

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, DECEMBER 3, 2018 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, Markham, Mutch, Verma

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

APPROVAL OF AGENDA:

CM 18-12-190 Moved by Casey, seconded by Markham; CARRIED UNANIMOUSLY

To approve the Agenda as presented.

**Roll call vote on CM 18-12-190 Yeas: Staudt, Breen, Casey, Markham, Mutch, Verma, Gatt
Nays: None**

PUBLIC HEARING:

1. Mulan Massage

Rich Hewlett, Attorney with the Varnum Law firm. He said he has been a resident of the City of Novi for 22 years. He appreciated the opportunity and privilege to talk to them on behalf of his client, Mulan Massage. He brought with him, the two owners of Mulan Massage, Ms. Zheng and Ms. Huang. Ms. Huang is a mother of two; her husband Ryan is an assistant gymnastic coach at the University of Michigan. They have been residents in this country for many years. Ms. Zheng is one of the co-owners and she is a widow. Her husband used to run Mulan Massage before he unfortunately passed away in 2017. He said as indicated they were there on an appeal from a hearing officer's decision. The City Clerk's office evaluated the application for a business license and it was denied on five grounds listed in the denial letter in March of 2018. He stated they took that appeal to the hearing officer. After the hearing, the hearing officer concluded that two of the five items were not a valid basis for denial of the license. He stated that three of the criteria that the City Clerk was to evaluate that there were sufficient grounds for those findings. He said those three findings primarily revolve around reputation. He said that the hearing officer and the City Clerk's office found them to have a poor reputation. He agreed that the reputation of the Mulan Massage business was severely damaged. He said at the hearing the testimony came out to that affect. He said the issue is why it was damaged and they came to Council as a last chance to right the wrong that occurred to these two women and their business as a result of an investigation that went on for over a year based on an anonymous tip by the Oakland

County Sheriff's Department. They investigated every aspect of their life. They followed them, they had undercover police officers, they tracked them, they followed them with their children to school, and they appeared at their various business establishments. He stated that after one year they arrested them on the grounds of human trafficking. He explained that the arrest came out of the fact that some of the employees were spending the evenings at and sleeping over at some of the establishments. He stated that after one year of this investigation, the raiding of their business, and of their homes, taking all of this data and information no charges were ever leveled against the owners of this business or the business. There was no evidence of human trafficking, no tax issues, no immigration issues; all of the people working were properly documented. Oakland County did not file any charges. The worse thing that they came up with was alleged inappropriate touching at a couple of the various establishments. One of those establishments was in Novi at Grand River and Haggerty Road. There was one instance of inappropriate touching in this establishment. That employee was immediately terminated and remedial measures were implemented to stop any illegal or improper activities from taking place. He stated that none of those remedial measures were considered by the city clerk or the detective when they issued the denial. He said the idea that their reputation was damaged is a function of the Oakland County Sheriff's Department, a governmental unit, making a decision to arrest these people never being able to level these charges and ultimately using information that essentially was unsubstantiated by another governmental agency, our City Clerk, and putting them out of business. He said they do not think that is a fair basis to put these owners and this company out of business. He believed that based on the remedial measures they presented there is not good cause for denying the license. The City Clerk and Deputy City Clerk they relied on Detective Brown in order to make the determination to deny this license. He said that Detective Brown relied almost entirely on the police report and did not do any of his own independent investigation. He said at the hearing, Detective Brown testified about the poor reputation and the negative impact on the surrounding churches, neighborhoods, and school. He mentioned that at the hearing he testified about the business located at 10 Mile and Meadowbrook, by the ice cream shop. He said they questioned Detective Brown about which establishment he was referring to. He believed that the detective had confused in his mind which establishment was at issue during the hearing. He thought that was important. When you try to claim somebody has a negative reputation or a poor impact on the surrounding community we think that it is important that you make sure you have the right establishment. He said the owners reacted swiftly to making the changes that he had talked about. They address all of the issues that were raised. There was no investigation into their moral character; whether there was any impact, there has never been a complaint about this business in this city. He addressed the Canton issue and why this license was denied in Novi. The reputation was unquestionably was incurred on an arrest and an investigation that led to no charges. On an alleged negative impact on these schools and neighborhoods when there has never been a single complaint, no evidence of any impact and the investigating officer had the wrong location. He said the third item was the revocation of this businesses license in Canton. That revocation occurred simultaneously with the completion of the investigation. He stated that in January and February of 2017 when the Oakland County Sheriff's Department completed their

investigation all heck was breaking loose in terms of the arrests, the media reports, allegations such as the human trafficking element because some of the workers spent the evenings at some of the establishments. Canton made a decision to revoke its certificate of occupancy of Mulan Massage and not then renew a business license. There was no investigation, no finding or knowledge that the allegations were unfounded. Canton just went ahead and did it without that knowledge. He said Novi had that knowledge. The City of Novi knew that the Oakland County Prosecutor's Office was not perusing any charges and these arrests were unfounded. He believed and his client believed that with these factors, they were convicted in essence of "Court of Public Opinion". They had difficulty hiring employees; they had difficulty getting customers because of the media reports. He said they need the City Council to right this wrong. They are good people, they run a good business. They want to continue to do business in Novi. They have adopted remedial measures to address all the concerns that were raised by the City Clerk's Office. He said they appreciated their consideration of their request to grant them a business license for 2018. Mayor Gatt responded by saying they would not render a decision that evening, but they will be in touch with them as soon as they do make a decision.

PRESENTATIONS:

1. The National Citizen Survey Community Livability Report – Damema Mann, National Research Center

Dr. Mann from the National Research Center said she was here in 2016 presenting results and they've been conducting the National Citizen Survey (NCS) for Novi since 2006. She explained that it was a standardized resident survey tool that is meant to capture a picture of community livability as a whole. She said it was organized around what they refer to as the three central pillars of community livability; Community Characteristics, Governance and Participation. Within those three pillars they have eight facets of Community Livability. The report is organized around these central themes. They have been conducting the NCS since 2006 and there is a wealth of trend data to look at over time. It is a random scientific sample that is statistically weighted to be representative of the community as a whole. The margin of error is about +/-5% which is a strong and respectable amount of error for this type of study. The response rate tends to be in the average range as well. In addition to the livability report there is a lot of data pointing to benchmark comparisons both through our national database and a custom subset, they have broken results out by sociodemographic questions on this survey by some geographic comparisons by some different sections of Novi. She said since the National Citizen Survey is a standardized survey tool they have been able to create an average rating for each item on the survey. In addition to being able to compare Novi to Novi, they can compare they are able to compare Novi's rating to the average rating they have created in their database on whether you are higher, lower or similar to it. The National Benchmarking database is comprised of over 600 communities and then Novi compared to a subset of communities with a similar population size range. She said they intentionally made it very difficult to be anything other than similar to the benchmark. Similar to the benchmark means that you are

similar to that average rating, we have put a fairly wide band around it about 10 points in order to help make Novi's data as actionable as possible. She said where Novi was higher in the benchmark you have to be a least 10 points higher than that average, lower or at least 10 points lower than that average. Novi had 35 items that were higher than the National Benchmark and that is not standard, that is very good. The 8 areas that were lower than the National Benchmark were reported behaviors such as if people use public transportation or use carpools, items that were higher than the benchmark would be; quality of life, the image of the city; a good place to raise children, overall feelings of safety, and quality of city services. She said comparing Novi to Novi from the 2018 to 2016 results, the margin of error is about 7 points. They saw a lot of stability. She said 110 items were similar, 17 items were higher than 2016 and 1 was trending down from 2016 in the participation category. She explained the Key Focus Areas we were similar to the national benchmark and the two most important in Novi would be safety and economy.

