

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, FEBRUARY 27, 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

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

APPROVAL OF AGENDA:

CM 17-02-018 Moved by Wrobel, seconded by Burke; CARRIED UNANIMOUSLY:

**Roll call vote on CM 17-02-018 Yeas: Staudt, Burke, Casey, Markham, Mutch, Wrobel, Gatt
Nays: None**

PUBLIC HEARING - None

PRESENTATIONS:

1. Proclamation in recognition of National Nutrition Month for March and March 8, 2017 as Registered Dietitian Day – Aarti Batavia, Providence Hospital

Aarti Batavia stated she was a Registered Dietitian with a private practice at Providence Park Medical Office Building and she is also faculty at Nutrition Department at Wayne State University. March is National Nutrition Month every year. She noted that that this year's theme was "Put Your Best Forks Forward". She emphasized eating a variety of fruits and vegetables which have a lot of vital nutrients. She also said we should be eating a rainbow of colors. She challenged everyone to try to eat at least two new foods a month. She started the challenge with Mayor Gatt and presented the Mayor with a spice called turmeric. She mentioned it was also an anti-inflammatory and asked him to give it a try.

2. RF Events (Running Fit) donation to the Novi Youth Council for anti-drug events – Randy Step

Mayor Gatt asked Dawn McConnachie, Wendy Duvall, and Novi Youth Council Members, Shiven Acharya, Savanna Parnell, Alice Ying and Saahith Mummadi to come down to the podium. Dawn McConnachie, Running Fit Events said they put on approximately 25 races throughout Michigan every year. Ms. McConnachie expressed her gratitude to Novi High School for opening their doors at the school so that RF Events could host their Super 5K Race from the school. She said they love it there, love the race course, and they wanted to give something back to the community youth. She

presented Novi Youth Council with a check which was taken from some of the proceeds of the Super 5K Race. She appreciated what the community youth has been doing. Shiven Acharya, Novi Youth Council said they help a lot with volunteer work throughout the City. The number one thing that Novi Youth Council does is charity events. He said he was the Chair of the "Feed the Need". They take in the under privileged children in Novi and give them a free lunch and help them play games so that they know they are loved and cared for in this beautiful city. Savanna Parnell, Novi Youth Council mentioned they sponsor "Addicted to Movies, Not Drugs". It encourages youths to go out with friends and have a good time without resorting to drugs. Alice Ying, Novi Youth Council said they also hold events for senior residents. One of the events is called the "Spring Carnival" where Youth Council will go out to a senior residency and set up games; provide food and fun for the night. The Youth Council representatives thanked Running Fit for the check.

AUDIENCE COMMENT:

Amarjit Chawney, 32850 Longbow Ct., Beverly Hills, said he has been here twice in the last month and his comments are similar to what he previously said. He explained how he provided relevant documents to Council, but hasn't heard anything back. He said the problem has been with Mr. Boulard who in March cited that his punch list items were all done, but other unrelated items such as a man hole cover which in his opinion did not have enough holes in it. He said that they also mentioned the asphalt topping had not been installed. He said he has done the punch list items, but only gets excuses about why the money can't be returned. He said it's time the money is refunded; it is unprofessional and unbecoming.

Susan Wheeland, 17851 Airport Road, Fraser, said she was here a couple weeks ago with concerns about Petland. She said she filed a police report on February 7th but found out Petland said the dog was sold. She added that the Police said they visited Petland on February 9th and reported the dog was fine. She wants to know what is going on with the dog. She said the reports are conflicting; have they sold the dog, was it ever taken to a vet? She spoke about how she could have taken that dog home and it would've been a detriment to her dog. Why is Petland allowed to sell animals that are sick? She asked why the City is allowing this. This is serious and needs to be looked into. She hopes to hear that an investigation will be brought forward.

Ryan Hamel, 24 E 7th St, Chillicothe, Ohio, was present on behalf of the Petland Headquarters. He said Petland Novi is the most regulated and inspected place to find a puppy in the state of Michigan. He said the health of all Petland puppies is overseen and each puppy is accompanied with a certificate from the vet. He invited the Mayor and Council to come see the store to show how they operate, how they select breeders, and how they support families once they take puppies home.

