

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, AUGUST 13, 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, Wrobel (absent, excused)

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

APPROVAL OF AGENDA:

Mayor Gatt added two presentations to the Agenda.

CM 18-08-116 Moved by Casey, seconded by Markham; MOTION CARRIED: 6-0

Roll call vote on CM 18-08-116 **Yeas: Staudt, Breen, Casey, Markham, Mutch, Gatt**
Nays: None
Absent: Wrobel

PUBLIC HEARING: None

PRESENTATIONS:

Presentation 1. Novi High School Varsity Girls Soccer 2018 State Champions.

Todd Pheiffer, Coach of the Novi High School Varsity Girls Soccer Team, also alumni of Novi High School. He said they play in the toughest conference in the State. He said the last two games of the regular season, they lost both games. The seniors got together and talked about the fact that they actually had an opportunity ahead of them. If they were to make it out of districts, they were hosting the regionals. They had an opportunity to go back and play on their home field and undo the losses and rectify the fact that they lost the last home games. He said their motto is "don't wait for opportunities, create them". He said they were playing in the State Championship game against the team that everyone said was going to beat them. He said they took this as an opportunity. No one expected them to win. He said we have a background of having a very strong girls' soccer team. We had our last chance at redemption with Grand Blanc. It was one of the most amazing games he has ever coached in with three minutes left we scored the winning goal. Novi won the 6th State Championship in Novi's girls' soccer history. He is very proud of what they accomplished.

Mayor Gatt thanked them on behalf of the City Council and presented them with certificates.

Presentation 2. Catholic Central Varsity Lacrosse 2018 State Champions

Dave Wilson, Coach of Catholic Central Varsity Lacrosse. He said they had a redemption story as well. He stated the team that they played had won the previous 13 State Championships in a row. Many thought they would win again. He said they are very proud of the boys persevering, and enduring during the tough moments and making the dream come true. He said they were 20 and 2. The social media rankings Inside Lacrosse had them at #5 and US Lacrosse had them at #2 or vice versa. We finished with the 7th highest RPI ranking in the nation. They worked very hard and were very prepared. He said they were happy for the community and happy for the boys getting over the top. It is the first State Championship in the history of Catholic Central Varsity Lacrosse.

Mayor Gatt thanked them on behalf of the City Council and presented them with certificates.

MANAGER/STAFF REPORT: None

AUDIENCE COMMENT:

Dorothy Duchesneau, Novi gave a short update regarding the City of Novi's Master Plan proposed "Pavilion Shore Village". She said the proposed "Pavilion Shore Village" is located at Old Novi Road, 13 Mile and South Lake Dr., south of Pavilion Shore Park, and the shores of Walled Lake. It is in an older eclectic shoreline community there you feel like you are up north, but without the drive. After several meetings with the residents and the City, Robertson Brothers Developers submitted a new proposal last week existing of all single family homes on the proposed lots they are interested in. Neighboring residents are happy to have the 3 story attached town homes off their drawing board. The next steps are up to the Planning Department. Should this development be brought forward as a PRO, the neighbors will be interested in what benefits are proposed for the neighborhood in return for the Master Plan's higher proposed density than the current R-4 the surrounding subdivisions call for. Right now, the residents and surrounding neighbors are looking forward to the Neighborhood Planning Workshop sponsored by the City with MKSK Consultants. This is being held on the lakeshore at the Pavilion Park Shelter on Aug 23rd from 6:00 pm to 7:30 pm. Neighbors are grateful for the opportunity to offer their thoughts and to participate in the process. Thank you to the Council and the Community Development Department for giving the residents a voice in their neighborhood.

Karl Migrin, 49450 W. 9 Mile Rd., Novi had some thoughts and concerns regarding Consent Agenda Items P through W. He said if the city is now at the point of taking property for construction the Nine Mile Gravity Relief sewer, the Water and Sewer Department should have all the necessary permits from Oakland/Wayne County and GLWA to go ahead with the project. He wondered if he could see the permits that have been issued for the project. If the permits haven't been issued, shouldn't these agreements be contingent upon the issuance of such permits? He mentioned the

Water and Sewer Department stated in their letter to affected residents that this project provides a benefit to the property owners on 9 Mile. He would like an explanation on how the gravity relief sewer will benefit the property owners on 9 Mile. He wondered how paying a \$54,463 sewer tap fee plus \$80/month in sewer charges is considered a public benefit when they are currently paying no sewage charges? He said many 9 Mile property owners were only allowed to build homes on parcels of property large enough to support a septic field. He wondered if the installation of this larger capacity gravity sewer means that the city will now allow them a courtesy split to build an additional home on their one-acre property. If the Villa D'Este rezoning from R-A to R-1 allows for greater densities, why not rezone all properties in Sections 29, 30, 31 and 32 to R-1.