She went over the key findings. The first would be that Novi continued to be desirable and family friendly place to live. She stated that 9 in 10 gave excellent to good ratings. She said that long term trends for overall appearance and place to retire have improved from 2006 to 2018. They ask residents if they are likely to recommend living in Novi to someone who asks and do they plan to remain in the city for the next 4 or 5 years. She said 4 in 5 respondents were likely to do both. Those rates were also stable over time. Safety is another area where the City shines, at least 9 in 10 giving it excellent or good ratings in the overall feeling of safety. They say they feel safe downtown and in their neighborhoods. These ratings were stable over time as well and the overall feeling of safety is higher than the national benchmark. She said 9 in 10 gave excellent or good responses to fire, police, ambulance, crime prevention and fire prevention. They were all stable over time. They were similar to or higher than the national benchmarks. The next key finding was that the economy is an asset and a priority. The economy was identified by residents as one of the focus areas. Aspects of the economy received high ratings. Overall there were excellent or good ratings on the economic health and shopping opportunity. The shopping opportunities are one of the highest ratings in their benchmarking database; it ranked number 4 out of 289. All of Novi's ratings were higher or similar to the benchmarks. Looking at long term trends for some of the economy ratings these are all trending up over time. Employment opportunities, Novi is a good place to work, economic development services and feelings of their own personal economic outlook. She stated that was at an all-time high in 2018. She said 42% positive from 11% from when it was first asked. She said that trust in city government was strong and city services are very well regarded. Looking at certain aspects of government performance, at least 2/3 gave excellent or good ratings to the overall direction of the City. The job of City government does acting in the best interest of the community, being honest, overall confidence in government, treating residents fairly, value of services for taxes paid, and welcoming citizen involvement. The ratings over time are generally stable, the values of services for taxes paid have steadily gone up over time and they are all similar to or higher than the benchmarks. Treating all residents fairly and welcoming citizen involvement was higher than the national benchmark. About 90% rated the overall quality of city services is

excellent or good. This rating is higher than the national benchmark and it is trending up over time. The overall quality of customer service provided by Novi employees is at 88 % excellent or good. That is also higher than the benchmark. That also increased from 2016 to 2018. There is space on the NCS that are completely specific to Novi so these were developed with city staff. There were a couple of questions regarding the Library features which asked citizens how likely or unlikely they would be to use each of the following new features of the Novi Library such as; automatic renewal, extended Sunday hours, elimination of daily overdue fines, improved café experience and increase meeting room rental space availability. Automatic renewal on materials and extended Sunday hours (12 p.m. to 8 p.m.) were very likely or somewhat likely to be the most important. Another special question was pertaining to property tax increases for Widening Beck Road, enhancing Novi Public Library operations and joining the Suburban Mobility Authority for Regional Transit (SMART) System. This did not include numbers, so the outcomes could change, but most strongly supported the widening of Beck Road. Overall conclusions for Novi is that it continues to be a highly desirable and family-friendly place to live; the economy in Novi is an asset, trust in City government is strong and City services are well-regarded and residents seem open to increasing property taxes for mobility and library services.

Mayor Gatt thanked her for a very comprehensive report that was provided to the City and a great summary given that evening. He said nothing she said that evening surprised him or would it surprise anyone on Council or anyone in the audience. He stated that Novi is a great city, we are better than most and we continue to strive to improve. He said we do the best we can with what we have. He stated the high percentage of those that support the widening of Beck Road really stood out with him. He said that is something they have talked about at the Council table since he has started 16 years ago. It is reaching a point where we are going to have to do something. He said he wasn't sure of the figures, but he thought it was around \$40 million dollars to do that. They also talk about a Ring Road. We have several major projects on the horizon that has to be done. Apparently the citizens agree with that. The question was whether the citizens are willing to pay and how much. He said that is something the Council will grapple with in the very near future. He said we have the best police and fire in the mid-west, maybe the whole country. He said this Council is very much aware of the needs are of the citizens, and what we have to do to provide those needs.

Member Casey said she loves getting the information and always looks for more. She mentioned that in 2016 one of the key areas was mobility and asked why that fell off. Dr. Mann said when they look at those key focus areas, this year it was just safety and economy. Mobility was there, but it was tied with natural environment. There was a third and fourth place tie this year so they just went with the top two. Even then the top two, 90% are saying they are important. The majority of citizens feel safety, economy, and mobility are a priority.

Member Mutch commented that one of the things he finds most useful about this is watching the trends. Since we've been doing this over 10 years for many of the

categories this gives us a really good sense of progress or the areas we need to improve. He mentioned things he likes to look at such as paths and walking trails, ease of walking. All of those started out poorly, under 50% in some cases. Now they are 50% or higher. He felt that this helps highlight that when we invest in these resources and make the effort, it does pay off. On the flip side we have to look at areas where people aren't satisfied. He said a few stood out for sure such as traffic flow scored low. That could be true across the country. Everybody complains about traffic. Likewise where we used to do better in street repair, those scores have come down. We need to pay attention to those areas. Another important issue for him was open space; natural areas there were fairly significant declines. He said we used to be up in 60% and 70%. That tells him there is concern in the community with the direction we are going. The one question he had been in regards to a couple of highlighted areas where you stated the City was doing well. When he looked at the numbers for overall direction back in 2012, 2014 we were at 83% and now it's down to 67%. He thought that was a red flag. That that many residents have a shift in terms of overall direction. He wondered if that was a big shift or in line with other communities. Ms. Mann said all of his observations are very astute in the same way that she would recommend any one dig into the data like that. She was glad he was picking out trends and data like that. In terms of overall direction there were a few ratings that peaked in 2012 and 2014. Overall direction is still a little higher than when it first started in 2006. It is important to look at the full arc to see this story this data is telling. She stated that now it is at 67% which is stable from 2016, but it had been as high as 83% in 2014. She didn't know what could make that drop happen. These are perception ratings that are tied to public opinion. Member Mutch said what he finds helpful as well is the geographic distributions are show us how different parts of the community are responding. Member Mutch stated that one of the ones he noted earlier you can see that there is a geographic distribution to it as well. That highlights areas either where we are doing well, or where we should definitely focus on going forward so that we are addressing those concerns being addressed in the survey.

Member Markham found it was interesting that 80% said they vote in local elections and our data doesn't bear that out. She hoped that would happen.

INTERVIEWS FOR BOARDS AND COMMISSIONS

1. Catherine Bruder- Housing & Community Development Authority, Library Board

Catherine Bruder said she appreciated the opportunity. She stated that she was here earlier this year and as a result of that interview it was suggested she try Novi Ambassador Program. She did and it was great, she said she would recommend that to anyone. She said she was a resident of Novi for 18 years and she lives in Broadmoor Park. Previously she lived in Rochester Hills where she went through the process of switching from Township to City. She remarried and move to Novi. She said it has been a great city. She said she is looking to have opportunity to give back to the community and be involved. She retired last year so it is giving her the time now to be involved. She stated that she still does consulting work. She is a CPA and cyber

security expert. Member Markham thanked her for coming out again. She thanked her for being part of the Novi Ambassador Program. Member Markham noted that Ms. Bruder has had a lot of work on advisory boards for healthcare organizations. Is there anything unique that you might bring to the City? Ms. Bruder responded yes, she stated she was actively involved with the Henry Ford West Bloomfield Hospital from the point of the groundbreaking forward. She had a great opportunity to work with who became the President/CEO of the hospital. Learning how you can incorporate the hospitality industry into health care. She said she found that fascinating so it caused her from that point on in her career to look at how we can cross learn. What can we learn from doing something in another industry and apply it to this particular environment. That is probably the one that stood out the most for her. It took an entirely different perspective. It brought in its own organic grown greenhouse on the property. It brought in the menu system for a hospital; it was unheard of when the hospital was being built. Member Mutch asked her what she thought was the biggest challenge for Library moving forward over the next 3-5 years. Ms. Bruder thought one of the big challenges would be that we have electronic environment. The Library has been addressing that. She learned about different programs and the Library is putting together and expanding into the information world, not just the print. Although she said she was still a big believer in the print side. She believes that was one of the challenges. They are taking that opportunity by the horns, and moving forward with it. She said she is still a believer in print because that is the generation she grew up in and that was important. Member Mutch said that the National Citizen Survey showed that many residents still are interested in the print. He appreciated her perspective. Mayor Pro Tem Staudt said that we have a single partial appointment available for the Library Board, however Ms. Bruder had a wide variety of things that she could do. There are 4 or 5 other Boards or Commissions that are available, he was wondering if she would be interested in any others besides the two that she listed. She thought she would fit in well into both the Housing and Community Development and the Library Board because her interests and background. She also did not want to feel like she was back into work being that she retired last year. She said actually she was open to anything; she wants to be part of the City and be involved. Mayor Pro Tem Staudt mentioned Board of Review is one of the Boards and Commissions that is difficult to find qualified people. She said she would be open to anything; she would like to be involved, but thought she would fit in well in HCD and Library. She expressed that she also didn't want to get into feeling that she's back at work. Member Casey wondered what goals you have if you are put on the Library Board. Ms. Bruder said she was interested in having the Library progress in would be further advancement in technology media. She said there has been a lot of work recently in 3D printing. She thought that was amazing. She stated that on the industry side she has been out there working in companies where they have started to adopt it as well. She thought that was a component the Library serves as its information hub that we can expand on. Member Verma asked who was the last Mayor of Novi? Ms. Bruder replied that she didn't know. Member Breen thanked her for volunteering, she had no questions. She applauded her for going through the Ambassador Academy. Mayor Gatt said he didn't have any questions either, but thanked her for her time.

