

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI  
MONDAY, NOVEMBER 25, 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, Crawford, Fischer, Mutch

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

**APPROVAL OF AGENDA:**

Mayor Gatt added the change of the goal setting meeting and Mayor Pro Tem added new Regional Transit Authority (RTA) proposal to the agenda.

**CM 19-11-192 Moved by Fischer, seconded by Casey; CARRIED UNANIMOUSLY**

**To approve the Agenda as amended.**

**Roll call vote on CM 19-11-192**                      **Yeas: Staudt, Breen, Casey, Crawford, Fischer, Mutch, Gatt**  
**Nays: None**

**PUBLIC HEARING:**

1. CDBG Public Hearing

Start 7:01p.m.

Beth Cundy from Haven, 801 Vangar Drive, Pontiac, Michigan. Ms. Cundy said she is the First Response Court Advocate with Haven. She thanked Novi for their support and help in the past. She works with intimate partner violence and sexual assault. With the City's support last year Haven was able to serve 208 clients from Novi. She asked that the City continue to support them. She stated that their services enable survivors to receive free services and support to heal from the injustices of sexual assault and intimate partner violence. She said anyone can become victimized regardless of race, socioeconomic status, gender, gender identity, culture, and religious belief. Most people know they provide an emergency shelter for those fleeing deadly situations, but they do so much more. They offer free individual and group counseling. They offer legal advocacy and forensic exams. They have crisis and support lines run 24/7 all year round.

End 7:03 p.m.

**PRESENTATIONS:**

1. Novi Rotary Foundation's Feed the Need Summer Lunch Program - Tia Marie Sanders, Program Coordinator

Tia Marie Sanders thanked Council for allowing her to speak about Novi Rotary Foundation's Feed the Need Program. Feed the Need goes for 11 weeks during the summer. They offer free lunch at six locations and can also do crafts, games, STEM programming that is run by high school students. They also partnered with Novi Youth Assistance, and Hospitality House. Some of their sponsors are the National Food Group, Rotary, and Novi Community Financial, who just gave them \$5,000 for their thankful Thursdays. She said they are fortunate to have the school district as their partner to provide the programming that they do. This is their 5<sup>th</sup> year anniversary and they served over 10,535 lunches to over 240 students per day that are at mobile home parks, apartment buildings and they are able to walk or ride their bikes to some of the local elementary schools. This would not happen without their 200 plus volunteers in which about half of them come from Schoolcraft and Oakland Community College, and some were from Ohio Colleges that were home over the summer who also came to participate. The high school volunteers come from Novi High School, Mercy, Catholic Central, Walled Lake Western High School and Northville High School students. They come every day for the two hour program to help support dozens of children. They also have an interfaith network partnership where several churches and religious organizations in the group, not only raise money in Novi to support this program, but come out and volunteer to deliver lunches at our several locations. She said she is proud of the program. It could not happen without the support of the School District, Library, City, and Police and Fire. She said Chief Molloy sends out officers and firefighters come out and each day to one of their locations all across the community which is extremely important for the kids to actually interact with Police and Fire in a non-emergency situation. They build trust and they get to know the officers by name. They have a lot of fun pictures. She encouraged everyone to go on their website at [www.feedtheneednovi.org](http://www.feedtheneednovi.org) to check out the pictures from over the summer. She was grateful to be able to be the program coordinator for this program and she looked forward to 2020. Mayor Gatt appreciated Ms. Sanders efforts and that of the whole organization, the Rotary. Ms. Sanders said that many of the Council Members have been very supportive.

**MANAGER/STAFF REPORT: None**

**ATTORNEY REPORT: None**

**AUDIENCE COMMENT:**

Philip Seltzer, he said he is an attorney for Kevin Adell, Orville Properties, LLC which has property interest at 43700 Adell Center Driver. He said Mr. Adell was undergoing a 22 acre development at this time. He was there to formally object to a request by Aikens and Associates and its affiliate Sakura, LLC from a fourth extension of a conditional purchase agreement on an 11 acre piece of real estate at 42750 Grand River Avenue.

They have had over 18 months and have not been able to trigger and get the development underway. Mr. Adell and Orville Properties feel they can do better. One of the biggest problems that Mr. Adell had in developing his 22 acres is that he had too many end users and not enough property. He still has that problem; he has a number of national companies interested in coming to Novi and helping develop that 11 acre site. He is ready to do it. He said that Mr. Adell was willing to offer a \$25,000 deposit on an option on that 11 acres site on the same terms that the City gave to Aikens and Associates, and Sukura, LLC. He explained that in that year he will get commitments from end users, he will do his due diligence, and he will close on the purchase of those properties and return to the City the investment they made when they bought that property out of foreclosure. He will do that with the full expectation of bringing substantially more real estate and personal property tax revenues back to the City. He said they are requesting that the City give Orville Properties LLC that option and not give further extensions to Aikens and Sukura. Alternatively, if you were remotely inclined to give that extension he said that he had another proposal for the City. He said in the grand tradition of American competition the idea would be to give the City that \$25,000 deposit for a non-exclusive option where both Mr. Adell and his company and Aiken and Associates can compete relative to developing that property. He said the first one that could result in getting the property sold and getting the money back to the City would win. He stated that they believed that Mr. Adell has the users lined up and he is ready to proceed in that regard and of course he would engage in what he has to engage in to get the property dedicated for that kind of redevelopment. His idea is a mixed used concept to have hotels, restaurants, and a market. It would have an entertainment anchor to draw citizens to the location. His message is diversity, inclusion, everyone is welcome, and the City of Novi is open for business.

