

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, DECEMBER 20, 2021 AT 7:00 P.M.**

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

PLEDGE OF ALLEGIANCE

Mayor Gatt asked that everyone stand for a moment of silence after the Pledge of Allegiance for a Novi historic figure, Dick Faulkner, who passed away within the past few days. He stated that Dick Faulkner was one of the original Novi police officers and Lee BeGole's Deputy Chief for as long as he could remember. He said Dick Faulkner was a man of impeccable quality and character, he was one of the best.

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Casey, Crawford, Fischer, Smith, Thomas

ALSO PRESENT: Peter Auger, City Manager
Tom Schultz, City Attorney

APPROVAL OF AGENDA:

Member Smith added to Mayor and Council Issues "Expanding Broadband Committee Membership".

CM 21-12-157 Moved by Crawford, seconded by Casey; MOTION CARRIED: 7-0

To approve the Agenda as amended.

Roll call vote on CM 21-12-157 **Yeas: Staudt, Casey, Crawford, Fischer, Smith,
Thomas, Gatt**
Nays: None

PUBLIC HEARINGS:

1. Public Hearing Oak Pointe Plaza

Opened at 7:01p.m. and closed at 7:02 p.m. with no public input.

PRESENTATIONS:

1. Michigan State Fair presented by Ram Trucks – Blair Bowman

Mackenzie Bowman gave a quick overview of their 2021 Michigan State Fair, and then go over their plans for 2022, as well as a little presentation on their partnership with the Novi Parks Foundation for the new Jessica's Splashpad project. She said 2021 was an amazing year, they had a 62% increase in attendance. She said they had over 286,000 people in attendance this year, the outpouring of support from the community was amazing to see, the increase in attendance did mean that we were able to give more money to our community and charitable partners. She said they were able to raise that by 45%, for a total of \$857,000, for the 2021 contributions. She said they increased

attendance, we had some strains on our infrastructure and how we were laying out the State Fair. She said with that opportunity, they were able to figure out what they were going to do for 2022 to make things run a little bit smoother, to enhance the experience for the larger crowds. She said they are going to be increasing the number of rides that they have on site, they will be expanding the Shrine Circus, and Craig Stigleman will be talking a little bit more about that. She said they are going to be bringing more food vendors and options on site, and addition to that they will have their entertainment pavilion expanded and more seating options, so everyone will be able to relax and enjoy the fare a little bit more comfortably. She stated they will have expanded and streamlined parking and ticketing operations, so that should hopefully clear up some of the traffic on Grand River. She said L. C. Scramlin will give a little bit of history on the State Fair and the importance of their revival effort, and then Craig will come up and talk about the Shrine Circus in our community partnering charitable organizations.

L.C. Scramlin thanked everyone for this opportunity. He said after 46 years of being an exhibitor at the State Fair, of course, he was crushed like a lot of other people when the old State Fair closed. He said it took them several years to finally find somebody that had their vision, and how important to revive the State Fair. He said he still remembers the day that he walked in and made the presentation to Blair. He said as he walked through that lobby, he thought there is no way this man is going to let me bring pigs and sheep into this beautiful building, but we made that hurdle. He said they said we started wondering because unfortunately, over at Eight Mile and Woodward they lost a connection with the community and that was sad things, maybe some on our part of agriculture, but it had happened. He stated it has been a thrill of being able to revive it, the connection with a community here in Novi has been one of the bright spots, our family shows at the Ohio State Fair, Indiana, Wisconsin, the Keystone in Pennsylvania. He said many people give them thanks when they open the doors here for the revival to bring an air of culture and famers to join and explain where your food and fiber comes from right across the street at the Suburban Showplace, because he can guarantee you, there is not many things you could guarantee, but he will guarantee you everybody in Novi probably ae at least two meals because of agriculture. He said they know their food does not come from Kroger or Meijer, though those are great institutions, they come from America's farmers. He said most people do not realize that 91% of the farmers or agriculture in this country still comes from family farms, not corporations. He said it as been one of the great thrills to team up with the business herein Novi, with the people. He said Mayor Gatt brings them great weather every year, he did not know how he does it. He said it has been a thrill to share and have a generation, it is important for our children to come here and realize how special they are as people of agriculture, to meet up with their partners in urban Michigan and to know their value. He said it has been great, and one of the beef guys said it best, he used to bring all kinds of pamphlets talking about the beef industry in Michigan and he would carry them all back home. He said now he must call his wife about the second or third day and tell her to bring more pamphlets down to the show because we have had such a demand, He thanked the folks for their hospitality. He said it was great to come to know so many of you, it is a great community and relationship. He said it was exciting to give things back to such a wonderful community. Thank you.

