

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, MAY 19, 2014 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. 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 (absent, excused), Council Members Casey, Fischer, Markham, Mutch, Wrobel

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

APPROVAL OF AGENDA:

CM 14-05-082 Moved by Mutch, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the Agenda as presented.

Roll call vote on CM 14-05-082 **Yeas: Casey, Fischer, Markham, Mutch,
Wrobel, Gatt**
Nays: None
Absent: Staudt

PUBLIC HEARING

PRESENTATIONS

1. Proclamation in recognition of Public Works Week, May 18 – 24, 2014 – Matt Wiktorowski, Field Operations Senior Manager

Mayor Gatt presented the proclamation to Matt Wiktorowski. He thanked Council for their support. He said Council has provided the funding to improve the infrastructure throughout the Community and meet service requirements. The additional millage funding for roadways and addition of non-motorized pathways and sidewalks helped with their ability to make the improvements. He thanked everyone on behalf of the Department.

REPORTS:

1. MANAGER/STAFF – None
2. ATTORNEY – None

AUDIENCE COMMENT:

Pam Sordyl, founder of Puppy Mill Awareness of Southeast Michigan, presented six Rip-off Reports from ripoffreports.com regarding pets bought at a store in Novi. She spoke about what it was doing to families who purchased pets that were sick.

Chelsea VonFintel, resident of Royal Oak, bought a puppy five years ago. She said her vet would make a statement that the illnesses were not justified other than the puppy was inbred from a puppy mill. It was difficult for the family because of all the issues the puppy has had.

Holly Bradford, resident of Linden, told the story of how they acquired her pet from a pet store in Novi. Within a year, after they purchased her, she developed Perthes Disease. It has affected the family. She will never purchase a dog from Petland. She said for \$1,400 they should not get inferior dogs.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 14-05-083 Moved by Casey, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the Consent Agenda as amended with the removal of item E. and item F. for Council Action.

- A. Approve Minutes of:
 - 1. May 12, 2014 – Regular meeting
- B. Approval to purchase replacement office furniture for the customer service area at the Department of Public Services from ISCG Inc., in the amount of \$18,158, based on the State of Michigan's MiDeal cooperative purchasing program.
- C. Adoption of Resolution supporting an amendment to the Oakland County Solid Waste Management Plan for the inclusion of a new solid waste transfer station and waste processing facility to be located in the City of Pontiac.
- D. Approval of Resolution seeking reimbursement from Oakland County for expenses associated with the annual Mosquito Control Project.
- E. Adoption of a Resolution of Support for the installation of an overhead flashing beacon by the Road Commission for Oakland County at the intersection of Ten Mile Road and Napier Road. **REMOVED**
- F. Approval of Traffic Control Orders 14-15 through 14-17 to prohibit parking along both sides of Taft Road and on the driveway access in the vicinity of the south sports fields at Novi High School. **REMOVED**
- G. Approval to award the Card Access Control System Contract to Actron Integrated Security Systems, Inc. in the amount of \$66,897.20.

- H. Approval to temporarily assign Precinct 8 from Meadowbrook Elementary, 29200 Meadowbrook Road to Crosspointe Meadows Church, 29200 Meadowbrook Road and Precinct 12 from Hickory Woods Elementary, 30655 Novi Road to Maple Manor, 31215 Novi Road for the August 5, 2014 Primary Election due to summer construction by Walled Lake Consolidated Schools.
- I. Approval of Claims and Accounts – Warrant No. 916

Roll call vote on CM 14-05-083

Yeas: Fischer, Markham, Mutch, Wrobel, Gatt, Casey
Nays: None
Absent: Staudt

MATTERS FOR COUNCIL ACTION

1. Approval of Resolution for 2014 Millage Rates.

Interim City Manager Cardenas said these were the rates that finance the many different funds with the City. It is the 10.2 rate and just a fraction of the total tax bill the Novi resident receives. We are leveling zero in Drain Fund because there is adequate capacity currently and leveling more in the 2002 Street Refunding Debt Fund to pay it off a year earlier than expected.

CM 14-05-084 Moved by Casey, seconded by Mutch; CARRIED UNANIMOUSLY:

To approve the resolution for 2014 Millage Rates.

Roll call vote on CM 14-05-084

Yeas: Markham, Mutch, Wrobel, Gatt, Casey, Fischer
Nays: None
Absent: Staudt

2. Approval of Resolution for Fiscal Year 2014-2015 Budget.

Interim City Manager Cardenas said this incorporates all the changes that were made by City Council at the Budget Session.

