

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JUNE 15, 2020 AT 7:00 P.M.**

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

In accordance with Executive Order 2020-129 this meeting was held remotely.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Breen, Casey, Crawford, Fischer, Mutch

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

APPROVAL OF AGENDA:

Member Breen wanted to add under Mayor and City Council: Racial inequity in our City.

CM 20-06-069 Moved by Casey, seconded by Gatt; CARRIED UNANIMOUSLY

To approve the Agenda as amended.

Roll call vote on CM 20-06-069 **Yeas: Staudt, Breen, Casey, Crawford, Fischer, Mutch, Gatt**
Nays: None

PUBLIC HEARINGS: None

PRESENTATIONS: None

BOARDS AND COMMISSIONS CANDIDATE INTRODUCTIONS

Mayor Gatt explained that a while back City Council changed the way they did conducted our interviews. They received the candidate's applications and resumes so that they all have pretty good idea of who you are and why you want to serve on one of the Boards and Commissions. He said they would have two minutes to introduce themselves. There will be no questions afterwards. They will not make any decisions that evening. They will make that decision at the next Council meeting.

1. David Dismondy – Planning Commission

Mr. Dismondy stated for the last 15 years he has been a commercial mortgage banker in the City of Detroit. He has lived in Novi for the last 17 years. He has underwritten and originated hundreds of millions of dollars of commercial real estate loans. They don't necessarily finance through banks and credit unions, they use life insurance companies around the country. They also use CMVS lenders, which are conduit lenders in New York City. He thought with his background he told Tony Anthony many years ago, he is a colleague in the

industry, if there is any way that you could see he could be a participant and add value to the group to let him know. He called a few weeks ago and encouraged him to throw his name in the hat. He said he lived on Walled Lake with his wife and three children.

2. Ryan Joseph – Parks, Recreation, and Cultural Services

Mr. Joseph said he has been a resident of Novi since 1986. Novi has been his home for all but two years when he and his wife had a home in Kalamazoo. He has been back since 2014. He has been taking advantage of the parks. That is what drew his interest. Lately when he has been going around to the Parks website one thing stood out to him was that we are trying to create programming for the times around the new environment. One of the things that stood out to him was the online gaming. We have all of these great parks in the City why would we start focusing on that. Growing up in Novi obviously he had opportunities to play baseball at Bosco Field and see that revitalized, ITC Pathway getting developed and put into place has been great, and Improvements to Lakeshore Park has been incredible. He wanted to continue along that path so that we don't have the kids in the community focusing their attention mostly inside and doing virtual video games and actually get out and take advantage of the great parks that we have. He was looking to join basically around advocacy to get people to attend the parks and all of the activities that we have in the City.

3. Peter Lee – Planning Commission

Mr. Lee said he was an anesthesiologist and he worked at Providence Hospital, both Novi and Southfield. He said he was interested in the Planning Commission because he cared about what is going on in Novi. He has been living in Novi since 2008 from Ann Arbor. He was looking forward to working with the Planning Commission is to see how the City continues to grow. He cares about what happens to where he lives. He is also one of the Island Lake Board of Directors. He said he saw the information out that there were some openings so he wanted to take advantage of that opportunity. He cared about what happens locally and he has been part of Michigan since he has grown up here all but one year.

4. Courtney Opalko – Beautification and Parks, Recreation and Cultural Services

Ms. Opalko said she has lived in Novi for the past 5 or 6 years now. She has two small children. She worked at Google for 8 years out of school and recently left to start her own small business as a modern etiquette consultant. She is trying to learn more about the City and network within the City to create a foundation for her family and the City of Novi which they have loved since they moved here. She said she now has more time to get involved with the City. She would like to know more about the City and have a say in where it goes in the future.

5. Scott Pratt – Parks, Recreation and Cultural Services

Mr. Pratt stated that he has been on the Parks, Recreation and Cultural Services Board for several years and it is time to renew. He has been with the State of Michigan Department of Natural Resources for the past 6 years. He thoroughly enjoyed working with the Parks and Recreation department. He said a lot of great things have happened during the time he was on the Board with Tim Pope and ITC Trail and all the other great programming. He currently has been in the Parks and Recreation profession for over 26 years, from municipal to county to state with the DNR. He couldn't think of anything else that he would rather do. He lives in Novi right now. He said he has a daughter in high school right now. He has another daughter that will be entering middle school. He hoped he could continue on the Parks, Recreation and Cultural Services Board. He felt that especially with the times that he can bring a state perspective that can assist the department with a lot of local grants and other types of programming ideas.

6. Eric Retzbach – Planning Commission (absent)

7. Harry Torimoto – Parks, Recreation and Cultural Services

Mr. Torimoto said this is his tenth year being on the Parks, Recreation and Cultural Services Commission. He thanked Council for giving him the opportunity again. There are two things that really drive him to serve. He said it is pride and having been involved in the direction or providing input in the direction of the services that the City provides. He said also he is learning the lifestyles and what people expect from the services. He tries to keep engaged with everyone ahead of time. He stated whether it is the audits of the facilities or attending the strategic sessions, or representing the Commission on various other forms of the Novi Parks Foundation or Walkable Novi in the past. He believed that educating himself and knowing the needs of others as well as his own experiences in providing that as an input. He said looking forward with the COVID-19 and it is a new world. How do we position ourselves as Parks, Recreation and Cultural Services? He thought that some of the facilities being available during this time, that there are essential services that need to be provided. He said from his professional background they just reopened their business. He looked forward to providing that input and shaping the City of Novi's services. Thank you.

MANAGER/STAFF REPORT:

ATTORNEY REPORT: None

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 20-06-070 Moved by Casey, seconded by Staudt; CARRIED UNANIMOUSLY

To approve the Consent Agenda presented.

A. Approve minutes of:

1. June 1, 2020 - Regular meeting

B. Enter executive session immediately following the regular meeting of June 15, 2020 for the purpose of discussing labor negotiations.

C. Adoption of a resolution seeking reimbursement from Oakland County for expenses associated with the City of Novi's annual Mosquito Control Program.

D. Approval of claims and warrants – Warrant No. 1062.

Roll call vote on CM 20-06-070

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

Nays: None

MATTERS FOR COUNCIL ACTION

1. Consideration of renewal of the City's 2020-2021 Property and Liability Insurance coverage with the Stevenson Company in the amount of \$399,486.00.

CM 20-06-071 Moved by Staudt, seconded by Casey; CARRIED UNANIMOUSLY

Approval to renew the City's 2020-2021 Property and Liability Insurance coverage with the Stevenson Company in the amount of \$399,486.00.

Roll call vote on CM 20-06-071

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

Nays: None

2. Consideration of approval to award a professional services contract to OHM Advisors for the collection of data related to the City's water, sanitary sewer, and storm sewer systems, in the amount of \$486,760.

City Manager Auger stated that a Council Member asked a good question regarding awarding this to one of our contractors who we already have on contract. He wanted to let Council know that we did get quotes from SDA, OHM, and Fishbeck who we do not have a contract with to make sure all the prices were in the right range. He stated that OHM was the lowest bidder and has done this type of work for us before.

