

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, MAY 9, 2022 AT 7:00 P.M.**

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

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Casey, Crawford, Fischer, Smith, Thomas

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

APPROVAL OF AGENDA:

CM 22-04-045 Moved by Casey, seconded by Fischer; CARRIED UNANIMOUSLY

To approve the Agenda as presented.

Roll call vote on CM 22-05-055 **Yeas: Staudt, Casey, Crawford, Fischer, Smith, Thomas, Gatt**
Nays: None

PUBLIC HEARINGS:

- 1. FY 2022-23 Budget and 2022 Millage Rates**

PRESENTATIONS:

- 1. Proclamation for Public Works Week May 15 - 21, 2022 - Jeff Herczeg, Director of Public Works**

Mayor Gatt asked DPW Director Herczeg to come down to the podium to accept the Proclamation for Public Works Week May 15-21, 2022. Mayor Gatt read the Proclamation and presented it to DPW Director Herczeg.

Director Herczeg said he would humbly accept the recognition of public works week on behalf of the entire DPW and would furthermore thank City Council for the ongoing support and resources necessary for the team to provide A+ services.

- 2. Proclamation in recognition of National Police Week, May 15 – 21, 2022 and Peace Officers' Memorial Day, May 15, 2022 – Erick Zinser, Director of Public Safety/Chief of Police**

Mayor Gatt read the Proclamation for National Police Week: May 15-21, 2022, and Peace Officers' Memorial Day: May 15, 2022 and presented it to Erick Zinser, Director of Public Safety/Chief of Police.

Chief Zinser thanked Mayor Gatt, Mayor Pro Tem, members of Council, Mr. Auger. The members of the Novi Police Department do their very best every day to serve our community. We are truly honored for this public recognition by City leadership during such an important week in policing. Without your support, we could not do what we do every day. Without your support, we would hinder our ability to build that public trust that we so crucially need every day so thank you for your support on behalf of the men and women of the Novi Police Department, myself, and Assistant Chief Scott Baetens, thank you for your support. And thank you for the proclamation recognizing National Police Week and Peace Officers Memorial Day.

MANAGER/STAFF REPORT: None

ATTORNEY REPORT: None

AUDIENCE COMMENTS: None

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 22-05-056 Moved by Casey, seconded by Thomas; CARRIED UNANIMOUSLY

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
April 25, 2022 - Regular Meeting
- B. Approval to award a contract for the administration of the 2021 Program Year for the Community Development Block Grant (CDBG) Minor Home Repair Program to McKenna & Associates in the amount of \$20,120.
- C. Approval of Resolution for the City of Novi to enter into an agreement with the Oakland County Sheriff's Office for the purpose of providing marine patrol services on the portion of Walled Lake in the City of Novi for an estimated annual cost of \$9,000 over a three (3) year period.
- D. Approval to award a contract to CNW Midwest, LLC, for municipal parking lot maintenance services, in an estimated annual amount of \$60,000. The contract term is for one year with two one-year renewal options.
- E. Approval of Traffic Control Order 22-01 for speed limit signs along Regency Drive.
- F. Adoption of Resolution seeking reimbursement from Oakland County for expenses associated with the City of Novi's annual Mosquito Control Program.
- G. Approval of recommendation from the Consultant Review Committee to enter into a new four (4) year agreement, expiring in 2026 with a one-year renewal option for 2027 for General Legal services to Rosati, Schultz, Joppich, and Amtsbuechler P.C.

- H. Approval of recommendation from the Consultant Review Committee to award an extended contract to Baker Legal Group for a four (4) year contract for Prosecutorial Legal services with adoption of the associated fees and charges, effective January 1, 2023, subject to final review of the form of agreement by the City Manager's office and City Attorney.
- I. Approval to award a Generator Preventative Maintenance and Repair Service contract to American Generators Sales & Service, LLC, for an estimated annual amount of \$38,037, for one year, with two renewal options in one-year increments.
- J. Approval of claims and warrants – Warrant 1107

Roll call vote on CM 22-05-056

Yeas: Casey, Crawford, Fischer, Smith, Thomas, Gatt, Staudt
Nays: None

MATTERS FOR COUNCIL ACTION:

- 1. **Approval of Resolution for 2022 Millage Rates.**

CM 22-05-057 Moved by Casey, seconded by Fischer; CARRIED UNANIMOUSLY

Approval of Resolution for 2022 Millage Rates

Roll call vote on CM 22-05-057

Yeas: Crawford, Fischer, Smith, Thomas, Gatt, Staudt, Casey
Nays: None

- 2. **Approval of Resolution for Fiscal Year 2022-2023 Budget and Acknowledging the Multi-Year Budget, Including Projections of Future Fiscal Years 2023-2024 and 2024-2025.**

CM 22-05-058 Moved by Smith, seconded by Casey; CARRIED UNANIMOUSLY

Approval of Resolution for Fiscal-Year 2022-2023 Budget and Acknowledging the Multi-Year Budget, Including Projections of Future Fiscal-Years 2023-2024 and 2024-2025.

