

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, August 8, 2016 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 Burke, Casey, Markham, Mutch, Wrobel

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

APPROVAL OF AGENDA:

CM 16-08-101 Moved by Wrobel, seconded by Casey; UNANIMOUSLY CARRIED:

To approve the Agenda as presented.

Roll call vote on CM 16-08-101 **Yeas: Staudt, Burke, Casey, Markham, Mutch,
Wrobel, Gatt**
Nays: None

PUBLIC HEARING - None

PRESENTATIONS –

1. Thoroughfare Master Plan – The Corradino Group

Planning Director, Barb McBeth gave a brief introduction for Consultant, Joe Corradino. She said the City of Novi is in the process of preparing a Thoroughfare Master Plan which is sometimes referred to the TMP and will cover the entire City. Ms. McBeth said the attempt of developing a Thoroughfare Master Plan would be to establish the physical and cultural environments that support and encourage safe, convenient and comfortable travel by a variety of modes either by vehicle, bicycle as well as pedestrians. She mentioned since last fall the consultant has shared several reports with the Planning Commission regarding the progress of the plan. She also said there have been regular updates to a dedicated web page for the plan including technical memos, detailed work as it has been completed. She said there have been several public outreach efforts and the public has been invited to presentations with questions and answer sessions. Ms. McBeth said she was pleased to introduce consultant, Joseph Corradino who will make a brief presentation on the Thoroughfare Master Plan.

Mr. Corradino said he has had the pleasure working with the City for the last nine months under the leadership of Ms. McBeth. He said he was there to go over a summary of the TMP that had been put together. He said he would answer any questions even though it was a short presentation. Mr. Corradino said they have been

working for a number of months, including four different public meetings and outreach techniques they gathered input to see what we could do in terms of making some improvements. He said when they started they looked at a series of roads and said they will touch on all of those in the proposed plan. He did say we cannot buy everything right away so that is why they looked at funding sources. He said to be quite frank, the State has a new funding package; it doesn't roll in fully until next year. He mentioned there is a new federal funding package, but for all practical purposes after a five percent bump for 15 fiscal to 16 it gets to be about two percent a year and inflation will probably eat that. He said it would be a challenge to come up with resources to do what we are accustomed to doing. He said they used an application called Community Remarks; they received about 70 different comments and about 2,000 hits on the app. He also mentioned they did polling in the public meetings at the beginning of the project and found the key thing was that group that attended the meetings were senior and many didn't drive during peak hours, yet their proposed improvements deal with safety, sidewalks and intersections. He said with this plan they started with the most expensive and tried to figure out how to fix things. He said they run a combination of alternatives through various computer applications to figure out what had the most "bang for buck". He mentioned Beck Road had a significant impact, and said it will be over \$21 million. He said Ten Mile Road from Haggerty to Taft they also propose that it be improved, both to be widened to five lanes and that is about \$20 million. He said they spread those all the way over through 2025, largely because of the funding issue. He said there are subsequent improvements that they call for on Meadowbrook, etc. He noted the places where we still have congestion, if you fix those two arteries of Beck and Ten Mile, are about thirteen intersections across Novi. He said they looked at those and made recommendations for anything from lighting, signage, expansion. He said the total rolled up for all of those improvements will be approximately \$6 million. He mentioned the sidewalks and said we have a very aggressive and impressive pathway program which is rolled over every year and is always current and what we have in front of us for the next five years is about \$4 million of improvements. Most of that will be locally funded. He said they looked at transit and tried to reshape the Older Adult Services fare system. He mentioned at one of the meetings they had concerns expressed that taking multiple trips at three dollars a trip was too expensive. He said they pulled out one month of ridership data and couldn't find that it was a problem. He said they were looking at going to a zone fare system or something different but it was a good "bang for the buck" on what we are doing. He said they talked about, based on recommendations, a people mover. He said they looked at a gondola, looked at a Disney structure, and said the cost was staggering. He said if they could connect the two malls with a circulator, we could get people to park once, stop and effectively move back and forth without having to go back on the roadway. He said they suggested only a six-month demonstration using one of our Older Adult Services transit vans to run the service on a Saturday when traffic is heaviest in the mall shopping area and if it works, so be it, and if it doesn't work then we haven't expended a lot of energy.

He said on regional transit they looked at many different, what they call in the RTA plan, cross county routes and the number was big. He said the RTA had published a plan

and essentially called for cross town routes and an express route to the airport. He said they believe it has been on again, off again, and now on again. He said there will be a referendum in the fall. He said the community can decide what it wants to do. The community in this instance isn't each jurisdiction; it is not Novi, not Southfield, as he understands the referendum will be all or nothing. He said when the vote is taken they will roll it up with four counties, nobody can opt out by voting no; the no votes get added to all the others. If it passes then the referendum works and they will improve the transit system and levy a \$3.2 mill property tax. He said this is an opportunity to improve public transportation, but it will be something in the neighborhood for the City of Novi \$3.50 to \$3.75 million per year.

Mayor Gatt thanked Mr. Corradino for the presentation and said it opens up a lot of avenues for discussion. He also said this is not the time or the place and he asked his fellow Members on Council not to bring up a political matter like the RTA.

Mayor Gatt asked Mr. Corradino about the Ten Mile Road improvements and wondered if he knew that Ten Mile Road did not belong to the City of Novi. Mr. Corradino said their objective is to point out a series of improvements that the RCOC, MDOT and the City can attack. He also said at the end of the report we need to demand our fair share and he expects we will get help, but the squeaky wheels get the most grease so looking at the Federal and State level will make a difference. He did note that no matter who wins the presidential race, it looks like there will be a significant infrastructure funding infusion. He said having this plan ready he believed will put the City at the head of the pack. Mayor Gatt agreed with Mr. Corradino regarding the infrastructure funding infusion and said it will be good for the City, the region and the country. He said right now he wanted to focus on Novi.

