

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI  
MONDAY, MAY 20, 2019 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 Breen, Casey, Mutch, Poupard, Verma

**ALSO PRESENT:** Pete Auger, City Manager  
Thomas Schultz, City Attorney

**APPROVAL OF AGENDA:**

Mayor Gatt added to Mayor and Council Issues: DTE

**CM 19-05-080 Moved by Staudt, seconded by Poupard; CARRIED UNANIMOUSLY**

**To approve the Agenda as amended.**

**Roll call vote on CM 19-05-080**                      **Yeas: Staudt, Breen, Casey, Mutch, Poupard, Verma, Gatt**  
**Nays: None**

**PUBLIC HEARING: None**

**PRESENTATIONS:**

1. Recognition of Novi High School's donation to Make-A-Wish Foundation – Wendy DuVall, Community Outreach & Events Specialist

Mayor Gatt introduced Ms. Duvall and Nicole Carter, Novi High School Principal to join him at the podium. Mayor Gatt said the presentation that evening was the recognition of Novi High School's donation to Make-A-Wish Foundation. He asked Ms. Carter to give the audience an overview of what this was all about. Mayor Gatt said the Make-A-Wish Foundation is truly one of his favorite charities in the whole world. He has a niece who has afforded herself of their services, they are terrific. He said what the Novi High School students did was outstanding.

Ms. Carter said she it was another great day to be a Novi Wildcat. She was delighted to be there that evening and she asked Rachel Schypinski, Student Council Advisor to join her at the podium. She is the Novi High School Student Council Advisor. They had the distinct honor and privilege of introducing to you their sensational "Wish Week" Leadership Team, the Executive Board Members of Novi High School Student Council. They sincerely thanked Novi Middle School and Novi Early Childhood Education Center who partnered with our High School to raise funds for our "Wish Week". She said their original goal was to raise \$10,000 dollars, they were elated to share with everyone that they raised \$30,200 dollars for Make-A-Wish Foundation. The wishes of four children will

come true as a result of their collective efforts. We plan to make this a school district and Novi community wide effort next year. Please consider this your formal invitation to participate in this fundraising endeavor. She said she has been blessed to work at Novi High School for the past 19 years and she must say that the outpouring of love, excitement, and joy on display this week is something that she as a principal will cherish in her heart forever. Ms. Schypinski said they have their 6 Executive Board Members, Ann George and Chris Oshana who oversaw the Fundraising Committee. Dan Netter led the Publicity Committee. David Toloff spearheaded the Carnival Committee. Joe Herrington led the Decorations Committee. Anna Biberstein organized the Charity Basketball Committee. This dynamic team of student leaders initiated a district wide charity event that was able to bring our entire school district and community together for a great cause. Their unified action is a prime example of what students can do to make a difference in the lives of others. She said that student voice and leadership matters. Thank you to everyone that helped make the wishes of four children comes true. Mayor Gatt asked what the young people did to raise \$30,000. Chris Oshana, Student Body President said they had a lot of different fundraising ideas. He said over the last few years they wanted to step up their Charity League and got a lot of inspiration from other schools. Some events that they did this year were candy grahams to fellow students and staff members. They had their classic Pie-A-Teacher, they had a Star Competition in which second hour classes competed to donate the most stars which were paper stars that you donate a dollar for. One of their main events was Coin Stalls which is students will bring in their spare change and they dumped all their change into a pile and the teacher of that class could not instruct until all of the change was counted one by one. That event brought in over \$6,000. The final event was a Student/Staff Charity Basketball Game. Mayor Gatt asked him about the Pie-A-Teacher Event. Mr. Oshana said during their lunches they have teachers that volunteer to get pied in the face. Some students paid to stand from a far line and attempt to shoot it, while others slammed it in their faces. Mayor Gatt invited the other students to come up and speak. Ann George said she worked with Chris Oshana on the Fundraising Committee. She was the floater between all of the different committees. She said she was excited to see all the students participate. She said this was her senior year and she got to see the student body grow. She said she could tell that next year will be just as great. Jill Harrington, Vice President stated that if you talk to other schools about their charity weeks they say each year it just gets bigger and bigger. They have been able to see the growth from \$10,000 to \$30,000, it goes up every year. She said it was great to see the changes and can't wait to see what they raise next year. Anna Biberstein said she is the K-12 Publicity Coordinator. Something she thought was cool about Make-A-Wish week is that it starts pretty small. On Monday with the Buying Stars in the classes, they will have one student who pulls out a \$5 dollar bill to buy a few stars. Throughout the week, all it takes is one student and the other students see that and soon enough they are raising thousands of thousands of dollars. She said the excitement really builds up by the end of the week. It is very exciting to see. David Toloff said he is the Activities Director. One of his favorite parts of Wish Week is the Carnival that they have on Friday of the week. At the Carnival they invite all the teachers from around the district and have them bring their children. The members of the Student Council put on different games for them such as; mini golf, basketball, ring

toss. It is great being able to give the young children a good experience and bring smiles to their faces. Dan Netter said Wish Week would not be possible if it wasn't for the 60 other members of their Student Council. They had a lot of students step up this year and they also had an additional committee head that would work with each of the members of the Executive Board. Mayor Gatt said when we turn on the news and read the papers and we see some dumb stuff that some kids do, keep in mind our future in this country is great with young people like this. Mayor Gatt handed out the certificates to the Executive Board Members.

**MANAGER/STAFF REPORT: NONE**

**ATTORNEY REPORT: NONE**

**AUDIENCE COMMENT:**

Bill Wizinsky, 250 Pleasant Cove Dr., Novi stated his is a licensed architect working for government. He has dealt with the Americans with Disabilities Act on a daily basis. He provided City Council with a document as his third request for reasonable accommodation at the beach. He said by putting this on the record with notice to the City of the problem he is confident it will be corrected. He said it is not a mistake until it is built that way. The present Lakeshore Park is not ADA compliant. He said the proposed plan has improved ADA compliance and safety issues but it fails to provide reasonable accommodation to the disabled and aged at the beach and therefore is not ADA compliant. About five years ago he called the Parks and Recreation Department and asked them to provide a handicapped port-a-john either on the beach or near the entrance to the tunnel on the parks side for the disabled. He said he received no response. He struggled that year when he brought his 90-year old mother and 5-year old daughter to the park and the beach. After that struggle he made his second request, in person. The Parks and Recreation Department wrote his request on paper for a handicapped port-a-john, and again, no response. They struggled because it was unsafe for his mother to travel to the restroom so they excluded her from future outings. He did talk to PRCS Director Muck today and he informed him he did not receive his request. In retrospect he could have pursued the issue more aggressively, but at that time he was fighting cancer. He is asking each member of the Council to put themselves in a position of a disabled or elderly person. He said the design does not rethink human dignity. Please provide two handicapped port-a-johns on the beach which will cost less than \$10,000 dollars or a permanent handicapped restroom because it is the right thing to do.

Victor Verma said he was Member Verma's grandson. He said he was a sixth grader at Novi Meadows and a Novi resident. The reason he was there was to propose a traffic light arrow at the corner of Nick Lidstrom Drive and Novi Road. He stated that he has seen and heard about an impossible turn from Novi Road onto Nick Lidstrom Drive. He noted that Novi Road has many subdivisions and houses on both sides of the road which leads to a lot of cars coming down Novi Road. He said there have been homes built on Nick Lidstrom Drive which cause more traffic and makes it harder for cars on

Novi Road to turn onto Nick Lidstrom Drive. Not only is the traffic bad, but he has heard of fatal accidents that have happened at the turning point due to not being able to turn. In conclusion there should be traffic light arrow on Nick Lidstrom Drive and Novi Road.

Gary Zack, 359 S. Lake Dr., thanked the Council and City Administration for all of their efforts to try to address all of the concerns the citizens had with the Lakeshore Park project, it is really appreciated. One of the things that is great about Lakeshore Park is that it has picnic tables and grills. He wasn't sure if any other parks have that. We should try to keep those there and put a few more near the beach area where people could set up an area with their family and go to the beach so it wouldn't be that far. He said he may be old fashioned, but it takes you back to when you were a kid. He commented on the Parks Survey that is going on right now. He thought it was a great idea and he is glad they are looking for feedback. He would like to see in future surveys a few more questions about keeping natural spaces and activities such as hiking trails and green space. We have a lot of emphasis on activities such as volleyball and soccer, but less so on activities such as hiking. We have the park space near Garfield and we have Lakeshore so we have a lot of opportunities for that.

Maureen Zack, 359 S. Lake Dr., Novi talked about Lakeshore Park. The proposed excessively large building, tree cutting, paving, detention ponds, street lights and bollard lights detract from the up north feel of the Lakeshore Park. Putting a community center in Lakeshore Park will add to the traffic on S. Lake Drive. In addition the Capital Improvement Project Millage barely passed city-wide, but was voted down by a wide margin in Precinct 11 where the park actually is. Her final pitch was about money. Already this project needs \$1,250, 756 million in appropriations; she wondered if there will be more needed by the time the work is done. Secondly, this massive project will require a big operating and maintenance budget every year for the building, paving, lighting, and detention pond upkeep. Please size the building for the kid's camp only and add additional changing rooms for the swimmers. Also, please make the new building a park building and not a community center.

