

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, MARCH 18, 2019 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 TEN MILE ROAD**

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

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Breen, Casey, Mutch, Poupard, Verma (absent, excused)

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

APPROVAL OF AGENDA:

Member Breen asked that they add to the Agenda under Mayor and Council Issues: Human Trafficking Forum and SEMCOG. Mayor Gatt said per Councils Rules we are only allowed one item, however he mentioned that they had talked before the meeting and Member Casey is involved with one so we can add that also.

CM 19-03-028 Moved by Casey, seconded by Mutch; MOTION CARRIED: 6-0

To approve Agenda as amended.

Roll call vote on CM 19-03-028 **Yeas: Staudt, Breen, Casey, Mutch, Poupard, Gatt**
Nays: None
Absent: Verma

PUBLIC HEARING: None

PRESENTATIONS:

1. National Emergency Telecommunicator's Week April 14 – 20, 2019 – Alan Patterson, Communications Manager

Alan Patterson said he has the pleasure of working alongside our men and women all year long and they are there working behind the scenes with our police and fire 24/7, 365 days a year standing ready for anything that happens to citizens of Novi. Most of our families are at home celebrating birthdays and holidays, they're working during those times. They deal without complaint, they do it very professionally. He said he was very proud of them. Thank you for the acknowledgment, they deserve all of the credit and we deserve not of it. He also brought Kelly Mesh, Dispatch Shift Leader who has served the City of Novi for 18.5-years. She said when she started Mayor Gatt was a road patrol sergeant and he was her immediate supervisor. Charlie Jordan, Dispatcher has worked for the City of Novi just shy of 3-years. Assistant Police Chief, Scott Baetens said he started 18 years ago and Mayor Gatt was his supervisor as well. He thanked

everyone for the recognition for the dispatchers. They truly do work behind the scenes. They are the first voice of Public Safety that the citizens hear. When the public calls for help they are the ones they talk to first and they are very professional. Mayor Gatt said they owed them a round of applause.

MANAGER/STAFF REPORT: NONE

ATTORNEY REPORT: NONE

AUDIENCE COMMENT:

Diane Lonnerstater was there with her husband John, and son, Jared. She said they are residents of the City of Novi. She wanted to talk about the Living and Learning Center which is on the Agenda. Her family has been involved with the Living and Learning Center for close to 4-years now. Their son Jared had transferred to an alternative high school and they met Rochelle, who is the owner of the Living and Learning Center. She said they were always keeping their eyes open for some place for Jared to go to where he could socialize, make friends, meet others like him who are on the autistic spectrum. They knew the place that would allow him overcome loneliness, to develop skills, and improve confidence. It is a place where he could feel safe where no one would look at him as if he were different. Jared has found a second home at Living and Learning. He looks forward to attending weekly programs at the center and now they have the opportunity to provide him with skills which include employment training, independent living skills which will allow him to transition into adulthood. This will allow him to participate in the community, still feel safe, confident and not be alone. The Living and Learning Center has not only provided hope for Jared, but for parents like them who need to know that their children will become successful, confident and independent adults who can be productive in the community. The proposal presented addresses these concerns and those of all of the other parents involved in the center. Her son Jared addressed the audience. He said it is important; he makes good friends there at the Friday night hangouts at the Living and Learning in Northville. They help him with jobs and training and help him to interact with customers at the Red Dot Café in Northville. Everyone is nice there; there are no enemies at Living and Learning. Living and Learning helps him with living skills and also helps him find places to live on his own. Living and Learning has made a big difference in his life. He is the happiest when he is there.

A Livonia resident stated that his daughter at the age of 7-years old was hit by a car and suffered a closed head injury that has been with her for her life. She is now 20-years old. In high school they moved back to the Livonia Public Schools and the Center Program there specifically for the services that they offered, but as the end of her high school approached they had worries of what happens after high school. Luckily in her junior year she met some folks that had been attending the Living and Learning Center. His daughter went for the first time and she loves to go every weekend and hang out

with her friends. She has two sisters that have plenty of friends that are always nice to her at home; this is a girl that will always need assistance. He stated that it makes him happy every time she goes to Living and Learning and comes home happy. He has great respect for Rochelle and her plans and he felt it was a very exciting proposition. He and his wife fully support the plans for the Living and Learning Center and Assisted Living type situation.

