

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, APRIL 1, 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

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

APPROVAL OF AGENDA:

Member Breen added to Mayor & Council Issues: Equal Pay Day

Mayor Gatt also added under Mayor & Council Issues: Council Seminar Policy

CM 19-04-039 Moved by Staudt, seconded by Casey; CARRIED UNANIMOUSLY

To approve the Agenda as amended.

Roll call vote on CM 19-04-039 **Yeas: Staudt, Breen, Casey, Mutch, Poupard,
Verma, Gatt**
Nays: None

PUBLIC HEARING:

1. Jaguar Land Rover Preliminary Site Plan

Public Hearing opened at 7:01 p.m. and closed at 7:02 p.m. with no public input.

PRESENTATIONS:

1. Proclamation in Recognition of National Library Week April 7 - 13, 2019 – Christina Salvatore, Communications Coordinator

Ms. Salvatore accepted the Proclamation on behalf of the Novi Library. She thanked the Mayor and City Council for the Proclamation. They are very excited about National Library Week. The Library has recently received a Library of Michigan Certificate for meeting Excellent Level of Quality Services. She was happy to say there are three levels, Essential, Enhanced and excellent, we have reached all three. The Novi Library is the only Library in Michigan out of 400 public Libraries to receive the Excellent Level. They are very proud, and excited about that honor. We have a lot of great things coming up such as the Community Volunteer Fair on April 27th with Chuck Gaidica, Summer Reading Program, and we will also have a Maker Space that will be in our Computer Lab coming up in June. She encouraged everyone to visit. Mayor Gatt

thanked the Library staff and the Library Board for their dedication to our community. The Library is truly one of the jewels of Novi and he said we are fortunate to have Mrs. Salvatore and our wonderful Library Director, Julie Farkas. He thanked everyone at the Library for a wonderful job.

2. Proclamation in Recognition of April as Child Abuse Prevention and Awareness Month; Tricia Schuster, Program Director, Care House of Oakland County

Ms. Schuster, Program Director received the Proclamation on behalf of the Care House of Oakland County. She appreciated the City of Novi helping us to support and continue the education in the communities about child abuse and neglect. For those who don't know, Care House of Oakland County is a child advocacy center. We coordinate services for children and families where there have been allegations of sexual abuse, and severe physical abuse. One of the other parts of their agency is going out and providing community education so that we can find signs and symptoms of abuse and neglect and prevent it so that we do not have to coordinate those services. That is a large part of what we do. We have a wide variety of presentations and trainings that they provide any organization that is interested. Several times they have come to Novi for that including some of the schools. She mentioned the pinwheels at the schools. They are blue and silver and that is the actual symbol for April's Child Abuse and Neglect Awareness Month. If you see any in the schools, and if anyone is interested in doing a pinwheel garden, we can do that. She thanked everyone for their support, they appreciate it. Mayor Gatt stated on behalf of the Novi City Council and every resident of this City thanked Care House for their hard work and effort. He mentioned that he was a police officer for a long time in the City and was part of the program D.A.R.E., and part of the D.A.R.E. Program was a secret box that people could put questions in. Many times the children talked about the abuse they were receiving at home. As a result of his D.A.R.E. years, they had three or four cases of sexual abuse that resulted in arrest, and they were sent to prison. Thank you for all of your help.

Member Verma asked if she was connected to some ethnic organizations that are doing this type of work. Ms. Schuster replied that they do work with a lot of different organizations in Oakland County. They have many cultural organizations that they work with and they try to provide as much support as they can. They go out and do those trainings and presentations at those agencies so they can educate as much of their staff, and clients as much as possible.

3. 2019 Property Tax Projections – Micheal Lohmeier, City Assessor

City Assessor Lohmeier discussed the 2019 Property Tax Projection presentation and the environment of the City of Novi. We have had a positive year. He said the first slide was on the calculation of inflation rate multiplier and the inflation rate multiplier is one of the main drivers of our taxable value changes. With Proposal A we have three main drivers on how taxable value changes. One is that it is uncapped to assessed value and that is mainly from transfers of ownership between parties. Second is any kind of

construction efforts that have been done to a property, so if they made additions or took anything away that affects taxable value. The main driver for those that are not transfer of ownership is this inflation rate multiplier. It is calculated and we have a 2.4% increase in taxable value from last year to this year. Everyone in Michigan has that inflation rate multiplier to their last year's taxable value. If nothing was changed to the property, you would have that 2.4% increase at a minimum to those properties. This is a positive change this year, last year it was 2.1% before that in prior years it was in the negative. Since Proposal A was voted in our average is 2.4%. One year we had a 4.4% inflation rate multiplier. We did have a negative one year. It is still averaging out at 2.4%. That seems to be the new normal going forward. They anticipate approximately 5.6% increase in assessed value from 2018 to 2019. Overall our residential assessed value went up about 4.7%. That is what we consider the market change for residential for the whole year. In commercial and industrial properties the S.E.V. and taxable value was \$1.2 billion for assessed value and \$999 million for the combined taxable value and those both did increase as well. The SEV increase by 8.04%, the taxable value at 4.95% and the projected increase is \$1.29 billion in assessed value and \$1.048 billion in taxable value. He mentioned earlier that 2.4% if the inflation rate multiplier, the big effect that uncapping's have, new construction has, transfer of ownerships that has a big effect. The driver may be the consumer price index, but those other activities help to increase our taxable value base. The total value change the SEV went from \$4.4 billion in 2018 to we are looking at \$4.6 billion in 2019. That is a 5.87% increase. The taxable value went from \$3.6 billion to \$3.8 billion which is 5.2% increase. Residential across the board in Novi went up about 4.7%. Commercial and Industrial property went up about 5% to 6%. Both of them are out pacing that inflation rate. Some neighborhoods went down; some residential and commercial properties went down. Overall they increased. He stated that the SEV will be about a 6% increase for the next two years for residential, based on what we are seeing the last two-years and where it is moving for the next two years. Commercial and Industrial we are looking for a 5% to 5.5% increase. Builders are pretty good projections he thought. We see a lot of new construction, a lot of optimism by developers. We still see projections put out by the Michigan Association of Realtors that we also look at when we are coming up with those projections. The only thing that is at smaller increase is personal property; we are using a 3% increase because there were a lot of state laws that were changed since 2014 that is exempting personal property. Where that phases out will be up to 2023 and we don't know where those pockets are coming from, but the 40,000 and under assessed values are exempt if they file properly which is why it is a moving target. We are waiting for a lot of them to give us that information. The industrial machinery equipment is being phased out. So in 2023 none of that should be on the tax roll if they file properly, and timely submitted with the correct affidavits. When you are left over with some of the new construction, which brings about the commercial personal property, we think we will still average an increase above CPI for the next year. He just ran the number today and the inflation rate multiplier based on the last few months projecting it out, it might be under 2% or 1.8% for next year. As far as the Michigan Tax Tribunal cases that is something to keep an eye on. That also talks about the health in our marketplace. We had a large number of Michigan Tax Tribunal appeals during the recession. It was low hanging fruit to help us correct the valuations because we were working with one-year sale studies