CM 14-05-085 Moved by Wrobel, seconded by Markham; CARRIED UNANIMOUSLY:

To approve the resolution for Fiscal Year 2014-2015 Budget.

Member Fischer noted that this was an important step in the process and again thanked staff and Council. He felt excited about approving a lower millage than in the past and a 24.85% Fund Balance that exceeded the range projected. He mentioned he was proud to be a part of the team approving the motion.

Roll call vote on CM 14-05-085

Yeas: Mutch, Wrobel, Gatt, Casey, Fischer, Markham

Nays: None

Absent: Staudt

3. Approval of Resolution acknowledging the Multi-Year Budget including projections of future Fiscal Years ending 2015-16 and 2016-17.

Interim City Manager Cardenas said this was our third multi-year budget that has been utilized in our annual budget. This resolution recognized the planning for the next 2 fiscal years.

CM 14-05-086

Moved by Casey, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the resolution acknowledging the Multi-Year Budget including projections of future Fiscal Years ending 2015-16 and 2016-17.

Member Mutch noted the highlight of the multi-year budget was the projection, over the next two years, which would maintain the Fund Balance above 22% while incorporating Capital Improvements into the budget. In past budgets they were not all included. He thought it was a testament to the hard work the City Administration has done to balance the needs of the Community versus the revenues projected. In prior years it was difficult making decisions about how much to spend and assuring that we had a solid fiscal foundation now and in the future. He thought they still had areas that needed to be addressed, such as the Pension Liabilities and Retiree Health Care, but they had taken steps forward on the issues. He would be able to support the motion because of that.

Member Fischer acknowledged the Mayor because it was something they didn't do until a few years ago. Mayor Gatt provided the leadership and used his experience from the County. He brought in people from the County to initiate a multi-year budget. He would support the motion.

Mayor Gatt wanted to thank the people who he worked for at the County, Brooks Patterson, Bob Daddow, and Laurie Van Pelt. He thought they were ingenious when it came to the budget. They had been successful at it. One of the first things he did as Mayor was to reach out to them. He thanked Council, also.

Roll call vote on CM 14-05-086

**Yeas: Wrobel, Gatt, Casey, Fischer, Markham,
Mutch
Nays: None
Absent: Staudt**

4. Approval and adoption of "Red Box" Objectives/Goals Resolution for FY 2014-15.

Interim City Manager Cardenas said that at the Council meeting on January 11, 2014, the goals and objectives were established with long term planning for the Budget. In the Budget there were four different strategic categories that Council adopted. It was incorporating them for the next year. They would report on them quarterly to Council and the public.

**CM 14-05-087 Moved by Wrobel, seconded by Markham; CARRIED
UNANIMOUSLY:**

**To approve and adopt the "Red Box" Objectives/Goals Resolution
for FY 2014-15.**

Roll call vote on CM 14-05-087

**Yeas: Gatt, Casey, Fischer, Markham, Mutch,
Wrobel
Nays: None
Absent: Staudt**

5. Consideration for approval of the request of Edward Rose and Sons for Rose Senior Living at Providence JSP13-81, for a Planned Suburban Low-Rise (PSLR) Overlay Development Agreement and Concept Plan. The subject property is 23.61 acres in Section 17 of the City of Novi and located on the north side of Eleven Mile Road and west of Beck Road. The applicant is proposing a 182 unit senior living facility.

Interim City Manager Cardenas said it is the final approval for the facility. There were some changes that were received by City Council. City Attorney Schultz said that the minor revisions to the agreement last Thursday are two things, one clarifies there is a sliver of property on the north end above the property that doesn't have the Planned Overlay Zoning on it and is still zoned R-3, the amended agreement recognizes that there will be minor improvements and includes their consent that the City determines putting the Overlay on the property. Second, it requires a conservation easement over three woodland areas where the trees will be planted. If there is a motion to approve, the amended agreement can be incorporated with the findings being proposed.

Member Mutch could not support this proposal as currently presented. He had an opportunity to do more research on the woodlands question. He knew it was high