Rachel Sines, 2219 Austin Dr., Novi said she was there to talk about Lakeshore Park. Her disappointment with the project comes with the fact that what they will be approving is the City's vision, not the resident's vision. She understood that there were some compromises made, but in the end the project is so much more than many of the residents wanted. With everything being developed around us, Lakeshore was the last bit of nature that was left untouched in the area. Now it joins the ranks of the mass of developments. She said she knew that we were too far along in the project to change any minds, but hoped there can be additional compromises. A few of the residents did meet with the City last week to review the updated landscaping and lighting plans. There are now ten times more lights planned than there is currently. She said she has seen the plans and she can see that most of the lights will be directed down, but you will still be able to see when those lights on at night. They were told that the lights will be able to be dimmed at night and better yet, some can be turned off all together. We were also told that this is something that can be approved by the Council. She

asked that they take that into consideration when the plan comes forward that evening.

John Duneske, 357 S. Lake Dr., Novi commented on adequate screening for the new Lakeshore Park building which is now closer and higher to the east than the current building is. He also wanted to comment on the new retention basin next to the east property line which would be visible to the homeowners east of the park. At the May 5, 2019 City Council meeting a proposed plan of evergreen screening just south of the volleyball courts to the north of the retention basin would require about 28 evergreen trees, 18 feet in height, 400 feet in length, and 25 feet from east fence side. This is approximately 7 trees for every one hundred feet. This type of screening would protect the privacy of their homes. However, should you decide on the screening north of the volleyball courts to the retention basin you would need 38 evergreen trees. That is because of the trees being removed near the basin. A similar plan like this was approved again at the City Council meeting back in August of 2015 and is seen on the minutes that he mentioned last time required the developer meet an 80% greater opacity and plant a minimum of 18 foot trees in the conservation easement. If you look at Valencia Estates which is located at southwest corner of Beck and 10 Mile and Huntley Manor Apartments at Grand River between Novi Road and Meadowbrook you would see these 18 foot type trees. On April 11 the homeowners just east of the park met with City staff to go over their screening proposal. He thanked them for meeting with them. On May 15, PRCS Director Muck presented a landscaping and lighting plan to the public at the Civic Center. Looking at the lighting plan they knew there was going to be pendant lights hanging off the east and south east of the building eaves. These lights can be seen on Page 6 of tonight's packet. These lights are going to be approximately 9 feet off the ground and will be visible in the evening to the homes just east of the building. He said they are asking for them to be removed. Looking at the landscaping plan, the evergreens were only going to be 8 feet in height and 10 evergreens were going to be placed north of the volleyball court. He said 8 of them will be in a swell below near the fence line which will be hardly visible used as screening. At the south end of the building, 8 evergreens. What was missing was 10 evergreens from the south end of the building to the retention basin. At this meeting they were also advised that sometime between October 2018 and March 2019 the architects received direction from City Council for a wraparound deck which was three times larger than the concept patio that was now facing the homes to the east. The public was not made aware of this change. The last public information on this matter was noted in the minutes of the October 8, 2018 City Council meeting when the Council asked for the patio to be moved to the front of the building facing the parking lot as opposed to facing the residents. In conclusion he asked Council to not approve Lakeshore Park update plan until pass a motion to provide adequate landscaping, screening like you did in August of 2015 which covered the area from the north side of the volleyball courts to the north side of the retention basin. Secondly, please have any part of the deck facing the homes to the east removed, and last, please remove all of the pendant lighting on the east and south east side of the building facing the homes to the east. Please protect our privacy, as we would protect yours.

Ginger Barrons, 24777 Glenda, Novi, said she had two issues. She said she looked at the plan for Chick-Fil-A and she said she felt that they were trying to put a square peg in a round hole. She didn't believe it was the right location for that particular venue. She said she was not opposed to Chick-Fil-A, she just thought it needed a larger plot of land and she thought we had quite a bit available in Novi. Secondly, regarding Lakeshore Park she said she also looked at the landscaping plan and she was also surprised to hear that at the direction of Council a wraparound deck had been added. She came there to ask them to remove the east portion of that deck which would be intrusive to the neighbor's home to the east side. She said when she looked at the park plan it was a lot better than what they originally started with. However, when she looked at it she still can see a lot of cement, a lot of building, and not much park. She found that disappointing. She wished that some of it had been pushed back further in the park. She agreed with the previous speaker about the landscaping. There is not adequate screening there mostly because the topography of the land, not because of what you are bringing in, but the height variances. She asked that Council keep those things in mind, and to take another look at the deck and the lighting on the building.

Dan Jones, General Manager of Twelve Oaks Mall, 27500 Novi Road. He commented on the Chick-Fil-A development and stated that they have a vested interest in the property there. Even though they don't own the property, they have easements over our property and our anchor store property. In order to access their business as well as the free flow of traffic, if you are familiar with that stretch of the Ring Road closest to Chick-Fil-A as well as Twelve Oaks Mall exit closest to Chick-Fil-A they are very busy areas on key dates for them. It is their expectation that Chick-Fil-A work with Twelve Oaks Mall on traffic management plans to mitigate any issues. He said they have reached out to them and have a verbal commitment with them. There are a lot of positive attributes obviously with this development, but ultimately they want to make sure that they have a plan in place with Chick-Fil-A in order to make sure that it is the best for all of our customers, citizens, their business and our business.

**CONSENT AGENDA REMOVALS AND APPROVALS:**

- A. Approve Minutes of:
  - 1. May 6, 2019 – Regular meeting
  
- B. Enter Executive Session immediately following the regular meeting of May 20, 2019 in the Council Annex for the purpose of discussing privileged correspondence from legal counsel.
  
- C. Approval to award a unit price contract for as-needed catch basin, storm water pipe, and concrete slab stabilization services to Havener Tech, LLC, using the Farmington Hills contract (extended to MITN members), for a one-year term at an estimated cost of \$96,000.
  
- D. Approval of Resolution to change the name of Nadlan Drive to Hexagon Way.

E. Approval of Claims and Accounts – Warrant No. 1036

**CM 19-05-081 Moved by Casey, seconded by Verma; CARRIED UNANIMOUSLY**

**To approve the Consent Agenda as presented.**

**Roll call vote on CM 19-05-081 Yeas: Breen, Casey, Mutch, Poupard, Verma, Gatt, Staudt  
Nays: None**

**MATTERS FOR COUNCIL ACTION**

1. Consideration of the request of GPD group for JSP 18-75 Chick-Fil-A for approval of rezoning from Regional Center (RC) to Regional Center with a Planned Development 2 Option (PD-2) in order to effectuate a PD Option for the subject property. The subject property is located at the northwest corner of Novi Road and the I-96 service drive in Section 14. **FIRST READING**

Mayor Gatt commented that we have heard from the General Manager of Twelve Oaks Mall that they have no objection to this property that Chick-Fil-A being built. Having been part of this community for 40-years he used to eat at the Denny's when it was the only night time establishment in Novi. It always struck him that it was good for the City because the traffic coming in exited from Novi Road and went into that restaurant, but to leave it certainly didn't affect traffic one bit. You had to enter onto a private road, the Twelve Oaks ring road to get back on to a City street. For years that was the case and nothing is different in this matter. He said Chick-Fil-A brings some sort of pizzazz to the City. He said that he didn't have any objections to them building in that location; he thought it was a perfect spot. He had no objections to that and he has no objections to the first reading.

Mayor Pro Tem Staudt said there has been a lot of conversation amongst a lot of people in the last few days primarily related to exiting. It was great to hear from the General Manager of Twelve Oaks Mall. He felt that was important because it is their ring road that is going to be affected by this and their customers during certain times of the year. It is good to hear that he has reached out and they are interested in seeing a very good tenant going into a completely empty run-down building by tearing it down and replacing it with a beautiful building. He asked if there was a representative from Chick-fil-A that could talk about the exit traffic. He said he was speaking on behalf of many people and it is the biggest issue.

