

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JULY 28, 2025, AT 7:00 P.M.**

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

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Fischer, Mayor Pro Tem Casey, Council Members Gurumurthy, Heintz, Smith, Staudt, Thomas (*absent/excused*)

ALSO PRESENT: Victor Cardenas, City Manager
Tom Schultz, City Attorney

APPROVAL OF AGENDA:

CM 25-07-94 Moved by Casey, seconded by Heintz; MOTION CARRIED: 6-0

To approve the agenda as presented.

Roll call vote on CM 25-07-94	Yeas: Casey, Gurumurthy, Heintz, Smith, Staudt, and Fischer Nays: None Absent: Thomas
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PRESENTATIONS: None

PUBLIC HEARINGS: None

CITY MANAGER REPORT: None

ATTORNEY REPORT: None

AUDIENCE COMMENTS:

Darby O'Reilly, 30514 Pennington Ln., said recently one of the tennis courts in his neighborhood was converted to three pickleball courts and the noise is significant. He said it has been very disruptive and he is surprised to find that there was no approval needed by the City of Novi for the homeowner's association to convert a tennis court into three pickleball courts. He said the pickleball courts are in very close proximity to the homes. He said it has been very disruptive. He said he lives seven properties away and his dog will not sit out on the deck because the pickleball noise sounds like fireworks. He said he thinks it's time to update the statute for zoning to say that pickleball courts cannot be in such proximity to homes. He said it is a concern that he is foreseeing that more tennis courts may be converted to pickleball courts and be disruptive not only for the quality of life, but also real estate values. He said the National Association of Realtors has said that there are lawsuits across the country regarding pickleball noise and they estimate that the decline in real estate values can be as much as 20% for homes in close proximity to pickleball courts. He said he is hoping City Council will consider an amendment to not treat pickleball courts the same as tennis courts as they are very different.

Mayor Fischer said There is an Ordinance Review Committee meeting coming up and asked City Manager Cardenas if background information regarding the topic could be shared with the committee.

Karen Schmitz, 30388 Pennington Ln., said she lives in very close proximity to the Pickleball courts. She said her property line is 79 feet away, and her home is 149 feet away. She said this conversion recently happened without an impact assessment or consultation from the residents creating significant disturbance in quality of life issues for herself and her neighbors. She said she is hoping there would be a statute that would be established to make it clear that pickleball courts are not allowed within 200 feet of any home in Novi. She said the statute should be retroactive to help with the situation as well. She said the action would restore harmony in her neighborhood as the tennis courts were specified in site plans and previously approved by the City of Novi. She said pickleball produces a sharp high-pitched pop from the hard-plastic ball and rigid paddle, and that the high frequency produces part a particularly sharp piercing noise. She said it's just so much more jarring than you can imagine. She said the rapid-fire nature of the game encourages shouting and cheering, and that further impacts the noise. She said there is zero comparison between pickleball to tennis. She said to put it into perspective gunfire and gun ranges are regulated because of noise. She said gun ranges are subject to significant distant regulations of at least 500 feet from homes and in some cases 1000 feet because of how repetitive it is. She said sharp noises can cause significant distress and a lot of times it can be compared to the pickleball pop that you hear. She said it travels through the walls of homes. She said the matter is not just about comfort, but also the value of homes as it is expected to decline 10% to 20% in value within 200 feet. She said even if you live a block or two blocks away it is a 5% to 10% drop in value. She said she would urge the council to consider this and have the tennis courts reinstated.

Drita Zhuli, 205 Wainwright, said when she first moved to Wainwright Street in 2007 it was a very quiet neighborhood. She said it was unique because at the time it had an up north feel when you were living in a neighborhood with a shopping center and freeway less than a mile away. She said there would be many times she would go to Pavilion Park and be the only one there. She said those days are long gone. She said coming home from work turning onto old Novi Road is a nightmare. She said people on the street have had to endure endless construction with the building up of new homes down the street, the replacement of sewage pipes to accommodate the new homes and repaving of the streets. She said living in a constant cloud of dust for the last five years and then tack on the construction on the freeway has been miserable. She said her neighbor has chosen to abandon her car in front of her house for three months because it is a public street. She said when her children come to visit, they have nowhere to park because her neighbor parks a car in front of her home. She said when calls the police, there is nothing they can do.

