

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI  
MONDAY, JUNE 3, 2019 AT 7:00 P.M.  
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 TEN MILE ROAD**

**Mayor Gatt called the meeting to order at 7:00 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Mayor Gatt, Mayor Pro Tem Staudt, Council Members Breen, Casey, Mutch, Poupard, Verma

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

**APPROVAL OF AGENDA:**

Member Breen added to the Mayor and Council Issues: National Gun Violence Awareness Day.

**CM 19-06-089 Moved by Casey, seconded by Mutch; CARRIED UNANIMOUSLY**

**To approve the Agenda as amended.**

**Roll call vote on CM 19-06-089**                      **Yeas: Staudt, Breen, Casey, Mutch, Poupard, Verma, Gatt**  
**Nays: None**

**PUBLIC HEARING: None**

**BOARDS AND COMMISSIONS CANDIDATE INTRODUCTIONS**

Mayor Gatt noted that the Council Rules have changed recently. He said the new rules are that interviewees for Boards and Commissions will each be allotted two minutes to tell Council why they believe they should be appointed to the Board or Commission. He said there will be no questions following that. The Council has application and resume which is very detailed. Everybody will be given two minutes, and at the end of two minutes he will interrupt to be fair to everyone.

1. Lola Faleix – Parks, Recreation & Cultural Services Commission

Lola Faliex said she has been in Novi 5-years. She is a personal trainer, and is looking for volunteer position within the City of Novi. She said this struck a chord. She uses the Lakeshore and other city facilities. She said she would like to be a voice for residents and other users that live outside of the city. She wants to learn and grow. She hoped to become an asset and a voice. She can learn and that is what she looked forward to. She understood it was one Thursday night a month and she could take that on. She was also prepared to participate in other parts of Parks, Recreation & Cultural Services Commission, and looking forward to getting involved. She felt it was a good match for

her as opposed to being behind a computer. She was happy to be here and would love to participate.

2. Christopher Irving – Parks, Recreation & Cultural Services Commission

Chris Irving stated that he has been a resident of Novi for 16-years. He has two children, 15-years old son and his daughter is 11-years old. He is an avid mountain biker and recently a marathon runner. He said he would like to use his love of outdoors to promote Novi and what it has as far as Parks and Recreation. He stated his background is in executive management for technology. He did see a fit as we look to bridge ways to promote the outdoors through digital methods. He is currently CTO of a company in the area. That, in combination with his experience as a runner, mountain biker, and outdoor enthusiast with a Bachelor of Science in Geology from Michigan State could be helpful in the position.

3. Neil Kane – Parks, Recreation & Cultural Services Commission; Planning Commission

Neil Kane said that his day job is Director of Undergraduate Entrepreneurship at Michigan State. He spends his day educating young people on how to start a business and empowering people through developing their businesses and by extension economic development also through the creation of new businesses. He said that his family moved here about two and a half years ago from Naperville, Illinois which was also a very progressive community. He said that he had participated in their citizen academy. He was never able to do anything with it, but got an immersion in the process of departments and responsibilities of running a city. He said he did not have any particular qualifications that are unique to anything that the city requires here except that he is a very experienced business person and has started 12 businesses. He has an undergraduate degree in Engineering, MBA in Finance from the University of Chicago. His wife is local small business owner. He mentioned that he has two adolescent girls at home. Motivation is to both learn and give back and to make connections here since he is fairly new to Novi.

4. Salene Riggins – Planning Commission; Parks, Recreation & Cultural Services Commission

Salene Riggins said she was interested in the Planning Commission. She wished to accomplish the goal of inclusion in the City and to bring our diverse community together. She is committed to exercising sound reasoning and analyzes issues, make decisions, and overcome obstacles to grow Novi into the best developed city that the next core of citizens would want to live, work, and raise their family in Novi. In her professional, personal and academic experiences she has learned valuable skills such as; how to think strategically, time management, and leadership skills. She currently lives and works in the City of Novi. She helps people design the life they want by leasing luxury townhomes and apartments. Home is the starting place for love, hope and dreams. She said to serve on the board of the Planning Commission she wished to make positive impact on her community that will make difference in people's lives. She

has lived in the surrounding area for 10 years and in Novi for 5 years. She believed she would be most valuable in this role to give her perspective on what the residents want and need in our diverse community. In her current occupation she talks to people daily about what people want from a new home and their community. With this knowledge she said she would bring fresh perspectives, culturally and ideas of the average Novi citizen. Changing lives one home at a time is her vision for the community and she wanted to continue seeing Novi's growth and development. She is invested in Novi and realizes the need to understand the long term impact of development decisions. That is why she is confident she would be a good fit for the Planning Commission. Thank you for your time and consideration.