James Capo, 4682 Coachmaker, Bloomfield said he was there that evening regarding a letter that he sent the City about the text amendment on the hotel issue that is in the Council Packet. He supported two thirds of that text amendment. They reduced the amount of parking that is required and also reduced the loading and unloading. The portion requiring about 30 square feet per room for landscaping is aggressive. The rooms get more efficient in size, they are smaller and they provide gathering space within the hotel for public interactive space. They aren't against green space, but that amount is too much.

**CONSENT AGENDA REMOVALS AND APPROVALS:**

Member Breen removed Consent Agenda Items D and L for further discussion.

Mayor Pro Tem Staudt removed Consent Agenda Item C.

- A. Approval of Minutes of November 12, 2019 - Regular Meeting
- B. Enter Executive Session immediately following the regular meeting of November 25, 2019 in the Council Annex for the purpose of discussing property acquisition.

- C. Consideration of the Program Year 2020 Community Development Block Grant (CDBG) application in the approximate amount of \$130,530 and authorization of the Mayor to sign the application. **REMOVED/ LATER APPROVED**
- D. Approval to award Hanka Advisor, LLC contract services related to federal grant writing services in the amount of \$22,000 with the goal of obtaining federal funding in support of the project to improve and widen Beck Road from Pontiac Trail to 8 Mile Road and amend the budget. **REMOVED/ LATER APPROVED**
- E. Acceptance of a Woodland Conservation Easement and a Wetland Conservation Easement from A123 Real Estate Ventures, LLC for woodland and wetland conservation areas offered as a part of the A123 Systems development, located on the west side of Cabaret Drive, south of Twelve Mile Road in Section 15 of the City.
- F. Acceptance of four donated sidewalk easements as part of the 2019 Pathways and ADA project on Haggerty Road, Grand River Avenue and Wixom Road.
- G. Acceptance of a sidewalk easement from Haggerty Project, LLC, for construction of a sidewalk along the west side of Haggerty Road between Eight Mile Road and Nine Mile Road (parcel 22-36-400-019) in the amount of \$23,000, conditioned upon receipt of a properly executed easement from grantor.
- H. Approval to award the heating, ventilation, and air conditioning (HVAC) services contact to R.W. Mead & Sons, Inc. for one year with the option of three additional years. The contract includes scheduled inspection, preventative maintenance, and service/repair at an estimated cost of \$64,000.
- I. Consideration of Ordinance No. 19-195, an Ordinance to Amend the City of Novi Code of Ordinances, at Chapter 12, "Drainage and Flood Damage Prevention," to add Article IV, "Illicit Discharge Elimination Program," to Regulate Non-Stormwater Discharge. SECOND READING
- J. Approval of a Storm Drainage Facility Maintenance Easement Agreement from Servman, LLC for the Suburban Showplace Expansion project located west of Taft Road and north of Grand River Avenue (parcel 50-22-16-176-021 and 50-22-16-251-024).
- K. Approval of Traffic Control Order 19-06 for a designated No Parking zone located on Bernstadt Street, approximately 200 feet south of South Lake Drive.
- L. Approval of resolution to revise and update the precinct boundaries and polling locations in the City of Novi. **REMOVED/LATER APPROVED**
- M. Approval of the request of DTN Management/Tricap Holdings for The Bond development for First Amendment to Development Agreement, to allow an

increase in the number of apartments allowed in the previously-approved mixed use development from 255 apartments to 260 apartments, and amendment to preliminary site plan approval to increase the allowable room count by 14 rooms, from 627 rooms to 641 rooms. The property is zoned Town Center-1 and is located on the southwest side of Flint Street south of Grand River Avenue and west of Novi Road. The applicant is proposing a mixed-use in two four-story multi-family residential buildings with a total of 260 apartments and a 5,578 square foot single-story commercial building.

N. Amend investment policy to add additional approved financial institutions.

O. Approval of Claims and Warrants – Warrant No. 1048

**CM 19-11-193            Moved by Casey, seconded by Breen; CARRIED UNANIMOUSLY**

**To approve the Consent Agenda as amended with Items C, D, and L removed for later discussion.**

**Roll call vote on CM 19-11-193**

**Yeas: Breen, Casey, Crawford, Fischer, Mutch,  
Gatt, Staudt**

**Nays: None**

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

1. Consideration of requests from McGuires' Restaurant LLC, d/b/a Guernsey Farms Dairy:
  - A) Approval of a request for Special Land Use approval for service of alcoholic beverages, for the reasons stated in the Special Land Use approval.
  - B) Approval of request to transfer ownership of escrowed 2018 Class C license from Point Five Property Management LLC located at 400 W. Maple Road, Troy, MI 48084 to 21300 Novi Road Suite B, Northville, MI 48167 with new SDM license, new Sunday Sales Permit (AM/PM), and new Entertainment Permit to McGuires' Restaurant LLC, d/b/a Guernsey Farms Dairy, located at 21300 Novi Road Suite B, Northville, MI 48167 in the City of Novi, because the updated site layout and façade improvements proposed by licensee and the applicant's offering an extensive menu of homemade in-house specializations is in fact unique as compared to other venues in the area, because the proposed use offering additional family oriented dining will foster or generate economic development or growth within the area surrounding the restaurant, and the applicant's investment in modernizing the layout provides added financial investment on the part of a long-term business with recognized ties to the city and the local community.

