

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, MAY 22, 2017 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 TEN MILE ROAD**

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

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Burke, Casey, Markham, Mutch, Wrobel (absent, excused)

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

APPROVAL OF AGENDA:

CM 17-05-075 Moved by Burke, seconded by Casey; MOTION CARRIED: 6-0

Roll call vote on CM 17-05-075 **Yeas: Staudt, Burke, Casey, Markham, Mutch, Gatt**
Nays: None
Absent: Wrobel

PUBLIC HEARING: None

PRESENTATIONS:

1. Proclamation recognizing May as Building Safety Month – Larry Butler, Community Development Deputy Director and Jeff Johnson, Director of Emergency Medical Services/Fire

Community Development Deputy Director, Larry Butler said safety is paramount; it is above everything else for the community. Director of Emergency Medical Services/Fire, Jeff Johnson said he is pleased to work hand in hand with the building officials and fire prevention efforts to make sure everyone is safe.

2. Proclamation in recognition of National Public Works Week, May 21 – 27, 2017 – Matt Wiktorowski, Field Operations Senior Manager, Department of Public Services

Assistant City Manager, Victor Cardenas accepted the Proclamation for the Department of Public Services. He thanked the Mayor for the recognition for the employees at the Department of Public Services. He appreciated the support that Council has given to the men and women that keep the infrastructure in the City of Novi safe and secure. They also appreciate the support for the new building that has been approved for next year's budget. He mentioned they look forward to it servicing that department for years to come. Mayor Gatt said that they take a lot for granted, but when there is a snow storm or some other disaster it is the people that work there that come to the rescue. Mayor thanked the DPS on behalf of all of Council.

AUDIENCE COMMENT: None

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 17-05-076 Moved by Casey, seconded by Burke; MOTION CARRIED: 6-0

To approve the Agenda as presented.

- A. Approve Minutes of:
 - 1. May 8, 2017 – Regular meeting

- B. Enter Executive Session immediately following the regular meeting of May 22, 2017 in the Council Annex for the purpose of discussing privileged correspondence from legal counsel and discussion of pending litigation.

- C. Approval to renew School Liaison Officer Contract with the Novi Community School District beginning with the 2017-18 school year through the 2019-20 school year.

- D. Approval to award SCADA implementation services to ICS Integration Services LLC for work related to the completion of the City's SCADA system, in the amount of \$63,188.

- E. Approval to award engineering design services to AECOM (URS –Great Lakes) for the Ten Mile Water Main at Wixom Road project in the amount of \$21,389.

- F. Approval of Resolution authorizing submission of a Michigan Council of Art and Cultural Affairs (MCACA) Capital Improvement Program grant application for \$100,000 to enhance the Villa Barr Art Park property.

- G. Approval to award an amendment to the engineering services agreement with Spalding DeDecker for construction engineering services for the 2017 Neighborhood Roads Program – Concrete (Contract 1) project in the amount of \$78,236.79.

- H. Approval to award an amendment to the engineering services agreement with Spalding DeDecker for construction engineering services for the 2017 Neighborhood Roads Program – Concrete (Contract 2) project in the amount of \$48,754.11.

- I. Approval to award an amendment to the engineering services agreement with Spalding DeDecker for construction engineering services for the 2017 Concrete Panel Replacement Program project in the amount of \$42,920.55.

- J. Approval of a Street Light Purchase Agreement with DTE (Detroit Edison Company) for the ongoing operation costs of one street light near the

intersection of Bethany Way and 10 Mile Road to serve the Willowbrook Farm development; and approval of an agreement with the Willowbrook Farm Homeowners Association for the sharing of costs per the City's Street Lighting Policy.