Member Wrobel said he enjoyed reading the study and thought it was very informative. He wondered if any of the 13 intersections that were talked about entailed any roundabouts. Mr. Corradino said no. Member Wrobel also asked about the transit circulator at Novi Town Center and Twelve Oaks Mall and looking at us to pick up \$45,000. Member Wrobel said he felt that would be a direct benefit for the Novi Town Center and Twelve Oaks Mall and wondered if it would be wise to go directly Taubman and the owners of Town Center and say you pay the \$45,000 because this benefits your business. Mr. Corradino replied, sure, but the first thing we should do is to see if they would allow it on their property. He also mentioned this would be a significant attraction for the region and he said today was a lot different than five years ago so maybe they would be interested in contributing. He said there is some private contribution, donations to the Elder American Services; maybe we can play off of that. Member Wrobel said they saw an example of this of one of our City exchanges in Schaumburg, they have a transit between their retail areas and it is promising, but he felt it should be privately funded.

Member Casey thanked Mr. Corradino for the detailed presentation and his conversation this evening and said she had some questions for Planning Director, Barb McBeth.

Member Casey asked Ms. McBeth if she could talk about what the next steps for the TMP would be. Ms. McBeth said we are going through the Thoroughfare Master Plan along with the process of the Master Plan for Land Use. Ms. McBeth said a few weeks ago Council did vote to distribute the plan to the surrounding communities in Oakland County, the railroad and the utilities for further comment. She said once the 63 days have passed, we will have a public hearing and gather more in the public input session and then ask the Planning Commission to hold the public hearing and adopt the plan. She said once it is adopted it would be implemented in stages; there are a number of recommendations that are included in the plan. Member Casey thanked Ms. McBeth for clarifying her concerns.

Member Mutch said he appreciated all of the information provided in the report. He mentioned he attended one of the meetings and had some questions while he was there and mentioned many of those questions had been addressed in the final drafts. He said he would like more clarification on a few areas, one being the maps, where it shows red and green lines that relate to congestion and which road corridors are most congested in the City. Member Mutch wanted to clarify the P.M. peak hours between 4-7 P.M. is when the roads are most congested. Mr. Corradino confirmed that. Member Mutch said we often get feedback on the area west of Ten Mile past Taft Road there is a lot of traffic moving up and down both the Wixom and Beck Road corridors. He said when he looks at the map he does not see red lines currently and according to that he assumed that they do not believe that area is congested at this time. Mr. Corradino agreed and said the model will pick up vehicles on pavement, but not leaving, and merging so that will create an issue. He said they went back and looked at the red at the key intersections and will go back in there and make the improvements. Member Mutch said his expectation would have been that they would have recommended widening Ten Mile across the entire City, but he said that is not what they are saying. He mentioned that it recommended widening Ten Mile from Haggerty to Taft Road that by 2040 that would address a lot of the congestion we are seeing today. Mr. Corradino confirmed that is what was recommended in combination with Beck which should make it more tolerable. Member Mutch made a comment about the peak hour that they use and said during rush hour it will always be congested no matter what. He said he is more concerned with roads in the City that are consistently congested, and he felt he did not get that level specifically from these maps. He did acknowledge they are working with the data that they have available to them. Mr. Corradino said they took the model data for our area for either March or April and rolled up three hours from about 4-7 P.M. and what they say in the real world was consistent with the model. Mr. Corradino said they didn't go beyond the peak time. He said when you try to implement the improvements you take a second look and decide whether it is enough of Ten Mile. Member Mutch said it is about setting realistic expectations for the public that there will be times of the day that certain places in Novi will always be busy no matter what we do. Member Mutch made another comment regarding the intersections without spending a lot of money and he would like to aggressively tackle those because they can give us the biggest "bang for the buck". He said when we look at the major road corridors that we keep in mind that

both Novi and Beck Road and we have residential backing up to these roadways and it may cost more to construct a four lane boulevard verses a five lane road, but he felt the payoff long term is less of an impact on the neighboring homes and it looks more attractive. He said we had the whole debate on a separate roadway in Novi and he isn't saying anything that people have not heard before. He also said we are not debating all of the issues tonight, but it is a good starting place to have conversations on some major initiatives in the City.

Mayor Pro Tem Staudt asked Ms. McBeth a couple of questions and mentioned that for most of the 25 years he has lived in Novi he has heard Council say something about pushing traffic to Grand River and he said this seems to be a major departure. He wondered if he was wrong and the City has finally figured out that the mistake we made 15 years ago when we didn't build out Ten Mile when we had the funding to do it was probably not a good policy decision. Ms. McBeth said all of the major thoroughfares were considered regardless of the jurisdiction and the area that was found lacking today appears to be the Ten Mile corridor and the Beck Road corridor going forward to 2040. Mayor Pro Tem Staudt said it was 15 years ago and there were a lot of decisions made around that, and he also said they had a lot of vision to do the right thing, they had the money, but they didn't have the willpower. He said the other issue he had looking at this study that we have spent a lot of time here talking about is the Ring Road, yet there is little emphasis in this study about the Ring Road and the effects on traffic that it would have and wondered if there was a reason for that. Ms. McBeth said it was acknowledged in the study that there are a number of improvements that are anticipated. Ms. McBeth said she didn't think it was downplayed and she said it is on the books and will be constructed at some point.