Ellen Foley, CPD Group in Akron, Ohio said they did discuss at the Planning Commission meeting extensively about the traffic and she was aware that it is a hot topic. They did perform a traffic study that analyzed the intersection at Novi Road. It analyzed some of the different ring road intersections. They looked at doing some possible signage as well. She believed the way that they left it after the last meeting was that they were going to work with the owner/operator of the mall to figure out if we needed those signs, and maybe they would be just temporary signs and placed only during the

busiest time of the season. The sign was going to limit left turns. They thought that it would be best to only limit that during heaviest traffic which is at the end of the year for that shopping center. Mayor Pro Tem Staudt said when this concludes he hoped that she would meet with Mr. Jones, General Manager of Twelve Oaks Mall and initiate that discussion. Mayor Pro Tem Staudt said every Council Member has driven back there on the curve to try to get out. He said he has been to a Chick-Fil-A, and many truckers frequent the business. He asked where they expect a semi-truck to pull in and park in that particular area. He wondered if this was something they would work out with the Twelve Oaks Mall. He believed the truckers would park and walk over to get their Chick-Fil-A. Ms. Foley said this is the first she has heard about with truckers. She explained that they do have accessibility for their semi-trucks and delivery trucks to get on to their site. They have worked through all of that with the Planning Department. This is the first she has heard about allowing trucks to come in and park and take up normal parking stalls. She said Jason Hill, with Chick-Fil-A was at the Planning Commission meeting and he spoke about that relationship with the franchise, Chick-Fil-A and the owner/operator of the La-Z-Boy Furniture Store, and they are also working with Twelve Oaks Mall. She said if situations like that do arise then that is something that should be handled between those owners/operators instead of them trying to handle it from the corporate level. She said that would be something they would deal with if it comes up. It is not something that they were aware of until this moment. Mayor Pro Tem Staudt said that every Chick-Fil-A he has been visited he has seen 18-wheelers sitting somewhere and the guys walking in. It is not a bad thing; clearly there is no room for parking in the actual area that the restaurant is going to sit. Ms. Foley said she would hope that they would respect that. Mayor Pro Tem Staudt said there are some interesting angles there; it would be hard to turn. Hopefully you don't lose too much business from that. He wondered if there was anything else that she would like to talk about relative to the exiting from the facility, and clearly it is very important to Council that they work some kind of accommodation with Twelve Oaks Mall. They have been an extremely long-term partner of the City and we will be heavily siding with them because it is their property and their rights, so it is really important to work something out with them. Ms. Foley said yes, she agreed.

**CM 19-05-082            Moved by Staudt, seconded by Poupard; MOTION CARRIED: 5-2**

**Approval of the request of GPD group for JSP 18-75 Chick-Fil-A for approval of rezoning from Regional Center (RC) to Regional Center with a Planned Development 2 Options (PD-2) in order to effectuate a PD Option for the subject property. The subject property is located at the northwest corner of Novi Road and the 1-96 service drive in Section 14. FIRST READING**

**Approval is of the First Reading of the rezoning is granted, with a waiver of the required Rezoning Traffic Study, as the applicant has submitted a Traffic Impact Study that addresses the anticipated traffic impacts, for the following reasons:**



1. **The rezoning request fulfills the Master Plan for Land Use objective of fostering a favorable business climate.**
2. **The rezoning will be consistent with the surrounding zoning and existing developments.**
3. **The PD-2 Planned Development Option is intended to permit the limited application of (i) more extensive commercial uses in a district otherwise restricted to community and regional oriented shopping centers or (ii) transitional uses on the periphery of regional oriented shopping centers, as this property is located.**
4. **The rezoning would increase development potential of the subject property.**
5. **The rezoning provides a redevelopment opportunity for a challenging site in a visible location along the 1-96/Novi Road corridor.**
6. **The rezoning will have a negligible impact on public utilities.**

Member Mutch thought it would be helpful if City Attorney Schultz would talk about how this PD-2 Planned Development Option works because we don't see many of these requests. He said it doesn't follow their typical approval process. He asked City Attorney Schultz to give a summary version of what we are going to be doing by moving this forward. What we are approving that evening and what is appropriate discussion for that evening versus the next step in the process.

City Attorney Schultz said Member Mutch was correct; the PD-2 Planned Development Option is not very often used. It is available in the RC District. The way the ordinance is written now contemplates that the PD-2 Option be done in the City's Master Plan for Land Use Map. This piece is not shown there, so what is actually proposed is a rezoning from RC District to the RC District with the PD-2 Planned Development Option. We are suggesting and we gave correspondence to this effect to Council that trailing along behind this would be a clarification that it could be an option shown in the Master Plan for Land Use Map or the Zoning Map which is really what you are being asked to do that evening. This would be the first-step of a two-step process for the Chick-Fil-A site. This is the rezoning, first reading, the idea is to bring it back at a future meeting for a second reading to accomplish the rezoning and to put the PD-2 Option on the Zoning Map and he believed that Chick-Fil-A is intending to bring the Site Plan with all the details that Council will get to see at that second reading. He said that City Planner McBeth said yes, that was correct. Member Mutch clarified that right now the discussion is primarily focused on the rezoning request and how issues that pertain to that would be appropriate for discussion. He said that they didn't have a Site Plan in the Council Packet. He asked for confirmation that the Site Plan approval is through the City Council. City Attorney Schultz said yes, that was correct. Member Mutch said that a future meeting we are going to have a Site Plan in front of Council where we can talk about the more specific elements of some of the things that come up and that would be the appropriate time to talk about them. City Attorney Schultz replied yes, this meeting is asking Council if they want to utilize the PD-2 Option in this area. Member Mutch wondered how the site would function because of some of the comments that

had been made that evening. He wasn't sure if tonight would be the appropriate time to discuss those. He wanted to give City staff and the applicant a heads up that the areas he is focused on, assuming this moves forward at the Site Plan level, is along the lines of what Mayor Pro Tem Staudt talked about in terms of how this site would function in relation to the Mall property, specifically the mall ring road. Some of his concerns were related to the traffic counts that had been provided. He will be asking questions about that and how that will function. He said even basic things, like why isn't there a stop sign at the exit to the ring road, which there is not currently one today. Those are things for a future meeting, but he wanted to give folks a heads up that those things are on his radar to discuss. The other concern was the rezoning issue. He had a couple concerns about the process and how this has been brought forward. City Attorney Schultz did touch on one of them. He mentioned the fact that this property is not on our Master Plan for Land Use designated as a PD-2 Option. We have larger areas zoned RC District and smaller areas that are designated for the PD-2 Option. He said presumably at the time the Master Plan was adopted some thought went into which properties would be designated in such a way and which ones were not and they were excluded. He asked City Attorney Schultz that when he looks at the language of the Zoning Ordinance it specifically limits the application based on what is in the Master Plan. He wondered if it was a requirement that is not really a requirement, is it optional thing that Council chooses to honor or not honor. He questioned how that functioned. City Attorney Schultz said it starts out in the intent section of the ordinance so it is not a regulatory section in the ordinance, but it does work its way through the rest of the ordinance also. He said the way he would look at it is that ultimately Council will decide whether or not this particular piece of property should be able to be used for the uses in the PD-2 Option. It is a very discretionary determination just whether or not to approve the PD-2 Option, but the most discretionary thing you do to determine whether or not rezone land. The idea is to get the City Council's view on whether or not this is a use that it wants to see here as opposed to going through that Master Plan Map amendment process. That also involves Council, but it is primarily Planning Commission. Member Mutch stated that was one issue that he had, he had a concern about rezoning properties without having that level of review. He thought the ordinance from his viewpoint was pretty clear in the language to limit it as well. He said another concern he had was just in the information provided to Council. He said Council is very reliant on staff to provide them with memos that explain to them what is going on in terms of the ordinance and the Master Plan. There was discussion about this being a transitional use and how that was consistent with the language of the ordinance. He agreed this area is kind of a transitional area, but that is not what the language or the ordinance actually says. The language of the ordinance is very specific in the kinds of transitional uses in terms of those being transitional uses being mixed use development with residential component. He felt like the information provided by staff was not consistent with the language of the ordinance which bothered him. The reality is we are not all going back and reading every paragraph of the zoning ordinance to make sure that really is what it says. They are depending on staff and City administration to provide an accurate statement of what the language of the ordinance and the City Attorney as well, to provide an accurate statement about what language is in the ordinance and how it should be applied in this situation. The fact that looking at the

language in the ordinance not being consistent with what is being reported to us causes a problem for him in terms of the review. It implies something that's not actually there in the ordinance language and it creates an impression that is inconsistent. He said that this was a tough request for him because he thought there was some validity to looking at this property as a PD-2 eligible property. He thought process wise it was important for Council to follow what the ordinance says. We have a Master Plan and we are supposed to be following it. He knows they say that the Master Plan is not carved in stone, it is a living, breathing thing, it has to adapt with the times. Changes in the Master Plan should follow the appropriate process. It is not just a change in the Master Plan at the whim of the Planning Commission or the City Council. Otherwise what is the point of our Master Plan nobody follows it. He has real concerns with that. He was concerned about ordinance application and following the language of our ordinances. He said it seemed like we have two systems here at the City. If you come in with a development and it doesn't meet the ordinance standards often times we seem to be saying we will figure out a way to work with you. In fact we are going to go ahead and propose that we will change the ordinance language so that it is not a problem for you or anybody else in the future. He said when residents come in and ask for the City to apply the ordinance and they say things like why can't you provide notification beyond 300 feet so that my house gets notified when there is a rezoning. Or why can't you have additional landscaping above and beyond what the ordinance allows. The City says, no, we can't do that, we have to stick to the plain language of the ordinance, there is no leeway at all, and that is just how it has to be. He said this wasn't targeted at Chick-Fil-A. This has been going on for a while. This particular request highlighted several of those things. While he is open to the concept here for the rezoning request, he had real issues with some of the process that we followed, or not followed as the case may be in this particular request.

