

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI  
MONDAY, JULY 10, 2023 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:** Victor Cardenas, Interim City Manager  
Thomas Schultz, City Attorney

**APPROVAL OF AGENDA:**

Mayor Gatt added to Mayor and Council Issues "Garage Sales".

Mayor Pro Tem Staudt added to Mayor and Council Issues "Landscaping and Fiber Conduit in Meadowbrook Glens".

**CM 23-07-085 Moved by Fischer, seconded by Casey; CARRIED UNANIMOUSLY**

**To approve the Agenda as amended.**

**Roll call vote on CM 23-07-085**                      **Yeas: Staudt, Casey, Crawford, Fischer, Smith, Thomas, Gatt**  
**Nays: None**

**PUBLIC HEARINGS: None**

**PRESENTATIONS: None**

**MANAGER/STAFF REPORT:**

City Manager Cardenas thanked everyone for coming out that evening for the reception, it was very nice to see everyone and let them know by residents coming out to celebrate this new chapter. He looked forward to these next multi decades to be here in the City. He appreciated everyone's support.

Mr. Cardenas said the Great Lakes Water Authority (GLWA) has been working on many different projects to create a redundant loop. He mentioned we have seen the closure of Meadowbrook Road just north of 12 Mile Road and we have some construction on 13 Mile Road as they are laying in a new 36 inch pipe that is going to help redundancy in our water network. He stated we were assured last year that it would be done in May. He said we are hearing specifically that Meadowbrook and 12 Mile is going to go on until next May. They have run into some engineering issues. He said as you go north, they are making that pipe make the turn on to 13 Mile Road, he noted currently it is two-way traffic. He said we have been told, starting next Monday, they are going to make that one way going east. He commented that the Great Lakes Water Authority has been in contact with us, and we have shared our discouragement and our dismay about these

new changes and the time this is taking. He said they were sending out a communication piece explaining it to the residents of that area and hopefully even the residents that go to the Walled Lake Schools in that area as well to explain what is happening. He stated there will be a meeting with Brightmoor Church, Fox Run, Walled Lake Schools and Crosspointe Meadows. He said they have all felt the pain of these closures. He said it is not the most ideal situation in the world and we must share that with them. He said they have been meeting weekly with Sheryl Walsh-Molloy, Jeff Herczeg, Jordan McBee, and with our team meet with on the site individuals weekly to talk about what is going on. He said unfortunately, the goal lines continue to move backwards, and they apologize profusely. He said he would be happy to answer any questions and if there is more information get it back to you if you need it.

Mayor Gatt thanked Mr. Cardenas for the report. He said he was going to let the whole Council weigh in, but he was going to go first and just say that it is unacceptable. He said it is unacceptable that Meadowbrook Road has been closed for a year, and now they want to close it for another year. He said that impacts all our residents, but especially the thousand plus people who live at Fox Run and their workers who need to get their emergency services who need to get there. He said we have a brand-new school that just opened on 13 Mile Road, and this is impacting them. He understood the importance of the Great Lakes Water Authority doing this. He understood it is a major utility and water we have been having some bad experiences in the last couple of years with some water main breaks out of Novi that apparently this is going to fix. He said the citizens in Novi should not have to look at another year of being subjected to not going up and down a road they are paying taxes for. He believed that the Great Lakes Water Authority should be told and maybe our attorneys can get involved. He did not know if we have a legal standing, but he would like to at least attempt. He said they are not loaning their greatest effort to this project. He said they should be working 24/7, they should be doubling their workforce. He said there is no way that he could imagine a job like that taking over two years to put the citizens of this city in jeopardy. He said it is jeopardy, that people in Fox Run deserve better, the people at the school deserve better, the people down 13 Mile Road deserve better. He said he knew there are hundreds, if not thousands of people that use Meadowbrook Road from the south to get up to 12 Mile Road to get up on the freeways. He said it did not make sense to him that it would take this long. He asked Mr. Cardenas to get with City Attorney Schultz and his firm. He said if there is a firm that specializes in this sort of thing, perhaps we want to put them on board, but he said we shouldn't just take it from them saying well, we are sorry. He said sorry does not cut it at this point, not after a whole year.

Member Thomas expressed the same disappointment, especially living in the area. She said north of 11 Mile Road is closed, there is only one place to get out and that is Grand River, and it is filled with all the traffic from 10 Mile Road, can we finish a section before we rip up another road. She said it was frustrating. She said in her area, there are not as many people, but you cannot get to Tollgate Farms, and that is a gem of the community that we are not able to utilize for such a long time. That is incredibly frustrating. She wondered if they could finish a section before they move on so that everything is not closed at the same time.

Member Smith agreed with the previous speakers. He said he works off Meadowbrook Road between 12 Mile Road and 13 Mile Road, so he has not been impacted as badly as the people between 11 Mile Road and 12 Mile Road. He said it is challenging for our people to get into work sometimes, especially this last week. He thought that anything we could do to get Great Lakes Water Authority (GLWA) get that watermain finished would be great.

**ATTORNEY REPORT: None**

**AUDIENCE COMMENTS:**

David Landry said he was representing the Joanne Ward Trust and he wanted to speak briefly on Item No. 2 on the Agenda, which is the proposed Zoning Map Amendment for City West. He stated the Ward Family Trust owns the property on the southeast corner of Grand River Avenue and Beck Road. Mr. Landry said the actual corner of the intersection is zoned B-3. He said his client owns three acres currently zoned B-3. He explained that south on Beck Road there are seven acres that are zoned R-A, we have no objection to the inclusion of the R-A portion. He said on the corner of Beck and Grand River on the southwest corner is Ascension Providence Hospital zoned OSC, and on the northwest corner is Home Depot Plaza zoned B-2 and on the northeast corner is a bank, zoned OSC, all commercial, it would, in his mind only be consistent to include the southeast corner and leave it as B-3. He said the intent section of the proposed City West ordinance states that the intent is to create a corridor of buildings massed along Grand River Avenue. He commented that there is nothing mass on the north side of Grand River Avenue, because there isn't, in his mind be consistent to mass buildings, it would be inconsistent, and it would just be lopsided. He said they supported City West for the seven acres to the south, but as far as the actual southeast corner, it has been zoned B-3 forever. He stated they were there to simply as the City Council for consistency purposes, it is a commercial corner, and they would ask them to leave it.

Joe Bertera, 130 Rexton, Lake Wall Subdivision, Novi. He said he has been here multiple times talking about the Lakefront Protection Ordinance. He missed the last meeting, so today he wanted to talk about the Lakefront Protection Ordinance from the City Council Minutes from 1986 which he presented on the overhead screen for the audience. He read certain sections because he was not sure what the city attorney is really telling you and what he is not telling you. He said you could see here in Ordinance No. 86-18.20 which is how this was referred to back in 1986. He read verbatim from the previous city attorney from David Freed in 1986. He said this is where several lake area residents in the audience were concerned regarding their own access to Walled Lake. He stated that the person who owned his house previously submitted a letter which he showed at a previous Council meeting, talking about his 1919 Subdivision which he also mentioned which is Lake Wall Subdivision and using our lake access lot access was given to them as part of their deed which he already brought up in other meetings, he had concerns about this Lakefront Protection Ordinance. He said Mr. Freed stated, "That this ordinance does not have any application to existing subdivisions or multiple dwellings." He said he quoted the ordinance where it indicated no parcel of land shall in the future. He noted

he could not read the rest of that because somehow the document had been lost or destroyed by the city. He commented the city attorney in 1986 said this does not apply to existing subdivisions, which is what he has been telling you for the last eight meetings that he has attended. He said the second part says Mayor Karevich stated, "that the word hereafter or something else would have to be put in the safe future development into the Lakefront Protection Ordinance which we know it is about future development", but now you are trying to say that it applies to our 104-year-old subdivision. He reiterated that we could see that the city attorney in 1986 said this does not apply to existing subdivisions. He said the mayor said we need different wording inserted into the ordinance stating, you know, into the future, which is exactly what he has been saying all along. He said if you fast forward to 2007, our current City Attorney, Tom Schultz, Mr. Bertera wondered what he said about this ordinance. He said the current attorney said in 2007, "to our knowledge, the City has not applied this provision to Lot 12 or similar properties around the lake whose use in development predated it." Mr. Bertera said now you have two city attorneys that said the same thing that he has been saying for eight City Council meetings.

