

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JUNE 19, 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:

Remove Item #6 – Appointments to Boards and Commissions

CM 17-06-094 Moved by Staudt, seconded by Mutch; MOTION CARRIED: 6-0

To approve the Agenda as amended with the removal of Item 6.

Roll call vote on CM 17-05-094 **Yeas: Staudt, Burke, Casey, Markham, Mutch, Gatt**
Nays: None
Absent: Wrobel

PUBLIC HEARING:

1. Request to establish an Industrial Development District for Premier-Nov. LLC

Opened at 7:01pm and closed at 7:02 pm with no public input.

2. Request to establish an Industrial Facilities Tax Exemption Certificate for Hino Motors Sales USA, Inc.

Opened at 7:02 pm and closed at 7:03 pm with no public input.

3. Special Assessment District No. 179 Confirmation of the Roll

Opened at 7:03 pm

Paulina Treiger Muzzin, 41584 Thoreau Ridge, questioned the factors for excluding Tollgate Woods from the SAD. She said the expectation and understanding that within that subdivision there are multiple adults living in every residence verses the other communities that are part of the special assessment, meaning there is much more traffic and more vehicles using it. The other exception with respect to their exclusion would be the construction traffic. Considering that the rest of that development is not completed pursuant to the City's own revised Ordinance 25.5.333C construction traffic is prohibited once roads are assumed unless an exception is given. She is curious if they

don't use those roads how the construction traffic is going to enter into those developments. The other issued she had in respect to the accounting issue on the initial roads that were assumed. In the packet it stated in the information that was given online and also in the mailings that there were no monies set aside by the initial developers pursuant to the Vistas PUD prior to the ordinance changes. She said it was her understanding that was not correct from information that they have received from outside sources. She said an initial bond was used when the roads were first assumed that there were certain roads that were excluded from that assumption and if that is the case, or if she is incorrect, please correct her. She is curious why there are not details on that accounting and why some portion was not put aside for this purpose or what happened to it. Mayor Gatt asked City Manager Auger to have a staff member talk to her and answer her questions. City Manager Auger asked that she leave her contact information.

Closed at 7:05

PRESENTATIONS:

1. Proclamation in recognition of Parks and Recreation for the month of July – Jeff Muck, Director of Parks, Recreation and Cultural Services

Jeff Muck, Director of PRCS said he was there with Tracie Ringle, Deputy Director of PRCS and Karen Kapchonik, Manager of Older Adult Services. He said the rest of his staff is out on the ball fields, in the parks, summer camps and taking care of those things tonight. He appreciated the ongoing support of City Council, as Mayor Gatt mentioned their accreditation from the Commission for Accreditation of Park and Recreation Agencies (CAPRA) is in the 1% of agencies nationwide. He also thanked the residents of Novi for their ongoing support as well, and he hoped they will enjoy the parks especially in the month of July. Mayor Gatt said he was here on Sunday preparing for something and he noticed there was a big tournament going on at the field behind us. He wondered if Mr. Muck could let us know what it was. Mr. Muck responded it was the "Look-outs" and he said there was going to be another this weekend with the "Generals". He said they bring people in from all across the state and Power Park is used every weekend. He said he was out talking to some of them on Friday and they said we are one of the best softball complexes in the state. Mayor Gatt thanked Tracie and Karen for everything they do.

MANAGER/STAFF REPORT:

City Manager Auger updated Council and Novi residents on Lakeshore Park. He reported that the current Lakeshore Park Activity Building was built approximately 35 years old. Currently the public restrooms do not comply with the current barrier free accessibility or plumbing code. The space is currently too small to meet day camp and other programming requirements that we have. He said Shelter #1 was built in 2000 and holds approximately 175 people. We plan on replacing that. The shelters are rented and they average about 85% on the weekends. Shelter #1 rents out 100% of the