Member Casey said she was going to put a couple of thoughts on the record so there are no surprises should this carry forward. She said she drove the site over lunchtime trying all different routes. She did not go all along the Ring Road because if she was going through a drive-thru the important factor was speed. She said she had some significant concerns about the traffic flow. She expected to see a Site Plan that has very specific ideas from them, after working with the team at Twelve Oaks Mall for how you are going to help control the traffic and make it the safest you can for the people that will be visiting the property and then getting through the Twelve Oaks ring road. That is a very clear expectation of hers. With that she said she will have the presumption that has been vetted through Twelve Oaks and that we have the thumbs up approval from the group that this is something that meets their needs and this is what they are looking for. If she votes yes on the tentative it doesn't mean it is a slam dunk for the second round of approval.

Member Breen echoed the comments made by her colleagues regarding the procedure here and the traffic that is a major concern. One thing that she looks at when she approached a development or proposal is that everything built and developed here in Novi is subject to the preservation and protection of the public health, safety, and welfare. She stated that this is something that she really tries to bear

in mind. She was concerned that they are being asked to rezone this without a Site Plan available. She thought it was important that they also keep in mind the long-term vision for our City and how we want the City to look and feel. She said she lives by this site, she drives by the site. Yesterday she went to the site and it is a maze back there. It is difficult to navigate if you are not familiar with the area. She could see a lot of potential accidents waiting for them to happen. She reviewed the Planning Commission minutes and she has some of the concerns that were voiced there also. One of the concerns noted was about the traffic that goes behind the La-Z-Boy Furniture Store. She recognized that the Master Plan is fluid and we need to be able to adapt to changing needs and projects. She was concerned with the lack of consistency that we have in enforcing this. It is not consistent with the Future Land Use. It is a difficult piece of land; she understood that given how the other buildings are constructed there. She was also concerned about the flow of traffic. She looked at the other franchises here in Michigan and how the drive-thru queues exceeded available stacking space. She stated that she has listened to her fellow residents that have voiced concerns about how this business has supported organizations that are adverse to LGBTQ rights. In fact some of these organizations have promoted conversion therapy, and have spoken out against same sex marriage. She said she was adamantly opposed to such views; however, that being said, she didn't believe that decisions should be made from this bench based upon other people think or feel on these issues. That is not her role. Any decision she makes today is going to be based upon the traffic study, familiarity with the site, the lack of consistency with the Future Land Use, the lack of a Site Plan that is available so she can really get a feel for how this will work, but mostly the procedure on which we are going forward with this.

Mayor Gatt said he was curious to see if there was any kind of change in the way that you can exit that restaurant. It seemed impossible to him. He is anxious to see what they come up with. He said as far as the traffic, he doesn't understand all of the concern because there is no traffic going on to a City street exiting that restaurant. He agreed with his colleague, we are behind the Twelve Oaks Mall that is one of our biggest and best partners of the community. If they have no problems with it, then he had no problems with it. He welcomes Chick-Fil-A and again for years when it was popular, Denny's was one of the most popular restaurants in the whole City. It was packed all of the time up until 2 or 3 o'clock in the morning and during normal business hours. There were no accidents. He was a cop and there was no problems exiting that restaurant going on to the ring road. There are not many exits once you get on to that ring road going in that direction you will go around to Twelve Mile or all away around to Novi Road. There is no other way out. That is why he will be very curious to see what some of his colleagues was talking about if there is something that can be done to alter that. He didn't believe there was.

Mayor Pro Tem Staudt asked City Attorney Schultz if the motion was made legally permissible to be voted on. City Attorney Schultz said yes. Mayor Pro Tem Staudt asked if Council was allowed to change Master Plans at their discretion. City Attorney Schultz said no, that is not what is before them in the motion. Mayor Pro Tem Staudt thanked him.

**Roll call votes on CM 19-05-082**

**Yeas: Casey, Poupard, Verma, Gatt, Staudt**

**Nays: Mutch, Breen**

2. Approval to award a construction contract for Lakeshore Park renovation project to DeMaria Building Company, Inc., the lowest qualified bidder with the most advantageous bid for the City, in the amount of \$4,820,400 and amend the budget for a total project cost of \$5,866,242 with the final form of the agreement to be reviewed and approved by the City Manager and City Attorney.

City Manager Auger said he had a few things he wanted to comment on. This has been a long process for the staff who has worked closely not only with the residents, City Council, the NSA Architects and there has been a lot of give and take in this project. One of the big items that have changed is the lighting concept. First of all there was confusion when we do a project, we try to follow all of the ordinances that we lay down for everybody else. We make sure that people put in improved parking lots like we have done on this site. He said the lighting was reduced and they showed a map on the overhead to indicate where they reduced 30 lights around the park area. He said they have taken extra steps and one of the upgrades to the lighting program is an advanced lighting system where we can remotely control the lights on this site. They plan on reducing those to 50 percent after usage of the building. Building usage was another big item brought up. Social media was awash with several different things that are supposedly going on or when they are going on. City Council was direct when they told us what they wanted this building for which is Parks and Recreation Programming, specifically Lakeshore Summer Camp for the kids. The building is currently obsolete that we are using for the kids. Staff has been concerned the last couple of years about the State not licensing us as a day care center at that site. The other items were to bring other Parks and Recreation programming for Older Adult Services. They also added on Library services and programs. Those are the programs that we intend on using this facility for. He said several times people came to the podium and asked what time are the programs going to run and what time will they get out of there. He said he could honestly say, we don't know. If a program is running and is popular, we will run it. If it not getting attendance they do not do it the following year and try to find something that someone might want to do. Those program times change. We do not run many programs after 9 p.m. so that might give you an idea. The park still closes at dusk, but sometimes in the winter if we do programming up there and it goes to 6:30 p.m., it gets dark at 5:30 p.m. so of course we will have the lights on. Staff is here to answer any questions. There have been a lot of changes from the non-motorized route and trying to widen it on the road side. We found out that we couldn't do that because the new standards we have to move a bunch of telephones poles, light poles along the road. It is a lot safer to move non-motorized traffic away from the road. We had to follow the topography through the park to get it back to the roadway. We are ready to answer any questions that you may have.

Mayor Gatt asked staff if they wanted to speak or just wait for any questions. PRCS Director Muck said they would stand-by for questions. Mayor Gatt said that this has

been a long process and we have going at this for a couple of years. Our intent or goal has been on the citizens of Novi. We can't make everybody happy, he wished they could, but that is not the way it is. We did listen to everybody; we have had meetings, forums, question and answer sessions, plenty of emails back and forth with a number of people. A few years ago this was going to be a 10,000 square foot building; this was going to be a community center. They weren't going to call it that, but that is what it was going to be. It was going to be a voting precinct for two different precincts; it was going to be everything for everybody. The residents said no, so we said no. We pared it down to half that size. It is not a community center, but he is one of the seven on City Council that is going to push for a community center somewhere on the north end. Not in that park, but somewhere on the north end. He has been part of the community for 45 years and for 45 years he has heard basically the same thing. We ignore the north end. Anything north of Twelve Mile Road is ignored. There may be some truth to that. He said not any more, as the north end grows and becomes much more populated Council has to really focus on the north end and make up for some of the wrong doings in the past. This park improvement starts that process. You don't have to drive to Ten Mile and Taft any more for the Library. We are going to have a small Library Kiosk there and he is sure the Library Director going to work it out that you can get any book that you want. We are going to have modern facilities and all of the children in the City are going to have the room and the space that they need to go to camp. His son is 38 years old and worked in that building as a camp counselor when he was 12 years old. It has not been improved since then. It is time for us to make the change. He apologized if they are not doing everything that you want. You might not be happy with the lighting. He said he was here when Power Park was built and the people in the subdivisions next to us screamed and hollered and yelled because there were lights on until 10 p.m. softball games. It's a park and that is what happens at a park. We try to get the most programming that we can to serve the 60,000 residents in the City. The City has bent over backwards and he commended the Parks and Recreation staff, Rob Petty, and City Administration for doing everything possible to give you what you want and still have a functional building that will be safe. It will serve the needs of present day neighbors, but into the future as well. He was in favor of this project. He apologized, but all he can say is that when he makes a decision just like the other Councilmembers, they think about it, they study it, we do everything that they possibly can to take everybody's opinion into account and then we make a decision based on what we think is best for 60,000 people. He said that is what their job is. He said if you want to make everybody happy, sell ice cream. They have to do what makes as many people happy as possible and be good stewards with your tax dollars and ours. We are all residents also. He thought this was a plan that will go a long way toward making most everyone happy.

