

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JULY 10, 2017 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 Burke, Casey, Markham, Mutch, Wrobel

ALSO PRESENT: Peter Auger, City Manager
Victor Cardenas, Assistant City Manager
Tom Schultz, City Attorney

APPROVAL OF AGENDA:

Member Wrobel said he would like to add an item to Mayor and Council Issues regarding the Veterans Monument in front of the Civic Center.

CM 17-07-102 Moved by Casey, seconded by Burke; CARRIED UNANIMOUSLY

**Roll call vote on CM 17-07-102 Yeas: Staudt, Burke, Casey, Markham, Mutch, Wrobel Gatt
Nays: None**

PUBLIC HEARING: None

PRESENTATIONS: None

AUDIENCE COMMENT: None

CONSENT AGENDA REMOVALS AND APPROVALS:

Member Wrobel asked that Item C be removed from the Agenda for further discussion.

CM 17-07-103 Moved by Wrobel, seconded by Burke; CARRIED UNANIMOUSLY

To approve the Agenda as amended.

- A. Approve Minutes of:
 - 1. June 19, 2017 – Regular meeting

- B. Enter Executive Session immediately following the regular meeting of July 10, 2017 in the Council Annex for the purpose of discussing privileged correspondence from legal counsel and City Clerk and City Manager Performance Evaluations.

- C. Approval of the 2018 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. **REMOVED**
- D. Approval to purchase a Property Room Shelving System for the Novi Police Department from Casper Corporation, Inc., in the amount of \$65,630.95 using the National Joint Powers Alliance (NJPA) cooperative purchasing contract.
- E. Approval to purchase Courts and Law Enforcement Management Information Systems (CLEMIS) and Fire Records Management System (FRMS) fees and services from Oakland County for the 2017-18 fiscal year in the amount of \$64,380.
- F. Approval to purchase hydraulic extrication tools for the Novi Fire Department from Apollo Fire Equipment Company, the sole source provider in Michigan, in the amount of \$18,025.
- G. Approval to award contract to BlueWater Technologies in the amount of \$31,247.55 through the U.S. General Services Administration (GSA) Contract for technology upgrades to the Police Department's Training Center and the City of Novi's Emergency Operation Center.
- H. Approval to purchase protective turnout gear for the Novi Fire Department from Apollo Fire Equipment based on unit pricing in the amount of \$20,701.01 using the City of Troy bid which is extended to all Michigan Intergovernmental Trade Network (MITN) members.
- I. Approval of Pawnbroker License renewal requested by Gary Weinstein, owner of Weinstein Jewelers, 41990 Grand River Avenue in the City of Novi.
- J. Acceptance of Open Space Easement Agreement and Wetland Conservation Easement from Manchester 13 Mile Road, LLC to protect the existing wetlands and to assure the permanent preservation and maintenance of open space areas, development amenities and common areas as part of the Manchester project site, JSP 15-52, located south of Thirteen Mile road and east of Novi Road in Section 11 of the City.
- K. Approval of Zoning Ordinance Text Amendment 18.281 to amend the City of Novi Zoning Ordinance at Article 5.15, Exterior Building Wall Façade Materials within Article 5.0, Site Standards, to update the façade ordinance standards, in order to clarify and update the façade materials standards in the zoning ordinance. **Second Reading**
- L. Acceptance of a Woodland Preservation Easement from Pulte Homes of Michigan, LLC for woodland preservation areas on the Dixon Meadows site, and an Off-site Open Space Preservation Easement from Liberty Park Condominium

Association to protect the off-site installation of 117 replacement trees on a portion of the General Common Element Open Space Area of Liberty Park located on the west side of Dixon Road. Both easements are offered as part of the Dixon Meadows project, JSP 14-46, located north of Twelve Mile Road and east of Dixon Road in Section 10 of the City.

