

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JULY 8, 2019 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 Breen, Casey, Mutch, Poupard, Verma

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

APPROVAL OF AGENDA:

CM 19-07-120 Moved by Casey, seconded by Staudt; CARRIED UNANIMOUSLY

To approve the Agenda as presented.

**Roll call vote on CM 19-07-120 Yeas: Staudt, Breen, Casey, Mutch, Poupard, Verma, Gatt
Nays: None**

PUBLIC HEARING: None

PRESENTATIONS:

1. MSU Tollgate Community Happenings/Partnership – Mike Mathis, Acting Director
Tollgate Farm & Education Center

Mike Mathis noted Tollgate Farm is down the road at 12 Mile and Meadowbrook. It has been a State of Michigan University property since 1987. He said a lot has changed and he wanted to give an update on what they have going on. It is part of Michigan State University Extension (MSU) and fully operated by MSU Extension. The MSU Extension spreads throughout Michigan. They have a hub at Oakland County government offices in Pontiac and programming goes on there as well. Tollgate is unique and they operate independently from that county agreement with Oakland County and MSU Extension. In short their Mission Statement for the Farm is to teach people about natural resources and agriculture. The vast majority of research stations and farm properties across the State of Michigan are operated by AgBio Research which is a different entity of the College of Agriculture and Natural Resources. We are the only property in the State of Michigan fully operated by MSU Extension. Their primary goal is outreach and education. He gave a brief history stating that the farm property was first purchase in 1831. One of the original families in Novi, the Bassett Family originally bought the property and built the farmhouse that is there some time in a period around 1840 to 1855. The Farm was bought by Adolph and Ginger Meyer in 1951 from the Bassett Family. The Americana Foundation set up by the Meyer Family donated that property to Michigan State University through Agriculture Education 1987. Since then there have

been some programs that have come and gone over the years, but the mainstay is their ornamental gardens with their many volunteers who donate their time to those. They have a large maple sugaring program that has been going on for quite some time. He stated that a lot of people say they have never heard of Tollgate Farm. He said most of the programming started in 2011. They did one week of day camps for youth at the farm. A few facts about Tollgate Farm include over 250 tapped sugar maples. We had our biggest year of making maple syrup in their history. They had 180 gallons made this year. They also have a lot of livestock. They have an ornamental cherry orchard, the Sukara Orchard that was installed this last year. They have many ornamental gardens, three acres of organic vegetable production, and they currently have 40 MSU staff on site. They have some full-time, and part-time seasonal staff that come on for their summer camp. They pool over 200 volunteers that help maintain their ornamental gardens. Manage their maple sugaring operation. They donate a significant amount of food to the local food pantries. He said they do school field trip programs, this last year they had over 7000 participants. He said they had every single kindergarten class attended from Novi. He said they pull from all over Metro Detroit for summer programs. He stated that the first summer camp in 2011 they had 45 campers. In 2019 they have 8 weeks of summer camp with 16 different week long camps with 660 campers. They have 120 member community supported agriculture. Farm Sprouts preschool program have had 50-60 kids in every season of early childhood programming. They also have a 4-H Club on sight. They are quite accomplished at the Oakland County Fair with goats and sheep that they show. They also do a little at their Farmer's Market on a weekly basis. He said they have events such as; maple tapping and pancake feast, and in the fall last year they opened a Sakura garden, 16 tree ornamental cherry orchard. Each one of those trees was supported with a \$10,000 donation from the Japanese business community, L. Brooks Patterson, Michigan Department of Economic Development and a few other entities as well. They have a small Japanese style pavilion as well. There were over 400 in attendance at the Hanami spring picnic in May. They had a Farm to Table Dinner in 2018 and are looking to do another food tasting farm to table event in 2020. He said their big event is the annual Pumpkinfest. It is a two day event October 5 and 6. It is a fundraiser for the farm and helps support financial aid to get kids in the camp. They had over 2,500 people attend last year's event due to the rain. The year before was beautiful weather and they had over 6,000 attend the event. Their gardens have a Garden Celebration every year, the volunteers like to show off their work and teach folks about what they have going on. They also have a nursery which the volunteers raise plants and they donate to be sold at their spring plant sales which can raise about \$15,000 a year. They have many programs, please check them out. They also are looking for sponsors for their events. Vibe Credit Union sponsors their Pumpkinfest Event and helps them make that event take place. They also have a conference center space that they rent out to private businesses for retreats and off-site meetings. The big thing coming up to help shape the next five-years would be their strategic planning process. They will have a public feedback session on July 25, 2019 from 6:30 p.m. until 8:00 p.m. at the Tollgate Farms Conference Center for anyone who may be interested. As part of the formal plan writing they are going to be doing an invitation only strategic planning session for their community partners on November 12, 2019. Those invitations have yet to go out. Thank

you for your time. He said he was happy to answer any questions. Mayor Gatt thanked him for the comprehensive report. He wondered how they get the message out to the folks, the Mayor said he wasn't aware of all of the stuff they have going on there. Mr. Mathis said it is their part to get better communications out. They do well with their Facebook page, newsletter, and website. They do well with their MSU Alumni contact list. They said the schools district has been distributing their information. They are talking to Communications Director, Sheryl Walsh-Molloy to get the information into the Engage Magazine. We need to improve communications to the millennials and the older adults. Mayor Gatt encourage him to continue working with Ms. Walsh-Molloy and her staff.

