

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, OCTOBER 28, 2013 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. 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 Casey, Fischer, Margolis, Mutch, Wrobel

ALSO PRESENT: Clay Pearson, City Manager
Rob Hayes, Director of Public Services/City Engineer
Thomas Schultz, City Attorney

APPROVAL OF AGENDA:

CM-13-10-140 Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the Agenda with the addition of an Item #1 to Mayor and Council Issues – Mayor’s comments.

Roll call vote on CM-13-10-140

**Yeas: Staudt, Casey, Fischer, Margolis, Mutch,
Wrobel, Gatt
Nays: None**

PUBLIC HEARING – None

PRESENTATIONS:

1. Proclamation for Pastor Gary Elfner, Novi Police Chaplain – Retirement

Mayor Gatt commented while he was a police officer, the Chaplain had been an inspiration to so many people and officers. The Chaplain has helped in so many ways. He has accompanied officers to the scenes of tragic events where the victims needed guidance and help. He did it willingly and without hesitation. He thanked him personally. Mayor Gatt presented the proclamation to Pastor Gary Elfner. Chief Molloy spoke of the countless victims that Pastor Elfner has assisted officers in counseling and also, assisting officers after tragic events. Chief Molloy thanked him and his family. Pastor Elfner thanked his family and all of those that he has worked with.

REPORTS:

1. MANAGER/STAFF – None

2. ATTORNEY – None

AUDIENCE COMMENT:

Former Mayor David Landry thanked Council member Terry Margolis for her 8 years of service to the City of Novi and noted she has done it in exemplary fashion. It is impossible to understand what it takes to do the job right and she has done an exemplary job. It doesn't happen without a lot of work. He noted it is the mark of a pro to make it look easy. She should take the solemn pride in knowing she did the job right.

CONSENT AGENDA REMOVALS AND APPROVALS (See items A-I):

CM-13-10-141 Moved by Casey, seconded by Margolis; CARRIED UNANIMOUSLY:

To approve the Consent Agenda with the removal of Item C for Council Action.

- A. Approve Minutes of:
 - 1. October 14, 2013 – Regular meeting

- B. Approval of the FY13/14 Winter Maintenance Agreement between the City of Novi and the Road Commission for Oakland County for snow and ice control on selected County roads in Novi; and adoption of resolution authorizing Novi to provide winter maintenance of selected County roads.

- C. Approval of the request of Robertson Charneth Fen LLC for JSP 13-51 Charneth Fen Revised Preliminary Site Plan with PD-1 Option and Special Land Use Permit. The property is located in Section 10 of the City on the south side of 12 ½ Mile Road, west of Novi Road in the RM-1, Low Density Low-Rise Multiple-Family Residential District and totals 4.66 acres. The applicant is proposing an altered footprint and slightly altered layout for the site along with revised elevations and floor plans to complete the development of the site.

- D. Approval of the request of Woods Construction for Homegoods for Preliminary Site Plan and Section 9 façade waiver approval. The subject property is located in Section 15 at 43635 West Oaks Drive in the RC, Regional Center District. The applicant is proposing to modify the entrance to the existing Homegoods store.

- E. Approval of the final pay estimate to Cadillac Asphalt, LLC for the 2012 Capital Preventative Maintenance road program in the amount of \$81,578.34.

- F. Approval to award an engineering services agreement with URS Corporation for design engineering services related to the 2014 Chip Seal Program in the amount of \$17,000.

- G. Approval to award contract for the 2013 Fall Tree and Landscape Planting to Agroscaping in the amount of \$61,296.

- H. Approval of a Labor Agreement between the City of Novi and the Police command Officers for a term of July 1, 2013 through June 30, 2016.

I. Approval of Claims and Accounts – Warrant No. 902

Roll call vote on CM-13-10-141

**Yeas: Casey, Fischer, Margolis, Mutch, Wrobel,
Gatt, Staudt**

Nays: None

MATTERS FOR COUNCIL ACTION

1. Adoption of two Resolutions Authorizing Stormwater, Asset Management, and Wastewater (SAW) Grant Agreements to secure grant funding for wastewater planning/design and asset management activities, respectively.

