

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

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

In accordance with the provisions of the Open Meeting Act this meeting was held remotely.

PLEDGE OF ALLEGIANCE

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

Mayor Gatt, present from City of Novi, Oakland County, State of Michigan
Mayor Pro Tem Staudt, present from the City of Novi, Oakland County, State of Michigan
Member Casey, present from the City of Novi, Oakland County, State of Michigan
Member Crawford, present from City of Novi, Oakland County, State of Michigan
Member Fischer, present from City of Novi, Oakland County, State of Michigan
Member Maday, present from City of Novi, Oakland County, State of Michigan
Member Mutch, present from City of Novi, Oakland County, State of Michigan

ALSO PRESENT:

Victor Cardenas, Assistant City Manager
Tom Schultz, City Attorney

APPROVAL OF AGENDA:

Mayor Gatt added to Mayor and Council Issues, "Long Grass/Weed Ordinance".

CM 21-06-079 Moved by Crawford, seconded by Casey; CARRIED UNANIMOUSLY

To approve the Agenda as presented.

Roll call vote on CM 21-06-079 **Yeas: Staudt, Casey, Crawford, Fischer,
Maday, Mutch, Gatt**
Nays: None

PUBLIC HEARINGS: None

PRESENTATIONS: None

MANAGER/STAFF REPORT:

Assistant City Manager Cardenas said in honor of the Mayor Gatt's birthday and in honor of the Mayor Pro Tem Staudt's wedding anniversary, every homeowner in the city will receive the new trash carts for trash and recycling. They will start hitting homes a week from today. He said the residents should be on the lookout for the new GFL carts that should be arriving at your doorsteps in the next week or so. He said the trash cart will be a black GFL cart with a green lid and the recycling will be green with a black lid with the

Mayor Gatt congratulated them for their reappointments. He stated again, to those who were not appointed, we appreciate your involvement, please stay involved. We will find a spot for you as soon as we can.

2. **Consideration of approval to purchase two (2) 2021 Ford Police Hybrid Explorer vehicles for the Novi Police Department from Signature Ford through the Macomb County cooperative purchasing contract, in the amount of \$125,200 and amend the budget.**

CM 21-06-082 Moved by Fischer, seconded by Gatt; CARRIED UNANIMOUSLY

Approval to purchase two (2) 2021 Ford Police Hybrid Explorer vehicles for the Novi Police Department from Signature Ford through the Macomb County cooperative purchasing contract, in the amount of \$125,200 and amend the budget.

Roll call vote on CM 21-06-082

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

3. **Consideration of approval of Change Order No. 2 to Pro-Line Asphalt Paving Corporation for the 2021 Neighborhood Road Program – Asphalt Streets, in the amount of \$661,180.44.**

CM 21-06-083 Moved by Casey, seconded by Maday; CARRIED UNANIMOUSLY

Approval of Change Order No. 1 to Pro-Line Asphalt Paving Corporation for the 2021 Neighborhood Road Program – Asphalt Streets, in the amount of \$661,180.44.

Member Mutch had a question for City Administration in terms of the testing process involved with this project, because we have had a least one project where the testing or the shortcomings of that testing have resulted in significant cost overruns. He said this is a pretty large increase in the cost of this project. He said the soils underneath that asphalt, they are what they are, there was no getting around that. He thought it was apparent kind of late in the process here, where they actually are taking up the road and discovering, it is not exactly what we thought it was going on there, has the administration had any conversation about broadening or maybe doing additional testing on these kinds of projects, so that we are not running into this kind of situation, where we get out into the field, and we were discovering that what is going on underneath the ground is a lot different than what we thought when the testing results came back. DPW Director Herczeg responded to the question and explained that in this case he did not think additional testing would have resulted in a different application beginning since the cross section since it was poured. He did not want to rehash the motion sheet, it was poured in a single thickness without the right binder, when the core from the testing went through the deterioration from underneath acted like base

material. He thought the general it was, he did not want to use the term false positive, but or it acted one way, and was another way. He explained when they pulled up the cross section, it completely crumbled and before the testing before they pulled it up, we had considered that the base material could be reused rehashed, were spread, and there would not be that much undercutting. He said that test, particularly the diamond bits, kind of melted it to make it appear like it was a different cross section that it was. Member Mutch said we are fortunate that we have the fiscal resources to take a half million-dollar plus hit on a project and be able to take care of that. He stated this is the second big project where we have had some testing issues, and it is the same firm. He knew two different areas, one dealing with pavement, the other dealing with sewers, he thought it was a little concerning that this has happened twice now, with a cost overrun of this size. He said we have got to move this project forward. The streets in that subdivision are in bad shape due to what is going on underneath the pavement. He was willing to support moving this forward. He hoped we are looking int the whole testing process moving forward if we need to do something a little bit more robust. He understood Mr. Herczeg's explanation, that in this situation, you did not feel like it could have captured that in any case. Thank you.