Kevin Donovan said he has a daughter, Haley who is 24-years old. She has been participating in Living and Learning programs for the last 4-years since the Center has been open. It has made a huge difference in her life. They started off as a small store front that we stumbled upon accidentally and she has participated in Sip n' Chat which was a social skills class. She also attends music therapy classes, art therapy classes, and cooking classes. It was amazing to them when they got to rent the Griswold property and expanded. He thought that whatever Rochelle puts her mind to she's going to achieve. It has already surpassed their expectations for what they can do. His daughter Haley has Asperger's Syndrome. She graduated from high school, mainstream with help from an aide all through school. He said on casual notice, you may think Haley is atypical until you really get to know her. She will never be able to drive a car, and she will never have full time employment. Currently she spends three or four days a week going to Dutton Farm in Rochester which is about a 1 hour commute and she goes there by Lyft or Uber, otherwise she wouldn't have a life. He said the vision and dream for Living and Learning is to expand their program and to have actual jobs there at the Center. Make products and sell the products and be part of the community. The vision that Rochelle has for the Living and Learning can come through if they are able to acquire the property in Novi and develop it. He said if you ask his daughter what her favorite thing in the world to do is, it is to go to the group hangouts on Friday or Saturday night to be amongst her peers, to be accepted without question, and just to have fun like the rest of us can do anytime we want. He explained that someone with Asperger's Syndrome has very limited options. It would be wonderful for people with her condition or with similar conditions to be able to do that close by in the community.

CONSENT AGENDA REMOVALS AND APPROVALS:

- A. Approve Minutes of:
 - 1. March 4, 2019 – Regular meeting
- B. Enter Executive Session immediately following the regular meeting of March 18, 2019 in the Council Annex for the purpose of discussing labor negotiations, property acquisition and privileged correspondence from legal counsel.
- C. Approval of Beautification Commission's recommendation on the Neighborhood Entryway Enhancement Matching Grant Program to award the requested grant amount for the following neighborhoods upon successful completion of the entryway work depicted in the applications: Jamestowne Green (\$2,875), Mirabella Estates (\$5,000), and Westminster Village (\$4,000).

- D. Approval to purchase a MILO Range Firearms Training Simulator for the Novi Police Department from FAAC Incorporated for \$56,100 and the necessary projector and IT equipment through Bluewater Technologies Group for \$14,880.28, both through a General Services Administration (GSA) contract.
- E. Approve Agreement with Oakland County to participate in Corridor Improvement Authority and permit the Authority to capture County taxes, subject to final, minor edits as to form as may be approved by the City Manager and City Attorney.
- F. Approval to award civil engineering services to OHM Advisors for design engineering services associated with the DPW Facility Stormwater Management Compliance Project (Vactor Station and Site Improvements) in the amount of \$92,882.
- G. Approval to award civil engineering services to Spalding DeDecker for construction engineering services associated with the South Lake Drive Storm Sewer Structure Rehabilitation project (Lilley Trail to Old Novi Road) in the amount of \$23,205.80.
- H. Approval of a Street Light Purchase Agreement with DTE Energy for the installation and ongoing operation cost of twenty-three (23) street lights at twenty (20) intersections and convert street lights at 5 intersections to LED Lighting to enhance motorist and pedestrian safety as part of the 2019 Novi Intersection Improvements project.
- I. Approval of a Warranty Deed for Bosco Fields located at the southwest quadrant of the 11 Mile Road and Beck Road intersection to dedicate sixty feet of right-of-way along the south side of 11 Mile Road and the west side of Beck Road (parcel 50-22-20-200-011).
- J. Approval of a Warranty Deed to dedicate 60 feet of right-of-way along the west side of Beck Road and 60 feet of right-of-way along the south side of Eleven Mile Road at the Griffin Funeral Home property (parcel 50-22-20-200-021).
- K. Approval of Warranty Deed to dedicate 43 feet of additional right-of-way along the north side of Nine Mile Road along the frontage of the proposed Terra development (parcels 50-22-30-401-026 and 50-22-29-326-040).
- L. Formal acceptance of land for the purpose of expanding City parkland in the area I described in the attached Warranty Deeds for three parcels adjacent to Terra (formerly known as Villa D'Este), a single family development proposed near the intersection of Nine Mile Road and Garfield Road. The dedication of land meets the provisions of the Planned Rezoning Overlay (PRO) Agreement associated with the Terra development. The dedication consists of three parcels