that didn't allow a lot of assessors to catch up with the market in time. The parcels that are under appeal are increasing based on the docket numbers we have gotten lower docket numbers and lower parcel counts than during the recessionary years, but we still have an increase in parcel counts the last few years because of subdivisions. You always have more parcels appealed than the dockets filed. Commercial property you may have one parcel number per docket, but residential are appealing their house or vacant land next to it, or a developer comes in with 70 to 80 units they will appeal the whole project under one docket. The taxable value pleading is decreasing on the petitions. What is more important is the taxable value loss and the loss percent. That is where we have settled cases based on us getting appraisals done and us making corrections in our records or we go to the Michigan Tax Tribunal and have gotten a lower value. We do see cases get withdrawn where people will file them; we meet with them and give them information. We do have a number of cases every year that do get withdrawn. The loss percent has increased to 13% that might become a new normal. Some of the properties that are being appealed are some of the odd ball properties. There is a challenge to getting them valued because they have alternative use changes. They might go from a bank branch and now it will change to an office complex. We are still appraising it as a higher and best use and that is something we can sit down and resolved fairly easily. Many are aware of the big box dark store theory that was out there in 2016. That is still an issue in Michigan, and hasn't been resolved yet. We did have a Michigan Tax Tribunal case that was appealed in the Court of Appeals, and the Supreme Court. It got sent back because they felt there was merit that the Michigan Tribunal wasn't looking at things due diligently enough. He stated that we stay active at our City meeting with different leaders at the State of Michigan to make sure they express their viewpoint of how those properties should be valued. We do that on an ongoing basis. Personal property tax as a reminder that we do have a phase out of eligible manufacturing personal property and the \$40,000 and under is continuing to be exempt. Personal property is still is a challenge for us to not only assess, but to audit to find out what exist. Then it is a challenge to find out where the square pegs fit into which hole. Some of them are square, but a lot of them are round and we are trying to deal the solutions at the State level of how to work with them. We have been active with the State working on those solutions. He gave an estimate on the Headlee Calculation because they are still processing a lot of these personal property filings. He mentioned that we had over 150 new petitions at the Board of Review and those were all related to personal property that the tax agents files, but didn't file properly or they should have been exempt. We are still working on personal property. These are pretty good numbers for the real estate. He mentioned earlier that we had a decrease in dockets overall. We have a decrease in the number of parcels compared to the recession. We still see an increase in docket numbers from the last two years and an increase in parcel counts. He said he is always available for questions either from Council or the public. Mayor Gatt thanked him for a very comprehensive and positive report. Mayor Pro Tem wondered about the 12 Oaks Mall and the individual businesses; for example the Sears store that is now closed. What effect do we see those kinds of buildings having on us? Will they take those to the Tax Tribunal? Mr. Lohmeier said they haven't yet, but they have until the end of May to file. He said he would hope that the real valuation logic and reasonable valuation

application of principals and procedures are applied to those properties if they are taken to the Tribunal if they are vacant or not. If a property is vacant and available or occupied by somebody with the highest and best use, it shouldn't matter. It still should be valued. Just like two houses that are next door to one another, one vacant, and one occupied. If they are the exact same house they should be worth the same things. Will they be taken to the Tribunal? It could be, they are taking them to the Tribunal and saying we should be appraising them as vacant and available anyway. Mayor Pro Tem Staudt wondered if he knew what the expected time would be before it is unoccupied? Mr. Lohmeier said it depends on if they have a user ready he has seen some that have gotten refurbished and renovated in a matter of three or four months. It depends if their marketing property properly and a lot of that depends if they are still getting leases on the one that left. When Kroger and Farmer Jack leave a lot of those stores, they stayed vacant for a long time, but they are still paying the lease which makes the owners a little bit less to try to get somebody to occupy the store where they are still getting income on the property. It really depends on the retailer.

MANAGER/STAFF REPORT:

City Manager Auger announced that the Budget Books are available for Council. He thanked staff and all of the department heads, Carl Johnson and the Finance team. He also thanked Community Relations for making it readable. He told Council if they have any questions this weekend please feel free to reach out to Mr. Johnson, Mr. Cardenas or himself, and they will find the answer.

ATTORNEY REPORT: NONE

AUDIENCE COMMENT:

Gary Zack 359 South Lake Dr. Novi thanked Council and Planning Commission who recognized that the east side neighbors on Lakeshore Park need screening from the proposed community building. He hopes it comes to fruition, especially because of the deck. He expressed concern regarding planned 500 square foot deck seemed a little excessive. He lived in a larger than average house and this deck has more square footage than his home. It is 40% as large as the interior space of the building. Unfortunately the extra footprint may be the cause of the loss of one of the largest oldest tree in the park. He wanted to raise concern regarding trees being removed. According to woodland review, there are 326 trees and 129 are being removed. The developer has underestimated the number of trees needing replacement. They identified 31 regulated trees and woodlands consultants identified 52. He felt it was a further concern that the developer wants to remove 23 trees that won't count towards replacement. The woodland review strongly disagrees with this assessment finding only one tree to be in poor or very poor condition. The woodland review states that this project removes a significant number of trees and urges to minimize if at all possible. They also mentioned that many of the replacement trees are near the detention basin and not placed where they were removed as required. He stated his concerns about the lighting plan. The plan has extensive lighting throughout the park including 32 street

lights in the parking lot and on the road going to the handicap pavilion. Currently there are three streetlights in the park. He realizes they may need more, but needed all the way down? He also mentioned bollard lights which are metal posts 42 inches high and 8 inches diameter is all of this lighting needed when the park closes at dusk. He asked that the read carefully and review the proposed lighting and demolition plans regarding tree removal and earth moving keeping in mind what currently makes Lakeshore Park so special.

Maureen Zack, 359 South Lake Dr. Novi said she was there to talk about Lakeshore Park also. Regarding the bollard lights which are light on a short post and they are planned along the pathways. They should be eliminated from the bike paths and walkways because they are very dangerous for children that might fall on them while riding their bikes and playing. They do not need bollard lights on the beach path to the tunnel because the beach is closed at night. Regarding the building, the lobby is too large and wasted space. It needs additional changing stalls for the swimmers. This is not enough for the many swimmers. She believed the storage room should be larger. The outside deck is overly large and not needed for kid's camp. The excessively large building, landscaping detracts from natural beauty of park. The planned bike path cuts through the nice north area of the park where people need to picnic. Please keep it on the road side of the fence.

CONSENT AGENDA REMOVALS AND APPROVALS:

- A. Approve Minutes of:
 - 1. March 18, 2019 – Regular meeting

- B. Enter Executive Session immediately following the regular meeting of April 1, 2019 in the Council Annex for the purpose of discussing property acquisition.

- C. Approval of Resolution for the City of Novi to enter into an agreement with the Oakland County Sheriff's Office for the purpose of providing marine patrol services on the portion of Walled Lake in the City of Novi for an estimated annual cost of \$7,600 over a three (3) year period.

