

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, DECEMBER 2, 2024, 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

ALSO PRESENT: Victor Cardenas, City Manager
Danielle Mahoney, Assistant City Manager
Tom Schultz, City Attorney

APPROVAL OF AGENDA:

CM 24-12-162 Moved by Casey, seconded by Thomas; MOTION CARRIED: 7-0

To approve the agenda as presented.

Roll call vote on CM 24-12-162 **Yeas: Casey, Gurumurthy, Heintz, Smith, Staudt, Thomas, Fischer**
Nays: None

PUBLIC HEARINGS:

1. Program Year 2025 Community Development Block Grant (CDBG) Application

No public comments were made.

PRESENTATIONS:

1. Robotics Demonstration

Black Frog Robotics Team #6134 from Novi Middle School was present to talk about FIRST Robotics and what their team does. FIRST is a world leading youth serving global organization founded by mentor Dean Kamen. Its purpose is to prepare the young people of today for the world of tomorrow. Its vision is to transform our culture by creating a world where science and technology are celebrated and where young people can dream of becoming science and technology leaders. FIRST core value is Gracious Professionalism which encourages high-quality work, emphasizes the value of others and respects individuals & the community. The second core value is Coopertition which fosters innovation by promoting unqualified kindness and respect in the face of intense competition. FIRST Robotics has three competitions: Lego League, Tech Challenge and Robotics Competition. Every team starts by going to qualifying tournaments. After that, they advance to the state championships. Finally, some teams advance to the World Championships. Their state competition is next week. There are also different awards they can win. Their team has ten members from grade six to eight. They have coaches, mentors, sponsors and their parents are very helpful. The team was founded in 2011 and has an amazing history. They were the first FTC team in Novi. They got to World seven times and won the Inspire Award 12 times. There are certain timelines that allow people to join and register for the team. Gracious Professionalism is an important part of the FTC. Their coaches emphasize the values of being respectful to each other and humble and

compassionate. Their team displayed this by working with FLL teams. Their Novi FRC team guided them in programming and 3D printing. They shared their knowledge with FTC teams in India and Romania. They have done 52 outreach events totaling 928 hours. They do non-technical programs where they provide information about the robotics program. Through international outreaches such as the one in India, they talked to a school that had no idea what the program was about and another school that were interested in starting teams. They went to local schools and presented their robot to the kids who were interested. They also went to the Novi Superhero Showcase and neighborhood gatherings where they presented their robot. They do a lot of community service working with Bountiful Harvest and Hanuman Temple. They are currently working with Toys for Tots, and Mitten for Detroit for the upcoming season. They presented their favorite superheroes, the Novi Firefighters and Police Department, with gifts. They are connecting with professionals such as Lawrence Tech University. These lessons taught them real world applications of robotics. In lieu of International Women in Robotics Day, they hosted a Get Inspired by Women in Robotics event where they had two incredibly talented women come and share and present their knowledge to their team as well as guests. Meet DWARAKA, an ancient Indian city believed to have sunk into the deep. Scientists are planning to send robots into the deep to retrieve the remains of the city. Their team goals have been implemented since the beginning of their season. They always wanted to design and build a competitive robot while upholding the FIRST core values. Every year in FIRST Tech Challenge, they have a new game where they can score points. As a team, they embrace each other's strengths & flaws and learn to work together while they serve their community. They have many sponsors. Their main sponsor is Ramayah Auto because they gave them space where they could work on their robot.

Mayor Fischer thanked the team for joining the meeting. It is nice to see some of the brightest and smartest students in Novi come and present something like this. He thinks the things they talked about, like teamwork and networking, will help them in their careers and entire life. It's encouraging to see so many young people doing so many amazing things in the future.

Member Smith stated that he is part of their team's history as he was the first head coach in 2011 and wished them luck in their upcoming state championship.

The team then conducted a demonstration of how their robot worked and some of its features.