- K. Approval to award an amendment to the engineering services agreement with Orchard, Hiltz & McCliment, Inc. (OHM), for design engineering services associated with City Section 25 Roadside Ditch Enclosure feasibility analysis, in the amount of \$18,675.00.
- L. Approval of Traffic Control Orders 17-15 and 17-16 for westbound Thirteen Mile Road "No Turn on Red" onto NB M-5 Expressway and eastbound Thirteen Mile Road "No Turn on Red" onto SB M-5 Expressway, respectively.
- M. Approval of a resolution authorizing termination of portions of an existing water main easement (recorded in Liber 42324, Page 238 Oakland County Records) at the request of Brightmoor Christian Church located at 40800 Thirteen Mile Road (parcel 22-01-300-015).
- N. Approval of a request for variance from Design and Construction Standards (DCS) to omit the construction of sidewalk at Taft Road along the frontage of the proposed Hino Motors site located at 45450 Twelve Mile Road, contingent upon the developer depositing the total cost of the proposed omitted sidewalk into the City of Novi Sidewalk Fund in lieu of constructing the new sidewalk.
- O. Acceptance of a sidewalk easement from Mirage Development, LLC as part of the Montebello Estates development (parcels 22-27-453-034, -035, and -036).
- P. Approval to Participate in Oakland County's Urban County Community Development Block (CDBG) Grant Program for the years 2018, 2019 and 2020.
- Q. Acceptance of Wetland Conservation Easement from Granite REIT America, Inc. for wetland conservation areas as part of the Magna Seating Systems project site, JSP 15-16, located south of Thirteen Mile Road and west of Haggerty Road in Section 12 of the City.
- R. Approval of Claims and Accounts – Warrant No. 988

Roll call vote on CM 17-05-076

**Yeas: Burke, Casey, Markham, Mutch,
Gatt, Staudt
Nays: None
Absent: Wrobel**

MATTERS FOR COUNCIL ACTION

1. Approval of Addendum to the Valencia South Planned Rezoning Overlay (PRO) Agreement, to clarify the authority of the City's landscape architect to authorize additional plantings within the conservation area/tree replacement area of the PRO Plan, in order to improve screening from adjacent properties, subject to final review and approval of the language of the Addendum by the City Manager and City Attorney.

CM 17-05-077 Moved by Staudt, seconded by Casey; MOTION CARRIED: 5-1

To approve an Addendum to the Valencia South Planned Rezoning Overlay (PRO) Agreement, to clarify the authority of the City's landscape architect to authorize additional plantings within the conservation area/tree replacement area of the PRO Plan, in order to improve screening from adjacent properties, subject to final review and approval of the language of the Addendum by the City Manager and City Attorney.

Member Mutch asked City Planner, Barb McBeth if she would explain where the locations of the replacement plantings will go and what will be removed. She replied that it was near the southwest corner of the Valencia South development. There is a conservation easement area that had quite a bit of woodlands in it. That area was slightly lacking in terms of screening, especially during the winter months. They will plant 5 - gray dogwood shrubs and also 9 - white pine trees, 7 of which will be in the southwest corner and two further to the east. The white pines are consistent with some of the other screening trees that they have been placing there. Member Mutch pointed out that the pine trees will provide a larger screen than a shrub and add additional screening than if it was left in its natural state. He also mentioned that they were going to remove a 10" black walnut tree as well and wondered what the rationale was for that. Ms. McBeth said that was correct. City Attorney, Tom Schultz said it was specifically called out to Landscape Architect, Rick Meader and he reviewed the plan and proposals. The tree wasn't useful to screening and it was better to remove and replace it. Member Mutch asked Ms. McBeth what type of communication they have had with residents in that area. Ms. McBeth said that the Mr. Meader had been out to the site staking the locations of the trees. She wasn't sure if there has been additional contact with Pinnacle Homes or the homeowners at this time. Member Mutch wondered if the request came from Pinnacle Homes to add the additional screening. Ms. McBeth said she believed so. Member Mutch asked if it was in response to the adjacent residences and their concerns, or was it just Pinnacle Homes deciding that they also wanted some additional screening in this area. Ms. McBeth said it was in response to the residents' concerns. City Manager Auger said the residents have been working with staff to get the 80% opaqueness that everyone had agreed to. Member Mutch said he would reluctantly support this based on additional detail from staff regarding what was going on. He said the landscaping that is being proposed will better meet the screening desires of the residents. His big concern was the removal of a large amount of vegetation and trees that had been far beyond what he expected. He said particularly at 10 Mile and Beck, there were areas on the site

plan that weren't shown as being disturbed but have been clear cut. The fact that residents have been in communication with staff and Mr. Meader was involved, it sounded like the screening being proposed is better than what currently exists there. He will support moving this forward.