- D. Approval of 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. **SECOND READING**

- E. Approval of Resolution designating the properties at parcels 50-22-30-476-005 and 50-22-31-200-021 – both located along Nine Mile, south of Garfield Road – to be used for park purposes and designated as parkland on the Master Plan for Land Use and/or the Strategic Community Recreation and Master Park Plan.

- F. Approval of Resolution designating the properties at parcels 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) – all located along Nine Mile, north of Garfield Road – to be used for park purposes and designated as parkland on the Master Plan for Land Use and/or the Strategic Community Recreation and Master Park Plan.
- G. Approval to award a construction contract for the Tennis Court resurfacing located at ITC Community Sports Park & Rotary Park to Goddard Coatings Company, the low bidder, in the amount of \$38,100.
- H. 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. **SECOND READING**
- I. Approval 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. **SECOND READING**
- J. Approval 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. **SECOND READING**
- K. Adoption of Resolution requesting the Michigan Department of Transportation (MDOT) to include the existing bridge on 9 Mile Road over Thornton Creek in the State Local Bridge Program List for Replacement. If MDOT selects this bridge, the City of Novi will accept 100% of the design engineering costs and 5% of the total construction costs.
- L. Approval of the 2019 Summer Maintenance Agreement between the City of Novi and the Road Commission for Oakland County for street sweeping selected County Roads in Novi; and adoption of resolution authorizing Novi to provide summer maintenance on selected County roads.
- M. Approval of the request of TBON, LLC, JSP16-12 for a City Council waiver of Section 5.3.12 of the Zoning Ordinance to allow painted end islands in lieu of the required raised end islands at the end of parking bays that abut traffic circulation aisles, for three locations near the northwest corner of the new addition to the Suburban Collection Showplace to allow for improved loading operations, and other modifications as shown on the revised Final Site Plan.

N. Approval of Claims and Accounts – Warrant No. 1033

CM 19-04-040 Moved by Casey, seconded by Poupard; CARRIED UNANIMOUSLY

To approve the Consent Agenda as presented.

Roll call vote on CM 19-04-040

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

Nays: None

MATTERS FOR COUNCIL ACTION

1. Approval of the request of Applicant Erhard Motor Sales, Inc., and Developer Winfried Dahm, JSP 17-65 for a Preliminary Site Plan with a Special Development Option (SDO), Wetland Permit, Woodland Permit, and Stormwater Management Plan in the GE, Gateway East District. The subject property is 9.48 acres of land located at the southwest corner of Grand River Avenue and Meadowbrook Road, in Section 23. The applicant is proposing a 58,663 square foot car sales facility for Jaguar Land Rover.

Member Casey stated that when this issue first came before Council she indicated that the dealership in question was a competitor with the dealership across the street which sells products made by her employer. Her colleagues granted her recusal request as she indicated she could not be objective on the question at that time. The applicant again is in front of Council seeking Preliminary Site Plan approval. Council has previously approved the rezoning and Special Development Option Plan and Agreement. She wanted to go on record as saying at this point in time she could be objective on the matters in front of Council this evening.

Member Poupard thought there was thorough analysis all the way through, as she was playing catch up because she wasn't here for the first reading and preliminary work on this project. She said she still had major concerns on the traffic study. She has traveled the Meadowbrook and Grand River area; it is a stop and go traffic section. She was aware that the traffic study said it wouldn't be that bad with special provisions that are made. That is her major concern at this point.

Member Mutch asked City Planner McBeth to come up to answer some questions. He stated that he had some questions from residents in the surrounding residential neighborhoods. They had concerns expressed by some of residents that had received notification and responded to the public hearing. He wanted her to address a few issues, such as how the dealership sits and the buffering between the adjoining properties. He mentioned the review letters and the question about the wetland impact in the southwest corner of the site. It appears like it is largely being left alone, but it wasn't clear from the letter if that is the case. Ms. McBeth replied yes, the green spaces

would remain buffers around the perimeter of the site and the stormwater basin near the southeast corner of the site. The wetland review indicated that there would be some impacts related to the stormwater pipe and the insulation of the stormwater outfall pipe from the proposed basin on the southeast corner of the site. Member Mutch asked if it goes from east to west. Ms. McBeth replied yes. Member Mutch wondered if it would be largely untouched under the proposed plan. Ms. McBeth said that is how they understood it. She said we discussed it previously when it came to Council, there is a planned walkway around the perimeter around the detention basin as one of the uses of some of the open space that they are proposing. Member Mutch related, shifting are way east, that basin will be a depressed area that stormwater can flow into off of the parking lot. It looks like that natural or existing trees along Cherry Hill are being maintained. He asked what the nature of the buffer was along the parking lot area. Ms. McBeth said there are a number of landscape trees that are being proposed and it appears that there is a berm on the east side as well. Ms. McBeth said they are not talking about a berm on the south side there is a creek that runs along there. Member Mutch was concerned the basin didn't provide screening; there is a think line of trees along Cherry Hill, and then some landscaping. Will that provide sufficient screening year round to the Meadowbrook Commons property to the south? Ms. McBeth remembered there was some discussion about that previously as well. She said we could take another look at that area; this is not a Final Site Plan, but a Preliminary Site Plan to see if there is any additional room for some additional plantings that could provide screening all year round. Member Mutch mentioned the packet indicated that we're requesting that the applicant provide a Conservation Easement over those areas to preserve that permanently. Ms. McBeth said she understood that to be mainly on the south west part. Member Mutch said the reason he asked that was that he had another concern that was expressed to him was a residents concern that in the future some access might be made out to Cherry Hill for whatever reason. They were concerned that might happen, if there was a Conservation Easement that would make it less likely to happen. Ms. McBeth agreed. Member Mutch said they would address the applicant. He said in terms of the east side of the site there will be a berm along Meadowbrook Road that is proposed. Ms. McBeth said that is what she understood, yes. Member Mutch said that would address the concern of the folks hopefully to the degree that we can for those living to the east in Willowbrook Farms. Ms. McBeth wanted to clarify that the berm primarily in near the parking lot, not in the front of the building. Member Mutch echoed an issue that Member Poupard addressed earlier that was a concern of his also regarding the traffic. Member Mutch said he doesn't have to drive through that area as frequently as she might. He said the times he does go through it especially in the evening hours it is a mess. He said the traffic volume coming from a dealership aren't as significant at those times of day, but he is concerned when we say we aren't going to address the traffic impacts because we are doing this area wide study and we will take care of it later. That is what he got out of that. He wondered if there are any improvements proposed that would help out in any way or are we going to let the traffic come from the site and we will deal with it on a more global scale. Ms. McBeth said we may recall there was a deferral of the traffic study when the concept plan was presented. The applicant indicated that the traffic study that the applicant prepared would be provided before this review, the