2. Annual Comprehensive Financial Report ending June 30, 2024

Carl Johnson, Finance Director, was present to talk about the audit results. The auditors are an independent third party hired by Council, who report directly to Council on if the Finance Director's numbers are materially correct and the test the internal controls, processes and procedures. If they notice anything else, they will bring to the attention of the Council to say where there might be an issue or something to consider. The 200 plus page of the audit report, except four pages, are the responsibility of the Finance Department. The remaining four pages are the auditor's opinion. Remember, this is the annual financial statements for the year end, June 30, 2024, and these are the final actual results. On the revenue side, the general funds, general operating funds that contain all of the normal operating departments, are \$229,000 higher year-end than expected, which

is good news. License and permits, fees collected for new development, we got in a little more than actually thought. Hopefully this is a sign of things to come, that development is starting to pick up. The offset of high inflation and high interest rates is better returns on our money. On average, we get about \$500,000 or \$600,000 a year in the general operating fund in interest which goes to help offset additional costs and fund additional items that come up. On the expense side, we came in \$447,000 under budget. During the budget session, the budget was passed, and it assumed a fund balance number. The assumed fund balance number was \$3,031,000 use of fund balance. That was the final amended budget at the end of the fiscal year. That included cutting about \$1.2 million out of it as a result of the budget hearings. The three year budget that we ultimately adopted last year, we are \$670,000 ahead of that. Part of that plan was to reduce overall expenditures by 1% and we still ended up at about half a percent under. Kudos to all our department heads for buckling down and making sure they came in under budget again. Great news again that we were \$670,000, which brings our net general fund balance to just over \$12 million. Part of the confusion annually is rollovers. Rollovers happen when we budget for an item in one year and then we don't get it for two or three years. That's the reason we started the year with an original budget of \$800,000 use of fund balance and it ended up at \$3 million. What we did was we went through the general fund and the parks and rec fund and determined what those rollovers might be and estimated them at the end of the year. We moved those funds into a new fund this year. When those items come in, most of them are capital and these funds are set aside to pay for them. The fund will ultimately net to zero. That will help with the confusion because there'll be no more rollovers. The CIP funds is our dedicated millage for capital related items. On an annual basis, we collect about \$4.377 million in revenues. In the current year we spent \$9.9 million, and the majority of that extra money was the two significant property purchase that we had. We spent \$5.4 million more than we brought in for the fiscal year, so we decreased our fund balance. We started the year with a deficit, and this increased our deficit to a little over \$9 million. Because we didn't issue debt for this, we borrowed internally, and it causes a deficit which requires us to file an annual deficit elimination plan. We file the report with the state every year to say as a result of doing it this way, we've saved millions of dollars in interest income that we would've had to pay if we issued debt. That deficit must go away by the time the levy ends in 2027. We collect \$4.4 million annually and by 2027 that's \$12 million coming in. With the \$9 million deficit, that leaves about \$2 million left to spend between now and 2027. The reason for the deficit was the advanced funding of the DPW building, Lake Shore and all of those significant projects when the millage was first entered into. The library brings in about \$3.8 million in revenues annually and \$3.3 million is from their property tax levy which they rely on significantly. They pretty much were breakeven, so they are doing a great job living within their means. For rubbish collection fund, we took in \$2.1 million, and we spent \$2.1 million, which is what we promised when we took over the rubbish contract, to only bring in enough money needed to pay for it. There are three funds for the streets: major street, local street and municipal street. The state gives us about \$8.3 million a year, which is our share of the gas and weight tax collected at the pumps. Property tax levy brings in another \$6.5 million. Every dime is legally restricted and must be spent on the road. We are allowed under statute to charge an administrative fee which we don't. We spent about \$24 million invested in capital. On the water and sewer side, we continue to invest in existing infrastructure by spending almost \$14 million. Next is the defined benefit pension plans for MERS. These were discounted here in the early 2000's because the legacy costs are substantial. In 2021, it was about \$114 million and in 2024 it's \$130 million. The thing about these plans is the actuaries are never right. Every

