

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI  
MONDAY, SEPTEMBER 14, 2015 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 Casey, Markham, Mutch, Poupard, Wrobel

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

**APPROVAL OF AGENDA:**

**CM 15-09-129 Moved by Casey, seconded by Wrobel; CARRIED UNANIMOUSLY:**

**To approve the Agenda as presented.**

**Roll call vote on CM 15-09-129**                      **Yeas: Staudt, Casey, Markham, Mutch,  
Poupard, Wrobel, Gatt**  
**Nays: None**

**PRESENTATIONS:**

1. Proclamation in recognition of Nancy Cassis' Service to the Community

Mayor Gatt presented a proclamation and a special Novi Pewabic tile to Nancy Cassis for her many years of dedicated service to the Community. Ms. Cassis thanked Mayor Gatt, City Council, and husband Victor Cassis. She introduced those who were in attendance and spoke about memories of her political career.

**PUBLIC HEARING:**

1. To Receive Comments on Wetland Mitigation at Novi Promenade Shopping Center

Public hearing opened at 7:22 p.m. No audience comment, closed at 7:23 p.m.

**REPORTS:**

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

**AUDIENCE COMMENT:**

Robert Moreillon, 21671 Welch Rd., felt there was a communication issue between the City and citizens regarding trash pickup. He noted there were informational meetings

held telling citizens what would be done. He suggested having a well-publicized town hall meeting to discuss the Request for Proposal (RFP). He felt the RFP should be re-written with the opinions of the citizens. He cited other communities using town hall meetings.

Diana Canup, 47201 Glamorgan Dr., spoke about trash pickup regarding her subdivision. She felt no one was happy with the new move because they've all been happy with the trash pickup they've had in the past years. She asked if the City would be obligated to take the low bidder. There were 28 subs in the Novi Homeowners groups who have contracted with one trash hauler. They currently have Duncan and felt he was outstanding; she hoped they would consider him if he bids during the process. She also has been interested in the contracting by other cities; she felt that over the years, taxes and prices went up for these bids because they could with no negotiations. She wasn't in favor of city-wide trash pickup.

Walter Sobzcak, 24248 Hampton Hill, felt nobody knew about the trash pickup changes. He wondered if this proposed change was because of complaints. He asked why the complainers weren't referred to the association boards. He asked how much will his taxes go up and he wondered if extra staff would have to be hired to monitor this. He also noted the businesses get tax abatements and wondered if he would have to pay more taxes to cover trash pickup for those companies. He suggested that it be opened up to the residents again.

Chuck Tindall, 2453 Shawood, noted that when he used to vote at Lakeshore Park, even though he had to wait outside, it was preferable to what he had to do now. He has to drive over the freeway to get to the location. The 13<sup>th</sup> precinct wasn't the only one where they had to cross the freeway. It is the only precinct that the majority of the voters must cross the expressway using Novi Road or Beck Road. He thought he should let us know about being an unsatisfied customer. He knew it wasn't possible to change for this election, but thought there could be something that could be done prior to the next election.

Ms. Singh, 24559 Percival Lane, noted she was signed up to receive e-mails from the City; however she didn't receive a timely message regarding the proposed change in the trash pickup. She would have preferred more than a two-day notice that it was going happen and the notice to include what was being presented. It would've been easier to schedule attendance. Also, as a mom with a child in high school, trying to make a left turn out of the school entrance takes 10 minutes and that is if someone is kind. She wondered if someone could address those issues. She mentioned adding a traffic light there.

**CONSENT AGENDA REMOVALS AND APPROVALS:**

**CM 15-09-130      Moved by Casey, seconded by Wrobel; CARRIED UNANIMOUSLY:**

**To approve the Consent Agenda as amended to remove K for Council Action.**

- A. Approve Minutes of:
  - 1. August 24, 2015 – Regular meeting
  
- B. Approval of a request from West Park Investors, LLC for a variance from Section 11-256(c) of the Design and Construction Standards, which requires the construction of sidewalk on both sides of new streets, to allow the applicant to install a pathway on only one side of the street to avoid additional impacts to wetlands for the Crossroads Commerce Park development (parcels 22-17-101-010 and -012).
  