Preliminary Site Plan Review. We do have that study now and our traffic consultants have reviewed that and there are couples of things that are being proposed that are beneficial. The driveway on Grand River is limited to right turn out and right turn in and the driveway Meadowbrook road will be a full access driveway. There is a deceleration lane that exists there and currently in the plan is to extend that deceleration lane to the north to also provide access to the other driveway. That will assist with getting people in primarily is they are coming from another direction on Meadowbrook Road side. There was also an offer from the applicant to dedicate Right-of-Way on both Meadowbrook Road and along Grand River and that was part of the Special Development Option (SDO) Agreement. There were a couple of additional items that we would recommend that our traffic consultants work out with the applicants traffic consultants at the time of Final Site Plan review to see if there is any other things that should be updated such as the traffic flows at different points the things that we learn from the area wide traffic studies and any other improvements that might be recommended. Member Mutch mentioned the area wide traffic study and stated whatever they come up with they wouldn't be responsible for any of the recommendations because of the way we deferred that at this point. Ms. McBeth agreed and said that was likely the case. She said just the ones that she mentioned, there might be a few others that she didn't recall, but that is what she essentially understood. Member Mutch wondered if there was a representative who could speak for the applicant that could answer a few questions. Mark Drane, Rogvov Architects was there to answer questions. Member Mutch asked him a few questions; one was regarding the southern portion of the parking lot screening. He wanted to confirm that there was no berm in that area, and that we are going to rely on the landscape plantings to provide the screen to the south. Mr. Drane replied that along the entire southern property line there is a very dense woodland/wetland area. It is very opaque. We are providing additional landscaping on top of that. We are providing berms on the west and on the east. Member Mutch said there are existing trees there, but he is also trying to think of opaque in the summer verses opaque in the winter and the impacts that come from the car dealership are lighting, the activities that go on there, and noise. He was aware of the noise study that attempted to address. He wondered if the applicant was committed to providing the Conservation Easement across the southern portion of this site across the wetland areas that Ms. McBeth showed in the map. City Attorney Schultz replied that was a requirement in the SDO Agreement. Remaining woodlands and wetlands are put in a Conservation Easement along the southerly boundary. Member Mutch said it will be done. Mr. Drane agreed that it will be. Member Mutch expressed his concerns with this use at this location at a previous meeting and the majority of Council decided to move forward with that. His vote that evening was reflecting what was being presented before us in terms of the Site Plan and meeting the various requirements of our ordinances. He thought it sounded like what is being proposed does provide the kind of screening we want to the residential properties to the south, to the east, and to the southwest. He wanted to ask staff to make sure that we have sufficient screening year round along that southern border, and not just relying on the fact that there are a bunch of trees there. He also was concerned about the traffic impacts at the intersection. He was looking for a better understanding on how we are going to implement and address the improvements that we need to do if we are not having the

applicant provide solutions to the problems created with the project. The reality of this part of the City has a lot of traffic, and we need to do a lot more than one project to address the traffic concerns in this area.

Mayor Gatt said the previous speaker voted against the project when it came before Council several months ago. He on the other hand was for this project from the beginning and he was still for this. That piece of property has been vacant forever. It was a dump at one time back before he came to the City. It is getting zero tax dollars and all of the sudden a highly acclaimed car dealership wants to locate there. It will be a boom in tax revenue for the City; it will bring more prestige to the City to have a Jaguar Land Rover Dealership at that location. Kiddie corner to that dealership there will be the largest selling Cadillac dealer in the whole country. He said he could see some very good competition going on between the two dealers. Car dealerships don't generate the kind of traffic that is a concern. It is not a fast food restaurant with people pulling in and out all the time. He said he happens to drive up and down Meadowbrook Road 50 times a week. He is very, very much aware of the traffic. The funeral home just to the west of there probably generates more traffic than this will. He said he was in favor of this project and he hoped it moved forward.

Mayor Pro Tem Staudt thanked the Mayor for all of his comments. He said he does drive by that area about four to five times a day back and forth to work. He said there is absolutely nothing we are going to do about the traffic at 5:00 p.m. It is bumper to bumper, it will be a nightmare. He said any use will have that type of issue. It isn't that particular building that will drive the traffic. The traffic is there regardless. We need to deal with that like many parts of the City.

PART 1: PRELIMINARY SITE PLAN WITH SDO OPTION

CM 19-04-041 Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY

Approval at the request of Applicant Erhard Motor Sales, Inc., and Developer Winfried Dahm for Preliminary Site Plan with an SDO Option for JSPI 7-65 Jaguar Land Rover based on and subject to the following:

- a. The applicant shall provide a revised Traffic study at the time of Final Site Plan approval; and**
- b. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters, as well as all of the terms and conditions of the SDO Agreement as approved, with these items being addressed on the Final Site Plan.**
- c. Adequate screening will be included to the south of the project as discussed.**

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

Member Verma mentioned the Mayor had said this land has been there for 40 years and at one time was a dump. He wondered if there has been any environmental testing on the property. Mr. Drane said the environmental research done on the site has noted that the site is buildable. They have done soil borings, they have clean soil. Member Verma wondered if there was a report from the environmental company that everything is ok. Mr. Drane said they have a report from Phase 1 and Phase 2.

Member Casey gave her support to the previous speaker regarding his feedback to staff and administration about making sure that we add or make sure the screening is opaque in the winter, not just the summer. We have residents that abut that property both to the west and to the south.

Member Breen said most of her comments regarding this project have been placed on the record previously. She said they have heard from many of the residents that live in that area and their particular concerns. She thanked the applicant for addressing many of these as many fellow members have said she had personally driven past there in the winter and was concerned whether or not the screening was adequate to the south. She appreciated that there is a pavilion area in the front; we want to make Novi more a more walkable City. She said we are far from that now, but they are making progress towards that. Traffic is a concern, no matter what we do there will be added traffic. A lot of her concerns have to do with what the residents had to say. She cannot emphasize enough the need to have adequate screening on the south side to make sure they are not impacted.

Mayor Pro Tem Staudt said through the Mayor to the City Attorney that he would like to add the comments made regarding the screening made to this motion.

Roll call votes on CM 19-04-041

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

Nays: None

PART 2: WETLAND PERMIT

CM 19-04-042

Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY

Approval at the request of Applicant Erhard Motor Sales, Inc., and Developer Winfried Dahm for Wetland Permit for JSP 17-65 Jaguar Land Rover based on and subject to the following the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 12, Article V of the Code of Ordinances and all other applicable Provisions of the Ordinance.

Roll call votes on CM 19-04-042

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

PART 3: WOODLAND PERMIT

CM 19-04-043 Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY

Approval at the request of Applicant Erhard Motor Sales, Inc., and Developer Winfried Dahm for Woodland Permit for JSP17-65 Jaguar Land Rover based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance.

Roll call votes on CM 19-04-043

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

Part 4:

CM 19-04-044 Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY

Approval at the request of Applicant Erhard Motor Sales, Inc., and Developer Winfried Dahm for Stormwater Management Plan for JSP 17-65 Jaguar Land Rover based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because it otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance.

Roll call votes on CM 19-04-044

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

2. Approval of the request of Ramco West Oaks II LLC for JSP 18-33 Starbucks Expansion with a Drive-Through for a Special Land Use, a Preliminary Site Plan with a PD-2, Planned Development Option, and a Storm Water Management Plan. The subject property is located on the west side of Novi Road, south of Twelve Mile Road in West Oaks Shopping Center in Section 15. The applicant is proposing an expansion of the existing Starbucks coffee shop with an addition of a drive-through facility.