CONSENT AGENDA REMOVALS AND APPROVALS:

- A. Approve Minutes of:
 - 1. July 23, 2018 – Regular meeting
- B. Enter Executive Session immediately following the regular meeting of August 13, 2018 in the Council Annex for the purpose of discussing labor negotiations, and privileged correspondence from legal counsel.
- C. Approval of appointment of Nathan Mueller (Employee Delegate) and Tia Gronlund-Fox (Officer Delegate) as the 2018 City of Novi representatives to attend the Annual Municipal Employees Retirement System (MERS) Conference to be held October 4 – October 5, 2018.
- D. Approval to enter into an agreement to purchase Taser equipment for the Uniform Division at the Novi Police Department from Axon Enterprise, Inc., sole source provider, for a total of \$89,067 over a five year period.
- E. Approval of Resolution Authorizing “2018 Michigan State Fair” to occur on the Suburban Collection Showplace property at 46100 Grand River Avenue.
- F. Approval to purchase four (4) 2019 Ford Escapes from Signature Ford, through the Macomb County Cooperative Purchasing Contract, in the amount of \$91,380.00.
- G. Approval to purchase two (2) 2019 F-350s from Signature Ford through the Macomb County Cooperative Purchasing Contract in the amount of \$85,771.82.
- H. Approval to purchase and install one (1) new Rotary MOD30 vehicle lift by Allied Inc. in the amount of \$78,000.00.
- I. Approval of the final payment to Anglin Civil, LLC, for the Bishop Creek and Ingersol Creek Streambank Stabilization project in the amount of \$42,323.69, plus interest earned on retainage.

- J. Approval to purchase one (1) Sewer Line Rapid Assessment Tool from Dukes Root Control, Inc., in the amount of \$25,310.00.
- K. Approval to award civil engineering services to AECOM Great Lakes, Inc. for design engineering services associated with the Pavilion Shore Park Shoreline Erosion Control and Improvements project in the amount of \$19,355.16.
- L. Approval to award civil engineering services to AECOM Great Lakes, Inc. for design engineering services associated with the Lakeshore Park Shoreline Erosion Control and Improvements project in the amount of \$13,661.92.
- M. Approval of a Storm Drainage Facility Maintenance Easement Agreement (SDFMEA) from Novi Town Center Plaza, LLC, for the Crowe Center project located at 26150 Novi Road (parcel 22-14-351-065).
- N. Approval of Traffic Control Orders 18-11 and 18-12 for traffic control signs on Mill Road Court West and Mill Road Court East.
- O. Approval of (1) a Resolution Concerning the Acquisition of Property and Approving Declaration of Necessity and Taking and, (2) a Declaration of Taking for easements with fair market value in the amount of \$18,726.83 for sidewalk easements and temporary grading permits on parcel 50-22-22-400-009 for the construction of a boardwalk along the north side of 10 Mile Road east of Churchill Boulevard, and amend the budget.
- P. Approval of (1) a Resolution Concerning Acquisition of Property and Approving Declaration of Necessity and Taking and Authorization of Offer to Purchase, and (2) a Declaration of Taking, for the purpose of making a good faith offer in the amount of \$1,909, for a temporary grading permit over parcel 50-22-29-400-025 (47900 Nine Mile), for the construction of sanitary sewer as part of the project to extend sewer along Nine Mile Road from Kensington Road to Evergreen Court.
- Q. Approval of (1) a Resolution Concerning Acquisition of Property and Approving Declaration of Necessity and Taking and Authorization of Offer to Purchase, and (2) a Declaration of Taking, for the purpose of making a good faith offer in the amount of \$1,846, for a permanent sanitary sewer easement over parcel 50-22-29-400-012 (47950 Nine Mile), for the construction of sanitary sewer as part of the project to extend sewer along Nine Mile Road from Kensington Road to Evergreen Court.
- R. Approval of (1) a Resolution Concerning Acquisition of Property and Approving Declaration of Necessity and Taking and Authorization of Offer to Purchase, and (2) a Declaration of Taking, for the purpose of making a good faith offer in the amount of \$1,286, for a permanent sanitary sewer easement over parcel 50-22-29-400-009 (48220 Nine Mile), for the construction of sanitary sewer as part of the

project to extend sewer along Nine Mile Road from Kensington Road to Evergreen Court.