- C. Approval of an ownership transfer of 2015 Class C Licensed business with Sunday Sales Permit (PM) and Entertainment Permit from Sakura Co. to New Cherry Blossom, Inc. located at 43588 West Oaks, Novi, Michigan 48377.
  
- D. Approval of request by E & M, Inc. (Society Hill) for one-year extension, to October 9, 2016, of site plan approval for a 312-unit apartment project developed as a PD-1 option in a multi-family (RM-1) district, located at the southwest corner of Novi Road and 12 ½ Mile Road, previously extended under a consent judgment and subject to annual extension reviews.
  
- E. Acceptance of a Conservation Easement from Interphase Land Development, LLC, for a woodland, wetland, and open space conservation area offered as a part of the Casa Loma development, located on the west side of Beck Road, south of Nine Mile Road, in Section 32 of the City.
  
- F. Approval of a Street Light Purchase Agreement with Detroit Edison Company for the installation and ongoing operation costs of four street lights at the intersection of Grand River Avenue and Beck Road in the amount of \$9,744 for installation and ongoing annual costs of \$1,318.
  
- G. Approval to award the Ice Arena mechanical roof replacement at the Novi Ice Arena facility to Garland/DBS, Inc., in the amount of \$57,906.94 based on U.S. Communities cooperative purchasing program.
  
- H. Approval to award Sports Uniform Contract to Challenger Teamwear, the low bidder, for one year with the option to review for two subsequent years with an estimated annual amount of \$36,285.

- I. Approval of the 2016 Suburban Mobility Authority for Regional Transportation (SMART) Municipal Credit Fund Contract and Resolution for the Older Adult Transportation Program in the amount of \$54,454.
- J. Approval of a Memorandum of Understanding with the City of Walled Lake and Oakland County Water Resources Commissioner regarding the use of Stormwater, Asset Management, and Wastewater (SAW) Grant funds for the development of Asset Management Plans for the sewerage disposal systems tributary to the Walled Lake-Novı Wastewater Treatment Plant.
- K. Approval to award engineering design services to Spalding DeDecker Associates for the Novi Road Reconstruction (12 Mile to 13 Mile) project in the amount of \$91,581, and approval of an additional appropriation in the amount of \$37,000 from the Drain Fund for this budget line item. **REMOVED**
- L. Approval of (1) a Resolution Concerning Acquisition and Approving Declaration of Necessity and Taking and authorization of Offer to Purchase; (2) a Declaration of Taking; and (3) an Agreement of Sale and Offer to Purchase Easements over Real Property in the amount of \$10,451 for a pathway easement and a water main easement along with necessary temporary grading permits on parcel 22-01-100-003 for the construction of a pathway and a water main as part of the 14 Mile Pathway and Water Main Gap project; and approval of a budget resolution for an additional appropriation of \$269,000 for the pathway portion of the project.
- M. Approval to award an amendment to the engineering services agreement with URS Corporation for construction engineering services for the Eastbound Grand River Avenue Dual Left Turn Lane at Beck Road project in the amount of \$77,129.
- N. Approval of Form of Agreement, Closing Documents (including form of Closing Statement), and Forms of Deeds for 2014 Michigan Natural Resources Trust Fund (MNRTF) Grant, TF14-0235, for approximately 10 acres of land located on Twelve Mile Road west of Wixom Road (the "Novı Northwest Neighborhood Park Property") and authorization to proceed with closing subject to completion of Closing Statement and final review by City Manager and City Attorney.
- O. Approval of Claims and Accounts – Warrant No. 947

Roll call vote on CM 15-09-130

Yeas: Staudt, Casey, Markham, Mutch,  
Poupard, Wrobel, Gatt  
Nays: None

**MATTERS FOR COUNCIL ACTION:**

1. Approval of proposed amendment to the Development Site Plan (Exhibit B) previously approved in connection with the Novi Equities Limited Partnership v. City of Novi Consent Judgment, at the request of Novi Promenade Holdings, LLC, relating to property located at the intersection of Grand River Avenue and Wixom Road, to allow the applicant to relocate the existing detention pond and construct two acres of wetland mitigation for the Grand Promenade project (JSP14-15).