G. Hans Rentrop said he was from the law firm that represented Guernsey Dairy Farms and McGuire's Restaurant. He stated that these applications from Guernsey Dairy Farms and McGuire's Restaurant have been in the community for an extensive period of time. It is a long established business that is seeking to do a \$1 million dollar investment in their location to give it a facelift to add and improve the parking layout. He said in addition they are looking at a Class C Liquor License and the permits so noted. He said he was there to answer any questions.

Member Mutch thanked the McGuire family and the Guernsey Dairy Farms for their continued investment in the City of Novi. It is much appreciated. He said it goes back to before Novi was a City. It is a landmark in the community and they are planning for the future with this change. He asked City Attorney Schultz if the new extended hours were a condition of the Special Land Use and he wondered if they could go back to their old hours if they chose to. Mr. Schultz replied that he believed it would not be a condition because it was not listed in the motion unless Council made it a condition. Member Mutch said the reason he asked that specific question was because in the actual approval it talks about the impact on the adjoining residential neighborhoods which is across the street on Novi Road and in the City of Northville. He said we generally don't have restaurants with liquor licenses in close proximity to residential uses. He thought the 11 p.m. timeframe didn't strike him with concerns, but something later than that potentially could. Mr. Schultz said with a Special Land Use you are permitted to impose that condition if you choose to. Member Mutch asked the representative for Guernsey's if they had any reason to be open any later in the foreseeable future? The representative replied no. He said some of those hours may be a little long. The Sunday hours they would not stay open until 11 p.m. Member Mutch asked Mr. Schultz about the \$1 million dollars of improvements to the site. Do you they to go through the normal Site Plan Approval process through Planning Commission for the other improvements? The Special Land Use is for the liquor license. Mr. Schultz replied yes. Member Mutch said that would not come before City Council, strictly the Planning Commission. Mr. Schultz said that was correct. Member Mutch said with those questions asked he could support this. It is great to see a business with this kind of history in Novi to continue to invest back into the community. He wished them the best.

Member Breen had a question for the applicant, and she thanked them for staying in Novi. She said she has known the McGuire Family a very long time. She wondered when they expected construction to be complete and when would someone be able to obtain a beverage in their establishment if this is approved. The representative replied they hoped to close up around the middle of January and hope people can stop in for a beverage around May of 2020.

**CM 19-11-194**

**Moved by Staudt, seconded by Fischer; CARRIED UNANIMOUSLY**

**Approval of a request for Special Land Use approval for service of alcoholic beverages, for the reasons stated in the Special Land Use approval.**

**Roll call vote on CM 19-11-194**

**Yeas: Casey, Crawford, Fischer, Mutch, Gatt,  
Staudt, Breen**

**Nays: None**

**CM 19-11-195**

**Moved by Staudt, seconded by Fischer; CARRIED UNANIMOUSLY**

**Approval of request to transfer ownership of escrowed 2018 Class C license from Point Five Property Management LLC located at 400 W. Maple Road, Troy, MI 48084 to 21300 Novi Road Suite B, Northville, MI 48167 with new SDM license, new Sunday Sales Permit (AM/PM), and new Entertainment Permit to McGuire's Restaurant LLC, d/b/a Guernsey Farms Dairy, located at 21300 Novi Road Suite B, Northville, MI 48167 in the City of Novi, because the updated site layout and façade improvements proposed by licensee and the applicant's offering an extensive menu of homemade in-house specializations is in fact unique as compared to other venues in the area, because the proposed use offering additional family oriented dining will foster or generate economic development or growth within the area surrounding the restaurant, and the applicant's investment in modernizing the layout provides added financial investment on the part of a long-term business with recognized ties to the city and the local community.**

Mayor Gatt said they met several months ago and he was glad they were meeting that evening. He wished them good luck, and said Guernsey's has been a big part of Novi. He looked forward to seeing the improvements.

**Roll call vote on CM 19-11-195**

**Yeas: Crawford, Fischer, Mutch, Gatt, Staudt,  
Breen, Casey**

**Nays: None**

2. Approval of Zoning Ordinance Text Amendment 18.290 an ordinance to update Zoning Ordinance standards for hotels, including minimum parking, open space, and loading requirements. FIRST READING

Mayor Pro Tem Staudt wondered what was driving this amendment. City Manager Auger replied that we have found over history and the advent of services such as Lyft, Uber, Ride Share, that we don't need as many parking spaces around the hotels that we have historically thought we needed. This allows us to change the character for green space and get rid of the seas of asphalt that will give it a more aesthetic look.