Roll call vote on CM 22-05-058

Yeas: Fischer, Smith, Thomas, Gatt, Staudt, Casey, Crawford
Nays: None

- 3. **Tentative approval of the request of Toll Brothers LLC for development of Covington Estates, JSP 21-47 as a Residential Unit Development (RUD) and approval of the RUD Plan. The subject property is located on 54.3 acres in Section 31, north of Eight Mile Road and west of Garfield Road in the RA, Residential Acreage District. The**

applicant is proposing a 44-unit single-family development. The approval would be subject to entry into an RUD Agreement between the City and the applicant.

CM 22-05-059 Moved by Fischer, seconded by Casey; CARRIED UNANIMOUSLY

To grant tentative approval of the Residential Unit Development Concept Plan for JSP21-47 Covington Estates. This preliminary approval is subject to and conditioned on Council's final approval of the RUD Agreement to be provided for approval at a future meeting. This motion is based on the following findings, lot size modifications, building setback reductions, and conditions:

Determinations (Zoning Ordinance Section 3.29.8.A):

- a. The site is zoned for and appropriate for the proposed single-family residential use;**
- b. Council is satisfied that with the proposed pathway and sidewalk network and added open space, the development will not have detrimental effects on adjacent properties and the community;**
- c. Council is satisfied with the applicant's commitment and desire to proceed with construction of 44 new homes as demonstrating a need for the proposed use;**
- d. Care has been taken to maintain the naturalness of the site and to blend the use within the site and its surroundings through the preservation of 24.3 acres (or about 44 percent) of the proposed development area as open space;**
- e. Council is satisfied that the applicant has provided clear, explicit, substantial and ascertainable benefits to the City as a result of the RUD;**
- f. Factors evaluated (Zoning Ordinance Section 3.29.8.B):**
 - 1. Subject to the lot size modifications and building setbacks reductions, all applicable provisions of the Zoning Ordinance, including those in Section 3.29.8.B and for special land uses, and other ordinances, codes, regulations and laws have been or will be met;**
 - 2. Council is satisfied with the adequacy of the areas that have been set aside in the proposed RUD development area for walkways, parks, recreation areas, and other open spaces and areas for use by residents of the development;**
 - 3. Council is satisfied that the traffic circulation, sidewalk and crosswalk features and improvements for within the site have been designed to assure the safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets;**

- 4. Based on and subject to the recommendations in the traffic consultant's review letter, Council is satisfied that the proposed use will not cause any detrimental impact in existing thoroughfares in terms of overall volumes, capacity, safety, travel times and thoroughfare level of service;**
- 5. The plan provides adequate means of disposing of sanitary sewage, disposing of stormwater drainage, and supplying the development with water;**
- 6. The RUD will provide for the preservation of approximately 44 percent of the site as open space and result in minimal impacts to provided open space and the most significant natural features;**
- 7. The RUD will be compatible with adjacent and neighboring land uses for the reasons already stated;**
- 8. The desirability of conventional residential development on this site in strict conformity with the otherwise applicable minimum lot sizes and widths being modified by this motion is outweighed by benefits occurring from the preservation and creation of the open space that will result from the RUD;**
- 9. Any detrimental impact from the RUD resulting from an increase in total dwelling units over that which would occur with conventional residential development is outweighed by benefits occurring from the preservation and creation of open space that will result from the RUD;**
- 10. Council is satisfied that the proposed reductions in lot sizes shown in the RUD plan are the minimum necessary to preserve and create open space and to ensure compatibility with adjacent and neighboring land uses;**
- 11. The RUD will not have a detrimental impact on the City's ability to deliver and provide public infrastructure and public services at a reasonable cost;**
- 12. Council is satisfied that the applicant has made or will make satisfactory provisions for the financing of the installation of all streets, necessary utilities and other proposed improvements;**
- 13. Council is satisfied that the applicant has made or will make satisfactory provisions for future ownership and maintenance of all common areas within the proposed development; and**
- 14. Proposed deviations from the area, bulk, yard, and other dimensional requirements of the Zoning Ordinance applicable to the property enhance the development, are in the public interest, are consistent with the surrounding area, and are not injurious to the natural features and resources of the property and surrounding area.**

- g. Modification of proposed lot sizes to a minimum of 21,780 square feet and modification of proposed lot widths to a minimum of 120 feet is hereby approved, based on and limited to the lot configuration shown on the concept plan as last revised, as the requested modification will result in the preservation of open space for those purposes noted in Section 3.29.3.B of the Zoning Ordinance and the RUD will provide a genuine variety of lot sizes;**
- h. Reduction of permitted building setbacks to R-1 standards is approved as it is consistent with the proposed reduction in lot size and width;**
- i. Variance from Section 3.29.2 to permit one unit on the west side of the property to be located up to 65 feet from the peripheral property line rather than the 75 feet required;**
- j. Landscape waiver from Section 5.5.3.B.ii requirement of a landscaped berm along Garfield Road;**
- k. City Council variance from Appendix C Section 4.04(A) (1) of Novi City Code for not providing a stub street to the subdivision boundary along subdivision perimeter is granted;**
- l. City Council variance from Section 11-194(a)(7) of the Novi City Code for exceeding the maximum distance between Eight Mile Road and the proposed emergency access is granted; and**
- m. This approval is subject to all plans and activities related to it being in compliance with all applicable provisions of the Zoning Ordinance, including Articles 3, 4 and 5, and all applicable City Zoning Ordinance approvals, decisions, conditions and permits.**