Mayor Pro Tem Staudt wondered if there was a reason that his didn't go through the Consultant Review Committee. City Manager Auger said this was a normal part of the process of labeling our entire infrastructure that is underground then get on our GIS system. We have about a third of the City done now and this is to finish out the other two thirds. Mayor Pro Tem Staudt didn't think that answered the question. This is a very

Mayor Gatt said the applicants were represented by Mr. Landry. Mr. Landry replied that he was there on behalf of the applicant and he also had Mark Highlen and Zack Weiss who were standing by to answer any questions that Council may have. Mr. Landry said they were requesting a rezoning after 20 years of attempting to develop this property as Office Service Technology (OST) so that is the first thing that he would ask City Council to keep in mind. That is unusual. The other thing was the request was encouraged by the adjacent property owners. Beztak has been around the City of Novi for a long time bought this property in the 1990's. At that time, in August of 2000 they obtained a preliminary site plan to build a spec building on the Office Service Technology, (OST) property. After 17 years of trying to market this property OST they had no takers. They tried from 2000 to 2017 to market this property as Office Service Technology (OST). He said Beztak knows what they are doing. This is a difficult piece of property for a number of reasons. Approximately the west 25 to 35 percent of the property is woodland. It has wetlands on the property, it is a long skinny piece, and there is a 39 foot drop from the western part to the eastern part slopping towards Haggerty Road. He said they have to detain stormwater on site so it has to be at the low end. It has to be right at Haggerty Road. That means there has to be very little visibility because you are crammed in the middle of the property with the woodlands to the west and the stormwater to the east. With the 39 foot drop the grade is difficult for an OST building which is usually one large building usually one-story, sometimes two-story with offices and parking all around it. We tried for 17 years. This is not a developer who bought a piece of property and comes to Novi after a year and then asks for a rezoning. He said the natural reaction from the City would be to the developers is wait a minute, why don't you try to do something on this property, you knew what the property was going in. He said Beztak knew what it was like 20 years ago, they tried for 17 years and could not market the property. He said after 17 years they were approached by Matt Sosin at Northern Equities and they encouraged them to apply for a rezoning because they are telling us that their tenants are high tech OST tenants. They hire young engineering graduates for universities and they want apartment living that is walkable and bike able to where they work. It is strange that they are telling us this is what we want so we came to the City. If you look at it, it is a public benefit. That is not the public benefit that they are suggesting. It is a development to enhance the value of the adjacent, not to conflict, but to enhance the value is certainly something that Novi has always been about which is long-term viability. Novi is always about not wanting a developer coming in and makes a quick buck and leave. We always wanted uses that support each other and don't conflict. He said in 2017 and 2018 they approached the Planning Department. They have worked with the city administration and tweaked their plan for the last two years. Conceptually you may look at this and say wait a minute, this is an island of residential surrounded by Office Service Technology (OST), but it really isn't. He stated Haggerty to the east is the eastern border of the City. If you look across Haggerty there is a ton of single family residential. That is not the residential the OST wants, their tenants want apartment living, walkable and bikeable. From a planning standpoint putting residential here is not out of place in any way shape or form. From a classic planning standpoint you have single-family, multiple-family, non-residential. It is a classic transitional use. In respect to the site and our work with the city administration we listened to them over the last 2 1/2 years and we have responded. They told us to stay out of the woodlands; we stayed out of the woodlands.

They asked us to decrease density, we've decreased density. They wanted upscale architecture, we gave you upscale architecture. No increased traffic, we have done that. He said what about the school district. He said they contacted the Novi Community School District and they assured us they would create a bus stop there for any children attending Novi Schools. They've screened with the adjacent property, they checked with the city Engineering Department and the sanitary and water is all available. He said this is really about enhancing the adjacent OST and giving some value to this parcel which has no market as OST. He said planning involves forethought, flexibility, but most of all value. We have seen in the city of Novi, you can have a Master Plan, you can plan things something like a hospital moves in, it changes the game. He said something like Suburban Collection Showplace and the hotel moves in, it changes the game, be flexible. The key is value. You have to achieve long-term value and this project would perfectly enhance with the OST. Usually you would get conflict. After working with the City administration for 2 1/2 years we had unanimous recommended approval from the Planning Commission. The Planning Commission is solidly behind this project. He said they were preserving the woodlands on the western part of the property. There are a number of small wetlands on this property. They are suggesting they would mitigate as much as possible on site by creating one large wetland which would be part of the woodland. They would be creating this wildlife corridor which the Planning Commission recognized. You have EGLE regulated wetlands and City regulated smaller wetlands. They are suggesting they consolidate this into one wetland and maintain a wildlife corridor on the western part of the property. Mr. Landry said they are asking for a rezoning with a PRO and they know the City is looking at the entire idea of a public benefit, the public benefit that they feel is most appropriate is that which is the heart of this project which is walkable, bike able, residential to the OST. They are proposing engineering and construction of the sidewalk gaps so that they would complete the sidewalk going 12 Mile, Haggerty, 13 Mile, and Cabot Drive. In addition to that they will have LEED Certified Building. They would agree before a building permit is issued they will have a third party come in and certify this as LEED Certified or the building permit doesn't get issued, they agreed to that. They agreed to increase the brick on the building to 40 percent. He said they are looking at things that the City is looking for, LEED Certification, the sidewalk issue, and the façade of the building. He said with that, they have been working at this for 20 years, we appreciate the Planning Commission and everything they've done. They have unanimous recommendation from the Planning Commission, now they are asking for the rezoning with the PRO. They were standing by for any questions. Thank you. Mayor Gatt thanked Mr. Landry for a very comprehensive and articulate explanation of what they were going for that evening.

Mayor Gatt said he has been around for a long time. He said he knew this project has been talked about for years and years. He said everybody knows he is pro development. That is what keeps the City moving, that is what keeps the tax dollars increasing, and that is what allows us to be the great City that we are. He said this is more than that, he found this project to be very unique. He said it will be a residential oasis in the middle of OST. You don't find that everywhere. We are going to make that happen right here in Novi if it passes this evening. He was 100 percent for it, and he thought the PRO public benefit, a LEED Certified Building should make a lot of people

smile. He said a lot of people that have been talking about green, which is great. It is the way to go.

Mayor Pro Tem Staudt asked City Attorney Schultz about the motion, it was complicated, and he wondered how it worked. City Attorney Schultz said the PRO is a two-step process. The first step is tentative approval, so we use the language "may approve" depending on whether or not the PRO Agreement comes back with acceptable terms. That is the standard one. If you were to make a positive motion it would be to read all parts of this, A, B, and C all go together. He asked if he could reference A, B, and C. Mr. Schultz replied, yes.

CM 20-06-074 Moved by Staudt, seconded by Gatt; MOTION CARRIED; 5-2

Approval Tentative indication that Council may approve the request of BC Novaplex, LLC for Novaplex, JZ19-37, with Zoning Map Amendment 18.733, to rezone property from Office Service Technology (OST) to High-Density Multiple Family (RM-2), subject to a Planned Rezoning Overlay (PRO) Agreement and corresponding PRO Concept Plan, based on the following findings, City Council deviations and considerations, with the direction that the applicant shall work with the City Attorney's Office to prepare the required Planned Rezoning Overlay Agreement, and return to the City Council for Final Approval:

Part A: 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 surrounding areas:

- 1. Planning deviation from section 3.8.2.C. for exceeding the maximum allowable length of buildings (180 feet, maximum allowed, a range of 185 feet to 295 feet proposed) as the buildings meet the qualifying criteria for City Council's approval for this deviation per section 3.8.2.C.**
- 2. Planning Deviation from section 3.8.2.D for not meeting the minimum orientation for all buildings along an outer perimeter property line (45 degrees required, 0 degrees proposed), as all buildings are abutting non-residential districts and orientation is compatible to existing office development.**
- 3. Planning Deviation from section 5.16. for not meeting the minimum width requirements for the access path to bike parking (six feet required, 5 feet proposed), as the plan maintains a consistent five foot width for all internal sidewalks and because it is a residential development.**