time they come up with an estimate it goes up and down but mostly up which means our funding has to go up. The state says if the bottom line funding percentage is under 60%, you are required to file a plan with them on how you're going to go from 60% to 100%. As much as we keep contributing, we continue to invest more money, and our funding percentage stays the same. The actuaries are projecting that we will hover around the 60% mark for at least another five to 10 years. Our contribution will continue to increase, and this is significant because this gets funded out of our general fund. In the 2025/2026 fiscal year it's an extra \$600,000 that wasn't planned on. We are contributing what the actuaries are telling us but it's another reason we got out of the defined benefit pension plans. We've had significant success on the OPEB side. One thing driving that is the liability side. This is \$2 million less than in 2021. The change in OPEB investment policy Council passed a couple of months ago is allowing us to become more conservative with our funds. We are going to be able to change some of our assumptions that will drop our funding percentage but still keep us substantially funded. Lastly, this city has very little debt and most of the debt we have is related to specific projects. The only debt we have left is the library and on October 1, 2026, it will be 100% paid off. The other two debts we have is the ice arena which was paid off in June of this year and the Meadowbrook senior complex which will be paid off October 2025. The debt service for the ice arena is paid by the fees generated from the arena and the debt service from Meadowbrook is paid out of the rents. The pension thing is going to make balancing our annual budget challenging but other than that, the city's very sound.

3. Annual Comprehensive Financial Audit for year-end June 30, 2024

Nate Baldermann from Rehmann, was the Engagement Principal for the audit. Our overall objective when we conduct an audit is to give an overall opinion. The opinion that we issued on the financial statements is an unmodified opinion. That means that the financial statements were fairly stated in all material respects. We're not looking at every transaction. We're conducting our audit in accordance with the standards so we can give that reasonable assurance that's being looked for. Another thing to point out is materiality. It is a 200 page document and we're not looking at every page the same way. There are certain parts of that we don't disclaim an opinion on just by the nature of the information. Other parts, due to size, there's materiality levels that are different in that. In a separate letter, we actually have two different documents. When we're conducting the audit, there's certain things that we're required to communicate. One thing, in this letter, is any changes in accounting policies as well as implementation of new standards. There was one new standard this year that we had to look at, but it was relatively minor. We also point out significant accounting estimates. One thing we have to pay special attention to in an audit is anytime there is an estimate, there tends to be an increased risk. There's a couple of things they look related to those pensions and other post-employment benefits. Those number are all over the place, but they are the largest estimates. We are required to disclose if there were any correction or misstatements that came up during the audit and he was happy to report that there were none. The other matter that Carl Johnson spoke of earlier is one that they are by the state to report but there are no concerns other than the fact it has to be reported. There is a separate report, government auditing standards, where they report any internal control issued that comes to their attention and there are no material weaknesses or significant deficiencies either. It was a clean audit.

PRESENTATIONS - Applicants for Boards and Commissions

1. Meenakshi Annamalai - Economic Development Corporation, Beautification Commission

She has been a Novi resident since 2010. She has two children; one is a senior in high school and the other graduated from UFM. She is currently working at GM as a senior strategic initiative manager and works with different vendors across the globe. Outside of work she is involved with NSNA, which is community specific within India. She is the educational director and oversees the application for underprivileged kids and how to support them in their educational journey. They recently had a retreat in July 2024 which was attended by 1,500 folks and she was part of that stage management. Since her kids are old enough right now and almost out of the house, she has some time and wants to give back to Novi.

2. Larry Butler - Zoning Board of Appeals

Not present.

3. Gareth Crawford - Beautification Commission

He has lived in Novi off and on since 2011. While living in Detroit, his local church would adopt alleyways, interstate pledges, boulevards, parks and the like and attempt to alleviate some of the blight. It was an endless task, but the communities appreciated it when their neighborhood looked a lot better. For the past two years, he's been an active member on the Grounds Committee of his church in Livonia where they attempt to keep the property looking beautiful and attractive. Although thirdhand experience, his parents run the beautification team for their town in Wales and have won the National Gold Medal for the past five years, so he has clearly seen from their experience the amount of work needed to make something like that a success. On a personal level, he and his family have attempted to create a native garden with varying degrees of success and did see their first hummingbird this year. He loves living in Novi and wants to protect and nurture the native beauty of the community. He has seen Novi change in many ways since 2011 and thinks it's important we don't lose the blessing we have.

4. Kathy Crawford - Historical Commission

Not present.