Director of Public Services Rob Hayes spoke of the new grant opportunities for Stormwater, Asset Management, and Wastewater (SAW) available for the two different projects proposed. Tim Kuhns, Senior Water and Sewer Engineer gave a presentation on the grants and projects to be funded. He explained the SAW Program provides funding for wastewater, stormwater, planning design, and asset management programs. He noted for fiscal year 2014, there are \$97 million dollars of grant and loan funding available. He said there is a two million dollar grant cap per municipality. The first million dollars of the grant, there is a 90% grant and a 10% local match. On the second million, there is a 75% grant and a 25% local match. The City has two proposed grant applications: 1. Planning and design within the Rouge Valley Sewage Disposal System (the portion of the system south of 13 Mile Road); 2. Asset management within the Walled Lake – Novi Sewage Disposal System (the portion of the system north of 13 Mile Road). The first application, they propose to continue inspection of the collection system which will help reduce sewer backups and improve water quality within a portion of the system. This project is for the oldest part of the system and has the most sewer backups. Within the project area, they endeavor to do over 1,500 manhole inspections, over 300,000 feet of sewer inspection, redesign for over 133 manholes, and continue system flow metering to assess the current state of the system. The second proposed application is for the portion of system Oakland County operates and maintains but the City owns this system. Oakland County would be the administrator of the proposed grant. Within the system, there will be the same project activity as in the Rouge Valley system. He explained the costs of the project. He explained the conditions of the grant funding. For the Planning and Design Grants within the Rouge Valley, the project has to proceed within three years of the grant award. He noted the money has already been budgeted so this condition will be easily met. For the Asset Management Grants within the Walled Lake – Novi system, the MDEQ requires the applicant makes significant progress towards establishing a rate structure necessary to implement the plan. Any approvable and complete applications accepted on December 2, 2013 will be entered into a pool for

lottery selection. If the City is awarded, the first round will be available in April, 2014.

Member Fischer confirmed there are two different grant applications being submitted, which means the City could get none, one or both potentially. He asked if it was based solely on a lottery or are there some criteria to give us a better chance of winning the grants. Engineer Kuhns said that any approvable grant applications are put in a lottery and it is pure chance.

CM-13-10-142 Moved by Fischer, seconded by Mutch; CARRIED UNANIMOUSLY:

To approve the adoption of two Resolutions Authorizing Stormwater, Asset Management, and Wastewater (SAW) Grant Agreements to secure grant funding for wastewater planning/design and asset management activities, respectively.

Member Wrobel thanked the City staff for pursuing this. It is an opportunity to improve our infrastructure at not a great cost to the City.

**Roll call vote on CM-13-10-142 Yeas: Fischer, Margolis, Mutch, Wrobel, Gatt, Staudt, Casey
Nays: None**

2. Adoption of a Resolution to approve Amendment No. 3 to the Water Service Contract with the Detroit Water and Sewerage Department (DWSD) to adjust the contract values related to annual volume, maximum day, and peak hour water usage.

Director of Public Services Hayes said our current contract with Detroit Water and Sewerage was approved in 2009 and there have been two amendments to adjust the contract values. There was a meeting recently to adjust it further. The annual flow has increased and this shows more actual conditions. There is no change to the contract water rates at this time.

Member Mutch asked about plans to build a water storage tank and if there will be any impact on rates once it is completed. Director Hayes said they would need to have an entire summer's worth of data before Detroit can be asked to open the contract. Engineer Kuhns was asked to talk about the current schedule. He said there are land issues so nothing has been started. The design and construction schedule usually takes a year. It could be up to a two year period before there is data to reopen rates.

CM-13-10-143 Moved by Mutch, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the adoption of a Resolution to approve Amendment No. 3 to the Water Service Contract with the Detroit Water and

Sewerage Department (DWSD) to adjust the contract values related to annual volume, maximum day, and peak hour water usage.

Roll call vote on CM-13-10-143

Yeas: Margolis, Mutch, Wrobel, Gatt, Staudt, Casey, Fischer

Nays: None

3. Approval of the request of Ivanhoe Companies for JSP 13-47 with Zoning Map Amendment 18.704 to rezone property in Section 18, on the west side of Wixom Road south of Grand River Avenue from B-2, Community Business and I-2, General Industrial to RM-1, Low Density Low-Rise Multiple-Family Residential with a Planned Rezoning Overlay and to approve the corresponding concept plan and PRO agreement between the City and the applicant. The property totals 29.20 acres and the applicant is proposing an 86 unit single-family residential development.

