

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, APRIL 20, 2020 AT 7:00 P.M.**

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

In accordance with Executive Order 2020-48, this meeting was held remotely.

PLEDGE OF ALLEGIANCE

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

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

APPROVAL OF AGENDA:

CM 20-04-039 Moved by Crawford, seconded by Casey; CARRIED UNANIMOUSLY

To approve the Agenda as presented.

Roll call vote on CM 20-04-039 **Yeas: Staudt, Breen, Casey, Crawford, Fischer, Mutch**
Nays: None

PRESENTATIONS: None

MANAGER/STAFF REPORT: None

ATTORNEY REPORT: None

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 20-04-040 Moved by Crawford, seconded by Breen; CARRIED UNANIMOUSLY

To approve the Agenda as presented.

- A. Approval of Minutes from April 6, 2020 - Regular Meeting
- B. Approval of the 2020 Summer Maintenance Agreement between the City of Novi and the Road Commission for Oakland County for street sweeping selected County Roads in Novi; and adoption of resolution authorizing Novi to provide summer maintenance on selected County roads.
- C. Approval of a Storm Drainage Facility Maintenance Easement Agreement from Pulte Homes of Michigan, LLC for Heritage Woods located south of Eleven Mile Road and east of Taft Road (parcel 50-22-22-101-021).

D. Adoption of a resolution authorizing traffic signal maintenance, and approval of an installation, maintenance, and operations agreement with the Road Commission for Oakland County (RCOC) for a Rectangular Rapid Flashing Beacon (RRFB) Traffic Signal Maintenance at a proposed pedestrian path crossing at 11 Mile Road, 200 feet west of Arcadia Drive.

E. Approval of Claims and Warrants – Warrant No. 1058

Roll call vote on CM 20-04-040

Yeas: Breen, Casey, Crawford, Fischer, Mutch, Staudt

Nays: None

MATTERS FOR COUNCIL ACTION

1. Consideration of a resolution to authorize Budget Amendment #2020-3

CM 20-04-041 Moved by Staudt, seconded by Crawford; CARRIED UNANIMOUSLY

To approve a resolution to authorize Budget Amendment #2020-3.

Roll call vote on CM 20-04-041

Yeas: Casey, Crawford, Fischer, Mutch, Staudt, Breen

Nays: None

2. Consideration of approval of Change Order No. 5 to Great Lakes Contracting Solutions, Inc. for the 2020 Concrete Panel Repair Program in the amount of \$888,979.20.

Member Mutch said he understood we were looking at extending the current contract based on pricing that was done in 2018 and 2019. In light of the huge change in the local and state economy as well as the impact on commodity prices for things like concrete and materials that go into those repairs, he wondered if it would be worthwhile for the City to re-bid. He said no one is doing any work and he thought we would get aggressive pricing from companies that were looking for work. He said this is essential work so they would be able to do it whereas other projects have been pulled. He said even if the Governor allows construction to move forward, many projects would be postponed or canceled in the private sector. He asked administration if we gave consideration to that and whether that might be an alternative to going with the pricing we had from 2018 and 2019. City Manager Auger said we look at that but this company has worked very well with our team and has the system down for panel replacements. He added that the opposite could occur as far as prices for construction going up as things re-open. We thought since we had a good contractor and were able to hold the old prices steady, this was the best solution. Member Mutch asked what the timeline would be to re-bid. Director of Public Works Herczeg said we would have to create new contract books because we are working off the previous ones. He agreed with City Manager Auger that the prices would come in higher because we bid a larger volume when we did the two-year program and are still

working off those prices. We would also save money by not advertising and not going through the effort in engineering design services again. Member Mutch asked if we have seen other municipalities doing any kind of bidding and seeing pricing come back. Director of Public Works Herczeg said he hasn't looked at what other municipalities are doing. We have a few things that are set to go out. He said we are only paying the increase of the concrete price with this extension of the change order. If we go to bid with a smaller volume, we would pay more in unit prices. He added that Great Lakes has done a fantastic job over the last two years and it would be seamless to go from last year to this year. Member Mutch said he appreciated the feedback.

Mayor Pro Tem Staudt asked when we would expect them to start working, and if this would be an essential project where they could start immediately when their season starts. Director of Public Works Herczeg said the funding isn't for this fiscal year. We do have project savings from last year to start earlier. We are waiting to see what happens. We would view this as essential and would like to get started in June.