Member Poupard said that the Fox Run Community used to be involved in volunteering. One of their key connectors is not available right now. She wondered where we are with the osprey nest that has been there for three-years. He said he hasn't seen any. He thought maybe it was to small body of water.

Member Breen thanked him and said her daughter loved Mud Camp which is called something different now. She was glad to hear about the strategic plan and he could count on her for anything that they need. Her family loves going to Tollgate Farms. She looked forward to a continued partnership. She asked how much the enrollment has spiked in the day camps this summer from last summer. He said it was about 40 spots. We are at 609 last year and 649 now. They increase the number of spots in each week this year from previous years.

Member Mutch commented that we talk about the things that are unique and special to Novi. You would be hard pressed to find a community resource that is rich. He said he was familiar with some of the things that they did at Tollgate Farms, but he heard that evening of some of the things that he was not aware of. He said you would be hard pressed to find other communities that have this kind of resource in the community, not only in the terms of activities. He noted that a topic that is important to many residents is the preservation of and education components of that property having that sit across the street from one of the largest retail malls and to have this beautiful preserved farm land. Not just preserved, but it is an active and engaged in the community. He hoped that Tollgate would be here 100 years from now, doing what you are doing. Anything we can do to assist that long term role in the community. Mr. Mathis added regarding the resources, he said his position was created in 2013. It was created as an education director position and has since been made into the full director of the farm. They have many people to connect with at the farm.

2. Water Transmission Main Assessment/ Pre-Stressed Concrete Cylinder Pipe (PCCP) Inspection

DPW Director Herczeg gave a presentation regarding the Pre-Stressed Concrete Pipe (PSCCP) Assessment and Inspection Program for 2019. He explained that pre-stressed concrete cylinder pipe is a type of water main in the system. He said back in 2017 the Great Lakes Water Authority (GLWA) main break on 14 mile is made of PSCCP. We also

have a significant amount of PSCCP in our system. It is a concrete pipe made up of concrete layers sandwiched over tops a steel cylinder pipes and wires. It is common in water mains to design to handle high pressures given the large pipe size. It can range from 16 inch to 20 feet in diameter. With any pipe there are failures due to corrosion leading to hydrogen embrittlement. He mentioned the City has 2.5 Miles of 36 inch, 1 Mile of 30 inch, 1 Mile of 24 inch, and 1.3 Miles of 16 inch PCCP water main. It runs through the center of the City and is primary water service for majority of Novi. He said their goal is to reduce capital expenditures like the 14 Mile failure by repairing and rehabbing and replacing our bad pipes. There is a proprietary technology available to us to the Great Lakes Water Authority introduced after the break by Xylem/Pure Technologies. He showed them what a report may look like and call out sections of the pipe that are deteriorated and may need attention. In the PCCP Inspection Toolbox there transient pressure monitoring, leak and air pocket detection, structural pipe wall inspections, electromagnetics, visual and sounding, forensic investigation and design review, structural assessment, remaining useful life and acoustic fiber optic monitoring for wire breaks which is an option. Great Lakes Water Authority is using the fiber optics in their system. Some of the tools in the in-line acoustic leak and gas pocket detection include free swimming non-tethered hydrophone, technology that locates leaks and gas pockets in transmission or force mains, launch and retrieve in live flow through. He explained that the proposal from Xylem/Pure technologies included the SmartBall identification and location of any leaks as well as ARV installation recommendations. Air relief valves so we can install along sections of the pipes to reduce air which promotes deterioration and pressure fluctuations. Mr. Herczeg said this was budgeted in FY 2019-2020 and scheduled to start in fall 2019. He said they will likely bring the full proposal forward on the next agenda. He stated that they are looking to be preventative and proactive to prevent a catastrophic failure. Projects can be planned, they can be more cost effective and we can control the service. He said this is the same program that Great Lakes Water Authority has just completed their first phase of. He said they are very confident in the vendor. He wanted to introduce the project before they brought it forward and he was happy to answer any questions. He said they will include a lot more information in the packet when it is on the agenda.

Mayor Gatt thanked Mr. Herczeg for the comprehensive report. We take water for granted until it's not there.

Member Verma wondered if we have the staff to take care of this, or do we have to hire a company. Mr. Herczeg replied no; the inspection program will be hired out. He explained that this is the only company that does this. They own water services and this is one of them. He said they tailed onto Great Lakes Water Authority as soon as it started rolling because we have the same type of pipes.

Member Mutch said this pipe had a failure. Is this pipe prone to these kinds of failures? Mr. Herczeg said he didn't know if prone was the work, but they are seeing 10 percent of that pipe having failure. Certainly when it does fail it is catastrophic and expensive because of the size of the pipe and the transmission it is taking. Member Mutch wondered what the typical lifespan would be. Mr. Herczeg said it has been in the

ground for over 30 years. It's acceptable and solid pipe, but sometimes it deteriorates quickly due to soil conditions or pressure fluctuations. There isn't a danger of the system failing because we have the pipe but this is preventative and proactive. Member Mutch said it was noted that this is small percentage of the piping in the system. Is there a similar program for other types of pipes within the system? Mr. Herczeg said they wouldn't raise the same level of concerns. It can be handled by staff if we have a failure. Member Mutch wondered after the testing is complete and we get a sense of what the status of the pipes are, what is the fix? Mr. Herczeg said the fix would be, if imminent failure would be replacement. We would get a section of pipe manufactured, dig it up and replace. He said they are looking for this item to be on the next agenda.