2. Katherine Dooley- Housing & Community Development Authority, Library Board

Katherine Dooley stated that she has been a resident since 2009 and worked with City since 2003 in her profession in electronic media/film/TV with SWOCC. She said she is currently on the Housing & Community Development Committee (HCD) and she was interested in renewing. She said it has been a great two years. They only meet once per year. She said she also wanted to apply for the Library Board. Her husband is educator, reading is really important in her family. She said their son is in kindergarten at Orchard Hills Elementary School. She enjoys all the services that our City provides, especially the Library. She was hoping to add her skill set to enhance whatever the City wants and what the Library needs. Member Mutch wondered what challenges would the Library face in 3-5 years. Ms. Dooley said she is a full time communications specialist for a company in Novi and it's tough for her to do things with her son. She said one of the things that she has seen that she could help with the Library is actually getting that communication out. She did sign up for the newsletter and they are starting some really exciting social media campaigns. They posted a picture of the tree that they built with books, it looks phenomenal. She stated that when you see the Library calendar, it's so full, but we don't have time or resources to get that information out. She believed she could help with that with social media and her knowledge on the back-end of things. She thought she could help with attracting more people into Library, people who don't realize perhaps all that is offered. She said the survey showed that there are about 25% of the citizens that do not utilize the Library and she thought some of that has to do with publicity and she would like to help with that. Mayor Pro Tem Staudt wondered if she were afforded other opportunities would she be interested in that, or are you interested only in the Library and HCD? Ms. Dooley said she would be interested in wherever City Council sees fit. She said she wanted to be a part of the City and when you have skills to offer, to add that to a community is your duty as a citizen. She thought EDC would be an option too. Mayor Pro Tem Staudt said the Historical Commission would value greatly from her experiences and capabilities. Member Casey wondered if she were appointed to the Library Board if there is a specific goal she would like to accomplish as a director. Ms. Dooley said she reviewed their current strategic objectives and their goals. She thought she could help with that was with her background in social media and communications. She can look at data and strategize. She said she was a big strategist when it comes to communications and especially when it comes to design. If we are reaching out to the community even with our newsletter there is a thought process to the hierarchy to the design of the information and she felt she could add that expertise to the Board. She said she also owned her own record label when she was 14 for SWOCC. She said she is really involved in music, cinema, culture, programming and event programming. She said she works with Novi Rotary with that currently as well. Mr. Verma asked her which area or programs do you like the best at the Library. Ms. Dooley said she was excited about the 1,000 books before kindergarten, but she didn't fill out paperwork. She would like to help get that made available electronically. She said the children's programming was her favorite. Her son has read more than 1,000 books but never did the paperwork. The children's programming is so wonderful. That's a brilliant program and her favorite. Member Breen had a question about the HCD Committee and given her experiences with Feed the

Need and Novi Rotary. Since the HDC Committee only meets one time a year, do you see any other potential for the HCD committee? Ms. Dooley said she has been on the Committee for two years they get on boarded the night they meet and then they vote. It's almost trial by fire to understand how they work. She said the staff and liaison have been wonderful. It's tough because the funds are only allocated once per year and they put in their advice to City Council for the following year. She thought we should publicize or do a call for applicants. She said the past couple of years she has been on it she has only seen the same applicants. If anything we need to communicate more so that organizations within our community can apply and benefit from the Block Grant Funding. Member Markham said she didn't have any questions. She thanked her and said she covered a lot of communication ideas. Mayor Gatt said he didn't have any questions either. Thank you for coming out.

3. Ratna Rao- Library Board

Ratna Rao thanked Council for having her there. She was there a few years ago when she interviewed for the Beautification Commission which she has been on for the past couple of years. She stated that she has been a resident of Novi for 20 years and raised two children. She took an early retirement from Ford Motor Company where she worked for 25 years in the I.T. Department. Since then she volunteers at U of M Children's Heart Center. She said this is the 4th year volunteering for the Novi Youth Assistance. She said right now she is mentoring two kids; those hours in the week give her a lot of joy. She isn't doing this to run for anything. She said she wants to contribute to the City. Between the Novi Youth and the Library Board if she is chosen, you will be getting the best of her. That is where her interests are. She stated she could serve on other Boards and Commissions, but that's where she would give best. She said the Library Board is her first choice. Mayor Pro Tem Staudt asked her what one thing she would do to change the Library. Ms. Rao said she loved the Library. When she goes to the Library she wanders around and feels at home. She was curious about the distribution of electronic media supply versus the books. She started reading books on her iPad and felt like she wasn't getting the experience she had with books. She would like to understand more is what the City's vision is and what the interests of residents are. She said she looks at the Novi Library like a Community Center. Member Casey wondered what goal you would have if appointed as a Library Director. Ms. Rao said she is old fashioned about reading to kids and likes to read to kids that she mentors. She loves books, they are her best friend. She would like to understand whether the residents are using the kids section of the Library as much as they could be. She believed if we can instill the love of reading with kids, and their parents, then it would be a win-win for everyone. Member Verma said he has known Ms. Rao for 20 years and knows if you are on the Youth Assistance Program, what do you do? Ms. Rao said she is assigned children; she goes to the school and spends one on one time with them. The children have been identified as Issues with family life and could use mentorship from another adult who can give them one on one attention and long term relationships. She builds a relationship and spends an hour with them. Member Verma asked her why she did the Youth Assistance Program. Ms. Rao said she loves kids and wants to do right by every child possible. Mr. Verma thanked her. Member Breen said she didn't realize

how active she was with Youth Assistance. Thank you for that. She said she had no other questions. Member Markham said she had no other questions. Member Mutch thanked her for stepping up and being willing to serve and looking forward to a new opportunity in the City. He wondered what challenges she saw over the next 3-5 years for the Library Board. Ms. Rao said she would be addressing the proportionality of electronic versus real books. That is something that we have to pay attention to. He thanked her for her willingness to serve. Mayor Gatt did not have any questions, but thanked her for her service.

4. Kevin Sanker- Zoning Board of Appeals, Board of Review

Kevin Sanker said he moved to Novi in 2016. He said one of the first things he thought about doing was getting involved in the community. He's always wanted to do that, it was never good timing. He said based on his skills and what ZBA does, he thought he would be a good fit. Member Casey wondered why he thought his skills made him qualified. Mr. Sanker said specifically for the ZBA he stated that a lot of what he does is taking facts, and applying it to the law, analyzing facts to law and critically thinking about it. A lot of what he does is client based and doing what's best for client and their goals are. He said he would make a good informed decision based on that. A lot of his practice is real estate law. His background is in that and he enjoys it. He believed those skills apply easily. Mr. Verma asked him how he could match his education to the Economic Development Committee since he asked for EDC as well. Mr. Sanker thought this was for the ZBA, and he didn't have an answer. Member Breen said she appreciated his willingness to serve. She wondered what his preference would be and why. She wondered if he was willing to serve anywhere else. Mr. Sanker said the ZBA is his top choice. When he applied he understood that he had to apply to more than one because it might be full. He looked at the others that might be real estate related. His goal in applying was to get involved in community and contribute to the city he lives in. He said if there are other positions available he was willing to serve in any position. Member Markham in terms of going forward and development what would you like to see Novi do that we aren't doing or don't have yet. Mr. Sanker said keeping up with the times. He mentioned the mass transit is a topic that is coming up. He thought that having a transit system is generally a good thing. Member Mutch mentioned that one of the things he noted in his application is his firm represents a municipality and he is involved with helping them address issues. He was interested in what kind of areas of work that he did with municipalities. Mr. Sanker said it was a broad range, no litigation matters. He said a lot of questions he gets asked relate to notices that are required and what needs to be in those notices. He focus is real estate law; he does real estate transactions for the city. He mentioned that he did an extensive research project related to the Freedom of Information Act (FOIA). He said there is a broad range of general questions from City Council and difference department members throughout the city. He said it was transactional work, generally drafting contracts or reviewing them or real estate transactions as well. Mayor Pro Tem Staudt asked him if it is it more important to be compassionate or follow letter of law. Mr. Sanker replied that he tries to step into their shoes and listen to what they say, but at the same time, you have to follow the rules. It's about applying law to facts. He tries to empathize, but if it isn't

allowed, then you can't allow it. Mayor Gatt said he didn't have any questions. He thanked him for his interest.