5. Marcia Goffney - Corridor Improvement Authority, Economic Development Corporation

She has been a resident of Novi for 20 years, living in the same subdivision where she has served as president & secretary and is still on the board. She is a Novi ambassador and a supporter & Friend of the Novi Library. She retired from Yazaki Corporation after serving 10 years as their vice president, secretary and general counsel. Prior to that, she was managing counsel for intellectual property and products liability at Dow Chemical Company in Midland. She was engaged in many community activities there, including being elected to the Bridgeport Spaulding Board of Education and the Delta College Board of Trustees. She also served as a board member of Legal Services of Eastern Michigan. Since retiring from corporate American, she has served as counsel for Lawyers of the Arts

and taught ethics in a Michigan State graduate program. She has set up her own company coaching and counseling younger people in their professions. She has always been an art lover and artist.

6. Colleen Kolis - Board of Review, Economic Development Corporation

She has lived in Novi for 27 years since the age of four. She went through the Novi Community School District education system starting at preschool and graduating from Novi High School in 2011, understanding and appreciating what it means to be a Wildcat for life. She is a JV softball coach for the Novi High School team and is looking forward to the new turf field that will open this springs. While not coaching softball, she is legal counsel for Bollinger Motors which is an electric vehicle startup company in Oak Park. She gets to work with a lot of different departments including the financial department, sales team and HR. She has a good background working within different departments and being a team player while trying to obtain a goal with her company. She has also worked for the Novi Athletic Club for the past five years and has got to experience knowing a lot of Novi residents as they have over 7,000 members. She takes pride in the relationships she has built within that environment. She has negotiated contract and worked with many different areas and is deeply committed to Novi. She is a proud resident, graduate, coach and member to one day work within the Novi community as a professional and hopefully making an impact with the community.

7. Sharon Larson - Historical Commission

She is a 53 year resident of Novi. She joined the Historical Commission in 2022 and is currently the treasurer. Like all members of the Commission, she attends regular meetings and lots of community activities & programs. She is currently on a few committees and one of them is a Kathy Crawford project. It's a miniature project developing a 1/12th size Moran store. The Moran store was on Grand River and Novi Road about 100 years ago. The Commission hosts about six presentations a year on various Novi topics. She's on the committee to find and interview people that will put on presentations for the Commission. She's been to several Michigan Historic seminars as well as Schoolcraft College for some good leads. She loves history and hopes to be appointed to the Commission.

8. Michael Longo - Zoning Board of Appeals

He's been on the Zoning Board for some time. He used to service on the Cincinnati Zoning Board of Appeals. Novi has a lot of ordinances. He likes working with the residents and businesses that are coming here. We're attracting a lot of business, so we want to work with them. We have ordinances and he thinks that's part of the reason he moved here because it's a beautiful place. He's also on the Older Adults Committee. He started here as an election worker in precinct one. He's a Vietnam vet and also works with the groups here that do the vet things like the parade and luncheon. He enjoys giving back to the City.

9. John O'Brien - Corridor Improvement Authority

The O'Brien Sullivan Funeral Home has been located on Grand River for almost 50 years and during that time, he has seen a lot of development and growth along the corridor. At

one point he served on the Grand River Corridor Committee and is looking forward to being reappointed to the Corridor Improvement Committee so that he can continue to be involved and see some of the plans that were being put together come to fruition.

10. Joseph Samona - Board of Review

He is applying for reappointment to the full term of the Board of Reviews. Additionally, he would like to be a contributing member as a part of the Zoning Board of Appeals. My perfect attendance record stands as a testament to his dedication and commitment to this role for nearly 15 years as a licensed real estate agent. He brings a deep practice understanding of property valuation, local market dynamics and the intricate nuances of property assessment that are critical in this community's fiscal integrity. He was so eager to serve that he didn't realize there was compensation for this. He was simply excited to give back to Novi, a city that has given him so much that he invested in a personal and professional career in understanding. The most critical aspect of this role is maintaining absolute objectivity. He has consistently applied the law and established rules, setting aside personal beliefs. The impartiality is the cornerstone of fair administrative review. His colleagues have been instrumental in helping him understand the nuances of their work. If reappointed, he's prepared to work together to implement whatever streamline processes will enhance the board's effectiveness. Serving on this board is more than a responsibility, it's a privilege.