Randy Horowitz, 1185 West Blvd., Berkley, is the owner of Petland Novi. He said he opened it because he loves pets and explained that the puppies come first. They are leaders in the industry and their mission is to make a difference in the people they

serve. He said they send the puppies home with everything they need to live a happy, healthy life. They have been in Novi for 21 years and have an A+ rating with the Better Business Bureau. They have tens of thousands of happy customers. He explained the Privacy Act of 1974 removed the rights on access to breeder information. He said they do a lot in the community, including raising \$10,500 for St. Jude. They have sponsored a service dog for a vet with PTSD, donated puppies to the Make-A-Wish Foundation, and families in need. He said they would never abuse a puppy. He said there are strict laws they have to adhere to and they have done nothing illegal.

Vechelle Onufrak, 1559 Westfield Road, Trenton, explained she had a terminal ill grandson whose dream and wish was to have a puppy and a cure for his disease. She said her daughter went to Petland and they brought out a puppy that jumped right into her grandsons' lap. She said Petland gave them the puppy and everything they needed. They never had a problem with the dog. A year later her grandson passed away, and she contacted Petland to explain what they were doing in honor of her grandson. Petland employees wore the t-shirts and posted all over Facebook to support Matthew's Wish. She said if you have ever witnessed a child who never had happiness or joy, but found happiness in a dog, it was the most positive and grateful experience in her life. She said she supports Petland.

Christopher Caverly, 19383 Inkster, Livonia, said he has worked at Petland for 3 years and has moved up to management. He said his dog is from Petland. He was there the day they made Matthews' family a little bigger. He said the staff goes out of their way to help people, even if it is just talking to someone about how the store is run, giving advice, or helping find toys. He said the customers aren't top priority, the puppies are. They want to find good homes for those puppies. He said he has been on a breeder trip to see where puppies come from and he has seen for himself that the puppies are coming from legitimate, credible sources. He said he was sorry that things happen, but is happy he works there and is forever thankful for his employment there.

Alexandria Kelly, 1624 Whittier Dr., Canton, said her family bought a dog from Petland in August 2015. They paid over \$3,000 but nine days later, he passed away. She said her family had 2 dog deaths and one family member death in 3 weeks. She said it destroyed her and her family and it has been really hard for her to keep going. She spoke about how the puppies live in cages at Petland. She said if Petland was a safe place for animals, why would there be controversy like this? She wants them shut down. She supports animals finding great homes, but wants the animals to be safe.

Kris Kelly, 1624 Whittier Dr., Canton, said she was Alex's mother. She said prior to Charlie, they rescued animals. She said against her better judgment, they purchased Charlie from Petland. They took him to the VCA because he was immediately sick, but ended up taking him to their local vet to get medicine. She said they love animals and want to see them not purchased from places like that. She said it's a business where they sell dogs and a lot of people who go there have lost a spouse or animal. She said they say their breeders are legitimate, but she would like to see an open door

so people can see the breeder's information. She would like to see them promote the humane society and get into the business of working with the humane society.

Pam Sordyl, 8758 Deerwood Rd., Clarkston, is the founder of Puppy Mill Awareness. She said this is a serious subject for families who are victims. There have been two incidents involving Petland on the news in the past month, and it brings bad attention to Novi. There were hundreds of comments on the news stories, including questions like why are they allowed to sell sick dogs, and why is it still going on. She said she sent an email to the Council members to show the patterns of kennel cough, pneumonia, and other illnesses. She said the store shouldn't accept dogs that are sick from puppy farms. They should not be selling dogs that die; it should not be the cost of doing business. She said families claim they have to threaten to sue or go to media in order to get a response from Petland. She said the store isn't providing veterinary care and the Police should investigate these claims, instead of treating it as a civil matter.

Melissa Chlebek, 29096 List St., Farmington Hills, said she has worked at Petland for 11 years and it has turned into her career. Her family has taken in 10 dogs over the years, and her first puppy lived 14 years. She said she was fortunate to work in the kennels and on the sales side. She worked as the kennel manager and she said she had a lot of experience with happy and healthy puppies there. She said sometimes the puppies do get sick, but the staff does everything they can to get them happy and healthy. She said she has even taken dogs home to ensure they are ok. She said Petland has been in Novi for over 20 years and they have seen wonderful changes in the breeding world. She said she has been to see the breeders first hand and they always ask what they can improve on. She hopes to continue working there and loves sending a puppy home.