Member Mutch noted the revised plan looks like a superior plan than what had been previously been submitted.

**CM 15-09-131 Moved by Mutch, seconded by Poupard; CARRIED UNANIMOUSLY:**

**To approve Approval of proposed amendment to the Development Site Plan (Exhibit B) previously approved in connection with the Novi Equities Limited Partnership v. City of Novi Consent Judgment, at the request of Novi Promenade Holdings, LLC, relating to property located at the intersection of Grand River Avenue and Wixom Road, to allow the applicant to relocate the existing detention pond and construct two acres of wetland mitigation for the Grand Promenade project (JSP14-15).**

**Roll call vote on CM 15-09-131**

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

2. Consideration of a request from West Park Investors, LLC, to create a special assessment district for the financing of street improvements related to the Crossroads Commerce Park development, and to set a public hearing on the special assessment roll.

Assistant City Manager Cardenas noted this was an example of the City assisting a property owner to develop a parcel. The construction of a public street and sidewalk would drastically assist in building the proposed building along Grand River Road. The expected costs are \$1.5 million and the property owner will be charged 5% interest annually for the funds. The annual repayment installments will occur over 15 years.

Gary Jonna, 39525 W. 13 Mile, commented that they have marketed the property for 8 years with no success due to the fact that there were environmental impacts. It is difficult to finance this project through conventional financing sources. The City will help bring the parcel to market. This site is the only contiguous parcel to the St. John Providence Park Campus. He explained they were intending for very high end uses on this site even though it is zoned light industrial given the level of investment by virtue of

the roadway. They are expecting a headquarters type of project because of the property's seclusion and aesthetics.

**CM 15-09-132            Moved by Wrobel, seconded by Staudt; CARRIED UNANIMOUSLY:**

**To tentatively approve a request from West Park Investors, LLC, to create a special assessment district for the financing of street improvements related to the Crossroads Commerce Park development, and to set a public hearing on the special assessment roll.**

Member Mutch asked if 150,000 square feet was expected for the build out of the site. Mr. Jonna said it was correct with 2 to 3 building pads and 2 of the pads could be consolidated into one. Member Mutch asked when he would project the site being built out. Mr. Jonna said they have had interested parties. Member Mutch asked if he would be asking for a rezoning to allow office use. Mr. Jonna said the I-1 zoning is very flexible which allows a wide range of uses.

Member Mutch asked if there would be any traffic issues potentially requiring another traffic light. City Engineer Hayes believed that it appears to be able to handle the traffic, but won't know until they get into the site plan process to do a more detailed evaluation. Member Mutch asked if he had concerns with a potentially significant traffic generator with an entrance and exit close to an entrance and exit to Providence Hospital. City Engineer Hayes said no because there is a great enough distance to allow for traffic from both those entrances.

Member Mutch said he was concerned about the potential impact of the project on the Municipal Street Fund. He spoke to the City Finance Department and felt comfortable about it. Also, he was concerned whether this will set a precedent going forward because most private development generally pays for the infrastructure without the City financing the project. He was assured by Mr. Jonna's reputation with a wealth of experience, but it was a concern, if he wouldn't be involved with the project, what the potential liability for the City would be. He didn't know how many of these proposals the City would be able to fund and felt it was not a practice that the City would want to do on a routine basis.

City Attorney Schultz asked to add tentative before approval at the beginning of the motion. He wanted to make clear to the applicant that there are a few more steps to go through before this is final.