Khurram Abbas congratulated Victor on his appointment. He said he lived in Asbury Park subdivision and was on the Asbury Park Homeowner Association. He mentioned they had many Asbury Park residents that attended the Planning Commission meeting and voiced their concerns associated with the City West zoning proposal, particularly regarding the proximity of the south part of City West. He stated the concerns range from environmental impacts to noise related concerns. He said many other residents of Novi showed up or wrote about valid concerns about the proposal in general, mostly stemming from the massive amount of development that the project incurs. He hoped to see the City Council go over the audience comments in meetings, meeting Minutes from the Planning meeting in May. He stated during the Planning Commission meeting, it did not appear to him that the Planning Commission members were well informed of what the project entails. He said they were asking a lot of vague questions during the discussions. He said some of them were somewhat receptive about the overwhelming concern from nearby residents and one more time to review the details, but still unanimously voted to recommend this proposal for approval with the City Council. He stated some of them made comments to justify the recommendation by telling them that we had to cut trees in our subdivision as report, which by the way is not true. He stated that they claim that the rezoning would be better for them without being informed on what the existing setbacks and height limits apply to the existing I-1 Light Industrial zoning that is in place right now north of their subdivision. He spoke for all the residents of Asbury Park when he said their homeowners are extremely disappointed by the Planning Commission's lack of consideration. He said they were hoping to have the Planning Commission at least advise some modifications to the proposal for the city where southside by ensuring that the setbacks and height requirements for the existing won't be retained which would be 200 feet setback and two to three story maximum for the residential units. He hoped the City Council, unlike the Planning Commission, would do the right thing and take the residents' concerns into account. He said there seems to be a growing disconnect amongst Novi residents with all the development particularly the dense residential proposals and it

would be in their best interest to address those concerns adequately before voting to approve or reject this proposal. Thank you.

Eddie Hesano said he was the proprietor of Eddie's Walled Lake and a Novi resident at 1359 East Lake Drive, Novi. He mentioned they are on the Agenda for our Firework Show, which is the Walled Lake and Novi Community Firework Show. He said this is a show for us and for our families that we can enjoy, he was very pleased that it is on the Agenda and that it will come into fruition. He said Novi is looking better and better every day, he has been here since 1995. He thought Novi was doing a spectacular job. He said he knew a lot of people that work for the City, and they are amazing. He wished he had that in his city where he worked.

**CONSENT AGENDA REMOVALS AND APPROVALS:**

**CM 23-07-086            Moved by Crawford, seconded by Casey; CARRIED UNANIMOUSLY**

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

- A.     Approve Minutes of:  
        June 26, 2023 - Regular Meeting
- B.     Enter Approval to purchase Courts and Law Enforcement Management Information System (CLEMIS) and Fire Records Management System (FRMS) fees and services from Oakland County for the 2023-2024 fiscal year in the amount of \$61,060.
- C.     Approval to purchase a 2024 Ford Expedition vehicle for the Novi Police Department from Lunghamer Ford of Owosso, LLC through the Macomb County cooperative purchasing contract, in the amount of \$61,851.
- D.     Approval to award engineering services to Spalding DeDecker to evaluate the City's existing surveying benchmarks in the amount of \$27,500.
- E.     Approval to award engineering design services to AECOM for the design of the southern portion of the Lakeshore Park Parking Lot Reconstruction in the amount of \$36,345.66
- F.     Approval to award condition assessment services to Pure Technologies for inspection of PCCP water main, in the amount of \$61,700.
- G.     Approval of a Street Light Purchase Agreement with Detroit Edison Company for the installation and ongoing operation cost of seven (7) standard streetlights at six (6) intersections along Ten Mile Road between Meadowbrook Road and Haggerty Road.
- H.     Approval of request for Fireworks Permit by Eddie's Barrel of Wine to be operated by Gen-X Pyrotechnics, on Saturday, July 22nd, 2023, on Walled Lake.

- I. Approval of a Resolution to close the westbound of Grand River Avenue from Taft Road the to 46850 Grand River Avenue for the 2023 Michigan State Fair 5K Run from 7:30 AM to 9:15 AM on Saturday, September 2, 2023.
- J. Enter Executive Session immediately following the regular meeting of July 10, 2023, in the Council Annex for confidential written communication for legal counsel and to discuss Union negotiations.
- K. Approval of claims and warrants – Warrant 1135

**Roll call vote on CM 23-07-086**

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

**Nays: None**

**MATTERS FOR COUNCIL ACTION:**

- 1. Consideration of Zoning Ordinance Text Amendment 18.296 in order to establish the new City West zoning district, along with associated ordinance changes to reference the new district, and to amend text related to the EXO District, to reflect an underlying zoning of CW - City West. Establishment of the City West District was recommended by the 2016 Novi Master Plan Update to create a vibrant, walkable mixed-use district in proximity to the Suburban Collection Showplace and Ascension Providence Hospital. FIRST READING**

City Manager Cardenas stated this has been a project that has been in the works since 2016. He said as the Mayor mentioned in the reading of the motion sheet, this is the first reading. He explained the timeline that we have, and Lindsay Bell is going to present to you a comprehensive presentation on what City West is all about. He said this started back in 2016, 2017 in terms of different actions by the Planning Commission. He mentioned as stated this was to help it create a vibrant area in and around Ascension Providence Park and Suburban Collection Showplace along the stretch of Grand River from Beck Road to Taft Road. He mentioned there have been many different points that we have interacted and talked about in terms of hiring consultants, implementation of committee reviews, and it is finally coming to Council for your consideration, in two different meetings. He said there will be a Text Amendment and Zoning Map which is the item after this, again, only a first reading.

City Planner Lindsay Bell explained the 2016 Master Plan established a vision for the creation of a new district called City West. She quoted from the Master Plan "This area offers the potential for the creation of a prominent new district combining entertainment, convention, commercial, office, and residential uses in a cohesive, high-density, walkable pattern..."

Ms. Bell stated the challenge for staff over the last 4+ years has been to craft an ordinance that would allow, support, and encourage that vision to become a reality. She said it was exciting to be here with you tonight to present the results of all our efforts for your consideration. She stated they have gone through many drafts and revisions,

adapting to new strategies and learning from the application of existing districts in the City. She gave a quick context, she explained she was referring to the area along Grand River both north and south, generally east of Beck Road and west of Taft Road.

Ms. Bell stated the City West area provides an opportunity to expand the housing choices available for young professionals, empty nesters, and other residents who prioritize a more urban, walkable community, easy access to the highway and destinations within Novi, and entertainment opportunities. She said Grand River Avenue is a major corridor with greater road capacity than many areas of the city. She said SMART has recently released its proposed route expansion and has proposed extending bus service along the Grand River corridor through Novi and into Wixom. One of the proposed locations for a transit stop would be within the City West area, which makes the establishment of this district very timely.

Ms. Bell stated they have been working with the Planning Commission's Implementation Committee, and the City Attorney's office, they have developed the City West Zoning Ordinance text to provide the standards under which properties in the new district will be developed, as well as a Design Guide that offers visual examples that the Master Plan and ordinance language are working together to accomplish. She said the Design Guide complements the ordinance language and would be made part of the ordinance by reference. It includes background information on the area, inspiration images from around Novi and other communities, as well as 3D models to visually show certain requirements or suggestions. She noted the intent is that both documents would be used in conjunction to guide development, creating a structure for developers while permitting flexibility when it is determined to make sense.

Ms. Bell said for projects that are not mixed use, City West District includes a baseline level of development for principal permitted uses, which would be allowed at a similar intensity to what can currently develop in the I-1 District on the south side of Grand River. She stated the baseline level of development, building height is limited to three (3) stories. Uses permitted include office, retail, restaurants, day care centers, banks, and instructional centers.

Ms. Bell explained the proposed ordinance includes an optional Mixed-Use Development Option (MDO) if eligibility criteria are met, which permits a wider range of uses and higher intensity development to encourage the creation of a dynamic mix of compatible uses.

Ms. Bell said residential uses can be developed under the MDO, either as stand-alone use or as part of a mixed-use project. The granting of a Mixed-Use Development Option application requires review and recommendation by the Planning Commission and approval of the City Council. She said the MDO process is like the approval process for the PD-1 and PD-2 Options, with City Council discretion over deviations to area, bulk, yard, and dimensional requirements, as well as density. She noted the Planning Commission will need to consider Special Land Use standards, along with other items, in making its recommendation when MDO projects are considered.