Member Markham would not be supporting this proposal. This development from the beginning was a PRO which is a vehicle that is good for the developer and also good for the city. This was one of the last continuous habitat corridors. She said it was her understanding that they were going to try to put in a development that would use the features of the development as an asset. That is not what happened. She has been hearing concerns from residents about what has happened to 10 Mile and Beck, and they are not happy. The natural vegetation that should have been able to be used is not there. She understood that this is going to make it a little better, but she said she felt it was putting a band-aid on it. She said she was very disturbed with how this whole process has gone. This was a beautiful corner and it could have been a premier development. They crammed as many houses as they could and destroyed natural features.

Member Casey wondered, since they were very specific about types of plants, was there any wiggle room. Ms. McBeth said there may be some flexibility. Member Casey said she was very grateful to staff for taking residents' concerns seriously as it relates to the screening. The whole reason that this amendment is before them is because the way the original agreement was written, the conservation easement was not to be touched. In order for the screening desired, they have to remove a very small numbers of bushes and one particular tree, and that is the only reason they are having the conversation on the amendment. She wondered if they have a sense of confidence that that nothing else will be removed to get those nine trees planted. She wanted to make sure there was no intent to do anything further in the conservation easement other than the screening. Mr. Schultz confirmed there was no intent to do that. He said they had the right to plant the additional trees when Mr. Meader looked at the actual condition on the ground, in order to plant those trees and make them work, a few things had to be removed. Member Casey thought the agreement was very specifically worded and very clear, but she wanted to make sure everyone was on the same page.

Roll call vote on CM 17-05-077

Yeas: Casey, Mutch, Gatt, Staudt, Burke
Nays: Markham
Absent: Wrobel

2. Approval in connection with Special Assessment District 179 (Holmes Road, Hemingway Drive, Brownstones Drive within the Vistas of Novi PUD) of:
 - a. **Amendment to Resolution #3**, approving preliminary plans and costs, establishing the district, and directing creation of an assessment roll; and
 - b. **Approval of Resolution #4**, receiving the roll as prepared and setting the roll for public hearing.

CM 17-05-078

Moved by Staudt, seconded by Burke; MOTION CARRIED 6-0

Approval in the connection with Special Assessment District 179 (Holmes Road, Hemingway Drive, Brownstones Drive within the Vistas of Novi PUD) of:

- a. Amendment to Resolution #3, approving preliminary plans and costs, establishing the district, and directing creation of an assessment roll.**

Member Mutch said he thought it would be helpful if administration noted the changes of what is being proposed in terms of the scope of the properties being involved. City Manager Auger explained that after the Public Hearing, the assessor looked at the roll and removed all of the streets that the residents said they didn't want to be a part of this project. All of those have been removed and it is back to the main three streets. City Manager Auger said that they can remove streets, but cannot add streets to the roll once it is started, which is why they were included to begin with. Member Mutch said the compromise with the streets that directly adjoin the streets that are being repaired he felt was fair and equitable.

Roll call vote on CM 17-05-078

Yeas: Markham, Mutch, Gatt, Staudt, Burke, Casey
Nays: None
Absent: Wrobel

CM 17-05-079

Moved by Staudt, seconded by Burke; MOTION CARRIED: 6-0

Approval in the connection with Special Assessment District 179 (Holmes Road, Hemingway Drive, Brownstones Drive within the Vistas of Novi PUD) of:

- b. Approval of Resolution #4, receiving the roll as prepared and setting the roll for public hearing.**

Roll call vote on CM 17-05-079

Yeas: Mutch, Gatt, Staudt, Burke, Casey, Markham
Nays: None
Absent: Wrobel

3. Approval to award a construction contract for the 2017 Neighborhood Roads Program-Concrete (Contract 1) project and Concrete Panel Replacement Program project to Mattioli Cement Company, the low-bidder, in the amount of \$1,030,271.59, subject to final review and approval of the form and agreement by the City Manager's office and the City Attorney.

City Manager Auger said the next few items were combining the panel replacements with the neighborhood roads programs to better use the efficiencies of each contractor which is why they are broken down to neighborhood roads and concrete replacements. Mayor Pro Tem Staudt asked between items 3, 4, 5 how many total

5. Approval to award a construction contract for the 2017 Concrete Panel Replacement project to Audia Concrete Construction, the low-bidder, in the amount of \$346,410.95, subject to final review and approval of the form and agreement by the City Manager's office and the City Attorney.