- M. Approval to award a construction contract for the 2017 Pathways and ADA Improvements project to JB Contractors, the low-bidder, in the amount of \$71,141.00 subject to final review and approval of the form and agreement by the City Manager's office and the City Attorney.
- N. Approval to award an amendment to the engineering services agreement with Orchard, Hiltz & McCliment for construction engineering services for the 2017 Pathways and ADA Compliance project in the amount of \$16,073.56.
- O. Approval of a Street Light Purchase Agreement with Detroit Edison Company for the installation and ongoing operation costs of three street lights on Acorn Trail in the Island Lake Phase 7B development; and approval of an agreement with Toll MI II Limited Partnership, a Michigan Limited Partnership, and The Reserve of Island Lake Association, a Michigan non-profit corporation, for the sharing of installation and ongoing operation costs per the City's Street Lighting Policy.
- P. Approval of a Street Light Purchase Agreement with Detroit Edison Company for the installation and ongoing operation costs of a street light at the entrance of the Montebello development on Nine Mile Road; and approval of an agreement with Mirage Development, a Michigan corporation, for the sharing of installation and ongoing operation costs per the City's Street Lighting Policy.
- Q. Approval of Resolution to adopt changes to the Landscape Design Manual consistent with Zoning Ordinance Text Amendment 18.283 previously approved by the City Council.
- R. Approval of Claims and Accounts – Warrant No. 991

Roll call vote on CM 17-07-103

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

Nays: None

MATTERS FOR COUNCIL ACTION

- 1. Approval of Resolution to establish an Industrial Development District for Premier-Novi, LLC for parcels 50-22-16-226-004 and 50-22-16-226-008 on Twelve Mile Road.

CM 17-07-104

Moved by Staudt, seconded by Wrobel; MOTION CARRIED: 6-1

To approve Resolution to establish an Industrial Development District for Premier-Nov, LLC for parcels 50-22-16-226-004 and 50-22-16-226-008 along Twelve Mile Road.

Roll call vote on CM 17-07-104

Yeas: Casey, Mutch, Wrobel, Gatt, Staudt, Burke

Nays: Markham

2. Approval of Resolution authorizing application from Hino Motors Sales USA, Inc. for an Industrial Facilities Tax Exemption Certificate for an approximately 124,000 square foot facility to be located at Twelve Mile Road and related Agreement concerning Industrial Facilities Tax Abatement.

City Manager Auger noted there was an error in the figures on the Packet material and there was an extra number added. The correct amount is \$17,508,000.

Member Mutch asked the representative from Hino to step forward to answer a few questions. He wondered if Hino would actually own the property. The representative said yes they would. Member Mutch asked if the change of ownership had happened yet. Greg Champion said he was the in-house counsel for Hino Motors Sales and answered yes; they closed on the property on May 24th. Member Mutch mentioned a few issues he raised during the rezoning process including the potential need down the road to reroute Taft Road at the north end of the property. At the time the City entered into an agreement with this other property, they made a provision for the possibility that Taft Road could be rerouted across the Hino property, but there wasn't any exchange of property. He said one of the provisions of the agreement was that the developer at the time left open the opportunity to be compensated for that property. He wondered if Hino has had any discussions about whether they would be willing to donate that right-of-way in the future versus seeking the City to buy it from them. The representative replied that they have not had any discussion about that. Member Mutch also wondered if they were donating any of the frontage property for right-a-way along Twelve Mile Road. City Manager Auger confirmed there is dedicated right-of-way for Twelve Mile already planned for in that area. Member Mutch commented that this was an interesting project.

CM 17-07-105

Moved by Staudt, seconded by Wrobel; MOTION CARRIED 4-3

To approve Resolution authorizing application from Hino Motors Sales USA, Inc. for a 6-year Industrial Facilities Tax Exemption and Agreement concerning Industrial Facilities Tax Abatement subject to approval by the State Tax Commission pursuant to Public Act 198.

Roll call vote on CM17-07-105

Yeas:, Wrobel, Gatt, Staudt, Burke

Nays: Markham, Mutch, Casey

3. Approval at the request of Novi Town Center Investors, LLC for Building No. 2 Drive Through at Novi Town Center JSP 17-08, for approval of Special Land Use Permit, Preliminary Site Plan and Storm Water Management Plan for a proposed drive-through restaurant. The subject property is zoned Town Center District (TC) and is located in Novi Town Center in Section 14, near the northeast corner of Grand River Avenue and Novi Road.