City Manager Pearson said the proposal was previously shown to Council. This is just north of Catholic Central and west of Wixom Road and south of Twelve Mile. The Site Plan will go to the Planning Commission next. He asked Council if they would include in the motion that approval is subject to final language changes from the City Attorney and City Manager. There are a couple of clarifications that Council members asked for and asked if it would be included in the resolution.

Member Mutch asked the representative for the applicant, Gary Shapiro, about providing an easement for a sidewalk across the northern boundary, north of the ponds from Wixom Road to Twelve Mile. Mr. Shapiro answered that he thought there was an easement included already. He is willing to include an easement if it is possible. Member Mutch wasn't sure that a connection of pathways would work as well as having a dedicated path on the Northern portion of the property. Mr. Shapiro said he is willing to enhance along Wixom Road, if it is a benefit to the development and the community.

CM-13-10-144

Moved by Margolis, seconded by Fischer; CARRIED UNANIMOUSLY:

Final Approval of the request of Ivanhoe Companies for JSP 13-47 with Zoning Map Amendment 18.704 to rezone property in Section 18, on the west side of Wixom Road south of Grand River Avenue from B-2, Community Business and 1-2, General Industrial to RM-1, Low Density Low-Rise Multiple-Family Residential with a Planned Rezoning Overlay and to approve the corresponding concept plan and PRO agreement between the City and the applicant, subject to the conditions listed in the staff and consultant review letters for the following reasons, for the following reasons:

- (1) **As determined by the City's traffic consultant, the proposed use will not cause any detrimental traffic impact on existing thoroughfares;**

- (2) The proposed use is compatible with the natural features and characteristics of the land, including existing woodlands, wetlands, watercourses and wildlife habitats, given the open space and conservation easement areas;
- (3) The proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood, which include other residential uses and educational uses;
- (4) The proposed use is a reasonable alternative to the City's Master Plan for Land Use;
- (5) The proposed use will promote the use of land in a socially and economically desirable manner, given the past use of the property, the preserved areas, the extent and nature of the proposed improvements, and the compatibility with adjacent uses;
- (6) Approval of the rezoning will accomplish the integration of the proposed land development project into the surrounding area, and will result in an enhancement of the project area as compared to the existing zoning, given the uses depicted in the PRO Plan and the public benefits provided; and
- (7) Sufficient conditions have been included on and in the PRO Plan and PRO Agreement such that, as compared to the existing zoning and considering the site specific land use proposed by the applicant, it would be in the public interest to grant the Rezoning with Planned Rezoning Overlay.

Approval is subject to final language changes from City Manager and City Attorney.

Roll call vote on CM-13-10-144

Yeas: Mutch, Wrobel, Gatt, Staudt, Casey,
Fischer, Margolis

Nays: None

AUDIENCE COMMENT – None

COMMITTEE REPORTS – None

MAYOR AND COUNCIL ISSUES:

1. Mayor's comments:

Mayor Gatt stated that some years ago, there had been an issue that popped up in a local subdivision and out of the issue, some leaders arose. One was Mayor Landry and the other was Council Member Terry Margolis. She was first appointed to the Library Board and worked tirelessly for the construction of the new Library. She embraced many things, but one of her goals was the Economic Development goals. We have the best Economic Development goals

of any city now because of her. She also changed the way goal sessions worked. She was instrumental in using technology for the way goals are now reached. He stated Terry is a dedicated professional and he thanked Terry for all her work.

Member Margolis stated it had been a wonderful ride and she enjoyed her service on this Council. Mayor Landry was influential in convincing her to run. When we see people who would be good in civic duty, we need to ask them to step up and do that. The Library was her baby and she was pleased every time she drove by it. She was very pleased to be able take her grandson there. She thanked the City staff for everything they do. They are consummate professionals and they are owed a debt of gratitude. She thanked Council members noting it had been a pleasure. She thanked her husband who stood behind her every step of the way and also thanked her kids for their support.