totaling 20.396 acres: 50-22-30-401-025 (12.18 acres), 50-22-29-326-039 (8.03 acres), and 50-22-29-326-041 (0.186 acres). **REMOVED and LATER APPROVED**

- M. Approval to award a unit price contract to SJR Pavement Repair, Inc., the low bidder, for the Spray Patch Road Repair Program in the estimated annual amount of \$81,500. The contract term is one year with two one-year extensions.
- N. Approve amendment to Consent Judgment in the case of Poota d/b/a Novi Party Store v Novi ZBA, Oakland County Circuit Court Case No. 02-046233-AA to allow a wall sign instead of a monument sign.
- O. Approval of Claims and Accounts – Warrant No. 1032

Member Mutch removed Consent Agenda Item L.

CM 19-03-029 Moved by Casey, seconded by Poupard; MOTION CARRIED: 6-0

To approve the Consent Agenda as amended.

Roll call vote on CM 19-03-029 **Yeas: Breen, Mutch, Poupard, Gatt, Staudt, Casey**
Nays: None
Absent: Verma

MATTERS FOR COUNCIL ACTION

- 1. Approval of the final payment to Toebe Construction, LLC, for the Crescent Boulevard Reconstruction project from Novi Road to Town Center Drive, in the amount of \$119,600.19, plus interest earned on retainage.

CM 19-03-030 Moved by Casey, seconded by Poupard; MOTION CARRIED: 6-0

Approval of the final payment to Toebe Construction, LLC, for the Crescent Boulevard Reconstruction project from Novi Road to Town Center Drive, in the amount of \$119,600.19, plus interest earned on retainage.

Roll call votes on CM 19-03-030 **Yeas: Casey, Mutch, Poupard, Gatt, Staudt, Breen**
Nays: None
Absent: Verma

- 2. Approval of the request of Living & Learning Enrichment Center for an Unlisted Use Determination under Section 4.87 of the Zoning Ordinance. The applicant is requesting a determination on the appropriateness of a Non-Profit Educational and

Vocational center as a Special Land Use in the RA, Residential Acreage Zoning District.

Member Breen asked the applicant to explain what the Living and Learning Center is. The applicant said they work with teens and adults beginning at age 12 and there is no limit. Their oldest is in their 40's. It would include people with autism or any other type of disability. Member Breen said that she appreciated what she does for people with special needs and she couldn't think of a better use for the property. Thank you for everything that you do.

Member Poupard commended her for her work. She said she is a retired educator and she knows the importance of what is available after high school for those with special needs. She thought she had a vision that was much needed in society today. She also commented on what the previous speaker mentioned about her determination to make that vision a reality. She congratulated her and gave Rochelle her blessings on that. Ms. Poupard thanked the Planning Commission that seemed to go out their way to work with Rochelle to see what they could do to recommend to Council the use of this property. Kudo's to everyone. The focus is on those who are receiving services that are much needed and not on the politics or anything else that goes into this. Good luck on all of the creative ideas that you have to engage people at this age for meaningful work. The representative for the applicant said she could not take credit; it is the Director, Rochelle who deserves the credit. She could not attend that evening due to an illness.