**CM 19-11-196**

**Moved by Staudt, seconded by Casey; CARRIED UNANIMOUSLY**

**Approval of Zoning Ordinance Text Amendment 18.290 an ordinance to update Zoning Ordinance standards for hotels, including minimum parking, open space, and loading requirements. FIRST READING**

Member Mutch questioned City Attorney Schultz about the language of the proposed one parking space per hotel room to 0.85 spaces per hotel room. He wondered if the City had any mandate for parking requirements for developments like this in our zoning ordinances. If we said that Hilton Hotel wants to build a hotel in Novi and they want to put in 200 rooms and they feel that they need 150 spaces do we know better than them on how many parking spaces that they will need. Mr. Schultz said the City ordinances are set up the way most communities are, which contains a chart that sets forth parking requirements for every business. He didn't want to say those numbers were arbitrary; he thought they were based on national standards. He said what drove this was the comments from hotel operators that have essentially said they don't need one, can you get rid of your chart for parking requirements for every use, he thought you could. He said we were not obligated to have a minimum parking for any use. Member Mutch asked if we could have a maximum that would state that you can have no more than this. Mr. Schultz said we could, but we do not have a maximum. Member Mutch said the reality in Novi is that we have too much parking. He thought 25 percent of the private parking is never used. The parking spaces are ugly, they do not generate tax revenue to the City they are not environmentally friendly. They don't add any value to the City. If this is an opportunity to allow folks to come to us with what they think is reasonable for their use, if they under shoot, they have to live with it, not us. He believed it was a start. He was open for ditching the parking standard for this use and if the world doesn't blow up we can look at some other uses.

**Roll call vote on CM 19-11-196**

**Yeas: Fischer, Mutch, Gatt, Staudt, Breen,  
Casey, Crawford**

**Nays: None**

3. Consideration to approve Fourth Amendment to the previously-approved Conditional Agreement of Purchase and Sale on North Grand River City Property, located north of Grand River Avenue, east of Town Center Drive.

Mayor Gatt asked City Attorney Schultz and City Manager Auger why? How many delays have we approved so far? Mr. Auger replied that there have been three delays, this would be the fourth. Mr. Schultz said there have been delays with milestones within the time period that they had to close. It has been for reasons such as finishing their due diligence, their environmental reviews, submitting the PRO application. This is the first time they are before Council asking for the outside date for which they were supposed to be done and closed to be moved. Mr. Schultz said clearly they are not near a point of actually being done with the PRO which is why they are asking for the extension. Mayor Gatt wondered how long do they have, what is the deadline. Mr. Schultz believed it was December 21. Mayor Gatt said this was an intriguing and important piece of property and it has been talked about for a couple of years. He

mentioned that they have talked about Sakura Way, Asian Village, and it has been advertised. He said that L. Brooks Patterson had put it in the State of the County Address last year. It is something everybody wants to see happen. Every time there is a delay it raises red flags. He wanted to know what was going to happen to the property and if they are going to move forward. Mayor Gatt said if he voted for this, and he wanted to hear his colleagues views, this would be the last extension he would ever vote on. He said he would want some sort of assurance or bond that the taxpayers would benefit if this doesn't go forward after any delay we do grant, if we grant one. He said this is a very desirable piece of property. This is a time in history where property is at its peak as far as value. The City of Novi is booming and it is on the map. Everybody wants to be part of our success. We have prime property in a prime location sitting vacant. He said he will listen to his colleagues, if he decides to vote yes on the delay he will only do so if there is some sort of a bond or assurance that we won't be left with nothing if the developer decides not to go forward.

Mayor Pro Tem Staudt said this development is really about in his mind One World Market who he considered a gem for our City. It is critically important to retain them. This would be a regional destination for a lot of people. He really put them at the top. Unfortunately he hasn't put Aikens at the top because he shared many of the concerns that the Mayor has. This has gone on and on. Every six months we come back and have this conversation. More importantly there is a letter in our packet from our City Attorney that has multiple relevant good points they need to consider. He asked that this get tabled after the end of the discussion. Everyone needs to put their two cents worth in. He thought the issues in the attorney's letter regarding Phase 2 ambiguity, the maximum density option these things need to be all resolved before we even consider it as a body. There are way too many issues that are hanging out there. He personally thought the \$25,000 should be forfeited right now. He thought it was a token amount of money. He felt that the City had been accommodating. This would be absolutely it for him. Unless we can resolve some of the issues covered in our attorney's letter and accommodate prior to even voting on this, he was not sure he could move forward. He mentioned that eight to ten years ago we had a development come forward that was similar to this where the primary use was very clear, but the secondary uses for the rest of the property were very ambiguous. We voted the whole thing down as a result of that. He thought that we needed a much better idea of exactly what we are talking about. Making sure that City Council has direct input into each phase of the project. They need to have input in Phase 1, Phase 2, and Phase 3. He proposed that City Council present all their concerns, look at the letter from the City Attorney and let the City Attorney and City Manager work with the applicant to come up with specific language that we would vote on at a future meeting. He said we have two meetings prior to the December 21 deadline. At that point he thought they could make a more informed judgement. City Manager Auger said they would work with the Aikens Group to bring it forward.

**CM 19-11-197**

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

**To postpone the approval of a Fourth Amendment to the previously-approved Conditional Agreement of Purchase and Sale on North Grand River City Property, located north of Grand River Avenue, east of Town Center Drive.**

Member Mutch said he was looking for direction from City Administration on how Council could better understand where this was in the process. What progress has Aikens Group made towards getting this project to a point that we can have a comfort level approving an extension for this length of time for this property? He shared some of the same concerns as the other Council Members had expressed. This is a prime piece of property in the City. It has been tied up for a fair amount of time. The concern he had was that each time they discuss this plan, the plans change enough that he felt like it was a moving target. He didn't get a comfort level from what is being provided from this and they really don't have a good grasp on what they are being asked to approve. It has changed that much since they have starting talking about it. He didn't have any kind of comfort level that he knew where Aikens was in the development process. He didn't know if the six or seven months that they were talking about a realistic timeline or not. That has not been sufficiently communicated back to them or administration on what all they've done. The information in the packet makes clear that it was not just the concept plans; it was Brownfield agreements, rezoning, which all take time. He wanted some reassurance that all those pieces that need to fall into place are in progress or a solid timeline when those things are going to happen. Absent that he didn't know if they could make that level of commitment to extending this out in the absence of any sign of progress. That was his request back to City Administration and to the developer.