Mayor Pro Tem Staudt said he sat through these presentations in the past. He said they are setting up the big question on how much? Mr. Herczeg said it is about \$500,000 and additional \$100,000 for the pipe diver. Mayor Pro Tem Staudt said what he was asking was he preparing them for spending on repairs and replacement, could be tens of millions? Mr. Herczeg said potentially. Mayor Pro Tem Staudt said this presentation is the first step in finding out what could potentially be extraordinarily expensive repairs. Mr. Herczeg said this is the first step in the asset management plan. Mayor Pro Tem Staudt said the expectation is that if these repairs are made, how long will it last? Mr. Herczeg said they will have a better idea once the inspections are made. Mayor Pro Tem Staudt asked what the chances the whole pipe needs to be replaced. Mr. Herczeg replied less than 50 percent. Mayor Pro Tem Staudt said at the end of the day, this is a potentially a very large number. He also stated that is Water Fund. City Manager Auger said we have \$60 million dollars in the Water Fund. He said part of our plan does consider two events occurring at the same time. So we don't have to borrow to get funding. Mayor Pro Tem stated that this could exceed potentially what we have in a worst case scenario. Mr. Herczeg said yes. Mayor Pro Ten Staudt asked Mr. Herczeg when we expect to have final results. Mr. Herczeg said they are scheduled for this fall and will have info by end of calendar year. He wasn't sure if that would include the pipe inspection assessment information back. He wasn't sure it that would have a dollar back at that point.

MANAGER/STAFF REPORT: NONE

ATTORNEY REPORT: NONE

AUDIENCE COMMENT:

Joe Peddiboyina, 41326 Scarborough, Novi MI said he is on the Zoning Board of Appeals. He came to invite to India Day. They celebrate at Suburban Showplace. The event starts at 9 a.m. They wanted to extend an invitation to the Mayor, Council and staff as guests. Afterward they will have a small lunch.

Mark Adams, 1721 East Lake Drive, about the sale of City owned property on Walled Lake. He said he lives and grew up in the neighborhood. The lots adjacent to Pavilion

Shore Park that aren't in use are acquired in the 1980s when Novi was considering building a hotel where Pavilion Shore Park is located. He stated that 30 years later there are still lots there. He owns some of the property there. He is requesting the City create a committee to look at the property before they sell it. The more input you get, the better the results. Take a look at Lakeshore Park. If there was more input from residents in the process it would have gone smoother. He believed the Lake Board will have a role in this and also the Homeowners Association. It may be as simple as selling the property for houses to be built on.

Colleen Crossey, 22279 Brockshire St., said she wanted to speak about the development at the corner of 9 Mile and Novi Road. She said there have been a large number of trees plowed down to build apartment units. We have ordinances to protect green spaces and wildlife. She would like to see them more strictly enforced. She was told by former member of Planning Commission that they make recommendations to the Council, and council doesn't have to follow them. She didn't want to see the residents target the Planning Commission members because they don't like all of the building going on. She said the real decision is the City Council and the Mayor. More voices make better outcomes. She asked Council to include the residents in the process of developments. She can't stress enough how upset people are with chronic deforestation. Over 50 people posted about their objections on Nextdoor, especially when huge trees and forest areas are destroyed. It is the whole ecosystem. Residents are frustrated at what's happening because it's happening too often. Ordinances need to be enforced.

CONSENT AGENDA REMOVALS AND APPROVALS:

- A. Approve Minutes of:
 - 1. June 17, 2019 – Regular meeting
- B. Enter Executive Session immediately following the regular meeting of July 8, 2019 in the Council Annex for the purpose of discussing property acquisition.
- C. 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 2019-20 fiscal year in the amount of \$56,235.
- D. Approval of resolution to authorize a budget amendment to amend the FY 2019-20 Library Fund and Library Contribution Fund adopted budgets to reflect the Library Board approved budgets.
- E. Approval of Pawnbroker License renewal requested by Gary Weinstein, owner of Weinstein Jewelers of Novi, 41990 Grand River Avenue.
- F. Approval of a Street Light Purchase Agreement with Detroit Edison Company for the installation and ongoing operation cost of one (1) street light at the entrance of Liberty Park off of Dixon Road, and approval of an agreement with the Liberty

Park Recreational Facilities Association for the sharing of installation and ongoing operation costs per the City's Street Lighting Policy.

- G. Approval of a Warranty Deed to dedicate 43 feet of right-of-way along the north side of Eleven Mile Road and 21.5 feet of right-of-way along the east side of Town Center Drive as part of The Learning Experience development (parcel 50-22-14-376-017).
- H. Approval of a Storm Drainage Facility Maintenance Easement Agreement (SDFMEA) from Arrow Group LLC, for The Learning Experience development located on the northeast corner of Town Center Drive and Eleven Mile Road (parcel 50-22-14-376-017).
- I. Approval of Resolution appointing City Engineer Ben Croy as Traffic Engineer in accordance with Section 33-51 of the Code of Ordinances.
- J. Approval to Purchase a 2019 Rescue One Fire Connector Boat from MIIPRO Marine LLC, as a sole source provider in the state of Michigan in the amount of \$32,810.
- K. Approval to award a three-year contract to 123Net, Inc. for two Primary Rate Interface (PRI) phone lines, 420 Direct Inward Dialing (DID) numbers in the amount of \$641 per month and backup Internet Services at 200 Mbps in the amount of \$724 per month.
- L. Acceptance of a Conservation/Berm Easement from LeMarbe Holdings, LLC for conservation of woodland replacement and a landscape screening berm offered as a part of the JSP 16-33 Hadley's Towing project, located on the south side of Grand River Avenue and east of Wixom Road in Section 17 of the City.
- M. Approve a Hold Harmless Agreement with Detroit Catholic Central for South West Oakland Special Response Team and Novi Fire Department training.
- N. Final approval of two purchase agreements and authorization to proceed with closings, for properties located on Ten Mile Road west of Novi Road (JAMCO, LLC), Parcel 22-22-400-009, in the amount of \$300,000, and on Grand River Avenue west of Novi Road (Country Building & Supplies), Parcel 22-15-477-005/006, in the amount of \$630,000.
- O. Approval of Claims and Accounts – Warrant No. 1039