4. Landscape deviation from Sec. 5.5.3.B.ii and iii for lack of berms between the site and the properties on the north, south and west, as the existing woodlands and proposed landscaping provides sufficient screening.
5. Landscape deviation from 5.5.3.F.ii 5.5.3.B.ii and iii for lack of required street trees along Haggerty Road, due to conflict with the existing overhead electrical lines and an underground gas line along Haggerty Road which make planting street trees impossible.
6. Landscape deviation from 5.5.3.F.ii to allow the usage of sub-canopy trees for up to 25% of the required multifamily unit trees, as the mix of trees proposed is acceptable.
7. Planning deviation from Section 5.2.12.A & B for a 30 percent reduction in the minimum requirements for parking. A minimum of 619 spaces required, 433 proposed. The current plan proposes a total of 433 spread across the site, including attached/detached garages and surface parking. Following comments are provided in this regard:
 - a. An additional 120 apron spaces in front of attached garages will be provided to count towards the minimum required. Apron spaces may provide additional guest parking for certain units with access to garage parking, but not necessarily required parking for others. The apron spaces are reserved for people renting the garage, as will be stated in the lease agreement. The applicant indicates this will be enforced by towing vehicles that are parked illegally and/or in someone's assigned spaces.
 - b. The applicant has provided a parking study of existing parking demand calculations from similar development in similar cities, which show other developments have found a lesser number of parking spaces to be sufficient.
 - c. The required parking calculation includes 68 spaces for the clubhouse/pool as a "private club." As this amenity is internal to the development for the residents, it is anticipated most residents would walk from their unit to the pool/clubhouse and not require separate parking spaces.
8. Traffic deviation from section 5.10 for not meeting the minimum width requirements for a major road (minimum of 28 feet required, 24 feet proposed), as stop signs and pedestrian crossings will be provided at key points in the major drive loops to encourage slower speeds. The applicant shall work with the City to ensure traffic calming measures are adequate during Site Plan review.
9. Traffic deviation from section 5.10 for allowing angled and perpendicular parking on a major drive, as stop signs and pedestrian crossings will be provided at key points in the major drive loops to encourage slower speeds. The applicant

shall work with the City to ensure traffic calming measures are adequate during Site Plan review.

10. Traffic deviation from section 5.10 for not meeting the minimum requirements for major drive centerline radius, as stop signs and pedestrian crossings will be provided at key points in the major drive loops to encourage slower speeds. The applicant shall work with the City to ensure traffic calming measures are adequate during Site Plan review.
11. Planning deviation from section 4.19.1.J for exceeding the maximum number of accessory buildings for properties more than 21,780 square feet (a maximum of two are permitted; six garages and 20 carports are proposed).
12. A section 9 waiver for not meeting the minimum requirement of 30 percent brick for the carports on the long side, as the proposed design will include brick on the end walls as has been supported for other projects in the City.
13. Planning deviation from section 3.8.1.A.ii.b for exceeding the maximum percentage of one bedroom units (maximum of 20% is allowed, 36% is proposed), as the mix of units fits the target renters who would be young professionals, as shown in the market study provided by the applicant.
14. Planning deviation from section 3.8.1.B for exceeding the maximum allowable number of rooms for this development (maximum of 458 rooms is allowed, 734 rooms are proposed) because the overall room count is still below the total number permitted in the RM-2 District.
15. Deviation from Section 12-176 of the Code of Ordinances to allow the developer to mitigate wetland impacts in part through the purchase of credits in an EGLEapproved wetland mitigation bank, because mitigation alternatives meeting the requirements have been explored and have been found to be cost-prohibitive for this project, subject to the conditions listed in the Wetland Review letter.

Part B: The following PRO Conditions shall be requirements of the Planned Rezoning Overlay Agreement:

1. The applicant shall provide the following:
 - A. The applicant shall provide an easement at the southeast corner of the Property in order to facilitate the extension of Heatherbrook Drive, resulting in the orderly entry into both the Property and the Infinity Medical Building.
 - B. The applicant shall be responsible for the design and construction of two offsite sidewalk gaps, totaling approximately 600 feet, as a benefit to the public, up to a cost of \$60,000. This will complete sidewalk coverage between 13 Mile Road, Cabot Drive Twelve Mile Road and Haggerty Road.

10. The overall density of the development shall not exceed 12.40 dwelling units per gross acre (13.95 dwelling units per net acre);
11. The number of dwelling units shall not exceed 272 units;
12. Consistent with Section 6.1.C of the Zoning Ordinance, minor modifications to the approved PRO Concept Plan can be approved administratively upon determination by the City Planner that the modifications are minor, do not deviate from the general intent of the approved PRO Concept Plan and result in reduced impacts on the surrounding development and existing infrastructure;

Part C: This motion is made because:

1. The applicant has presented a reasonable alternative to the Master Plan for Land Use with the proposed the High-Density Residential (RM-2) zoning district, and because, as stated by the applicant:
 - a. Designing the higher density residential use next to existing OST uses allows for a unified appearance and implementation of proper safeguards between the neighboring uses:
 - I. Building styles will be compatible with the existing office buildings;
 - II. Apartment residents will move in with the full knowledge of the neighboring uses;
 - III. The residential site is higher than much of the surrounding area;
 - IV. Wooded areas on this site and adjacent sites provide a great buffer;
 - V. Setback plus proposed landscaping will be used to enhance the buffering of uses;
 - VI. The higher density residential use will act as a transition between the single family uses to the east and the Office Service Technology uses to the north and west.
 - b. The project is consistent with the Master Plan goal to enhance Novi's reputation as an attractive community in which to live;
 - c. The project is consistent with the Master Plan goal to protect Novi's remaining woodlands and wetlands;
 - d. The project is consistent with the Master Plan goal to maintain adequate infrastructure in an environment of limited federal and state funding;
 - e. The project is consistent with the Master Plan goal to promote interconnectivity between neighborhoods to reduce vehicle trips on main roads;
 - f. The project is consistent with the Master Plan goal to promote active living and healthy lifestyles in the City of Novi

- g. The project is consistent with the Master Plan goal to ensure that Novi continues to be a desirable place for business investment;**
- 2. Submittal of a Concept Plan and any resulting PRO Agreement provides assurance to the City of the manner in which the property will be developed, and offers benefits that would not be likely to be offered under standard development options.**
 - 3. This tentative approval does not guarantee final PRO Plan approval or approval of a PRO agreement.**