Martin Dugas, a resident of Milan, said he was the father of Matthew Dugas. He spoke about his son and the terminal illnesses he had. When he was diagnosed, they decided to put everything in motion to get him everything he needed. He said they visited Petland who was able to give them the puppy. He said they instantly bonded and fell in love with each other. The puppy helped Matthew get through tough times. Matthew continually got worse, but Petland gave everything they needed, including the puppy. They are grateful and cannot say how much they appreciate Petland for what they've done for them. He said animals get sick and die; it just happens. He said depression ran high in their family, too, because there is nothing like losing a child. They are forever grateful to Petland. He said the owner, Randy, does things for the community by bettering lives and changing them.

Karen Irwin, a resident of Plymouth, said she and her dog do therapy work at Wellbridge in Novi. She was there to speak about the breeders where the puppies come from. She said the puppies are scared after they are transported and removed from their parents. She said the breeders used by Petland have a history of using improper kennels. She said the small dogs are stacked in wire crates and can't see or feel the grass. She said Petland needs to be held responsible because they had had many complaints, including 2 this past month. One was a DNA issue where the person

was told the dog was a specific type, but DNA proved it was a different type. She also mentioned the Great Dane story that has been mentioned in the news. She said we could enforce the rules a little better.

Jenelle, a resident of Southfield, said the breeders are often puppy mills and operate for profit. The more puppies they can produce in a small amount of time, the more money they make. She said they may or may not know that the puppies are sick when they send them, but they should know. If they kept the dogs behind to treat them, they wouldn't get the same profit. She said people can adopt dogs or get them from shelters. She said hundreds of dogs are put to death every day. She said it all comes from a for-profit standpoint. You can get a great dog by adopting. She said there was no way to check on all the breeders, they can't be watched 24/7 so you don't know where the puppies are coming from.

CONSENT AGENDA REMOVALS AND APPROVALS:

- A. Approve Minutes of:
 - 1. February 6, 2017 – Regular meeting

- B. Enter Executive Session immediately following the regular meeting of February 27, 2017 in the Council Annex for the purpose of discussing labor negotiations, property acquisition and privileged correspondence from legal counsel.

- C. Approval of Appointments of student representatives to the Parks, Recreation & Cultural Services Commission.

- D. Approval to award the Ice Arena Evaporative Condenser tower replacement project to Serv-Ice Refrigeration, the low bidder, in the amount of \$93,175.

- E. Approval of Zoning Ordinance Text Amendment 18.280 to amend the City of Novi Zoning Ordinance at Article 4, "Use Standards," Section 4.86 "Uses Not Otherwise cell towers Included Within a Specific District," and Article 2, "Definitions," Section 2.2 - Definitions, in order to recognize and provide for implementation of State and Federal legislation regarding wireless communication equipment and facilities. **SECOND READING**

- F. Approval of Ordinance No. 17-110.05, amending Chapter 17, Article II, "Historical Commission," Section 17-17, "Composition," of the City of Novi Code, in order to add two additional voting members to the Commission, for a total of seven members, to remove the requirement that a member serve on the Novi Historical Society, and to delete the requirement that certain City Administration serve as non-voting members. **SECOND READING**

- G. Approval to award the lowest bid of \$97,227.00 to Varsity Ford for the purchase of a 2017 F-550 Swaploader, and the up-fits to be done by Knapheide.