5. Torry Yu- Library Board

Torry Yu stated that he was appointed as high school representative on the Library Board seven years ago. He said he served an awesome two year term. During that time on the Library Board he served on the Teen Advisory Board and as an officer position. He also served on the Five Year Planning Committee. He said it was a very interesting time at the Library. It had only been a few years into the new operation of the Library so there had been some time to see how the public was reacting and go from there. He also had a unique perspective being a student of Walled Lake Western High School expanding the ties we had with the other school districts within Novi. Since serving on the Library Board in 2013 he graduated from Eastern Michigan University with his degree in teaching. He currently is working for the Walled Lake Schools teaching 6th through 8th grade. Member Verma stated he worked together with Mr. Yu in 2011 to 2013. He wondered if Mr. Yu thought there was any change in the last 5 years at the Library since he had been on the Library Board. Mr. Yu replied yes, the technology is expanding. He felt that the big initiative has been printing of the hands. They partnered with Novi Schools which is a huge event. He said that he tries to tie that with his students in Walled Lake. The technology since he was on Board has expanded and vast array of programming. The book programs are equally important, but so are the social events. They partner with Lucky Strike for Trivia Night which is out of the box thinking. He believed that some of the out of the box programming is something that the public is seeking. Member Verma asked him who our last Mayor was. Mr. Yu replied Mayor Landry. Member Breen said she appreciated everything that Mr. Yu does. She said she sees him around, everywhere. She asked him what he thought was missing at the Library. He said he has been pondering that question since he applied. Mr. Yu said the Library had a lot of great resources and services that they offer to the public. He felt that one of the big things or what he would like to change is to make things easier for people to do. He hated to say that people want quick information. We have two services which are the after-hours lockers and the pick-up window. From his experience and what he has heard is that it's a multi-step process. First you put item on hold, call ahead, and then it takes a couple of hours to get the item to the after-hours locker or the pick-up window. If we could eliminate some of those steps and make better use of those. Member Markham thanked Mr. Yu for his interest. She noted that we have young people, middle school aged spread across four different school districts. She wondered what he thought that the Library could do to engage that age group specifically. Mr. Yu thought the Library should try to push into those schools more with programming and flyers. He thought that the middle school and high schools were neglected. He said he tries to push the Library programming. The middle school aged students say "what would you want to hang out at the Library for?" He said he would tell them about all of the programs and try to educate the students and other teachers what the Library offers. Member Mutch thanked him for being willing to serve again. He said everyone knows him very well and from his responses tonight he has good handle on both the challenges and opportunities for the Novi Public Library. He said he

didn't have any questions. He appreciated what he has shared so far. Mayor Pro Tem wondered what the Library could do that was new. Mr. Yu said one of the focus groups that library could do? Mr. Yu said one of the focus groups that he had when he was on the Library Board years ago they mentioned social events and someone brought up speed dating. He thought that was a very outside the box thing, but it would be something interesting. He said a social event get together activity for new residents, this is a good spot to meet people and make connections. Member Casey thanked him for his interest. She wondered what his goal was if elected to Library Board. Mr. Yu said a major goal would be to continue that outreach to people who don't use the Library. A quarter of Novi residents don't use the Library. He heard it was the north end. He would like to try to figure out why. His goal would be educating residents on what the Library offers. He said every age group uses social media. Maybe they can push video clips or brochures that show what they offer. Mayor Gatt thanked him for his service and said that he didn't have any questions at that time.

Mayor Gatt thanked everyone for their interest. He said they would not be making any decisions that evening. They will make appointments most likely at their next meeting.

MANAGER/STAFF REPORT: None

AUDIENCE COMMENT:

Mike Duchesneau, 1191 S. Lake Rd., mentioned that Light Up the Night was fantastic. They did a wonderful job. He said he appreciated the questions that were on the National Citizen Survey regarding Novi Beck Road widening. He said he was in support of the Robertson Brothers proposal. His main concern was traffic and the direction of development. He said they have made nothing but improvements. He was happy about the way they worked with residents and staff. He felt that his concerns were addressed. He supports the concept plan as presented tonight.

Rachel Sines, 2219 Austin Dr., Novi thanked them for listening and the revised plan. They've incorporated much of what she's asked for. It was a vast improvement. She stated it was not perfect there are still issues with privacy. She purchased her home with a 1- story house behind her. Personally she would like to see nothing other than 1- story homes on the west side. She said that would satisfy a number of issues such as; housing types for the aging in place, and privacy to existing neighbors. Of the ten homes proposed on the west side, only four back up to residents who didn't sell their property to Robinson Brothers. She believed a good compromise to having ten houses instead of nine that are permitted was to limit those lots to one story buildings. She said she didn't know if that can be done, if it isn't she would like some reassurance from Robertson Brothers that they will try to steer anyone to that is looking to build the 1- story homes to Lot 6 or the others. With a 1- story home behind her she would be 100% on board. As far as her issue that she brought up about the development south of her with fencing and driveway, she has been assured that they will be neighborly.

Gary Zack, 359 S. Lake Rd., Novi said he also appreciated Robertson Brothers' effort to work with neighbors and address their concerns. He felt the current proposal is much better than the original of 70 townhomes in this small area. He said he still had a few concerns with the current proposal and that it is still high density. He said that it looks like it will have a cookie cutter look. He would like lower density, especially on the west side where homes closely about the existing neighborhood. He was concerned about the façade and pushes for lower density with a variety of home types. He felt that we need to be careful approving high density when the road network is limited.

Julie said she was the owner of Lake View Market Liquor Store on Old Novi Road. She was happy with new houses coming to the area, but not happy about the 8 foot wall they want to build between the store and houses. She said she would like flowers or bushes or trees between instead of a wall. That doesn't look nice for the area. She said she would like something better than a wall. It will slow business because the wall will be high. They've been there 10 years.

CONSENT AGENDA REMOVALS AND APPROVALS:

- A. Approve Minutes of:
 - 1. November 26, 2018 – Regular meeting
- B. Acceptance of residential streets as part of the Reserve of Island Lake (Phase 7C) and adoption of Act 51 New Street Resolution accepting Driftwood Drive and Acorn Trail as public, adding 0.53 miles of roadway to the City's public street system.
- C. Approval of Traffic Control Orders 18-22 through 18-24 for traffic control signs along Driftwood Drive and Acorn Trail located in the Reserve of Island Lake (Phase 7C).
- D. Approval of Traffic Control Orders 18-25 through 18-27 for traffic control signs along streets located in Tollgate Woods Subdivision Phase III.
- E. Approval of Claims and Accounts – Warrant No. 1025

CM 18-12-191 Moved by Casey, seconded by Markham; CARRIED UNANIMOUSLY

To approve the Consent Agenda as presented.