5. Brian Smith – Parks, Recreation & Cultural Services Commission

Brian Smith said he has been a resident of Novi for 35 years. His two children and his wife's three children have graduated from Novi schools and have used Parks, Recreation and Cultural Services. He said he is a mountain biker as well, and has used Lakeshore Park a lot. He is a believer in the outdoors. He would like to see more small parks in neighborhoods that people can walk to. He said that is one of the goals of the Parks, Recreation and Cultural Services. He would like to implement the Parks, Recreation, and Cultural Services survey. He said that this is not just about parks, but about recreation. He would like to see an increase in support for STEM robotics. He said as a former FTC coach for middle school robotics. That is strictly done by parents. He said they could really use some help. He thought that the City could provide space and programming to develop that program. That feeds directly into the FIRST program in the High School. His step daughter got a full ride to Kettering based on the FIRST program. He would also like to see support for other activities in the park. We have many soccer and softball fields, maybe a cricket field. He said we will see what comes out of the survey and what people are looking for. He believed there is interest in other things than soccer, baseball, and softball. He looked forward to serving. He has done a lot of volunteer work. Now that the children are grown up and not volunteering specifically for their activities he can branch out and get some experience in city government.

6. Charles Staab – Parks, Recreation & Cultural Services Commission

Charles Staab said he has been a resident for 39 years. His three children all worked or participated in various Parks, Recreation, and Cultural Services functions. He noted that he has been involved in many facets of the city, starting with curbside recycling initiative in the early 1980s, and also with other service organizations. He was the Novi Jaycees past president. He said he got involved in Parks and Recreation many years ago. Specifically some of his accomplishments in the past; Co-Chair of Tim Pope Play Structure at ITC Community Sports Park, and that was an early genesis of that super play structure. That is the most active play structure in the City. He said a month ago they were there before Council to bring a \$150,000 contribution from Novi Park Foundation to reconstruct, and remodel that structure so we can continue to make that a world class play structure. He has also been involved in other activities, surveys, and parks initiatives, specifically Lakeshore Park construction and remodeling there. He looked

forward to modernization of the play structure at ITC Sport Park, and work with staff and different commission members. Novi is a good place to work and have fun in. Thank you for your time.

Mayor Gatt thanked all of the interviewees. He said there will be no decisions made that evening, most likely they will be made at the next Council meeting. Some applicants could not interview that evening, they will be considered. There are also candidates who were not required to interview that evening because of Council Rules, they will also be considered in the decision making process. He invited them to stay for the meeting if they wished. Otherwise they were free to leave.

**PRESENTATIONS: None**

**MANAGER/STAFF REPORT: NONE**

**ATTORNEY REPORT: NONE**

**AUDIENCE COMMENT:**

Mike Duchesneau 1191 S. Lake Dr., Novi asked Council to consider a three or four minute time limit for the candidates in the future.

**CONSENT AGENDA REMOVALS AND APPROVALS:**

- A. Approve Minutes of:
  - 1. May 20, 2019 – Regular meeting
  
- B. Enter Executive Session immediately following the regular meeting of June 3, 2019 in the Council Annex for the purpose of discussing City Clerk and City Assessor Performance Evaluations.
  
- C. Approval of a three-year agreement between the City of Novi and Tax Management Associates, Inc. for Personal Property Assessment Services at a cost of \$58,300 for the first year.
  
- D. Approval of an amendment to the City Manager Employment Agreement as prepared and approved as to form by the City Attorney.
  
- E. Approval of request to transfer ownership of an escrowed 2019 Class C and SDM licensed business with Sunday Sales Permit (PM), and Entertainment Permit, issued under MCL 436.1531(4), non-transferable, from Happy Sushi, Inc. to Happy Sushi & Thai Inc. located at 41766 Ten Mile Road, Novi, MI 48375.
  
- F. Approval to award civil engineering services to Spalding DeDecker for design engineering services associated with the Drakes Bay and Wixom Pump Station Improvement project in the amount of \$48,086.50.

- G. Approval of the final payment to Hutch Paving, Inc., for the 13 Mile Road Rehabilitation (Novi to Meadowbrook Roads) project in the amount of \$23,470.85, plus interest earned on retainage.
- H. Approval of a resolution authorizing the termination of an existing sanitary sewer easement (recorded in Liber 22132, Page 163, Oakland County Records), which was replaced by a revised sanitary sewer easement (recorded in Liber 40820, Page 72, Oakland County Records) in 2009. Said easement is part of the Adams North Development located on Parcel #22-01-200-049 in Haggerty Corridor Corporate Park.
- I. Approval to award purchase and installation of a BlackMagic Design production switcher, control surface, Hyperdeck recorder and Niagara Go Stream encoder to Third Coast Tech, LLC through the G2G Oakland County Cooperative Purchasing Contract for \$15,996.47 and amend the budget.
- J. Approval of Claims and Accounts – Warrant No. 1037

**CM 19-06-090                      Moved by Casey, seconded by Poupard; CARRIED UNANIMOUSLY**

**To approve the Consent Agenda as presented.**

**Roll call vote on CM 19-06-090**

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

**Nays: None**

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

- 1. Approval of either Option 1, 2, or 3 for the action plan submission of the Safe Routes to School grant application.