CM 19-07-121 Moved by Casey, seconded by Verma; CARRIED UNANIMOUSLY

To approve the Consent Agenda as presented.

Roll call vote on CM 19-07-121

Yeas: Breen, Casey, Mutch, Poupard, Verma,
Gatt, Staudt

Nays: None

MATTERS FOR COUNCIL ACTION

1. Consideration to introduce Ordinance No. 19-49.04, an ordinance to amend the City of Novi Code of Ordinances, at Chapter 15, "Fire Prevention and Protection," in order to repeal Article IV, "Self-Service Gas Stations." **FIRST READING**

CM 19-07-122 **Moved by Casey, seconded by Gatt; CARRIED UNANIMOUSLY**

To approve the introduction of Ordinance No. 19-49.04, an ordinance to amend The City of Novi Code of Ordinances, at Chapter 15, "Fire Prevention and Protection," in order to repeal Article IV, "Self-Service Gas Stations." FIRST READING

Roll call votes on CM 19-07-122

Yeas: Casey, Mutch, Poupard, Verma, Gatt,
Staudt, Breen

Nays: None

2. Consideration to introduce Ordinance No. 19-104.11, an ordinance to amend the city of Novi Code Of Ordinances, At Chapter 21, "Nuisances," Article II, "Related to Property," in order to repeal Division 6, "Portable Toilets." **FIRST READING**

CM 19-07-123 **Moved by Casey, seconded by Gatt; CARRIED UNANIMOUSLY**

To approve the introduction of Ordinance No. 19-104.11, an ordinance to amend the city of Novi Code Of Ordinances, At Chapter 21, "Nuisances," Article II, "Related to Property," in order to repeal Division 6, "Portable Toilets." FIRST READING

Roll call votes on CM 19-07-123

Yeas: Mutch, Poupard, Verma, Gatt, Staudt,
Breen, Casey

Nays: None

3. Consideration to introduce Ordinance No. 19-181.04, an ordinance to amend The City of Novi Code Of Ordinances, at Chapter 27.5, "Registration and Licensing," Article III, "Secondhand Dealers and Junk Dealers," to add automated recycling kiosks to the list of regulated dealers. **FIRST READING**

CM 19-07-124 **Moved by Casey, seconded by Gatt; CARRIED UNANIMOUSLY**

Approval of Ordinance No. 19-181.04, an ordinance to amend The City of Novi Code Of Ordinances, at Chapter 27.5, "Registration and Licensing," Article III, "Secondhand Dealers and Junk Dealers,"

**to add automated recycling kiosks to the list of regulated dealers.
FIRST READING**

Roll call votes on CM 19-07-124

**Yeas: Poupard, Verma, Gatt, Staudt, Breen,
Casey, Mutch**

Nays: None

4. Consideration to introduce Ordinance No. 19-115.05, an ordinance to amend the City of Novi Code Of Ordinances, at Chapter 33, "Traffic And Motor Vehicles," Article III, "Parking, Stopping, and Standing," Division 5, "Snow Emergencies," in order to repeal the regulations and provisions therein in their entirety. FIRST READING

Member Mutch wondered if what they were considering was eliminating the concept of a snow emergency and how it's applied within the ordinance. City Attorney Schultz said that was correct. Member Mutch said in the future, any significant snowfall, the City had authority to call snow emergency and if necessary remove cars, it will be eliminated. Mr. Schultz said that was correct. Member Mutch wondered if there was another authority that allows the City if we have an event like this that would allow the City to move those cars if necessary. What happens if cars are blocking snow plows? What can we use to remove those cars? Mr. Schultz said that the general traffic rules would allow you to move cars. They would have to be blocking access. Member Mutch said he had concerns about the language that they had adopted at the time, because it didn't operate like every other community in southeast Michigan that had snow emergency language. If we had a weather event that met these conditions that would constitute a snow emergency the City didn't have to issue an announcement where in most communities, the Mayor or head of Public Works or Police Chief would put out a notice to the community that they have a snow emergency and if necessary they remove cars that are blocking the way. He thought the language was in need of an adjustment because it didn't function the way it should have. He knew there was some indication in recent history that the City has never actually utilized that authority. He stated he didn't think he could support throwing this all out. There are neighborhoods in the City where this is a problem where people leave their vehicles in the street and they have to plow around them. He didn't want to see it a habit where the City has to tow cars that are left out, but at the same time he would like to see if we have a formal announcement and cars were left out, as a last resort we may have to tow folks. Mr. Schultz said they have never exercised that authority. It would not have the same kind of notice, that's correct. Member Mutch stated this has been a topic of consideration for years. He had concerns about that language because it didn't operate like other communities. Ours was an automatic under certain conditions. That language was in need of adjustment because it didn't function the way it should have in terms of notification to residents. He said the City never actually utilized that authority. He wouldn't support throwing it all out. Some neighborhoods where this is a problem and plows have to go around them. He doesn't want to have to tow cars, but if we had a formal announcement and cars were still left out, as a last resort they will be towed. It is a public safety situation in the City because roads aren't properly cleared. It is a problem for police and fire, and ambulance services. It is a hassle for DPW who

deal with it. If there are chronic abusers they would get the message after the first tow. This would give authority to do this, and give folks the notice. If we are going this route, he wouldn't support it. He said he was more interested in revamping the ordinance to institute a more formalized process like other communities. He thought that it works well in the communities that utilize it, and would help us out in those huge snow storms.