Trisha Young, 216 Wainwright, said many property owners in her neighborhood has either no garage or small garages in short driveways. She said they depend upon and have created and paid for space in front of properties to park their vehicles. She said they do not want another vehicle to abuse the space in front of their or lawns by parking there

for an extended period of time she said they are asking the council to add to the parking ordinance Section 33-502 sub part 24 and have it state that 'on narrow streets a vehicle shall not be parked or abandoned in front of another property unless the vehicle owner has permission from the homeowner or tenant'. She said her neighborhood has had an issue with cars being parked and abandoned on the public road in front of residential homes making passage extremely difficult for emergency vehicles, delivery trucks, maintenance trucks, etc. She said of those living on Wainwright come up please keep in mind these vehicles are also parked directly across from private driveways. She said this makes use of the driveway very difficult. She said she is asking to add that section in the parking ordinance that has not yet been decided on.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 25-07-95 Moved by Casey, seconded by Gurumurthy; MOTION CARRIED: 6-0

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
 July 7, 2025 - Regular Meeting
- B. Approval to purchase twelve (12) sets of protective turnout gear for the Novi Fire Department from Phoenix Safety Outfitters in the amount of \$47,976.
- C. Acceptance of a Conservation Easement associated with JSP23-33 Sheetz, for property in Section 13, located west of Haggerty, and south of Twelve Mile Road.
- D. Consideration of Second Reading of Ordinance Amendment 25-42.05 to amend Chapter 24, Article II, "Permit for Outdoor Gatherings".
- E. Approval of a Resolution Authorizing "2025 Michigan State Fair" to occur on the Suburban Collection Showplace property at 46100 Grand River Avenue on August 27-September 1, 2025.
- F. Approval of (1) a Resolution Concerning the Acquisition of Property and Approving Declaration of Necessity and Taking and, (2) a Declaration of Taking for easements with fair market value in the amount of \$6,087.43 for a water main easement on parcel 50-22-32-400-010 for the construction of water main on the west side of Beck Road, north of 8 Mile Road.
- G. Approval to authorize vote for the 2025 Michigan Municipal League Workers' Compensation Fund Trustee Election Ballot.
- H. Approval of Assignment and Assumption Agreement for Purchase of Property at Thirteen Mile and Novi Roads (42000 W. Thirteen Mile Road), Parcel No. 22-02-400-008.
- I. Professional Services Contract for Long-Range Strategic Planning

- J. Enter Executive Session immediately following the regular meeting of July 28, 2025, in the Council Annex for the purpose of discussing confidential written correspondence from the City Attorney.
- K. Approval of claims and warrants – Warrant 1184

Roll call vote on CM 25-07-95

**Yeas: Gurumurthy, Heintz, Smith, Staudt,
Thomas, Fischer, Casey**

Nays: None

Absent: Thomas

MATTERS FOR COUNCIL ACTION:

- 1. **Final approval of Feldman Kia, JZ24-32, with Zoning Map Amendment 18.746 to rezone from Non-Center Commercial to General Business with a Planned Rezoning Overlay Agreement.**

David Landry, on behalf of Feldman Kia, said they have no objection to the PRO Agreement that was drafted by the attorney's office and administration. He said he wants to get out in front of an issue. He said that City Council expressed a concern about car haulers unloading on Grand River Avenue. He said they took care of that for Feldman Kia because it was written into the PRO Agreement and there is a stiff penalty if it happens. He said Feldman Chevrolet, which is not a part of this project, will have two potential means for car haulers to drop off vehicles once Feldman Kia moves. He said there are three unloading areas. He said he wants the Council to know that they have not ignored the concern and that they are trying to address it.

Member Heintz said thank you for addressing that concern. He said that the topic has been something that several members have noticed made comments on and have been concerned about in regard to safety hazards and everything related to the vehicles being unloaded there.

Member Gurumurthy said thank you for listening to the Council. She said all of the Council comments were clearly written and worked on with the City including the berm, the landscape, the shelters, the bus stop, etc.

Member Smith said he did not see a specific area at Feldman Chevy for Feldman Kia to drive the cars in and turn around and asked if there was one. Mr. Landry said yes, it is displayed in one of the exhibits in the PRO agreement and the Site Plan. He said there was a very specific traffic pattern for the loading and unloading at the Feldman Kia. He said that is the biggest complaint, and he knows they have heard it before but said they don't control the car haulers, and the car haulers do not work for them. He said they call the police because that is what they can do but they are going to be more proactive because it is now in the PRO agreement. He said they specifically designed that into Feldman Kia and are trying to do the same thing at Feldman Chevy.

Member Staudt said during the entire process they have had a lot of different things that have come up as far as lights, noise, berms and things of that nature. He said the applicant has listened and come through with requests.