City Manager Auger explained that this is the package that our DPW worked on with OHM and the school systems to see if we can improve the walking routes to school. First, it encompassed all school campuses and all of the improvements that can be made. He said that after a series of meetings with the public and the schools, we prepared three options that could get the most grant dollars from the feds. They also had an option for medium and smaller one. He said they just need to move forward with the project to get this funding so we can improve the routes. He said they were open to what City Council had to say. We have representatives that can answer any questions.

Member Mutch asked Mr. Auger to talk about where we are in the process. This grant application process has multiple steps, and there are various points where City Council has to make commitments either in terms of which plans they would be interested in, to

presuming we are awarded a grant then the expenditure of dollars. At this point we are going to submit a grant application based on what Council decides. If we are awarded, whichever option they choose there is going to be a certain commitment by the City in terms of dollars is that correct? Mr. Auger replied yes, that was correct. Mr. Auger said that staff and the consultant moved to the microphone to answer questions. He said we are at the point where we have to officially submit the documentation of what we think we will move forward. He said the Feds will have the final say on how much funding we will get. He said he will refer questions to staff and the consultant, DPW Director Herczeg or Ms. Caters, Consultant. Ms. Caters said there are four times a year that a school application is due. The next one coming up is June 25. There will be another one at the very beginning of fall. We are trying to submit the application this coming month. Member Mutch asked once this is submitted, what kind of timeline we would be looking at in terms of the review process versus the next step, assuming that would be an announcement of a grant award. Ms. Caters said we would be looking for a conditional commitment from Michigan Department of Transportation (MDOT) which is how the Federal monies would be flowing to the City. That could be this fall. It would be a four to five month turnaround. Member Mutch asked for confirmation that something would come back to City Council at that point asking us to take that next step and commit to moving forward with this project. Ms. Caters replied yes, that was correct. At that point the conditional commitment would come before Council to resolve upon and then at that point the design process would start for the infrastructure. Member Mutch understood that we have three different options that have been presented to Council. They have varying scopes. The third option being the least expensive, but is the minimal amount of improvements. He said going up to the next options, it would be more expensive. He said they would have more of an impact on the neighborhoods. He said the last time this came up that he stated that he was in support of moving forward with the broadest possible options because he thought there was a need in these neighborhoods to have safe walking routes for the children and their parents. Schools in neighborhoods are also used for after hour activities, events in the evenings, and sometimes functions during the summer. In these neighborhoods, sidewalks can serve residents along to get to main roads. He wondered if at this point we are just asking to see if we can get this funding. It makes sense to him to ask for largest amount, and also recognize that it doesn't commit us to it. He thought if we are awarded that and it comes back in the fall and we decide we did want to scale it back or not move forward at all we still have that option, we are not locked into anything. Ms. Caters said that the City is partially locked in. She explained that the conditional commitment as it comes back in the fall, once that is signed and agreed upon by the City and Michigan Department of Transportation (MDOT) that is what you have agreed to construct. They want you to apply for what you would want to construct, rather than what you may or may not do. She explained that this is the time to make the decision. Member Mutch thanked her for the clarification. He said we still have the opportunity to decide to not proceed, which is an option.

**CM 19-06-091                      Moved by Mutch, seconded by Casey; CARRIED UNANIMOUSLY**

**Approval of Option 2 for the action plan submission of the**

**Safe Routes to School grant application.**

**Roll call votes on CM 19-06-091**

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

**Nays: None**

2. Approval of the Huron Rouge Sewage Disposal Sewage Retention Facility Contract, the Resolution to Approve Act 342 Agreement related to the construction, operation and ownership of the Sewage Retention Facility, and to amend the budget.

**CM 19-06-092**

**Moved by Casey, seconded by Poupard; MOTION CARRIED: 6-1**

**Approval of the Huron Rouge Sewage Disposal Sewage Retention Facility Contract, the Resolution to Approve Act 342 Agreement related to the construction, operation and ownership of the Sewage Retention Facility, and to amend the budget, with the final form of agreement to be approved by City Manager and the City Attorney's office.**

Member Mutch asked Mr. Herczeg a few questions related to the financial side of this in terms of who is responsible for what. He stated that the requested expenditure is \$11.3 million. He wondered if that will be coming from the Water and Sewer Funds. Mr. Herczeg replied yes, that was correct. Member Mutch understood the agreement to say that if there is any cost overages, the City is responsible for that. Is the City responsible for the assessment? Mr. Herczeg replied yes, we are agreeing to whatever the bid price is that the City will be responsible for the construction cost. Member Mutch noted that the Oakland County Water Resources Commission Office will be constructing, correct? Mr. Herczeg replied yes, they will construct and run the facility. We have access via our SCADA system to monitor. Member Mutch wondered about the operational cost. Mr. Herczeg said we will be billed, just like rest of system for the operational costs. Member Mutch confirmed that it will be incorporated with the total sewage cost. He said then that will come back to customers who are on the sewer system. Member Mutch wondered if we had an idea of operational costs in terms of annual costs for this facility. Mr. Herczeg said no, he did not have that information off hand. He could talk to the Water & Sewer Senior Manager Croy. He has been involved and he could probably get an estimate of what we think it will cost. Member Mutch wondered about the planning process for this facility and if the City of Water Resource Commissioners Office looked at other alternatives. His understanding was over a 10 year period we have had five incidents where the City exceeded sewer flow based on contract, once every two years. He said we are building an \$11 million facility at the City's cost which could potentially cost more money, and the ongoing operational cost it will incur. He felt that the engineers over-engineered the solution. Member Mutch asked Mr. Herczeg to help him understand the expenditure and the cost related to this. It seems oversized related to the frequency that this is happening. Mr. Herczeg said this has to do with our total capacity of the system. There are some unresolved issues