Mayo Gatt said he is a member of the Ordinance Review Committee that spoke about this ordinance more than once. Mayor Pro Tem Staudt brought this up, and he said Member Mutch was not happy with the ordinance because we weren't enforcing it. He agreed. Mayor Gatt said he was an officer in during the snowstorm of 1978, he said we haven't had a snowstorm to that magnitude, and we survived. There is a traffic ordinance that gives police the power to tow any vehicle improperly parked. He refuses to burden our residents and the police department with the towing of cars during an emergency. Even our most narrow sub the snow plow can plow the street and no one's life is in danger. If we enforce this ordinance and tow the vehicles, the police would be tied up towing vehicles, and not helping people. He said tow truck charges are a couple hundred bucks. Then they would be burdened with not having their vehicle and have to get a ride to the tow company. Residents shouldn't be subjected to that because it snowed. He believed the snow plow drivers are skilled enough to manipulate the streets of Novi. Problems exist in one or two subs because they don't get curb to curb plowing. He weighed the good versus the bad and sided with getting rid of the ordinance. He thought we should continue to operate like we have the last 45 years with an ordinance on the books that was never enforced. He said our legal counsel gave them lot of good reason why we could not pare that down. No matter how you tweak it, it wasn't being enforced because our Police Department is busy handling emergencies. It takes time to write a ticket and tow a car. He said he would stick up for the residents on this every time. We can live without it.

Mayor Pro Tem Staudt said he is a member of the Ordinance Review Committee and they have brought this particular ordinance back and forth several times. Every time they brought it back they got a different answer. In the end, their primary interest was that they didn't want to put the plow drivers in a position of reporting residents to get towed. We didn't want other residents to report through 911 because someone is parked in street. We don't want first responders reporting this. We haven't enforced this particular law. If we are not going to enforce it, we shouldn't have it. The City has lived without enforcing it for a long time. He stated arbitrary enforcement is not acceptable. Even if something is on the books we have never enforced it. Whoever wants to say they want to start enforcing it now, he wants that on the record. It is time to get rid of it.

Member Mutch noted that other communities across this area enforce this type of ordinance. The idea that our staff can't do what others can, he won't accept that. There is time involved, but the benefit is clearing streets. He said we are talking about not burdening residents, putting interests of small handful of folks for whatever reason cannot clear their car off the street above the others who are affected by the streets not being cleared. It is a real hassle. He stated that because of circumstances, the limited resources, sometimes the snow doesn't get fully cleared for days afterward. He

Mayor Pro Tem Staudt asked City Planner McBeth if she was comfortable with the Clearzoning issues that came about as a result of some of these things. He said some have struggled with the way things were described in the software online. He asked if they planned to be resolved and are you working with vendor to do that or is that something entirely that we need to do. Ms. McBeth said we have been looking at the Clearzoning and trying to identify if there are any remaining issues. They haven't found any. These are a number of clarifications and corrections that will address those concerns and we will be working with the vendor to make sure they will be incorporated into the ordinance. She said we will bring back amendments to the B-3 District that will address concerns.

Member Breen wondered if addressing the language that prohibits recreational marijuana establishments because that is what Council decided to proceed with because the formal State regulatory rules are still a few months away. Some emergency rules have been dropped. She would like additional info and community input on whether the business would be welcome or not welcome. She was happy to see clarification on a lot of these issues. She was leery of the procedure addressing the facades because she felt that the developers aren't required to bring us proposed finished product and they can amend it. On the flip side she did see the need to make it easier for businesses proceed with development in Novi with less red tape. A lot of this makes sense. She was eager to hear what her colleagues had to say about it.

CM 19-07-126 Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY

Adoption of Zoning Ordinance Text Amendment 18.282 to amend the City of Novi Zoning Ordinance in numerous separate sections. The amendments make miscellaneous revisions necessary to address inconsistencies, to clarify certain ordinance language, and to conform with other recent ordinance amendments. SECOND READING

**Roll call votes on CM 19-07-126 Yeas: Gatt, Staudt, Breen, Casey, Mutch, Poupard, Verma
Nays: None**

CM 19-07-127 Moved by Staudt, seconded by Poupard; CARRIED UNANIMOUSLY

Adoption Zoning Ordinance Text Amendment 18.287 to amend the City of Novi Zoning Ordinance at Article 3, Section 3.31 "Planned Development Options." The amendments make miscellaneous revisions necessary to address inconsistencies, to clarify certain ordinance language, and to conform with other recent ordinance amendments. SECOND READING

Member Mutch thanked the Mr. Schultz and staff for incorporating some of the comments from the last meeting to limit the scope of the ordinance change so they don't open a can of worms in other locations where folks may get the idea to want to utilize PD options outside the around Twelve Oaks Mall. This captures the concerns he had expressed.