Mayor Pro Tem Casey said thank you to the Chevy dealership at Feldman for doing what you can to resolve the situations. She said she really appreciates the thoughtfulness that they have when they're developing the site and doing the berm. She said she really wishes that would become more of a standard practice as developers are coming in, putting in a development up against existing residential units. She said she is very happy to see the language about no test drives being done on Joseph Drive. She said she knows they will control it as much as they can, and that is all the council can ask for. She said she appreciates the process that this has gone as it has been a multi-step process for them. She said this is the 3rd time they have had the applicant in front of them, and each time the applicant has listened and applied the Council's comments.

Mayor Fischer said a lot of times when you have a development that is going up against a current residential area, or redevelopment, there is often a lot of concern with the things that are going on. He said they saw the preliminary view of the pro, and then the second one, and now the final approval. He said every time they have asked for the applicant to consider changes such as lights, test drives, and the car haulers they have done so. He said he can't think of a time since 2009 that they have worked with someone who is so willing to listen to the Council and to City staff and work together for a good development that is also going to protect the existing residences.

CM 25-07-96 Moved by Staudt, seconded by Casey: MOTION CARRIED: 6-0

Approval of the request of Feldman Automotive, for JZ24-32, with Zoning Map Amendment 18.746, to rezone property at the southwest corner of Grand River Avenue and Joseph Drive from Non-Center Commercial to General Business with a Planned Rezoning Overlay Agreement, and corresponding PRO Concept Plan, the conditions of this Motion, and the conditions listed in the staff and consultant review letters, and also subject to any changes and/or conditions as discussed at the City Council meeting, with any final minor alterations required in the determination of the City Manager and City Attorney to be incorporated by the City Attorney's office prior to the execution of the final agreement.

This motion is made for the following reasons, and only upon the assumption that all conditions and requirements of this motion and the PRO Agreement, will be satisfied:

- 1. The use of the property is a New and Used Car Salesroom, Showroom and Office with a Servicing department and outdoor inventory of vehicles, as typically associated with dealerships.**

2. Accessory to the Car Dealership, Outdoor Space for exclusive sale of new or used automobiles will be permitted under the conditions for Special Land Use approval.
3. The applicant shall provide a unique streetscape along Joseph Drive with a winding sidewalk and the installation of a bench node on a concrete platform, decorative light poles, and significant landscaping across the western side of Joseph Drive, as shown on the PRO Plan.
4. The applicant shall construct two covered bus stop shelters along Grand River Avenue to serve the nearby SMART bus stops.
5. The days of operation shall be limited to Monday – Saturday. The business shall not be open on Sundays.
6. The hours of operation shall be limited to the following, as described by the applicant: 7:00 a.m. to 6:00 p.m. on Tuesday, Wednesday and Friday, 7:00 a.m. to 9:00 p.m. on Monday and Thursday, and 8:00 a.m. to 4:00 p.m. on Saturdays.
7. Outdoor speakers for security purposes may be permitted but must be attuned to meet the requirements of the noise ordinance and avoid disturbance of the adjacent residential neighborhood.
8. No outdoor compressors shall be permitted.
9. Automobile transit deliveries shall be limited to 8:00 a.m. to 6:00 p.m. on weekdays and must take place on the site in the designated loading/unloading area. Unloading shall not take place in any public right-of-way. Each instance of unloading in the public right-of-way shall be considered a separate violation and shall be subject to fines and abatement, as permitted by applicable laws and ordinances.
10. Separate and apart from, and in addition to, any traffic enforcement or code enforcement remedies above, for each violation of this provision, Developer shall pay to the City the amount of \$1,000, which Developer agrees represents the minimum cost to the City of enforcement of this provision, per incident. Such payment is to be made within 30 days of invoice by the City and failure to pay shall be a separate violation of this PRO Agreement.
11. The parking setback shall be no less than 53 feet from the property line to the south.
12. The footprint of the building shall be limited to approximately 18,900 square feet, excluding mezzanine space.
13. The overhead service doors shall remain closed except to allow the entering and existing of vehicles.
14. The berm and landscape plantings along the southern property line shall be installed early in construction to protect the residents from the negative impacts of construction.
15. Developer shall be responsible for all excessive false alarm penalties and fees assessed pursuant to Section 22-36 of the City

of Novi Code of Ordinances, as amended, and may not appeal assessments of fees and penalties for police department response.

16. Developer shall prohibit test driving vehicles on Joseph Drive. Each instance documented instance of dealership owned vehicles being test driven on Joseph Drive shall constitute a violation of this PRO Agreement, and shall be considered a site plan violation, and a nuisance per se. The City's Code Enforcement officer may issue a ticket for a site plan violation to the Developer. Each instance of test driving vehicles on Joseph Drive shall be considered a separate violation and shall be subject to fines and abatement, as permitted by applicable laws and ordinances.