PART 1:

CM 19-04-045

**Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY
Approval at the request of Romeo West Oaks II LLC for JSP 18-33
Starbucks Expansion with a Drive-Through, for Special Land Use
based on and subject to the following:**

- 1. The proposed use will not cause any detrimental impact on existing thoroughfares *(based on Traffic review)*;**
- 2. The proposed use will not cause any detrimental impact on the capabilities of public services and facilities *(based on Engineering review)*;**
- 3. The proposed use is compatible with the natural features and characteristics of the land *(because there are no regulated natural features on site)*;**
- 4. The proposed use is compatible with adjacent uses of land *(because the proposed use is an expansion to an existing use)*;**
- 5. The proposed use is consistent with the goals, objectives, and recommendations of the City's Master Plan for Land Use *(as it fulfills one of the Master Plan objectives to retain existing businesses within City of Novi)*;**
- 6. The proposed use will promote the use of land in a socially and economically desirable manner *(as it fulfills one of the Master Plan objectives to retain existing businesses within City of Novi)*;**
- 7. The proposed use is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.**
- 8. The applicant shall work with the landscape architect to identify alternate options to completely screen the loading areas from Novi Road at the time of Final Site Plan approval;**
- 9. The applicant shall revise the Final Site Plan as shown in the revised Preliminary Site Plan provided via e-mail dated December 17, 2018;**
- 10. The applicant shall comply with the recommendations of the Queueing study, wayfinding signage, and traffic control signage as noted in this motion sheet; and**
- 11. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan.**

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, Article 5, and Article 6 of the Zoning Ordinance and all other applicable provisions of the Ordinance.

Member Breen said she was happy to see this plan. There is a lot of parking lot there and she appreciated the applicant has added a little bit of greenery. She has been in that Starbucks and it is not big enough to handle the community. There is always a

wait and not enough room. They have added some outdoor seating and bike parking. She will be supporting this plan.

Member Casey said she had a few questions for City Planner McBeth. She asked how many parking spaces will be eliminated with the redesign. Ms. McBeth thought it was a loss of 130 parking spaces. Member Casey wondered what the plan was if the approach if it becomes greater than 12 cars. It sounds like a lot, but you have traffic coming in from the south in through the parking lot heading towards the north to turn into the drive-thru lane. You have traffic coming from one way and traffic likely from northbound coming from the south. What is the plan of attach for how that whole process will flow and what will happen if the queueing gets greater than 12. The engineering consultant for the project said essentially it would be a rare circumstance if the queueing gets longer than 12. If it does it will be contained in the parking lot. If it ever does happen it will be during the a.m. peak period when they are the busiest. The retail stores to the north are not open or have very little business so there will be very few using the parking at that time. If someone is coming from the south they will have options to circle in the parking lot and get into the queue line. He said very rarely that you have more than 12 spaces in the queue. Personally if he saw that many cars in queue he would park and go inside instead of waiting. Member Casey brought up pedestrian safety. Member Breen brought up the bike parking. Will there be clearly marked walkways. He said there will be painted crosswalks and sidewalk that is extended from the parking which is north of the Starbucks. There will be a sidewalk that comes all the way across to near the front door. Member Casey wanted to go on the record saying thank-you. This is a nice use of expanding the building and then using the parking lot in a very productive way to bring in a drive-thru. That is a lot of parking spaces that are rarely occupied we can say safely.

Member Mutch asked the applicant if they are actually removing 130 spaces. The applicant replied, yes, there are 130 spaces impacted. Member Mutch didn't see it himself, so he thought he would ask.

Roll call votes on CM 19-04-045

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

PART 2:

CM 19-04-046

Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY

Approval at the request of Romeo West Oaks II LLC for JSP 18-33 Starbucks Expansion with a Drive-Through, for Preliminary Site Plan with a PD-2 Option, and a Stormwater Management Plan approval, based on and subject to the following:

- 1. Findings that the standards of Section 3.31 A of the Zoning Ordinance are adequately addressed, as identified in the Planning Review Letter;**

2. City Council approval of an ordinance deviation to waive the requirement for a Community Impact statement as listed in the Section 3.31 A.A.iii. of our Zoning Ordinance, as the proposed development is an extension to an existing business and does not create additional impacts;
3. City Council approval of an ordinance deviation to allow a Queuing study in lieu of Traffic Study as listed in the Section 3.31 A.A.iii. of our Zoning Ordinance, as the proposed development is an extension to an existing business;
4. City Council approval of an ordinance deviation to waive the requirement for a noise impact statement as listed in Section 5.14.1 O.B. of our Zoning Ordinance, as the 5 proposed development is an extension to an existing business and does not create additional impacts;
5. Landscape waiver for not meeting the minimum requirements for building foundation landscaping as listed in Section 5.5.3.D. for less than 60 percent of building frontage facing Novi Road not being landscaped, provided the applicant provides most of the required landscaping subject to Landscape Architects approval at the time of Final Site Plan approval, it is hereby granted;
6. Landscape waiver for not meeting the minimum requirements for building foundation landscaping as listed in Section 5.5.3.D. for placing some of the required foundation landscape away from the building, subject to Landscape Architects approval at the time of Final Site Plan approval, is hereby granted;
7. The applicant shall work with the landscape architect to identify alternate options to completely screen the loading areas from Novi Road at the time of Final Site Plan approval;
8. The applicant shall revise the Final Site Plan as shown in the revised Preliminary Site Plan provided via e-mail dated December 17, 2018;
9. The applicant shall comply with the recommendations of the Queueing study, wayfinding signage, and traffic control signage as noted in this motion sheet; and
10. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan.

The City Council's approval of the deviations listed above includes the following findings:

- A. *That each zoning ordinance provision from which a deviation is sought would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest;*

- B. That approving the proposed deviation would be compatible with the existing and planned uses in the surrounding area;***
- C. That the proposed deviation would not be detrimental to the natural features and resources of the affected property and surrounding area, or would enhance or preserve such natural features and resources;***
- D. That the proposed deviation would not be injurious to the safety or convenience of vehicular or pedestrian traffic; and***
- E. That the proposed deviation would not cause an adverse fiscal or financial impact on the City's ability to provide services and facilities to the property or to the public as a whole.***

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, and Article 5 of the Zoning Ordinance, and with Chapter 11 of the Code of Ordinances, and all other applicable provisions of the Ordinance.

Roll call votes on CM 19-04-046

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

3. Tentative approval of the request of Erickson Living of the Revised Special Land Use permit, Revised Preliminary Site Plan with PD-1 Option, Revised Phasing Plan, Revised Wetlands Permit, Revised Woodlands Permit, and Revised Storm Water Management Plan, JSP 18-18. The property is zoned RM-1 (Low Density Multiple Family) and is approximately 102 acres. It is located in Section 1 of the City on the north side of Thirteen Mile Road, west of M-5 and east of Meadowbrook Road. The applicant is proposing to revise the original approval and layout of Phase 3 of the Fox Run senior community. The four buildings would contain 370 independent living units along with dining, gardens and enrichment facilities.