Roll call vote on CM 21-06-083

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

Nays: None

4. Consideration of approval of Change Order No. 5 to Florence Cement Company for the Cranbrooke Road reconstruction, 9 Mile Road to Village Wood Road, sidewalk addition in the amount of \$104,196.85.

Assistant City Manager Cardenas said this is in relation to some Council discussion regarding the addition to that sidewalk and reconstruction. He stated this reflects those discussions in the amount previously discussed. Thank you.

Member Mutch thanked City Administration for expediting this change which was last minute in the project process. He said fortunately, this contactor managed to make it happen and it sounded like from the price that they presented it was lower than our engineering estimates. He said this will be a great addition to that area. He expected that we will hear from residents asking when the sidewalks will be going in on their stretch of the street. He said step by step.

CM 21-06-084

Moved by Mutch, seconded by Casey; CARRIED UNANIMOUSLY

Approval of Change Order No. 5 to Florence Cement Company for the Cranbrooke Road reconstruction, 9 Mile Road to Village Wood Road, sidewalk addition in the amount of \$104,196.85.

Roll call vote on CM 21-06-084

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

Nays: None

- 5. Consideration of referral of draft ordinances relating to amendments to the Planned Rezoning Overlay (PRO) provisions of the Zoning Ordinance (Section 7- 13 of the Zoning Ordinance) and the Sign Ordinance (Chapter 28 of the Code of Ordinances), as reviewed by the Ordinance Review Committee (ORC), to the Planning Commission for its recommendations.**

Assistant City Manager Cardenas mentioned that this was recommended by our Ordinance Review Committee. He stated they had met about this at their last meeting. He said if City Council approves it, both items will go to the Planning Commission for their opportunity to review it and comment accordingly. He said the proposed revisions will come at City Council for ultimate consideration. He said City Attorney Schultz and Community Development Director Boulard were there for comments and to answer questions. Mayor Gatt asked City Attorney Schultz if he could very succinctly give us a brief description of what the changes were that they are recommending to the Planning Commission.

City Attorney Schultz gave an overview for the PRO ordinances was sort of an overhaul, not because there was anything wrong with the PRO ordinance, but over time comments that had been made by City Council by the Planning Commission, with respect to how it operated some general experience from the Community Development and Planning staff as to things that needed to be changed. He explained that they rearranged some things, beefed up some standards, make it clear that the PRO plan could be detailed enough to be essentially a site plan approval, and most importantly they responded to comments from several Councilmember that the Ordinance Review Committee wanted to make sure that we added earlier in the process and opportunity for City Council to get their eyes on a proposal, really before the Planning Commission takes any kind of formal action on it. He said there has been a step added early after the staff gets its initial review done. He stated where the Planning Commission takes a quick look at it lets the public comment on it as well and then it comes to the City Council for non-binding comment and review. He said then it will go back to the Planning Commission to start the process. He said those are the changes to the PRO ordinance, there are not a lot of changes to the sign ordinance. He said there are a lot of cleanups that have been sort of being accumulated by City staff, cleanups from if you recall, we did a more or less an entire rewrite in 2017. He stated that you never get everything exactly right, so there are a number of those kinds of fixes. He said we are changing the way we talk about billboards instead of referring to them as off premises signs, which is how we have always defined them. Novi for many years, but other communities as well reacting to the same case and some of the subsequent cases that caused you to redo the ordinance in the first place in 2017. He said we are now not calling them off premise's signs or billboards, they are being called highway signs, substantively in terms of where they can be, how big they can be, how far apart they need to be. He said none of that is changing, we are changing essentially, the name. He concluded that was the thumbnail of the two, and

as Assistant City Manager said, the Planning Commission for the usual public hearing and thorough vetting and then back to Council for approval. Mayor Gatt thanked him for his overview.