CM 17-05-082 Moved by Staudt, seconded by Burke; MOTION CARRIED: 6-0

Approval to award a construction contract for the 2017 Concrete Panel Replacement project to Audia Concrete Construction, the low-bidder, in the amount of \$346,410.95, subject to final review and approval of the form and agreement by the City Manager's office and the City Attorney.

Mayor Gatt commented that this was City Council's pledge to the voters to use the money wisely. He looks forward to a lot of construction this spring and summer.

Roll call vote on CM 17-05-082

Yeas: Burke, Casey, Markham, Mutch, Gatt, Staudt
Nays: None
Absent: Wrobel

6. Consideration to introduce Ordinance No. 17-183-01, an ordinance to amend the City of Novi Code of Ordinances at Chapter 21, Nuisances, Article II, Related to Property, Division 8, Refuse Collection, Section 144, Receptacles, in order to amend the requirements for placement of refuse receptacles. **FIRST READING**

Mayor Pro Tem Staudt commented that when they went to single hauler with larger receptacles, the residents were concerned about the size of the receptacles and storage. This is in a direct reaction to that.

CM 17-05-083 Moved by Staudt, seconded by Mutch; MOTION CARRIED: 6-0

Introduction of Ordinance No. 17-183-01, an ordinance to amend the City of Novi Code of Ordinances at Chapter 21, Nuisances, Article II, Related to Property, Division 8, Refuse Collection, Section 144, Receptacles, in order to amend the requirements for placement of refuse receptacles. FIRST READING.

Member Mutch said it was discussed at Ordinance Review Committee. Mayor Pro Tem Staudt touched on challenges they discussed. It is difficult for people with a single car garage with everything else that needs to be stored in there, yet Novi is a community that has high standards. They like to have neighborhoods clean and presentable. Having garbage containers on the street one day is ok because they are getting picked up. When the containers are out for a week or extended periods of time, that is

not the image the City wants to project to our residents, visitors, or future homeowner's. They felt this was a good balance. This moves containers to side, rear or in the garage, but recognizes that it's a little more flexible. He agreed with Mayor Pro Tem Staudt that they will see how it goes and we can revisit if it's not meeting the needs of the majority.

Roll call vote on CM 17-05-083 **Yeas: Casey, Markham, Mutch, Gatt, Staudt, Burke**
Nays: None
Absent: Wrobel

7. Approval of Ordinance No. 17-28.57, amending Chapter 34, "Utilities", Article III, "Sewage Disposal System," Division 3, "Operation and Maintenance," Subdivision XV, "Special Assessment District No. 170 Sewer Extension," Section 34-499.17, "The Non-SAD Properties," in order to remove the requirement of an availability fee once the entire indebtedness under SAD 170 has been paid. **FIRST READING**

CM 17-05-084 **Moved by Staudt, seconded by Burke; MOTION CARRIED: 6-0**

To approve the Ordinance No. 17-28.57, amending Chapter 34, III, "Sewage Disposal System," Division 3, "Operation and Maintenance," Subdivision XV, "Special Assessment District No. 170 Sewer Extension," Section 34-499.17, "The Non-SAD Properties," in order to remove the requirement of an availability fee once the entire indebtedness under SAD 170 has been paid. FIRST READING

Roll call vote on CM 17-05-084 **Yeas: Markham, Mutch, Gatt, Staudt, Burke, Casey**
Nays: None
Absent: Wrobel

AUDIENCE COMMENT - None

MAYOR AND COUNCIL ISSUES - None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: Consent Agenda items which have been removed for discussion and/or action.

Mayor Gatt stated they were going to adjourn into Executive Session and noted that Council expected to return to open session.

CM 17-05-085 **Moved by Casey, seconded by Burke; MOTION CARRIED: 6-0**

To enter into Executive Session for the purpose of discussing privileged correspondence from legal counsel and discussion of pending litigation.

Voice Vote on CM 17-05-085

MOTION CARRIED: 6-0

Council entered Executive Session at 7:33 P.M. and rose from Executive Session at 7:41 P.M.

CM 17-05-086

Moved by Staudt, seconded by Burke; MOTION CARRIED: 6-0

To direct the City Attorney to settle in the D'Agostini case as discussed in closed session.

Roll call vote on CM 17-05-086

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

Nays: None

Absent: Wrobel

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:42 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: June 5, 2017