Craig Stigleman said he ran the Shrine Circus for the Michigan State Fair. He stated Blair asked him if he could say a few words about the State Fair and about the Circus. He explained what the Shriners were, he said everybody know them as the guys that wear that silly little hat, or that march in parades, or they drive funny little cars, but what you do not know is that it is our fraternity. He stated the other side of the Shriner's is what we do all that for one main reason. He said the Shriners support 22 hospitals across the United States and in those 22 hospitals, they have taken care of over 1 million children and fixed their spine defects, their face deformities, and their arm deformities. He said they had a little girl in Michigan she is 16 years old, she just finished he seventh surgery at a Chicago hospital. He said at 16 years old they gave her back her face, this is serious stuff. He said when you see them out there having fun, he said they are having that fun so they can support our hospitals. He said the Michigan State Fair, through Blair and his generosity in the Michigan State Fair allows their Temples to continue that mission. He said every day of every week they are driving vans to three hospitals, Dayton, Ohio, Chicago, and Erie, Pennsylvania. He said they spent \$20 million, putting a motion lab in Erie, Pennsylvania, so they could do surgeries on kids one time to do spine defects instead of six or seven times. He said the Shriners spend millions in support of their hospital and all comes from Temples like us here in Detroit. He said they are honored to be part of the Novi Community; we are honored to be part of Blair Bowman's community. He said they were so honored, they are moving their Temple to Novi, he said they are building a \$3 million dollar Temple here in Novi over the next wo years, he said they are already leasing a building from Blair. He said they sold their building in Southfield and the Shrine Temple is coming to Novi. He said the State Fair means everything for the Shrine Temple, it means everything for our kids. He thanked Blair and everyone for all that you have done.

Blair Bowman, on behalf of the Michigan State Fair, privately produced, Michigan State Fair, the only one in the nation that is privately produced. He said he found that out a few years ago, when arguing with the reporter that he did not think that could be the case, but it is, so we are super pleased. He said you can hear the passion and the importance of all this, this is the greatest thing that we do at the Suburban Collection Showplace out of all the wonderful events that we do, from the Friends of the Fair and the Charity Preview Night when 39 charities come, and military families, and veterans and their families come and get a chance to enjoy the Fair on them, and seeing those faces makes everything worthwhile. He said we could not do it without this community. He said you have put up with, partnered with and hep them just so many amazing ways. He said this year was so successful, but that success came with some challenges. He said the public safety folks and all our community partners were just such a huge help throughout all of it. He said they wanted to do something special this year. He said so many things about this, it just seemed like the perfect opportunity came along with the Jessica's Splashpad project, so with that being said, and he guessed he was told that we actually brought the real check in as well, but he said he got a super-sized one to indicate just a small token from the State Fair and our executive team that is there that evening and their 110 person plus Steering Committee and the hundreds of volunteers that help put together the Michigan State Fair each and every year. He said we are committed to improving the experience for next year, we hope to do more. He said that evening they were proud to present and provide \$15,000 to the Novi Parks Foundation

for the Jessica's Splashpad project. Thank you and this is on behalf of the City of Novi, and your great community support. Thank you.

David Landry thanked Blair, the Novi Parks Foundation is delighted to be partners for the Jessica's Splashpad project for Jessica Starr's memory, and we thank everybody. He thanked the Michigan State Fair, the Shiners, and everybody, we are so excited to partner with this project. He said this is an epic project for the City. Thank you very much.

Mayor Gatt announced Jessica Starr's Mom and Dad were in the audience and asked if they wanted to say something.

Carol Starr said on behalf of the Starr family, they appreciated the efforts of the Novi community and how easy it has been to work with Jeff Muck and Mayor Gatt, and now with Bair Bowman and the State Fair Committee. They said they were very please and very thankful for all that you can, the generosity was amazing. They said they were thankful and very pleased to work with all of you. They thanked them from the bottom of their hearts and said it was a Christmas miracle, thank you. God Bless everybody.

Mayor Gatt said the whole State Fair team and there are several people that helped with the State Fair. He said he said he would concentrate on Blair, you know, it has been said before, Blair had a vision. He said he had a vision that nobody else saw in the whole state, and he ran it by us, it was like, come on, you know State Fair at the Suburban Collection Showplace. He said his vision turned out to be something great, and Michigan deserves a State Fair, everybody would agree to that. He said there is no better place in the whole state of Michigan then to have it right here in Novi. He said they have proven that over the past 10 years, and it is going to get bigger and better. He said on behalf of his colleagues, and City Administration, the staff and 65,000 people that live in this City, we thank Blair, we thank you everybody involved in the Shriners, he said their commercials on television make him cry, I am going to tell you the truth, Craig, whoever your marketing people are great. He said the Starr family, we have embraced you, and we are going to work hard together to get the Jessica's Splashpad built and operational, and Jessica's memory will never fade. He said it will always be there for years to come. He thanked everyone, we are here for you, like you are here for us. He said to continue with the good work, and we will continue supporting you. Thank you.