downstream of us. The size of the facility that we are building now will be maximum buildout of the entire system. It is designed for overflow now, but in the long term it will address any capacity limit issues that we may or may not have. Member Mutch said that this is the problem he had with this. We obviously had a capacity limit before, why are we exceeding it? He thought it was probably because we allowed more development than the system would support. Now the solution is to add more capacity at \$11 million, but what steps will we take to prevent exceeding this capacity in the future so that some future council will not be asked to add even more capacity. Mr. Herczeg said the down river system of Rouge Valley is still under question on how that is going to be run. They are waiting on a timeline from Great Lakes Water Authority to make decisions. Once that is done the combination of the facility that we are installing plus the new parameters of the Rouge system should be all that we need to maintain maximum buildout for capacity for sewage. The goal is to do one or the other. We are not stuck between a rock and a hard place. He noted that the fact that we had the exceedances and the stoppage on permitting, lead to the initial scoping of project. He stated that it is a long term solution that provides Novi the best benefit. He agreed that it is a large number and large facility, but it does solve the problem. Member Mutch said that he appreciated that perspective, but what he would want to hear or see from the City going forward is a plan to ensure that down the road we are not exceeding capacity. We keep building out to the point that we are exceeding the ability for our infrastructure to support it. We have seen it on the roads first and foremost. We hear that consistently from residents. They don't see this part of it, and it generally doesn't affect them, but here is an \$11 million bill because we didn't keep development constrained to the ability of our infrastructure to support it. He said this is one project. Nine Mile Road gravity sewer, which is a multi-million dollar project that is ongoing right now, is another example of where we exceeded our ability to support the infrastructure. He stated that he will probably reluctantly support this, but he wanted to hear from City administration on how to avoid this in the future. We did this to ourselves. He felt that with \$11 million you could buy up some property and never see it developed and it would never add to the sewer system. That is how he looks at it.

City Manager Auger explained that this project is a very long term project and they had hoped to start the project 3 years ago. He said we are dealing with other entities, in particular two different county systems. He said that part of the problem we are solving is where we are pumping sewage to it can't handle the sewage, not that we are typically built out. We have to hold all our sewage in a storm event in order for it to function. This had been budgeted for a long time, and planned for a long time. It's doing exactly what Member Mutch is bringing up. It is ensuring we can steadily grow. We have had over the past several years several permits happened when development has come in. On the case that we don't have it built yet. Everyone knows it is coming and they know what the plans are, but because it wasn't built, development was delayed in order to move forward. DPW has been planning this for a long time working with the other entities. This will do exactly what Member Mutch is asking for it to do.

Member Breen said the packet mentioned the project will eliminate sanitary sewer overflows to the environment. She wanted them to explain what exactly does that mean. Mr. Herczeg said the sanitary sewer overflow is when the stormwater and rain event infiltrates into the sanitary system and you have a backflow up through a manhole. That is called a sanitary sewer overflow. He said the idea of the rain event happening and the storage being able to accommodate that will stop the sanitary sewer overflow. Member Breen thanked him for the information. She also noted that it was mentioned there are some issues down the line from where we are as to where the sanitary sewer is flowing. She asked Mr. Herczeg to clarify what that meant. Mr. Herczeg said that it is a decision about the sewer district we are connected to down the line with Wayne County. It isn't exactly decided who has ownership of that; there are still things that need to be determined. Member Breen wondered if there were certain issues down the line that Novi is going to have to accommodate. She wanted to know the exact impact here that we have to worry about. Mr. Herczeg stated that there will only be capacity issues if we were to somehow lose capacity. The design of this station now permits us to be ok with existing. We are hoping that isn't the case, but with the addition of Huron Rouge system we should be fine. It will be a decision on how capacity is being disseminated amongst communities in the future. Member Breen said that she wanted to make a statement about what Member Mutch said about the fact that we need to be conscientious about making sure infrastructure is keeping up with the pace of development.

Mayor Pro Tem Staudt wondered where the funds are coming from that are paying for this. Mr. Herczeg said the funds will come from Water & Sewer. Mayor Pro Tem Staudt asked where the Water & Sewer funds come from. Mr. Herczeg replied they come from rates. Mayor Pro Tem Staudt asked if the funds are intended to develop and expand infrastructure. Mr. Herczeg said yes, that is correct. Mayor Pro Tem Staudt said the funds that were allocated for exactly the purpose we intended. Mr. Herczeg said that was correct. Mayor Pro Tem Staudt said building the infrastructure in our community as opposed to spending \$11 million on non-taxable land. He thought the purpose of growth and some of the things that have funded this particular operation are exactly what they were intended for. He said he was not excited about spending \$11 million to buy land, but to continue to grow our City he would much rather spend it on the infrastructure necessary to support that. He said it is two different ways of looking at it.