quality woodlands of a significant age because of the size of the trees. He found topographical maps of 1936 where it was woodlands. The area for 80-90 years has been well-established woodlands and the remainder of the Providence Campus was a golf course. He noted a golf course is not a high environmental area. He reviewed the woodland's tree removal list that was provided by City staff. There are over 50 trees that are 30" or larger that are going to be removed with this plan out of over 600 trees that are planned to be removed from the property. He wanted to take note of the size of the trees that are being removed. For example, there are several Bur Oaks, Silver Maple, Red Oaks, and Black Oak of diameters greater than 48" in diameter. He did some research on trees of this size are around 100 years old to possibly 200 years old. He said these are trees that pre-date the golf course and the farming operations in Novi and may have started out as pre-settlement woodlands. He noted we don't have woodlands like that in Novi. It is a unique and high quality natural resource. Unfortunately, what are being saved are the lower quality trees. We are losing the higher quality trees. Our woodlands ordinance is a woodland protection ordinance first. It is not a woodlands replacement ordinance. The goal first and foremost is to protect these woodlands especially the high quality woodlands. He asked if our ordinances don't protect something as high quality as this appears to be where is the line drawn and if there was any proposal that we would say that it not acceptable. He was going on the information that he had because he never got a report from the woodlands consultant that would provide an assessment of the quality. To lose over 600 trees on the site and to be replaced with 3" canopy trees to him was not something he could support. He would like Providence and the applicant to look at alternatives even though they have a constrained site. Providence has a big campus with opportunities to build this where it would not have the amount of impact or if it has to go in this area, what alternatives of reorienting the building and eliminating the access drive. Steps like that could reduce the amount of the impact. At least, reduce the impact of highest quality portion of the site. He isn't saying save every tree and thought it was an excellent proposal. He liked a lot of aspects of it. He wants to know what the woodlands ordinances are accomplishing if it is not protecting these kinds of trees.

Member Fischer spoke to Ms. McBeth, Deputy Community Development Director that he was concerned about an application like this and he didn't have an issue last time but Planning Commission, staff has approved it but at this point there is some hesitation because of the tree issue. He asked her to address some of the comments about our woodland ordinance, where the line is drawn and what reviews they go through in order to assure there is adherence to it. Ms. McBeth said they have worked extensively with the applicant on the request they have brought forward. They discussed what was needed to be presented at this stage which is the conceptual plan review and the agreement review. They encouraged the applicant to provide as much environmental information as they would be willing to up to this point. She thought they have given a lot of information even for a conceptual plan. They have given information about the trees, wetlands, conservation easements that exist in the surrounding area. The next step if approved by City Council at this stage would be to go to the Planning Commission for the formal woodland and wetland permit. We did receive more information than for the Concept Plan for the Preliminary Site Plan. It will be a Public Hearing and she was sure it will get close scrutiny by the Planning Commission. Member

Fischer asked her if she believed that our ordinances are adequate and if we are following them as it relates to woodland preservation used for the plans. She thought they were getting good information from the applicant in terms of what the ordinance requires. She knows the consultants work closely with the applicants to identify the quality areas. This site she said unfortunately is almost all quality woodlands as well as quality wetlands in the vicinity in the area. It is a difficult question of whether development should proceed or whether the ordinance should be fully respected and other sites should be identified. In this case the applicant brought forward this site. The staff and consultants have been reviewing the site in itself in terms of the various ordinances. Member Fischer asked City Attorney Schultz what would be the options if the plan was denied based on the woodlands. Mr. Schultz explained that this is at the stage of reviewing a discretionary plan. The property is zoned R-3 but an overlay was created that allows more than just residential development. Council has a lot of discretion at this stage to determine whether or not this development should go on this site. They brought this site with a proposed development that will clearly impact the woodlands. Technically, the woodlands permit comes at a later stage but the staff and Planning Commission asked for a lot of the information up front so that there is information about the trees that are affected and the Council is kind of looking at this in the context of the woodlands ordinance already. The woodlands ordinance deals with protection as well as replacement. It is not clearly a protection ordinance more than replacement in the way some other communities ordinances are. You're reviewing the removal of trees under the ordinance to determine that the removal is necessary for the location of a structure or site improvements when there is no feasible improvement alternatives. The site has a lot of woodlands but you are looking to see are we are in the woodlands when it could be somewhere else, do they need to cut down the trees in order to build the development, and is the development unnecessarily removing trees. If Council determines that it likes the use and this is the site they have and this is where they need to put the improvements, then they will meet the standards for removal. Staff works with the applicant to make sure that under the ordinance the impact is minimized within the development site. By the time it gets to the woodland permit stage at the Planning Commission, they will look at the fact that Council has approved the development and the fact that they are not cutting more trees than they should for the approved use, and it will then issue the permit. Council has the ability at this stage to ask if they could put the development somewhere else. A lot of the work has been done and Council must decide if they feel comfortable to vote for it. Member Fischer said that this is a very difficult site and asked if it was denied repeatedly but was brought back with woodland removal because there is no area on the site that can be developed. Mr. Schultz answered under that scenario at some point the applicant will be able to make the argument that they cannot develop the property. Written in the ordinance is a provision that the City does not intend to make it a regulation to the point of a taking but because it is a discretionary determination Council has some ability at this point to make sure they have done what they can do to limit the woodland impact. Member Fischer said that was his concern of how many times or how many situations saying no to a development before crossing the line of the taking. He said they would not want to do it in the City. It is a difficult site and is on board with what Planning Commission, staff, and applicant has proposed.