MANAGER/STAFF REPORT: None

ATTORNEY REPORT: None

AUDIENCE COMMENTS: None

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 21-12-158 Moved by Casey, seconded by Crawford; MOTION CARRIED: 7-0

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
December 6, 2021 - Regular Meeting
- B. Approval of a Storm Drainage Facility Maintenance Easement Agreement from BCS Realty, LLC for Behavioral Care Solutions, located on the south side of Fourteen Mile Road between M-5 and Haggerty Road (parcel 50-22-01-200-037).
- C. Approval to adopt an Act 51 New Street Resolution accepting Crescent Boulevard (from Adell Center Drive south to Grand River Avenue) and Lambert Drive as public, adding 0.40 miles of roadway to the City's public street system.
- D. Approval of the final payment to RMD Holdings, Ltd/Nationwide Construction, Inc., for the Guardrail Repair Program project in the amount of \$4,765.88, plus interest earned on retainage.
- E. Approval to accept the residential streets as part of Heritage Woods development and adoption of Act 51 New Street Resolution accepting Preserve Court and a portion of Danyas Way, adding 0.17 miles of roadway to the City's public street system.
- F. Resolution approving opting-in to the national opioid litigation settlement
- G. Acceptance of two Conservation Easements from Acqira Realty Holdings, LLC for a woodland conservation area and wetland conservation area being offered as a part of JSP19-22, Fountain View Professional Center, for property located at 44244 Twelve Mile Road.
- H. Approval of claims and warrants – Warrant 1098

Roll call vote on CM 21-12-158

**Yeas: Casey, Crawford, Fischer, Smith, Thomas,
Gatt, Staudt**
Nays: None

MATTERS FOR COUNCIL ACTION:

1. Appointments to Boards and Commissions

City Clerk Hanson provided the results of the balloting: She noted they had one opening on the Beautification Commission, however, no one was appointed. She said for Board of Review, Swamy Gopalakrishnan was appointed as the alternate, and Peter Winter was appointed as a full member. She said for the Historical Commission, Kathy Crawford, Sharon Larson, and Rachel Manila were appointed. She stated for the Housing and Community Development Advisory Committee we did not have anybody appointed. She said Joe Tolkacz was appointed for the Parks, Recreation, and Cultural Services Commission. She stated for the Zoning Board of Appeals Jay McLeod and Mike Longo were appointed to full terms, which left an alternate position open on the Zoning Board of Appeals.

Mayor Pro Tem Staudt submitted Bob Copes to be appointed as the alternate to the Zoning Board of Appeals.

CM 21-12-159 Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY

To appoint Bob Copes as the alternate to the Zoning Board of Appeals.

Roll call vote on CM 21-12-159

Yeas: Crawford, Fischer, Smith, Thomas, Gatt, Staudt

Nays: None

Mayor Gatt thanked everyone that has been appointed. He said if your name was not called that evening, please do not stop trying. He said what make Novi so great is the participation from all our citizens. He mentioned we only have so many openings on the Boards and Commission, but please keep coming back.

- 2. Consideration of approval to award engineering design services to OHM Advisors for water main replacement, road restoration, and sanitary sewer lining within the Howell's Walled Lake neighborhood in the amount of \$153,120 and amend the budget.**

Member Smith had a question regarding the sewer lining. He wondered how that compared to replacing the sewer. He asked if it was cost effective, or more cost effective to just do this fix now and then eventually replace the sewer at some point in the future or would it be more effective to do the whole thing now? City Manager Auger said he would have DPW Director Herczeg give more detail on those questions. DPW Director Herczeg explained the lining for the sewer is much easier and a structural lining that is a quick fix with no excavation. He stated we are doing all the construction work in the area; they investigated all the other lines and they felt like it was a good time to do that while we are doing the road and the watermain.

Member Thomas asked how long the lining would last when you reline the pipes. DPW Director Herczeg replied that it depends on the pipe size, the diameter, but it should give another 30 or 40 years.

CM 21-12-160 Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY

Approval to award engineering design services to OHM Advisors for water main replacement, road restoration, and sanitary sewer lining within the Howell's Walled Lake neighborhood in the amount of \$153,120 and amend the budget.