CM 19-03-031 Moved by Staudt, seconded by Casey; MOTION CARRIED: 6-0

Approval of the request of Living & Learning Enrichment Center for an Unlisted Use Determination under Section 4.87 of the Zoning Ordinance for use as a NonProfit Educational and Vocational Center in the RA, Residential Acreage Zoning District, subject to Special Land Use Consideration by the Planning Commission, for the following reasons:

- a. Living & Learning Enrichment Center is not expressly authorized or contemplated in City of Novi Zoning Ordinance as a as a principal permitted use or a principal permitted use subject to special conditions;**
- b. The proposed use is an appropriate use in the RA District when the lot size is large enough to support the uses, a minimum of 5 acres;**
- c. Additional screening from any abutting residential district may be required at the time of Special Land Use Consideration.**

This motion is made because the plan is otherwise in compliance with Article 4, Section 4.87 the Zoning Ordinance and all other applicable provisions of the Ordinance.

Member Mutch asked City Attorney Schultz about one of the included conditions of this approval, specifically letter C which speaks to additional screening from any abutting residential district, but may be required at the time of special land use consideration. He was looking at this site and we are all familiar with it. It is surrounded by roads and then there is a small area where it abuts up to industrial properties in the City of Northville. There are residential properties to the north and to the south and they are across 8 Mile Rd. He asked what the purpose was of this condition. City Attorney Schultz replied that it is a flag. This is a Special Land Use approval, this is not done with the motion here, and it goes back to the Planning Commission for Special Land Use approval. He thought it was a flag to note there may be some screening that is recommended by the staff. It is not a requirement in this motion. Member Mutch asked if this approval is limited to this site or are we saying that this kind of use can be somewhere else in the City. City Attorney Schultz said it is not limited to this site; it is an indication from Council that a RA District is an appropriate place for these kinds of uses. There is a finding that it is expected to be 5 acres or more. Each one of these in the RA District, if we get another one, will be subject to the Special Land Use approval. Member Mutch stated that he was fully in support of this use. The services that are being provided and the population that is being served, there is clearly a need based on the comments that we heard this evening. He said he also read the article in The Ville, he thought it was great to have something like that in the area. If we can have that in Novi providing services for young adults and people of all ages that will benefit from that in a location that makes sense to him was great. He wished the organization the best of luck; he knew this was a big project that they are taking on.

Member Casey mentioned that it was a unique area and wondered if we had any conversation with Northville Township or the City of Northville. We have had some communication and it has been positive about how this organization works and works within the community and the respect with what they are doing. Member Casey told the applicant that she was very touched to see the people that spoke before us. She thanked Jared for his remarks as well. She said she had not heard much about the organization until now and she was very impressed with what she heard, what she has read and what their vision is. She absolutely supported this going forward. She looked forward to hearing more great things about the organization.

Roll call votes on CM 19-03-031

**Yeas: Mutch, Poupard, Gatt, Staudt, Breen,
Casey**

Nays: None

Absent: Verma

3. Approval of the request of Squeaky Shine LLC, JZ18-50, for Zoning Map Amendment 18.727 to rezone property in Section 35, located on the east side of Novi Road between Eight Mile Road and Nine Mile Road, from the I-1, Light Industrial District to the B-3, General Business District. The subject area to be rezoned is approximately 0.68 acres. **FIRST READING**

CM 19-03-032 Moved by Staudt, seconded by Casey; MOTION CARRIED: 6-0

1. **The Master Plan for Land Use objective to foster a favorable business climate is fulfilled by allowing an existing business to expand,**
2. **The Master Plan for Land Use objective to support and strengthen existing businesses is fulfilled by allowing an existing business to expand and develop a vacant parcel,**
3. **This is a reasonable alternative to the recommended land use and will be consistent with zoning to the west,**
4. **Noise data supplied by the applicant that the proposed use will not cause impacts above the threshold level in the Zoning Ordinance,**
5. **There is no negative impact expected on public utilities as stated in the Engineering memo,**
6. **The Rezoning Traffic Impact Statement has demonstrated that the proposed rezoning will not degrade the level of service of the local road network below acceptable levels, and**
7. **The rezoning provides an opportunity for a long-standing business to expand at their current location, with the submittal of a site plan anticipated once the rezoning is approved.**