Matthew Quinn was there on behalf of the Novi Town Center Investors and Jim Clear from the Town Center was there to answer any questions. Mr. Quinn said this project started over 2 years ago when the City gave approval to amend the Ordinance to allow a drive-thru in the former Biggby Coffee location. He said this will not be a true drive-thru restaurant. He said it will be a drive-thru added to the end cap that will allow them flexibility to bring in a national coffee chain so they can serve some breakfast items. He said they have gone through the process and all of the consultants have issued their recommendation letters. The Planning Department and Planning Commission have approved this unanimously. They hope to construct this by the end of the year.

CM 17-07-106 Moved by Staudt, seconded by Casey; CARRIED UNANIMOUSLY

Part 1

To approve the request of Novi Town Center Investors, LLC, JSP 17-08 for the Special Land Use Permit based on and subject to the following:

- a. **The proposed use will not cause any detrimental impact on existing thoroughfares (based on Traffic review);**
- b. **The proposed use will not cause any detrimental impact on the capabilities of public services and facilities (as the proposed use does not increase the usage);**
- c. **The proposed use is compatible with the natural features and characteristics of the land (because the proposed site plan includes modifications to previously developed land);**
- d. **The proposed use is compatible with adjacent uses of land (because the proposed use conforms to the standards of the district and the requirements of a Drive-Through Restaurant);**
- e. **The proposed use is consistent with the goals, objectives, and recommendations of the City's Master Plan for Land Use (the project fosters a favorable business climate);**
- f. **The proposed use will promote the use of land in a socially and economically desirable manner (as the proposed use will support and strengthen existing business development);**
- g. **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 made because the plan is otherwise in compliance with Article 3, Article 4, Article 5, and Article 6 of the Zoning Ordinance and all other applicable provisions of the Ordinance.

Roll call vote on CM 17-07-106 Yeas: Mutch, Wrobel, Gatt, Staudt, Burke, Casey, Markham
Nays: None

CM 17-07-107 Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY

Part 2

To approve the request of Novi Town Center Investors, LLC, JSP 17-08 for the Preliminary Site Plan based on and subject to the following:

- a. Waiver to defer the submittal of noise impact statement at the time of tenant occupancy, due to the nature of use, which is hereby granted;
- b. Relocate the dumpster as indicated the revised layout shared via E-mail on May 1, 2017 to avoid conflicts with parking and sanitary sewer easement;
- c. Work with the City's Landscape Architect to propose appropriate planting to achieve the 80 to 90 percent opacity during winter months;
- d. Waiver to allow Queuing analysis in lieu of a Traffic Impact Study, submitted upon recommendation from City's Traffic Consultant, which is hereby granted;
- e. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Final Site Plan.

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

Roll call vote on CM 17-07-107 Yeas: Wrobel, Gatt, Staudt, Burke, Casey, Markham, Mutch
Nays: None

CM 17-07-108 Moved by Staudt, seconded by Casey; CARRIED UNANIMOUSLY

Part 3

To approve at the request of Novi Town Center Investors, LLC, JSP 17-08 for the Stormwater Management Plan based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance.

Member Mutch asked Mr. Quinn if he could say the name of the franchise. Mr. Quinn replied nothing was signed yet, it was premature.

**Roll call vote on CM 17-07-108 Yeas: Gatt, Staudt, Burke, Casey, Markham
Mutch, Wrobel
Nays: None**

4. Approval of Zoning Ordinance Text Amendment 18.284 to amend the City of Novi Zoning Ordinance at Article 3, "Zoning Districts" Section 3.20, OST Required Conditions and Section 3.14, I-1 Required Conditions, to allow outdoor placement of above-ground storage tanks; and at Article 3, "Zoning Districts" Section 3.18 OSC Required Conditions to allow Outdoor Displays in connection with a permitted general hospital use. **FIRST READING**

CM 17-07-109 Moved by Burke, seconded by Wrobel; CARRIED UNANIMOUSLY

To approve of Zoning Ordinance Text Amendment 18.284 to amend the City of Novi Zoning Ordinance at Article 3, "Zoning Districts" Section 3.20, OST Required Conditions and Section 3.14, 1-1 Required Conditions, to allow outdoor placement of above-ground storage tanks; and at Article 3, "Zoning Districts" Section 3.18 OSC Required Conditions to allow Outdoor Displays in connection with a permitted general hospital use. **FIRST READING**

**Roll call vote on CM 17-07-109 Yeas: Staudt, Burke, Casey, Markham, Mutch
Wrobel, Gatt
Nays: None**

5. Approval of resolution to authorize a budget amendment to amend the FY 2017-18 Library Contribution Fund adopted budget to reflect the Library Board approved budget.