Mayor Pro Tem Staudt asked Rob Petty, Chief Information Officer to come down to the podium for some questions. Mayor Pro Tem Staudt said there have been some issues that have come up regarding the deck. He heard from some people that City Council ordered that the deck be built wrapping around the building. He asked Mr. Petty if that is how the deck was designed with City Council asking them to wrap the deck around the building. Mr. Petty replied, no, Council directed staff to move it from the north side

to the south side. It started out basically as a patio on the north side near the restrooms. We have taken that direction and moved it to the south and then part of the architectural design was to meet up where the HVAC is sheltered on the side of the building to trim the building off to make the building look good. Mayor Pro Tem said he was the person who made that request and he was very specific that he didn't ask for it to wrap around the building. When that came as a design element there were some questions, but he understood. He asked what the intent of having the deck was. PRCS Director Muck said the main purpose is for outdoor programming space for the kids camp. We want them outside as much as possible. This is functional space outside where they can do their craft projects, where they can gather outside during the day if the pavilions are rented. Mayor Pro Tem Staudt asked Mr. Muck what Council could do to make sure they don't want that deck used in the evening. Mr. Muck said he made it very clear. Mayor Pro Tem Staudt asked if there is any lighting in the deck area. Mr. Petty replied that recessed into the deck there are LED cylinders. Mayor Pro Tem asked if it makes it usable at night. Mr. Petty replied yes, if they were on. He explained that they are part of the advanced package and we will be able to control those lights. He said it was important that we also keep in mind the security of the building. He said these lights are up in the rafters and a certain amount of light is necessary. Mayor Pro Tem Staudt stated that he fully understood the purpose during the day to have the kids outside to use that deck. He wanted to make it perfectly clear that the deck is not to be used at night for activities. He commented that it is the time of the evening the residents are home and they are enjoying their own neighborhood. He said he remembers his deck before he tore it down. They had music going, barbeques and we don't want any of that. He said at least he didn't, but he didn't think anyone else on Council would be interested in that. He said there are concerns about the deck and he hoped that Council made it very clear on what they want. Mayor Pro Tem Staudt said his second issue was regarding the buffering. There has been a huge amount of discussion about buffering. He talked to PRCS Director Muck, we have heard residents talk about it, and his position is a little different. He felt that the users of the park don't want to see the residents. We don't really want them to be looking into their backyards and into their houses. It is not just important that they don't see what is going on, but it is important that the park users aren't looking and seeing what is happening behind the buffering. Mr. Petty replied that on two occasions they went out to the park on their own time after hours and met with the residents. The first time we met with the residents that border on the east side and discussed with them what they would like to see. We literally stood at South Lake Drive and walked the entire property line. He had his notes, and we filled in adding additional trees, evergreens and worked their way all the way down to Shawood Lake. They did something similar with the residents that border on the west side and walked that with the same approach. There is a swale over there that they made an additional request that we could clean out and get that functioning properly. We worked our way all the way down from South Lake Drive with those residents and put that plan together. He said on the east side they had approximately 28 plantings, and berms with some evergreens. He said they don't want to cut down existing vegetation; that would be counter-productive. Mayor Pro Tem Staudt said he will add a dollar amount to the budget from the Tree Fund that will give you much more discretion on planting additional trees in those areas. He said

one of the things he spoke to PRCS Director Muck about was the flexibility once the park is starting to fill out. Not to say we are going to put a tree in this exact location, but rather have the ability through the Tree Fund we can provide that ability to put trees where it makes sense with sizes that are appropriate as well. Mayor Pro Tem Staudt said the third issue was the budget. He said the \$1.25 million allocation that was requested lit him up pretty good, largely because he couldn't understand where the costs were coming from. After a lot of discussion with staff and breaking it down, they confirmed the number was \$1.25 million. Amongst that was a contingency fee and some additional costs, but he wasn't sure where that number came from. He said they are going to make some motions tonight that clearly reflect the cost of this project and make sure the coverage of those costs are adequate. He mentioned he was going to talk about the contingency fees. Normally that is budgeted to the project and discretion provided to staff. He said they are taking that away and putting it at the discretion of City Council and any contingency dollars spent will have to go through City Council with the normal 5 votes for a super majority on a financial expenditure. If the contractor is listening they better have a darn good reason to come back to Council to spend a penny of that dollar. He stated that they really think \$482,000 should remain in their Fund Balance.

**CM 19-05-083                      Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY**

**Approval to award a construction contract for the Lakeshore Park renovation project to DeMaria Building Company, Inc., the lowest qualified bidder with the most advantageous bid for the City, in the amount of \$4,820,400 with those funds coming from the Capital Improvement Program (CIP) Millage internal loan.**

Member Breen thanked City staff for all your diligent work that you have done on this. You have been meeting with the residents regularly and she appreciated all of their efforts and changes that you have made to accommodate many of their requests and concerns. She echoed the Mayor's statements and said as a resident of the north end she appreciated and thanked him for his statements on the north end. She said it is true; they do not have much on the north end. She loved Lakeshore Park; she is a 10 minute walk from there and has made the trek many times with two little people and an extra-large dog in heavy traffic. She hears the residents when they talk about the traffic and those concerns. She has been there at night and in all kinds of weather. They have had picnics there, watched movies there, held her daughters first birthday there, her wedding rehearsal, she loves Lakeshore Park. If there is one thing that she understood about it is that it is in dire need of some serious upgrades. We are a growing City and we definitely need some changes. She said when she looked at the proposed building as a camping family she can tell you she felt that it echoes a lot of the State park buildings that we see around the State and she was happy about that. She is excited about going to some programming there without having to make a 20 to 30 minute drive in heavy traffic. Her children are excited about it also. She believed that we can do a lot of great things there. We are not going to make everyone happy. She said the plan they had before them did not address what is going to happen on the beach.



PRCS Director Muck replied that was correct. Member Breen said she had some concerns about finding a way to make the beach area more ADA accessible. She noted that it is an issue Council has been discussing. They have talked about different options to include some DNR grants. She asked what can we do in the beach area to make this more ADA accessible. PRCS Director Muck said the beach renovation does include accessible pathways to the water directly with a ramp into the water. He said they cleared that with the Department of Environmental Quality. He said they will be bringing that to Council shortly for approval. That was a focus of this with the shoreline restoration. Member Breen said she previously mentioned having a changing area right there on the beach and asked if that would be feasible. PRCS Director Muck said he would like to take a look at all of the options there and discuss that with our building department. We could certainly apply for grants if that is a feasible solution. He said Council took the steps years ago to eliminate the entryway fees to Lakeshore Park. That does now qualify us to be able to apply for development grants through the Michigan Natural Resources Trust Fund. In the past we were not able to do that because we had that entry fee. Member Breen said she has heard citizens talk about those entry fees and we have a booth there adding an extra layer of security. She wondered why that booth is no longer staffed. PRCS Director Muck said the booth was destroyed by a semi-truck so it was removed. There was no need to staff the booth because we no longer had an entry fee to enter the park. Member Breen wondered about the other features that people have talked about such as extra picnic areas is that something we can adapt to in the future as we see the need comes about. He replied yes, we have done that at Pavilion Shore Park. We added extra picnic tables and benches at Pavilion Shore. As we get into using the park it is always evolving; they are a living and breathing thing. As we come back in with the Tree Fund and add additional plantings to all of our parks, we do the same with looking at benches and tables to see how the residents really use the park. Member Breen said a resident brought up an outdoor shower, someplace to get the sand off your feet. She asked if that was a feature that is under consideration. PRCS Director Muck replied yes, they are planning a foot wash station currently. Member Breen asked if there was a final plan for the play structure. Mr. Mutch replied no, not yet. They are waiting for this final approval so that the playground designer can go into the final conceptual plans. They brought several different options to the Parks and Recreation Commission to get some feedback on that. Based on that feedback we can go back to the designer and he can really work on a final one or two option that we can bring forward. Member Breen wondered what they consider when it comes to the placement of the play structure. PRCS Director Muck said the first thing you want to have features for all ages. There will be a section for 2-5 year olds, 5-12 year olds and we look for accessibility. That is a big thing that we really tackled with the last couple of playground builds both at Pavilion Shore and Power Park. He said playability as well was important. A lot of older playgrounds do not have as many features and you cannot have as many kids on them at one time. Member Breen said another concern was the pathway and placement of bollard lights. She said a resident was concerned that the bollard lights could pose a hazard with children running their bikes into them. She asked why the pathway was laid out the way it is. Mr. Petty said in their October 2018 meeting they received direction to look at moving the bike path into the park. They did that, then they added the bollard lighting

to that because that path could potentially be used at night as well as when the park was open. Member Breen said that it was a safety concern. Mr. Petty said they removed 30 of those bollard lights further back in the park. He believed there are 13 or 14 along that path and all the way out the exit. He said that we have bollard lighting in Fuerst Park and to date we have not had any problems. Member Breen was concerned about the traffic up and down on South Lake Drive. She asked if there are any plans for traffic calming measures on South Lake Drive. Mr. Auger said there are stop signs on South Lake Drive and traffic studies have been done. The road is designed to handle a lot more traffic than what is out there now. Our police are out there enforcing the speed limit often. They do patrol that area often. We don't have a lot of accidents out there. He was aware that there are some residents think there are a lot of cars and they are moving fast, but according to the speed studies and traffic enforcement it is the same as any other road in the City. Member Breen clarified that there is nothing specifically planned for any additional traffic calming measures. Mr. Auger replied that was correct. He said they do not normally place speed bumps because of the plow trucks especially in Michigan. Member Breen said that was all of the questions that she had. She wanted to make sure that the contractor can work well with the residents and keep them regularly updated on what will be happening and when. We will probably need to look into some additional traffic calming measures when the time comes. She was excited about the plan and to all of her fellow residents to the north; we will have to have a celebration picnic when it is finished. Thank you to City staff for all of their hard work on the Lakeshore Park renovation project.

