided to opt out. She thought public transit investment delivers \$4.00 of economic growth for every dollar invested. We are vastly underfunded in this region and it shows. She said that our infrastructure needs are changing and we need to be looking at the future. She wanted voters to learn about latest proposal and how much will it cost, what's in it for them. She said she was not there to debate the relative merits of the current proposal and she will not advocate one way or the other for it right now. She has seen enough of Connect Southeast Michigan Proposal that it should be seen by voters. She asked that our Oakland County leadership do everything they can give us for an informed vote on this important infrastructure proposal. Information is powerful; let the RTA make their case and let voters decide. She stated she brought a proposed Resolution before the Council tonight and she asked for their support.

**CM 18-06-089**

**Moved by Markham, seconded by Mutch; MOTION CARRIED: 4-3**

**Approval of a resolution asking for Oakland County to support a ballot proposal related to the Regional Transit Authority.**

Mayor Gatt stated a few weeks ago they spoke about the budget and they worked together to add \$50K to the budget to address local transportation needs. He spoke with Member Markham about this several times and they have some common views. They both want what's best for City of Novi. He said her resolution confused him because it doesn't support a specific proposal, but only one is being talked about by the RTA. We need to understand that the region votes as a whole. Any final vote will not necessarily reflect the vote of Novi voters, but a super majority of the combined voters of Macomb, Wayne, Washtenaw and Oakland Counties. Under the current law, the voters from other counties can decide to tax you and then decide to take all of your tax dollars and spend them in other places that they think are more important. He asked everyone to critically review the RTA proposed service maps for both 2016 plan, and the current plan. They take from north Oakland, north Macomb, west Oakland, west Washtenaw, western Wayne, from south Washtenaw, southern Wayne and spend it in communities that did not provide the tax revenues. Currently Novi has been an Act 196 SMART opt out community for about 21 years. They have never voted to join. He also noted the voters rejected the 2016 RTA-1 plan. It failed region wide and also failed in Novi with 51.52% voting no. He estimated a 4% growth rate instead of the low .37% rate from planners at RTA. It will cost an estimated \$5,468,480 the first year. He commented that \$162,842 million and \$840,829 over 20 year life of the levy. He asked what their guaranteed return would be then said they could get nothing in return because current law doesn't guarantee any return to Novi. Mayor Gatt quoted that the RTA plan today is to provide some service, but absent a statutory amendment which Mr. L. Brooks Patterson is lobbying for, that plan will be subject to change at the whim of a five person simple majority RTA Board vote where seven of nine votes are from people who don't live in Oakland County. He questioned when the inevitable cost overruns occur from the construction and operation of the RTA Ann Arbor to Detroit train come true, where the service will be cut to cover those increased costs. He said don't be fooled by the 85% rule when asking about guarantees. The reality is that only guarantee in the proposed law is that 85% of Oakland County tax proceeds will be spent somewhere in Oakland County. He questioned who decides where. It would be the five votes from outside the County. The RTA intends to leave areas out in the cold, especially in relation to how much they provide in tax proceeds. He said the RTA-2 is a bad deal and they should not help put it on any ballot unless the law is fixed and guarantees Novi a return on our investment. He said it would cost over \$5 million of Novi tax dollars in the first year if the RTA is passed. He believed it would be irresponsible of this Council to support this. It's not doing what they were elected to do. They are not Council of the region or people proposing RTA. We are elected by citizens of Novi and it's their job to look out for their dollars.

Member Breen said this isn't about her personal view, but more to do with what residents want. We need to put it on the ballot and let people decide. It's a complicated issue. She encouraged everyone to learn about it, and see what works for you, your family, and your neighbors. She felt it was a very basic tenant of democracy; it's simple, just put it on ballot. Mayor Gatt asked are we putting it on the ballot for the whole region to decide what is best for us, or for the Novi tax payers to decide what is best for Novi. Member Breen said everyone should be allowed to vote on it. Mayor

Gatt asked if she wanted it to be a local vote. Member Breen said she felt the way it was written right now was fine.