For all of the foregoing reasons, the proposal will result in an enhancement of the project area as compared to a "straight" B-3 General Business designation, and sufficient conditions have been offered or provided for that it will result in significant benefits to the public that would not otherwise be available and its approval will be in the public interest, and the deviations listed in the Agreement are necessary to secure the enhancements listed above and in the PRO Plan.

Roll call vote on CM 25-07-96

Yeas: Heintz, Smith, Staudt, Fischer, Casey,
Gurumurthy

Nays: None

Absent: Thomas

2. Approval of Proposed Water & Sewer Rate Resolutions for 2025-2026

City Manager Cardenas said the average user will be looking at a 4.7% increase for next year. He said they have different increases that they are inferring and passing on to us; 6% from the Great Lakes Water Authority and just over 4% for the Water Resource Commission. He said the majority of the residents of the city will only see a 4.7% increase. He said this happens every year and the city will keep on looking at trying to keep those prices down as much as possible while making investments into infrastructure to get the valuable resource to the residents.

Member Staudt said that adjoining communities are looking at 10%, 12%, and 14% increases. He said the city of Novi has never looked to make a profit on water services. He said he would guess that the majority of the increases are likely capital improvements and things they're being forced to increase the rates on. He said about 16 years ago, he made a comment that anyone who believes Detroit doesn't affect Novi, should look at the water bills. He said it's not that way anymore, it's the Great Lakes Water Authority, but it still has a significant effect. He said he is pleased to hear that city staff have been able to mitigate the increases.

Member Gurumurthy complimented the data table provided in the packet. She said often people go after the exact dollar amount when talking about increases. She said if there are increases from GLWA and WRC, it should be displayed on the table to have all of the data. She said she would suggest that change is added so it is clear that it is a smaller percentage of the larger increase.

CM 25-07-97 Moved by Staudt, seconded by Casey: MOTION CARRIED 6-0

Approval of Proposed Water & Sewer Rate Resolutions for 2025-2026

Roll call vote on CM 25-07-97

**Yeas: Smith, Staudt, Fischer, Casey, Gurumurthy,
Heintz**

Nays: None

Absent: Thomas

- 3. Consideration of approval to award the interior corrosion protection system installation in the DPW Salt Dome to Havener Tech, LLC, sole-source bidder, in the amount of \$184,000.**

Member Smith said that this is needed so the new salt dome won't rust and to prevent damage but asked why a corrosion protection system was not included in the original build. City Manager Cardenas said this was a technology that the City wasn't aware of until talking to colleagues in the area who were able to identify it. He said providing a second layer of protection lessens the damage severity of the structure. He said that it was an afterthought, and they were able to have the findings in the current budget for this project. Member Smith said anything we can do to make the buildings last longer is a good thing.

CM 25-07-98 Moved by Smith, seconded by Heintz

Approval to award the interior corrosion protection system installation in the DPW Salt Dome to Havener Tech, LLC, sole-source bidder, in the amount of \$184,000.

City Attorney Schultz recommended to amend the motion language to add the phrase "subject to final approval of contract form by the Manager and City Attorney's offices."

AMENDED MOTION

CM 25-07-98 Moved by Smith, seconded by Heintz: MOTION CARRIED 6-0

Approval to award the interior corrosion protection system installation in the DPW Salt Dome to Havener Tech, LLC, sole-source bidder, in the amount of \$184,000, subject to final approval of contract form by the City Manager and City Attorney's offices.

Roll call vote on CM 25-07-98

**Yeas: Staudt, Fischer, Casey, Gurumurthy,
Heintz, Smith**

Nays: None

Absent: Thomas

- 4. Consideration of approval to award a unit price Sanitary Sewer Cleaning and Television Contract to Rogue Industrial Services, LLC, the lowest responsive bidder, for a term of four years for an estimated annual amount of \$150,000.**

CM 25-07-99 Moved by Casey, seconded by Smith: MOTION CARRIED: 6-0

Approval to award a unit price Sanitary Sewer Cleaning and Television Contract to Rogue Industrial Services, LLC, the lowest responsive bidder, for a term of four years for an estimated annual amount of \$150,000.