Roll call vote on CM 18-12-191

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

MATTERS FOR COUNCIL ACTION

1. Consideration for tentative approval of the request of Robertson Brothers Homes, for Lakeview, JSP 18-16, with Zoning Map Amendment 18.723, to rezone from R-4 (One-Family Residential) and B-3 (General Business) to RM-2 (High Density Multiple Family Residential) subject to a Planned Rezoning Overlay (PRO) Agreement, and corresponding PRO Concept Plan. The property is located in Sections 10 and 11, on both the west and east side of Old Novi Road south of Thirteen Mile Road and totals approximately 3.15 acres. The City Council reviewed the request at the October 22, 2018 Council meeting and postponed action to allow the applicant time to review the Council's comments. The applicant has submitted a revised plan that eliminated one unit and is now proposing a development with 20 single-family detached homes for an overall density of 6.4 dwelling units per acre.

City Manager Auger said that he heard about how much this plan has changed and how staff helped everyone come together. Robertson Brothers went ahead of program and contacted residents with private meetings before the City received any plans. He said that's not heard of. He said that it kind of confused people on staff because they heard about a project before it was submitted. He applauded Robertson Brothers for reaching out with the residents early and often to get their input. He believed it has changed this project entirely.

Tim Loughrin, Robertson Brothers Homes said they had a constructive meeting on October 22, 2018. He said they addressed all of the concerns and many neighbors are pleased. He stated they are prepared to move forward and need resolution tonight. He gave an update on the proposal and noted that they have reduced an additional lot on the west side. That brings it to a total of 20 lots. There will be 10 on each side. They did change to all front entry garages. That enabled them to reduce the storm pond. This allows for greater vegetative buffers. They did add fencing along the perimeter of the site. He said that an 8-foot wall is not what they want to do, so they can discuss that. They reconfigured lots north of Wainwright. They moved the wetland out of those two lots. He stated the HOA would maintain all of that. They are prepared to add formal recognition of the Cornelius Austin Homestead. They were offering conservation easements for the woodland replacement tress, in addition to the wetlands relocated the western sidewalk closer to roadway, but there is still a 12-foot separation, he thought it was a happy medium. He said they provided a draft of the use easements for the oversized ROW to the City Attorney for review. The change with the front entrance garage homes has led to several benefits. It removes the headlight issue onto neighboring properties. It also removes the rear garages. It permits for better storm conveyance. Most of the homes are not as deep and allowed for greater separation to rear property lines. They are offering a plan for first floor master bedroom. They are offering the ranch home and 1.5 stories. No homes are over 2 stories tall. They eliminated the deviation for driveways width. This will provide for a lower price point. This will also allow for the smaller colonial called the Charleston. He felt it was an important factor to address out of control affordability. They are seeing this everywhere. Affordability is a major issue. This helps bring the price point down which is very important. He stated that they originally started down a path of proposing a medium

density development with about 70 townhomes. There have been many challenges to make the lots work for single family homes. This is not a quiet residential street. He said that the City has addressed the desire to bring many more residents to the area. They have been juggling with these two opposing forces. There are significant challenges to this project based on the physical geometry of this site. This is why a PRO is necessary in order to build a project that blends with the existing housing style. This is an appropriate land use as clearly demonstrated and conveyed by several meetings with the property owners, the Master Plan and Zoning Committee, and the Planning Commission. They feel the plan as proposed would be in the best interest of the City as it addresses most of the concerns with the neighboring properties while still meeting the intent of the Pavilion Shore Village Overlay and the Master Plan density regulations. He said the plan will clear several dilapidated buildings and stabilize home prices and improve the area. In closing, he highlighted several benefits to the project overall. He stated that it is a development to an otherwise undevelopable property under current zoning regulations, and the elimination of potential incompatible B-3 land uses with existing homes. It is a development of a unique site configuration with significant development challenges. It meets the intent of the City's Pavilion Shore Village plan as well as meeting the maximum density requirements of the Master Plan. He said they are including ADA sidewalks to provide the neighborhood access to the park. It will include public parking spaces on Old Novi Road which would be for overflow parking. He stated that they really didn't need that anymore since they do not have the townhomes, but they have kept that on the plan because it is a nice public benefit. There will be landscaping amenity improvements to the oversized ROW that provides new housing options for residents that are currently underserved. He said that it speaks to the affordability that he talked about earlier. It will include the elimination of several nonconforming buildings and uses that are in disrepair. It provides for storm detention that has no structured storm and accommodations of roadway storm water flow. Lastly it is quality architecture and design that will provide a catalyst for more retail amenities in the Pavilion Shore Village area. He said he was available to answer questions.

Mayor Gatt asked about wall near the neighboring property. Mr. Loughrin said the buyer of Lot 10 will know what the condition of that lot is. He said there is not much activity going on in the back. He thought it wasn't necessary to do an 8-foot wall there. He said they could extend the 6-foot wall instead or they can put some landscaping and screening. There is a storm line that is just to the south of the property line, it is hard to put evergreen trees in there, but they can buffer it a different way. Mayor Gatt said he was not in favor of big walls and if we can do something that it would make it prettier, still serve the same purpose, and not hamper the business he would prefer that.

Member Breen thanked the company for working with the residents. She said some residents had concerns about flooding in their yards. It appears that the storm water will go into the retention pond on Wainwright and may address some of it. She wondered what was being done to guarantee that the homeowner who lives downhill does not get flooded. Mr. Loughlin said the property is unique that this is a break where it basically goes downhill. He said they are going to be required to accommodate all of their stormflow. The Engineering Department has looked at the plans and at this

point they are comfortable giving them preliminary approval. He said they have to meet all County requirements, all City requirements, and they have a professional engineer designing this. There will be storm structures in the back of these properties to convey the water out and across Old Novi Road and then up to the storm. He said that the residents in certain areas of concern will be conveyed and go into a structure on Lot 1 and it will be conveyed out to another structure and tie into the existing storm water system. Everything will be accommodated; they are not allowed to have any offside flows on neighboring properties. Member Breen stated that we already have a big development to the south and another big development at the corner of 13 Mile and Novi Road. In such a small area that's a lot of construction. She wondered when they anticipate construction starting and ending. Mr. Loughrin said from their standpoint they need to move forward with approvals. They have a couple more steps to go and then final engineering which is a 4 month review. Their estimation is they would start construction on some of the site improvements in late spring, early summer. This would not have as much construction as typical developments because they have some existing streets to work off. That will be a plus. There will be twenty homes under construction at any given time. They do not build them all at once. Everything they build is for sale. A buyer selects their home, their lot, their elevation, their colors, it is specified to what they want to build. That can happen at any time. He stated it is hard to tell how long, but hopefully can start building in late spring of 2019. Member Breen wondered if there was an estimate for the 20 homes. Mr. Loughrin estimated 18 a year, possibly a year and half. He believed it would finish the end of 2020. Member Breen said she likes the short timeframe. She was also concerned about construction traffic. Member Breen stated that she looked at the traffic study and it will be sufficient for the area now. She is concerned about all of the things happening at the same time. Mr. Loughrin said he didn't want to downplay the fact there will not be any construction traffic. He said they will work with the City to establish a construction traffic route. He said obviously they don't want them down Wainwright or Linhart. Member Breen said they heard from the owner of the store and she agreed that the 8-foot wall was not appropriate. She wanted to see them work with the owners of Lakeview and make sure that everyone was happy. Mr. Loughrin agreed. Member Breen brought up the height concerns. One thing that is unique about that area is some peaks and valleys. She said one thing that is missing is facilities that will allow for people to age in place. Is there a way to guarantee that the houses on the west side do not exceed height of the houses on Austin or limit to single story. Possibly the east side units can be whatever people want. She wondered if that would be something they would consider. Mr. Loughrin said the only place where people can select the 1 story and 1.5 stories would be on the ten lots on the west side. He said they really struggle with forcing buyers to buy a certain house. One of the things that people look to Robertson Brothers for is because they have that choice. One of the concerns that they have with the single story is that it is only 1750 square feet, but it is very expensive to build. They will lose their affordability; it will be much larger than the larger colonial. From an affordability standpoint, and from an option and choice standpoint, Robertson Brothers don't see that as a valid option for a successful project. They want to keep the cost low. From an affordability standpoint they want to have the options higher for the homebuyer. He can see a lot of those being selected on the west side, we can certainly work very well