Ms. Bell said while the MDO provides greater flexibility in parking and landscaping, as well as setbacks and building height to allow a more urban form of development, projects will still be subject to other applicable codes and regulations of the City, including Wetland and Watercourse protection, the Woodland Ordinance, Stormwater detention standards, façade, and landscape requirements, as well as lighting and noise ordinances. She stated applicants are required to demonstrate that the proposed layout of the site is designed to minimize the negative impact on existing natural features, including woodland and wetland areas.

Ms. Bell said the proposed ordinance standards allow for greater height along Grand River for MDO projects, however, staff believes that most projects will still have 3-5 story buildings, with additional height potentially requested for mixed-use buildings, or for a signature office building or hotel. She noted for areas greater than 200 feet from single-family districts, the bonus height provisions permitting higher buildings involves meeting one or more specific criteria such as providing or preserving over 25% open space, using sustainable green building elements and design strategies (ex. LEED Best Practices), allocation of units for Workforce Housing (at least 15%) or lower-level parking or parking garage to limit impervious surfaces.

Ms. Bell said the maximum height is limited to eight (8) stories or 115 feet in the proposed ordinance for developments on the north side of Grand River Avenue. This is the same height limit as currently permitted in the OST zoning district which allows building heights up to 115 feet for the area north of Grand River as all that area is within 1,200 feet of the freeway.

She stated that south of Grand River the maximum possible height is limited to 5 stories, or 70 feet. Any height increases would have to be approved by City Council.

Ms. Bell stated the City West area south of Grand River Avenue is directly adjacent to areas designated for multi-family and single-family residential. This portion of the district is intended to provide a gradual transition to the surrounding uses. Within 100 feet of single-family residential areas to the south, non-residential buildings are not permitted, and residential buildings are limited to 35 feet in height to ensure a proper transition and prevent undue impact on the existing neighbors. She said the 100-foot setback for non-residential uses is consistent with current I-1 District setback, to ensure that no new hardship is created on landowners, and adjacent residents are afforded the similar protections that exist today. She noted any building within 200 feet of single-family residential districts is proposed to be limited to 40 feet and will not be eligible for bonus height increases.

Ms. Bell said in addition to the height limits, residential buildings are required to be set back a minimum of two feet for each foot of building height. If the maximum building height of 35 feet is proposed, that structure would require a minimum 70-foot setback from the single-family district. She noted by way of comparison with multiple family zoning districts in Novi, in the RM-1 and RM-2 Districts, the minimum side and rear yard setbacks are 75 feet. She commented that the existing Central Park Estates buildings are built 70-

75 feet from the property line. She said the City West district also requires a 50-foot setback for any parking areas adjacent to single family zoning districts, as well as the installation of a wall or landscape berm to provide buffers.

Ms. Bell gave a brief re-cap: less than 50 feet from the single family residential, only residential structures less than 25 feet in height would be permitted. She noted from 50-100 feet, residential structures up to 35 feet in height and parking with screening would be permitted. She also noted from 100-200 feet from SFR, both residential and non-residential buildings could be allowed with a maximum height of 40 feet. She said over 200 feet from residential additional building height can be requested. She stated at over 500 feet, outdoor seating areas with live music can be authorized.

Ms. Bell said the City West is meant to have sidewalks and pathways throughout the district, providing connections to the City's non-motorized network. The recently expanded Ascension Providence campus trail network provides miles of non-motorized opportunities and connects to the ITC Trail. She mentioned Bosco Park is accessible via Beck Road less than 1 mile away. She stated Taft Road already includes on-road bike lanes as well as an 8-foot pathway on the west side of the road from Grand River to south of 9 Mile. She said this facility connects the City West area to several Novi schools, as well as the Library and Civic Center campus. She noted that pathways along Grand River also provide a direct connection to the Town Center area within a one to two mile distance.

Ms. Bell explained that the development in this district is required to meet specific design standards to ensure future development is cohesive and walkable. She said the buildings are meant to front on internal street networks rather than Grand River to create a more pedestrian-friendly development than the thoroughfare can offer. She noted shared off-street parking facilities are encouraged. Development projects are required to provide public plazas and open spaces for gathering. She said parking requirements for residential uses, based on the number of bedrooms, have been included, which are consistent with the requirements in the Town Center district. In summary, she stated that staff and the Planning Commission recommend approval of the proposed text amendment and Design Guide, with any necessary modifications as it continues to move through the process, as it is following the Master Plan for Land Use and forwards both economic development and housing goals of the City. She said we are happy to answer any questions you may have.

Mayor Gatt thanked Ms. Bell for the very comprehensive background. He mentioned that he heard people say that this is a Council driven issue, he wondered if that is correct. Ms. Bell replied that it is a Master Plan driven issue. Mayor Gatt asked if it was true or not true that a single businessman in the city was pushing for this. Ms. Bell replied, no. He thanked her for her response. He asked Council if anyone had any questions.

Mayor Pro Tem Staudt said it all sounds so great. He mentioned he sat in the Master Plan meetings for probably a year, we are here now, and for some reason, there are a lot of things that have never passed his test. He said his test is a test of common sense. He

wondered if you as a staff member walked out to the property and looked at all the different angles about all the things that you were talking about. Ms. Bell said yes, she had walked through the area. Mayor Pro Tem Staudt stated he has also and under no circumstance could he see us having a five-story building on the south side of the property. He mentioned looking at the berms while walking the properties, there are so many issues that are important. He said he would like an explanation on what drove this in 2016, was this staff driven or developer driven. He would like her to give us an overview of where this came from and why, if it happened in 2016, and we are talking about in 2023.

City Planner McBeth said she would be happy to explain. She stated the Master Plan that was done for 2016, approved in 2017, had three redevelopment areas identified. She stated that is one of the goals of a Master Plan and the Redevelopment Ready Communities. She said there were three areas where the location was located, one where Sakura was approved and is about to start development, an area up by Walled Lake that was in dire need of some redevelopment, and this is the third area. She said if you look at the stretch of Grand River, and particularly the corner at Grand River and Beck, it has been underutilized in terms of an important part of the city for several years. She stated that was recognized by the staff and by the Planning commission, by our planning consultant at that time, and identified as the third kind of redevelopment area that should be focused on. Mayor Pro Tem Staudt confirmed with Ms. McBeth that his was not driven by any potential development that could not get it done there under the current circumstances. Ms. McBeth replied, no, it was not, we were not seeing a lot of development plans in that area, we haven't for the last 10 years or so.

Mayor Pro Tem Staudt asked if they could get the map back upon the overhead that shows the property on the overhead screen. He mentioned there has been voluminous correspondence directed to the City Council and to the Planning Commission. He said one of the questions he had was regarding the area that has a large pond, under what circumstances could that be developed. Ms. McBeth said it is likely the City would request the pond remain as a natural feature, and development could occur around it. She stated with any developments, somebody might come in and say we would like to relocate that pond and put it in a different spot, so under that circumstance, it could. She said this zoning district that the staff has worked on for quite a while indicates that natural features are important in this area. She said we wouldn't be pushing the development community to respect the natural features and not develop in those areas. Mayor Pro Tem Staudt said you are saying there is a potential that the pond or that wetland area could be moved somewhere else, as opposed to being left there and preserved as a permanent wetland feature. Ms. McBeth said staff would always recommend that kind of natural feature would be left in place, but if the development community sometimes says to do what they need to do, they might locate a portion of it. Mayor Pro Tem Staudt said one of the things that he was going to ask was one of the modifications to the ordinance is that the exact thing cannot happen, because this is not what we really want as a community. He said he was a little shell shocked right now by what happened in Sakura, with the pond being filled in. He said he did not know how we could prevent that from happening in this situation, but it abuts properties, houses on

both that side of the street in the back and on the other side of the street. He said these are the kinds of issues that really kind of torment him and that we are trying to create something somewhere where it really is not a natural area to put something through.