time both Saturday and Sunday, June through August. The large playground was built in 2002 and the typical life expectancy of a public playground like that is about 15 years. Currently there is a gravel parking lot that lacks space to accommodate the current users of the park. He mentioned there have been many changes from the time that City Staff and Council started looking at this project. He showed the 2016 conceptual design and the plan has changed many times over this process due to input from City Council, Parks Commission and residents and staff. He shared the current site plan and said it was much more than just a building with the City adding an additional pavilion, green space, and non-motorized routes. He noted they moved active, louder events (i.e. the sand volleyball courts) further to the rear of the park away from the residential homes. He also shared the proposed overlay of the existing use that improved the flow through the front of the park. One of the needs of the City was that we needed another voting precinct and this design can host 2 precincts. The northwest side of the City currently has the furthest distance to drive to a polling location and this will help resolve that issue. He said there have been requests for library services north of I-96 and this plan does include that. We have expanded needed services to the northern end of the City, which includes programs for our Older Adult Services. Some of the feedback that staff heard from Council, the public and Parks Commission was that they wanted us to reduce the size from 2 stories to 1 story and be less than 10,000 square feet. He said they requested a building that blends into the residential atmosphere characteristics. There was concern with the large event parking. We were asked to reconfigure and pave the parking lot to improve access drive to the trails. They wanted safety improvements for pedestrians and cyclist using the park. They asked that we retain or add to the useable green space and screening for neighboring homes, and relocate the sand volleyball court to the south. There was a request to be ADA compliant with the parking, shelters, pathways and restrooms. Also a request for space to accommodate children's camp and program participation, in addition to Older Adult Services programming to the City's north end. City Manager Auger said that the current design is just over 8,000 square feet. He said 3,800 square feet of that building was for storage, mechanical and restrooms. The restrooms for the people who use the beach access are on the outside. For those using the building there would be a different facility with access on the inside. That would leave approximately 4,000 square feet for programming space. The largest area in that programming space is about 2,800 square feet and it is designed to seat 100 people. He said increased parking from the current gravel lot that has 50 spaces to 139 spaces which will accommodate the current demand and a better flow for drop off for children during their day camp at the park. It will also provide appropriate parking for voting at that location. He said it improves the City property that is only used actively for 4 months a year so that we can deliver year round programming and services to the north end of the City and all city residents. He said there have been rumors about crime in that area on social media. He reported that over the past 5 years at Lakeshore Park there have been 5 incidents of minor crime. One crime was a larceny and a few were destruction of property. He said this should bring everyone up to speed on where we are at Lakeshore Park. He noted the next steps would include going through the planning process with our own Planning Commission and planning staff. Once the design is tweaked a little bit more and tightened up.

Mayor Gatt asked City Manager Auger if there was any truth to the rumors that he has read on social media that this building will be used as a banquet hall or banquet facility. City Manager Auger said he believed the rumors were started when the City hired a consultant some time ago before he started working for the City. Part of that report made a referral to what the City might use a facility like this for and mentioned a possible banquet. Our City Charter prohibits the City from opening a banquet facility. Those discussions were had and those ideas were thrown about, but we are not allowed to do that. Mayor Gatt asked if there was any truth to the rumor that he has heard that the building will be rented out to people in and out of Novi for various functions. City Manager Auger said we are designing this for Parks and Recreation and expanding the services they offer. Currently we are packed at this facility and need more space in the northern end of the City for programming for Parks and Recreation. Mayor Gatt mentioned that the building was designed and constructed for the north end residents. He also noted that he talked to Director Muck and perhaps non-profit (i.e. boy scouts, girl scouts) may be able to use the building. Mayor Gatt was interested in his thoughts about the year round use and wondered if we were thinking about something that would attract residents to come in the winter time. City Manager Auger said all those areas haven't been explored at this time. He said currently staff is looking at the current programming where we have lack of space to program and bring some of those up there. He indicated that he thought this would evolve when we find out what residents in that area of the City like to use and would be interested in. He said if there is something in the programming that we have now and it is currently not being attended, we will switch it out to something that the residents want. He noted that we look at that every year. Mayor Gatt wondered if there would be a kitchen facility in the building. City Manager Auger replied no.

Member Mutch appreciated City Manager Auger's outline. He thought it covered a lot of concerns the residents were having. He suggested that we should put as much information on the City's website as we can to inform residents of what is going on at Lakeshore Park. He thought this was a great first step along with making our communications about Lakeshore Park in the future widely available.