Member Markham asked City Administration regarding the circulator that Member Wrobel brought up and thought this would be something we could try easily, since it suggested using one of our senior vans. She asked what part of the City Administration would be responsible for pulling that trial together. She said that we should incorporate the idea of talking to the people from the mall to see if they would provide some funding, how to publicize it so people would know what Saturday this might be available, etc. City Manager, Pete Auger responded saying we are not at that point right now; the plan has not been adopted by the Planning Commission as yet. He did say it is out there for discussion for the period of time that it has to be, once adopted then we will look at it and have these discussions and deal with the appropriate parties at that time. Member Markham made one other point and wondered how this proposal meshed with the RTA proposal and she thought Mr. Corradino did a good job of covering that issue in his presentation and she thanked him.

Mayor Gatt thanked Mr. Corradino and Ms. McBeth and said it gave them a lot to think about.

REPORTS:

1. MANAGER/STAFF – None

2. ATTORNEY – None

AUDIENCE COMMENT - None

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 16-08-102 Moved by Wrobel, seconded by Casey; UNANIMOUSLY CARRIED:

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
 - 1. July 25, 2016 – Regular meeting
- B. Enter Executive Session immediately following the regular meeting of August 8, 2016 in the Council Annex for the purpose of discussing labor negotiations.
- C. Approval of a resolution to extend current Youth Council representative terms to December 31, 2016; to establish a new time frame of two-year term limit, beginning in January 2017; and going forward only have student representatives on the Parks, Recreation and Cultural Services Commission and Library Board.
- D. Approval of a Street Light Purchase Agreement with The Detroit Edison Company for the installation and ongoing operation costs of street lights within the Ridgeview Villas development on Nick Lidstrom Drive; and approval of an agreement with Toll MI V, a Michigan Limited Liability Company, for street light installation and ongoing operation costs per the City's Street Lighting Policy.
- E. Approval of Resolution to close Taft Road from Novi High School (west lot) to Grand River Avenue and Grand River Avenue to 46100 Grand River Avenue (Suburban Collection Showplace) from 10 – 11 a.m. on Monday, September 5, 2016 for the Michigan State Fair Parade.
- F. Approval of Resolution Authorizing "2016 Michigan State Fair" to occur on the Suburban Collection Showplace property at 46100 Grand River Avenue.
- G. Approval of Resolution regarding Temporary Michigan State Fair Promotional Signage allowing city-wide temporary relief from the Sign Ordinance from August 29 through September 5, 2016.
- H. Approval of the 2017 Suburban Mobility Authority for Regional Transportation (SMART) Municipal Credit Fund Contract and Resolution for the Older Adult Transportation Program in the amount of \$54,454.
- I. Approval to purchase apparatus fire hose for the Novi Fire Department from H.D. Edwards & Co., the sole source provider in Michigan, in the amount of \$18,439.

- J. Approval to award an amendment to the engineering services agreement with Spalding DeDecker Associates for construction engineering services for the 2016 Pathway Program in the amount of \$30,391.
- K. Approval of an agreement with Suburban Collection Showplace to host the 2016 Evening of Appreciation, an annual event honoring Boards, Commissions, Committees and Employees for their dedication to Novi, on Friday, December 9, 2016 for the estimated amount of \$18,360.
- L. Approval to award a one-year contract with two one-year renewal options for the Phragmites Removal project to Natural Community Services, the lowest bidder, for a cost of \$31,458 in the first year.
- M. Approval to award an amendment to the engineering services agreement with Spalding DeDecker Associates for construction engineering services for the Providence Park Connector Trail (ITC Corridor Regional Trail Phase 3B) in the amount of \$43,493.
- N. Approval to award an amendment to the engineering services agreement with URS Corporation for construction engineering services for the Crescent Boulevard Reconstruction project in the amount of \$159,952.
- O. Acceptance of a warranty deed for the dedication of parcel 22-14-376-013 from Singh IV Limited Partnership for the purpose of reconstructing Crescent Boulevard east of Novi Road.
- P. Acceptance of highway easements over parcels 22-14-376-009 and 22-14-376-063 from Novi Town Center Investors, LLC for the purpose of reconstructing Crescent Boulevard east of Novi Road.
- Q. Acceptance of a warranty deed for the dedication of parcel 22-14-376-008 and sidewalk easement over parcel 22-14-376-010 from WPS Novi, LLC for the purpose of reconstructing Crescent Boulevard east of Novi Road.
- R. Acceptance of the Mirabella Estates subdivision street, Carmela Court, and adoption of Act 51 New Street Resolution accepting it as public, adding 0.13 miles of roadway to the City's street system.
- S. Acceptance of a warranty deed from Mirabella Estates Condominium Association for the dedication of a 60 foot right-of-way along the west side of Meadowbrook Road as part of the Mirabella Estates Subdivision.
- T. Approval of Claims and Accounts – Warrant No. 969

Roll call vote on CM 16-08-102

**Yeas: Burke, Casey, Markham, Mutch, Wrobel,
Gatt, Staudt**

Nays: None

MATTERS FOR COUNCIL ACTION

1. Approval to award a construction contract for the Crescent Boulevard Reconstruction project to Toebe Construction, LLC., the low bidder, in the amount of \$1,810,418, subject to final review and approval of form of agreement by City Manager's office and the City Attorney.