Mayor Pro Tem Staudt asked City Attorney Schultz if we were able to separate the north side from the south side. He wondered how we deal with this ordinance, or do we have to do it as one big chunk. City Attorney Schultz said no, you could separate them. He thought a surgery and thinking about it in terms of writing in the ordinance, but there is already a conceptual difference between the two in terms of height and things like that. He said if that were the direction, he thought it would be possible to do just ordinance writing wise. He said to be clear and to add on to Ms. McBeth's answer, there is nothing in this ordinance that would affect the pond one way or the other. He said that is an entire set of city ordinance that he thought Ms. McBeth was talking about the wetland ordinance that allows developers to do things that his ordinance does not make it any more or less likely to have that kind of effect. Mayor Pro Tem Staudt said, or less likely, in the ordinance. Mr. Schultz said if you are focusing just sort of on this spotlight. Mayor Pro Tem Staudt commented that this area abuts residential properties. He thought that if you take that pond out in that wetland area, and move it over somewhere, where there is nothing currently, doesn't seem to him to be a good exercise in this situation. He said one of his recommendations would be to add something to the ordinance that prevented this kind of thing happening. He said we will keep talking about it, we want to preserve the woodlands and wetlands, then we talk about filling them in and moving them somewhere else. He thought this is inconsistent with when we start abutting residential property, and putting these mixed use and commercial properties, it gets a lot more complicated. He said in this situation, we are talking about the lot, a lot of the land that we have available in our city right now is really the end of the development land, the backlots. He said many of these backlots have challenges, that is the reason they are not developed. There are a lot of woodlands and wetlands in them. He did not want to create a City West ordinance that in any way encourages somebody to fill in a woodland or wetland. He preferred that we put in language that prevented that from happening. He said he was not asking you at this point, he was giving you his narrative on this. He said there are certain things that he would like to see his colleagues consider. He wondered if it was best to do it all at once. He wondered if then, we are going to have some kind of vote at this at the end of this process, moving it forward to a second reading. He asked if we could do individual things that we are looking at and get those approved and then move on the other things. City Attorney Schultz said there is not timeline here. He wondered if it is here for first reading, but like with any other ordinance, you are not obligated to approve first reading if you want to talk about it more, get your thoughts together and convey those to City Administration.

Mayor Pro Tem Staudt asked Mr. Landry, just be clear, what properties are you asking to remain in the current zoning. He asked which one is in the B-3 zoning. Mr. Landry said currently, the property on the southeast corner is zoned B-3 and that B-3 zoning encompasses two portions of two parcels. Mayor Pro Tem Staudt asked for him to explain what the drawbacks of this rezoning are for your clients. Mr. Landry replied that his client owned this property, and it has been in the family since the 1940s and it was purchased

by the Ward family back then it was used for several different things. He mentioned there are certain tax reasons when you buy property. He said you can imagine what it is worth now, if somebody sold that property, there would be huge capital gains tax. He stated Mrs. Ward passed away recently. He stated if you pass the property on probate, it is a stepped-up basis. He said the family is ready to develop the property. He said the family already has a developer interested in developing the property as zoned the B-3 part as zoned B-3, he said he did not have a site plan to show you, and he did not have a specific use to show you. He said there are obvious B-3 uses, some uses that are not included within the City West and the City West ordinance does include drive through. He said they have had some conversation with the Administration on that and drive throughs included as an accessory use, but you can imagine across from a hospital, so be a perfect parcel for a 24 hour Walgreens or a CVS, but that is a particular kind of use that would be perfect at this location. Mayor Pro Tem Staudt said he was advised earlier today that whatever the current B-3 zoning is, it would carry on into the new zoning. He asked him if that was his understanding of it? Mr. Landry said he did not have it in front of him, but no, there are certain B-3 uses that are not carried over into the ordinance. Mayor Pro Tem Staudt asked if City Planner McBeth could shed some light on that.

City Planner McBeth said the B-3 district allows sort of our most intense commercial uses. She gave examples such as car washes, gas stations, used car lots, things like that, a whole variety of things that you would expect in a retail location. She said the pharmacy that we are talking about with the drive through would also be permitted in the City West ordinance as it is currently drafted. Mayor Pro Tem Staudt asked Mr. Landry what the discrepancy was between? He wondered why they had to hire an attorney to come to us to ask for that property to be excluded. He wondered where the confusion was. Mr. Landry said his clients are interested in developing this under B-3 with setbacks and certain things of that nature, as opposed to the proposed City West ordinance. He said a gas station is one that would not be included, they do not necessarily now, have a commitment for a gas station. He pointed out that gas stations today are not the gas stations of yesterday. He said they do not look like gas stations; they sell a lot of different products. He said that was one that he could tell you from memory that is not included in the City West ordinance.

Mayor Pro Tem Staudt said he was going to make a recommendation and he did not know if we need an approval on this or not at this point. He said he wanted to remove the two parcels 50-22-16-151-010 and 50-22-16-151-012 from the ordinance.

**MOTION WITHDRAWN**

**CM 23-07-087      Moved by Staudt, seconded by Gatt;**

**Approval to remove two parcels 50-22-16-151-010 and 50-22-16-151-012 from the proposed Zoning Map Amendment 17.741.**

Member Fischer directed his question to City Attorney Schultz. He asked him if it is possible to put an overlay on these two properties and basically say, we recognize and allow you to build under the B-3 development of the B-3, but you are also eligible to develop under

the City West as well, which would actually give more opportunities in the future if they did not go down the path of what Mr. Landry was talking about, to potentially develop more in the spirit of the City West. City Attorney Schultz confirmed that he was talking about an overlay just for two pieces of property. Member Fisher said yes, that is correct. Mr. Schultz said conceptually, he would have to think about that. He was not sure he had seen anything that targeted individual properties of that size. He said he was not saying it could not happen. Member Fischer said however, there are many acres on the south side, everything is I-1 except for this one parcel, he understood the position that the Ward family is in. He was trying to get it so that we as a City would also potentially in the future have the possibility if current plans fell through that they may have something more contiguous with the eastern properties, and that is where he saw the benefit. He said he did not to pull it out, and that is why he would not support the motion as it is, he would be interested in something like that. City Attorney Schultz stated we could look at that, if it is pulled out that is an option as well. He guessed the other option is to find out from the property owner what uses they think they might want from the B-3 and pull those forward and put those in as permitted uses. He wondered if it was worthwhile to have an ordinance amendment that says, now that things are the way they are some of these uses we do not want, but we will sit down with the property owner and find out, what it is they might want. Member Fischer said he would be more hesitant to take B-3 uses and put them into the City West uses, then do some sort of overlay, if we cannot do some sort of overlay, and then he was going down the path of Mayor Pro Tem.

Member Thomas stated in the B-3 section, or that area that we saw on the map, are those the only two parcels in those areas or are there other people who may want to have the same opportunity. She thought that was a decent sized section there. She wondered if we are going to make this offering to the owner of the two parcels, is it something that makes sense for the others in that section.

City Attorney Schultz said Mr. Landry pointed out that this is a corner piece, which distinguishes it from the rest of all the properties that are depicted there. He mentioned one of the things that he didn't want to say it, it surprised him, but he thought it was interesting watching this process for the last couple of years is that you didn't have a lot of property owners who were saying we do not like it, it was gratifying to see how many property owners said, "sure, this is a good deal for us". He said we have a property owner here, who is arguing that their property is unique, because it is the corner piece a that. He said he would be worried about taking that idea and spreading it throughout the rest of the district is what he was trying to say. He thought the other properties were different.

Member Casey said she was not opposed to having the City Attorney investigate it if there is any kind of overlay that can be done. She thought we might be a little ahead of ourselves in this process because we have not talked about applying for the City West District at all yet. She mentioned neither have we talked about what parcels that might apply to, which is the next item on the Agenda. She thought from a timing perspective, we feel like we are a little out of sync in terms of holding out one specific parcel and treating it differently, potentially, without even having talked about what the City West District is going to be. Generally, do we want the City West District and then generally,

which parcels do we want to apply to. She thought from a process perspective, she felt like we are a little out of sync on that one. She said she would support the motion if it were only to ask the City Attorney to look at options for an overlay for those parcels for the B-3 specifically.

Member Smith agreed with Member Casey, he thought we are a little bit ahead of ourselves and pulling out specific things like this. He said in general; he would like to see how this whole thing plays out with the upcoming new Master Plan as well. He said he would support, asking the City Attorney to investigate that B-3 overlay.

City Attorney Schultz said on that subject, I guess he was looking at this as kind of straw votes. He said you wanted to take a vote so that we would know what the numbers were, he understood that Mr. Mayor. He stated at the end of this is was going to suggest if there especially if there are more, that we not have a motion to introduce, or approved first reading, and that however many of these straw vote indications we get this evening, which is great, that we will take that back, and we will come back with a revised version of the ordinance.

Mayor Gatt said instead of making a motion, just talk and you guys, you know the consensus up here might not be seven, but you know, we are a majority. Mr. Schultz said he thought so. Mayor Gatt said okay, then we do have a motion on the floor that we can withdraw.