on making sure we can steer buyers the right direction. He said he heard that loud and clear and was willing to work with their sales staff on that, but he did not see all ten lots on the west side of the street being 1 story, they cannot do that. Member Breen said she appreciated their willingness to work with everyone. She asked about the Cornelius Austin House. It appears that a majority of that house actually sits in the ROW. She wondered how much of that home encroaches upon Lot 18 in the plan. Mr. Loughrin said her point is valid, more than half of it is on the ROW. He said it does infringe onto Lot 18 as well. Member Breen said that we don't have a lot of historical homes in Novi. There are some developments that have been able to work around historical points. She wondered if it was feasible to try to preserve this home, rather than destroy it. She wondered if there was any way we could save this home. Mr. Loughrin believed the house extends on more than half of the ROW and it infringes onto Lot 18. Member Breen said there is quite a bit of density in there that is another concern that she has had along with everyone else. She said we are still dealing with a development that is two times what the current density is. She wondered if there was any way to maneuver any of this to accommodate the preservation of this historic home. Mr. Loughrin said to be frank, no, they are looking to move forward with the plans that they have. He said from the density standpoint and again meets the needs of the Master Plan and the neighborhood; this is the plan to move forward with. He said he did appreciate the significance of the house, he doesn't know the full history of it. He said he read the staff report. Their title company looked into it and they didn't find the same information. He doesn't know what that information was. He said he would like the opportunity once they move forward to have a little bit more research done so that they can put up some memorialization plaques; he said they would work with the City on something like that. He said they are at the point with the project that they cannot lose any more units. Member Breen said they have learned a lot from this development. The amount of consideration the developer has put into working with the neighbors is greatly commendable. It also goes to show that by the time a development comes along it gets to Planning Commission or City Council, so much time and money has been put into the project. She said as far as the Master Plan the City took extraordinary measures to solicit community input and yet for this particular area the changes that were proposed for Pavilion Shore Village came after public input session. She said she did appreciate there are 1-story homes that will help people allow people to age in place, however the price point for some of these homes are above average. She said these are some of the issues; she put her comments on the record.

Mayor Pro Tem Staudt said this was a long process, but a successful conclusion may come that evening. He wondered if there is there any access to Walled Lake as a result of this development, and could they prohibit that occurring in the future. City Attorney Schultz didn't believe there was access to Walled Lake. Mayor Pro Tem Staudt wondered if there was something they could put in the PRO that prohibits an acquisition of a lot that would allow them to put a dock on Walled Lake. City Attorney Schultz said sure, it's a two- step process. If it proceeds forward there will be an agreement drafted. Mr. Loughrin said he was willing to add that stipulation, because it was never in plan. Mayor Pro Tem Staudt said we face this on a regular basis. He would like to prohibit it from happening at the beginning.

CM 18-12-192

Moved by Staudt, seconded by Gatt; MOTION CARRIED: 5-2

Tentative indication that Council may approve the request of Robertson Brothers Homes, for Lakeview, JSP 18-16, with Zoning Map Amendment 18.723, to rezone property in Section 10 and 11, located on the west and east side of Old Novi Road south of Thirteen Mile Road from R-4 (One-Family Residential) and B-3 (General Business) to RM-2 (High-Density Multiple-Family Residential) subject to a Planned Rezoning Overlay (PRO) Agreement, and corresponding PRO Concept Plan, and direction to the City Attorney to prepare a proposed PRO Agreement with the following considerations:

PART 1

1. The PRO Agreement shall contain the following Ordinance deviations, for which the City Council makes the finding, for the reasons stated, that *each Zoning Ordinance provision sought to be deviated would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest, and that approving the deviation would be consistent with the Master Plan and compatible with the surrounding areas* (which is hereby granted):
 - a. Planning Deviations for Single-Family (R-4 standards), Section 3.1.5.D of the Zoning Ordinance, *because the type of development recommended by the Master Plan would not be achieved with the required standards and many of the deviations are similar to the existing homes in the area:*
 - i. Reduction of minimum lot area by 4,536 square feet (10,000 square feet required, 5464 square feet provided);
 - ii. Reduction of minimum lot frontage by up to 29 feet (80 feet required, 51 to 65 feet provided);
 - iii. Reduction of the minimum required building front yard setback by up to 24 feet (Required 30 feet, provided 6 to 10 feet);
 - iv. Reduction of the minimum required building side yard setback by 5 feet (Required 10 feet, provided 5 feet);
 - v. Reduction of the minimum required building side yard total setback by up to 12 feet (Required 25 feet, provided 13 to 23 feet);

- vi. Reduction of the minimum required building rear yard setback by 15 feet (Required 35 feet, provided 20 feet);
 - vii. Reduction of the minimum required exterior side yard building setback by 25 feet (Required 30 feet, provided 5 feet);
 - viii. Exceeding the maximum lot coverage percentage by 20% (25% allowed, 45% provided); and
- b. City Council variance from Sec. 11-94(a)(2) of the Code of Ordinances for deviation for the width of storm sewer easements (10 feet requested, 20 feet required);
 - c. Engineering deviation from Chapter 7.4.2(C)(3) of Engineering Design Manual for the distance between the sidewalk and curb to a minimum of 10 feet on the west side of Old Novi Road, *to create more usable area in the wide the Right of Way while ensuring pedestrian safety*;
 - d. Engineering deviation from Chapter 7.4.2(C)(3) of Engineering Design Manual for the distance between the sidewalk and curb to a minimum of 9 feet on the east side of Old Novi Road, *to create more usable area in the wide the right-of-way and provide sidewalk adjacent to the on-street parking spaces*;
 - e. Traffic deviation from Sec. 11-216 of the Code of Ordinances for driveway width of 10 feet (16 feet standard) which is within the acceptable range and may be granted administratively;
 - f. Landscape deviation from Sec. 5.5.3.B.ii and iii of the Zoning Ordinance for no screening berm provided between the B-3 commercial district and the residential properties to the south on both sides of Old Novi Road (6-8 feet tall landscaped berm required, 0 feet provided) with alternative screening with fence/wall and/or landscaping to be provided;
 - g. Landscape deviation from Sec. 5.5.3.E.i.c and 5.5.3.E.ii of the Zoning Ordinance for street trees located in front yards of single-family homes on Wainwright and Linhart, *rather than within the right-of-way due to the presence of utilities*;
 - h. Landscape deviation from Sec 5.5.3.E.ii of the Zoning Ordinance for subcanopy trees used as street trees

due to the presence of overhead power lines on Old Novi Road;

- i. Landscaping and decorative fences are proposed within the Right of Way, which requires:
 - i. A landscape waiver for the location of greenbelt trees within the right of way;
 - ii. A license agreement, or other agreement as determined by the City Attorney, for use of a portion of the right-of-way on the west and east side of Old Novi Road as a yard area to be maintained by the Homeowner Association;
 - iii. The right-of-way width in this area is 120 feet, which creates the opportunity to grant these exceptions.

PART 2

2. The following conditions be requirements of the Planned Rezoning Overlay Agreement:
 - a. A homeowner's association shall be established as part of the development and the City shall review the Master Deed and Bylaws prior to recordation. A separate maintenance agreement to be assigned to the homeowner's association is proposed to meet the intent of this provision.
 - b. The use of the property will be for single-family homes meeting the standards spelled out in the development agreement and shown in the Concept Plan.
 - c. The maximum number of single-family units shall be 20.
 - d. The maximum density of the development shall be 6.4 DUA.
 - e. Use easement or license agreement extending 15 feet into the Old Novi Road ROW for the parcels along the west side of the road. The use easement would be used as front yard space for the homes, including landscaping features and decorative fences to be maintained by the home owners' association established in a Master Deed.
 - f. Use easement or license agreement extending 5 feet into the Old Novi Road ROW for the parcels 11 and 18 along the east side of the road. The use easement would be used as side yard space for the homes, including landscaping features and decorative