11. Randy Van Wagnen - Historical Commission

Serving in the one year slot on the Historical Commission has been an honor. A couple of projects he's had the chance to contribute on was the store model, spoken about earlier, the Pumpkin Fest, Superhero Showcase and a number of education outreach efforts that they do to help inspire curiosity and a connection with the community's history. It's been an opportunity and honor to service the local citizens throughout the year. He's been fortunate to work with an extraordinary team. He wants to express his gratitude for their dedication and friendliness and made it easy for a relative newcomer to integrate and contribute.

The Mayor thanked everyone for coming out and them to stay turned at the next meeting as that's when they will vote and make those appointments.

CITY MANAGER REPORT: None

ATTORNEY REPORT: None

AUDIENCE COMMENTS: None

CONSENT AGENDA REMOVALS AND APPROVALS:

- A. Approve Minutes of:
November 25, 2024 - Regular Meeting

- B. Approval of the final payment to Duke's Root Control, Inc., for the Distribution System Material Inventory Hydro-Excavation project, in the amount of \$79,942, plus interest earned on retainage.
- C. Enter Executive Session immediately following the regular meeting of December 2, 2024, in the Council Annex for the purpose of discussing the acquisition of real estate property and confidential written communication from the City Attorney
- D. Approval of claims and warrants – Warrant 1169

CM 24-12-163 Moved by Casey, seconded by Smith; MOTION CARRIED: 7-0

To approve the consent agenda as presented.

Roll call vote on CM 24-12-163

**Yeas: Gurumurthy, Heintz, Smith, Staudt,
Thomas, Fischer, Casey
Nays: None**

MATTERS FOR COUNCIL ACTION:

- 1. Approve the Program Year 2025 Community Development Block Grant (CDBG) Application in the approximate amount of \$123,243 and authorize the Mayor to sign the Application.**

The City Manager stated that this is the annual item that comes before the Beautification Commission for recommendation. Four important organization receive funding from the CDBG dollars. It's HAVEN, which supports victims of domestic violence, Novi Youth Assistance, which supports Novi students, and Hospitality House, which provides food assistance to those in need, and our very own Minor Home Repair, supporting Novi residents and keeping them in their homes with minor repairs to residences. These disbursements mirror what the beautification has allotted previously.

CM 24-12-164 Moved by Casey, seconded by Thomas; MOTION CARRIED: 7-0

Approve the Program Year 2025 Community Development Block Grant (CDBG) Application in the approximate amount of \$123,243 and authorize the Mayor to sign the Application.

Roll call vote on CM 24-12-164

**Yeas: Heintz, Smith, Staudt, Thomas, Fischer,
Casey, Gurumurthy
Nays: None**

- 2. Consideration of approval to purchase two 2025 Police Chevrolet Tahoe from Berger Chevrolet through the MiDeal Cooperative purchasing contract, in the total amount of \$105,648.**

CM 24-12-165 Moved by Thomas, seconded by Smith; MOTION CARRIED: 7-0

Approval to purchase two 2025 Police Chevrolet Tahoe from Berger Chevrolet through the MiDeal Cooperative purchasing contract, in the total amount of \$105,648.00.

Roll call vote on CM 24-12-165

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

Nays: None

3. Initial review of the eligibility of Feldman Kia, JZ24-32, 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.

The City Manager said this request involves nearly five acres on Grand River Avenue and is formerly the site of Glenda's Garden Center. The plan is to move the Feldman Kia dealership from down the street to this location and convert the current Kia to a Genesis store. The site will be rezoned B-3. The current zoning does not allow car dealerships, and this PRO request will do exactly that. This is an initial review and requires no action from Council. It will go to the Planning Commission before returning to Council for consideration.

The Mayor reminded his colleagues of the process and that this will go to Planning and then come back to them for tentative approval of the agreement. Council's goal at this meeting is to give clear indication of any thoughts, considerations and some indication of where they might fall on a future vote.