**Roll call vote on CM 15-09-132**

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

**Nays: None**

3. Approval of the request of Biltmore Land, LLC for development of Covington Estates, JSP 15-02 as a Residential Unit Development (RUD) and approval of the RUD Plan. The subject property is located on 48.83 acres in Section 31, north of Eight Mile Road and west of Garfield Road in the RA, Residential Acreage District. The applicant is proposing a 38 unit single-family development. The approval would be subject to entry into an RUD Agreement between the City and the applicant.

Assistant City Manager Cardenas said this new development is in the southwestern portion of the Community. It will feature preserved and enhanced open areas with trails that provide passive and active recreation for residences. The homes will have a minimum square footage size of 3,200 square feet with the expected homes' sales prices to be between \$800,000 and \$1.1 million.

Member Mutch asked to clarify the change in plans. He noted the size of the lots that are proposed is generally less than one acre per the RUD ordinance allowing offsetting the lot size for open space. He noticed that there are 4 lots that are one acre in size and asked if they intended to do it. Carol Thurber, Fazal Khan and Associates, said she felt they were required to do it by the ordinance. He asked if she would prefer to have them less than one acre. She said they would prefer it to provide more open space. Member Mutch asked about the material intended for the recreational trails. Ms. Thurber clarified that it will be a crushed fine stone pathway and cited other trails that were similar. She said she believed they were 8 feet. Member Mutch asked if they will provide a finished pathway to the sidewalk. She confirmed that they will. Member Mutch asked if they would provide connectivity if the parcel to the west is developed and asked for a paved path. She agreed to it. Member Mutch thought this was the type of development he had been looking for because the applicant is using the ordinances to provide open space. They are protecting most of the natural resources on the site.

**CM 15-09-133      Moved by Mutch, seconded by Casey; CARRIED UNANIMOUSLY:**

To grant preliminary approval of the Residential Unit Development Plan for the Covington. This preliminary approval is subject to and conditioned on Council's final approval of the RUD Agreement to be provided and approved at a future meeting. This motion is based on the following findings, lot size modifications, building setback reductions and conditions:

Determinations (Zoning Ordinance Section 3.29 .8.A):

- a. The site is zoned for and appropriate for the proposed single-family residential use;
- b. Council is satisfied that with the proposed pathway and sidewalk network and added open space, the development

will not have detrimental effects on adjacent properties and the community;

- c. Council is satisfied with the applicant's commitment and desire to proceed with construction of 38 new homes as demonstrating a need for the proposed use;
- d. Care has been taken to maintain the naturalness of the site and to blend the use within the site and its surroundings through the preservation of 19 acres (or 39 %) of the proposed development area as open space;
- e. Council is satisfied that the applicant has provided clear, explicit, substantial and ascertainable benefits to the City as a result of the RUD;
- f. Factors evaluated (Zoning Ordinance Section 3.29.8.8):

- 1. Subject to the lot size modifications and building setbacks reductions, all applicable provisions of the Zoning Ordinance, including those in Section 3.29.8.8 and for special land uses, and other ordinances, codes, regulations and laws have been or will be met;
- 2. Council is satisfied with the adequacy of the areas that have been set aside in the proposed RUD development area for walkways, parks, recreation areas, and other open spaces and areas for use by residents of the development;
- 3. Council is satisfied that the traffic circulation, sidewalk and crosswalk features and improvements for within the site have been designed to assure the safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets;
- 4. Based on and subject to the recommendations in the traffic consultant's review letter, Council is satisfied that the proposed use will not cause any detrimental impact in existing thoroughfares in terms of overall volumes, capacity, safety, travel times and thoroughfare level of service;
- 5. The plan provides adequate means of disposing of sanitary sewage, disposing of stormwater drainage, and supplying the development with water;
- 6. The RUD will provide for the preservation and creation of approximately 39% of the site as open space and result in minimal impacts to provided open space and the most significant natural features;
- 7. The RUD will be compatible with adjacent and neighboring land uses for the reasons already stated;
- 8. The desirability of conventional residential development on this site in strict conformity with the otherwise applicable minimum lot sizes and widths being modified by this motion is