Member Crawford mentioned that he had another concern. He said at the Planning Commission meeting it was brought up, and he did not know which parcels they were, but there were some parcels that if you did 100-foot setback from residential, they would be virtually undeveloped. He mentioned it was suggested that a berm and landscaping could be done instead of a 100-foot setback. He said he would like to see that investigated, and he was not sure which parcels they were, but somebody can figure that out. He thought it was next to residential.

Mayor Pro Tem Staudt wondered if we are going to vote on this a straw vote or what? City Attorney Schultz said he did not know that you need to if you want to that is fine. He did not think he had to worry; we are going to take good notes. Mayor Pro Tem Staudt said he would withdraw the motion and go on to the next things.

Mayor Pro Tem Staudt moved on to the next issue that he had and mentioned there are two sides to developing the ordinance. He said one is on the north side, which is on the north side of Grand River Avenue. The other is the south side, the south side has a current residential element to it. He said the north side, he did not have anything that he was going to propose on the north side. Getting back to the south side, he said he could not see us having five story buildings under any circumstance on the south side whether they are 20, 50 or 100. He said he would like to see us limit that to a three-floor building, so that was his first recommendation on the south side. Second, he stated having a berm requirement with landscaping so that anything that is built requires a berm with the appropriate landscaping. He said that maybe that was already included, but he wanted

to make sure that is in the ordinance. Third, he wanted to see us remove the hotel/motel from the south side as a potential use. He said one of the biggest factors with this entire issue is the idea that it is a walkable area. He stated until we get an overhead walkway between the south side and the north side, these are two distinctly very different areas. One is not going to be walking across Grand River Avenue on a regular basis to get across the street to the north side. He said he really did not think it was appropriate to put a hotel/motel in that area and he would like to see that removed as a use. He said his fourth issue is a little more controversial, was that he would like to see 100-foot setbacks, he mentioned there are probably four different opinions up here on setbacks. He said the residents have asked for 200-foot setbacks which he thought was a little unreasonable, it does not give very many options. He thought the 100-foot setback with the berm, with landscaping would provide a very safe buffer for the residential properties there. He said his fifth point had to do with again, the protection of woodlands and wetlands, and how we could incorporate into the ordinance that the current woodland and wetland that are in the City West district in some way be preserved and protected in a manner that goes beyond just our normal city ordinances, especially those that are directly abutting the residential properties. He said those are his five primary issues. He said he would like to hear what his colleagues have to say.

Member Fischer said he would like to take the same approach. He thought that the north side has less concerns, from his perspective. He said if he understood, the current OSC on the north property, the north side of Grand River that allows the eight story buildings already, he wondered if that was correct, because all the properties are within 1,200 feet of the highway. Ms. Bell replied that he was correct. Member Fischer said that what this does is limited to six, and to go eight stories, they would have to meet the special criteria. He said many times when he is talking to someone that has concerns about some of the higher heights, once he tells them that you must meet some of these sustainability goals to get those bonus heights, we are winning out in that if they can already have eight. He said now they can only have six, but they can go to eight because they are going to be LEED certified or preserve 25% of the space. He thought that was a big win on the north side for him. He said the north side, they have less issues. He said he would focus most of his comments on the south side. Member Fischer mentioned the south side and stated that he struggled with the stories because of the good benefit that he saw in pushing some of those sustainability goals. He thought if we could go to four floors with those bonus criteria, but with bigger setbacks, he thought we might be able to accomplish some good there. He said he would be willing to go up to that, but if there wasn't consensus on Council, he would be fine with sticking with three and getting rid of the bonus floors. He liked the berm requirements, and the removal of the hotel/motel. He believed there needs to be some more work on the setbacks, and he thought 100 feet is a possibility and something that could be used, but he believed it should be tied to the building height. He said he would leave it to staff to come to some ideas at what might be worthwhile over there, but what is currently being proposed is not enough. He did not think in some parcels, areas, uses and heights 100 would be enough. He would like to see that a little more stringent. He said they have already spoken about B-3, and he made his comments on that. He appreciated the comments on the protection of the woodlands and wetlands. He said process wise; he did not know that it makes complete

sense to him, and he said he would ask the city attorney. He commented that in essence, we are talking about our own mitigation ordinance at that point, are we not. He said one of these will come to us will come to the Planning Commission or City Council and we will make the decision if the mitigation is appropriate. He said if we are trying to tie future hands, we are kind of saying what we do up here as it is from a mitigation discussion perspective is moot, is that correct. He wondered if he was correct on the first part that we as a Council make the decision on the mitigation of the wetlands. City Attorney Schultz said yes, he did think that was correct. He stated he will just preview; we do have an obligation and your ordinance does treat similarly situated properties the same, so we have got an obligation under the state zoning laws to treat similarly situated properties the same. He said we will take the Mayor Pro Tem Staudt's comments to heart. He said we will have to., the way communities typically deal with wanting to preserve areas is you incentivize them not to develop it more than they might in the other parts of the city. He said we will look at the idea. He said he thought he could see where both of you were going. He stated ultimately, yes, we will be clear that you will have the authority on the mitigation and tree removals that you have elsewhere.

Member Fischer said we have chosen to look at some of the benefits and some of the ideas that a developer had by maybe putting more intense use on one area and kind of trying to preserve more areas. He said it is those situations where it is Council's judgment, and he thought it is our job as the elected officials to make those calls on the mitigation. He stated while he could think we can find a way to strengthen it, he liked the idea of kind of the residential component where the Mayor Pro Tem Staudt was going, he said he will start to feel more uncomfortable as we tie future City Council's hands from being able to make site plan decision if they are elected to do. He said that is how he was asking you to split that one. Member Fischer said overall, those are some stringent comments for him that it would take to probably get this over the finish line and vote for his approval. He said he liked the concept. He liked what the staff has done, anything to promote things like sustainable efforts, the workforce housing, there are a lot of good things in here. He said he did not want to throw the baby out with the bathwater, he did not think it is a good idea, as he has seen, proposed, by some Councilmembers and on social media, and he thought that is kind of irresponsible. He said it is their job to sit here as staff, as a Council, as a Planning Commission to hear resident comments and try to come up with something that is palatable. He stated if we cannot hit some of these criteria that he has said, and he had no problem, potentially splitting these two approving the north end and leaving most of the bottom as I-1 zoning as it currently exists.

Member Smith agreed that there is a split between the north and south of this, the south end needs to take more consideration of the residents further south. He said he would like to see overall a stronger incentive to get LEED Certification and parking structures versus giant parking lots. He stated when you look at the aerial map of that you see Suburban Collection Showplace, and it is a giant parking lot, creating a lot of issues with runoff. He said he would like to see smaller parking lots in general. He said he was not sure, maybe Ms. Bell could answer on the Workforce Housing component of that, he was not sure what that was exactly. Ms. Bell explained that we do have a definition that is proposed in the text amendment and said could read that for you if you would like.

Member Smith said sure. Ms. Bell said Workforce Housing is a residential unit for sale or for rent with combined annual rent, rental costs, or combined annual mortgage loan debt service, property taxes and required insurance that do not exceed 30% of the gross annual income of a household earning between 60% and 140% of the area median income as defined annually by the United States Department of Housing and Urban Development. Member Smith thanked her for her explanation.

Member Smith said the other comment he had was regarding walkability. He agreed Grand River is not something you want to have people trying to cross. He said he saw in some of the material that was provided that making Grand River, doing traffic calming solutions, which he was not sure he would like to see a study how that impacts the other roads in the area. He said Grand River has a lot of traffic and if you slow that down, it is going to go somewhere. He stated that brought up the point he mentioned earlier, is that he would like to see this as how it works with the upcoming new Master Plan. He said it is a big piece of land and he wanted to see how that all works together. He thought if we could get some pedestrian bridges across Grand River, he would be in favor of that.

Member Casey said there are a couple of big issues that she would like to get a little more insight from staff on. First, as the previous speaker mentioned, travel on Grand River Avenue and the fact that it is a five-lane road, 50 miles an hour. She said we are talking about trying to put in a lot of people doing a lot of walking, can someone clue us into the conversations that were held with the County recently about some flexibility on their side and what that means. City Manager Cardenas said they had conversations with the Road Commission of Oakland County, who has oversight of that road would be who the City would have to get approval from for any kind of speed limit, or any kind of traffic calming measures He said they preliminarily were approached by staff regarding potentially mid-block crossings, and they were receptive of such calming measures as well. He said those are just preliminary communications with them about that. He said there is some leeway and some wiggle room with respect to those.