Member Verma asked staff how they chose this particular contractor. Mr. Petty said they conducted interviews with every one of the contractors. We had a team of four City staff members and the representative from NSA the Architectural Firm. We looked at several factors, the ability to meet our timetable because we were closing the park and we only wanted to do that for the one season. We looked at past history; we looked at projects of the same scope and size along with a couple of tangible items. It was a unanimous vote by secret ballot consisting of an evaluation form that was filled out. Member Verma asked if they talked to the other contractors also. Mr. Petty replied yes, every one of the contractors was interviewed with very similar if not the same questions. Member Verma said normally the public situation goes with the lowest bidder. It was hard for him to understand. He said this is a good contractor, he has worked with him. The point was the fifth one on the line and the fourth equally qualified contractor does not have the ability to do that. Mr. Petty said they are the only contractor that took the initiative to walk in the door and have those ready. Member Verma said the contractor will finish the project in almost a year, but you are saying December 1. Mr. Petty said that was the criteria for all of the bidders. What they are talking about there, it will be operational on December 1, and there will be a punch list of items, mostly landscaping type items that will have to be accomplished in the spring. Member Verma said he could not understand when the contractor is asking for 12 months to complete the project, but now you are saying within 6 months substantial completion. Mr. Petty said all the contractors involved were at the mandatory pre-bid meeting and it was clearly stated that we had to have substantial completion by

December 1. Member Verma asked about penalties if it is not substantially completed by December 1. Mr. Petty said he would have to check into what the penalties are. That was a major factor in their selection. Member Verma said this is a routine type of thing for all of the projects you charge the contractor if they do not meet the deadline. Mr. Petty didn't think that was in the bid document, but they understood that was a requirement. Member Verma asked about the security system. Mr. Petty said it was \$35,000 and based on their experience we can do it at a cost savings ourselves. We want a camera system that can integrate and can be view by the Police Station and viewed from City Hall. Member Verma asked if during the construction phase the park will not be available to the community. Mr. Petty said the only portion of the park that will be available to the community is a road open to the back for the mountain bike trails and that portion of the park will be open during the construction. They will not go through the construction site. They will keep that to the west side. There may be some interruptions when we do paving, but we will have parking back there for them and access. Member Verma said he felt it we are awarding the contract including the contingency to the contractor then they should be able to use the contingency. They should not be coming to us again and again. Mayor Gatt said that motion is not on the floor right now.

Member Casey thanked all of the residents for sharing their feedback over the long process that this has been. They have heard us say unfortunately everything may not be what you are hoping for, but hopefully we will get to a place where it is a good compromise for everyone involved. She asked Mr. Petty to talk a little more about their walk from the north property line all the way to Shawood Lake. She wanted to know the opacity through the entire stretch from a landscaping perspective. Mr. Petty said the way we approached it was, strictly from the resident's point of view. Literally standing there and a gentleman saying that is my deck and I do not want to see this building and that is how we positioned the evergreens. We were shooting for 85 to 90 percent capacity. That was the direction from the Planning Commission. We took a natural and organic approach to it. We followed that up by saying we had a little bit of latitude there are a couple of trees, we don't know if they will survive, to allow that growth of what we are planting now to hold and grow. We have spring and fall plantings in all of our parks. We will meet with them again and walk the tree line and fill in the gaps. Member Casey thanked him for that answer. She said we do have a minimum opacity standard so that is why she asked that question. Respecting the process that we are following she appreciated the direction that they are taking. She will be looking the spring and fall plantings for next year once the building is being built that we are coming back with a really clear 85 to 90 percent opacity. She said some people wondered about the height of the trees. She said she will hold to the same expectation that if there is a significant height differential between the buildings that the height of the trees will do the right amount of screening if there is a taller a building overhanging a shorter building if you will. She wondered about a safety perimeter for both of the playgrounds relative to the parking lot. PRCS Director Muck said he talked to the playground designer about this. There are numerous things we can do. We can do swales, topography to delineate that and force kids into one central entry area. We can do plantings; we can do a lot visually. We did that with the playgrounds at Pavilion

Shore to stop kids from running towards the water. We have four certified playground safety inspectors on our parks maintenance team and they are cognizant of playground safety and they are always checking ours. This is recent within the last two years that we added that certification. Member Casey said that as we get further into the development she was sure that they will hear from PRCS Director Muck on how we will be building out those protections. She asked Mr. Petty about the restrooms that are accessible from the outside, how many do we have by gender. Mr. Petty said there are three restrooms exterior to the building as well as three interior. Member Casey asked if there are changing stations for children and are they ADA compliant. Mr. Petty replied yes, she was correct. He said from the tunnel to the beach up to the restrooms is ADA compliant. Member Casey said they don't believe that they have a need to do additional traffic calming measures, but she anticipates that once this park becomes operational she would like us to give an update to the residents how the traffic is working in that area and what steps we may need to take once the park excels. We want the residents to know that we will continue to hear them and that we are keeping an eye on that traffic. She did appreciate all the work that they have done to talk to the residents and hear their concerns and build something that is a really good compromise in a lot of ways from where we started.

Member Mutch asked about the restroom access in the winter. PRCS Director Muck said that we will have those open all winter long. Member Mutch asked if this will be open during regular hours and how many days a week. PRCS Director Muck said that when you are doing recreation programming the programs can change year to year, season to season. For the most part we would be operating from 7 a.m. to 9 p.m., but that can fluctuate. Member Mutch asked about staffing. PRCS Director Muck said that when the building is open it will be staffed with part-time staff. Member Mutch wondered where the security system was budgeted. Mr. Petty said that is in the base bid and the card access system for the building is not in the base bid. That is something that we call soft costs. Member Mutch asked about the advanced lighting system. Mr. Petty said that was in the contingency fund, so we will have to have discussions that weren't part of the original bid. The original bid was for a basic lighting system the old fashioned dialed timer. He said after hearing the residents' concerns we evaluated a more advanced system that would actually dim or give us the flexibility to turn lights off from a different location. Member Mutch asked what the cost would be. Mr. Petty said they do not have the cost for that at this time. That is something that came up with their last meeting with the residents. Member Mutch said based on the conversation he has been hearing from Council there is a desire to account for all of the things that Council expects in this project and the contingency fund being used only for what is absolutely necessary. Mr. Petty said unless Council gives him different direction he would go and look at the cost of the base unit that was in the bid and the difference between that and the advanced unit and bring it back to Council for their approval if he understood how they want the process to work. Mr. Petty said that is not the way he would want to do it, but if that is how Council would like to do it, that is what he would do. Member Mutch asked him to give him a number to put in the motion and we could work with that. Brandon Kritzman, NSA Architects, said he has been working with the team trying to establish this project throughout the course of the design process.

Certainly in a situation like this we are in controlling the vast majority of the variables, it is new construction. We don't need to have an exorbitant contingency, but there are items that are going to change. There will be items that are going to be encountered that we can't account for. There are situations like existing soils that until we go in and dig into the project; we are not going to be able to account for. It is prudent to incorporate some measure of contingency, where we include that and how it is dealt with is a matter of scrutiny for Council and the project team. He thought it was prudent to include some measure of contingency into the project whether that is a 5 percent contingency or 10 percent it is at the discretion of those involved. From a design standpoint we tried to incorporate as many of those components as possible into the design process so they are eliminating as many of those potential question marks as possible. That is what they try to do from a design point of view. There is no way for us to capture all of those. From a process standpoint, whatever you are comfortable with. Our role from a design standpoint is to be your advocate in any situation that arises. With a situation like this that Mr. Petty has indicated they would take a look at what is specified and what is desired by Council or City departments and get you the best price possible. We will present that back to the City for the appropriate decisions. Member Mutch thanked him for his explanation. He asked about the pendant lighting that was discussed and whether the roof will screen the properties to the east. Mr. Petty said yes that was correct. He said that was part of that photometric plan and the other part of the photometric plan is that is done based on a flat surface that doesn't incorporate the existing landscaping or what we are going to add. Member Mutch didn't want to be repetitive, but he thought it was important to touch on a few things. They are looking at approving this smaller building, which is less functional in terms of spaces to utilize. He mentioned the City Clerk is no longer looking at this for a polling place. In terms of building size residents have asked to shrink that even further. The difference between a 4,500 square foot building and a 6,500 square foot building would further compromise the use of this building the way that we want to. A lot of people focused on the lobby area because they see it as wasted space. It is important to the function of the building. Lakeshore camp is a kids program that will be filled with kids in the summer. If you eliminate the lobby space what you do is put bathrooms and outdoor entrance directly into that space. You wouldn't want that, you want to be able to have that separation. It provides a place for kids waiting for their parents to stay inside. He thought these things do serve important purposes and are justified in the overall functioning of this. He has always looked at this building as something that is going to provide services to the north end of the City for all of the things that have been touched on this evening such as; programming, library programs, there is a lot of potential that is needed on the north end. The primary beneficiaries are going to be the residents on the north end. Maybe some will walk or bike to the park to reduce the traffic impact. Over time they will see the benefits, but he does understand their concerns. He looked at some of the historical uses of the park and in the 1950's the township used to allow people to park trailers in this area of the park. It was an overnight campground for the people. There used to be a small motel on that high area that overlooks the volleyball court. This property has a lot of great natural features and he thought most of that will be preserved. This park has seen a lot of interesting things happen that we forget because we didn't experience it or time passes and we