David Landry was present on behalf of Feldman Kia. The applicant is requesting a rezoning from NCC, non-center commercial, to B-3 with a planned rezoning overlay. They are proposing to limit the development to a single B-3 use, an auto dealership. The property has been a longstanding non-conforming use and the idea with a non-conforming use is it can't be expanded and eventually, you want it to go away. We are proposing an auto dealership, a Feldman Kia Dealership. Under the current zoning, a 36,000 square foot building could be built with a rear setback of 20 feet. There are residential properties along the back of the property. The use in question would be consistent with what in on Grand River. What they are proposing is to build a building which will have a 188 foot rear setback. NCC parking setback if 10 feet and they are proposing 53 feet plus there's a retention pond at the rear so for those folks, the setback is even further. The existing berm has dead trees on it. They are proposing to raise it to eight feet, which would satisfy the ordinance. The numerous dead trees would be removed, and they would be replaced with evergreen trees. On the north side of the berm, there will be a four foot retaining wall, so headlights are not going to shine there. So, you take the four foot retaining wall, the additional four feet is eight feet and then on top of that would be the evergreen trees. With respect to the impact on traffic, the Planning department concluded the traffic impact study provided indicates fewer trips generated by the proposed use than other potential uses. There would be no curb cuts on Joseph Drive so no one could come in and out of that residential drive. With respect to capabilities of public services, the use is not expected to increase the demand on the public service and utilities relative to other feasible uses of the site. There aren't any compatibility issues with natural features. Whether it's compatible with adjacent uses, the proposed use is similarly compatible to their uses that could be developed under the current NCC zoning master plan. The administration says

the master plan recommends community commercial uses, which include uses permitted within the B-3 district. We are consistent with the master plan and whether relative to other uses, the proposed use will promote the use of land in a socially and economically desirable manner. The administrator points out the redevelopment of the site will remove a longstanding non-conforming use and improve the site visually from Grand River. The investments in the site improvements as well as the jobs created will benefit the area. Economic impact is \$7 million. This would create 175 to 200 construction jobs and about 25 new full-time jobs when Feldman's expands. With respect to the PRO ordinance, there's two requirements. Number one, it has to be shown site conditions more limited than the proposed zoning district. Number two, a public benefit has to be shown. With respect to the site specific aspects that are more limiting than B-3 would allow, they're limiting the use. There's 20 principle permitted uses allowed in B-3 and they're willing to limit it to one. Setbacks in B-3 are 30 feet from the front and this will be 90 feet. Rear setbacks are 20 feet, and this will be 188 feet. Side setbacks under B-3 are 15 feet and this will be 212 feet on the east and 77 feet on the west. Parking setbacks are 20 feet from the front and 10 feet from the rear. This would be 20 feet from the front and 53 feet from the rear. This is more strict than B-3 would allow. Days of operation would be six days a week, Monday through Saturday, which is more restrictive than an NCC use. Hours of operation would be 7:00 AM to 6:00 PM Tuesday, Wednesday & Friday, 7:00 AM to 9:00 PM Monday & Thursday and 8:00 AM to 4:00 PM on Saturday. The applicant would be happy to include in the PRO that the large auto transit vehicles would not be allowed on Grand River and all unloading would be done on premises. Moving on the public benefit, it's known that the public benefit has to outweigh the detriment. Along Joseph Drive, the applicant proposes putting in a meandering sidewalk. There would be three points along that sidewalk that would have a bench and a decorative bench in the back with decorative light poles. In addition, they are also proposing to put two covers at the existing bus stops on the north and south side of Grand River.

Mayor Pro Tem Casey said she thinks that having car dealerships on Grand River makes a lot of sense and what is planned makes a lot of sense. She does have concerns about how close the residential area is to the south. She knows there's been a noise impact study, but Council did not get it. She wants to understand the impact of the general operation of a dealership to the residents to the south. Steve Saltz, Director of Facility and Real Estate for Feldman, responded that the loading and unloading of cards would take place at the rear of the facility and would occur weekly. The Mayor Pro Tem confirmed with Mr. Saltz where the public can enter the building for vehicle service in addition to where employees who service the vehicles enter and leave the building. She also confirmed that Saturdays were also available for service. The Mayor Pro Tem inquired if cars parked at the very rear of the property would need to be started and allowed to run on any kind of a regular basis and Mr. Saltz replied no, not to his knowledge, and that vehicles parked back there will mostly be service vehicles. Mr. Saltz also said that the current location will not be a Genesis dealership but a used car expansion to the Chevy store. The Mayor Pro Tem then asked City Attorney Schultz if car deliveries can only take place on site and test drives are not allowed on Joseph Drive, how does the City enforce those? Mr. Schultz said it's essentially a breach of contract and there are various enforcement mechanisms written into the agreement plus it's all subject to the code violation provisions. She loves the idea of the berm and retaining wall but would like to see if there's a way to consider doing more of a wall which will help screen some of the noise. Mr. Saltz for clarification on what the Mayor Pro Tem is asking for exactly in terms