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION:

- C. Approval of the request of Robertson Charneth Fen LLC for JSP 13-51 Charneth Fen Revised Preliminary Site Plan with PD-1 Option and Special Land Use Permit. The property is located in Section 10 of the City on the south side of 12 ½ Mile Road, west of Novi Road in the RM-1, Low Density Low-Rise Multiple-Family Residential District and totals 4.66 acres. The applicant is proposing an altered footprint and slightly altered layout for the site along with revised elevations and floor plans to complete the development of the site.

Member Mutch explained, when the project was approved in its original configuration in 2003, there were no requirements for sidewalks within the project. Now this project is being redeveloped without sidewalks and it is not acceptable to him. He feels that the Community does want sidewalks serving residential developments. It is a higher density area and thinks there is a need. He noted that snow in the winter makes it difficult to walk in a street. He would like the applicant to work with staff to provide a connection from the new residential units that are going in to the exterior sidewalk that is along 12 ½ Mile.

CM-13-10-145 Moved by Mutch, seconded by Staudt; CARRIED UNANIMOUSLY:

Approval of the request of Robertson Charneth Fen LLC for a Revised Special Land Use Permit for JSP 13-51 based on the following findings:

Relative to other feasible uses of the site:

- **The proposed use will not cause any detrimental impact on existing thoroughfares, as indicated in the traffic review letter;**
- **Subject to satisfying the requirements in the engineering review letter the proposed use will not cause any detrimental impact on the capabilities of public services and facilities because the plan adequately addresses and provides for water and sanitary sewer service and management of stormwater volumes;**

- The proposed use is compatible with the natural features and characteristics of the land, as no new impacts to natural features are proposed;
- The proposed use is compatible with adjacent uses of land, as indicated in the staff and consultant review letters;
- The proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use;
- The proposed use will promote the use of land in a socially and economically desirable manner;
- The proposed use is listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.

This motion is made because the plan is otherwise in compliance with Article 6, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance.

Roll call vote on CM-13-10-145

Yeas: Wrobel, Gatt, Staudt, Casey, Fischer,
Margolis, Mutch

Nays: None

CM-13-10-146

Moved by Wrobel, seconded by Staudt; CARRIED UNANIMOUSLY:

Approval of the request of Robertson Charneth Fen LLC for a Revised Preliminary Site Plan with a PD-1 Option and Section 9 facade waiver, based on and subject to the following:

- a. City Council finding that the standards of Section 2404.4.A of the Zoning Ordinance are adequately addressed, as identified in the planning review letter;
- b. Approval of an ordinance deviation for the deficient front yard building setback (75 feet required, 64 feet provided);
- c. Approval of an ordinance deviation for the deficient front yard parking setback (75 feet required, 65 feet provided);
- d. Approval of an ordinance deviation for the proposed building orientation (45° required, 90° and 180° provided);
- e. Approval of an ordinance deviation to allow driveways to abut residential units;
- f. Section 9 facade waiver for the underage of brick on the front and rear facades as:
 - The request is for a comparatively small deviation in the percentage of brick from the minimum amount required by the facade chart which is not significant when taken within the overall context of the design;
 - The proposed facades represent an enhancement in the overall composition and aesthetic quality as compared to the existing structures; and

- **The request is generally in keeping with the intent and purpose of Section 2520;**
- g. Applicant providing a materials sample board that demonstrates that the proposed colors will be harmonious with the existing building;**
- h. 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 next plan submittal and subject to the applicant working with City Administration to provide sidewalk connection from the exterior sidewalk on 12 ½ Mile to the new housing units.**

This motion is made because the plan is otherwise in compliance with Article 6, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance.

Member Margolis asked City Attorney Schultz if there would be an issue because this is a revised Site Plan from previous approved plans of adding the requirement for sidewalks. City Attorney Schultz said it is a Planned Development Option, so it is a discretionary form of approval. Council has the authority. He doesn't know the cost of it because it was not part of the review. Once the Administration decides what they would like to see, then there may be some opportunity for the property owner to say it is not a reasonable amount. He summarized that it is not a straight site plan, there is some discretion and the added language is permissible.

Roll call vote on CM-13-10-146

**Yeas: Gatt, Staudt, Casey, Fischer,
Margolis, Mutch, Wrobel
Nays: None**

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:49 P.M.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Jane Keller

Date approved: November 12, 2013