Member Casey echoed all the comments from the previous speakers. She thought we as a Council would like to see Sakura Way be successful. She didn't have a firm level of confidence it that right now. She thought there were too many open issues in front of them. She will approve this being postponed for further discussion.

Mayor Gatt said he would only approve an extension if there are some kind of sanctions built into the proposal that the tax payers would recover some sort of funding if Mr. Aikens doesn't meet his obligations.

**Roll call vote on CM 19-11-197**

**Yeas: Mutch, Gatt, Staudt, Breen, Casey, Crawford, Fischer**

**Nays: None**

**AUDIENCE COMMENT: None**

**COMMITTEE REPORTS: None**

**MAYOR AND COUNCIL ISSUES:**

Mayor Gatt said the January goal setting session was met with obstacles and they had to reschedule the session to February 10<sup>th</sup> at 5:30 p.m.

**CM 19-11-198            Moved by Gatt, seconded by Staudt; CARRIED UNANIMOUSLY**

**To move the goal setting session from the scheduled date to February 10, 2020 at 5:30 p.m.**

**Roll call vote on CM 19-11-198**

**Yeas: Gatt, Staudt, Breen, Casey, Crawford, Fischer, Mutch**

**Nays: None**

Mayor Pro Tem Staudt said last week there was a press conference held at Oakland County at one of the sites regarding the RTA and the introduction of some new legislation, plans, and other interesting things. The basis of this is House Bill 5229 which is going to make changes to the authority that will allow them to drop Macomb County out who is the largest obstacle to getting this done for those who are interested in seeing this done. He was not going to ask for a motion. He did thing that it was relevant that on June 4, 2018 City Council made a motion to approve placing the Regional Transit Authority (RTA) measure on the ballot for that time. Subsequently it did not go on, but the motion is still hanging out there.

**CM 19-11-199            Moved by Staudt, seconded by Gatt; MOTION CARRIED 4-3**

**To rescind the resolution passed by City Council on June 4, 2018 supporting a ballot proposal for a Regional Transit Authority.**

Mayor Pro Tem said the reason he was rescinding was that this is a whole new ballgame. This is not the ballot measure that was available in 2018. There is a lot of information that all of us need to see prior to us getting behind a ballot measure. That one didn't go through so he thought we should start from ground zero before we do anything else.

Mayor Gatt recalled when they voted on that previously it was a 4 to 3 vote. At the time the Regional Transit Authority was asking for \$1.5 mill. A mill in Novi is about \$4 million dollars. They were asking for approximately \$6 million a year from the taxpayers for the next 20 years. He said he couldn't support that because he thought we could do so much more with that money if we did some internally with the City. He said today, if he read it correctly, this new authority is talking about up to 5 mills for 20 years. That is \$20 million dollars a year for 20 years. What we could do in the City of Novi if we had an extra \$20 million dollars to spend just on transit. We could buy everybody a car for that matter. It just doesn't make any sense to him. He cannot accept this and he cannot support it. Mayor Gatt said he didn't know what the proposal was, nobody knows yet, he knows they are working on it. He said his new boss was in favor of it, but even he said when he was in Novi that he wanted something that was fair. He said it had to be something that everybody can buy into. Mayor Gatt said he didn't know

what that was going to be, but he didn't think we should commit ourselves to supporting something that we are not sure what will look like. He supported the motion to rescind. We will start from scratch.

Member Breen said she couldn't support that. It is a very simple thing. She recalled that we put forth the motion to let the people to decide. That is what this boils down to. There is a lot flushed out with this, she understood that things have changed since the last Regional Transit Authority proposal, but the bottom line is that we have had one delay after another as far as getting transit in the City. She thought it was incumbent upon each voter and citizen to make that decision for them if they want their tax dollars to go into some type of a transit program. She didn't think it was up to the City Council to decide what each person should vote. She felt it was a voting right issue and people should decide if they wish to vote on that proposal.

Member Casey said she didn't have the resolution in front of her. She believed they were very specific to the ballot. She would appreciate the opportunity to read that resolution again before she would vote on this. She asked the maker of the motion if he would postpone this to the December 9<sup>th</sup> meeting. Mayor Pro Tem Staudt said no.