Member Casey thanked Mr. Cardenas for his explanation. She stated that this is one of those issues that she thought were going to want to move a little faster on instead of trying to wait and see how this starts to develop. She said she would really like to make sure that we are talking about what it is we would do and then have a real plan for what it would take because you know, right now we are talking about zoning, we do not have specific projects in front of us, this is not anything where we are responding to requests for development. She thought right now is the time for us to say, it is a couple of years, several years, many years, probably away from being fully built out. She said now is the time for us to start talking about what we want Grand River to be in this space so that we are not 50% built out and need to start figuring out what we want to do with Grand River. She wanted to encourage us as part of our planning to make sure that we are having forward moving conversations with the county that talk about what we expect to want to do these things, let us get some plans in place for what that would start to look like. She stated that would be her first recommendation.

Member Casey said secondly, she is going to move us on to the water system, because we did get a memo relating to the water system and pressure and what expected uses are going to be. She wondered if we could get a little bit of insight on infrastructure needs. She said once we get this district, assuming it passes, and everything happens, once this district starts getting built up, what kind of expectations do we have? What kind of timing are we talking about for some of the changes? DPW Director Herczeg thought we were talking about a couple different projects in the memo, one is the 8 Mile loop and the secondary one would be the City West improvements, which are some pumping stations, some other water main improvements that have been in the Master Plan on and off for years based on development. He said we are discussing the 8 Mile loop, and based on density, based on our usage, in year one of next year's budget, the other plans be implemented later. Member Casey thought that was helpful, because she thought that is also one of the things, we want to make sure we are thinking of before we get fully developed in the space, what we will need to plan for, because none of these are going to be small projects. Mr. Herczeg said they are decent sized projects.

Member Casey said she was going to talk about walkability and walkability is great when we run them on east west, but the means of getting people across Grand River, north, south. She said as much as we are talking to the county, about traffic calming, mid-block crossing, etc., she wanted to make sure that we are also considering and planning for if a pedestrian bridge is going to be the right means for us to get people across the street as well. She was going to tie all of those together. Moving on to residential, she thought, we are all saying very similar things up here as relates to the north, south is very different from the south side. She stated, much like some of the previous speakers she did go through the neighborhood over the weekend and really got a sense for how things are laid out. She thought that the berm that we have in place against the I-1 with the building that exists today on Heyn Drive was a nice look. She was concerned with a couple of different housing units on the corners of the curb on Mandalay Circle, for whom even a 100-foot setback is going to be problematic for them. She said she knew we have differences in opinions on the setback against residential. She said for her, the larger the better, so she did not think 100-foot is big enough, especially for those corner houses, they are going to have the strongest impact on both sides. She would like to see us look at the potential of a 200-foot setback. She agreed that having berms and trees, we have 80% opacity for the winter, which is a normal part of our requirements. She thought the berms in here she believed were a 10-foot berm plus the landscaping trees, so she asked Ms. Bell if she was correct. Ms. Bell replied were industrial abuts residential, it is 10 feet. Member Casey asked if we were keeping that same requirement in the CW. Ms. Bell said she would have to investigate it, it may be slightly different. Member Casey said she would encourage us to make sure that we are looking again at the tallest possible berm, otherwise she will start talking about the trees, and she did not want to get into that space at all.

Member Casey appreciated the perspective that Mayor Pro Tem Staudt raised as it relates to the woodlands and wetlands, there is a lot of great screening for the residents on the east side, that she would like us to be as firm as strong as we can be in what we can require from a woodlands protection because we have a strong Woodlands

Protection Ordinance. She said there are people who have different opinions about whether it is strong enough, but she thought in this instance, we want to do everything we can to keep as many of those trees as possible. She wanted to make sure that we put as much strength behind the requirements to keep as many of the trees as possible, and to keep as many of the regulated trees as possible, make sure we do that. She stated she would like to see it similar for the wetlands as well, because with the existing ordinance for wetlands, developers can and have requested to move wetlands and that has passed. She said whatever we can do to strengthen that.

Member Casey said her final comment for the evening was to thank City Attorney Schultz for his advice to us to have our first round of conversation and look to bring back changes in another first reading. She said she would have made the motion to postpone or table the first reading to get our chances for us to get this conversation out, because this has been a four-year process for many. She commented that she should have thanked City Staff and the Planning Commission, who did all the hard work, this is the first chance that we have had to look at this. She said this behooves us to give staff as much feedback as possible. She thought this would give them a reasonable amount of time to absorb that feedback, make their changes, make the recommendations before we even start talking about looking at first reading. She stated as much as she thought she heard earlier that we were going to see this again quickly this month, she was happy to have us have the conversation of the table to provide direction and give staff a chance to give us a more formalized first reading.

Member Thomas stated that a lot of what she cared about has already been brought up. She agreed with Member Casey on the setbacks. She knew there was going to be some disagreement about that, but she thought in some of those instances your home was very close to the line. She was not sure that 100 feet was sufficient. She thought that they needed that space available there. She said we mentioned that specific pond, that these natural features that people's homes abut, and they are necessary for not just keeping the wildlife there and having beautiful homes, but just keeping our nice neighborhood and our community vibrant. She said it was a bit of a concern when we talked about let's do everything, we could save one pond. She said she would like to make sure that every resident who is facing similar instances has those same benefits of having people fighting for those items. She didn't think that they should have to come to Council every time that they want to fight for those items. She mentioned this ordinance may not be the place for it because we have woodlands and we have wetland ordinances today, but often those are moved and changed. She thought perhaps that is something that we need to look at is strengthening the woodlands and wetlands ordinances to that people do not have to be in fear that these are too weak, and the properties that they are on that are protected properties are going to be so easily moved. She said, but again, we are talking about this property. She was in full agreement with the rest of the City Council on those ponds, and making sure that we did everything we could to try to keep those natural wetlands there in that place. She agreed with everyone. She agreed the north side of the street is not as much of a big deal, there are not many homes there, they are not going to be negatively impacted, you have a lot of it directly next to the expressway.

Member Thomas said she had one final thing regarding walkability. She did have concerns about the walkability of Grand River, she would not want to walk with her child down Grand River because of the traffic that is currently there. She thought that if you try to mitigate that traffic, the people must go somewhere, just means our roads are already overloaded, they are too small for the traffic that we have today, and it would make it difficult for everyone to get places, which is very frustrating. She noted that Grand River is one of the places where you can move quickly to get in and out of places. She wanted to make sure that whatever is by Grand River, that we have sufficient setbacks from Grand River and protection to keep people from getting injured on Grand River. She mentioned that as it is today, there should be no foot traffic on Grand River, it is problematic. She stated that trying to find ways however that is to mitigate that and whether it is having crosswalks going over the street, a way to make that safe, it just doesn't seem like a place that should be walked. She stated Grand River does not seem like a place where people should be walking, this is from the Master Plan from 2016. She said currently we are in the middle of having a Master Plan done, she felt like we should probably wait on the rezoning until the new Master Plan is complete, that was her perspective.

Mayor Gatt said he agreed with almost everything that was said up here. He reiterated that we as a Council had talked about hotels on the south side of Grand River Avenue and we rejected it then and we can reject it again. He said Grand River Avenue is a wicked Road, very difficult and very unsafe to cross on foot. He said cars, trucks, and semi-trucks are going 50 miles per hour and you know when the sun goes down, you cannot see. He said they talked about a pedestrian overpass he would like us to consider, or somebody consider a pedestrian underpass, something in the weather in Michigan, you know for four or five months out of the year, an overpass could be nasty walking up there, an underpass would be more conducive for handicapped people, conducive for older people and he thought safer.

Mayor Gatt mentioned the setbacks and that 100-foot and 200-foot were mentioned. He thought this was a resident driven issue and he did not know if one size would fit all. He thought maybe we could come up with something where somebody said about the corner houses, maybe 100 feet is not good for them, and might be good for others. She said it was something that he thought the staff should look at and come back with some options. He said three stories, four stories, if he lived on the south side, and somebody wanted to build a four or five story building, he would be very upset. He said he would like to keep it at three stories, somebody earlier mentioned four stories, maybe depending on where it is. He did want to reiterate also that it has been said more than once. Mayor Gatt noted this is not a Council driven issue. He said it is not a one businessman driven issue. He said a former council person was talking about how this is going to really help one person in the community and that we have already helped that person a lot. He stated that is just completely 100% untrue. He said this is something the planning people, the Master Plan people have come up with, and it has taken years and years, from there to here.