- fences to be maintained by the home owners' association established in a Master Deed.
- g. Use easement for the stormwater detention pond buffer located in the Old Novi Road ROW, with a deviation granted for up to 5 feet of the required 25 foot stormwater pond buffer on the north, south and east sides of the detention basin, with additional review by Engineering Staff at the time of Preliminary Site Plan submittal to further extend the buffer, if feasible.
 - h. The small wetland area on the northeast corner of the site shall be impacted only as permitted by MDEQ and City Wetland Permit, and the applicant has indicated that the Master Deed for Lakeview will provide for a conservation easement such that the remaining wetlands will not be disturbed.
 - i. Screening fences and/or landscaping shall be provided adjacent to all existing residential lots.
 - j. On both sides of Old Novi Road, in lieu of the required berm separating the residential uses from the non-residential uses to the north, the applicant shall provide alternate screening in the form of a fence or wall and/or landscaping to be approved by the City's landscape architect. Consideration shall be given to limiting noise and visual impacts for the residents, as well as impacts to wetlands and buffer areas.
 - k. All lots shall have front entry attached garages, which will be set back a minimum of 5 feet from the porch.
 - l. The applicant shall provide 10 on-street parking spaces along the east side of Old Novi Road, as recommended by the Master Plan.
 - m. Adjacent to the on-street parking spaces, the sidewalk on the east side of Old Novi Road shall be 8-foot wide to accommodate encroachment of opening vehicle doors.
 - n. City consideration of abandoning the 50-foot utility easement within the previously vacated Erma Street, with a 20-foot water main easement and 10-foot storm sewer easement.
 - o. City Council does not object to the Zoning Board of Appeals granting variances for the two lots fronting on Austin Drive that will be altered dimensionally when portions of the lots are combined and split to create new lots in the proposed development.
 - p. The applicant shall work with the City to design and erect an historical marker denoting the site of

Cornelius Austin's home and significance to the local history.

- q. Applicant complying with the conditions listed in the staff and consultant review letters.

PART 3

3. This motion is made for the following reasons:

- a. The proposed plan meets several objectives of the Master Plan, as noted in the review letter, including:
 - i. *The Pavilion Shore Village area is identified in the Master Plan for redevelopment with a vision for a cohesive mixed-use village that complements the surrounding neighborhood. (Bringing additional residents and investment into the area could drive development interest in the other areas of Pavilion Shore Village, and the community has strongly expressed single family uses are preferred on these parcels).*
 - ii. *Provide and maintain adequate transportation facilities for the City's needs. Address vehicular and non-motorized transportation facilities (Pedestrian improvements are proposed along Old Novi Road including building a segment of planned sidewalk on the east side of the road, which includes a bench seating area with landscaping).*
 - iii. *Provide residential developments that support healthy lifestyles. Ensure the provision of neighborhood open space within residential developments. (The homes are set in a walkable context with sidewalks leading to the nearby parks.)*
 - iv. *Provide a wide range of quality housing options. Attract new residents to the City by providing a full range of quality housing opportunities that meet the housing needs of all demographic groups including but not limited to singles, couples, first time home buyers, families and the elderly. (The homes include characteristics of the "missing middle" housing option with medium density, well- designed units with smaller footprints that will appeal to many types of*

- demographic groups, and are set in a walkable context.)
- b. The proposed detention pond provides improved management of storm water in an area not currently detained.
 - c. The redevelopment of this site provides an update to the visual aesthetic in a unique area of the City with underutilized parcels.
 - d. The redevelopment of the subject parcels will remove non-conforming structures from the Right-of-Way.
 - e. The proposed single-family homes are consistent with the character of the surrounding residential neighborhoods.
 - f. The topography and parcel configuration are such that single family home development under the existing zoning would not be possible without similar variances for lot depth, lot area, lot coverage and setbacks.
 - g. The density proposed is within the density recommended in the Master Plan.
 - h. Submittal of a Concept Plan and any resulting PRO Agreement provides assurance to the Planning Commission and the City Council of the manner in which the property will be developed, and offers benefits that would likely not be offered under standard development options.
 - i. This tentative approval does not guarantee final PRO Plan approval or approval of a PRO Agreement.

Mayor Gatt wondered about the wall and if there was something we can do and make the wall lower or go away. City Attorney Schultz said it is an issue that will be addressed in the PRO agreement.

Member Casey said the PRO is calling for a HOA and within that is the requirement to maintain the fence. She didn't want residents coming to Council in the future trying to figure out who is responsible for maintaining the fence. Mr. Loughrin said yes and no, because these are not condominiums. If we were to build the townhomes, the HOA would be responsible for every part of landscape or any fencing. In this case the HOA would be responsible for any fencing that is required along some of the common areas and landscaping, but the fences in back are private property once they are sold and developed would be the responsibility of homeowners. He said the HOA can get involved in the 15 foot use easement that he talked about earlier, but not on the private property itself. City Attorney Schultz stated that it is a PRO and we can pay attention to the requirement by somebody that the fence be maintained and that the City has enforcement rights. Member Casey commended Mr. Loughrin because he has gotten to a place where Council is starting to hear positive feedback from the residents

who are directly impacted. She was glad to hear Member Breen ask the questions about the storm water retention. She said she drove the area again, she said she saw a lot of standing water along the corner of Austin Drive and Old Novi Road. She will be very happy to see when this development gets built and how it will clear that up. Member Casey stated she didn't like to direct developers, and she appreciated everything that he has done. However, driving through the neighborhood she can appreciate all of the concerns of the residents who are going to be abutting the property. Member Casey suggested a compromise to him if he would be willing to have this written into the PRO to provide evergreen screening to a sufficient height where a 2-story home is being built. She is not trying to restrict what type of house, but she is trying to meet in the middle for those particular lots. Mr. Loughrin said it is a PRO and he understood the request, he didn't think it would be a problem with a 2-story. In some cases he would like to limit it to the west side, if we could limit it to some of the existing neighbors outside the sellers they are working with. Member Casey thanked Mr. Loughrin for his flexibility, she really appreciated it.

Member Markham thanked Mr. Loughrin for being there that evening. She really didn't have any questions. She commented that as Novi continues to build out we will face this more and more. We are going to try to build in areas that will abut long standing residential areas. She said we learned some things with this development and also with a development that came earlier this year. We went back and forth with the residents and they had a lot of input with the development and it changed quite a bit to accommodate. She stated that both of the cases and in particular with this case, we have come to what she thought was an agreement that is a good compromise where everybody can live with it. This is a place where there are a lot of great improvement and density reduction that has taken place on the part of the developer. The residents have been very accommodating and patient in dealing with the developer making sure the concerns that were the important concerns were the ones that got dealt with. The ones with the areas where the residents said we will have to live with that happened as well. We have talked about changing the PRO process. She would like to see us especially in these areas where we are going to have to be more creative with how we design these developments. We are going to have to institutionalize talking to the resident communities that surround them earlier in the process. There is a lot that she likes about this development now that it has really come down to a size that we can live with. She said she would be in support of the development. She also wanted to remind folks that the density is higher than what was originally planned is within the recommendations of the Master Plan which suggested 22 units in this area and we ended up with 20. She thought this was fair. She would be supporting the development.

Member Mutch commented about the masonry wall. He wondered if they had originally proposed a 6 foot vinyl fence along the north side of that lot. Mr. Loughrin said he wasn't sure if they had proposed any screening at the beginning. It came up that they wanted screening so they proposed the 6 foot vinyl fence to match what they were doing at the rear of the properties. He said with the last review, the landscape reviewer had mentioned they wanted an 8 foot masonry wall which they