CM 16-08-103

Moved by Wrobel, seconded by Burke; UNANIMOUSLY CARRIED:

To approve a construction contract for the Crescent Boulevard Reconstruction project to Toebe Construction, LLC., the low bidder, in the amount of \$1,810,418, subject to final review and approval of form of agreement by City Manager's office and the City Attorney.

Member Mutch mentioned this project is badly needed, he said there are a couple of elements to this plan that he was not happy with. He said several locations where we have sidewalks backing up to the curbs and as soon as you run a snow plow through there in the winter that will become impassable and we will leave that for the adjoining property owner to clear and make a safe path. He also mentioned at the corner where the new restaurant is going in, the way that curve is designed just encourages people to go flying around that corner and he didn't feel that it was safe for pedestrians.

Mayor Pro Tem Staudt asked City Engineer, Rob Hayes why the bid was \$600,000 under the budgeted amount and wondered if it included everything. Mr. Hayes responded saying no that it didn't include everything. Mr. Hayes said what we didn't show in that expenditure are separate items such as construction management, having inspectors on site, paying for testing, paying for administering the contract are some of the major expenditures. Mayor Pro Tem Staudt asked how close to the \$2.4 million are we going to end up being. Mr. Hayes responded to the questions saying he didn't have the number on the top of his head, but he said they were under budget. Mayor Pro Tem Staudt said that every major project that we have had in the past three or four years that included concrete have continually come back for more money. Mayor Pro Tem Staudt said he worried about low bidders and he wondered when they would come back for more. He said he didn't think they were \$600,000 under budget. He wondered if there was a chance this may go over budget. Mr. Hayes said there is always a chance and there are always unknowns that you can't see. Mayor Pro Tem Staudt said except the people bid and we take those bids as word and they come back and they mark them up \$300,000 to \$400,000 dollars because they didn't see something. Mr. Hayes said that is always that chance that it could happen. Mr. Hayes responded saying they are a very competitive bidder, they do a lot of work for MDOT

and they are working on the Interchange in Brighton, on I-275 and they can take on this project, beat our schedule and keep us within budget.

Roll call vote on CM 16-08-103

**Yeas: Casey, Markham, Mutch, Wrobel, Gatt,
Staudt, Burke**

Nays: None

2. Approval of the request of The Ivanhoe Companies for Beacon Hill, JSP 15-08, with Zoning Map Amendment 18.710, to rezone property in Section 12, located on the northeast corner of Twelve Mile Road and Meadowbrook Road from RA (Residential Acreage) to R-4 (One-Family Residential) and B-3 (General Business), subject to the related Planned Rezoning Overlay (PRO) Agreement, and corresponding PRO Plan. The property is approximately 21.13 acres. The applicant is proposing a 42-unit single-family residential development with frontage on and access to Meadowbrook Road, up to 22,000 square feet of commercial space with frontage on Twelve Mile Road, and an open space/park area at the corner of the intersection.

City Manager, Pete Auger said there was an oversight on his part and he forgot to add to this agreement what Council had requested regarding the sidewalks in the packet that was sent out. He said the new agreement mentioning the sidewalks that was added by City Council at the last meeting is in the proposal in front of Council on paper, not in the electronic copy.

Member Mutch had a few follow-up questions for City Attorney in terms of the language in the PRO Agreement. He said he didn't see any language that addressed at what point the developer would deed over the proposed parkland to the City so that the City would take control of that. Mr. Schultz said the intention was that they would deal with that during the Preliminary Site Plan, along with all of the other dedications, such as sewer and water. Mr. Schultz said after the plans are approved and the permits are issued we look for the dedication at that point. Member Mutch questioned if there was anything in writing about that, in which Mr. Schultz responded that they could talk to the developer about clarifying that issue. Member Mutch said he thought that was an important piece of the proposal so he thought that would be important to have that. He also said related to that, once the City takes ownership of the property, the City is bound by the language of the PRO. Mr. Schultz said that was correct, it will continue as a trailhead and parkland. Member Mutch said the question he had related to that would be that the developer has indicated that they are going to do some improvements to the property and some restoration to the wetlands. Member Mutch said if he looked at the map of what is proposed to be dedicated to the City is mostly wetlands or areas adjacent to the storm basins which is essentially undevelopable property. He wondered if there was language in the PRO Agreement then bind the City to maintain that property in a different way. Mr. Schultz replied that it was not intended to be. Member Mutch asked in terms of the language on what they promise to do, the expectation is that all of those happen before the City takes

ownership. Mr. Schultz said they could be bonded so we make sure that it happens at their expense. Member Mutch wondered about the B-3 uses that are outlined and thought whoever drafted this excluded many of the things he thought he would take issue with at that corner. He asked if an oil change facility would be allowed on that corner as an automobile service center, in which Mr. Schultz replied he believed so. Planning Director, Barb McBeth confirmed that an oil change facility would qualify as an automobile service center. Member Mutch thought maybe it would, but he felt he would definitely not want to see one on that corner. He said the applicant has made clear what he would like to do there, but he raised the issue the last time the applicant made some promises which sounded good and then he sold the property to a different developer who did things different from what they had proposed. Member Mutch said he is personally not thrilled to see commercial on the north side of Twelve Mile and he is not happy with having high density residential in this area. He said he will give the applicant credit, they worked with Tollgate across the street to address some of their concerns in terms of screening and he thinks some of the changes that they have made in the landscaping, plus the setbacks along Meadowbrook Road improve it. He said he will support it based on some of the improvements that were proposed.