Roll call votes on CM 19-07-127

**Yeas: Staudt, Breen, Casey, Mutch, Poupard,
Verma, Gatt**

Nays: None

6. Approval of the request of GPD Group JSP 18-75 Chick-Fil-A for Zoning Map Amendment 18.731 to rezone the property from Regional Center (RC) to Regional Center with a Planned Development 2 Option (PD-2). The subject property is located at the northeast corner of Novi Road and the I-96 service drive in Section 14. This is required in order to effectuate a PD Option for the subject property.
SECOND READING

Mayor Pro Tem Staudt said Council had a letter supporting this. He asked the representative from Twelve Oaks Mall what their position was overall on the Chick-Fil-A location. The representative said they didn't have any issues associated with the approval. He brought up the concern about traffic management last time. They have had those conversations and an agreement they will work together. He said they do not oppose the development in any way.

CM 19-07-128

Moved by Staudt, seconded by Gatt; MOTION CARRIED: 6-1

Approval of the Second Reading of the rezoning is granted, with a waiver of the required Rezoning Traffic Study, as the applicant has submitted a Traffic Impact Study that addresses the anticipated traffic impacts. This motion is made for the following reasons:

- 1. The rezoning request fulfills the Master Plan for Land Use objective of fostering a favorable business climate.**
- 2. The rezoning will be consistent with the surrounding zoning and existing developments.**
- 3. The PD-2 Planned Development Option is intended to permit the limited application of (i) more extensive commercial uses in a district otherwise restricted to community and regional oriented shopping centers or (ii) transitional uses on the periphery of regional oriented shopping centers, as this property is located.**
- 4. The rezoning would increase development potential of the subject property.**
- 5. The rezoning provides a redevelopment opportunity for a challenging site in a visible location along the I-96/Novi Road corridor.**
- 6. The rezoning will have a negligible impact on public utilities.**

Member Casey said she was going to hold any feedback to the next item on the Agenda. What is in front of us is very specifically is the approval of the rezoning itself. She is going forward to approve the Second Reading because it is specific to the rezoning and we can talk a little bit more about the site plan in the next Agenda item.

Roll call votes on CM 19-07-128

Yeas: Casey, Mutch, Poupard, Verma, Gatt, Staudt

Nays: Breen

7. Consideration of the request of GPD group for Chick-Fil-A, JSP 18-75, for Preliminary Site Plan with a Planned Development (PD-2) Option, Special Land Use and Stormwater Management Plan approval. The subject property is 1.40 acres located at the northeast corner of Novi Road and the I-96 service drive in Section 14 in the RC, Regional Center District. The applicant is proposing to develop a 4,990 square foot Chick-Fil-A restaurant with a drive-through.

Mayor Pro Tem Staudt said he was comfortable with the work that's been done since the last meeting and now.

CM 19-07-129

Moved by Staudt, seconded by Gatt; MOTION CARRIED: 5-2

Approval at the request of GPD group, for JSP 18-75 Chick-Fil-A with a Drive-Through, for Preliminary Site Plan with a PD-2 Option based on and subject to the following:

- A. The standards of Section 6.1.2.C are met, as follows:
 1. The proposed use will not cause any detrimental impact on existing thoroughfares (*based on Traffic review*);
 2. The proposed use will not cause any detrimental impact on the capabilities of public services and facilities (*based on Engineering rezoning memo and the review*);
 3. The proposed use is compatible with the natural features and characteristics of the land (*because there are no regulated natural features on site*);
 4. The proposed use is compatible with adjacent uses of land (*because the proposed use is similar to an existing restaurant use with an addition of drive-through*);
 5. The proposed use is consistent with the goals, objectives, and recommendations of the City's Master Plan for Land Use (*as it fulfills one of the Master Plan objectives to attract new businesses within City of Novi*);
 6. The proposed use will promote the use of land in a socially and economically desirable manner (*as it fulfills one of the Master Plan objectives to attract new businesses within City of Novi*);

7. The proposed use is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.
- B. The additional standards of Section 3.31.4.A are met as follows:
1. The plan meets all the requirements of Section 6.1 of this Ordinance for Preliminary Site Plans and the requirements set forth in the City's Site Plan and Development Manual.
 2. The plan satisfies the intent of the Special Land Use provisions as stated in Section 6.1.2.c. *(as noted under Item A)*;
 3. The Community Impact Statement and Traffic Study are provided, regardless of site size, in accordance with the requirements set forth in the City's Site Plan and Development Manual;
 4. The plan satisfies the intent of this Section with respect to use of the land and principal and accessory use relationships within the site as well as with uses on adjacent sites;
 5. That all existing or proposed streets, road, utilities and marginal access service drives, as are required, are correctly located on the site plan in accordance with the approved plans for these improvements *(based on the Traffic Consultant's review)*;
 6. The plan meets all the applicable standards of this Ordinance relative to height, bulk and area requirements, building setbacks, off-street parking and preliminary site engineering requirements *(subject to deviations as noted in this motion)*;
 7. That there exists a reasonable harmonious relationship between the location of buildings on the site relative to buildings on lands in the surrounding area; that there is a reasonable architectural and functional compatibility between all structures on the site and structures within the surrounding area to assure proper relationships between:
 - a. The topography of the adjoining lands as well as that of the site itself including any significant natural or manmade features *(No changes to existing site grading are proposed)*;
 - b. The relationship of one building to another whether on-site or on adjacent land, i.e., entrances, service areas and mechanical appurtenances *(based on site plan reviews)*;
 - c. The rooftops of buildings that may lie below street levels or from windows of higher adjacent buildings *(based on façade review)*;
 - d. Landscape plantings, off-street parking areas and service drives on adjacent lands *(based on landscape plan review)*;
 - e. Compliance with street, road and public utility layouts approved for the area *(based on Engineering review)*;