Roll call vote on CM 21-12-160

Yeas: Fischer, Smith, Thomas, Gatt, Staudt, Casey, Crawford

Nays: None

3. Consideration of a Third Amendment to the Selective Development Consent Judgment in order to allow 'Places of Worship' as permitted uses for the subject property, known as Oak Pointe Plaza. The subject property is located on the east side of Novi Road, south of Nine Mile Road, in Section 35.

David Landry was there on behalf of Impact Church and the Novi Oak Pointe Properties, LLC. He said this is a request to allow a third amendment to the judgment, which controls this piece of property to allow places of worship as a permitted use. He stated this piece of property is unique because it is not really the uses are not controlled by the zoning ordinance. He said it is because in 1988, there was a lawsuit that was involved, there was a trial, there was a judgment in favor of the developer. He said thereafter the developer and the City got together and amended that judgment, so sometimes we refer to this as a consent judgment. He said it really was not, it was really a judgment after a trial that limits the uses, not to the zoning now, it is currently Zoned I-1, but currently, the uses are B-1 uses from 1988, plus restaurants which is what the judgment was at that time. He explained this is at the southeast corner of Novi Road and Nine Mile Road. He said it consists of four separate buildings, and really the uses people have come and gone, the only real consistent use since 1980 has been the CVS, and his client purchased the third building. He said you may notice he spent a considerable amount of money fixing up the exterior all with city permits. He stated a year and a half ago, we were before the City Council, and they approved an additional use of an instructional center and indoor recreation facility. He said then COVID hit, and that project did not go through. He said that project was far more intense than this project. He said that particular use involved a maximum of 300 children. He said it would be open Monday through Friday, from 9 a.m. to 8 p.m., Monday through Saturday, and Sunday from noon until 6 p.m. He said this particular use is a 'Place of Worship'. He said they have Reverend David John from the Impact Church; it is a predominantly African American congregation that are anxious to open in Novi. He said the particular use is basically Sunday only, and it involves 75 to 100 people. He pointed out that the City staff has recommended adding this use to the judgment, they have concluded it is not anticipated to have adverse effects on the existing uses, or the surrounding uses. He said the traffic is less intense, and the parking is more than adequate. He said that Reverend David John was there if anyone had any questions. He said otherwise they would respectfully request that the City Council approve the amendment to the judgment to allow 'Places of Worship'. He noted we agree wholeheartedly with the limitations recommended by the staff that if there were to be any use more than 100 congregants, we would have to come back to you for a special land use. He said that would be wholly appropriate in our opinion. He said unless there are any questions, he thanked them very much.

CM 21-12-161

Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY

Direct the City Attorney to work with the applicant's attorney to draft the necessary legal filing for a Third Amendment to Consent Judgment in the case of Selective Development v City of Novi in

order to allow 'Places of Worship' as a permitted uses for the subject property, subject to conditions listed in the motion as follows:

Places of worship shall be permitted, subject to the following conditions:

- 1. The proposed Place of Worship, Impact Church, shall be permitted to lease space in the building at 22104 Novi Road, subject to administrative site plan review and approval for any exterior modifications of the site.**
- 2. Any future Place of Worship smaller than 10,000 square feet shall be permitted provided services are held during non-peak traffic hours.**
- 3. Any future Places of Worship larger than 10,000 square feet, and/or those that hold services during peak traffic hours, shall be subject to the special land use requirements listed in 6.1.2.C of the Zoning Ordinance, including approval by the Planning Commission.**
- 4. No outside uses other than parking and loading shall be permitted.**

Member Fischer said he had a question regarding the recommendations of staff. He asked City Manager Auger about some following conditions, and in general he did not have any issue with these as a church, he did not have any issues. He said in general they need to be open minded, given COVID, and retail, and all these kinds of things. He did not have an issue with the use. He said his concern was there is a Section 3 that talks about future 'Places of Worship' larger than the 10,000 square feet, would have to come as a special land use under the zoning ordinance. He wondered if the applicant here who is pushing for this change? He wondered if they were to grow beyond that, 10,000 square feet, would they be required to come back as well? He thought we would want that level of control in that area. He said he would be looking for that to be an affirmative answer, by the way. City Manager Auger replied that was the intent of staff's recommendation. He said in hearing Mr. Landry's comment made at the podium, he believed they also agree with that, and we have the attorney make sure that is in the final agreement. Member Fischer said perfect, he thought if that is the direction that you see and that counsel is given, then he had no issue supporting and welcome to Novi.

City Attorney Schultz wanted to clarify that City Council will see this again, we will draft the amendment to the consent judgment and that will be your final action when you see that. Mayor Gatt said they understood.