Member Breen mentioned she is all about walkable communities and she appreciated the effort toward this. She asked the applicant what exactly the people can walk to from here other than work. She wondered if there were any parks, grocery stores, or amenities that are considered to be a walkable distance. Mr. Landry said everything on 13 Mile Road is within a whole square between 12 Mile Road, Haggerty Road, 13 Mile Road and Cabot. He stated that they can walk to everything that the east side of Haggerty that the residential on the east side of Haggerty can walk to. Member Breen said when she looked at the map all she could see was a Starbucks and that is about it. One of the representatives spoke and said there are retail developments at Haggerty Road and 14 Mile that you would consider to be in bike able range or walkable range. Member Breen asked if that way 1 1/2 miles away. He replied that was correct. He mentioned that there are also parks on 13 Mile and M-5 area as well. Member Breen didn't know if people thought 1 to 1 1/2 miles was walkable. She wondered with this type of development if we could expect 40 to 49 school age children to be in this particular development. The representative replied that the type of development this is they usually have a lower number of school aged children. Member Breen said they would attend Orchard Hills Elementary which is 3 to 4 miles away. She asked if anyone knew how long the bus ride would be for those children. Mr. Landry said they reached out to the Novi Community School District and asked them if they would provide busing and they responded positively and said yes. That is all the information they have at this point. The representative said there is a bus that is servicing the area just south of 12 Mile on Haggerty. Member Breen asked if it was about a mile away. The representative replied they are already servicing that area. Member Breen said she liked the creativity, she knew it has taken a long time to get to that point, but she said she could not support this. Especially because we are already facing a \$700 to \$1,000 dollar per pupil cut in our schools she felt the strain that this would add to Novi Community School District when they are already facing a major budget shortfall. She appreciated the development but she didn't see how she could see support adding a multi-family residential development where they are far away from away from where they will attend school, cut off from any nearby parks, or other kids in their classes. When she looked at this from a practical standpoint having reviewed the new recommendations for busing and kids in schools it is going to be a very dramatic change from what anyone of them sitting here in the meeting are seeing. To add extra strain on to the school, as per busing, and the per pupil spending cut, she thought it was unconscionable to do that to the kids and the school district. She said she could not get behind this.

Member Mutch said he had a couple concerns along the line that Member Breen addressed. He started with the location. It is not indicated in our Master Plan to have high density residential on this far edge of the City. He said Mr. Landry made an elegant case that the neighboring property owners are interested in having some additional high density residential close to their existing businesses. It is not that there are no apartment complexes in this immediate area. You can go right across the street into Farmington Hills there are two complexes, one at 13 Mile and Haggerty and one south of 14 Mile and Haggerty. In addition, this Council over the last few years has approved almost a thousand additional apartments and high density condominiums in the City of Novi within a fairly close distance to the Haggerty Corporate Park Development. We have really shifted from being a community where we were predominantly single family residential with a nice diverse mix of higher density residential apartments, etc. He thought that every project that comes before this Council is a request for large high density multi-family developments to the point that we have approved and are under construction over 1,000 units just over the past few years and this will add almost three hundred more units in a location that really isn't centrally located in the City. It will not only have impact on the schools as Member Breen noted, but also police and fire services as they are needed. He said the walkability aspect of this there were some elements of this on the site plan that encouraged that. He said that Member Breen pointed out that being able to walk to maybe one of the close by office buildings, there are no local restaurants, no bars, no shopping centers, or parks to walk to. He said he looked at this in detail other than the sidewalk connections that would be completed. If he was looking at young people who want to live in a walkable environment what is the selling point here other than you can walk to work and don't have a commute. He thought that those people who want that type of environment also want to be able to walk to get something to eat, get a drink and be with friends. They want to be able to go to the park and do disc golf, ride a trail, and those things. He didn't see that happening in that location. He said the issue with how it is going to be developed, it was noted that there was going to be some issues with this property with the topography and the woodlands. He said there is a 5 acre parcel just immediately south of this that was developed into an office complex. It has the exact same issues in terms of location, topography, and woodlands. There was a property north of this. They had the exact issues, topography, woodlands, and location on Haggerty Road. Both were developed. He said he was having a hard time buying the fact that this property cannot be developed as in the Master Plan and cannot be developed as it is zoned. He understood the applicant wants to take it in a different direction. Obviously they do not want to continue to market it as Office Service Technology (OST). From a City perspective we are working on a long-term plan, not what is marketable over the next couple of years. We are looking at what is going to work over the next 15 or 20 years. With all of those issues he said he would not be able to support this. He also pointed out a few items which are technical, but important. First, the traffic consultants did not recommend approval for this plan and he thought it would be premature to approve it until those issues are cleared up. Second, the utility issue, while there is capacity for this development; it would utilize most of the remaining sewer capacity in that area and he didn't feel comfortable changing a use for one property owner that has that big an impact on the

utilities. That could potentially preclude others who might seek to have a similar use have the door shut on them. We need to be fair to everyone in the area that we allow the properties to be developed as they are planned. If this was being located in another part of the City that would support this higher density residential, he has voted for those projects, for the Bond, for Emerson Park, and the project near the Ice Arena even though they were not Master Plan. This has too many issues for him to support.

Member Fischer said he had one technical question. In the packet there was some information about the wetland mitigation that was part of the motion that Mayor Pro Tem Staudt made. He wanted an explanation on Part A, Subsection 15 and it talks a about the developer to mitigate the wetlands as part of credits. He wanted to know if this was another situation where we are looking outside the City. City Manager Auger replied that during this process and doing the calculations to create one large wetland he believed the calculations still have not been finalized. He stated to include options going forward that language was used. He believed that the applicant thinks they can retain all the water they need to on their site. They just wanted that little bit of insurance going forward. The City has the right at that time to say yes, or say no on a mitigation plan. He believed Director Boulard was there to clarify. City Planner Bell said she could answer the questions. She said the outlook is showing a little over 50 percent of the wetland mitigation can be accommodated on the site. They have indicated that they would look elsewhere for the remainder which at this point what is allowed by the wetland ordinance either within the City we don't know all of the details, but we would imagine at this point it would be an instance where they would look for a wetland mitigation bank purchasing credits. Mr. Highlen said they are going to take the onsite wetlands which are as small as a 100th of an acre and the largest being just over 1/2 acre, we are going to combine them into a much larger wetland and place it in the opening of the tree line where we can create a nice wide wildlife corridor. That is why we think what we are doing on site is a project for mitigation and also covering all the acquired wetland on the site. They will look elsewhere within the City for potential mitigation options, or they would like City Council to consider allowing them to take what they would normally pay through the State for wetland banking credits and apply it to some of the City's possible projects. He said we have a lot of local wetlands in the area that some of the larger systems were designed by the City are probably in need of a lot of maintenance right now. They are looking at different options to provide necessary work within the City that does enhance the existing wetlands or provide for some additional new wetlands elsewhere in the City. He said they would like to discuss it more with the Engineering Department and City Council to figure out what is best for the City at this point. Member Fischer said this is the early part of the process. He said recently they did approve a situation where there was some sort of mitigation and it went outside of the City, which is not something he would support. He directed City staff to ensure that whatever alternatives are considered he would like to see that revitalized within the city of Novi. He directed his next question to Mr. Landry. He said this was a vast stark change from the OST to move to something like a high density residential. He asked for his perspective, he said for 20 years it has been marketed and there have been efforts to get somebody in there. He asked Mr. Landry to help him understand in layman's terms to the issues that could not be overcome in order to get someone in there under the Office Service Technology, (OST) zoning. Mr. Landry said