Roll call vote on CM 25-07-99

**Yeas: Fischer, Casey, Gurumurthy, Heintz,
Smith, Staudt**

Nays: None

Absent: Thomas

- 5. Consideration of approval to award engineering services to OHM Advisors for the preparation of a Water System Master Plan in the amount of \$140,700.**

CM 25-07-100 Moved by Smith, seconded by Casey: MOTION CARRIED: 6-0

Approval to award engineering services to OHM Advisors for the preparation of a Water System Master Plan and associated documents needed for compliance with America's Water Infrastructure Act of 2018, in the amount of \$140,700.

Roll call vote on CM 25-07-100

**Yeas: Casey, Gurumurthy, Heintz, Smith, Staudt,
Fischer**

Nays: None

Absent: Thomas

- 6. Approval of a license agreement with International Transmission Company (ITC) for construction of a non-motorized pathway connecting the existing ITC Trail to Bosco Fields Park.**

Member Smith said he would just like to thank ITC for being such a great partner with the City for building trails and supporting the sports park.

CM 25-07-101 Moved by Smith, seconded by Staudt: MOTION CARRIED: 6-0

Approval of a license agreement with International Transmission Company (ITC) for construction of a non-motorized pathway connecting the existing ITC Trail to Bosco Fields Park.

Member Gurumurthy said last September the engineering services for this project were approved, and the project was supposed to start this summer but did not due to different state requirements. She said she wants to clarify if this is a confirmed thing and then hopes that this will come back with the detailed cost because the project moved by one year. City Manager Cardenas said the construction will be in 2026 due to standards from MDOT to ensure that the boardwalk will be able to sustain an ambulance to carry people off of the pathway if they get injured. He said this will definitely increase the price. He said they can share total cost information with Council in the near future, but it will be something that occurs in the next fiscal year. Member Gurumurthy asked if there is timing for when they should align the budget to pay for this. City Manager Cardenas said it is all aligned in the budget already. He said they went back to SEMCOG, this went through the mobility committee, and then because of the increased costs SEMCOG gave them even more grant dollars. He said that DPW Director Herczeg believes the additional costs can identify those dollars in the road funding. He said it will come back to City Council for overall construction costs when the construction award is awarded.

Roll call vote on CM 25-07-101

Yeas: Gurumurthy, Heintz, Smith, Staudt, Fischer, Casey

Nays: None

Absent: Thomas

7. Approval of a Purchase Agreement to sell City property located on the west side of Venture Dr., north of 22635 Venture Dr., to the Boll Filter Corporation.

City Manager Cardenas said the property is on the west side of Venture Drive, is just over an acre, and acquired back in 2020. He said they thought they could build a fire station on the property at the time, but after due diligence, they learned they needed at least two acres to build a fire station. He said they were able to identify the three parcels, just over three acres across the street, and this specific parcel was needed by Boll Filter to expand their business. He said they were able to work out everything to make the purchase on the east side and sell this one on the west side. He said the proceeds and profits from the sale will go towards the purchase of the new station on the east side.

CM 25-07-102

Moved by Casey, seconded by Heintz: MOTION CARRIED: 6-0

Approval of a Purchase Agreement to sell City property 50-2226-401-041 located on the west side of Venture Dr., north of 22635 Venture Dr., to the Boll Filter Corporation, as the sale to Boll is in the City's best interests, and to authorize the Mayor and City Clerk to sign the Agreement and the City Manager and the City Attorney to take all actions necessary to complete the sale through closing.

Roll call vote on CM 25-07-102

**Yeas: Heintz, Smith, Staudt, Fischer, Casey,
Gurumurthy,**

Nays: None

Absent: Thomas

CONSENT AGENDA REMOVALS: None

AUDIENCE COMMENT: None

COMMITTEE REPORTS:

1. Long-Range Strategic Planning Committee – Mayor Pro Tem Casey

Mayor Pro Tem Casey said the Novi 2050 Committee met just before the Council meeting and continued their conversation about the timeline for when they will be moving forward with executing the strategic plan. She said they talked for a bit about how they might additionally bring in community members to participate.

2. Public Utilities and Technology Committee – Member Smith

Member Smith said the Committee met on the 23rd of July. He said the most recent discussion was releasing an RFP for a consultant to help them develop the master plan to implement extending fiber connectivity throughout Novi. He said they hope to have some responses from the RFP for Council and Consultant review beginning in September. He said they discussed a FlashVote survey of residents on their existing internet connection: what they like, what they don't like, what their speed is, etc. He said that should be coming out toward the end of August.

MAYOR AND COUNCIL ISSUES: None

COMMUNICATIONS: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:33 P.M.

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Cortney Hanson, City Clerk

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Transcribed by Alyssa Craigie,
Administrative Assistant

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Justin Fischer, Mayor

Date approved: August 11, 2025