Mayor Pro Tem Staudt commented that he thought this was a well-planned political stunt to promote the RTA. There was phrasing in the resolution that says "be it resolved that the City of Novi..." and he felt that was inappropriate. He asked that we get the opinion of the City Clerk and City Attorney. He didn't know how the resolution speaks for the City of Novi itself. He believed the Council may have that language, but he didn't believe we were talking about the City of Novi in a simple resolution. City Attorney Schultz, through the Mayor, said he thought the language was used to mean that the City Council represents the City as a whole so he can't say that it's prohibited. Mayor Pro Tem Staudt strongly objected to that because he was certainly not one of those who believe this. He mentioned the Mackinaw Conference, Mr. Patterson had a paper called the Regional Transit: Another Perspective which he provided a copy of it to the Clerk to add to the record. The Detroit Regional Chamber of Commerce prohibited the letter from being distributed during the conference on the property because they didn't want to hear it. He highlighted a few things that Mr. Patterson wanted to talk about, including the fact that he is a much stronger supporter of SMART. One of the communities who opted out of SMART in the very beginning was the City of Detroit. The City of Detroit has not been a paying participant of SMART, but has had years' worth of benefits from it. The Oakland County portion of SMART has been \$352 million since the first SMART millage. That is \$107 million more than Wayne and \$37 million more than Macomb. Detroit has paid nothing but still receives services. Oakland County picks up the majority of the tab for transit. The benefit Detroit will receive from the RTA, by their own admission, is 559% return on investment. That is over five times more than the return on investment for all of Oakland and Macomb counties. He said the money comes from the opt out communities like Novi and other suburban areas. Regarding a previous comment that suggested Mr. Patterson was only focusing on the opt-out communities; Mr. Patterson has made it clear that the gross inequities and the funding mechanisms is what he is most concerned about. The information out there has been clearly that the City of Novi has been one of the primary funders of this. The Mayor said earlier there are no guarantees that we are getting anything in return. They can take our \$160 million and apply it to a light-rail system, to the Q-Line, or to whatever they want to apply it to. He didn't believe that the 1.5 mills was a cap. It's open to future increase that range from 2 to 5 mills. There have been discussions about taking on DDOT and rolling it into the RTA, and taking care of the unfunded pension liabilities. He mentioned that during the City of Detroit bankruptcy there was an opportunity for the legislature to deal with DDOT unfunded pension liabilities. That didn't happen, they still exist. The City of Detroit has worked that out with the state legislature, DDOT didn't. They will not see a merger between SMART and DDOT or the RTA anytime soon. He pointed out that he has been on record for a long time. He has had a lot of discussions with a lot of people about this; his concern is we are not the bank of Novi or the Oakland County bank. We deserve fair representation. We are talking about a regional tax, just one county or community could garner enough support to pass this without Novi passing it. You need to know who on Council is supporting \$160 million allocation that could go to pay for Beck Road, or many other

things here. It should not go to a RTA that is using 1970's mentality to fund itself. He strongly encourages Oakland County Executive, Mr. L. Brooks Patterson, and Macomb County Executive, Mr. Mark Hackle to continue to resist the efforts of those trying to impose taxes on Oakland and Macomb counties. He isn't expecting this to go to the voters.

Member Wrobel said they are elected by residents of Novi to do what's best for Novi residents, not what's best for south east Michigan. If they had those aspirations, they are in the wrong position. He has yet to have one person come to him in seven years and say we need mass transit. Most businesses have no interest either except a small minority that wants it. They did vote on it and it didn't pass. He could not support this. Novi has no need for it. Citizens have not come forward to say it's a real need for our citizens.