of the audible concerns as the service department is closed earlier than the store and it's not a body shop with banging of metals. He doesn't know that there's noise that transfers outside the shop into the parking lot. He's never had that as a complaint. Mayor Pro Tem Casey explained that since she doesn't know what's in the noise impact study yet, she was just sharing some initial concerns and thinks it's helpful to know that there is no body shop work that will take place at the site. She thinks the covered benches are a lovely suggestion but there will have to be conversations with SMART to make sure they will accept that opportunity as well.

Member Staudt said as somebody who's lived in that area for 30 years and watched tractors, forklifts and lots of other equipment, this is a huge benefit to not having a greenhouse with a robust farm around it. He's not worried about the noise. This is one of the best proposals he's seen in a long time. This dealer has clearly listened to the Planning Commission staff. This is an excellent piece of property to put this. They always want to put our new commercial business on the Grand River corridor as opposed to some of the others. He's pleased with what he's seen at the Jaguar dealership which has been outstanding. This is an excellent development and he's going to support it.

Member Smith said he was concerned about the parking lot lighting, especially the south side that butts right up against the residential and wanted to know if those lights were on all night. Shane Burley of Studio Detroit Architect said they use full cutoff fixtures, and they also put on back shields. Those help to mitigate glare and lights spilling over the property lines. The controls for these types of lights are pretty much wireless to where they can be dimmed down to 30% at night. If somebody pulls on the site, those lights in that area can go to 50%, 60%, 80% brightness and alert security. They can keep a secure site monitor activity but then afterwards, they dim back down. Member Smith asked for further explanation regarding the underground storage and how that works. Shiloh Dahlin of Alpine Engineering, site civil engineers for the project, said there is a small infiltration basin on the southeast corner of the property. What they are proposing to do is to enlarge that infiltration basin that's currently there and include some underground detention. They did some preliminary soil borings, and the infiltration rate seems to be favorable for infiltration at the site. There will be storm sewer with the parking lot itself, basically to route it to the infiltration basins and underground detention area. Member Smith says he likes not unloading on Grand River and thinks that is a positive thing.

Member Gurumurthy noted that there have been numerous complaints from neighbors of the existing Feldman dealership related to the afterhours audible speech enhanced alarm system and wanted to know how to make sure that doesn't happen at the new premises. Mr. Saltz replied that they have quite a large investment in these vehicles, and they have to protect their investment, so they have a live monitoring system that's in place. That means they have camera surveillance throughout the parking lot. There are audible announcements that ask people, if they're there after certain times, to leave the private property. They did turn the volume down at the Novi Chevy store because they did receive complaints, but they've also had a lot of vehicles stolen from there. They have this system in 15 of their 20 locations and it has cut down theft dramatically and they have reports to show that. They had the volume at the Novi Kia and Chevy store turned down so much that the police asked them to turn it up because as a deterrent, it was working. They're cognizant of their neighbors but they do have to protect their investment. They have an alarm, and it goes off as needed but not 24/7.

Member Thomas was concerned about light pollution and asked how tall the lights would be. Mr. Burley replied that a typical interior parking lot light is 22.5 feet tall overall. Member Thomas asked where those lights would be located in regard to the south and he replied they would be at the 55' setback, on the edge of the parking lot. Member Thomas stated that she was concerned about those residents and keeping them shielded away from that light pollution. We've had complaints from people regarding lighting and they'd have to buy blackout curtains. It's terrible to have to try to deal with that in the nighttime. She knows dealerships with the security issues, the lights are on all the time. She's also concerned about the impacts the additional traffic will have on an already congested Grand River. Mr. Landry thanked her for her concern, and they'll address that in their additional submissions. Member Thomas said she did like the covered benches for the bus stops, but her biggest concern is the lighting and making sure that the lighting is not affecting those people who live behind that area.