CM 16-08-104 Moved by Staudt, seconded by Burke; UNANIMOUSLY CARRIED:

To approve final request of The Ivanhoe Companies for Beacon Hill, JSP 15-08, with Zoning Map Amendment 18.710, to rezone property in Section 12, located on the northeast corner of Twelve Mile Road and Meadowbrook Road from RA (Residential Acreage) to R-4 (One-Family Residential) and B-3 (General Business), subject to the related Planned Rezoning Overlay (PRO) agreement and corresponding PRO Plan, subject to the conditions listed in the staff and consultant review letters, and with any changes and/or conditions as discussed at the City Council meeting, and 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.

Subject to the following additional condition:

The Developer shall provide a ten-foot wide pathway along the extent of the subject property along the east side of Meadowbrook Road, and a six-foot wide sidewalk along the north side of Twelve Mile Road along the extent of the subject property, to be shown on the Preliminary Site Plan.

This motion is made for the following reasons:

- a. The proposed density shown on the PRO Concept Plan is generally compatible with the existing uses on the adjacent and surrounding parcels, as indicated by the proposed**

- density recommendation in the draft revised Master Plan for Land Use applicable to this property.
- b. The proposed development is consistent with several objectives of the Master Plan for Land Use, as detailed in the Planning Review Letter.
 - c. While the proposal calls for a significant departure from the vision of the 2010 Master Plan, which is to provide for a maximum of 0.8 dwelling units to the acre north of Twelve Mile Road, both east and west of Meadowbrook road, the submitted PRO Concept Plan displays sensitivity to the adjacent large lot RA properties in the area through the use of buffering along the edges of the site, including preservation of existing vegetation and represents a reasonable alternative to the existing Master Plan as indicated by the draft revised Master Plan.
 - d. The proposed Concept Plan shows the preservation and enhancement of wetlands on the site.
 - e. The applicant has worked cooperatively with the Tollgate Education Center to create landscaping along Meadowbrook Road that presents a more natural look that blends well with the Tollgate frontage.
 - f. The site will be adequately served by public utilities.
 - g. The Traffic Impact Statement that was submitted with the rezoning request was found to be acceptable and the Level of Service (LOS) at study intersections is expected to remain at acceptable levels.
 - h. Submittal of a Concept Plan, and any resulting PRO Agreement, provides assurances to the Planning Commission and to the City Council of the manner in which the property will be developed.

Roll call vote on CM 16-08-104

**Yeas: Markham, Mutch, Wrobel, Gatt, Staudt,
Burke, Casey**

Nays: None

- 3. Approval of the request of TBON, LLC for approval of Special Land Use, Preliminary Site Plan, Wetlands Permit and Stormwater Management Plan. The request is for an expansion of the existing showplace exposition facility by adding a 175,815 square foot building addition, with associated parking lot and other site improvements for land within the OST, Planned Office Service Technology District, and in the OST, Planned Office Service Technology District with an EXO, Exposition Overlay District. The subject property is located in Section 16, north of Grand River Avenue and west of Taft Road.

Member Wrobel confirmed with City Attorney, Thomas Schultz that they have to make this motion in two separate motions, in which Mr. Schultz replied yes, two motions are required.

CM 16-08-105 Moved by Wrobel, seconded by Burke; UNANIMOUSLY CARRIED:

To approve the request of TBON, LLC, for approval of a Special Land Use, for the proposed Suburban Collection Showplace expansion, based on the following findings:

Relative to other feasible uses of the site:

- a. The proposed use will not cause any detrimental impact on existing *thoroughfares (as indicated in the submitted Major Event Traffic Plan and based on the findings from Traffic review)*;
- b. The proposed use will not cause any detrimental impact on the capabilities of public services and facilities *(as indicated in the submitted Community Impact Statement and in the staff and consultant review letters)*;
- c. The proposed use is compatible with the natural features and characteristics of the land *(because the plan is not proposing major impacts to existing natural features)*;
- d. The proposed use is compatible with adjacent uses of land *(given the type of use and the surrounding development)*;
- e. The proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use *(given there is no change in permitted use for EXO Overlay districts and Office Service and Technology district)*;
- f. The proposed use will promote the use of land in a socially and economically desirable manner;
- g. 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.
- h. Subject to approval of the Preliminary Site Plan, Wetland Permit and Storm Water Management Plan, and also the Council waivers and ZBA variances listed in this motion sheet.

Member Mutch asked Mr. Bowman to clarify how this addition is going to function and wondered if this will be a second main entrance to the facility. Mr. Bowman said they will continue to work with both the east main entrance and the west entrance which actually in size and scale is slightly different because of the curvature of the east entrance road. He said they would be the two main entrance features into the facility.