Member Mutch stated this is a hot topic. There are a lot of issues at play, some extend beyond our borders. First he addressed a few of the issues to clarify them. The first issue is the voting structure and funding structure for proposal. He understood that Mr. Patterson and his deputies at Oakland County were deeply involved in creating the legislation that created the RTA and proposed how the RTA would be funded, but then helped shepherd it through legislature. When they criticize this, the County Executive had every opportunity to ensure interests were adopted. It is perplexing to hear three years after the fact after it had been adopted that suddenly that's not really what they wanted. They should have done it right in the first place. He agreed with Mayor Pro Tem Staudt that this wasn't likely to go to November ballot. Both Oakland County and Macomb County Executives have stated that they don't want this to go to vote. He thought this resolution was important because it was a statement from City Council representing residents that they want to be part of this discussion. He does believe Novi has regional transportation needs. Not just people coming in to Novi, but people who live here and have opportunities they could have with an interconnected region. Novi has been successful, but the region is stagnant. We really have blinders on and things need to change. In terms of conversation about regional transit needs, going back to 2016, he heard from RTA people they have been willing to provide information. He watched as the plans change and get modified to reflect Novi's needs. From Oakland County, he got nothing. As far as he knows, no one asked what our needs were from the County. The County Executive put out a compromise to the RTA and it completely excluded Novi. He has had zero communication when he reached out to Oakland County when he requested additional information. This resolution makes a statement that we as a City want to be part of the conversation. He thought we should have our needs considered. We as a City want to have that conversation. He wasn't sure this specific proposal was the best for the City, but everything is subject to improvement. Some of the points being raised are worthy of consideration. So far the only organization that has listened to concerns from Novi is the RTA. It's time for Oakland County, if they are playing a role in the process, to start listening to us in Novi. So far they haven't done that.

Member Casey thought this was an interesting debate. If this doesn't get in front of the voters, then residents won't be able to have the conversation. The resolution is simply asking the leadership of Oakland County to allow the voters to have a say. They voted in 2016 and it went down in 2016, it might go down again and it might not. It was not endorsing a specific plan. The resolution clearly states that while we are referencing the RTA, we are not endorsing any specific plan, we are saying let the voters tell them what they want. She would support the resolution as it is written.

Mayor Gatt said he heard one of his colleagues trash Oakland County Executive L. Brooks Patterson. He thought he was the most prolific and best leader in the State of Michigan. He has the best interest of Novi and Oakland County at heart.

**Roll call vote on CM 18-06-089**

**Yeas: Breen, Casey, Markham, Mutch**

**Nays: Staudt, Wrobel, Gatt**

**CONSENT AGENDA REMOVALS FOR COUNCIL ACTION:**

**Consent Agenda Item D:**

Member Mutch said Item D was a request for the City to purchase a tax-foreclosed property on Taft Road from Oakland County for \$3,284.12. He had no problem with purchase, but he did have a couple of concerns. He mentioned there is a house on the property and City Administration indicated there are people living in the house at this time. He wasn't sure if they were previous owners or renters. He was told that the plan would be to evict them and demolish the house. His concern was the timeline. Whoever is living there, the goal would not be to expedite the process. He doesn't want them tossed out because we purchased the property as tax-foreclosure. The bigger issue is the stated reason for this purchasing is that we need it for right-of-way for Twelve Mile Road. Looking at the property itself, it appears there is a portion of the property that would fall within the future right-of-way of Twelve Mile Road. He noted there is a significant part of property that would be beyond the public right-of-way. He questioned us spending any money to demolish an existing home where someone lives if we didn't need the land. He was interested in information from City Administration further delineating how much of that property is actually needed, and if there is an alternative to demolishing that house. He said they could simply split off the portion of the property that we need and sell off the remainder as private property to keep it on the tax roll. He thought it would save us the cost of demolition and it keeps most of property on the tax roll, and in use until some future time it is redeveloped. He stated that that area is not zoned residential for long-term. He would like more information from City Administration.

**CM 18-06-090**

**Moved by Mutch, seconded by Markham; CARRIED UNANIMOUSLY**

**To approve the purchase a tax-foreclosed property from Oakland County under Act 123 of 1999, parcel number 50-22-15-151-001, located in the City of Novi Section 22, for the amount of \$3,284.12**