certainly don't want to do. That is where that came from, they didn't suggest anything originally. Member Mutch said that he indicated that there was a challenge in the kind of landscaping that can go in there because of the storm drainage. Mr. Loughrin said yes there is. Essentially they are putting in the storm and hitting a storm structure and coming across a few feet off of a property line. He said they can plant Arborvitae to get some of the height and we can put them close together which is probably what we would normally do. He said that they have two easements there, a water easement and a storm easement. He was hesitant to put a fence and in particular the 8 foot masonry wall where there are utility easements. He said that was another reason why they didn't want to do that. Member Mutch said this is an area where the City has a 50 foot easement and they are requesting us to vacate 25 feet in that area that is being incorporated. Mr. Loughrin said yes. Member Mutch said even with the 25 feet it wouldn't accommodate a fence and some plantings. Mr. Loughrin said it was a good question with where that easement comes through. He said the issue was there is an existing waterline and we needed to reduce that easement because 50 feet is just too wide to fit that house in. He said he didn't know where that 50 foot easement lies, but to answer the question, yes, to have a 20 foot easement from that north property line we couldn't put that house there. Member Mutch wondered if he had heard there was interest in having something other than what was proposed that was recommended by staff. He said he wasn't looking for an 8 foot wall, but the flip side of that is that a house next to a party store or market is a wonderful amenity, but they need a buffer there. Mr. Loughrin stated that they have to sell the house too, so they have a vested interest in doing something there. He was fully on board with working with staff on some type of screening. Member Mutch thought staff was flexible on that. He wondered if they purchased the two lots on the west side that jet into the proposal. Mr. Loughrin said yes, they will purchase those two lots. The issue is that they will have to get a lot split to make the new rear lot line for both. Member Mutch wanted him to explain the configuration of that. Essentially right now the lot access all the way to Old Novi Road so it is a double frontage lot. They are proposing making an access off of Austin just like every other home along Austin. The other lot does not go all the way to Old Novi Road, it goes a little bit and there is a pool back there that they will be removing. The only structure that they will have to move is a garage. They will be putting a driveway extension in the front of the lot and reconfiguring the lot. Member Mutch said one of them doesn't have a garage; does the property to the south not have a garage? Mr. Loughrin said it has parking at the front. Member Mutch said Member Casey talked about the issue of the fencing along the rear property lines. He said his perspective was that they were essentially presenting this as a subdivision; from a PRO perspective this is a rezoning from RM-2, his perspective was that it triggers a different treatment of elements such as landscaping. He felt those are built into the site plan. He said there is going to be a duty to maintain those elements just as if it was an apartment complex and he wondered how that would be written into the PRO. Mr. Schutlz indicated that there is some ability for the City to have something more than just the basic, but they would have the ability to enforce. Member Mutch said looking at the development as a general concept for this area he thought overall he was okay with how it was presented. One of the challenges he has with the PRO proposals is assuring they strike the proper balance between the public benefit and private benefit. The private

benefit was pretty clear; the developer is getting the opportunity to add 20 home sites on his property. We are granting a significant number of variances to allow that to happen. The density of the Master Plan did outline the opportunity to put in 22 homes; it is still double what the existing zoning was. If you wanted to go out and build today you could build twice as many units that were permitted under R-4 zoning. He said we would be allowing them to increase the nonconformity of those two houses on Austin where today they are closer to conforming to the existing zoning ordinances. We are allowing you to make those more nonconforming and to treat those in a way that we would not otherwise. He said the big precedent setting one for him is the use easement and agreement for public ROW along Old Novi Road. He said it was expanded; it previously was just on the west side of the road. Conceptually he was onboard with the idea of vacating portions of this ROW, but the reason for that was he believed was using that property should have ownership of it and pay taxes on it. Instead, what we are going to give you and the future property owners is a right to use that property in perpetuity subject to the use agreement without having to pay taxes on it and it is public property. He said he can't ever recall the City Council agreeing to that level of use of public property in that fashion. He said that was the list of private benefits. The flip side was two park benches in the public ROW, ten parking spaces along Old Novi Road which will probably get some use on occasionally. He said he would probably be ok with what we came forward with, but he said his big hang-up is with the Cornelius Austin House. The historical nature of the house that it is one of the oldest, if not the oldest, it is still maintained in its historical integrity, you can still tell what it was when it was originally built. Member Mutch said it was connected to a resident that was a veteran of the War of 1812 and who moved to Michigan when it was still a territory, not even a state. He said if we look at the north end of Novi, we have pretty much lost all of the historic elements of that portion of town. We don't have the Walled Lake Casino, nothing associated with Pavilion Shore when it was an amusement park and recreational center. We do have Lakeshore Park which is a historical precedent. We have a handful of houses that are still around, but none that are as old or have the significance that this does. When he looked at this proposal he agreed it was a challenge, it is a small amount of property that they are trying to get in 20 lots, and simply taking a lot out upsets that whole balance. He said we have had other developments in town where the developers have worked with the City to preserve historic structures. One that he was familiar with was a development on 9 Mile Road just west of Haggerty Road on the north side there is a beautiful old house with a nice stone foundation to it that was slated to be demolished. Instead, the developer worked with the City to figure out how they could preserve that house and yet allow the remainder of the property to be developed which happened. From his perspective, he asked him if this is a dollar and cents perspective, is it about this lot that you can't give up and we are going to lose this home because of that, or are you open to a conversation that works with the City. He wanted to know how we can preserve this house and its history while allowing them to move forward in having a successful development. Mr. Loughrin pointed out that he felt they are giving a lot more as far as a public benefit. He said the wetland exists there because of the fact that the City has done nothing as far as storm improvements in that area. He said they are going to fix that situation. That is a cost; they are losing two lots there simply because they have to put that in. He would love

not having to put a pond in; he would like it to tie right into the storm. That is a significant cost and it takes away quite a bit to the project. They have added a lot of fencing, if we came in with single family homes one at a time the City wouldn't require that. They adjusted the front setbacks so they could pull them further away from the residents to the west and frankly that is why they are asking for the use easements so we can pull those homes as far away from the existing homes. As far as getting any tax benefits, the City is not getting any money or tax revenue on those lots right now. Adding it to these lots will probably not significantly increase the assessed value of those homes. We are removing the house that was mentioned, but other blighted properties as well. He thought that was a benefit. He said the parking spaces are an expense and they are for additional overflow for the park. He felt that is a huge public benefit. He mentioned an 8 foot ADA sidewalk to get to the park, there is no sidewalk to get to the park right now. He said he could keep coming up with these; we do have a lot of public benefits as part of this plan. He mentioned that the Village Overlay does call for significant density in this area. We have lost a lot of units. We have lost 50 units. He said that means nothing to you, but the goalposts keep getting moved every time he looks around. The City has never designated that this home was a historical property that had to be saved. He has seen no records, it wasn't on the title work, and the City never mentioned it until recently. The fact that it is slated for a historical significance, it has been added on to and again there has been no effort to save that house. He said it is very late in the process and they do need to move forward. He did hear their concerns and he fully appreciated it. They certainly want to be good stewards and have some memorialization of that which they are fully willing to work with the City on that. He said they need to move forward, or move on to the next site. Member Mutch said he appreciated that, but he thought City Council has made it pretty clear from the initial discussion in terms of what the potential was for this property and what City Council is willing to accept. He said that Member Breen touched on the fact that one of the challenges of the current PRO process because it creates unrealistic expectations for folks interested in doing development, and likewise the Master Plan was clear not talking strictly residential townhouse development. Mr. Loughrin agreed with that. Member Mutch said he didn't want to quibble over numbers. He said between now and when this is approved he is going to look at ways to preserve this house because he thought it was important to the history of our City. He felt there was a lot staff missed along the way. He said if we want to be honest about it, there was no reason for City Council to have to ask you to move lots out of wetlands. That should have been done. There was no reason for City Council to be the ones to request the separation of the sidewalk from the roadway, that should have been done. He said it was unfortunate that City Council had to do the heavy lifting, but that is what they are up there to do. He said Member Breen thought he was being referenced in the report on historic homes in Novi. He clarified that and said that was not him that was his mother. He said that anybody that knows his mother knows how much she loves history and amongst the things that she was instrumental in doing was saving the Sally Thornton House that was slated for demolition, and helping to preserve the historic church on Grand River Avenue and is now on Beck Road. He said he bought his 1926 home in Novi which is the love of history that they both share. He said it is also a commitment to this

community that they both share. He will be having conversations about how we can make that happen because he is not ready to write off that house tonight.

Roll call votes on CM 18-12-192

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

AUDIENCE COMMENT: None

COMMITTEE REPORTS: None

MAYOR AND COUNCIL ISSUES: None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: None

Mayor Gatt expressed that this was the last meeting that Member Markham is going to be with us. She is going to miss our last meeting in December for other reasons with the County. He thanked her on behalf of the City Council and the residents for her service to our community. He said they have not always gotten along, but they have always been professional and they have maintained a friendly relationship. He wished her on behalf of everyone there that evening the very best at the County. Member Markham thanked the Mayor. She has thoroughly enjoyed being part of the City Council and she planned to represent Novi and District 9 at the County. She said the first thing she is going to ask about is 12 Mile Road. Thank you.

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 9:37 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: December 17, 2018