Mr. Highlen or Mr. Weiss could answer that question. Mr. Weiss explained that originally they looked at a road up the center with four smaller parcels, but there are a lot of properties out there that can provide roughly the same square footage in areas that have more visibility or existing so there was no waiting for the process. He said that they looked at some larger users, but they didn't like the property because to get a nice flat spot for a 40,000 or 50,000 square foot building you would be building a lot of retaining walls. He said all of the storm water wants to go to the front so you would have to push yourself way back. There are number of issues with constructability, wetland mitigation, and grading. It never worked out. They talked to a number of different companies that were interested, and they provided numerous sketches to try to meet their needs. No one wanted to take that project on in this particular location. Mr. Bezmos, part of the applicant, said they had this listed with a number of different brokers. The industrial buildings today flex office want amenities. They want large developed planned communities similar to what Northern Equities was able to do down the road. He said their site besides the technical issues that were raised really doesn't lay out that way. The plan that designed 20 years ago really is obsolete and having a stand-alone office today is not as attractive as being in a huge Master Plan development for Office Service Technology (OST). He said they find that the demand when people come in from out of State, or out of the Country, which many of those users are from, their key levels they come to see our parcel, by the time they start cutting up the parcel that way, they cannot provide that same look. That was a huge issue. Member Fischer said his explanation was helpful. He said that Mr. Landry alluded to it in his opening remarks, in a situation where someone might buy a piece of property to flip it, get different zoning he would certainly not be interested in. It is not the City's job to fix where someone buys a piece of property and cannot do quickly what they want to. Given the difficulties that you just mentioned in the 20 years of efforts that have gone into this then he could certainly see those issues. Member Fischer wondered when they talked to the Novi School Community School District if they brought up any funding concerns or any bus routes to the applicant. Mr. Landry replied it wasn't to his knowledge. When Mr. Weiss talked to them they said they could serve the site, but they weren't going to make any predictions in the future because they rearrange their routes and schedules year by year. Member Fischer said in the multi-family he lives in they have different bus routes based on where people are. Member Fischer said he would support the motion. He said the last couple of months have taught us anything that we need to be flexible in these situations. If someone has put in efforts for 20 years, we have surrounding property owners asking for this type of development. He said anytime we can get additional sidewalk gaps created and filled in it is not always a benefit that we see right away, the sidewalk infrastructure is something that we have to invest in over time. This is just another piece of that great puzzle that we are trying to complete here in Novi. The benefits outweigh any of the changes in the zoning. He said the Planning Commission did a great job and he wanted to commend them for their efforts and going back and forth one or two times. It was a unanimous decision and recommendation on their part which he will support.

Member Casey said a lot of her questions have already been raised and addressed by previous conversation. She said she has said multiple times that she really disliked having a development that has an entrance and exit on one road only. She

understood the limitations on the site. She asked the applicant to talk a little bit on what their plans are to work with the Oakland County Road Commission to anything with Haggerty Road to make at least the traffic flowing around the development a little easier. Mr. Highlen said they performed the traffic study in accordance with the standards set forth by the Oakland County Road Commission. They have determined that they do have to do widening through their property to allow for additional passing and turn lanes so they will be doing that work to increase the capacity from their site down to the intersection. That will be brought into conformance with current requirements with the Oakland County Road Commission. Member Casey thanked him for the clarification. She also echoed the previous comments about the wetlands and seeking mitigation on site. If that is not the case she would like further conversation about where that mitigation happens and hope that we can find room for it within the City. She gave one final comment before she gave any other feedback is typically when we have developments and they are internal to the City we take a look at the impact to residents that are already there around the development that comes in and the interesting thing about this development is that the residential is across the street in a completely different City. All of her comments mean nothing other than the Beztak Headquarters are in Farmington Hills. She said when she drove past the property earlier that day it looks like all the residents in Farmington Hills have a fence where our exit and entrance would be to the complex, so she called attention to hopefully making sure that the fence is there where she saw it and if not, if we could consider what we might look at when working with the residents of Farmington Hills to make sure we are blocking those houses from the headlights of the vehicles coming in and out of our property. It is unusual because it is crossing city limits, but she wanted to call attention to it because it is something she tends to note. Mr. Highlen said he could probably alleviate that concern a little bit. He said they are required to align ourselves with the boulevard from the subdivision across the street that is part of the Oakland County Road Commissions requirement. Member Casey said initially she was not a great fan of putting multi-family residential in this spot. It is not an island in that area; it is an island within our City. What has actually changed her opinion in addition to all the interesting and wonderful information that the applicant provided was news that were are starting to hear more about how with the pandemic companies and corporations are seeing that their employees can work from home effectively. There are stories out there that are now talking about companies that are looking to alleviate real estate because they don't need to have as many floors and buildings for their people to work because they can work from home. All of that says to her that currently this is an Office Service Technology (OST), she said she didn't know is we would see an office project come through in that location. Given the size of the office space that this would be requiring going forward she was more comfortable putting residential in this spot. She didn't know if we would ever see an office request come through. She was willing to support the motion that is on the table. She thanked the applicant for the completeness of their information.

Mayor Gatt made an announcement that Member Crawford lost his internet connection due to technical difficulties and before they call any vote on this they are going to take a break and bring Member Crawford back online. He said this was too important an issue to not have the whole Council.

Mayor Pro Tem Staudt had a few questions for the applicant. He said there seems to be a high number of single bedroom apartments in this group. He wondered if that was intentional with the idea that they are going to reach out to some of the companies in attempt to enter into long-term contracts to use those as kind of transient hotels. Mr. Landry said that was not his understanding at all. They are looking at higher end apartments, these are not transient apartments, and they are apartments with one, two and three bedrooms. They are really targeting younger, educated engineers. This is not going to be marketed as a place for people to come short-term. Mayor Pro Tem Staudt said it was interesting that he said that because that is a different conversation he had with Mr. Bezmos two years ago has things changed since Sam. Mr. Bezmos what Mr. Landry said was correct. He said they do have a lot of furnished housing program and they service people that work in that area and other communities. It is normal for people to come in from out of the country who live in our furnished program for a year or two and then buy or rent a home or rent an unfurnished apartment from them or in the area down the road. They would have some furnished housing which would be popular for the employees in that area who bring in people normally from out of the country. It would not be short term. It is people who would stay 6 months, one year or longer on contract. It will not be a B & B kind of thing. It is a long term not short term. Mayor Pro Tem Staudt wondered what the long term intention with the woodlands and wetlands that are on the back of this property. Is this something that will be made available to the residents to have pathways through or is this something this is going to be turned into a conservation easement that is not going to be used in anyway. Mr. Highlen said they will provide a sidewalk stub to that rear woodland area, but it will be all left natural with an exception of removing some of the invasive species, but it will be left as a natural area so they could go through and walk through, but it will be a wildlife corridor and left natural and placed in a conservation easement. Mayor Pro Tem Staudt said he saw some tentative plans for this development maybe a year or two ago and it looks like there has been a considerable number of units removed from it, is that the case. Mr. Highlen said they started out with almost 400 units and now they are down to 272 units. Mr. Highlen said at the recommendation of some of the planning process they reduced from 332 to 272. Mayor Pro Tem Staudt said he would support this. This is a great addition to that part of town. He said Member Crawford was on a phone call.

Mayor Gatt asked Member Crawford if he was there now. Member Crawford said yes. Member Crawford said this makes a lot of sense to him and he is ready to vote.

Roll call vote on CM 20-06-074

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

5. Consideration to adopt Resolution Regarding Additional Temporary Signage in Light of Covid-19 Pandemic.

City Manager Auger said at the last meeting they loosened up the sign ordinance to get people into businesses and telling them the businesses are open. The City Council requested city administration bring back even more leniency moving forward and this is

what this is right here. Mayor Gatt asked City Manager Auger to tell them what will this do. Does this remove all restrictions except those that are deemed to be dangerous? City Manager Auger said that was pretty much in a short version. Items will still not be allowed to be put in the right-of-way, anything that is blocking, there are a few other restrictions. It went so far to allow some of those banners that we don't normally allow in the City to draw attention to allow people to know which businesses are open. Mayor Gatt asked if he had a business in Novi and he wanted to open next week he wanted to celebrate a "Grand Opening" could he bring spot lights in and have clowns on his front lawn, could he do that? City Manager Auger said he didn't believe we went as far as the rotating spot light or moving pictures on the billboard type signs. Mayor Gatt confirmed there will be no spot lights allowed. He appreciated the team's efforts. He wondered how the businesses will know ASAP that they can start doing this stuff. City Manager Auger said we will use all of our Community Relations processes, all of the social media, and also reach out to the Chamber of Commerce so they can get it out to all of their members as well. He mentioned Novi.org to find all the information and all of the details. Mayor Gatt said any efforts put forward will be appreciated.