CM 20-04-042 Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY

To approve Change Order No. 5 to Great Lakes Contracting Solutions, Inc. for the 2020 Concrete Panel Repair Program in the amount of \$888,979.20

Roll call vote on CM 20-04-042

Yeas: Crawford, Fischer, Mutch, Staudt, Breen, Casey

Nays: None

3. Consideration for tentative approval of the request of Trowbridge Companies for Morgan Place, JZ19-17, with Zoning Map Amendment 18.371 to rezone property in Section 36, located on the east side of Haggerty Road, north of Eight Mile Road, from Freeway Service (FS) to General Business (B-3) with a Planned Rezoning Overlay (PRO), and corresponding Concept Plan. The property consists of approximately 0.48 acres and is currently vacant land. The applicant is proposing to develop an approximately 2,420 square foot single story building.

Brian Biskner, Powell Engineering and Associates, thanked Council for having remote meetings during this time. He shared a document on screen to highlight a couple differences between this version and previous versions that have been around since 2007. The difference is they moved the loading zone, which is one of the deviations. They added a courtyard by the pathway. It's very similar to what's been presented before. They have landscaping in the City of Novi public space and will be connecting a sidewalk to the south with landscaping.

Member Mutch said it wasn't clear to him which uses are allowed for this project. He said he saw a lot of uses that weren't allowed because of the constraints of the property and limitations on parking. He asked what they would be approving to allow on this site. Planner Bell said removing those uses that were supplied by the applicant

to exclude from the B-3 district would leave a dry cleaning establishment, a category called business establishments which performs services on the premises, professional services, professional and medical offices including laboratories, publicly owned and operated parks, parkways, and outdoor recreation facilities, public or private health and fitness facilities and clubs. She said one of the special land uses still included was veterinary hospitals or clinics. Member Mutch asked if all these were predicated on the fact that they have to fit within the space, he wasn't sure how many parking spaces were there. Planner Bell said it was pretty constrained in there. Member Mutch said he would find it more useful and easier to understand if we listed the uses that were allowed versus all the uses that are not allowed. He said that was a recommendation since this will come back before Council. He said he would also like to see the off-site improvements that are planned, including the sidewalk and additional landscaping. He wanted to see exactly what we are getting.

CM 20-04-043 Moved by Crawford, seconded by Casey; CARRIED UNANIMOUSLY

Tentative approval of the request of Trowbridge Companies for Morgan Place, JZ19-17, with Zoning Map Amendment 18.371 to rezone property in Section 36, located on the east side of Haggerty Road, north of Eight Mile Road, from Freeway Service (FS) to General Business (B-3) with a Planned Rezoning Overlay (PRO), and corresponding Concept Plan, based on the following findings, City Council deviations, and conditions, with the direction that the City Attorney's Office shall prepare the required Planned Rezoning Overlay Agreement and work with the applicant to return to the City Council for Final Consideration pursuant to the PRO Ordinance (THREE-PART MOTION):

Part 1: The PRO Agreement shall include the following ordinance deviations:

- 1. Landscape deviation from Section 5.5.3.C.(3) Chart footnote for lack of three perimeter parking lot trees, because *underground utility easements occupy 90 linear feet of parking lot perimeter.***
- 2. Landscape deviation from Section 5.5.3.B.ii and iii for underage of greenbelt plantings by two large evergreen or canopy trees and three subcanopy trees, because *the trees cannot be planted in 90 linear foot wide gas pipeline easements.***
- 3. Landscape deviation from Section 5.5.3.B.ii and iii for lack of berm along Haggerty Road, *due to the unusual shape of the site.***
- 4. Planning deviation from Section 5.3.13 for not meeting the minimum distance requirement between the parking from the street ROW. A minimum of 25 feet is required, varied**

widths from 16 feet to 20 feet proposed, *because less traffic is expected in and out the site.*