**Roll call votes on CM 19-06-092**

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

**Nays: Mutch**

3. Approval of permanent sanitary sewer easements and temporary construction easements on City property, known as Rotary Park, for the construction and operation of the Huron Rouge Sewage Disposal System Sanitary Retention Facility (parcels 50-22-35-176-019 and 50-22-200-008).

**CM 19-06-093**

**Moved by Casey, seconded by Gatt; MOTION CARRIED: 6-1**

**Approval of permanent sanitary sewer easements and temporary construction easements on city property, known as Rotary Park, for the construction and operation of the Huron Rouge Sewage Disposal System Sanitary Retention Facility (parcels 50-22-35-176- and 50-22-200-008).**

**Roll call votes on CM 19-06-093**

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

4. Adoption of a Resolution authorizing cost participation under a Highway Safety Improvement Program grant, and approval of a cost sharing agreement with the Michigan Department of Transportation (with an estimated allocation of \$424,764.80 paid by Federal funds and \$229,035.20 to be paid by the City of Novi) for Traffic Signal Modernization Projects at the intersections of Beck Road & Pontiac Trail and Haggerty Road & 14 Mile Road.

City Manager Auger stated that this is part of City Council goals as far as addressing intersections with highest crash incidents. We continue to work on that list.

Member Breen asked because this is in conjunction with Federal funds will people that are working on this project be paid the prevailing wage. Mr. Auger replied, yes that is part of the contract.

**CM 19-06-094**

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

**Adoption of a Resolution authorizing cost participation under a Highway Safety Improvement Program grant, and approval of a cost sharing agreement with the Michigan Department of Transportation (with an estimated allocation of \$424,764.80 paid by Federal funds and \$229, 035.20 to be paid by the City of Novi) for Traffic Signal Modernization Projects at the intersections of Beck Road & Pontiac Trail and Haggerty Road & 14 Mile Road.**

Member Mutch said this was an infrastructure project that he could get behind. He appreciated the City staff getting grant funds lined up for these particular locations. This has been a Council goal to address locations in our City. This hopefully will make for safer travel in the City. He was a little disappointed that some of our surrounding communities had opportunity to participate in the grant application and chose not to. He thought that these were important enough projects that our residents will benefit from them. The City of Novi is stepping up and taking on the difficult locations to getting them improved as needed.

**Roll call votes on CM 19-06-094**

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

5. Final approval of the request of Erickson Living for JSP 18-18 for the Revised Preliminary Site Plan with PD-1 Option, Revised Special Land Use approval, Revised Phasing Plan, Revised Wetlands Permit, Revised Woodlands Permit, and Revised Storm Water Management Plan, and the Fifth Amendment to the Development Agreement.

Member Poupard asked to be recused because she serves on the Fox Run Board of Directors.

Mayor Gatt said that Member Poupard is asking to be recused from this issue because she is a member of the Fox Run Board of Directors.

**CM 19-06-095 CARRIED: 6-0**

**To approve the recusal of Member Poupard.**

**Voice vote on CM 19-06-095 Yeas: Gatt, Staudt, Breen, Casey, Mutch, Verma  
Nays: None  
Recused: Poupard**

Member Poupard left Open Session at 7:43 p.m.

**CM 19-06-096 Moved by Staudt, seconded by Casey; MOTION CARRIED: 6-0**

**Final approval of the request of Erickson Living for JSP 18-18 for the Revised Special Land Use Permit based on the following findings:**

**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.

This motion is subject to the conditions and the items listed in those letters being addressed on the Final Site Plan.

This motion is made 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 votes on CM 19-06-096

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

Recused: Poupard

CM 19-06-097

Moved by Gatt, seconded by Staudt; MOTION CARRIED 6-0

Final approval of the request of Erickson Living for JSP 18-18 for the Revised Preliminary Site Plan with a PD-1 Option and the Fifth 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. City Council finding that the standards of Section 3.31.4.A of the Zoning Ordinance are adequately addressed;
2. Waiver from Section 3.8.2.C for a building exceeding 180 feet in length, up to 515 feet proposed, *because the interconnected facility will better serve the population by providing a protected pedestrian link, the visual appearance of the buildings are broken up by 90-degree wings and the shorter recessed structure connecting the*