- S. Approval of (1) a Resolution Concerning Acquisition of Property and Approving Declaration of Necessity and Taking and Authorization of Offer to Purchase, and (2) a Declaration of Taking, for the purpose of making a good faith offer in the amount of \$1,370, for a permanent sanitary sewer easement and a temporary grading permit over parcel 50-22-29-400-007 (48320 Nine Mile), for the construction of sanitary sewer as part of the project to extend sewer along Nine Mile Road from Kensington Road to Evergreen Court.
- T. Approval of (1) a Resolution Concerning Acquisition of Property and Approving Declaration of Necessity and Taking and Authorization of Offer to Purchase, and (2) a Declaration of Taking, for the purpose of making a good faith offer in the amount of \$3,552, for a temporary grading permit over parcel 50-22-29-326-024 (48380 Nine Mile), for the construction of sanitary sewer as part of the project to extend sewer along Nine Mile Road from Kensington Road to Evergreen Court.
- U. Approval of (1) a Resolution Concerning Acquisition of Property and Approving Declaration of Necessity and Taking and Authorization of Offer to Purchase, and (2) a Declaration of Taking, for the purpose of making a good faith offer in the amount of \$2,429, for a permanent sanitary sewer easement and a temporary grading permit over parcel 50-22-29-326-015 (48444 Nine Mile), for the construction of sanitary sewer as part of the project to extend sewer along Nine Mile Road from Kensington Road to Evergreen Court.
- V. Approval of (1) a Resolution Concerning Acquisition of Property and Approving Declaration of Necessity and Taking and Authorization of Offer to Purchase, and (2) a Declaration of Taking, for the purpose of making a good faith offer in the amount of \$938, for a temporary grading permit over parcel 50-22-29-376-024 (48593 Nine Mile), for the construction of sanitary sewer as part of the project to extend sewer along Nine Mile Road from Kensington Road to Evergreen Court.
- W. Approval of (1) a Resolution Concerning Acquisition of Property and Approving Declaration of Necessity and Taking and Authorization of Offer to Purchase, and (2) a Declaration of Taking, for the purpose of making a good faith offer in the amount of \$1,565, for a temporary grading permit over parcel 50-22-29-376-018 (48733 Nine Mile), for the construction of sanitary sewer as part of the project to extend sewer along Nine Mile Road from Kensington Road to Evergreen Court.
- X. Approval of a request to transfer ownership of a 2018 Class C and SDM Licensed Business with Sunday Sales Permit (AM and PM), from X-Golf Novi, LLC, located at 44325 W. 12 Mile Road, Suite H179, Novi, MI 48377 to Beyond the Green, LLC.
- Y. Approval of Claims and Accounts – Warrant No. 1017

CM 18-08-117 Moved by Breen, seconded by Staudt; MOTION CARRIED: 6-0

Roll call vote on CM 18-08-117

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

Nays: None

Absent: Wrobel

MATTERS FOR COUNCIL ACTION

1. Approval of the request of Erickson Living for the revised Special Land Use permit, Revised Preliminary Site Plan with PD-1 Option (and associated Fourth Amendment to the Development Agreement), Revised Phasing Plan, Revised Wetlands Permit, Revised Woodlands Permit, and Revised Storm Water Management Plan, JSP 18-19. The property is located on the north side of Thirteen Mile Road, west of M-5 and east of Meadowbrook Road. The applicant is proposing to revise the original approval and layout of the addition to the Continuing Care Center at the Fox Run Senior Community in Phase 4. The addition would result in 90 new assisted living units along with dining, gardens and enrichment facilities.

Matthew Quinn was there on behalf of Erickson Living. He said they've received positive recommendations from all of the departments and the Planning Commission. He was there to answer any questions Council may have had.

Mayor Pro Tem Staudt said that Fox Run brought forward an acceptable and highly desired development.