AUDIENCE COMMENT:

Tim Prieur, 28191 Dixon Rd., said he had several concerns. The first was regarding Lakeshore Park, he wanted someone to stop the parking at the corner of 12 ½ Mile and Dixon because people are accessing the bike trails there and if they are not Novi residents they are not paying the \$5.00 to enter the park. He said regarding Dixon Meadows, he felt there was a lack of communication from both the City and Pulte on how things that may affect him. He has had trees cut down that he wasn't aware were going to be cut down. He thought it was his property; he had no idea they were in the right-of-way. His driveway was blocked with no notice when they were putting in drainage down the road. His cars were in the driveway and he couldn't get out for hours because they didn't notify him that they would be blocking his driveway. They have been closing road which caused bus problems. They had to relocate bus stops.

He was also concerned about the drainage that was installed that goes to the wetland. He said any road debris and salt overflow will drain into the wetland behind his home, not to mention the overflow from the detention pond that will be put in. He was also concerned about the remediation of arsenic on that site and that they did no dust control. They were allowing the dust to fly everywhere. He said it was supposed to be a zero emission project. He said he has dust on his house, cars, everywhere. He was also unhappy that they moved the driveway of Dixon Meadows from the original plan and now it is right across from him. He said he spoke with a City Council Member about the development in the past and was told that it was also a concern that the developer was able to make money. As a City that should not be the concern, it should be the residents and the community.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 17-06-095 Moved by Casey, seconded by Staudt; MOTION CARRIED: 6-0

To approve the Consent Agenda as amended with the removal of Item I.

- A. Approve Minutes of:
 - 1. June 5, 2017 – Regular meeting
- B. Approval of request for Fireworks Display Permit by Funfest Productions, Inc. to be operated by ACE Pyro, on Sunday, July 2, 2017 for the Stars and Stripes Festival.
- C. Approval of an extension of the Completion Agreement with Tollgate Woods, III, LLC for SP12-0007, the Tollgate Woods III Site Condominium residential development located south of Thirteen Mile Road and west of Meadowbrook Road, in accordance with the requirements of Chapter 26.5 and subject to final approval by the City Attorney and City Manager.
- D. Approval to award an amendment to the engineering services agreement with AECOM (URS Corporation - Great Lakes) for design engineering services associated with the Villa Barr parking lot and sculpture garden pathway project in the amount of \$23,712.98.
- E. Acceptance of eight streambank maintenance easements for properties along Bishop Creek and Ingersol Creek as part of the streambank restoration project (Parcels 22-25-126-034, 22-25-126-023, 22-25-126-033, 22-25-126-004, 22-25-126-031, 22-25-126-008, 22-25-126-028 and 22-25-126-003).
- F. Approval to award a construction contract for the Village Oaks Lake and Village Wood Lake Stormwater improvement project to Anglin Civil, the low-bidder, in the amount of \$86,144.00 subject to final review and approval of the form and agreement by the City Manager's office and the City Attorney.

- G. Approval to award an amendment to the engineering services agreement with Spalding DeDecker for construction engineering services for the Village Oaks Lake and Village Wood Lake Stormwater improvement project in the amount of \$16,276.16.
- H. Approval of a Storm Drainage Facility Maintenance Easement Agreement from Etkin White Novi, LLC, the developer of the Novi Hilton Garden Inn, for the development located east of Cabaret Drive and south of Twelve Mile Road (parcel 22-15-126-021).
- I. Approval of a Street Light Purchase Agreement with DTE Energy for the installation and ongoing operation costs of 22 street lights near twelve intersections throughout the City of Novi to enhance intersection safety as part of the 2017 Novi intersection improvements project.
- J. Approval of submission of order extending temporary easements in connection with the Adell property.
- K. Approval to award an amendment to the engineering services agreement with Spalding DeDecker, for design engineering services associated with Special Assessment District 179 (Holmes Road, Hemingway Drive, and Brownstone Drive within Vistas of Novi PUD), in the amount of \$45,170.00.
- L. Approval of Claims and Accounts – Warrant No. 990

Roll call vote on CM 17-06-095

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

MATTERS FOR COUNCIL ACTION

- 1. Approval to proceed with the approximately \$136,630 enhancement of the Novi Civic Center’s Community Center using the Fuerst Sister Fund and to formally name the area “The Fuerst Senior Citizens Wing,” and to amend the FY 2017-18 budget accordingly.

CM 17-06-096

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

Approval to proceed with the approximately \$136,630 enhancement of the Novi Civic Center’s Community Center using the Fuerst Sister Fund and to formally name the area “The Fuerst Senior Citizens Wing,” and to amend the FY 2017-18 budget accordingly.