Member Mutch said he pulled it up. He pointed out that Member Casey was correct that the language was specific to the November 2018 election. He read the resolution: "Whereas, by adoption of a resolution in June of 1995, the City of Novi Council withdrew from the Public Transportation Authority created by the Oakland County Board of Commissioners; and, Whereas, Novi's population has more than doubled since 1995, to over 60,000 residents, and today more than 50 thousand commuters travel to and from Novi every day; and, Whereas, on March 15, 2018 the Connect Southeast Michigan framework was presented to the Regional Transit Authority Board; and, Whereas, the framework proposes multiple regional transit connections between Novi and other regional destinations including Metro Airport; and, Whereas, the framework would generate additional funding for Novi's existing Older Adult Transportation service; and, Whereas, the framework would designate Advanced Mobility Funds that could be directed toward road improvements in Novi designed to reduce congestion; and, Now, therefore, be it resolved that the City of Novi does hereby ask the leadership of Oakland County to support presentation of the RTA proposal to the voters of Novi in November of 2018; and, Be it further resolved that this is not an endorsement of any specific plan, but an expression of support for the continued dialogue and voter engagement on this important topic of regional infrastructure.

Member Mutch said if City Council adopts a resolution obviously a future Council can take action. He wondered what the appropriate process was for doing that. He asked City Attorney Schultz if it was something that Council can just rescind. Mr. Schultz replied yes, a motion to rescind is permitted. He thought that resolution came as an addition to Council Agenda back in 2018. He believes a motion to rescind the resolution would be permitted. Member Mutch stated the language was specific to the 2018 election. He said if we are making a statement here he wasn't sure what they were overturning because it was very specific to the November 2018 election. He said the

Mayor had noted there is no proposal on the table, no specific proposal to react to. His understanding was until this legislation in the House Bill 5229 is approved our chances of that legislation being approved there is no frame work to adopt anything that has been discussed so far. He felt the action is not necessary because it was no longer relevant. Until we have something more specific to act on, that would be the appropriate time for us to take action. He understood that this was a symbolic thing, but ultimately he didn't think it was necessary. He will not support the motion.

Mayor Gatt said he has been on this Council for longer than anyone up there. He said he could count on one hand how many resolutions that this Council has rescinded. He said that they try to stay out of politics that doesn't pertain right to the City of Novi. He agreed with Member Breen that this last proposal didn't ask the citizens if this should be on the ballot. It wasn't up to us; it wasn't up to the citizens. It wasn't going to a vote. State Legislature decides things, not the citizens of Novi. It was really just a political statement at the time and to rescind now is another statement. He didn't think that the citizens wanted Council to get involved in national or state politics, that doesn't enter our purview up on this stage.

Mayor Pro Tem Staudt stated one important issue that House Bill 5229 is a totally new game changer. It takes control out of the hands of local municipalities for all public transit. This is basically imposing the will of the State Legislature on local communities through an action by the County Commission. He believed the County Commission is going to vote on their portion of this whether it is through support or whatever legal means they need very soon at a County Commission meeting. He felt it was important that we put a message out that we aren't part of that process at this moment. Without getting into a much more detailed resolution this sends a bit of a message just as Member Mutch spoke about.

Mayor Gatt said we are very interested in public transportation in the City of Novi. It has to be something that we agree on. Having it imposed on us by another body wasn't fair and it wasn't the way to go. He said we have talked about it many times. He said a developer has mentioned giving us a couple of transportation type busses. He stated that he and Mr. Auger have had robust discussions on what will happen with that if it does. It will come to this table. He didn't want anyone listening out there to think that Council was not concerned with public transit. He said they do not want to be the bank for Oakland County.

Member Casey said she was going to vote against this motion for a few reasons. The first reason was that we are voting to rescind a resolution that had a date and time to it. It was a 2018 election, we did not voice support for Regional Transit Authority. The resolution clearly asked that the County consider putting it on the ballot. For that reason she will not seek to try to rescind a resolution that is a year plus old at this point. Secondly, she publically stated multiple times that she gets very frustrated when State Legislature makes decisions and takes the decisions out of the hands of local elected officials. She said at this point in time she wasn't sure what she would be voting on other than to rescind a resolution. She said to state whether the Regional Transit

Authority should be on the ballot or whether they should not, or whether transit should be on the ballot, she is being asked just to rescind a resolution. For those two reasons she will not support the motion on the table.

**Roll call vote on CM 19-11-199**

**Yeas: Crawford, Fischer, Gatt, Staudt**

**Nays: Breen, Casey, Mutch**

Member Mutch asked City Attorney Schultz to confirm with Roberts Rules of Orders that to rescind a motion without previous notice requires a two-third vote to be approved. Mr. Schultz said he would look into that.

**COMMUNICATIONS: None**

**CONSENT AGENDA REMOVALS FOR COUNCIL ACTION:**

D. Approval to award Hanka Advisor, LLC contract services related to federal grant writing services in the amount of \$22,000 with the goal of obtaining federal funding in support of the project to improve and widen Beck Road from Pontiac Trail to 8 Mile Road and amend the budget.