CM 17-07-110 Moved by Staudt, seconded by Burke ; CARRIED UNANIMOUSLY

To approve a resolution to authorize a budget amendment to amend the FY 2017-18 Library Contribution Fund adopted budget to reflect the Library Board approved budget.

Roll call vote on CM 17-07-110 **Yeas: Burke, Casey, Markham, Mutch, Wrobel
Gatt, Staudt**
Nays: None

6. Appointments to Boards and Commissions.

Mayor Gatt moved to submit the name, Tony Anthony seeking reappointment to the Planning Commission

CM 17-07-111 Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY

To approve Tony Anthony for reappointment to the Planning Commission.

Roll call vote on CM 17-07-111 **Yeas: Casey, Markham, Mutch, Wrobel, Gatt,
Staudt, Burke**
Nays: None

City Clerk Hanson provided the results of balloting:

Beautification Commission:

Cindy Haley – partial term expiring 2018
Cindy Lang – partial term expiring 2018
Amanda Laverty – partial term expiring 2019
Ratna Rao – partial term expiring 2019
Jennifer Ryan – partial term expiring 2020
Lindsay Wyskowski – partial term expiring 2020

Historical Commission:

Tom Alexandris – partial term expiring 2020
Dhara Sanghavi – partial term expiring 2019

Housing and Community Development Advisory Board:

Daniel Magee - partial term expiring 2018

Parks, Recreation and Cultural Services Commission:

Scott Pratt - full term expiring 2020

Harry Torimoto - full term expiring 2020

Mayor Gatt congratulated everyone that was appointed and he thanked the candidates for their willingness to contribute. He mentioned there were many qualified candidates, and it was a very tough decision.

AUDIENCE COMMENT - None

MAYOR AND COUNCIL ISSUES:

Member Wrobel said he had the opportunity to talk to the Mayor, several Council Members, and City staff regarding the Veteran's Monument. He has received positive feedback so he thought he would like to discuss it further. Prior to last Memorial Day he said the Monument was generic, with no names. He said other communities include names of deceased veterans killed in action either on duty in combat or non-combat. He said a few weeks ago we honored one of our own who was killed in a training accident which made him rethink this again. He would like to see the City put the names of those veterans from Novi on that Monument to honor them individually for their service to the community and their country. He thought the Historical Commission could look into it or the staff may have a better idea. He would like to get it done by next Memorial Day. Mayor Gatt agreed with him and said most cities have something like this in front of their city hall and it is time that the City of Novi do this. Member Markham wondered if we knew how far back we would be going. Member Wrobel said he would like to go back as far as we can.

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: Consent Agenda items which have been removed for discussion and/or action.

Member Wrobel stated that Item C was regarding a Grant for \$54,454 that they will be receiving from SMART for our Older Adult Transportation Program. He said they are in the infancy stage of looking at would we can do to enhance this program. He said Jeff Muck, PRCS Director and his staff are putting together a committee and they will have some town hall meetings regarding this issue. He wondered how they get money from SMART when he thought we opted out of SMART. Mr. Muck said this is part of the opt-out, so this qualifies the City for those funds. Member Wrobel wondered if after the committee and town halls they decide to enhance those services, would there be potential to get more money. Mr. Muck said it depends on the amount of the overall budget, so probably. Member Wrobel said at this time it is roughly 34% of the budget.

CM 17-07-112 Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY

To approve the 2018 Suburban Mobility Authority for Regional Transportation (SMART) Municipal Credit Fund Contract and Resolution for the Older Adult Services Transportation Program in the amount of \$54,454.

Roll call vote on CM 17-07-112

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

City Attorney, Tom Schultz said that they were going into Executive Session for the reasons listed as well as discussion on the acquisition of property.

CM 17-07-113 **Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY**

To enter into Executive Session for the added purpose of acquisition of property and to adjourn the meeting.

Roll call vote on CM 17-07-113

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

Mayor Gatt said they were adjourning the meeting to enter into Executive Session and they did not plan on returning.

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:25 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: July 31, 2017