- buildings, and the ordinance allows the Planning Commission to modify building length when additional setback from adjacent uses is provided and common areas within the buildings are present, as they are in this proposal;*
3. *Waiver to allow building heights to exceed 48 feet in height, up to 89 feet (7 stories) proposed, because the additional height allows for the building footprints to be minimized to protect natural features on the site, the site is buffered from adjacent neighborhoods by significant tree cover, parking is provided under the buildings, and the ordinance allows for additional height when additional setbacks are provided, as they are in this proposal;*
  4. *Deviation to allow a reduction in the required 82 feet distance between buildings RB3.1 and RB3.3, 78 feet proposed, because the site area is maximized and the layout reduces the impact on natural features;*
  5. *Waiver for the same side driveway spacing on the north side of Fox Run Road, as the drives have been minimized and consolidated to the extent possible, and the service drive has been separated from entrance and parking lot drives to minimize traffic conflicts;*
  6. *Waiver for the sight distance at the southern parking area driveway less than the required 260 feet, because the road speed is relatively slow and many existing trees would need to be removed in order to obtain the proper distance;*
  7. *Waiver of the requirement for the outside edge of the sidewalk to be located a minimum of 15 feet from the back of curb, 7.59 feet proposed, because the placement is consistent throughout the Fox Run community and the safety of the existing sidewalks has not been an issue;*
  8. *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.*

***The City Council's approval of the deviations listed above includes the following findings:***

- A. *That each zoning ordinance provision from which a deviation is sought would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest;*
- B. *That approving the proposed deviation would be compatible with the existing and planned uses in the surrounding area;*

- C. That the proposed deviation would not be detrimental to the natural features and resources of the affected property and surrounding area, or would enhance or preserve such natural features and resources;**
- D. That the proposed deviation would not be injurious to the safety or convenience of vehicular or pedestrian traffic; and**
- E. That the proposed deviation would not cause an adverse fiscal or financial impact on the City's ability to provide services and facilities to the property or to the public as a whole.**

***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.***

**Roll call votes on CM 19-06-097**

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

**Nays: None**

**Recused: Poupard**

Member Poupard returned to Open Session at 7:45 p.m.

6. Final approval of the request of Keford Collision and Towing, JSP 18-31, with Zoning Map Amendment 18.725, to rezone property in Section 15, located on the south side of Grand River Avenue, east of Taft Road, from I-1 (Light Industrial) to I-2 (General Industrial) with a Planned Rezoning Overlay (PRO) Agreement and corresponding Revised PRO Concept Plan. The property totals 7.61 acres and contains two existing buildings. The applicant proposes to reuse the larger building for an auto body collision repair shop with accessory car rental services, and use the rear portion of the property as a vehicle tow yard. The applicant is proposing an additional amendment to the Concept Plan which is to allow the rear tow yard for up to 160 vehicles to be constructed with a gravel surface instead of the required hard pavement surface as previously shown.

David Landry was there to represent the applicant, Keford Collision and Towing. He stated that in November 2018 they came before Council and Council tentatively approved the PRO for Keford Towing and Collision. He explained at that time that they were losing their lease. Keford Towing and Collision has been in the City of Novi for 30 years and would like to remain in the City of Novi. He said they are returning to seek approval for the final PRO Agreement which has been drafted by the City Attorney. He said they only have one additional request and that is for a variance to allow the rear fenced-in lot to have a gravel surface rather than asphalt. He said the employee and customer parking is asphalt. He explained that the rear lot, completely fenced in, is the lot where vehicles will be stored and are awaiting repair. That is why we need the I-2 limitation because it is outdoor storage for that lot in the back. He said that the entire

front area they are proposing to continue asphalt just as required by the City Design and Construction Standards. With respect to any practical difficulty we have to prove that this is unique use of lot. The practical difficulty here is the unique use of this rear portion of the lot. The City Design and Construction Standards require the applicant to pave a parking lot. Yes, they will be parking cars; however this lot has limited use and unique use. It is not a mall, not thousands of people, not retail, and not residential. The lot will have limited use. He stated only employees depositing or retrieving vehicles will be on that lot. On occasion a customer may need to remove something from their damaged vehicle and they will only be allowed to go back there accompanied by an employee. This is a unique use. There will be very heavy towing vehicles; 66,000 pounds will be back there. When they turn in July and August, they deform the pavement because it is hot; the pavement deforms and ultimately crumbles. He said when vehicles are deposited they have items falling off and some cars are not on wheels. Very soon an asphalt parking lot becomes a gravel parking lot. To require an applicant to pave this rear lot would be impractical and extremely costly. He said that City administration pointed out that costs are not generally recognized to justify a variance. He said that this is not a generally encountered situation. He stated to pave this rear lot would cost \$334,000. To do it with curb and gutters, \$348,000 and to put gravel surface is \$125,000. It is not so much the installation cost, but the constant every 3-4 years having to replace the lot. That's where cost comes into play. For a gravel lot, they do not require a curb, nor can you stripe it. The Design and Construction Standards require a variance to prove that an alternative would be adequate. They are proposing gravel, but not normal 12 inches of gravel, they are proposing to put down 18 inches of heavy duty compacted 23A aggregate. He said he attached a letter from a geotechnical engineer who specifies that 18 inches of 23A compacted aggregate will hold a 35 ton fire truck. He said administration has raised a couple of other concerns about gravel migrating. He said they are proposing that the lot would be fenced, but also with fence block material. This material is 2 inches from ground and 2 inches from height of fence. He said with respect to the adequacy of alternatives they found 11 other sites in the City that have exactly what they are proposing which is to pave the area where customers come in and out, and the gravel is in the rear where the heavy duty equipment is located. He listed some of the sites as examples. Another point he wanted to make was that City administration said they were concerned that liquids from vehicles would leach into gravel. He said there will be 18 inches of gravel to serve as a filter for any liquids that might drip down. Keford Collision and Towing has been here for 30 years, and had two environmental studies. Both times showed the ground has not been infiltrated with any oil or gas for over 30 years of their use. He asked Council to approve the PRO Agreement; he had no objection to the wording of it. He would ask that City Council approve the additional variances they are asking for. He was happy to answer any questions.