- outweighed by benefits occurring from the preservation and creation of the open space that will result from the RUD;
9. Any detrimental impact from the RUD resulting from an increase in total dwelling units over that which would occur with conventional residential development is outweighed by benefits occurring from the preservation and creation of open space that will result from the RUD;
  10. Council is satisfied that the proposed reductions in lot sizes are the minimum necessary to preserve and create open space and to ensure compatibility with adjacent and neighboring land uses;
  11. The RUD will not have a detrimental impact on the City's ability to deliver and provide public infrastructure and public services at a reasonable cost;
  12. Council is satisfied that the applicant has made or will make satisfactory provisions for the financing of the installation of all streets, necessary utilities and other proposed improvements;
  13. Council is satisfied that the applicant has made or will make satisfactory provisions for future ownership and maintenance of all common areas within the proposed development; and
  14. Proposed deviations from the area, bulk, yard, and other dimensional requirements of the Zoning Ordinance applicable to the property enhance the development, are in the public interest, are consistent with the surrounding area, and are not injurious to the natural features and resources of the property and surrounding area.
- g. Modification of proposed lot sizes to a minimum of 21,780 square feet and modification of proposed lot widths to a minimum of 120 feet is hereby approved, based on and limited to the lot configuration shown on the concept plan as last revised, as the requested modification will result in the preservation of open space for those purposes noted in Section 3.29.3.B of the Zoning Ordinance and the RUD will provide a genuine variety of lot sizes;
- h. Reduction of permitted building setbacks is approved as it is consistent with the proposed reduction in lot size and width;
  - i. City Council variance from Appendix C Section 4.04(A) ( 1) of No vi. City Code for not providing a stub street to the subdivision boundary along subdivision perimeter is granted;
  - j. City Council variance from Section 11-194( a)(7) of the No vi City Code for exceeding the maximum distance between Eight Mile Road and the proposed emergency access is granted; and

- k. This approval is subject to all plans and activities related to it being in compliance with all applicable provisions of the Zoning Ordinance, including Articles 3, 4 and 5, and all applicable City Zoning Ordinance approvals, decisions, conditions and permits.

The applicant will be allowed to reduce the lots to make them consistent throughout the site. The applicant will provide the pedestrian pathway connection to the western property line that will be determined by staff. The applicant will incorporate all the determinations.

Mayor Pro Tem Staudt said the development looks like an excellent addition to the City. This may allow the connection to Mayberry Park through the trail system.

Member Markham said this development took advantage of the natural features on the property and treated them as an asset. She asked if bicycles would be allowed on these pathways. Ms. Thurber said they will be allowed. The crushed limestone mix is a good versatile mix that has less maintenance and is stable. They would discourage any motorized vehicles. Member Markham was concerned about the 2.9 acre park that will be handed over to the homeowners association because she had a bad experience where the same thing happened. She felt the homeowners association has difficulty raising money to improve a park. She would like to see some thought to improve the park for the homeowners. Ms. Thurber said they had a lot of thoughts on that issue, but were afraid if it went unused, it would be unwanted maintenance.

**Roll call vote on CM 15-09-133**

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

**Nays: None**

4. Consideration to adopt Resolution regarding dissolution of Southwest Oakland Cable Commission (SWOCC).

Assistant City Manager Cardenas explained that SWOCC is made up of Farmington, Farmington Hills, and Novi. For 32 years, it has been a successful partnership providing local television content to residents in the 3 communities. The consumption of media has changed and has brought about change to dissolve the collaborative union.

Mayor Pro Tem Staudt has been the Council's representative to SWOCC for four years. In the last several years. He noted the funding had been reduced which made it difficult to make capital improvements to the facilities to reduce costs. They reduced as much as possible, but impossible to keep up with the improvements. Also, the decision by Brighthouse to go with the Public Act which prohibited negotiations forced the dissolution. There have been discussions with the School District for possible collaboration partners. The City has a state of the art small operating studio in the

Council Chambers with an adequate Fund Balance currently to make the necessary investments to operate. Novi would like to put together a first class operation within the Community and get the residents involved.