Mayor Gatt stated he was a member of the Ordinance Review Committee, especially regarding the PRO, it is something that several Councilmembers have discussed many times that we should see something long before it comes to them as in the past. He wanted to emphasize what City Attorney Schultz said, when it does come to them early in the process, it is not to make any decisions, it is not to give their final approval or non-approval to anything. He said it is certainly not to become planners, talking about colors or schemes or anything like that. He explained it is just for Council to look at so that they know what is coming, so nothing will sneak up on them like it has in the past. He gave an example on how they cleared the land at Nine Mile and Novi Road before they knew it was happening. He said they want to be in the know, and he thought that was a good change.

Member Mutch mentioned he has been one of those Councilmembers who felt like the PRO process would benefit from their perspective as Councilmembers from having their input earlier in the process. He thought it was always odd and sometimes disconcerting to have developers jumping through a lot of hoops placed in front of them by staff and the Planning Commission and then those projects showing up at the City Council table with a lot of changes that they have never seen or discussed or did not reflect our priorities. He said it seemed like a lot of unnecessary hoop jumping for the developers, and also made it tricky for Council, because these projects had gone through all that work and then they were wondering why was City Council asking them to make additional changes. He believed having that input early on, seeing the project early on, will be helpful. He understood where the Mayor Gatt was coming from, he does not want to get into the weeds early in the process with these proposals. He fully expected if they adopted this kind of process that developers are going to be looking towards Council to provide some guidance with issues such as public benefit, where they are proposing changes in exchange for something else. He thought we should just expect that because they know ultimately they must come back to City Council at the end of the process and get approval for their projects. He said regarding how that will function he thought that we have to go through a couple of those and see what it looks like. He was happy this change was moving forward, and we will see how that goes.

CM 21-06-085 Moved by Mutch, seconded by Maday; CARRIED UNANIMOUSLY

Motion to refer the draft ordinances relating to amendments to the Planned Rezoning Overlay (PRO) provisions of the Zoning Ordinance (Section 7-13 of the Zoning Ordinance) and the Sign Ordinance (Chapter 28 of the Code of Ordinances), as reviewed by the Ordinance Review Committee (ORC), to the Planning Commission for its recommendations.

Roll call vote on CM 21-06-085

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

Nays: None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: None

AUDIENCE COMMENT:

Dorothy Duchesneau said she was fully in support that there will be put into place an earlier role for the City Council to review and comment on a PRO application before the Planning Commission process has been completed. She echoed Member Mutch and said this will help ensure that any proposed PRO land use will be compatible with adjacent uses of land and not just examined within the petitioner's property lines. Thank you.

Michel Duchesneau said he supported the reappointments of the Planning Commissioners. He mentioned that he has been on record in the past saying that one of the strengths of the city to have residents that are willing to dedicate their time and effort to serve on a Board or Commission. He stated the consistency that the Planning Commission give the city is something really desirable. He said in the thumbnail sketch of today's information and package it talked about requiring applicants to go to the Master Plan and Zoning Committee and having attended several of those for the Lakeview Subdivision as well as Sakura and other things he thought that is a very good place to get first feelers for the applicants as far as residents' input and as well as the flavor of the Planning Commission as to what they do. He was in total support as far as the changes that were being proposed that evening. He believed the earlier that City Council gets involved, the better. He has sensed the frustration of the Planning Commission on occasion where they have no clue as to what City Council will like or dislike and yet they are making recommendations to the City Council. He agreed there are some changes here that are needed. The last topic he touched on was regarding the zoom meetings and he believed that the format for audience participation had been change. He said sometimes it makes sense to speak before a decision is made, and sometimes it makes more sense to speak after discussion. In the end, the decisions are made. He was looking forward to when we can return to the audience participation. He thanked Council for letting him speak.

Mayor Gatt announced that after today's meeting, there is one more zoom meeting, the end of June, and then the first meeting in July and forevermore we will be live in person at the City Council Chambers and we will go back to our old format of doing things.


COMMITTEE REPORTS: None

MAYOR AND COUNCIL ISSUES: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:27 P.M.



Cortney Hanson, City Clerk



Robert J. Gatt, Mayor



Transcribed by Deborah S. Aubry

Date approved: June 21, 2021