He said as far as the actual building itself; he was right on; they are going to be creating a new Diamond Center West for lack of a new name for it yet. There will be a concentration on meeting and function space in the front with the events hall behind it. It will be tied together with a pre-function corridor and the halls themselves open to each other in the facility itself. Member Mutch said he was not getting this from the plans, and wondered if the west end area would be a drop off area. Mr. Bowman said they are creating a new portico shelter, it will be a little larger than the existing one on the East Diamond Center Entrance, and it will be an area for gathering purposes with two entrances underneath it. He said one will go into the pre-function space which is the corridor that is currently there that will extend to the west and it will carve through the new meeting space and the event center space. He said it will have garage doors that will go up into the ceiling they can open that space all up so there will be a way for pedestrians to access the common corridor or enter directly into the meeting space. There will also be an entrance on the new west side with the courtyard box office and entrance into the pre-function corridor for the west entrance point. Member Mutch asked Mr. Bowman what his expectations were for the traffic. Mr. Bowman said it is a very dynamic process for any event day as they currently function and he does not see that dramatically changing. He said during a major event the traffic will then feed to the west from that west entrance, if and only in the event we start getting into what we have modeled after, such as Comic Con program. Member Mutch wondered if they would need a traffic light at the west entrance to handle the traffic volume. Mr. Bowman said he highly doubted that would be the location for it. He said they have talked about if they get into a position where they are doing multiple additional major events in scope and size. He said if the Plan Committee and all of the stakeholders that are involved agree, then certainly with input from the community at a particular time if they are saying infrastructure is needed, although he would suggest that it would be further to the west. He said there have been a number of different proposals and this is one of the reasons why working along as they progress with the process of experiencing additional events and what occurs during them and working with the professionals out in the field in traffic management. He said the proposals about collector roads systems on some of the properties to the west; he thinks there would be a more likely point for a traffic light somewhere between Beck Road and the existing light at Suburban Collection Showplace intersection. He did mention if ultimately other development occurs then he would see that possible in the future.

Member Mutch had a question for Planning Director, Barb McBeth regarding the parking and his concern about parking on additional property to the west and was that included in this agreement. Ms. McBeth confirmed it was not and she said Member Mutch also asked Ms. McBeth to confirm that we were not approving any traffic improvements to Grand River at this time, but there will be a process in which we will monitor that and if it is warranted at some point that then they would be required to make the improvements. Ms. McBeth confirmed that was correct and there is a bullet point in the suggested motion is that there would be a time period that goes by, no later than 2 years from the date of the Certificate of Occupancy. She said during that time we can evaluate and determine whether the City thinks there would be a need for additional improvements for Grand River, such as a deeper lane or turn lane in

addition to the fact that it would be the Road Commission for Oakland County road; they may make their own determinations about that. Member Mutch said if we say we don't need anything at this time, the Road Commission can come back and say we want you to put in turn lane. Ms. McBeth said yes, that was her understanding. Member Mutch said that is separate from their approval process. Member Mutch said this is a good step forward, overall what the Suburban Collection Showplace is trying to accomplish and the context which it exist is overall a good plan.

Member Markham asked Ms. McBeth a question regarding the right turn lane and wondered if we came to the conclusion that the right turn lane was not needed at this time. Ms. McBeth handed that question over to the Traffic Engineer, Maureen Peters from AECOM. Member Markham wanted to know if we looked into a right turn lane and if so, did we not think it was needed at this time. Ms. Peters said according to the existing volumes along Grand River and the anticipated right turn traffic into those western driveways, there is a taper warranted at the western most driveways and a right turn warranted at the next one east. Mr. Bowman said he doesn't intend to use those gates for ingress traffic, except during Comic Con and potentially the State Fair so the frequency of them being used is not warranting them. That is why we are going to analyze it for the next 2 years and determine if there is a need for them at that time based on their use. Member Markham said the developer doesn't feel that they are going to have the traffic that would warrant that. She said it makes her nervous when she reads in the report that it said we will see if we have any problems and then we will decide, which she said that was a red flag for her. Member Mutch made a point about the large parking lot and why we do not want islands in it and why we do not want it striped because of the variety of uses. She said she cares what it looks like from the street and she said she didn't want to see just a sea of parking lot from Grand River or even the expressway, so she wants to encourage good screening and attractive views from the street to screen the expansive asphalt. Mr. Bowman replied saying he could address that and the main goal of this was to create another focal point on the west side of the facility and to create an Event Center consistent with what they are working on with the expansion of the fairgrounds. He said they are going to have a very attractive façade, courtyard approach, and mobile landscaping barriers that can be adjusted with the flow of traffic where it expects to be sometimes, particularly during the State Fair, they will not take any traffic into an area, so that will help address public safety concerns. He said from a buffer and screening aspect the existing areas along Grand River remain. He said the expressway side of things has a very substantial row of evergreens that are there and the detention basin is going in there first before the parking areas. He said from both major points of view for the traveling public it will be screened. He noted from a usability standpoint, this really is an expansion of their Event Center. This is an expansion for the outdoor events; a good example is the Three-Day Walk which just occurred. He said they have to separate themselves in the lot because of the different structures of their main set-up for staging and location; they cannot get them into one location like they would like to do. He said they will be able to accommodate that in an organized fashion on the west side of the building now. He also mentioned the State Fair and it is one of the greatest things that they have gotten involved with and it has grown, measured, but dramatically and they are seeing a

great amount of involvement. The Midway is going to expand and trying to space the rides last year and the Circus tent they had to take down light poles over parking islands, it actually created circumstances that were less safe. He said they have been able to attract in a modest, reasonable amount of the ride and drive auto research programs in this smaller lot that we created, with that and discussions with the major automotive groups, the OEM's and the Research Groups, they were actively involved with what they wanted to see here. He said at first they were looking at not installing lighting poles anywhere, but they did institute some lighting in an area that they expect will meet the standards and provide a reasonable amount in the size and configuration that they are looking for. He believes they can manage it with what they did during Comic Con which was a significant increase over a difficult year, two events ago and they kept things moving, but kept moving extremely well and safely. Mr. Bowman said there will be active professional input and involvement in the field, that will surpass any taper lane or right turn approach that they might put in. He said if they are doing that dozens of times over the course of a calendar year and it presents issues we will be the first at the table. He mentioned pedestrian access points and said they are talking with MDOT and looking into what type of programs are there for linking up these quadrants in the long term for pedestrian access. He said they are very interested in doing that and doing it is a safe and orderly fashion.