Roll call vote on CM 21-12-161

Yeas: Smith, Thomas, Gatt, Staudt, Casey, Crawford, Fischer

Nays: None

- 4. Consideration of the recommendation from the Consultant Review Committee to award the Internet Connectivity and Broadband Study to Foresite Group at a price of \$105,000 for technical consulting services to study and analyze the broadband infrastructure and connectivity landscape within the City of Novi and amend the**

budget. Subject to final review of the form of agreement by the City Manager's office and City Attorney.

Mayor Pro Tem Staudt said he was not only the chairman of the Broadband Committee, but he was also chairman of the Consultant Review Committee. He stated this is the next step that had been discussed previously during Council meetings to move forward with a study on the Broadband Master Plan that they have been talking about. He stated this company, there were two bidders, one was a little bit lower, but did not have the breadth of experience that this individual company has. He said we are moving quickly; it should take four to five months to get done. In so he said he would make a motion to approve the agreement.

CM 21-12-162 Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY

Approval of the recommendation from the Consultant Review Committee to award the Internet Connectivity and Broadband Study to Foresite Group at a price of \$105,000 for technical consulting services to study and analyze the broadband infrastructure and connectivity landscape within the City of Novi and amend the budget. Subject to final review of the form of agreement by the City Manager's office and City Attorney.

Member Fischer said he was also on the Consultant Review Committee, and he also wanted to echo the comments of the Mayor Pro Tem. He said the way he viewed this was, sometimes a price tag of \$100,000 or so will hit you as a large amount, but the amount of money that would potentially go into some sort of broadband solution could be in the tens or hundreds of millions of dollars. He said whether there are people out there in the vast audience watching and seeing that price tag, just keep in mind how important this is, but also how much of an investment that we might make in the end, and really in relative to that he believed it is the right way to go.

Roll call vote on CM 21-12-162

**Yeas: Thomas, Gatt, Staudt, Casey, Crawford,
Fischer, Smith,**

Nays: None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: None

AUDIENCE COMMENT: None

MAYOR AND COUNCIL ISSUES:

Mayor Gatt said Member Smith added "Expanding Broadband Committee Membership" to Mayor and Council Issues for further discussion.

Member Smith said now that they have approved the consultant, and as Member Fischer said this could result in tens or hundreds of millions of dollars of expense, he proposed that

they increase the size of the current Broadband Committee to include one more Council member and four members of the community, with the Council member being appointed by the Mayor. He said the Community members would be supported by or appointed by the Council taking effect in February. He said Mr. Mena and Member Staudt who are currently on the Committee would of course stay on because they were just appointed in November by the Mayor. He made the motion to expand the Broadband Committee as described.

CM 21-12-163 Moved by Smith, seconded by Thomas; MOTION DENIED: 2-5

To increase the size of the Broadband Committee to include one more Council Member and four members of the community, with the Council Member being appointed by the Mayor and the community members appointed by the Council taking effect in February 2022.

Mayor Pro Tem Staudt said we started the Broadband Committee maybe a year and a half ago and talked about eventually expanding that Committee. He said he did not think it is appropriate this evening without having any input. He believed the appropriate thing to do would be to get the Committee together, convene, talk with staff, and decide what we are going to do in terms of the long term of expanding it. He said they did talk about adding members, but he was not ready to. He said he has been working on this for two years and he wasn't ready to find out at a meeting that somebody wants to expand the Committee. He said he would prefer that we wait until we have an opportunity to meet as a Committee and talk about it. He would ask that the motion be withdrawn and let the Committee do its business first.

Member Fischer agreed with the sentiments of the Mayor Pro Tem. He said when people pop up with a solution in Mayor and Council Issues, it does not give them the opportunity to think it through and it does not give staff the opportunity to provide their input. He said he did not know if two Council members, three Council members is the right thing. He said he did not know if five community members or 10 community members is the right amount. He thought that getting more consensus on what that committee should look like is probably a more appropriate step. He agreed with that sentiment. He said he will not be in support of the motion on the table.

Member Thomas said she thought whatever that looks like it probably makes more sense to have input to people are probably not a lot, as you pointed out, it is a very large project, and there is going to be a massive investment to it. She said two Committee members is probably not the right number, but what the right number is she could not say for certain. She thought that it is important moving forward to have more input than just the current state of what is on the Committee.

Roll call vote on CM 21-12-163

Yeas: Smith, Thomas

Nays: Gatt, Staudt, Casey, Crawford, Fischer

COMMITTEE REPORTS: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:34 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: January 10, 2022