Member Fischer thanked the Mayor for bringing this proposal forward. He thought it was a great idea for the businesses; obviously a lot of them are struggling. He felt that any support that they can get from the City they are really appreciative of it. He said he values the character of the City and this is something that we don't often allow. He confirmed with City Manager Auger that this has an expiration of the end of the year. This is a good effort, let people do what they need to do for the next few months, but we do expect everyone to rein it back in at the end of the year unless there are extenuating circumstances and Council extends this. City Manager Auger confirmed that was the intention and at the end of the year we intend to go back to our normal sign ordinance. Member Fischer said he brought that up from a resident's perspective. He thought people may call up and say they saw this, what has Council done, he wanted the resident's to know this is for the short-term. He wanted the business to know that this is a short-term solution. He doesn't want anyone to invest more money than they would have if they thought it was a long-term solution. This way the businesses can make the right risk reward calculation and the amount of investment that they want to do for seven months. That was his big caution.

CM 20-06-075 Moved by Fischer, seconded by Gatt; CARRIED UNANIMOUSLY

Approval of Resolution Regarding Additional Temporary Signage in Light of Covid-19 Pandemic.

Member Mutch had a question regarding the language in terms of what is allowed. He said it was indicated that banner signs were permitted under Section B. He wanted to clarify that this was a portable hanging banner type sign up to 144 square feet in size. City Attorney Schultz replied yes, it theoretically could be. Member Mutch said he was trying to figure out the parameters of what we are talking about here. He said these are per business, so in a retail center it will be each individual store front will have access within this framework. City Attorney Schultz replied yes. Each individual business would have up to 64 square feet this will give them an additional 80 square feet.

Member Mutch said this was not a change from what we previously approved in terms of the total square footage, the changes are in terms of we no longer limit the number of signs. If you can do the smaller signs approximately 2 foot by 3 foot in front of your business there will not be a limit. City Attorney Schutz said that was correct. Member Mutch said the Mayor was joking a bit when he mentioned the spot lights, but one of the changes was introduction of the feather flags. He thought those were the small triangles, but they are the tall flags that wave around. He wondered if we allow the air blown ones with the hands that flop around, is that allowed under this change. City Attorney Schultz said those are currently prohibited. Those are not contemplated within this, we kept the list of prohibited signs which would include those, but took out the feather signs because everybody seems to use them. That is what the business owners want most. Director Boulard said they saw a lot of requests by businesses to use the feather flags, normally our sign ordinance prohibits those, but we had such a widespread number of businesses requesting them. For the short-term they seem to be cost effective for the businesses. Member Mutch asked specifically regarding the feather flags and wondered if there was a particular reason that it was written to have this 50 feet of frontage. For each 50 feet of frontage you can have one feather flag up to a maximum of two flags. He wondered why we just don't say everyone can have two, instead of 1 per 50 feet for up to two flags. What was the logic behind that? City Attorney Schultz thought we could easily make that change. It would be even less restrictive. Member Mutch wondered how the businesses will understand these changes and follow them. He also wondered how our code enforcement staff goes about enforcing them if necessary. If we say every business can have two, doesn't matter how big the site is, two per street frontage, that is easy for people to understand, and it is easy for ordinance to enforce. City Attorney Schultz agreed with Member Mutch.

Amendment

CM 20-06-075

Moved by Fischer, seconded by Gatt; CARRIED UNANIMOUSLY

Approval of Resolution Regarding Additional Temporary Signage in Light of Covid-19 Pandemic with the addition in Section B to allow a total of two feather signs per business.

Roll call vote on CM 20-06-075

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

Nays: None

6. Consideration of a resolution to authorize Budget Amendment #2020-7

City Manager Auger stated that this will be the last budget amendment for the year to get us through this year. This has a lot of the COVID-19 impact in this budget amendment both on the revenue and expenditure side.

CM 20-06-076

Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY

Approval of a resolution to authorize Budget Amendment #2020-7.

Roll call vote on CM 20-06-076

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

7. Consideration to conditionally approve, subject to finalization by City Manager and City Attorney's office, the draft inter-governmental agreement entitled "Agreement for CARES Act Allocation between Oakland County and the City of Novi."

City Manager Auger stated this was a Federal Program through the CARES Act that they put down to some large municipal entities, such as Oakland County. Oakland County has been working to pass that through the legislation allows pass through from one unit to another. This is Oakland County's attempt. The language before you is the standard inter-governmental relations agreement with some slight tweaks that we just received this Thursday with the City Manager and City Attorney doing final review on it. He said he just spoke with our County Commissioner and she was very excited about this that we are filing quickly for this. The County was looking for some communities to jump in quick with some reimbursement requests. We were on a Zoom call last week when a lot of our questions that our finance team was able to ask were answered in an affirmative way. We are looking forward to applying for this funding and put it in use in Novi.

CM 20-06-077

Moved by Casey, seconded by Breen; CARRIED UNANIMOUSLY

Approval of draft inter-governmental agreement entitled "Agreement for CARES Act Allocation between Oakland County and the City of Novi," subject to and conditioned upon receipt of a substantially similar final version from the County and final approval as to form by the City Manager and City Attorney.

Mayor Pro Tem Staudt said he would support this because this is something that the County has \$219 million dollars they received, they have spent money on various things like business grants, reimbursing their fund balance for various things. He said \$500,000 to promote or to communicate with constituents. This is just another one of those expenditures; he was not sure what they are going to do with all the money, but a good of place it can be is in the City of Novi. If it were up to him he said he would take whatever is remaining, return it to the federal government, if that wasn't permissible he would look at it being submitted to the State and have it be used for the school fund to make up the difference which is not permissible yet. There are a lot of issues here. He would support it. He said this money grab by all these different entities that are getting funds from CARE distribution he didn't feel it was appropriate. He wished it wasn't happening. It is important that Novi be involved in this. He will support this agreement.

Roll call vote on CM 20-06-077

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

AUDIENCE COMMENT:

Rachel Sines said she brought an issue to City Council back in October 2019, and many times before that regarding the driveway of 2293 Austin Drive. The access to this home was eliminated by the Robertson's Lakeview Development. Whether this is a done deal with Robertson's she spoke to every Council, Commission and Board raising the issue. Robertson's assured everyone that they would take care of this and they would be neighborly so the protection she was looking for from the City was never put in writing. The previous owner of both properties said that he had to grant an easement to 2293 Austin to use his driveway. These homes are owned by different people and should the owner of the driveway decide not to share access any longer there will be no legal access to this home because it does not meet current codes and ordinances. She went back to March when Robertson Brothers said they were going to move her air conditioner which they did and she was grateful. At that time they mentioned they were getting quotes to widen the driveway. Even two weeks ago she was told they were still getting quotes. In the meantime the house has an accepted offer to be sold "As Is" and was able to meet with the new owner and during one of his tours of the home they talked he mentioned that Robertson Brothers won't negotiate anything on the purchase of the home so he planned on bringing the driveway up along her property line. It goes past her house and she would be able to hear and see all the cars coming and going. This is exactly what she was trying to avoid. She called Robertson's as she was told to bring any issues to them first before bringing them to the City. They told her they will not put in a driveway, they are not going to do anything to do what the buyer even asked and refused to put any more money into the home which she felt was probably they plan all along. She asked them if they could put up a fence to protect her house from the driveway. She offered to have it on her property as to not interfere with his current offer and he was blunt in telling her no. He said they didn't care if they get another black eye with the City. This is not just a dispute between a resident and the developer because she specifically asked the City multiple times during the approval process; she tried to have it resolved before it became an issue. She said she was frustrated and upset by the hardship brought on by this development.