Member Fischer said he would like to give staff some opportunity to comment on the walkability, a lot of people have really gone after that as one of the fallacies of this plan that they may consider the four years of work because it is just not walkable. He said one counter he had to that is, why did the city spend probably a couple hundred thousand of dollars or a million dollars to put sidewalks all the way up and down Grand River Avenue between Taft and Beck, which we already have there, which he has walked on and he felt very safe doing the whole thing. He said it is really about the cross ability. He said he could imagine that if this district were to come to fruition, we probably would not just have one stoplight between Beck and Taft as well, maybe there would be a couple with crosswalks. He wanted to give you the opportunity to tell us a little about your vision of the walkability from a staff perspective. He said that is one thing that he thought has probably gotten an unfair shake, mostly on social media. He said he did not think the staff had an opportunity to comment on that, especially in relation to some of the comments he just made.

City Planner Bell thanked Member Fischer. She stated our vision would be that there are internal street networks that create the walkability, where you are walking from thing to thing, not along Grand River Avenue necessarily. She said we would like to see a crossing of Grand River. She knew that the 2016 Master Plan had a planned road here along the north side to kind of create a bit of a ring road. Member Fischer asked if that was where the cement plant is. Ms. Bell said the City Gate Road that comes up between Starbucks and the Tim Hortons, that would continue further east and then down and meet up with Grand River, so possibly a stoplight there. She stated that obviously, involvement with the Road Commission for Oakland County (RCOC). She said that might be where the future connection could be for both pedestrians and cars, but really, it is the internal street networks that we are seeing as more the walkable pedestrian focused areas.

Member Fischer said he thought some of the intentions underlying all of this, there are some good intentions there between the walkability of those things. He thought that either marketing or promoting a little more of the idea of the internal not necessarily the crossing, is the walkable element within those different parcels. He said he thought maybe concrete plans, he believed that this just might help tell the story of what is taking place. He thought staff has gotten an unfair shake on some of the walkability comment.

Member Crawford mentioned the setbacks, he would love to see 100, 200, or 500-foot setbacks when it is next to residential. However, he said that is not always practical, nor is it fair to the property owners who own property north of the residential subdivisions. He said he would like to see some sort of recommendation for berms, landscaping, whatever allows those properties north of the residential to be able to develop, we cannot take up a third or half of their property. He said he did not know which parcels they were, and he did not know how far they went. He said we need to address that and not penalize them with 100-foot or 200-foot setback. He believed there were other alternatives. He said it is important that they are not taken out of the picture with kind of development.

Mayor Pro Tem Staudt said he started this with a discussion of some of the issues and we have hashed it out. He hoped the residents had seen that. He said this is a Council, it

came prepared, we have done our research, we read all the correspondence, he got some correspondence today that was sent to the Planning Commission from an attorney from a Homeowner's Association. He said they read everything, they listen to everyone, but we talk on the record. He said sometimes that is a difficult thing to understand about government, but we certainly have empathy for your issues, but we have empathy for the people who own the property. He said we are trying to find a nice balance, something that is fair. He thought they had a robust and excellent conversation.

Mayor Gatt asked City Manager Cardenas if he was prepared to bring this back with a new first reading soon. Mr. Cardenas replied yes.

**2. Consideration of Zoning Map Amendment 18.741 to rezone approximately 250 acres of property located north and south of Grand River Avenue, east of Beck Road and west of Taft Road, from B-3 General Business, I-1 Light Industrial, RA Residential Acreage, OS-1 Office Service, and OST Office Service Technology to CW City West District. FIRST READING**

**POSTPONED**

**CM 23-07-088**

**Moved by Staudt, seconded by Crawford; CARRIED UNANIMOUSLY**

**To postpone the approval of Zoning Map Amendment 18.741 to rezone approximately 250 acres of property located north and south of Grand River Avenue, east of Beck Road and west of Taft Road, from B-3 General Business, I-1 Light Industrial, RA Residential Acreage, OS-1 Office Service, and OST Office Service Technology to CW City West District. FIRST READING**

**Roll call vote on CM 23-07-088**

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

**Nays: None**

**3. Consideration of Approval of Change Order No. 1 to Mattioli Cement Company, Inc. for the 2023 Neighborhood Road Program – Concrete Streets in the amount of \$337,104.25.**

**CM 23-07-089**

**Moved by Crawford, seconded by Casey; CARRIED UNANIMOUSLY**

**Approval of Change Order No. 1 to Mattioli Cement Company, Inc. for the 2023 Neighborhood Road Program – Concrete Streets in the amount of \$337,104.25.**

**Roll call vote on CM 23-07-089**

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

**Nays: None**

**4. Consideration of Approval of Change Order No. 1 to Cadillac Asphalt, LLC for the reconstruction of the eastern 500-feet of Drakes Bay Drive as part of the 2023 Industrial Roads Rehabilitation Program in the amount of \$386,927.26.**

City Manager Cardenas said this is just the first 500 feet from the Drakes Bay Wixom Road intersection. This is purely a reconstruction of those 500 feet. He said we will come back to Council at the next meeting for more rehab and maintenance work for the rest of Island Lake.

**CM 23-07-090            Moved by Smith, seconded by Casey; CARRIED UNANIMOUSLY**

**Approval of Change Order No. 1 to Cadillac Asphalt, LLC for the reconstruction of the eastern 500-feet of Drakes Bay Drive as part of the 2023 Industrial Roads Rehabilitation program in the amount of \$386,927.26.**

**Roll call vote on CM 23-07-090**

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

**5. Approval to approve the Purchase Agreement for property on the east side of Meadowbrook Road, north of Ten Mile Road, approximately 4.51 acres, Parcel No. 22-24-301-013, in the amount of \$295,000, plus closing and other related costs, to amend the budget, and to direct the City Manager and City Attorney to take such action as is required to close on such purchase.**

City Manager Cardenas reminded City Council that this will be coming out of a Tree Fund as this property is intended for preservation of the woodlands that are currently located there.

**CM 23-07-091            Moved by Smith, seconded by Casey; CARRIED UNANIMOUSLY**

**Approval of the Purchase Agreement for property on the east side of Meadowbrook Road, north of Ten Mile Road, approximately 4.51 acres, Parcel No. 22-24-301-013, in the amount of \$295,000, plus closing and other related costs, to amend the budget, and to direct the City Manager and City Attorney to take such action as is required to close on such purchase.**

Mayor Pro Tem Staudt commented on one of the mantras we hear all the time is, if we want to protect it, then we should buy it. He said that is exactly what we are doing. He said this is something that we have done to the city quietly over the years. He stated this was a request, honestly by one of the Homeowner associations. He thought this is a perfect example of how the City Council reacts to these situations.

Member Fischer wanted to clarify this is another piece of property that we are adding into the inventory. He said we did this with several acres last year, something we are always on the hunt for, as we saw in the last discussion, there is an emphasis on the Council to protect those woodland and wetland resources. He said we also see that a parcel like this would be very difficult to develop without a lot of consternation with people around it with residents and such. He supported this and was glad it came forward. He mentioned his concern was that in the packet that it was supposed to come from the General Fund, that is what is shown on our packet material. He did not know what we needed to do to clarify that. City Manager Cardenas replied that it is just the line item that we use for property acquisition and in a future Budget Amendment it will be moved into the Tree Fund. Member Fischer said if we see that in the next Budget Amendment he was in full support.