Roll call vote on CM 16-08-105

**Yeas: Mutch Wrobel, Gatt, Staudt, Burke,
Casey, Markham**

Nays: None

CM 16-08-106

Moved by Wrobel, seconded by Burke; UNANIMOUSLY CARRIED:

To approve the request of at the request of TBON, LLC, for approval of a Preliminary Site Plan, Wetland Permit, and Storm Water Management Plan for the proposed Suburban Collection Showplace expansion, based on and subject the following:

- a. A section 9 façade waiver for the overage of:**
 - 1. Horizontal Rib Metal Panels (Allowed: 0 percent; Proposed: a maximum 15 percent on south, 5 percent on north, 3 percent on east and 8 percent on west),**
 - 2. Vertical Metal Panels (Allowed: 50 percent; Proposed: 60 percent on north and east side); and**
 - 3. Split Faced CMU (Allowed: 10 percent; Proposed: 15 percent on south, 35 percent on North, 24 percent on east and 43 percent on west);**
- b. Applicant shall plant additional trees to address staff's comments with regards to Landscape screening requirements adjacent to I-96 Right of Way as determined by the City's Landscape Architect during a site visit after the installation of transplanted trees;**

- c. A Landscape waiver to permit the absence of required landscaped area within the parking lot (approximately 15,664 square feet is required, 0 provided), as listed in Section 5.5.3.C.iii;
- d. A Landscape waiver to permit the absence of parking lot interior trees (approximately 209 canopy deciduous trees required, 0 provided), as listed in Section 5.5.3.C.iii;
- e. A Landscape waiver for exceeding the maximum number of contiguous spaces within a parking bay (15 maximum allowed, a maximum of 93 provided) as listed in Section 5.5.3.C.ii.i to allow for alternate use of parking lot as a Ride and Drive Automotive Research Lot and other activities, subject to landscape end islands be placed as determined by the City Engineer for traffic and pedestrian pathway safety adjacent to the pedestrian crosswalk in the new paved lot, and near the southwest and northwest corners of the new building, with final approval at the time of Final Site Plan submittal;
- f. A Landscape waiver to permit the absence of parking perimeter trees along the western edge (approximately 50 trees required, 35 provided), as listed in Section 5.5.3.C, chart footnote;
- g. A Landscape waiver to permit reduction of required foundation plantings as listed in Section 5.5.3.D (14,592 square foot required, 2,258 square foot provided) due to the proposed use of outside concert venue;
- h. A City Council Waiver to allow painted end islands in lieu of required end islands with modification of the plan at the time of Final Site Plan approval to provide additional raised, landscape end islands provided at key locations near heavy traffic areas to improve the circulation in and around key areas as determined by the City Engineer, and as required in Section 5.3.12;
- i. City Council variance from Sec. 11-216 (c) (8) of Novi City Code for absence of a right turn taper and/or lane along Grand River Avenue (also subject to approval by the Road Commission for Oakland County); and the need for installation of the warranted right turn taper and/or lane shall be revisited within two (2) years from the date of the Certificate of Occupancy of the new building addition or sooner if City Engineer determines the need based on available crash data, or based on a diminished level of service identified by the City during major events as identified in the METP (Major Event Traffic Plan). At that time, the applicant shall provide an operational analysis of the subject driveways during major events until that date or additional information requested which will be reviewed by the City's Traffic Engineer for further recommendations regarding the need for installation of the warranted right turn taper and/or lane;

- j. Applicant to work with the Road Commission for Oakland County (RCOC) to make a final determination and address the requirements for road improvements within Grand River Avenue Right of Way;**
- k. A City Council Waiver to allow Major Event Traffic Plan in lieu of required Traffic Impact Study due to the unique and non-routine operations associated with Suburban Collection Showplace and the development of a Major Event Traffic Plan should serve as a suitable replacement;**
- l. A Zoning Boards of Appeals variance from Section 3.1.15.D to reduce the front yard setback from 100 feet to varied range from 85 feet to 98 feet due to the existing property lines, and the proposed building design ;**
- m. A Zoning Boards of Appeals variance from Section 3.1.15.D to reduce the parking side setback from 20 feet to a varied range from 0 feet to 15 feet to allow for construction of parking lot across multiple properties;**
- n. A Zoning Boards of Appeals variance from Section 5.3.12 to allow absence of parking lot end islands within off-street parking area to allow for alternate use of parking lot as a Ride and Drive Automotive Research Lot;**
- o. A Zoning Boards of Appeals variance from Section 5.7 to allow for increase of maximum allowed illumination levels along property lines adjacent to non-residential districts as the development is expanded among multiple properties owned by the applicant;**
- p. A Zoning Boards of Appeals variance from Section 5.2.12.C. to allow reduction of minimum required parking spaces to be provided on site (2,979 spaces required, 2,951 spaces provided);**
- q. A Zoning Boards of Appeals variance from Section 5.2.3. to allow increase of minimum distance required from the nearest point of a building to the nearest point of the off-street parking lot on a different parcel (300 feet required, approximately 450 feet provided);**
- r. Applicant to obtain MDOT approval of the storm water detention basin discharge to the I-96 Right-of-Way; and**
- s. 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 of the reasons provided in this motion sheet, and in the staff and consultant review letter, and because the plan is otherwise in compliance with Article 3, Article 4 and Article 5 of the Zoning Ordinance, Chapter 11 and Chapter 12,

Article V of the Code of Ordinances and all other applicable provisions of the Ordinance.