Mayor Gatt said if he did his calculation right in his head, if Keford had to replace the pavement three times in 10 years that is almost \$1 million dollars. Mayor Gatt said he was no engineer, but he is a manager of big beautiful animal shelter in Oakland County and they put a big beautiful blacktop parking lot in August or September. He said one truck came in and they maneuvered a couple of times to back into their garage and

they ripped up that blacktop and it took a lot of money to repair it. He said he knows what one truck can do. His comments on Keford are on the record. They have been part of Novi for 30 years. He supports this endeavor 100 percent.

**CM 19-06-098            Moved by Staudt, seconded by Poupard; CARRIED UNANIMOUSLY**

**Final Approval at the request of Keford Collision and Towing for Zoning Map Amendment 18.725 for a Planned Rezoning Overlay (PRO) Concept Plan and the PRO Agreement associated with a rezoning from I-1 (Light Industrial) to I-2 (General Industrial). The deviations required by the change to the Concept Plan for a gravel parking area in the rear storage yard are granted. The final form of the PRO Agreement shall be reviewed and approved by the City Manager and City Attorney's office: including any additional conditions required with respect to the maintenance of the gravel parking surface.**

**This motion is made because:**

- a. The rezoning request fulfills one objective of the Master Plan for Land Use by supporting the growth of existing businesses.**
- b. The rezoning is a reasonable alternative as the proposed use is less intense than many of the uses that would be typically allowed under I-2, General Industrial zoning.**
- c. The rezoning will have no negative impact on public utilities.**
- d. According to City's Traffic Consultant's report, the proposed Keford Towing and Collision land use would be expected to generate fewer trips than what could be built under the existing I-1 zoning, as well as fewer trips than could be expected for other uses permitted under the proposed I-2 zoning.**

Member Mutch asked City Attorney Schultz if he put that language into the agreement when we reached the section where it states that only if the additional deviations are listed; it says if it turns out that City Council authorizes these deviations, staff may suggest some additional conditions to go along with any such deviations. City Attorney Schultz said that was just a prompt to start a conversation if Council wants to talk about additional conditions here tonight. Member Mutch wondered what the conditions would be that staff would suggest that we incorporate. Mr. Schultz replied the way the motion is written it essentially leaves it to the City Manager and City Attorney's office the provision of those additional conditions. He said if Council wanted to talk about what those were they could have discussion and ask for guidance. Member Mutch said he appreciated them wanting to fill in the gaps for Council, but he would like to know what they are. Mr. Schultz said when the agreement was written up they hadn't talked internally about what those might be, but there has been conversation since.

City Manager Auger said that some of the simple things such as; if it is not going to be a line parking lot like the rest of the parking lots in the City staff is concerned about keeping the lot open for a fire vehicle to get around all the parked cars. It would be items like that going forward, is it a health/safety issue and how are we going to do this, how are we going to come on the lot. How are we going to take care of those issues? Some of the drainage things will be a little different because it is not paved. Some of the engineering things that staff would go over with the applicant just to assure that we are all on the same page moving forward. Member Mutch said the City Manager and City Attorney will put together some additional provisions that would then be incorporated into that. He said it wouldn't be coming back to Council, if the applicant didn't like some of those provisions, what do we do? Mr. Auger said we would come back in front of Council if City staff and the applicant couldn't agree to what staff is recommending. Member Mutch asked Mr. Landry what his comfort level in terms of what has been suggested. He said he heard what was being discussed that evening, would you want to wait? Mr. Landry said no, they are confident, without the striping requirements, and the curb and gutter that the City administration may have a couple of concerns. He said they have worked wonderfully with them in the past and he didn't think we will need to come back before City Council. He believed they could work that out at final site plan. If there is a problem, he would agree with Mr. Schultz and it would be incumbent to come back to Council. Member Mutch said that Mr. Landry listed some other locations in the City where cars or vehicles are being stored on a gravel sites. He wondered if Keford's current location on Grand River was an all paved parking lot. Mr. Landry replied that it is unstriped gravel. Member Mutch asked if that was the entire property. Mr. Landry said it is exactly what they are proposing here, asphalt parking lot, and gravel storage lot.