Roll call votes on CM 19-03-032

Yeas: Poupard, Gatt, Staudt, Breen, Casey, Mutch

Nays: None

Absent: Verma

4. Consideration to Introduce Ordinance No. 19-160.03, an Ordinance To Amend The City of Novi Code of Ordinances, Chapter 22, "Offenses", Article VI, "Offenses Against Public Safety", Section 22-112, "Fireworks", in order to amend regulations of the times during which consumer fireworks may be discharged, include additional restrictions on the discharge of fireworks, and amend the penalties for violations of this section. FIRST READING

City Manager Auger stated that the next three are in keeping with the State law and housekeeping brings us up to how the State law reads.

Mayor Pro Tem Staudt wanted to thank the State Legislature for listening to Municipalities on the very rare occasion that they do. Since they mandated fireworks that we have been asking for isn't everything we wanted, it is a start. He made the motion to approve.

Mayor Gatt said that Novi used to sponsor fireworks up on the lake for years. For years he patrolled that area and saw some horrific accidents. He said he has been against fireworks ever since. He thought the law was too liberal and he applauded the State Legislature. He wished they would go back to making them all illegal.

Approve Introduction of Ordinance No. 19-194, an ordinance to amend the City of Novi Code of Ordinances Chapter 32.5, "Telecommunications", to add a new Article III, "Wireless Facilities in Right-of-Way", to establish requirements, standards, and regulations for access to and use of public right-of-way for wireless facilities that are not telecommunication facilities under Article II of Chapter 32.5, together with a related Appendix. FIRST READING

Roll call votes on CM 19-03-034 **Yeas: Staudt, Breen, Casey, Mutch, Poupard, Gatt,**
Nays: None
Absent: Verma

6. Consideration to Introduce Ordinance No. 19-157.06, an ordinance to amend the City of Novi Code of Ordinances Chapter 31, "Streets, Sidewalks and Other Public Places", Article 1, In General, to amend and add definitions and amend and add requirements for placement and permitting of structures, equipment, facilities, and other installations in streets. FIRST READING

CM 19-03-035 **Moved by Staudt, seconded by Casey; MOTION CARRIED: 6-0**

Approve Introduction of Ordinance No. 19-157.06, an ordinance to amend the City of Novi Code of Ordinances Chapter 31, "Streets, Sidewalks and Other Public Places", Article 1, In General, to amend and add definitions and amend and add requirements for placement and permitting of structures, equipment, facilities, and other installations in streets. FIRST READING

Roll call votes on CM 19-03-035 **Yeas: Breen, Casey, Mutch, Poupard, Gatt, Staudt,**
Nays: None
Absent: Verma

7. Approval to purchase Haworth UniGroup Too office furniture for the new Department of Public Works (DPW) building from ISCG Inc., in the amount of \$129,391.11 based on State of Michigan MiDeal cooperative purchasing program.

CM 19-03-036 **Moved by Casey, seconded by Poupard; MOTION CARRIED: 6-0**

Approval to purchase Haworth UniGroup Too office furniture for the new Department of Public Works (DPW) building from ISCG Inc., in the amount of \$129,391.11 based on State of Michigan MiDeal purchasing program.

Roll call votes on CM 19-03-036

Yeas: Casey, Mutch, Poupard, Gatt, Staudt, Breen,
Nays: None
Absent: Verma

8. Approval to award the construction contract for the South Lake Drive Storm Sewer Structure Rehabilitation project (Lilley Trail to Old Novi Road) to Great Lakes Contracting Solutions, LLC, in the amount of \$122,744.00.