Member Breen said she wanted to make it clear that she was in support of all of these items. She said she just wished to add clarity for the public, and allow the City Manager to explain what is happening with Beck Road. She was glad that we were pursuing federal money and obtaining outside funding. She previously forwarded several questions for the City Manager and she thanked him and staff for their prompt responses. This project overall is expected to go from Pontiac Trail to 6 Mile Road. Over two Counties and multiple jurisdictions, she is glad we are partnering with the City of Wixom as far as cost sharing for this grant writing endeavor. From what she understood looking at the Capital Improvement Program (CIP) it would cost \$30 to \$36 million dollars to fix Beck Road in Novi. She asked the City Manager what he thought our chances were on obtaining federal funding. Mr. Auger replied that any federal funding is hard to put a percentage on a chance of obtaining. What we like about this project is we are working with at least six different jurisdictions crossing two counties, two road commissions, the State of Michigan, a trauma hospital, a road that connects two major highways, M-14 and I-96. There is a good story there. There was also this past year no BUILD grants granted for Michigan. We think it is a great opportunity to package the story with all of the cooperation to improve traffic flow and especially look for items that aren't even listed in the contract of what we want to do. There may be other items that we are throwing out. There may be Homeland Security funding do to everyone in this area, if anything were to happen to I-275, what happens to Beck Road. If there is a major accident or incident on I-275, Beck Road becomes the main route. They want to look at all the options and get feet on the ground in Washington D.C. We had the Congresswomen Haley Stevens here urging us to get into Washington D.C. and ask her office. We hope to take her up on that and use and leverage everything we have to get some federal funding coming back to the two- county areas to improve that road. Member Breen said according to the Capital Improvement Program (CIP) funding from

the FAC and CMAQ for that short piece of Beck Road from 11 Mile to Providence Park. She wondered where we were on that and if there were any funding options from the County. Mr. Auger replied he didn't think we were any further on the County funding or those projects. Those are all weighted against other communities and for us to throw all of our weight in that area we are going to lose out on some other funding for some of our other roads. The County really doesn't have the jurisdiction over Beck Road for us to tap into their funds. Member Breen wondered what a time frame for doing something on Beck Road. Mr. Auger said it would depend on if we were to obtain funding because they all come with strings attached. We are simultaneously planning on doing the Environmental Assessment as we are moving forward and also engage in a Cost Benefit Analysis which the federal funding will require anyway to cost it out and see that it will bring in more funds than the road project will cost. Member Breen was glad that we were looking at several options and she was sure that our newly formed Roads Committee will be scrutinizing everything carefully to see what other avenues we can pursue. Beck Road needs to be fixed and she was looking to hear from her other colleagues.

**CM 19-11-200            Moved by Fischer, seconded by Gatt; CARRIED UNANIMOUSLY**

Approval to award Hanka Advisor, LLC contract services related to federal grant writing services in the amount of \$22,000 with the goal of obtaining federal funding in support of the project to improve and widen Beck Road from Pontiac Trail to 8 Mile Road and amend the budget.

Member Mutch directed his question to the City Clerk and said the language in the resolution didn't reference the specific item and the dollar amounts didn't seem to add up. He asked City Clerk Hanson to look into it before they approve it. He said conceptually he didn't have a problem with this. For a project of the amount we are talking about having to do just within the City of Novi of \$30 to \$35 million dollars obviously we want to look at all of the potential funding opportunities. He said looking into some of the grant programs that are specifically referenced INFRA referenced certain roads within southeast Michigan of which are section of Beck Road doesn't qualify or is not currently part of the network. The CRISI grant is specific to rail infrastructure which is relevant to Wixom, but not to Novi. The BUILD grant is the current version of TIGER which is very difficult for communities to get funding. He said Canton Township tried to get TIGER grant funding for the Ford Road/I-275 interchange area multiple times and they were never successful with that. He had a concern that while this sound good that were are pursuing these, the reality is that we are going to be very challenged to get or qualify for these grants. He hoped that the very first task for this consultant is to meet with City Administration locally and talk about what are the requirements of these grant programs and he assumed a conversation about what would apply specific to Novi because it is great we are partnering with Wixom and in effect with Wayne County even though they are not a financial contributor. If most of the work is going towards grants that they qualify for or their portions of Beck will qualify for, but are do not, he is not sure he will be a fan of that. He hoped that in the intimal

conversations that we will get a report back from City Administration saying realistically what would qualify. He said looking beyond just the three programs that were mentioned there any other funding opportunities. He was concerned that when we pursue grants everything goes on hold because you are waiting to find out if you get the funding or not. The Beck Road Corridor cannot wait. The City Manager talked about things that we can continue to do so that is great, we will probably have to do it for the grants anyway. He didn't want to see similar to the conversation that we had earlier this evening that 18 months from now we are all sitting there saying why haven't we made any progress on Beck Road although we were waiting to hear if we were going to get a grant that we will probably not qualify for. He is looking for a reality check early on. He wanted to share his concerns, but he will support this proposal. We do need someone with the expertise working on this if we are going to have any chance of success with the grant programs. He asked Ms. Hanson about the resolution language. She replied that they will have to touch base with the Finance Department who wrote the resolution, she agreed that it didn't match up with what was presented in the rest of the packet. It appears to have been an error in the resolution. Mr. Auger said he believe it changed a couple of times during the process because it was a 12 month contract, then it was moved to 10 months. He said they did reconcile for Wixom and their train grant over their railroad tracks. They are actually paying more for the services than we are. Member Mutch asked City Attorney Schultz in terms of approving this motion, are they are approving the contract? He wondered where the resolution fit into that. Mr. Schultz said the resolution can be corrected once the motion is voted on.

**AMENDED MOTION**

**CM 19-11-200**

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

Approval to award Hanka Advisor, LLC contract services related to federal grant writing services in the amount of \$22,000 with the goal of obtaining federal funding in support of the project to improve and widen Beck Road from Pontiac Trail to 8 Mile Road and amend the budget and to amend the resolution with the correct terms and dollar amounts.