see these changes happen. He said we are striking a compromise in terms of the use and trying to be respectful of what is there. At the same time we recognize the need to upgrade the existing building. He thought the lighting had been addressed fairly well. He lives down the street from Fuerst Park and you hardly see the bollard lighting. You may not even notice them at all. The City is not going to remove any of the existing landscaping or shrubbery on either side of the park. We are not touching those areas in terms of clearing except the dead landscaping. We will be infilling with additional landscaping to address concerns residents have. His personal commitment to residents is that we are going to do whatever it takes in terms of landscaping to assure that we are providing as much screening as possible. We have the funding available to do it. He is committed to seeing that happen even as we move forward over the next couple of years. He mentioned the traffic on South Lake Drive. It may not have the volume level as other roads in the City, but it is a very narrow road. The bigger issue on South Lake Drive is pedestrian accessibility, particularly around the park and areas to the east and west of it. The pathway coming off of South Lake helps a little bit, but it really doesn't address the fundamental pathway issue on South Lake Drive. He personally doesn't want to wait any longer to see what the traffic situation will be. It is time for the City to go back to South Lake Drive and do a complete reanalysis of the non-motorized elements of that road to see what we can do better. It has been almost 20-years since South Lake Drive was repaved. That was a significant project that resulted in a lot of changes to that road including the incorporation of some non-motorized elements. What is out there today is not efficient. He thought we have put this off for too long. We get engineers out there and they look at it like engineers. They have their standards and their metrics and say everything meets their standards and metrics. Then mom and kids are out there an inch from where cars pass. Whatever the standards say that tells him they are missing something. We need to recommit to South Lake Drive. We also need to address the restroom issues relative to the beach. Even beyond restrooms, the facilities of the beach to accommodate people with disabilities and people with children. The restrooms are moving further from the beach. We are making it a little bit more challenging. Parents with kids do not want to pack up all that stuff to drag the children up to the restroom and go back to the beach. He does not have children, but that doesn't sound like fun. He is looking for staff to move that issue forward. If there are opportunities to get outside funding on that, great, but he didn't want to wait on that. He said this has been challenging and he appreciated all of the work that staff has put into this project. Council has asked them to make a lot of changes in response to our concerns and residents' concerns. For the most part we have tried to address as many of the concerns as possible. He believed there are still things that could be better, but we will never have a perfect project. He believed we are at a good place here and we can move forward with this. He said this is a good project that will serve the needs of the north end residents and the residents of Novi as a whole. He thanked the residents and some are very passionate about it because it is literally in their backyard. It was something that they had to resolve and figure out how to make it work as well as possible. He encouraged residents to stay engaged, he knows they will. We have gotten a better project from all of the input they have received from everyone provided. There are things that we wouldn't have caught that residents did.

He said they want to work with them and will continue to work with them through the process.

City Attorney Schultz asked if the maker of the motion would add the tag line at the end of the final form in terms of the agreement that your motion approves would be subject to approval of the City Manager and City Attorney's office.

**MOTION AS AMENDED**

**CM 19-05-083      Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY**

**Approval to award a construction contract for the Lakeshore Park renovation project to DeMaria Building Company, Inc., the lowest qualified bidder with the most advantageous bid for the City, in the amount of \$4,820,400 with those funds coming from the Capital Improvement Program (CIP) Millage internal loan with the final form of the agreement to be reviewed and approved by the City Manager and City Attorney.**

Mayor Pro Tem Staudt asked Mr. Petty if there are any other issues. It was his understanding that they had all the costs identified for this project. There is one specifically that has been identified that you do not have a dollar amount. He wondered if there are any others. Mr. Petty said yes, we have a fence removal on the west side that we will have to take care of that has come up during the walk through with the residents. We have a request for a shower. We have plans to put a foot station in, but it is approximately \$5,000 to add a shower if you would like to do that. He said he has been doing this long enough that the contingency will probably not to happen. He made last request to see if he would consider maybe a 5 percent contingency to allow him to sit in those construction meetings and approve and fight for those things. He could report back to Council in a monthly off-week packet with what has transpired there. Mayor Pro Tem Staudt said he appreciated his interest in having that done, but the answer is no on a 5 percent, but he would recommend \$100,000 that would give him some latitude to do those things. We should have done this on the DPW yard. We have a fiscal responsibility. Contingency is at very much at the discretion of those who are making the decisions about spending the dollars. If you have to come back to Council and ask for a larger dollar amounts, it will be a little bit more difficult for the contractor to do that. He wanted to amend his motion to add \$100,000 of contingency to the \$4,820,400.

**MOTION AS AMENDED**

**CM 19-05-083      Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY**

**Approval to award a construction contract for the Lakeshore Park renovation project to DeMaria Building Company, Inc., the lowest qualified bidder with the most advantageous bid for the City, in the amount of \$4,820,400 plus \$100,000 in contingency funds, with those funds coming from the Capital Improvement Program (CIP)**

**Millage internal loan with the final form of the agreement to be reviewed and approved by the City Manager and City Attorney.**

Mayor Pro Tem Staudt said they do want to have the shower included.

**Roll call votes on CM 19-05-083                    Yeas: Mutch, Poupard, Verma, Gatt, Staudt, Breen, Casey  
   Nays: None**

Mayor Pro Tem Staudt said he didn't like the soft costs, and didn't think they were soft costs. These are additional things that are going to be done through installation by our staff or by contractors outside the contract that we just approved. He said he is removing the Tree Fund \$25,000 allocation because he wants to take that out of the Capital Improvement Program (CIP) loan.

**CM 19-05-084                    Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY**

**Approval of the acquisition of Wifi and Technology in the amount of \$26,800; lobby furnishing, television and refrigerator in the amount of \$17,000; outdoor park furniture in the amount of \$40,000; building tables, chairs, and carts at \$15,000; card access system at \$35,000; playground at \$250,000; Library Kiosk Polygon Canopy at \$23,000; professional design fee increase over pre-bid allocation at \$15,594; Construction admin fee of 2 percent at \$96,408; and utility allowance with DTE for \$20,000 for a total of \$538,802.**

Member Mutch clarified that these costs were not included in the bid because we feel that we can get them at a cheaper cost or do it better this way. Mr. Petty said yes, that was correct.

**Roll call votes on CM 19-05-084                    Yeas: Poupard, Verma, Gatt, Staudt, Breen, Casey, Mutch  
   Nays: None**

**CM 19-05-085                    Moved by Staudt, seconded by Poupard; CARRIED UNANIMOUSLY**

**Approve funding for \$75,000 from the Tree Fund at the discretion of the project team for tree plantings related to this project during the next fiscal year.**

Member Mutch wanted to clarify the planting of trees, but this can be any kind of landscaping. Member Pro Tem Staudt said yes, that was correct.

Mayor Pro Tem Staudt said this gives the flexibility to the staff to do plantings throughout the project and perhaps into next spring to allow for the additional coverage that we may need and it will give us the opportunity to not have to say that this is the spot that



we are going to plant this tree. We will do this over time and allows for some of the things that some of the speakers talked about. We are allowing for the discretion of the size of trees and other things. He hoped this will help in that area. This is an increase from \$25,000 to \$75,000.

**Roll call votes on CM 19-05-085**

**Yeas: Verma, Gatt, Staudt, Breen, Casey,  
Mutch, Poupard**

**Nays: None**

Mayor Pro Tem Staudt stated that there are some Council Members feel strongly that contingency amount should be at the discretion of City Council. We did give you some authority back to do that. In this particular case it is important to be part of that process. We have given you the discretion now to spend \$100,000 without Council's support, but there are some that want to be more involved in these contingency dollars primarily because they are paying a considerable premium to this contractor to do this project and it is important to some on Council who are voting that they have more control. They gave them some latitude that you didn't have prior to this.

**CM 19-05-086      Moved by Staudt, seconded by Gatt; MOTION CARRIED: 6-1**

**Approval of the allocation of up to \$382,040 for construction contingency fees.**

Mayor Gatt said he wasn't sure that they needed to control it, but they owe it to the residents. If all the contingency money was spent, they would be over budget and Council would be responsible.

**MOTION AS AMENDED**

**CM 19-05-086      Moved by Staudt, seconded by Gatt; MOTION CARRIED: 6-1**

**Approval of the allocation of up to \$382,040 for construction contingency fees from the Capital Improvement Program Fund Balance, not the loan proceeds.**

Member Verma said he did not understand why we should only have a \$100,000 contingency when an abled staff member is supervising the project. We should be supporting them. This project should have substantial completion within six months. If we tie their hands it could take one month to approve. He didn't think that this was the right way to do it.

**Roll call votes on CM 19-05-086**

**Yeas: Gatt, Staudt, Breen, Casey, Mutch,  
Poupard**

**Nays: Verma**

3. Consideration of a deviation from Subdivision Ordinance, Appendix C, Section 4.04 for the lack of a secondary connection at an interval exceeding one thousand

three hundred feet for the site plan associated with Woodbridge Park (parcel 50-22-26-300-015) located at the northeast corner of Nine Mile and Novi Road.