**CM 15-09-134            Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY:**

**To approve the Resolution regarding dissolution of Southwest Oakland Cable Commission (SWOCC).**

Member Mutch explained based on the information provided in the resolution; it is basically a statement of intent because it takes 2 out of the 3 members to dissolve SWOCC and will be negotiated. City Attorney Schultz said that the Administration will work with Farmington and Farmington Hills to establish a dissolution plan. Member Mutch commented if this goes forward, he would like to see City Administration start developing an outline as a frame work for Council to understand what their understanding is of replacing some of the services provided by SWOCC and the costs associated with it going forward.

Mayor Pro Tem Staudt commented they have started the process by looking at some of the equipment and software to be purchased and appears to be a realistic amount probably in the amount of \$100 thousands or less. The big issue will be a period of time to divest of the facility. He asked if they cannot come to an agreement on a joint resolution that provides six months' notice to terminate the agreement, it would be the cooperative method of divesting the City if it is necessary to go the single route. There is that option available to the City that will probably cost the bulk of the Fund Balance currently there at SWOCC and it would not really assist in any way of moving our plans forward.

**Roll call vote on CM 15-09-134**

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

**Nays: None**

5. Consideration of approval of Ordinance Amendment 15-185 to amend the City of Novi Code of Ordinances, at Chapter 22, "Offenses", Article V, "Offenses Against Public Peace," in order to add a new Section 22-102, "Conduct in Cemeteries," to establish rules for appropriate conduct in cemeteries within the City. **FIRST READING**

Assistant City Manager Cardenas said the Ordinance Review Committee recommended these changes and allows police personnel the tools they need to prohibit access to cemeteries after 9 PM or dusk.

**CM 15-09-135            Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY:**

**To approve Ordinance Amendment 15-185 to amend the City of Novi Code of Ordinances, at Chapter 22, "Offenses", Article V,**



project was. City Engineer Hayes said they should get 15 – 20 years of life from the asphalt pavement. He could not support this. City Engineer Hayes said normally he would say yes, but they were on a fast track schedule because it is a federally funded project. They have a bid letting scheduled for January and the design needs to be completed by this fall. He appreciated the feedback and can offer to award the design based on these preliminary concepts. Member Mutch said he understands the constraints they are working under and if it would be possible to include his descriptions. City Engineer Hayes said it was recommended for alternative #2 because it was the lowest cost option. Member Mutch said the lowest cost was not always the best. Mr. Hayes said they are over budget. Member Mutch said he didn't want to hold the project up but felt others would want the design similar to what he spoke of.

**CM 15-09-137            Moved by Mutch, seconded by Casey; CARRIED UNANIMOUSLY:**

**To approve to award engineering design services to Spalding DeDecker Associates for the Novi Road Reconstruction (12 Mile to 13 Mile) project in the amount of \$91,581, and approval of an additional appropriation in the amount of \$37,000 from the Drain Fund for this budget line item.**

Member Markham spent some time in Southfield at a park where they put the bio-swales in a large parking lot. She said they did two things she was concerned with the Novi Road plan which was the curbing and the maintenance of the bio-swale. She would like to have some standards for the bio-swales. She wanted to see what they would look like and how to maintain them. She said there was a lot to learn from other communities.

Member Poupard supported Member Mutch's ideas and liked the intent of changes.

Member Casey thanked City Engineer Hayes for his willingness to come back with additional plans and supported looking at the additional ideas to make a boulevard.

Mayor Gatt commented that it depends on how much it will cost.

**Roll call vote on CM 15-09-137**

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

**Nays: None**

**ADJOURNMENT** – There being no further business to come before Council, the meeting was adjourned at 8:28 P.M.

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Maryanne Cornelius, City Clerk

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Robert J. Gatt, Mayor

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Transcribed by Jane Keller

Date approved: September 28, 2015