**plus additional fees, charges, or other costs as determined by the County and as required by law for the property.**

**Roll call vote on CM 18-06-090**

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

**Nays: None**

**Consent Agenda Item L:**

Member Mutch stated this was a request for Toll Gate Woods III, LLC for the Tollgate Woods III Site Condominium located south of Thirteen Mile Road and west of Meadowbrook Road on the west side of Tollgate Woods. The reason for this is that the developers of Tollgate Woods had a previous completion agreement placed with City of Novi, but have not completed it to the point that the City is in the position to release the various letters of credit specific to this. He believed the total amount that the City is holding is \$524,000. This has been an ongoing development for a number of years. This is the second completion agreement so they already went through a two-year cycle and another 6 months. He said this agreement would go through November 1, 2018. He pulled this because of timeline. One of the items to be completed is the final wearing course of asphalt. His concern is having a November 1st date. If the developer can't complete the work, he questioned what the likelihood was that the City has time to put out bids and get this completed before winter sets in. It's unlikely and doesn't provide enough time. He said that would mean the neighborhood has been under construction for four to five years and would be facing another winter of unfinished roads. It also means not only unfinished roads, but roads not accepted as City roads. He asked if the November 1st deadline was realistic in terms of providing enough time. Director Boulard stated the original completion agreement expired last July and last June they came back to City Council and brought forth the request for an extension. They weren't sure if Council was going to entertain that or not and a condition of that in the motion sheet was we would bring back this agreement that originally went through December 2018. They've been working with developer and they have permits for all of their houses now, and they are under construction. That is why we have brought forth this agreement right now. They moved from December back to November because fall is the best time for planting trees which needs to happen. He stated that they tried to align all completion dates. If they do not complete the work in November, the City will not be able to go to bid. Member Mutch said that creates a situation where there are six to seven months of unfinished streets. He said the City has set aside \$35,000 to do the work. Director Boulard said there were additional funds, it is doubled. Member Mutch was concerned the deadline was too late to do anything on that point. It creates a situation where we have this extended period of streets not being protected and subject to winter conditions. Director Boulard agreed with Member Mutch saying there is a potential for damage. He believed it was in the developer's best interest to get this done. If they don't do it, we wouldn't be able to get it done this fall. Member Mutch asked City Attorney Schultz, through the Mayor, if there was anything that would prevent us from setting an earlier date for the roadwork to be completed by October 1st. City Attorney Schultz said not from a Council authority or ordinance perspective. He

couldn't speak to the practicality that developer could even meet earlier deadline. Member Mutch asked if they could include it as a condition. Mr. Schultz said he was not sure if it was realistic. Member Mutch wants to give the developer leeway, but they've had time and this is the second extension. He stated that the burden falls to residents. They've had problems in other communities where the residents suffer because leniency is given to developers. City Attorney Schultz said Council could do it, but he couldn't speak to whether it could happen in that time. Director Boulard said in all likelihood if the date is October 1st, there is a good chance they wouldn't even find someone to do the work in that time. People are already having challenges getting the work done. Member Mutch asked how many houses were under construction. Director Boulard said ten are under construction. Member Mutch asked if he knew where they were in the process. He wondered if those houses were far enough along that the heavy equipment will be out of there in time so they can pave this year. Director Boulard said he wasn't sure they would have equipment out of there by the end of summer; they still have a lot of framing to do from his recollection. Member Mutch wanted to add September 1, 2018 as a stipulation for final asphalt.

**CM 18-06-091            Moved by Mutch, seconded by Markham; MOTION CARRIED: 5-2**

**To approve of a Second Completion Agreement with Tollgate LLC for SP12-0007 (aka SP98-50), the Tollgate Woods III Site Condominium residential development located south of Thirteen Mile Road and west of Meadowbrook Road, in accordance with the requirements of Chapter 26.5 and subject to final approval by the City Attorney and City Manager with the stipulation that the final asphalt wearing course work be completed by September 1, 2018. All other deadlines remaining the same as presented.**

Member Casey clarified a few things with Director Boulard. First, we are talking about taking a second agreement, which Council approved in July 2017 that extended to December 2018 and moving it up one month. Director Boulard said that was correct. At the time that they presented the request from the developer for a little more than a year and a half extension last June, one of the commitments made was to bring back the formal agreement. Member Casey also asked Director Boulard if he thought the developer could be in position to get heavy equipment out by the September 1, 2018 date. Director Boulard said he didn't know. Member Casey asked if the City would take over if they can't meet the September 1 deadline. She questioned if they were putting themselves or the developer in a weird spot. City Attorney Schultz said if they cannot meet that deadline then yes, Council could authorize work to be done by the City. Member Casey thanked them for the clarification.

**Roll call vote on CM 18-06-091**

**Yeas: Casey, Markham, Mutch, Wrobel, Breen  
Nays: Gatt, Staudt**

**ADJOURNMENT** – There being no further business to come before Council, the meeting was adjourned at 9:32 P.M.

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Cortney Hanson, City Clerk

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Robert J. Gatt, Mayor

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Transcribed by Deborah S. Aubry

Date approved: June 18, 2018