CM 18-08-118 Moved by Staudt, seconded by Casey; MOTION CARRIED: 6-0

Approval of the request of Erickson Living for JSP 18-19 for the Revised Special Land Use Permit based on the following findings:

- a. **Relative to other feasible uses of the site:**
 - **The proposed use will not cause any detrimental impact on existing thoroughfares (as indicated in findings and conclusions of the traffic review letter, including the adequacy of such thoroughfares to handle the existing improvements);**
 - **Subject to satisfying the requirements in the Engineering Review the proposed use will not cause any detrimental impact on the capabilities of public services and facilities (because the plan adequately addresses and provides for water and sanitary sewer service and management of stormwater volumes in accordance with ordinance requirements as set forth in the engineering review);**
 - **The proposed use is compatible with the natural features and characteristics of the land (as proposed impacts to**

natural features have been minimized as described in the staff and consultant reports);

- The proposed use is compatible with adjacent uses of land *(as indicated in the staff and consultant review letters and as demonstrated by the longstanding relationship of the existing development to such uses);*
- The proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use, which contemplates this use;
- The proposed use will promote the use of land in a socially and economically desirable manner, *as it is a continuation of this planned use;*
- The proposed use is
 - (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and
 - (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.
- b. Landscape waiver from Section 5.5.3.F.ii to allow 37 fewer multifamily unit landscaping trees than are required (87 required, 50 provided) because the existing and proposed landscaping on the site are substantial and sufficient to accomplish the intent of the ordinance.

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, Article 5, and Article 6 of the Zoning Ordinance and all other applicable provisions of the Ordinance.

Roll call vote on CM 18-08-118

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

Nays: None

Absent: Wrobel

CM 18-08-119

Moved by Staudt, seconded by Casey; MOTION CARRIED: 6-0

Approval of the request of Erickson Living for JSP 18-19 for the Revised Preliminary Site Plan with a PD-1 Option, and the Fourth Amendment to the Development Agreement (with any final adjustments to be made by the City Manager's Office and City Attorney), and approval of the Revised Phasing Plan, Revised Wetland Permit, Revised Woodland Permit, and Revised Storm Water Management Plan, subject to and based on the following:

1. Waiver from Section 3.8.2.C for a building exceeding 180 feet in length, up to 316 feet proposed, *because the interconnected facility will better serve the population and*

the ordinance allows the City Council to modify building length when additional setback from adjacent uses is provided, as it is in this proposal;

2. **Waiver from Section 5.16 for providing bicycle parking in one location rather than two as consistent with the use at issue;**
3. **Waiver from Section 5.16 for not providing a 6 foot sidewalk access to bicycle parking, because the existing 5 foot sidewalk would need to be demolished and reconstructed;**
4. **A Section 9 waiver for the following deviations as the proposed percentages of materials are consistent with the existing facades:**
 - a. **Exceeding the 25 percent maximum allowed percentage of EIFS on 3 facades (proposed: North – 29 percent, South – 31/32 percent and West – 32 percent);**
 - b. **Exceeding the 10 percent maximum allowed percentage of CMU on the west facade (proposed: West – 14 percent);**
5. **Landscape waiver from Sec. 5.5.3.F.ii.b(1) for a reduction in the total number multifamily unit trees provided (87 trees required, 50 provided) as the existing and proposed landscaping on the site are substantial and sufficient to accomplish the intent of the Ordinance;**
6. **The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Final Site Plan.**

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, and Article 5 of the Zoning Ordinance, Chapter 11 and Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance.

Member Mutch said he had a question for City Planner, Barb McBeth. He mentioned they received some correspondence in the Planning Packet from nearby residents concerned about ongoing construction at Fox Run. He said it was a large site and there has been quite a bit of activity over the years. He wasn't clear if after this particular phase was completed, are there additional units that may be attached to central facility related to the assisted living units. How many units are associated with that? Ms. McBeth said that was correct. The initial approval in early 2000's provided a certain number of units that could be continuing care facility. At this point they haven't reached that number just yet. The plan that was provided in the packet is slightly different from the initial plan. She understood that the applicant would still like to reserve the opportunity to complete those continuing care units sometime in the future. Member Mutch reiterated that there may be some additional activity there. He

wondered if there are additional phases or sub-phases beyond that which still need to be constructed. Ms. McBeth replied, yes, on the north side of the Ring Road there are still 3 or 4 buildings that are planned to be constructed. Member Mutch wondered how many units are outstanding. Ms. McBeth said she didn't have the number off-hand; maybe the developer could answer that question. J.J. Willhower, Erickson Living said on the north side of property, the zoning allows for 370 additional units. That's the approximate number they would meet or stay below with that future phase. Member Mutch wondered if he had timeline. Mr. Willhower said it was future as demand. The development would take a couple of years from beginning to end. Member Mutch thanked him for clarifying the timeline and number of units.