- f. The architecture of the proposed building including overall design and façade materials used. Architectural design and façade material are to be complimentary to existing or proposed buildings within the site and the surrounding area. It is not intended that contrasts in architectural design and use of façade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with existing building designs and façade materials so as to create an adverse effect on the stability and value of the surrounding area (*based on façade review*).
- C. The following deviations are granted under Section 3.31.5:
1. Deviation from Sec. 5.2.12.C to allow reduction of minimum required parking spaces: A minimum of 100 spaces are required, 65 spaces are proposed (*based on City's Traffic Consultant's review and recommendation from the findings of the Parking study*);
 2. Deviation from Section 3.31.7.B.v.a, the use conditions for fast food drive-through under PD-2 Option as listed under that requires a minimum distance of 1,000 feet between a proposed independently freestanding restaurant from any other such use on the same side of the street (*because previous use of existing parcel was also a sit-down restaurant*);
 3. Deviation from Section 5.3.11.D that requires a bypass lane, minimum of 18 feet width. The applicant is providing an 11 foot by pass lane when two drive-through lanes merge into one around the Northwest corner of the building (*as the proposed layout provides sufficient access for Fire and Emergency purpose*);
 4. Deviation from Section 3.31.7.D for not meeting the minimum building setback requirements for exterior side yard along I-96 (south west frontage). A minimum of 50 feet is required, 32 feet is proposed (*due to site shape and size and multiple road frontages*);
 5. Deviation from Section 3.31.7.D for not meeting the minimum parking setback requirements for Exterior side yard along Twelve Oaks Mall Road (North). A minimum of 20 feet is required, 14.5 feet is proposed (*due to site shape and size and multiple road frontages*);
 6. Deviation from Section 3.31.7.D for not meeting the minimum parking setback requirements for Exterior side yard along I-96 (Southwest). A minimum of 20 feet is required, 9.3 feet is proposed (*due to site shape and size and multiple road frontages*);

7. Deviation from Section 3.31.7.D for not meeting the minimum parking setback requirements for rear yard (east). A minimum of 20 feet is required, 6 feet is proposed (*due to site shape and size and multiple road frontages*);
8. Deviation from Section 5.4.1 for reduction of minimum required loading area. A minimum of 2,110 square feet is required and 360 square feet is proposed (*based on the largest truck size provided by the applicant, that accesses the site*);
9. Deviation from Section 4.19.2.F for allowing a dumpster in the exterior side yard instead of required rear yard (*due to site shape and size and multiple road frontages*);
10. Deviation from Section 4.19.2.F for allowing a dumpster in the parking setback. A minimum of 20 feet is required and 12.1 feet is provided (*due to site shape and size and multiple road frontages*);
11. Landscape deviation from Section 5.5.3.B.ii and iii for insufficient greenbelt width along I-96 frontage (*because it is consistent with existing greenbelt plantings*);
12. Landscape deviation from Section 5.5.3.B.ii and iii for lack of berm or wall along entire frontage (*due to conflicts with existing underground utilities and proposed additional landscaping in lieu of the berm*);
13. Landscape deviation from Section 5.5.3.B.ii and iii for deficiency in greenbelt plantings (*22 sub canopy trees are required, 17 are provided*) *due to lack of space in the greenbelt*;
14. Landscape deviation from Section 5.5.3.C. for deficiency in interior parking lot trees. 12 trees required, 10 trees proposed (*because shrubs are proposed in lieu of trees due to conflicts with existing underground utilities*);
15. Landscape deviation from Section 5.5.3.D. for providing less than 60% landscape along the façade facing road (*because almost the entire building foundation is screened by the landscaping across the drive-thru lane*);
16. Landscape deviation from Section 5.5.3.D. for proposing some of the required building foundation landscaping away from the building (*because it is proposed in a very visible location away from the building*);
17. These deviations are based on the City Council's findings:
 - a. That each zoning ordinance provision from which a deviation is sought would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest;
 - b. That approving the proposed deviation would be compatible with the existing and planned uses in the surrounding area;

- c. That the proposed deviation would not be detrimental to the natural features and resources of the affected property and surrounding area, or would enhance or preserve such natural features and resources;
 - d. That the proposed deviation would not be injurious to the safety or convenience of vehicular or pedestrian traffic; and
 - e. That the proposed deviation would not cause an adverse fiscal or financial impact on the City's ability to provide services and facilities to the property or to the public as a whole.
- D. The following conditions are imposed under Section 3.31.4.B:
- 1. The applicant shall direct exiting traffic from the site to the eastern exit to Twelve Oaks Mall road with appropriate site signage, subject to review and approval by City's Traffic Consultant at the time of final site plan submittal;
 - 2. The dumpster pick up times shall not conflict with peak hour traffic; and
 - 3. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan.

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance.