CM 14-05-088

Moved by Fischer, seconded by Casey; MOTION CARRIED: 4-2

Final approval of the Planned Suburban Low-Rise (PSLR) Overlay Development Agreement as amended in the revised version circulated to Council at meeting and Concept Plan based on the following findings and conditions:

- a. The PSLR Overlay Development Agreement and PSLR Overlay Concept Plan will result in a recognizable and substantial benefit to the ultimate users of the project and to the community;**
- b. In relation to the underlying zoning or the potential uses contemplated in the City of Novi Master Plan, the proposed type and density of the use will not result in an unreasonable increase in the use of public services, facilities and utilities, and will not place an unreasonable burden upon the subject property, surrounding land, nearby property owners and occupants, or the natural environment as indicated in the applicant's Community Impact Statement;**
- c. In relation to the underlying zoning or the potential uses contemplated in the City of Novi Master Plan, the proposed development will not cause a negative impact upon surrounding properties as the proposed building has been substantially buffered by existing and created natural features and should minimally impact the surrounding properties;**
- d. The proposed development will be consistent with the goals and objectives of the City of Novi Master Plan, and will be consistent with the requirements of Article 23B as the proposed development meets the stated intent of the PSLR Overlay District to encourage transitional uses between higher intensity office and retail uses and lower intensity residential uses while maintaining the residential character of the area as outlined in the planning review letter; and**
- e. 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 Preliminary Site Plan.**

Mayor Gatt said he has been in Novi a long time and could say that west of Taft Road was all forest. He described the progress of developments in the area. He said the plan will provide 182 homes for senior citizens for the next 100 years. Nobody wants to see trees cut down that have survived over 100 years. Trees were cut down for progress and because of the decisions over the years that is what moved Novi forward and made it into a great city. It is the people in the City that make Novi great and this will

provide more residences. He said they are elected to do what is they think is best and respect everyone's decision. He will support it.

Member Wrobel is supporting the project. He echoed the Mayor's comments. This project is a very good project for the City. He agreed that they are losing trees that he doesn't like to do but feels that there will be enough trees in return planted on the property in the long term. He feels the trees will eventually enhance the area. The benefits of the project outweighed the trees in this matter.

Mayor Gatt said people have spent a lot of time studying this. The Planning Commission had Public Hearings and Council has discussed this matter twice. It has been debated and discussed.

Roll call vote on CM 14-05-088

Yeas: Casey, Fischer, Wrobel, Gatt
Nays: Markham, Mutch
Absent: Staudt

AUDIENCE COMMENT – None

COMMITTEE REPORTS – None

MAYOR AND COUNCIL ISSUES – None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION:

- E. Adoption of a Resolution of Support for the installation of an overhead flashing beacon by the Road Commission for Oakland County at the intersection of Ten Mile Road and Napier Road.

Member Casey noted this intersection had been a concern since she has been on Council. The staff has continued to work with the Road Commission of Oakland County. She thanked everyone for supporting this. She asked Mr. Hayes, Director of Public Services, if this signal was slated as part of the paving improvement for that intersection and were pulling ahead the signal but would do the paving in 2017. Mr. Hayes said it would flash red for Napier traffic and yellow for the Ten Mile traffic. It was a measure until the funding was in place for the paving and permanent traffic signal installation. She asked when the signal would be installed. Mr. Hayes said they hadn't received a schedule from the County but thought it would be during this construction season.

CM 14-05-089

Moved by Casey, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the resolution of Support for the installation of an overhead flashing beacon by the Road Commission for Oakland County at the intersection of Ten Mile Road and Napier Road.

Roll call vote on CM 14-05-089

Yeas: Fischer, Markham, Mutch, Wrobel, Gatt, Casey

Nays: None

Absent: Staudt

- F. Approval of Traffic Control Orders 14-15 through 14-17 to prohibit parking along both sides of Taft Road and on the driveway access in the vicinity of the south sports fields at Novi High School.