Roll call vote on CM 16-08-106 **Yeas: Wrobel, Gatt, Staudt, Burke, Casey, Markham, Mutch**
Nays: None

4. Approval to award 2-year Aggregate Materials Contracts to support road and water/sewer maintenance activities, each with a single one-year renewable option, to two separate firms (Ellsworth Industries Inc., and San Marino Excavating Inc.) based on unit pricing for each material, for a total estimated amount of \$156,970.

CM 16-08-107 **Moved by Burke, seconded by Casey; UNANIMOUSLY CARRIED:**

To approve the 2-year Aggregate Materials Contracts to support road and water/sewer maintenance activities, each with a single one-year renewable option, to two separate firms (Ellsworth Industries Inc., and San Marino Excavating Inc.) based on unit pricing for each material, for a total estimated amount of \$156,970.

Roll call vote on CM 16-08-107 **Yeas: Gatt, Staudt, Burke, Casey, Markham, Mutch, Wrobel**
Nays: None

5. Approval to purchase a new Caterpillar Model M318F Wheel Excavator from Michigan Cat Inc., using the State of Michigan MiDeal cooperative purchasing contract, in the amount of \$239,800.

CM 16-08-108 **Moved by Wrobel, seconded by Casey; UNANIMOUSLY CARRIED:**

To approve purchase of a new Caterpillar Model M318F Wheel Excavator from Michigan Cat Inc., using the State of Michigan MiDeal cooperative purchasing contract, in the amount of \$239,800.

Roll call vote on CM 16-08-108 **Yeas: Staudt, Burke, Casey, Markham, Mutch, Wrobel, Gatt**
Nays: None

6. Approval to award a construction contract for 2016 Pathway Program to Merlo Construction Co. the low bidder, in the amount of \$221,395, subject to final review and approval of form of agreement by City Manager's office and the City Attorney.

CM 16-08-109 Moved by Mutch, seconded by Wrobel; UNANIMOUSLY CARRIED:

To approve a construction contract for 2016 Pathway Program to Merlo Construction Co. the low bidder, in the amount of \$221,395, subject to final review and approval of form of agreement by City Manager's office and the City Attorney.

Roll call vote on CM 16-08-109

**Yeas: Burke, Casey, Markham, Mutch, Wrobel,
Gatt, Staudt**

Nays: None

7. Approval to award a construction contract for the Providence Park Connector Trail (ITC Corridor Regional Trail Phase 3B) to D & H Asphalt Company, the low bidder, in the amount of \$285,121, subject to final review and approval of form of agreement by City Manager's office and the City Attorney, and approval of a resolution to amend the budget to add \$82,000 to this line item.

CM 16-08-110 Moved by Wrobel, seconded by Casey; UNANIMOUSLY CARRIED:

To approve a construction contract for the Providence Park Connector Trail (ITC Corridor Regional Trail Phase 3B) to D & H Asphalt Company, the low bidder, in the amount of \$285,121, subject to final review and approval of form of agreement by City Manager's office and the City Attorney, and approval of a resolution to amend the budget to add \$82,000 to this line item.

Roll call vote on CM 16-08-110

**Yeas: Casey, Markham, Mutch, Wrobel, Gatt
Staudt, Burke**

Nays: None

8. Approval of purchase agreement for the 10.2 acre property at 42750 Grand River Avenue, for \$2,800,000, and to direct the City Administration to undertake, prior to closing, the appropriate due diligence with respect to the site, including (but not limited to) an environmental review, with the final form of the agreement, including minor non-substantive changes, to be approved by the City Manager and City Attorney.

CM 16-08-111 Moved by Burke, seconded by Wrobel; UNANIMOUSLY CARRIED:

To approve a purchase agreement for the 10.2 acre property at 42750 Grand River Avenue, for \$2,800,000, and to direct the City Administration to undertake, prior to closing, the appropriate due diligence with respect to the site, including (but not limited to) an environmental review, with the final form of the agreement, including minor non-substantive changes, to be approved by the City Manager and City Attorney.

Roll call vote on CM 16-08-111

**Yeas: Markham, Mutch, Wrobel, Gatt, Staudt
Burke, Casey**

Nays: None

AUDIENCE COMMENT - None

COMMITTEE REPORTS - None

MAYOR AND COUNCIL ISSUES - None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION - None

COMMUNICATIONS - None

Mayor Gatt wanted to speak for Council and say thank you to the voters for approving the millage of 1 mill for ten years. He wanted to thank the voters that said yes, and for those who said no, he promised the City will protect their money to the greatest extent. They are all homeowners and it's their money also.

Mayor Gatt made a motion to enter into Executive Session at 8:09 P.M.

CM 16-08-112 Moved by Burke, seconded by Wrobel; UNANIMOUSLY CARRIED:

To enter Executive Session immediately following the regular meeting of August 8, 2016 in the Council Annex for the purpose of discussing labor negotiations and privileged correspondence from legal counsel.

It was noted that Council was expected to return to open session.

Voice vote on CM 16-08-112

Carried Unanimously

Council entered Executive Session at 8:09 P.M. in the Council Annex for the purpose of discussing labor negotiations and rose from Executive Session at 8:18 P.M.

CM 16-08-113 Moved by Burke, seconded by Wrobel; UNANIMOUSLY CARRIED:

To approve a three-year Collective Bargaining Agreement between the City and the Police Clerks and Dispatchers for the period of July 1, 2016 through June 30, 2019.

Roll call vote on CM 16-08-113

**Yeas: Markham, Mutch, Wrobel, Gatt, Staudt
Burke, Casey**

Nays: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 8:19 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved August 29, 2016