5. A Section 9 waiver for overage of Asphalt shingles on the west and east facades (25% maximum allowed, 48% on West and 46% on east proposed), *because the proposed elevations meet the intent of the façade ordinance.*
6. Planning deviation from Section 3.1.12.D for not meeting the minimum required rear yard building setback (minimum of 20 feet is required, four feet is proposed), *as the proposed building location is limited by the existing gas line easement on the site.*
7. Planning deviation from Section 3.1.12.D for not meeting the minimum required front yard parking setback (minimum of 20 feet is required, ten feet is proposed), *due to the unusual shape of the lot.*
8. Planning deviation from Section 5.4.2 for lack of required loading zone, because the proposed conditions include restricting the uses permitted on the site to those that would not require a loading zone.
9. Planning deviation from Section 4.19.2.F for allowing the dumpster in the interior side yard in lieu of required rear yard, *as the applicant has committed to comply with trash pick-up services so as not to interfere with site operations or traffic along Haggerty Road.*

Part 2: The following conditions shall be made part of the PRO Agreement:

1. Installation of sidewalk in front of the detention basin, immediately south of the subject site, to connect with right-of-way sidewalk improvements for this development (approximately 180 linear feet).
2. Planting of native shrubs along the right-of-way in front of the detention ponds to the south of the subject site and on the opposite side of Haggerty Road (5 native shrubs);
3. A pedestrian connection and landscaped seating feature located in front of the building, providing an additional pedestrian amenity to the area.
4. Limitation in the form of a list of uses not permitted on the property, unless otherwise approved by the City of Novi with a finding that adequate parking and loading area is available:
 - a. Retail business and retail business service uses;
 - b. Off-street parking lots;
 - c. Restaurants having the character of a drive in or having a drive-through window;

- d. Theaters, assembly halls, concert halls, museums or similar places of assembly;
- e. Business schools and colleges or private schools operated for profit;
- f. Day Care Centers and Adult Day Care Centers;
- g. Private clubs, fraternal organizations, and lodge halls;
- h. Hotels and motels;
- i. Mortuary establishments;
- j. Auto wash;
- k. Bus passenger stations;
- l. New and used car salesroom, showroom, or office
- m. Tattoo parlors;
- n. Outdoor space for sale of new or used automobiles, campers, recreation vehicles, mobile homes, or rental of trailers or automobiles;
- o. Businesses in the character of a drive-in or open front store;
- p. Plant materials nursery for the retail sale of plant materials and sales of lawn furniture, playground equipment and garden supplies;
- q. Public or private indoor recreational facilities;
- r. Mini-lube or quick oil change establishments;
- s. Gasoline service station and automobile repair; and
- t. Microbrewery or brew-pub.

Part 3: This motion is made because the proposed the General Business (B-3) zoning district is a reasonable alternative to recommendations of the Master Plan for Land Use, and because:

- 1. The proposed rezoning will remove the potential for many of the high-traffic uses allowed in the FS, Freeway Service District while permitting those office uses that are more appropriate for the site;
- 2. The requested PRO overlay and deviations requested will allow flexibility with meeting the dimensional challenges of this site;
- 3. The project is consistent with the Master Plan goal to retain and support the growth of existing businesses and attract new businesses to the City of Novi; and
- 4. As stated in the Engineering memo, when compared with the current development potential of the site, no negative impact is expected on public utilities.

Roll call vote on CM 20-04-043

**Yeas: Fischer, Mutch, Staudt, Breen, Casey,
Crawford
Nays: None**

4. Consideration of a tentative agreement between the Novi Police Lieutenants and Sergeants Association and the City of Novi for a one-year contract term, July 1, 2020 through June 30, 2021.

City Manager Auger said with the unknown economic times ahead, the Lieutenants and Sergeants Association agreed to a one-year contract. We will start negotiating that in about six months.

CM 20-04-044 Moved by Staudt, seconded by Casey; CARRIED UNANIMOUSLY

To approve a tentative agreement between the Novi Police Lieutenants and Sergeants Association and the City of Novi for a one-year contract term, July 1, 2020 through June 30, 2021.

Mayor Gatt thanks the command bargaining unit. When we were in trouble several years ago, they were very quick to agree to a contract that was within the realm of what we were hoping to accomplish at that time. They came through again. These men and women are in charge of the police department 16 hours a day, Monday through Friday and 24 hours over the weekend. They are very important to the safety and well-being of our citizens.

Roll call vote on CM 20-04-044

Yeas: Mutch, Staudt, Breen, Casey, Crawford, Fischer
Nays: None

AUDIENCE COMMENT: None

COMMITTEE REPORTS: None

MAYOR AND COUNCIL ISSUES: None

COMMUNICATIONS: None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:22 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Cortney Hanson
Date approved: May 4, 2020