- H. Approval to purchase (2) new John Deere HPX All-Terrain Vehicles from Weingartz Supply Co., in the amount of \$24,160.90 based on State of Michigan MiDeal Cooperative Purchasing program.
- I. Approval of the final payment to Merlo Construction Company for the Eight Mile Pathway (Beck to Garfield Roads) project in the amount of \$26,597.23, plus interest earned on retainage.
- J. Approval of the final payment to Springline Excavating, LLC for the 14 Mile Pathway and Water Main project in the amount of \$14,703.14, plus interest earned on retainage.
- K. Approval to award geotechnical services to Testing Engineers and Consultants, Inc. for the Meadowbrook Road Rehabilitation (I-96 to 12 Mile Road) project in the amount of \$25,174. The final form of the agreement to be approved by the City Manager and City Attorney's office.
- L. Approval of the final payment to Cross Renovation, Inc. for the Pavilion Shore Park – Restroom Shelter Building project in the amount of \$21,822.96, plus interest earned on retainage.
- M. Approval of a Storm Drainage Facility Maintenance Easement Agreement from ATI Holdings, LLC for the office building project located west of Meadowbrook Road north of I-96 (parcels 22-14-200-015 and -016).
- N. Acceptance of a warranty deed from ATI Holdings, LLC for the dedication of a 60 foot master planned right-of-way half width along the west side of Meadowbrook Road north of I-96 as part of the office building project (parcels 22-14-200-015 and -016).
- O. Approval of a Storm Drainage Facility Maintenance Easement Agreement from BK Novi Project, LLC for the One Salon parking lot expansion project located north of Grand River Avenue west of Novi Road (parcel 22-15-476-032).
- P. Approval of two Storm Drainage Facility Maintenance Easement Agreements from Haggerty Holdings, LLC for the Autoneum office building project located west of Haggerty Road south of Thirteen Mile Road (parcels 22-12-200-054 and -055).
- Q. Adoption of Resolution authorizing cost participation under a Federal Surface Transportation Program grant, and approval of a cost share agreement with the Michigan Department of Transportation (with an estimated allocation of \$278,593 paid by Federal grant funds and \$1,464,406 to be paid by the City of Novi) for the Beck Road (Eight Mile Road to Nine Mile Road) Rehabilitation project.

- R. Approval to purchase a 2018 7400 model single axle chassis from International through the current MiDeal contract in the amount of \$89,915.00.
- S. Approval of Resolution No. 1 for Special Assessment District 180 - Andes Hills Condominium Water Main Extension, authorizing the preparation of plans, specifications and cost estimate.
- T. Approval to authorize ICS Integration Services LLC to purchase and install replacement modems at the City's twenty-two monitoring locations within the City's sanitary sewer system, in the amount of \$28,094.
- U. Approval of Claims and Accounts – Warrant No. 982

CM 17-02-019 Moved by Burke, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the Consent Agenda as presented.

**Roll call vote on CM 17-02-019 Yeas: Burke, Casey, Markham, Mutch, Wrobel, Gatt, Staudt
Nays: None**

MATTERS FOR COUNCIL ACTION

- 1. Approval to award a unit price Water Service Connections Contract to D&D Water & Sewer, Inc., the low bidder, for a term of one year with three 1-year renewal options for an estimated annual amount of \$150,000.

CM 17-02-020 Moved by Mutch, seconded by Burke; CARRIED UNANIMOUSLY:

To approve award of a unit price Water Service Connections Contract to D&D Water & Sewer, Inc., the low bidder, for a term of one year with three 1-year renewal options for an estimated annual amount of \$150,000.

**Roll call vote on CM 17-02-020 Yeas: Casey, Markham, Mutch, Wrobel, Gatt, Staudt, Burke
Nays: None**

- 2. Approval of the request of Commerce Park, JSP 17-02, for Zoning Map Amendment 18.716 to rezone property in Section 16, located on the southwest corner of Twelve Mile Road and Taft Road from RA (Residential Acreage) to OST (Planned Office Service Technology). The subject parcel is approximately 30.64 acres. **FIRST READING**

CM 17-02-021 Moved by Wrobel, seconded by Burke; CARRIED UNANIMOUSLY:

To approve the introduction and first reading of the request of Commerce Park, JSP 17-02, for Zoning Map Amendment 18.716 to rezone property in in Section 16, located on the southwest corner of Twelve Mile Road and Taft Road RA (Residential Acreage) to OST (Office Service Technology). Approval is provided for the following reasons:

- 1. The rezoning is consistent with the recommended land use on the Future Land Use Plan and will be consistent with the existing zoning to the west.**
- 2. The rezoning provides an opportunity to develop the property in conformance with the Master Plan for Land Use recommendations, and puts a vacant parcel of land to use.**
- 3. The rezoning request fulfills three objectives of the Master Plan for Land Use by:**
 - a. Fostering a favorable business climate,**
 - b. Showing support of development in the OST district, and**
 - c. Maintaining a competitive market place.**
- 4. The rezoning will not have a negative impact on public utilities.**