**Roll call vote on CM 23-07-091**

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

**6. Approval to purchase rapid deployment barricades for the Novi Police Department from Meridian Rapid Defense Group, sole source provider and through an existing GSA contract, for a total of \$155,646.18.**

**CM 23-07-092 Moved by Thomas, seconded by Casey; CARRIED UNANIMOUSLY**

**Approval to purchase rapid deployment barricades for the Novi Police Department from Meridian Rapid Defense Group, sole source provider and through an existing GSA contract, for a total of \$155,646.18.**

**Roll call vote on CM 23-07-092**

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

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

**AUDIENCE COMMENT:**

Joe Bertera, 130 Rexton, Lake Wall Subdivision Novi said he had a whole speech prepared about this Lakefront Protection Ordinance. He said the ordinance at the beginning of his last speech when he talked about how the Ordinance 86-18.20 and then it got changed to 86-126 through some shenanigans with the city. He was not even sure what they did, he said the documents were destroyed. He said after hearing this last hour of what happened here with this City West and looking at the City Council, he has other things to say at this point. He stated that he lives in the north end of Novi, on the border of Walled Lake, and our roads are not even paved, they are chip sealed in his neighborhood. He said he was looking at these numbers like you are repaving concrete streets for \$337,000, you know where all those streets are. He said they are near the City

Hall. He said that includes the concrete streets and the asphalt streets where you are repaving part of Island Lake where there are million-dollar homes. He stated on the north end there are chip sealed streets which is like pebble, sand and tar. He wondered why everything was being done around this area. He said all of you were up here talking about the City West and you are talking about the residents here, the residents there, but there is zero concern for the north end of Novi. He said all this stuff happens around the city within one square mile of City Hall. He said he knew it was far away from where you all live, but all your streets are paved, or your trees are trimmed, all your electricity works in your neighborhoods because you run the city. He said they are up on the north end of Novi, and you guys do not care at all. He wished he had more time to read what he wrote. He said the next step is to go to the City of Walled Lake and see about getting their neighborhood annexed into Walled Lake where there are more reasonable people there. He believed they only cared about their little pet projects, like everything around 10 Mile and Meadowbrook. He guessed that is probably what's more important to you.

Michel Duchesneau, 1191 S. Lake Drive Novi said regarding Novi City West, several properties will become nonconforming under the current ordinances. He said this will require them to apply for a special use and prove that they can no longer use the property as it is zoned. He felt there should be some form of relief for existing property owners, there are a lot of companies in there right now that you could probably say they are blighted. He said if they want to improve their business, under this new district, they are going to find it probably is much more difficult. He said he would like to have some review as to what this does to the existing property owners' businesses that may want to expand their house, and they may want to improve their façade, but not meet all the other requirements that this meeting entailed. He said he would like to see some kind of provision for how this impacts existing property owners and companies, and those especially that become non-conforming uses.

Dorothy Duchesneau, 1191 S. Lake Drive Novi thought a little bit of thinking out of the box with this City West and the crossings, and you are slowing down the traffic and all that. She asked them to please take one step back. She mentioned there was a slide shown earlier that talked about where the buses might stop along Grand River between one end of the other of City West. She suggested working with the transit companies to figure out where do they want the bus to stop and put traffic lights and crossings there. She said people getting off the bus going in one direction might want to get to the other side of the street safely and vice versa. She said you also need to talk with them about where the buses are going to stop. Where are the lifts going to stop. Where are the people that are going to be traveling in opposite directions going to cross that. She asked Council not to leave that until the last minute or you will be finding out you will be doing it twice. She asked the Council to find out where those transit points are going to be, put the traffic lights in the crosswalks and the road crossing there.

**COMMITTEE REPORTS: None**

Mayor Gatt stated we are heading into the middle of July now, there are two major committees out there working with the older adults, the Older Adult Needs Committee

and with the public servants, the Public Safety Building Committee. Mayor Gatt requested a report from each committee by the first meeting in October. He commented that if he could have a comprehensive report from both committees as to where we stand, he would appreciate that.

### **MAYOR AND COUNCIL ISSUES:**

Mayor Gatt said he added "Garage Sales" to Mayor and Council Issues. He said he received a phone call and a couple emails from people in a subdivision who had a neighborhood subdivision garage sale a few weeks ago. He said they put out a bunch of signs and our ordinance people did their job, and they went around and picked up all those signs. He stated the people who called and wrote to him were not happy. He agreed with them. He also agreed that our ordinance people are doing their job. He would like the City to look at that ordinance, modify it in some way, then come back with some kind of modification. He said he would like at least a week in the spring and a week in the fall where we advertise that all garage sale signs are legal. He said a couple of his colleagues said it should be for several months or the whole summer. He said that would be okay with him also. He said he did not like telling our subdivisions you cannot put up a garage sale sign. He said we waved the Sign Ordinance, or we abated that dramatically during COVID for our businesses, now we are talking about our residents. He suggested coming up with something from the first week in June through the last week in September and letting people have their garage sales and put their signs up. He said we would have to regulate the signs; we would not want 30-foot signs for a garage sale. He was talking about normal garage sale signs and whatever is normal, he will let staff decide. He said he would like to see City staff working on something like that, and bring some suggestions back to us as soon as possible, unless his colleagues disagree.

Mayor Pro Tem Staudt said he was one of the people who suggested that we allow for more signs more than two times a year. He said maybe there is going to be a lack of common sense relative to putting too many signs out, people get a little overzealous. He said seriously, is this what Novi is about, spending all our time picking up signs of people who have rummage sales or lawn signs, we need to do better. He said he would support a much more robust softening of the regulations, the ordinances to all much more than two times per year.

Mayor Pro Tem Staudt said he added "Landscaping and Fiber Optic" to Mayor and Council Issues. He mentioned that over the past couple of weeks, and he just found out today, he stated the Mayor got some of the similar correspondence. He received email and pictures of the Meadowbrook Glen's subdivision and things like that orange conduit coming out of the ground, four feet tall in front of people's houses. He thought maybe that is something that has been there for a few weeks or maybe a month, but that was not true. He found out today that AT&T went in there and put this conduit in, and not only is it extremely distracting, but all the landscaping around it is also now completely ruined. He said from what he heard, there is nothing we can do, which is a sad situation. He said that is one side of it. He said the other side is we did a very robust sidewalk replacement program in Meadowbrook Glens, and they are very appreciative. He heard from many

residents that they were pleased the city stepped up and helped with this, but there is one small problem there, there are just plots of healthy grass and weeds and things all over, he drove the sub yesterday. He stated there are probably 30 places where we must have pulled up the concrete and tore up the area between the sidewalk and the road, some of it has weeds that are three or four feet. He heard today that our code enforcement officer approached our City Manager and told him that, maybe we shouldn't be harassing the residents to take care of this, because frankly, this is our problem. He said we are a better city than this. He stated we need, if we are going to take on these projects, we are going to do something to help a subdivision and help a resident, we need to go all the way, which means that we need to do the landscaping necessary to return the property back to where it was before we did the project. He stated he did not know what the answers are in terms of why we do not know if this is a contractor issue. He said some places are extremely good and others are extremely bad. He said when you drive into Meadowbrook Glens, they have gorgeous signage. There is nice landscaping up front, and you go in about three houses, and you have three-foot weeds, this has got to end. He said he did not know what the right answer is, he has talked to the City Manager about it. He said he would like to see the City Manager and whomever is responsible for these projects come back to Council at some point in the future and explain to us what they are going to do to ensure this never happens again. He commented that he experienced this personally during the reconstruction of Cranbrook. He said he had cement trucks that felt like his front yard was their cleaning spot and they would spray it off and onto his grass. He said the grass still after two to three years has never grown back. He said he tried to make calls to get the concrete removed. He stated our contractors are responsible to our city, we are responsible to our residents, we need to do better. He said whoever is responsible for this stuff he would like you to start with a plan for Meadowbrook Glen's and how they are going to get their lawns returned to some semblance of order. He said he did not want to hear that it is the responsibility of the homeowner, if we tore it up, it is our responsibility, not theirs, especially in an area like that, that has a lot of elderly people who do not have the ability to go out her and put their own topsoil down and put nice lawn seed and water it every night. We need to do better on this. He asked the City Manager to come back, he has told him personally, that he has also driven through the neighborhood and seen some of the same issues. We know they exist, let's fix it.

Mayor Gatt announced that City Council would enter Executive Session at 8:54 P.M. and City Council planned on returning to Regular Session.

City Council returned from Executive Session to Regular Session at 9:22 P.M.

**CM 23-07-093            Moved by Fischer, seconded by Staudt; CARRIED UNANIMOUSLY**

**Approval of the Tentative Agreement between the Novi Firefighters (NPFU) Local 3232 and the City of Novi with the final form of the agreement to be approved by the City Manager and Labor Attorney's office.**

Mayor Gatt thanked our firefighters for all their hard work and said we appreciate you every day.

**Roll call vote on CM 23-07-093**

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

**ADJOURNMENT** – There being no further business to come before Council, the meeting was adjourned at 9.23 P.M.

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Cortney Hanson, City Clerk

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Robert J. Gatt, Mayor

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Transcribed by Deborah S. Aubry

Date approved: July 31, 2023