Member Markham said this was to place the no parking signs along Taft Road south of the High School. Member Markham said she drove past this location several times a day. It was her concern that there were dozens of parked cars during the day and night. She didn't like the street parking. Those that used the athletic fields must find it more convenient parking there than at the High School. She explained that she tried it firsthand and felt the logical answer was when using the fields we should be able to use the access road to park. She asked why the gate was locked off of Taft Road. Mr. Hayes, Director of Public Services, said it was an emergency access gate and intended for emergency vehicles only. The use agreement also provided for maintenance vehicles to have access. She said she saw the gate open earlier in the day and asked under what circumstances was the gate unlocked. Mr. Hayes answered he understood that it was only unlocked in the event of an emergency or someone performing maintenance. Member Markham said the proposed no parking signs would be from the entrance of Dunbarton to the entrance of the school parking lot on both sides of the road. She confirmed on football Fridays parking would be prohibited there. She commented it would be a lot of cars to try to put somewhere else. She wondered what the elevation change from the parking lot to the fields was. Mr. Hayes said he didn't know. She said the north parking lot by the school had a huge gravel pile taking up a third of the lot. She noted finding the path from the High School parking lot to get down there was not easy. She would like to revisit opening the gate to use when the fields were in use. She didn't think it made sense that the asphalt strip was not being used. She would like to work with the school district and revisit the questions of could we open the gate when the fields were in use, how many cars could be accommodated and did it make sense to use it for parking. She didn't think it was a good solution to put no parking signs. She didn't think it served the residents of the City very well. Mr. Hayes said the access needed to be left open for emergency and allowing cars to park on or near the access road posed an issue. She didn't know the dimensions of the road and how wide it had to be but wanted the issue revisited. It was not functioning the way it should. She wanted to see if it was possible to look at allowing parking on the access road while the fields were in use. She motioned to table but it was later withdrawn.

Interim City Manager Cardenas talked with the schools and, contrary to what Member Markham had said, the schools did not allow parking on the strip. It was a case by case basis to allow handicapped individuals along there. They were in support of the signs. The school controlled the access road.

Member Mutch appreciated the additional information. The Mayor may have been here when the agreement was negotiated and approved. The agreement pre-dated most of the council members and they didn't have the information about the discussions and tradeoffs that took place. Maybe the school district was not open to revisiting the agreement. He thought it was appropriate to table the motion because the concern he had was there was nowhere to direct the cars once the signs were put up. He said most people go to the most convenient location to park and felt that before they put up signs there should be a discussion with the schools about some of the points Member Markham addressed such as something directing them to the parking lot. Member Mutch agreed there was an element of a traffic hazard now. If nothing else, there should be no parking signs within the vicinity of the gate because it should not be blocked. He said he thought there were pieces missing from this proposal that needed to be addressed to get a better outcome. He said otherwise there would be other problems created.

Member Wrobel would not support the tabling of the motion. It was a traffic hazard and the City has had discussions with the school district. They did not seem willing to address the issue. He thought proceeding with placing the signs would force them to make a decision. They would get feedback from the parents and put it on the schools to the problems it created.

Member Fischer would not support the motion to table. He drove by it every day with up to 30-35 cars parked there that could pose traffic hazards. He felt they were elected to protect the residents. He didn't think telling people where to go was necessary because the high school sign should indicate where to park. He thought it was past its prime and needed to be addressed.

Member Casey would not support to table the motion. She respected the comments made but thought school administration has heard the concerns and the traffic concerns outweighed the considerations trying to negotiate with the school district to open the gate. She said the negotiations could still continue and didn't want what could become a bad situation to develop.

Mayor Gatt said he would not support a motion to table. It was a traffic hazard and had been ongoing for years. It was time this City Council did something about it. The school was not interested in opening the gate. He didn't feel the Police Department would be overworked or overtaxed. If the cars were ticketed, it would resolve the problem very quickly. It was a public safety issue.

Member Markham clarified with Mr. Cardenas that she saw about 40 cars parked on the road and 2 or 3 on the field. She agreed it was a public safety issue. She thought it

was an issue that needed to be resolved. She thought they should be working with the schools. She didn't like hearing that the schools don't want to do something. She wasn't going to get the support and withdrew the motion with the understanding that talks would continue with the schools. She thought part of the solution was to do something with the access road.

CM 14-05-090 Moved by Wrobel, seconded by Casey; MOTION CARRIED: 5-1

To approve the Traffic Control Orders 14-15 through 14-17 to prohibit parking along both sides of Taft Road and on the driveway access in the vicinity of the south sports fields at Novi High School.

Roll call vote on CM 14-05-090

**Yeas: Mutch, Wrobel, Gatt, Casey, Fischer
Nays: Markham
Absent: Staudt**

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 8:04 P.M.

Robert J. Gatt, Mayor

Sue Troutman, Executive Secretary

Transcribed by Jane Keller

Date approved: June 2, 2014