Member Heintz said one thing that piqued his interest was the security sound system and the applicant's ability to increase and decrease the volume to have a maximum sense of security without trying to disrupt or bother the neighbors. He asked the applicant if they knew what distance did they need to have to keep the volume mitigated at the residents' level? He acknowledged that they are at that beginning phase and inquired if they also knew at what distance and thickness of trees to block out the sound. He thinks it's great to think about a balance for everyone.

The Mayor asked the applicant, since they are over the required amount of parking spaces allowed under B-3, if they have contemplated removing the 15 spaces in the southern part of the lot in order to enhance the setback or expanding the retaining wall. Mr. Saltz responded that they do need to have a certain number of parking spaces to make this work financially and what they've designed here is to house the employees, new cars and service vehicles. Mr. Landry also stated that parking is a huge issue for car dealerships because manufacturers require that they hold a certain amount of inventory. He stated that they would look into the Mayor's recommendation. The Mayor said this was just an interesting concept that just came to him, and it seems to him that if there was a way to enhance the berm, it would be a good thing. The last thing they want to do is cause a parking issue on Grand River or along Joseph. The Mayor said he considers this to be compatible with the area, the master plan and current NCC zoning. He likes that there's no additional curb cuts required as well as the winding path and thinks the enhancement with the bushes behind the benches will be a nice addition along Joseph Drive and the retention pond is also a good addition. He would like to see the unloading issue addressed in the PRO. The work the applicant has done with the berm and inclusion of new trees is a wonderful addition that will do the best to shield the residents that will be impacted. He's seeing a situation where the benefits outweigh any detriment. He thinks a lot of good work has gone into this and looks forward to seeing further revisions and enhancements through the planning process.

Member Smith said that in regard to the berm he thinks more detail on the trees, such as height and density, would help them to feel more comfortable about the noise and lighting issues.

Member Staudt asked City Attorney Schultz if there was a law against trucks parking in the middle lane and unloading. Mr. Schultz replied that he suspects there is. Member Staudt said he drives that stretch past the other Feldman dealership every day and every day there are trucks sitting in front of Feldman unloading vehicles and thinks there should be a conversation with the general manager.

AUDIENCE COMMENTS: John Waack, 24841 Joseph Drive, lives in the house that would be directly behind the proposed dealership. He spoke about the trees located on the existing berm. There are about 50 – 60 trees currently and only about a third of them need care. His concern is if the berm is raised, all the existing trees will be removed and replaced with smaller and fewer trees. Right now, there is 30 feet tall trees and five feet of berm which gives 35 feet of barrier. He doesn't think it makes sense to take all the trees down. If the berm is taken care of, the lighting issue will probably be okay. In regard to storm water management, there will be a lot more asphalt going in. Glanda's was pavers and water goes through pavers but not through asphalt so when there's overflow, it goes down Joseph and there are no drains and that's not good.

COMMITTEE REPORTS:

1. Ordinance Review Committee

Mayor Fischer said the Committee met earlier to discuss the fireworks ordinance. They should be bringing something before Council at a date at meeting soon. Another item discussed was uses under the B-3 district.

2. Environmental Sustainability Committee

Council member Smith said the Committee met earlier and it was a working session to prepare their first report to Council which they would like to give at the next Council meeting.

MAYOR AND COUNCIL ISSUES: None

COMMUNICATIONS: None

Council adjourned at 8:58 PM to enter Executive Session

CALL TO ORDER – The Regular City Council meeting resumed at 10:10 PM

CM 24-12-166 **Moved by Staudt, seconded by Smith; MOTION CARRIED: 6-1**

Approval of the purchase agreement for property discussed in executive session.

Roll call vote on CM 24-12-166

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

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 10:11 P.M.

Cortney Hanson, City Clerk

Justin Fischer, Mayor

Transcribed by Becky Dockery,
Account Clerk

Date approved: December 16, 2024