Member Casey had a few questions regarding the landscaping. How far away is this building away to the west from the neighbors immediately adjacent? City Planner McBeth replied that it is 123 feet from the building to the property line. Member Casey asked about the details of the type of screening that is between. Ken Weikal, Landscape Architect from Ken Weikal Associates said they are looking at the existing 25 foot tall evergreen screen that is there right now. He said that was planted back in 2007 or 2008. They were happy it was 25 feet tall instead of starting out at 8 feet. Member Casey said that was fantastic. He said the opacity was full both winter and summer.

Member Mutch had a few questions for the applicant. He mentioned the proposed buildings from the information that was provided to Council are 7-story and up to 89 feet high. He wondered if the 89 foot high building was in a couple of locations or are they all uniform in terms of height across those different buildings. Christian Fussy, Architect from Lantz-Boggio Architects said the roof line is fairly consistent on the four buildings with the middle of the roof approximately 88 to 89 feet. All four buildings are

roughly the same height. They are all the 7-story design, same floor to floor height. Member Mutch asked how tall the existing buildings in Fox Run are. Mr. Fussy said some buildings are 6-5 story split and they are 65 to 70 feet high depending on the chimney projections. Member Mutch brought up the subject of fire safety. He wondered if there was an emergency and they had to evacuate a 7-story building if Novi had the capabilities to handle that. Ms. McBeth said they had about four meetings with the fire marshal there and the design was tweaked and adjusted to make sure there was satisfactory access around the buildings. There is also parking under the building and access. Member Mutch said he would be interested in, not contingent upon approval of this, some more information from the Fire Department addressing what potential impacts this may have. It is a fairly tall building with a significant increase in height over the existing buildings he wants to make sure we are adequately addressing this. He commented on the building design and that we thought it would be less impact if we went up instead of out. If our ordinance standard allows an 89 foot building, roughly 125 from the rear property line to an adjacent residential this is completely inadequate in his mind. He said a 25 foot evergreen screen sounds great until you realize the that 100 feet past that is a 90 foot tall building. The folks that live in the manufactured home park to the west will not see the sun the first hour of the day which will be blocked out by this building. The buildings further east are fine he believed, the existing tree lines are going to be screen. He thought the City needed to revisit the ordinance standard that allows buildings to this scale so close to the rear property line. He said this is something we need to learn from and revisit that standard which does not provide enough setback and buffer for those who live next to it.

Member Poupard said she has some background on this and she lives in Neighborhood #1 in the Fox Run community. She stated to watch Neighborhood #2 which was five more residential buildings expand since the 14 years she has been there and now Neighborhood #3. She said one of the major concerns was the loss of our woods and the cutback of so many trees and the wetlands. However, she believed the plans and the ordinances have been worked through so that we have accommodated what all those needs are in the loss of wildlife in the back woods. The height of the buildings are a concern. Many of the residents that are currently there are very happy that we have underground parking because this has also reduced the need for open space parking across the campus. That has been another reduction in the footprint with this construction. The City has bent over backwards in order to try to accommodate and to work with Erickson Living. At the same time this is being proposed on the other side of campus, there will be construction being built on our continuing care facility to build a 90 bed assisted living. There will be a huge amount of construction traffic that will be coming in and out of that particular property. She was in support of this and she knew that the administration at Fox Run is very concerned with preserving wetlands and doing everything they can to do. She said there were strong resident groups that are there in support of protecting the natural environment as much as possible. Thank you for your concern and your support.

Mayor Pro Tem Staudt said that Fox Run is becoming an even bigger part of our community with this Fifth Amendment to the development agreement over the years.

We are looking forward to further expansion. We are aware that this is going to be a trying period for a lot of people who live close by. Construction is loud and he hopes that is mitigated by the Erickson Community and the people building it.

PART 1

CM 19-04-047

Moved by Staudt, seconded by Casey; CARRIED UNANIMOUSLY

Tentative approval of the request of Erickson Living for JSP 18-18 for the Revised Special Land Use Permit based on the following findings:

Relative to other feasible uses of the site:

- **The proposed use will not cause any detrimental impact on existing thoroughfares (as indicated in findings and conclusions of the traffic review letter, including the adequacy of such thoroughfares to handle the existing improvements);**
- **Subject to satisfying the requirements in the Engineering Review the proposed use will not cause any detrimental impact on the capabilities of public services and facilities (because the plan adequately addresses and provides for water and sanitary sewer service and management of stormwater volumes in accordance with ordinance requirements as set forth in the engineering review);**
- **The proposed use is compatible with adjacent uses of land (as indicated in the staff and consultant review letters and as demonstrated by the longstanding relationship of the existing development to such uses);**
- **The proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use, which contemplates this use;**
- **The proposed use will promote the use of land in a socially and economically desirable manner, as it is a continuation of this planned use;**
- **The proposed use is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.**

This motion is subject to the City Council approving a Fifth Amendment to the Development Agreement to be prepared by the City Attorney's office and returned to the City Council for final approval, and is further subject to the conditions and the items listed in those letters being addressed on the Final Site Plan.

This motion is made is made because the plan is otherwise in compliance with Article 3, Article 4, Article 5, and Article 6 of the

Zoning Ordinance and all other applicable provisions of the Ordinance.

City Manager Auger commented on question from Member Mutch regarding the fire suppression and how the Fire Department felt about the 90 foot tall building. He said that our ladder trucks are 100 feet and the building is fully suppressed and the Fire Marshal and Fire Department are in total line with this project.

Member Verma wondered if the fire trucks could maneuver to both the left and the right side. City Manager Auger said they have two entrances off of 13 Mile and one back by Lenox Park Drive for emergency access.

Roll call votes on CM 19-04-047

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

Nays: None

Part 2

CM 19-04-048

Moved by Staudt, seconded by Poupard; CARRIED UNANIMOUSLY

Tentative approval of the request of Erickson Living for JSP 18-18 for the Revised Preliminary Site Plan with a PD-1 Option, Revised Phasing Plan, Revised Wetland Permit, Revised Woodland Permit, and Revised Storm Water Management Plan, and to direct the City Attorney to prepare the Fifth Amendment to the Development Agreement to return to the City Council for Final approval, and subject to and based on the following:

- 1. City Council finding that the standards of Section 3.31 .4.A of the Zoning Ordinance are adequately addressed;**
- 2. Waiver from Section 3.8.2.C for a building exceeding 180 feet in length, up to 515 feet proposed, because the interconnected facility will better serve the population by providing a protected pedestrian link, the visual appearance of the buildings are broken up by 90-degree wings and the shorter recessed structure connecting the buildings, and the ordinance allows the Planning Commission to modify building length when additional setback from adjacent uses is provided and common areas within the buildings are present, as they are in this proposal;**
- 3. Waiver to allow building heights to exceed 48 feet in height, up to 89 feet (7 stories) proposed, because the additional height allows for the building footprints to be minimized to protect natural features on the site, the site is buffered from adjacent neighborhoods by significant tree cover, parking is provided under the buildings, and the ordinance allows for additional**

height when additional setbacks are provided, as they are in this proposal;

4. Deviation to allow a reduction in the required 82 feet distance between buildings RB3. L and RB3.3, 78 feet proposed, *because the site area is maximized and the layout reduces the impact on natural features;*
5. Waiver for the same side driveway spacing on the north side of Fox Run Road, as the drives have been minimized and consolidated to the extent possible, and the service drive has been separated from entrance and parking lot drives to minimize traffic conflicts;
6. Waiver for the sight distance at the southern parking area driveway less than the required 260 feet, *because the road speed is relatively slow and many existing trees would need to be removed in order to obtain the proper distance;*
7. Waiver of the requirement for the outside edge of the sidewalk to be located a minimum of 15 feet from the back of curb, 7.59 feet proposed, *because the placement is consistent throughout the Fox Run community and the safety of the existing sidewalks has not been an issue;*
8. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Final Site Plan.