Member Verma asked Mr. Landry if they considered concrete. Mr. Landry said that concrete is almost \$7.00 a square foot. He is going to use the City's figure of \$6.50 a square foot for concrete. Asphalt lot would be \$334,000 and a concrete lot would be \$557,000, which is using the City's number. He said he believed it was more expensive, but he went with the lower number. Member Verma asked if there was a drainage system. Mr. Landry said yes, there is an engineered stormwater system as required by the City's ordinance under the asphalt portion. He said with respect to the gravel portion, it would be seep flow. It is not an impervious surface, so the water would just seep right down into the ground. Member Verma wondered why they were not putting in a concrete one. Mr. Landry replied it was due to the cost. Member Verma asked what the difference in price was. Mr. Landry said that asphalt with curb and gutters was \$348,000, concrete was \$557,000, and gravel \$125,000. Member Verma said the gravel was \$125,000 and it still has to be maintained every 3-years you have to maintain. Mr. Landry confirmed it would be about 3-5 years. Member Verma said if you put down concrete you don't have to maintain for 15 years. Mr. Landry didn't think that was a true statement. He said you may not get as much deforming, but you will still get those vehicles scraped along the concrete as they are moved. You will still get working up of the concrete.

Member Casey suggested if the plan that is being proposed tonight is identical in terms of the front lot being paved and the storage lot not being paved and being gravel that would have been awesome information to have in the packet. She was surprised to hear that unless she missed that. Mr. Landry believed that information was there. She mentioned the 11 examples provided, most of them are well before our ordinances came in and put the requirements in for the paving, curbs and gutters. She said the existing lot; the lot we are talking about now has wetlands, is that correct? Mr. Landry said he believed there were two very small wetlands. He didn't think they were regulated; they are less than an acre. Member Casey said when she came in that evening she had significant concerns about the possibility of oils, and fluids leaking into gravel through gravel, even 18 inches. She said understanding if that is how it runs today, we don't have any issues, and there are two environmental studies. Mr. Landry said that was within the last 10 years was the most current. Member Casey said she would give her support.

**Roll call votes on CM 19-06-098**

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

**Nays: None**

7. Approval to purchase Self-Contained Breathing Apparatus (SCBA) for the Novi Fire Department from Apollo Fire Equipment Company, sole source provider, in the amount of \$338,103.61.

Member Breen thanked Mayor Gatt for moving this up from the proposed FY-2020/2021 Capital Improvement Budget. She said this is expensive equipment; this is what the firefighters wear when they go into a fire. They asked that they move this purchase up because the air packs are 13 years old. The end of their shelf life is 15 years old. They have been tested and they are fine, but they do recommend replacing them every 10 years. We are saving about \$60,000 and we are piggy-backing on an order placed with the City of Troy to keep our first responders safe.

**CM 19-06-099**

**Moved by Breen, seconded by Gatt; CARRIED UNANIMOUSLY**

**Approval to purchase Self-Contained Breathing Apparatus (SCBA)  
for the Novi Fire Department from Apollo Fire Equipment Company,  
sole source provider, in the amount of \$338,103.61.**

**Roll call votes on CM 19-06-099**

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

**Nays: None**

**AUDIENCE COMMENT: None**

**COMMITTEE REPORTS:**

Mayor Gatt mentioned that the Ordinance Review Committee met that evening and there are some interesting proposal coming your way soon.

**MAYOR AND COUNCIL ISSUES:**

Member Breen added that no community is immune to gun violence. The City of Novi has an exemplary Public Safety Department. They are never content with status quo. They are constantly training and adapting to new threats. They train to identify them and respond to emergencies. As a result of their work and partnership with entities like the Novi Community Schools and other organizations we have one of the safest cities in Michigan. It does take an entire community to combat this epidemic; gun violence is a multi-faceted problem. It will require not just one, but many solutions. She applauded everyone in our Public Safety Department for helping to combat this. One of the solutions to mitigating gun violence is having the courage to say something, whether to a colleague, a neighbor or police officer. If you recognize that somebody is troubled. As a brief Public Safety Announcement for Sandy Hook Promise, it is a non-profit agency, they have resources to help people know signs and what to look out for and learn what you can do to keep our kids and neighborhoods safe. She thanked everybody in Novi government, every single one of our employees. She has a deep appreciation for everything that you do. She knows that we ask a lot. We not only ask a lot, but our citizens ask a lot. It requires a great amount of patience and drive and a sincere desire to serve your community. She expressed her thanks for everybody that works for the City of Novi. We mourn with Virginia Beach and we mourn all those affected by gun violence. She will be joining thousands of friends across the State this upcoming Friday for National Wear Orange, Gun Violence Prevention Day. We don't know what causes these senseless acts of violence, but we do know that we have to do all we can to keep firearms out of the wrong hands, encourage responsible gun ownership.

Mayor Gatt said that on behalf of City Council how proud we are of all of our City staff, especially our first responders. They are the people that keep us all safe. He thanked staff for their work and they support them in their efforts. We are here to help them in any way they can. Thank you.

**CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: None**

**ADJOURNMENT** – There being no further business to come before Council, the meeting was adjourned at 8:11 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 17, 2019