Roll call vote on CM 17-06-096

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

2. Approval in connection with Special Assessment District 179 (Holmes Road, Hemingway Drive, Brownstones Drive within the Vistas of Novi PUD) of Resolution No. 5, confirming the Special Assessment Roll, directing the Assessor to endorse the Roll, and determining to proceed with the Project.

Member Mutch asked City Attorney Schultz if he could answer the question that was raised earlier during audience participation regarding bonds. City Attorney Schultz said we did look at that and we were relying on records from back in the Sandstone era. He said in his letter to Council, the way he phrased it was that we are not currently holding any kind of bonds or financial guarantees except for some money that wasn't specifically for roads, but is held essentially for the Meadowbrook Townhomes property. He said that was the first he heard that the City already took some bond money back when the City accepted some of the other roads in Tollgate Ravines. He noted that even if we assume that to be the case sitting here today, we are not holding anything that we could use, other than that Meadowbrook Townhomes money. Member Mutch clarified that to the best of our knowledge, there are no bonds currently being held by the City. City Attorney Schultz said we only went back so far just to confirm we are not holding anything right now. The idea that we took some bonds before hasn't come up in the conversation. Member Mutch said obviously that would be something that we could investigate and explore further. City Attorney Schultz agreed.

CM 17-05-097

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

To Approve in connection with Special Assessment District 179 (Holmes Road, Hemingway Drive, Brownstones Drive within the Vistas of Novi PUD) of Resolution No. 5, confirming the Special Assessment Roll, directing the Assessor to endorse the Roll, and determining to proceed with the Project.

Roll call vote on CM 17-06-097

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

3. Approval of the advancement of funds from Water and Sewer Fund to the Capital Improvement Fund, subject to a reimbursement obligation.

CM 17-06-098

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

To approve the advancement of funds from Water and Sewer Fund to the Capital Improvement Fund, subject to a reimbursement obligation.

Roll call vote on CM 17-06-098

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

4. Approval of Zoning Ordinance Text Amendment 18.281 to amend the City of Novi Zoning Ordinance at Article 5.15, Exterior Building Wall Façade Materials within Article 5.0, Site Standards, to update the façade ordinance standards, in order to clarify and update the façade materials standards in the zoning ordinance. **First Reading**

CM 17-06-99 Moved by Mutch, seconded by Casey; MOTION CARRIED: 6-0

To Approve of Zoning Ordinance Text Amendment 18.281 to amend the City of Novi Zoning Ordinance at Article 5.15, Exterior Building Wall Façade Materials within Article 5.0, Site Standards, to update the façade ordinance standards, in order to clarify and update the façade materials standards in the zoning ordinance. **First Reading**

Roll call vote on CM 17-06-99

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

5. Approval of resolution to authorize Budget Amendment #2017-4.

CM 17-06-100 Moved by Staudt, seconded by Burke; MOTION CARRIED: 6-0

To approve resolution to authorize Budget Amendment #2017-4.

Roll call vote on CM 17-06-100

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

6. Appointments to Boards and Commissions - **REMOVED**

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 said Consent Item I had been removed by Member Mutch. Member Mutch said he wanted to address Item I regarding the installation of new street lights at various locations throughout the City of Novi. One location in particular at Meadowbrook and 9 Mile Road currently has one street light and what was proposed included installing 3 street lights at that location. He noted it is a small residential location and he thought that 4 street lights at that intersection seemed a bit of overkill. Mayor Gatt agreed with Member Mutch and mentioned he lived in that area and he felt 4 would be too much.

CM 17-06-101 Moved by Mutch, seconded by Gatt; MOTION CARRIED: 6-0

To approve the street light purchase agreement with DTE Energy with the amendment that we remove 2 of the proposed street lights at Meadowbrook and 9 Mile Road and move forward with the remainder as proposed.

Roll call vote on CM 17-06-101

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

Nays: None

Absent: Wrobel

Member Mutch commented that several Council Members have asked that City Administration look at locations along the 10 Mile Corridor for street lights, including in front of City Hall. He also mentioned 10 Mile and Haggerty. He requested that City Council direct City Administration to review the 10 Mile Corridor for potential street light locations and come back to Council with a list of possible locations to add those lights so we can do those as one group.

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:30 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: July 10, 2017