Member Mutch commented he was glad to see this had come forward with a proposal that will bring this property into conformance with the Master Plan. He felt this was the right direction to move in. He questioned City Planner, Barb McBeth about a concern that he had with the infrastructure in this particular area. He said 12 Mile Road borders the north side of this property. His understanding was that we do not have a particular development plan for this property at this point, at least when we are reconsidering this zoning. He mentioned staff has done some calculations in terms of what could be developed on that property as far as future land uses. He asked if Ms. McBeth could speak a little about those particular development potentials for that property. Ms. McBeth said the zoning was currently RA (Residential Acreage) and there were some wetlands on that site. There are a couple of different calculations, anywhere from 20 to 28 single family homes could be built under the existing RA zoning. With the rezoning to OST, they estimate around 124,000 square feet of building area could be built. She noted that this was not based on any particular plan. Member Mutch said the traffic review was done for the site and actually looked at a larger potential building. He questioned Ms. McBeth about the potential size of the building if we ignored all of the natural resources on the site and we allowed that to be completely developed. She said it could be up to 240,000 square feet. Member Mutch wondered if staff was comfortable with that number in terms of her review based on the OST zoning and what is allowed. Ms. McBeth said yes, they think that would be right, they are allowed considerable height in this location, along the freeway. He said one of the things mentioned in the review was the fact that all of the traffic from this development would go to 12 Mile Road and wouldn't be utilizing Taft Road, which is unpaved on the east side of this site. Ms. McBeth said the expectation would be that the majority of the

traffic would come from 12 Mile Road. Member Mutch said that raised a couple of concerns regarding the review letter which referenced the traffic counts from 2012. He said anyone who has driven that corridor at peak hours knows it is congested. He said he knows if they come in with a development plan they will be required to do certain improvements in front of their property on 12 Mile Road. He wondered how big of an area it was between Taft Road and the railroad tracks to the east. Ms. McBeth said she didn't have that information in front of her, but there were about 7 homes on large lots on the east side. Member Mutch confirmed with Ms. McBeth they would anticipate that it would transition over to OST zoning and it will develop into a large office style development. She said that is in the Master Plan for zoning as well. Member Mutch said we have an unpaved road that exits near the railroad tracks at 12 Mile Road and noted that it was unsafe. He said that it probably supports the 7 homes there, but it will never support any significant development. He said at the same time we will be bringing in a new development on this property which we need to figure out how to get Taft Road to 12 Mile Road in a safe way. He was concerned that we haven't had that discussion and doesn't want it to be a problem down the road. Member Mutch said this was the "First Reading", but what he would like for "Second Reading" would be more detail from staff on traffic impacts on 12 Mile Road, how we address the future development along the east side of Taft Road, and to ensure we have safe access to that. He would like something from staff showing how we can do that if we develop that property. He implied that he wants the property owner to know up front that we can't have them building at the corner because that will create an issue. He said we are going to need an area where the road can be rerouted. He also requested additional information from the traffic engineers explaining what the 2012 counts were. He wanted to know if they looked at the additional development that has gone on in the area since 2012 and what it means to the roadway and levels of service. Member Mutch supported the "First Reading", but he said he will be looking for additional information on the "Second Reading".

Roll call vote on CM 17-02-021 **Yeas: Markham, Mutch, Wrobel, Gatt, Staudt, Burke, Casey**
Nays: None

3. **Appointments to Boards and Commissions**

Mayor Gatt submitted Datará Michener for nomination for the Library Board.

CM 17-02-022 **Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY**
To approve the appointment of Datará Michener to the Library Board.

Voice vote on CM 17-02-022 **Carried Unanimously**

Mayor Gatt submitted Geoffrey Wood for nomination for the Library Board.

CM 17-02-023 Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY

To approve the appointment of Geoffrey Wood to the Library Board.

Voice vote on CM 17-02-023 Carried Unanimously

City Clerk Hanson provided the results of balloting:

Celia Todd – Beautification Commission
Jeffrey Bowdell – Construction Board of Appeals
John Enkemann – Construction Board of Appeals
Kamran Qadeer – Construction Board of Appeals (alternate)

AUDIENCE COMMENT - None

COMMITTEE REPORTS - None

MAYOR AND COUNCIL ISSUES - None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION:

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 8:00 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: March 13, 2017