Roll call vote on CM 18-08-119 **Yeas: Markham, Mutch, Gatt, Staudt,
Breen, Casey**
Nays: None
Absent: Wrobel

2. Consideration to adopt Ordinance No. 18-192, an ordinance to amend the City of Novi Code of Ordinances to add Chapter 16.5, "Collection Bins," Sections 16.5-1 through 16.5-9, in order to establish regulations for the placement, operation, and maintenance of collection bins in the City. **FIRST READING**

CM 18-08-120 **Moved by Mutch, seconded by Casey; MOTION CARRIED: 6-0**

To adopt Ordinance No. 18-192, an ordinance to amend the City of Novi Code of Ordinances to add Chapter 16.5, "Collection Bins," Sections 16.5-1 through 16.5-9, in order to establish regulations for the placement, operation, and maintenance of collection bins in the City. FIRST READING

Roll call vote on CM 18-08-120 **Yeas: Mutch, Gatt, Staudt, Breen, Casey,
Markham**
Nays: None
Absent: Wrobel

3. Approval to purchase one (1) 2019 PL Custom Type 1 Squad, through the Sourcewell Cooperative Purchasing Agreement, in the amount of \$226,785.11 and one (1) 2019 Ford F-250 from Signature Ford, through the Macomb County Cooperative purchasing contract, in the amount of \$58,613.21.

Member Mutch asked if the fire department vehicle that was being proposed was essentially an ambulance rig style vehicle. City Manager Auger replied yes. Member Mutch confirmed with Mr. Auger that this vehicle could be used in a day to day operation if the Fire Department shows up and someone needed to be transported right away, they could transport.

CM 18-08-121 **Moved by Mutch, seconded by Markham; MOTION CARRIED: 6-0**

To approve the purchase of one (1) 2019 PL Custom Type 1 Squad, through the Sourcewell Cooperative Purchasing Agreement, in the amount of \$226,785.11 and one (1) 2019 Ford F-250 from Signature Ford, through the Macomb County Cooperative purchasing contract, in the amount of \$58,613.21.

Roll call vote on CM 18-08-121 **Yeas: Gatt, Staudt, Breen, Casey, Markham, Mutch**
Nays: None
Absent: Wrobel

4. Approval to award civil engineering services to AECOM Great Lakes, Inc., for design engineering services associated with Eleven Mile Road Rehabilitation project from Wixom Road to Clark Street in the amount of \$174,294.00

CM 18-08-122 **Moved by Casey, seconded by Breen; MOTION CARRIED: 6-0**

Approval to award civil engineering services to AECOM Great Lakes, Inc., for design engineering services associated with Eleven Mile Road Rehabilitation project from Wixom Road to Clark Street in the amount of \$174,294.00

Roll call vote on CM 18-08-122 **Yeas: Staudt, Breen, Casey, Markham, Mutch, Gatt**
Nays: None
Absent: Wrobel

5. Approval to purchase seven (7) LaserFlow Non-contact Velocity Sensor sanitary sewer flow meters from Hamlet Engineering Sales Company, in the amount of \$143,675.00.

CM 18-08-123 **Moved by Casey, seconded by Markham; MOTION CARRIED: 6-0**

To approve the purchase of seven (7) LaserFlow Non-contact Velocity Sensor sanitary sewer flow meters from Hamlet Engineering Sales Company, in the amount of \$143,675.00.

Roll call vote on CM 18-08-123 **Yeas: Breen, Casey, Markham, Mutch, Gatt, Staudt**
Nays: None
Absent: Wrobel

6. Approval of Change Order No. 1 to Great Lakes Contracting Solutions, LLC for the 2018 Concrete Panel Repair Program project in the amount of \$118,267.40.

CM 18-08-124 Moved by Casey, seconded by Breen; MOTION CARRIED: 6-0

To approve of Change Order No. 1 to Great Lakes Contracting Solutions, LLC for the 2018 Concrete Panel Repair Program project in the amount of \$118,267.40.

**Roll call vote on CM 18-08-124 Yeas: Casey, Markham, Mutch, Gatt, Staudt, Breen
Nays: None
Absent: Wrobel**

7. Consideration of 2019 City Council Meeting calendar.

CM 18-08-125 Moved by Breen, seconded by Casey; MOTION CARRIED: 6-0

Approval of the 2019 City Council Meeting calendar.

**Roll call vote on CM 18-08-125 Yeas: Markham, Mutch, Gatt, Staudt, Breen, Casey
Nays: None
Absent: Wrobel**

AUDIENCE COMMENT: NONE

MAYOR AND COUNCIL ISSUES: NONE

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:35 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: August 27, 2018