Mayor Gatt mentioned that Member Casey is chairing a committee that he is sure will look into Beck Road along with all of the other roads in the City that need improvement along with maybe a bridge over the freeway at Taft Road along with other thing. He agreed with Member Mutch he said he didn't think we would receive any grant funds.

**Roll call vote on CM 19-11-200**

**Yeas: Casey, Crawford, Fischer, Mutch, Gatt,  
Staudt, Breen**

**Nays: None**

L. Approval of resolution to revise and update the precinct boundaries and polling locations in the City of Novi.

Member Breen said this is an agenda item that she is fully in support of. She said it is a motion to update the boundaries and polling locations in the City of Novi. She thanked City Clerk Hanson and her staff along with the Election Commission for all of their work on this. She also thanked them for all of the hard work in the 2019 election which saw the effects of Proposal 3 which was Promote the Vote which saw a huge increase in absentee ballots. She said over 60 percent of the votes in 2019 came in that way. Next year, which is the Presidential election we can expect a significant increase in voter turnout overall as well as absentee voting. She understood that there haven't been any changes in precincts or polling locations in the past 10 years. The population has grown and the demographics have changed. There are specific laws as to what locations can host polling locations and how many voters per precinct. She wanted to bring this up for further discussion. She said this may cause some confusion for the upcoming elections and she would like to briefly get an explanation as to the changes, why they were made and most important what efforts will be taken to notify the voters of the changes in the voting locations. City Clerk Hanson explained that we have seen certain areas of the City grow more dramatically than other areas. They focused on keeping our precincts at, around, or under the 2,000 registered voters. We have experienced that when you get close to the maximum number of registered voters in a precinct it is unreasonable to expect that over 2,000 voters showing up at a precinct could be able to efficiently move through the precinct. She said they focused on areas that have grown and are expected to grow so in the new precinct changes we have accounted for approved developments. Ms. Hanson gave an example of the Manchester development is adding hundreds of units and registered voters. What you see in the proposal is a low amount of registered voter right now, but we will see that increase over time. In terms of precinct locations we have added three new precincts. The law governs what buildings we can use; we cannot just use any facility. They are very strict so we have reached out and partnered with four new locations that hopefully will make it easier for the voters to get to close to home. Member Breen asked Ms. Hanson what efforts will be made to notify voters of any polling location changes. She said her precinct is changing to a much closer polling location. How will she find out about the changes in the polling locations? City Clerk Hanson replied that the first efforts they make once the changes go into effect in 2020 will be that we will mail out new Voter ID cards out to every effected registered voter. It will be an ID card that shows the new polling location with the new address. We have already worked with Community Relations and we will blast this on social media as much as we can. We will put in in Engage, any other mailers that we can, and in emails that Community Relations put out. It is also her intent to have information in with the summer tax bills next year. We are a little late to hit the winter tax bills, but at least we will get them out before August and November to remind them that precinct changes and locations have happened. She wants everybody to know where they have to go. There was a lot of confusion in 2008 when there were changes. She said they will make every effort they can.

**CM 19-11-201**

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

**Approval of resolution to revise and update the precinct boundaries and polling locations in the City of Novi.**

**Roll call vote on CM 19-11-201**

**Yeas: Crawford, Fischer, Mutch, Gatt, Staudt, Breen, Casey**  
**Nays: None**

C. Consideration of the Program Year 2020 Community Development Block Grant (CDBG) application in the approximate amount of \$130,530 and authorization of the Mayor to sign the application.

Mayor Pro Tem Staudt wondered why the HCD Committee made changes in the Minor Home Repair Program which was awarded \$79,707 in 2019. It was recommended for an increase up to \$111,030, but then the HCD Committee reduced that allocation. He asked why they decided to reduce that. He wasn't opposed to any of the allocations, but both Haven and Hospitality House received double of what had been proposed and we took it away from Minor Home Repair Program. Finance Director Johnson explained that the HCD Committee did all of the allocating of the costs, as well we contacted all four of the entities that are involved here. The Minor Home Repair Program had a waiting list several years ago; it no longer has a waiting list. There are applications in the pipeline, but there isn't a waiting list. They are on track to spend their \$79,707 allocation. He said they don't need any more right now. The reason for the \$111,030 recommendation was just kind of an even allocation across all of the entities. The HCD Committee felt strongly that they wanted to give extra to everybody. He said Novi Youth Assistance was contacted and they said they could not handle any more money. The money they receive is all they need. That is why their amount did not change. He explained that is why the other two organizations got an increase. All in all the Minor Home Repair Program was pleased with that. If they had a waiting list it would have swayed the allocation. Mayor Pro Tem Staudt stated the bottom line is that the Minor Home Repair Program isn't quite as popular as it was in the past. He said we have had some long robust discussions over the years on this very small amount of money. The organizations value the contributions that we make.

**CM 19-11-202**

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

**Approval of the Program Year 2020 Community Development Block Grant (CDBG) application in the approximate amount of \$130,530 and authorization of the Mayor to sign the application.**

**Roll call vote on CM 19-11-202**

**Yeas: Fischer, Mutch, Gatt, Staudt, Breen, Casey**  
**Nays: None**  
**Absent: Crawford**

Mayor Gatt stated that they were going to enter into Executive Session and they did not plan on returning to Open Session.

**ADJOURNMENT** – There being no further business to come before Council, the meeting was adjourned at 8:16 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: December 9, 2019