City Clerk Hanson said they did have a comment that was emailed in earlier this afternoon that met the deadlines that she was happy to read for Council. The email came from Maria Plaud who is the owner of Novi Coffee and Tea at 47490 Grand River Ave. They marked their 5th year in business in February. She strongly urged Council to adopt the resolution to allow additional temporary signage due to the current emergency situation in our city and state. Most of you know about their coffee house which they considered to be one of Novi community treasures. They are locally owned, and minority owned. Small businesses like theirs are the engine for the job growth over the past few decades. Studies show that a much greater percentage of every dollar spent at small businesses remains in the community compared to big businesses. When the pandemic struck they did some serious soul searching on whether to stay open as nearby corporate chain and independent coffee houses closed they ultimately decided to stay open. They had to be there for the healthcare and first responder heroes that bravely fought the coronavirus scourge. They didn't do it for the money, and certainly didn't do it for their health. They doubled sanitization procedures

and were zealous about cleaning protocols. Her partner and her have been putting in 70 plus hours for the past three months and it has been very difficult. They were trying to tell people in the community that they were open and continue to struggle with that issue today. Their front door has been open since March; they placed an American Flag, the Michigan Flag and her native Porta Rico Flag outside. This is to show their pride, but to also show everyone that they are open. They also place signs at Beck and Grand River that they were open. As a small business they don't have multimillion dollar ad budget that the national chains command, despite many efforts they have had new customers come to the store and they said they had no idea they were open until they saw the temporary signs or the flags or the door open. People continue to tell them this so they know that these types of visuals display work. Their business has suffered greatly over the past three months and they urgently need a way to promote their business to interested customers. They purchased two professional looking feather signs and would like to place them along Beck Road. One of their national competitor's has been closed intermittently for reason unknown to them and when it happens the traffic backs up on Beck Road creating a hazard with the traffic. It has happened at least seven times in the past three months. She wanted to mention that the competitor was given a variant to shoehorn their store into that current location and she personally believed its design to be a traffic hazard anytime, but that was not her main focus that day.

COMMITTEE REPORTS: None

MAYOR AND COUNCIL ISSUES:

1. Mayor's declaration rescinding local State of Emergency and status of remote meeting authority.

Mayor Gatt made an announcement that the State of Emergency Declaration that he signed months ago and was later unanimously approved by the City Council after much thought after much deliberation with City Manager Auger and City Attorney Schultz he has decided that the emergency in the City should be ending. The State of Emergency will be rescinded effective June 19, 2020 at 11:59 p.m. He said that doesn't preclude us from issuing another State of Emergency if things change in the future. He is hoping and praying that doesn't happen. This is not something that will have to be voted on. This is just a Mayor's declaration. Part two of that are the Council meetings. The Governor's Declaration of Emergency allows City Council and other public bodies to meet the way we are meeting. It is his hope that soon we can get back to our Council Chambers and meet in person and see people face to face. He said he would not call for any vote to do that tonight. The Governor's declaration ends very shortly. It may take care of itself if her declaration ends and she doesn't extend it then we will be back at our next Council meeting in July. If she does extend it, at the next Council meeting his intention was to bring it to Council on a Mayor and Council Issue for discussion and a vote. He thought it was important that we get back to the Council Chambers, appropriately distanced, and appropriately clean. He will leave that up to administration to figure out how that configuration would work.

Member Breen said that Novi is a wonderful and diverse City. One thing that we have always prided ourselves on is that we can always do better. We have been hearing from the black community as well as many other members of the community, people of different races, and ethnicities of all political stripes that we need to be better. She thought that we as a city are up for that challenge. She mentioned that they have all received a lot of comments and questions about our Police Department. She thought our Police Department was great, they are nationally accredited. She has personally witnessed the de-escalation and autism training that they have undergone first hand in her own neighborhood. Many of the inquiries she thought they have been getting come from a place of people not knowing what policies and procedures our Police Department has implemented. She thought that the City has done a great job of educating the people that have asked us these questions. For example they spent an hour with one individual talking him through everything that has been going and now that individual is excited to join the Ambassador Academy. She said given the number of inquiries that we've made it is her personal thought that we might want to be a bit more transparent about what our Police Department has been doing. She stated again she felt that Chief Molloy has done a fantastic job. She thought we should make it a more prominent display as to what our officers go through, the specific education that they undergo so that the public can see, very transparently what we are engaged with. That was one thought that she had. She stated that some of us attended a rally two Saturday's ago over in Fuerst Park and what she believed they were hearing from people shouting from the rooftops, marching in the streets that we have a problem in our society. We as a Council, we are rather homogenous in makeup. We are in no position to tell members of our community who come to us and say that they have a problem that they don't. Specifically they are saying that there is racism in our country that they are facing it personally and they want to know what they can do to help. She said she has heard a number of proposals from people, not just the black community, but other communities on what we can do. She is not saying that we need a plan tonight. She was saying that we need to start a dialog. We need to get a plan. We need to figure out how to help these members of the community when they come to us with these ideas and proposals. She has heard everything from an advisory committee, to what we can do to promote more affordable housing, an audit of current City Policies and Practices, creating an empowerment zone to attract and bring black businesses, plan to recruit and retain black employees and more them into leadership positions. She said again, we do not need a plan tonight; we need to have a dialog. She encouraged city staff and her colleagues to keep bringing your ideas and concerns and questions on what you would like to see happen in our city. Hate has no home here. She has a sign in her front yard that says that. We need a plan to make sure we are doing everything we can to address injustice and inequity. Our country made some great strides today with the Supreme Court's decision protecting members of the LGBTQ community, she looked forward to seeing what we can do with that to also recruit and retain members of that community. She appreciated the statement that was put out by the City, on behalf of Mayor Gatt, Chief Molloy, and City Manager Auger. She wanted Council to seriously give some consideration to the voices that they are hearing and eventually we will need a plan. She said she has an open door policy, open door policy with the City; she wanted her colleagues to come to us with their

concerns and questions. We want to hear these voices and see what they can do to help.