The City Council's approval of the deviations listed above includes the following findings:

- A. *That each zoning ordinance provision from which a deviation is sought would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest;*
- B. *That approving the proposed deviation would be compatible with the existing and planned uses in the surrounding area;*
- C. *That the proposed deviation would not be detrimental to the natural features and resources of the affected property and surrounding area, or would enhance or preserve such natural features and resources;*
- D. *That the proposed deviation would not be injurious to the safety or convenience of vehicular or pedestrian traffic; and*
- E. *That the proposed deviation would not cause an adverse fiscal or financial impact on the City's ability to provide services and facilities to the property or to the public as a whole.*

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, and Article 5 of the Zoning Ordinance, Chapter 11 and Chapter 37 of the Code of Ordinances and

all other applicable provisions of the Ordinance.

Mayor Pro Tem Staudt said his comment was totally unrelated. He understood that we are probably going to acquire a new ladder truck in the next few years. Is this something that we are thinking about, perhaps having a longer ladder at that point? City Manager Auger said he would look into it.

Roll call votes on CM 19-04-048

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

Nays: None

4. Approval to award the construction contract for the Crescent Boulevard (NW Ring Road) and the Industrial Spur Road Construction project to Toebe Construction, LLC, in the amount of \$4,720,600.01, subject to final review as to form, including any required minor amendments as approved by the City Manager and City Attorney's Office, and amend the budget

Member Casey said anytime we talk about forward progress on the Ring Road she gets excited.

Member Mutch had a few questions revolved around the funding for this particular project. As it is presented in our Agenda we are actually addressing three items related to the Ring Road. This is the largest at \$4.7 million dollars. It is indicated that funding for this will be coming from the Major Street Fund and we are being asked to do a budget amendment of \$1.7 million dollars. That \$1.7 million will be coming from the Municipal Street Fund so a transfer from one Fund to the other Fund, then to this project. Also \$3.9 million dollars from a Corridor Improvement Authority Fund which he was not entirely clear on the details on that. He asked Finance Director Johnson to come down for a few questions. Mr. Johnson stated that in an attempt to push this forward, as we talked about previously, this was on the schedule for next year's budget. What you have before you is pushing the project forward into the current Fiscal Year. The ultimate plan is to front the money for the entire project which is a little over \$5 million dollars of which \$3.9 million dollars was going to be paid from the Special Assessment Revenue Fund that we have and the other \$1.7 million dollars was going to be paid and is budgeted for in the Municipal Street Fund. That is where the funding will come from to pay for it. Whether or not the money that comes from the Special Assessment Fund is repaid or not is still open to discussion, but that is where the funds would come from to front the entire cost of it right now. Member Mutch said the Municipal Street Fund we are appropriating \$1.7 million dollars out of Fund Balance. He asked what the current balance was of that fund. Mr. Johnson said he believed it was \$3.5 million dollars. Member Mutch said we are using roughly half of the balance out of that. Mr. Johnson said this was scheduled for next year, so it was to be performed next year that was part of the budget delivered to Council. He said because Council wanted to push this forward as quickly as we could, that is why we are bringing this forward to Council that evening. Member Mutch said the remainder \$3.5 million is coming from the Special Assessment Fund, but it has the potential of repayment, how? Mr. Johnson said if the

Corridor Improvement Authority Board wants to reimburse that money it can, otherwise it would be from the Special Assessment money used to pay for it. Member Mutch asked him to clarify how that happens. The Corridor Improvement Authority currently doesn't have any funds. Mr. Johnson said that was correct. They would be agreeing to reimburse over time, over the life of the Authority. Just like we are with the Capital Improvement Fund, that has a capture of \$3.3 million, we are spending \$20 million dollars right now. The plan is to repay that back over time. The Corridor Improvement Authority can have the same type of plan to repay that back over time. Member Mutch said the Council this evening is approving \$4.7 million dollars plus, we have a line item the Improvement Authority to cover \$4 million of that. Why don't we have the Corridor Improvement Authority cover the whole amount? Mr. Johnson replied that based on the capture amounts and the funds available in the Street Funds that where that money came from. We looked into how much was available in the Special Assessment Fund, how much we have available in the Street Funds to pay for it. That was one of those projects that we couldn't afford 100% in the Street Funds. We couldn't afford a \$5.2 million dollar in the Street Fund. They could afford \$1.7 million dollars; the rest was the use of the other monies. Member Mutch said the purpose of the Improvement Authority is to do projects like this. If the understanding is that we can commit the Authority at least how we are presenting it to pay back, he would be looking at the Authority cover the entire amount. A significant portion of the money that the Authority is going to be capturing is City tax dollars anyway. Instead of us committing a significant amount of our Fund Balance when we have all these other projects we need to do around the City. He knew that money would not be coming back immediately, but over time, which he thought would be more palatable to him in terms of the funding. He realized that Mr. Adell's project has forced this to the forefront. He said personally, the Ring Road project has been the priority of the City Managers, going back before City Manager Auger. When he looks at \$5 million dollars in road improvements across the City there are a lot of places he could think of spending that with a bigger impact on the daily commutes of Novi residents than this particular location. If there was a mechanism for us to recapture most or all of that funding and it would come back over time through the Improvement Authority he thought that is why we created it. We created it to fund these projects, capturing our tax dollars, the county tax dollars and everyone that is in the mix and bringing that back. He is more interested in that approach. He knew it didn't make the buckets as neat for Finance Director Johnson, but we pay him to get the money from where they want it, not necessarily in certain buckets to keep it nice and neat. It would have to be legally and that is what the Improvement Authority allows us to do. He put that out there for consideration by others on Council. We as a Council have gotten a bunch of different reports from City Administration over the last three or four years that talk about a lot of different projects. There are several more that are queued up now with Beck Road, 10 Mile Road that are huge road improvement projects that need to happen. He is really concerned about us taking this piecemeal approach to road improvement projects in the City. He is concerned that we did not have any outside funding for this project, no grants, no help from Mr. Adell, no other vehicle other than the Corridor Improvement Authority. A bigger concern is that we are spending \$5 million dollars on one project, and we are depleting our Special Assessment Fund which we have been holding on to

for a long time for a rainy day situation and a significant portion of our Street Fund Balance for this project. We have all of these other projects. We haven't had any discussion about prioritizing those and say where should we put the first \$5 million dollars. Now it will be gone. It will go to this project, everything that is still out there, we still need to discuss priorities. He is not seeing that. He said he will probably support this moving forward if we can figure out the funding situation. He had real problems with other major projects coming forward without having a conversation at the Council table about how we prioritize those needs and how we spend those dollars to have the biggest impact for our residents. We will not fix this all over night; we have to be smart about where we are spending those dollars and be strategic. We need to spend the money where it will impact the greatest number of residents who are suffering through traffic in the City. That is their number one complaint.