City Manager Auger said this was before Council at the last meeting and was postponed for further discussion.

Joe Skore, Pulte Homes, said he believed they complied with the ordinance and the deviation is not required. They want to work through the process and there were questions.

Member Mutch asked the City Attorney to clarify whether a variance is required. City Attorney Schultz said staff made the interpretation of the ordinance that the connection is supposed to be made or at least to clarify that the road is supposed to extend to the boundary of the development. The developer disagrees. After reviewing their letter and hearing their argument, he thought both sides had a valid argument. Member Mutch said Council should operate as though the variance is required. He looked at the site plan provided and it appears to be a slight slope, not a drop off. He believed they are trying to level the site and install a retention wall on one side and retention wall on the other to eliminate some of the grade. He asked if that was correct. Matt Bush said yes, they are trying to level the site and make the site workable. It wasn't his choice to put that wall up. Member Mutch said he has been told that the topography is driving the request and the topography wasn't allowing the connection to be made. He expected to visit the property and see a ditch or ravine that would preclude the usage, but it is a gentle slope. He was confused that they thought they couldn't do a road connection there. Looking at the plan, he realized the reason that there is a 3 foot grade difference is they are bringing the road to the property line and introducing a retaining wall. If you had more of a setback, you would have less of a grade difference. If that road was further back, you wouldn't have that much grade change going on. Mr. Bush said yes, but the road is required for emergency access. He said that was a fair statement but there are other things that go into the design. Member Mutch stated that he could not support this and the reason he disagrees with staff's interpretation was that a variance based on topography should be based on existing topography. If there was a ravine or something that would clearly preclude being able to a connection, he could see that was justified. This is self-created by the design of the site. You chose to design it in a way that forces the retaining wall to be put in place and to cut into the grade. That is not a natural function of the site. That doesn't justify a variance. If staff is evaluating things in this way, future applicants can disregard that portion of the ordinance again if they design their site in a way that creates a hardship and ask Council to grant a variance from it. He can't support that.

Member Breen echoed the previous comments. She understood that we need to be flexible in our zoning ordinances. She agreed that the land was not the problem, but it was the design. She could not support this variance to fix the problem that the developer created. She did not like the precedent this sets.

**CM 19-05-087            Moved by Staudt, seconded by Gatt; MOTION CARRIED: 5-2**

**Approval of a deviation from Subdivision Ordinance, Appendix C, Section 4.04 for the lack of a secondary connection at an interval exceeding one thousand three hundred feet for the site plan associated with Woodbridge Park (parcel 50-22-26-300-015) located at the northeast corner of Nine Mile and Novi Road, since the extension of the road system would be impractical due to topography and result in a practical difficulty for the applicant, as demonstrated by the materials submitted, and because the extension is unlikely to be taken advantage of by the adjacent property owner and therefore the deviation would not impede an expected connection as contemplated by the ordinance.**

Mayor Pro Tem Staudt had a different perspective and he wanted to work with the developer. He said staff supported the deviation they created when they made their interpretation. They tried to work it out by supporting this and he said he would support staff.

Mayor Gatt said he concurred. He didn't think they broke the rules on purpose. He said staff and the Planning Commission agreed to the variance. He agreed with staff recommendation. The circumstances dictated that they arrived before Council this evening with this request. He was in favor of this.

Member Casey said she previously spoke about how she disliked the fact that there was only one entrance and exit onto a single road. There was focus on going north and working with the existing property owner to the north. She said she drove around trying to understand getting an exit onto Novi Road and the slope of the road itself and now has a better understanding of why they requested it. She thanked them for the additional information. She said going forward they need to push for exits on multiple roads.

**Roll call votes on CM 19-05-087**

**Yeas: Staudt, Casey, Poupard, Verma, Gatt**

**Nays: Breen, Mutch**

4. Consideration of Recommendation from Council Rules Committee to amend Council Organization Rules and Order of Business.

Mayor Gatt said he, Member Casey and Member Verma serve on the Council Rules Committee to amend Council Rules. They have been discussing several different items that they want to vote on. The first item they discussed was the way Council conducts Interviews for Board and Commission. He said it is a great thing that more people want to serve on Boards and Commissions. Since we have started the Ambassador Academy and Citizens Police Academy, people have been more aware and want to become involved. The problem is when we have 20 people apply and interview for the few openings in addition to City business. In order to streamline the process, we have changed the applications to be more comprehensive. City Council will have access to the applications to review. The applicants will each have two minutes to speak and we will no longer go around the table to ask questions. Based on the comprehensive

application and the two minute oratory, they should be able to make an informed decision. The second item was regarding extracurricular activities for Council regarding City business such as seminars and conferences that are off campus. We didn't have a policy in place. The Council Rules Committee decided to make it fair for everybody. We budgeted \$7,000 which is \$1,000 for each Council Member to attend in-state conferences that the City is a member of, such as the MML. The same rules will apply to Council as City employees when it comes to meals and lodging. If the conference is within close proximity to Novi we will not pay to stay overnight. Of course, if they want to stay overnight and pay their own way that is up to them.

**CM 19-05-088            Moved by Gatt, seconded by Staudt; CARRIED UNANIMOUSLY**

**Approval of Recommendation from Council Rules Committee to amend Council Organization Rules and Order of Business.**

Mr. Auger said any consultant that comes before Council will be reviewed by the Consultant Review Committee as well as multi-year contracts. Staff will supply Council with a list of items coming up in the event they want to refer it to the Consultant Review Committee

Member Mutch had a minor change he wanted to make to the Walkable Novi Committee. He said that we have three Planning Commissioners on the Committee. He said they have a hard time getting everyone to attend. He suggested that we change that to two Planning Commissioners and one member of the public to keep it balanced.

**MOTION AS AMENDED**

**CM 19-05-088            Moved by Gatt, seconded by Staudt; CARRIED UNANIMOUSLY**

**Approval of Recommendation from Council Rules Committee to amend Council Organization Rules and Order of Business, and to change the membership of the Walkable Novi Committee by replacing one Planning Commissioner with one member of the public.**

Member Casey said she didn't think that interviews give them insight they were looking for. She had some input on the update applications. She wanted to point out that in the minutes it stated she wanted to prohibit out-of-state travel. She didn't prohibit that, and wanted to clarify that if they wanted to attend an out-of-state conference they could at their own expense.

**Roll call votes on CM 19-05-088**

**Yeas: Breen, Casey, Mutch, Poupard, Verma,  
Gatt, Staudt  
Nays: None**

**AUDIENCE COMMENT:**

Bill Wiszinsky thanked everyone for the Lakeshore project. He said he is an architect and knows it is hard. His daughter has participated in camp and they do an excellent job. He said he graduated from Novi High School in 1976, has been a long-term resident and raised his family in Novi. He said Novi is a wonderful community. He believed the present plan for Lakeshore was not bad, he will miss the old park, but knew there were safety issues at the park. He had concerns about the restroom facilities at the beach. He said it is difficult for those with disabilities to use the beach because it is difficult for them to get to the restrooms. He said he believed the City will take care of it. He said ADA compliance has many moving targets; it changes and it is a nightmare for architects. ADA doesn't go far enough especially on sidewalks. Sometimes things are missed on plans. He said from the tunnel to the first 100 feet has a slope where someone in a wheelchair can pick up speed. Then they have a hard time getting back up they need a break. He would like to see a 5 foot by 5 foot platform to protect these people.

John Duneske thanked you for everything you have done to make the park beautiful. He is hoping that they will reach 80 percent opacity. He said PRCS Director Muck and Mr. Petty said they will make sure it happens. He also thanked Council for the tree funding. He said that Mr. Petty said the eaves will protect the residents from the pendant lighting. He said the on October 8, 2018 PRCS Director Muck said all activities should be facing the parking lot and Mr. Petty said they would move the patio to the front. On May 15<sup>th</sup> they stated they were building the deck as Council asked. That increased the building from 6,200 square feet to 11,000 square feet footprint. He said that wasn't discussed publicly. He asked why the children can't do the activities at the shelter. We will keep in touch on this issue.

Gary Zack said the traffic on South Lake Drive is a unique situation. They are 75 feet from the park and a road going through their front yard. He wanted people to think about that.

Mayor Gatt thanked everyone for their input and their passion. He said he understood their concerns about the traffic on South Lake Drive. He was a cop and knows that it is a dangerous road. He didn't think the residents would want speed bumps if ever they have a firetruck go down that road and have to stop at every bump. He said he was sure staff would look into it some more and do whatever we can.

**COMMITTEE REPORTS: None**

**MAYOR AND COUNCIL ISSUES:**

Mayor Gatt said he was home last Sunday and his power went out for the 5<sup>th</sup> time since January 1, 2019. It's his whole subdivision. They need answers. He directed the City Manager to contact DTE to find out why Meadowbrook Lake loses power so often. There was no storm at that time.

**CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: None**

**ADJOURNMENT** – There being no further business to come before Council, the meeting was adjourned at 10:20 P.M.

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Dawn Spaulding, Deputy City Clerk

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Robert J. Gatt, Mayor

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Transcribed by Deborah S. Aubry

Date approved: May 20, 2019