City Manager Auger asked if he could respond to Member Breen. Mayor Gatt said he didn't want to get into a deep discussion that evening. It is a very sensitive and a very deep topic. Mayor Gatt wanted to say to Member Breen that he has been part of this community, and he worked for the City for 45 years. He was a police officer for 27 years. He said Novi has the greatest Police Department in the State of Michigan, maybe in the country. That starts with the top, we have the greatest leader, Lee BeGole started it, he set standards so high, and other Police Departments couldn't come close to it. When Chief Molloy took over he did the impossible, he even raised the standards. This is why we don't see the problems that are permeated in other parts of the world here in Novi. We didn't see it 45 years ago either. He said he was proud of our community, he was proud of our city of Novi. Our greatest strength in Novi is now and has been for 40 years, and will be for the next 100 years our diversity. We are a melting pot. Somehow we don't get the complaints here that some other communities do. He said he was not saying that someone might not go to Member Breen and say something about an isolated incident, or something. As the Mayor he gets a lot of emails, he said what concerned him with some of the emails is that he got about 15 that were exactly the same. It was a message from a group, he didn't know what group, but it was a group that put together a message, same wording, same everything, it was nine paragraphs long and it was sent to the Mayor, Chief Molloy, and he thought City Manager Auger. He wasn't sure if she had seen all of the responses that Chief Molloy has sent out, he did as part of the chain. He said Chief Molloy has articulated all the great accomplishments that the Novi Police Department has achieved over the years. Everybody who writes him, they write back and say thank-you. There is no disputing, no question; there are no problems in Novi thank God. Thanks to all of us and the residents. It is not to say that we can't do better Member Breen, everybody can do better. We are always striving to be perfect, and yet nobody is perfect. He said that should always be our goal and always will be our goal as long as he is Mayor.

City Manager Auger said the statements he was going to make were not meant to be defensive, he is defending our employees. He said he hears all of the noise. One of the things when he came to Novi he was most impressed with was not only the Police Department and how much extra training above and beyond what is required by the State. He said throughout our whole organization some of the stuff you are hearing about we have been doing for 15 year and 20 years. He stated that we are not perfect, we hire human beings, but we do our best every day. We have been doing things that are being asked of others communities right now we have been doing for up to 20 years. It is part of our culture. We are not like every other community. He wished we could clone, we offer. Our employee, Director Molloy was just president of the Michigan Chiefs of Police. Assistant City Manager Cardenas hopefully will be appointed to the ICMA Board coming up shortly. He said he has been president of the Michigan Municipal Executives. We lend our talents and our experiences across the State and Country. The reason the people like hearing it is because it is not just things on paper. It is how we live, it is how we operate. We don't need to apologize for that, we are a very strong community because of these things. People like to live in Novi

because of these things. We are transparent, we have programs we implemented and new programs that tell people what we do and who we are. People can sign up for these programs and they can take advantage of these programs. He said Director Molloy responds to each and every person who asks those questions. The Mayor is right earlier when he said that we had a dozen emails that came in from the same type source. There are others that come in that are tweaked a little bit and Director Molloy takes the personal touch to answer all those questions. We are going to roll out more information because people want more information. We met with Community Relations this morning and we are coming out with more programs to explain what we do. We do what people are asking for and we live it. It is not meant to shut anything down, he gets that. Everyone wants to be heard. We do a lot and we shouldn't be ashamed of it.

Member Mutch wanted to add that they have all received communications, he said he hasn't received the volume of communications that Mayor Gatt, Chief Molloy or the City Manager has. He said he thought it was important as an organization that we share as much as possible the story of our City in terms of those policies and the training and all the things that City Manager Auger alluded to. The average resident doesn't know. There are some details that he personally didn't know reading some of the things that have been shared by the Chief Molloy in responding to residents that have addressed some questions that he wasn't aware of. There are probably policies and procedures that would be helpful for the department to share with the Council as a whole some that they are all up to speed on everything that the City is doing. He thought that what the City Manager alluded to and what the Mayor spoke to and the Chief Molloy has talked about is that we are doing a lot of things right here in Novi. It is important that our residents know that so that they have the reassurance that we are doing the right thing. If there are any areas of concern that are still out there after learning that information then we can focus on those areas and we can continue to improve as Mayor Gatt mentioned earlier.

Council adjourned to Executive Session at 8:47 p.m.

Council returned to Open Session at 9:20 p.m.

CM 20-06-078 Moved by Fischer, seconded by Casey; CARRIED UNANIMOUSLY

To approve the Tentative Agreement for successor Collective Bargaining Agreement between the Michigan Association of Fire Fighters (MAFF) and the City of Novi for a six (6) year term, July 1, 2020, through June 30, 2026.

Member Mutch said he had a procedural question for City Attorney Schultz. He asked if they were voting on the actual contract, or were they voting to authorize City Administration to finalize this and return back to City Council for an actual vote. City Attorney Schultz said he would defer this question to City Manager Auger on where this stands. He thought this was a vote on the contract to turn offer to the MAFF Union to get their approval for it. Member Mutch understood that they already voted on it. City

Manager Auger said the MAFF Union has already ratified this and it is now before you for your decision. Member Mutch told City Attorney Schultz that Council has not seen the actual contract. They have seen the information regarding the changes and also there was no notification in the Agenda in terms of Council voting on this. He wondered if that was appropriate for them to come out of Executive Session and vote on this. City Attorney Schultz replied he thought they were allowed to, he didn't know if they were listed as an action item when coming out of Executive Session. City Attorney Schultz thought they were following the normal process. Member Mutch said maybe they are. He wondered how the public would know that we were voting on this. Assistant City Manager Cardenas said the item was posted on the website as a consideration of an agreement. The specifics were not listed; it is only discussed with City Council. He said the motion was listed on the Agenda and the packet for public consumption. City Attorney Schultz said what Member Mutch had was the outline of the items in the agreement which are normally not attached to a packet. Member Mutch said the Agenda simply said that they were going to discuss labor negotiations when then go into Closed Session. Member Mutch said he wanted to make sure that they were doing this appropriately. He said typically when they come out of Closed Session they authorize the Administration to do some action, then it comes back at a future date that they ratify. Examples would be a property acquisition, something of that nature. This doesn't feel exactly right to him. City Attorney Schultz said it wasn't inconsistent with the way you've come out of Closed Session before, whether it was to settle a case, approve a purchase agreement, etc.

Mayor Pro Tem Staudt said his only comment was that it was clear going out of Open Session to go into Executive Session and that they would be returning to Open Session. There was notice that we would be likely to return. He said he didn't feel anything unusual in this situation. He didn't know why we were having any discussion on this. We normally just vote.

Mayor Gatt said as long as he has been Mayor when we have a contract when the other side has tentatively ratified, when we agree to it we come out in Open Session and vote on it. If we are contemplating purchasing a piece of property we go into Closed Session and they come out to Open Session and vote on it. He didn't see this as any different.

Member Mutch yes, but he thought there was a distinction there. One is on property acquisitions we give direction to Administration, the actual acquisition happens at a future meeting. He said looking at this Agenda he didn't see anything that would provide notice that we would be taking action to approve a contract this evening. In the past he believed that would come back to them at a future meeting. He said he raised his concern and they can proceed accordingly.

Mayor Gatt asked City Attorney Schultz one more time if they are doing this legally. City Attorney Schultz said the Mayor identified they were going into Executive Session for collective bargaining agreements and they reserved the right to come back at this point he said they were permitted to proceed, if it turns out that we didn't do it right we will correct it.

Member Fischer procedurally what would the rectification if there was a problem. City Attorney Schultz said you would come back and vote next time. Member Fischer said he was fine with it.

Member Breen said Member Mutch raised a concern. She said they usually are provided a full contract to read and that was not provided this time. She wondered if the full contract was ready to be viewed. Mayor Gatt said they were going to vote on what they decided to vote on in Closed Session. If there are any problems they will get back to us. He stated that they have never seen a full contract in Closed Session before they voted. He said they were going to continue.

Roll call vote on CM 20-06-078

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

Nays: None

COMMUNICATIONS: None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION:

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 9:27 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: July 6, 2020