Member Poupard wondered if there was any way to postpone this because she thought Member Mutch had raised many concerns that we as a Council really need to look at as to what are the nature of the priorities rather than coming in and doing a piece of this now without looking at the total context. She said that traffic issues and other issues had come up several times that evening. She wasn't sure what the impact of a delay would be.

Mayor Pro Tem Staudt mentioned approximately 5 to 8 years ago he was leading the fight to preserve the Special Assessment Funds against building the Ring Road at that point. It wasn't the appropriate time for many reasons. He felt that it was the appropriate time now. He thought that Member Mutch brought up a good point and he would agree. You need to ask two things, one, we need to prioritize the repayment of the funds to whatever Street Fund we are taking it from. First we need to get those dollars back into our budget sometime in the near future. Second, the special assessment can be paid over a much longer period of time. Those funds were for a project of our choice. He would agree with Member Mutch that this maybe isn't exactly the way we envisioned it, but this has been waiting for too long and there are a lot of extenuating circumstances why we need to get this done. We have MDEQ Permits and other things. He said he will support this; it is time to move forward, time to get this done. No, we did not get any additional funds from two of the players that are in that area that will be great beneficiaries of this. The Adell development will provide millions of dollars over the years into the Corridor Improvement Authority which he is a member of. It is a funding mechanism in some respects. He is not exactly sure how he would like to amend the motion, but his two points were, the entire amount be paid by the Corridor Improvement Authority and that we get loans from both the Street Fund, and the Special Assessment with the idea that both of those will be paid back. If this works the way we anticipate it is, there will be adequate funding to pay it back especially if we spread the Special Assessment money over years, we will be long gone, except for maybe Member Mutch. If we take 10 years to pay it back, at some point a future Council can say we really don't want that money back, we don't need it. The Street Fund needs to be paid back first, that would be high priority, a quick return on funds with special assessments spent over multiple years. He wasn't sure what kind of amendment to the motion that he needs. He wondered if that gave some direction.

Roll call votes on CM 19-04-050

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

6. Approval of a Street Light Purchase Agreement with Detroit Edison Company for the installation and ongoing operation cost associated with twenty-five (25) LED street lights along Crescent Boulevard (NW Ring Road) and the Industrial Spur Road off of Crescent Boulevard between Novi Road and Grand River Avenue.

City Manager Auger stated that we are matching up the lights that are along the other side of Crescent Boulevard trying to get some uniformity around the Ring Roads.

CM 19-04-051 Moved by Casey, seconded by Mutch; CARRIED UNANIMOUSLY

Roll call votes on CM 19-04-051

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

7. Approval of Change Order No. 1 to Highway Maintenance and Construction Company for Phase 2 of the 2018-2019 Chip Seal Program in the amount of \$242,935.12.

Member Mutch asked DPW Director Herczeg what some of the specifics related to Dinser and Delmont Drive. What would normally be done there, and what is going to be done differently with this change order. Some of the folks that live along there have complained to him about what has been done in the past hasn't held up and having driven those streets within the last year he could see where their concerns were coming from. Mr. Herczeg said the original 2018 project was just a simple overlaying chip seal, having seen the condition of the road, part of the reason we wrote the change order was to do an additional 1.5 inches of asphalt on top and chip seal over those two roads to improve the condition of those two roads. Member Mutch hoped that will make the difference.

CM 19-04-052 Moved by Mutch, seconded by Poupard; CARRIED UNANIMOUSLY

Roll call votes on CM 19-04-052

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

8. Consideration to Introduce Ordinance No. 19-97.04, an Ordinance To Amend The City of Novi Code of Ordinances, CHAPTER 4, "Amusements And Entertainments," Article III, "Pinball Arcades And Machines", in order to repeal the regulations and provisions therein in their entirety. **FIRST READING**

Member Mutch said he couldn't let this go by without noting that back in 2006 the young Council Member, himself, proposed that we eliminate the ordinance language on the Pinball Arcades and Machines. It was said it sounded 1970's with arcades, where hooligans hanging about just didn't make sense. He was glad to see 13 years later he stuck around long enough to finally see this go away. Mayor Gatt said there were many hooligans hanging out at the arcade, he encountered many of them.

CM 19-04-053 Moved by Mutch, seconded by Casey; CARRIED UNANIMOUSLY

**Roll call votes on CM 19-04-053 Yeas: Staudt, Breen, Casey, Mutch, Poupard,
Verma, Gatt
Nays: None**

AUDIENCE COMMENT: None

COMMITTEE REPORTS: None

MAYOR AND COUNCIL ISSUES:

Member Breen said she is a member of an organization called the American Association of University Women. One of their main issues is equal pay for equal work. She explained that even though the Equal Pay Act passed, women, especially minority women continue to suffer the consequences of unequal pay. In fact the most recent figure shows that women working full-time typically earn about 78 percent of men in comparable positions earned. This is nationwide. It is true after adjusting after other factors, such as; hours worked, college major. Nearly 4 and 10 mothers are the primary breadwinners in their household. This makes pay equity critical to families when it comes to economic security. Pay equity policies can implement simply and without undue cost or hardship. Novi has always been very good about pay equity, work force hiring and compensation packages. She thanked the City for all of their efforts that they have done to maintain this. She is asked our City to continue to be committed to recognizing the full value of women's skills and contributions to the labor force and that we further continue to internally conduct pay valuations and insure that not just women, but all employees are treated equitability and that we encourage all of our businesses here in Novi to do the same. Mayor Gatt echoed those comments and he appreciated Member Breen bring it to our attention. Thank you.

Mayor Gatt brought up the issue regarding Council Members attending seminars and creating a Council Seminar Policy. He said he spoke with City Manager Auger in the past and they thought that we have become a large enough city organization and the Council Members want to participate in various seminars around the State. He recommended to Mr. Auger that it was time to have a policy on this. We can't just have people calling up and saying I want to go to a seminar without having a policy in place. He would appreciate it if City Administration could put together a policy that we can put on a future Council Agenda that they can discuss and vote on. Mr. Auger asked if it would be all right if he brought it to the Rules Committee to get some Council

feedback. Mayor Gatt thought that would be appropriate. The Rules Committee would then forward it to the Council for discussion.

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: None

Mayor Gatt said they planned to adjourn into Executive Session and that they did not plan on returning to the table.

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 8:50 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: April 15, 2019