Member Fischer said he had a couple questions and asked if Planners McBeth or Bell would speak to him regarding the number of units proposed. Looking at the summary package on page three, it talks about the development impacts, and it says the planning staff notes that if the property were developed with a conventional plan under RA, approximately the same number of units could be developed. There's a proposal for 44, but less open space will be preserved. It goes on to say that the Planning Division estimates that about 35 homes could be developed with conventional zoning. He asked how it would be the same number of units when its 44 versus 35. Planner Bell said it would be because of how the roads would have to come through the lot. The panhandle that crosses over to get Garfield Road as well as the widths and just dimensionally, approximately nine fewer units could be developed. Member Fischer clarified, nine fewer units under RA, conventional zoning. Ms. Bell confirmed yes, if all lots were to meet the RA standard of one acre lots and the necessary lot widths, and factoring in the roads that would be needed to get to those lots. That is how that was calculated. Member Fischer said his understanding from reading the summary is that a lot of the variance requests going from that acre to the half acre or the 150-foot width to the 120. That is assisting with the preservation of those 24 acres or so of open space, is that true? Ms. Bell confirmed

yes, that's what makes it possible. Member Fischer continued by asking about the requested variances, are they consistent with those that were approved within Ballantine. Ms. Bell said yes, they also had a minimum width of 120 feet, which is consistent with the R1 standards here. About four of those lots met the one-acre standard of the RA. Ballantine has 36% open space whereas this one has 44%. Member Fischer asked about the setbacks. About how far apart will these houses be from each other? There are several subdivisions that have been developed in recent years where he has noticed, and people have told him, that the closeness of the houses on the lot line and closeness to other neighbors is out of character for Novi. How far apart will these houses be from a side yard perspective? Both planners confirmed that the side yard minimums were 25' and 15 feet, so it will meet the standards for R1, which is what each plot plan will be reviewed against. It requires 15' minimum on one side with a total of 40 feet between the two. He said he would vote to approve this, but wanted to note that he would be cognizant in the future of the houses and their spacing because that is an element of character he wanted to protect in the City of Novi going forward.

Mayor Pro Tem Staudt asked about the houses backing up to each other. He wondered if there was going to be some major berms or foliage between the properties. Planner McBeth pointed out that there is a slight narrow green space between the lots on the property. There was an additional little bit of green space, shown on the Ballentine property that was approved previously. They will have a buffer between the backs of the lots. Planner Bell added that the homes on the Eastern side of the plan can't be more than 75 feet from the rear of the perimeter property line. That would also be the same with Ballentine, so they would be required to have a rear setback of 75 feet, so most of these homes would be 150 feet away from each other.

Member Smith noted that he liked the concept of compressing the size of lots and leaving more open space and the addition of 204 canopy trees to the area which is now empty former farm fields. He thought that in 20-30 years when those trees are fully grown, it will be a pretty area. He would like to see the trail in the NW corner extended and possibly connecting it with the ITC trail that would give the people on the north end that much easier access to ITC Sports park and ITC trail. Scott Hansen from Toll Brothers said that they will absolutely work with staff on that. He thought it was a great idea because it is a great amenity for Novi, and they would love to have better access to it. Member Smith asked if there were options for people to add things like solar panels or heat pumps when they build. Mr. Hansen said that solar panels are becoming a very hot topic, they are just starting in the early stages of having them as an option, but it has been considered. Member Smith asked if there was going to be wiring in the garage for the 240-volt chargers. Mr. Hansen said that Toll Brothers made that standard for all their homes moving forward, that will be prepped for all future homeowners.

Member Casey said there were 75-foot yard setbacks on both sides of the property and asked if there were requirements for any kind of greenery or screening to be placed on either side. Planner McBeth responded yes, in this case on the rear yard she believes it's proposed to be a 50-foot rear yard. There is additionally a little bit of space there for some tree planting. The Ballantyne development that was previously approved does plan to

put a substantial number of trees in that area between the backfill lots. Member Casey said it looks like there's some heavy screening to the North where it backs up against Deer Run, which she appreciated, and there's a significant greenbelt along Eight Mile as well. Mr. Hansen added that they were planning to match what Ballentine has done on their West boundary to the Covington East boundary and making them consistent with plantings in the berm area. There is a good 25 feet of greenspace plus the bigger setbacks.

Roll call vote on CM 22-05-059

**Yeas: Smith, Thomas, Gatt, Staudt, Casey,
Fischer**

Nays: Crawford

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: None

AUDIENCE COMMENT: None

COMMITTEE REPORTS: None

MAYOR AND COUNCIL ISSUES: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:29 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Melissa E. Morris

Date approved: May 23, 2022