Member Breen asked if they had a start date. City Manager Auger referred that question to DPW Director Herczeg. Mr. Herczeg said it would be about a month to a month and a half for the work to start as the contractor is available. Member Breen wondered if there would be any impacts such as lane closures. Mr. Herczeg replied there would be moving closures; he didn't think there would be lane closures at all. He said they would notify residents after they get the schedule with the contractors.

CM 19-03-037 Moved by Staudt, seconded by Poupard; MOTION CARRIED: 6-0

Approval to award the construction contract for the South Lake Drive Storm Sewer Structure Rehabilitation project (Lilley Trail to Old Novi Road) to Great Lakes Contracting Solutions, LLC, in the amount of \$122,744.00.

Roll call votes on CM 19-03-037

Yeas: Mutch, Poupard, Gatt, Staudt, Breen, Casey
Nays: None
Absent: Verma

AUDIENCE COMMENT: None

COMMITTEE REPORTS: None

MAYOR AND COUNCIL ISSUES:

Member Breen wanted to let her colleagues and general public know that in conjunction with Member Casey, County Commissioner Gwen Markham, the Human Trafficking Force, Attorney General Kelly Carter, and the Human Trafficking Clinic at the University of Michigan, Nurse Julia Pulver on April 11, 2019 at 6:30 p.m. they will be hosting a Human Trafficking Forum in the City of Novi Council Chambers. We will be addressing all forms of human trafficking and how to recognize it and what to do about it. She encouraged the public, colleagues, City staff and those involved in the schools to attend the particular forum.

Member Breen stated that she and Member Mutch attended the SEMCOG General Assembly last week. Member Mutch did a wonderful presentation for everyone. She wanted to note to the public that SEMCOG caters to 4.7 million across seven counties

here in Michigan. We adopted the 2045 Regional Transportation Plan. She encouraged everyone to check it out. It talks about population, job forecasts, opportunities for transit, environmental concerns, and we all look forward to additional information on mass transit and what we can do here in Novi as far as our plans with SMART. She invited everyone to check out their website at SEMCOG.org for additional information.

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION:

Member Mutch removed Consent Agenda Item L regarding the formal acceptance of land for the purpose of expanding City parkland in the area I described in the attached Warranty Deeds for three parcels adjacent to Terra (formerly known as Villa D'Este). He stated his reason for removing this was that our practice has been as properties have been donated or purchased by the City acquired as parkland that Council has a formal resolution designating those properties as parkland to make clear our intent for future councils and the public at large. He assumed that will be coming forward at a future date, but he wanted to make sure that it was noted so we can expect to see that once the City formally takes ownership of this property. With that he made the motion.

- L. Formal acceptance of land for the purpose of expanding City parkland in the area described in the attached Warranty Deeds for three parcels adjacent to Terra (formerly known as Villa D'Este), a single family development proposed near the intersection of Nine Mile Road and Garfield Road. The dedication of land meets the provisions of the Planned Rezoning Overlay (PRO) Agreement associated with the Terra development. The dedication consists of three parcels totaling 20.396 acres: 50-22-30-401-025 (12.18 acres), 50-22-29-326-039 (8.03 acres), and 50-22-29-326-041 (0.186 acres).

CM 19-03-038 Moved by Mutch, seconded by Casey; MOTION CARRIED: 6-0

To adopt formal acceptance of land for the purpose of expanding City parkland in the area I described in the attached Warranty Deeds for three parcels adjacent to Terra (formerly known as Villa D'Este), a single family development proposed near the intersection of Nine Mile Road and Garfield Road. The dedication of land meets the provisions of the Planned Rezoning Overlay (PRO) Agreement associated with the Terra development. The dedication consists of three parcels totaling 20.396 acres: 50-22-30-401-025 (12.18 acres), 50-22-29-326-039 (8.03 acres), and 50-22-29-326-041 (0.186 acres).

Voice votes on CM 19-03-038

Carried Unanimously

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:41 P.M.

Dawn Spaulding, Deputy City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: April 1, 2019