Member Mutch asked the applicant to address a few items that came up at the last meeting relative to the traffic pattern. He knew there was additional information provided back to Council in the responses. He asked the applicant to address some of those concerns at the last meeting. Member Mutch asked about the queuing, parking, and flow out to the Ring Road, and where are people going to go once they reach that access point. Ellen Selle, GPD Group said information that Planner Komaragiri asked for, and they also submitted revised circulation flows that showed entering and exiting traffic just for the drive-thru specifically. She believed Council received that information in their packet of information. As for queuing, that has not changed from the last meeting and they still have the 22 car stack. Previously they worked through with the Planning Commission and the Planning Department to revise the Site Plan layout. They have three lanes of traffic along the northern part of the site that allows for two more lanes of stacking. If you were to put cars there and still be able to have flow around the drive-thru lane, you could get up to about 32 cars in a stack. What is shown now that does not block any parking which is 22 cars and they have marked out the first seven spaces as employee only parking stalls as per discussion with City staff. As for parking they had done the parking analysis and what they are showing is 68 parking stalls and they believe that is sufficient for their use. If it comes to meeting additional parking, they have open lines of communication with La-Z-Boy and Twelve Oaks Mall. They will work through that at an operator level if it comes to that point. She said they

do have their traffic engineer there for questions. She thought that the circulation plans help answer that as well. If you have specifically something in mind we can address that. Member Mutch mentioned a few specific concerns that he raised at the last meeting was the exit from the service drive that runs along the south side of La-Z-Boy out to the Ring Road. Realistically the vast majority of traffic will be utilizing that and they will be going either right or left. In the real world vast majority of folks will want to turn left out of there. What he didn't see or wasn't clear to him in the information provided back was that the majority of traffic is coming from Novi Road or the Expressway. He believed the traffic study shows that. He wondered if they were making any changes at that location, he knew it wasn't their property, to insure that is done in a safe manner. He pointed out that there is no stop sign at that point. Will you be adding a stop sign at that location? Ms. Selle said that was correct, they are adding a stop sign. That is on the circulation plan. Member Mutch said generally they are not requested, but he didn't think any of that business contemplates adding the volume of traffic going in there. He said there are a fair number of accidents that have happened in this stretch of the Ring Road. That points to some kind of design concerns or elements in that area that are likely contributing to that. There is something about that location which is trickier than others. Another concern he had with what was brought back to Council is a few specific recommendations and some you are going to see how things work and make changes as necessary. He understood that to a degree. He was concerned about just letting this go forward without something that is a little more specific in terms on how that is going to work. We as a city need to have some guarantees that not only is that going to happen, but if it is approved some ways to insure that if there are problems they are addressed. We don't want two or three parties who may or may not agree on what the fix will be and who is responsible. The Ring Road is not your road; it belongs to Twelve Oaks Mall. That access drive is not your drive; it is La-Z-Boys. If someone needs to spend money to fix these potential traffic problems, he could easily see nobody wanting to spend it and it not getting addressed in the way that it should be. He asked City Attorney Schultz if there was a way to incorporate something to insure that at six months, and maybe twelve months that we get a report back to the City identifying what our potential issues that have risen and how they will be addressed with the ability of the City to enforce that. Right now if we approve it as it is, they will discuss the problem amongst themselves, and we at the City will not be able to insure that those will be addressed. Mr. Schultz said on the one hand this is a Special Land Use with a discretionary determination so the motion may make some findings that the site works essentially like it is laid out, but with a discretionary decision like this the Council does have the ability to put conditions on their approval. The problem is, once this is approved, and they go through the engineering and spend the money to build the building and engineer the site and do the improvements. It is pretty hard to have a condition that is enforceable that says after six months it looks like it didn't work out so you need to vacate the property. Is there somewhere in between this didn't work and you are no longer approved? If there is a particular concern the City has and think of a remedy is there is one now. Member Mutch thought it was appropriate to say it is causing traffic problems and they have to take appropriate steps to fix it because they are the cause. We need to put this in context of the City's perspective because they are developing the site, but we are granting a lot of

variances with a site. He didn't think it's unreasonable to have a mechanism to have staff revisit this site. Mr. Schultz said the City could add a condition to require a 6 month review that's appropriate through Planning Commission or City administration. Include language that if reasonable alterations that can be accomplished then the City can order them to do so. He said you would deal with enforcement at that point. He stated that it wouldn't be the first time, it is not typical. He said the motion must make it clear; it had to be reasonable on both sides.

Member Verma asked who maintains that drive. Ms. Selle said both driveways have easements and are maintained by La-Z-Boy strictly in the easement documents on who is responsible for maintaining that drive. He asked if La-Z-Boy was going to maintain the drive even though Chick-Fil-A was going to use it. Jason Hill from Chick-Fil-A said there are established easements that allow them to use those drives for access and that agreement establishes who is responsible for maintenance of those roads. It won't be just their patron's using those drives. It will be theirs and La-Z-Boy. Mr. Hill didn't know the specific party responsible, but it is on the easement. Regardless of whose responsibility it is, the agreement allows them to enforce it. That drive will be maintained. Mr. Verma said he needed more information on this. Is it in black and white? Will both Chick-Fil-A and Lazy Boy be maintaining the drive? Mr. Hill said yes, it is in black and white.

Member Breen said this is a difficult decision and she has been contacted by many members of our community that are opposed to this business base about certain executive decisions to support organizations that oppose LGBTQ rights, as an example an executive opposing gay marriage. This is not a reflection on Chick-Fil-A reputation for good customer service, or quality of food, which she hears is excellent. She wanted to make it clear to the people that voiced these concerns to her on the record that she is aware of instances of which franchises have been denied and there is a distinction with those locations which were in government operated facilities such as; airports, public education, this is privately owned land that is not receiving public tax dollars. Further to those people that have expressed concerns, people are free to voice their thoughts, they are free to practice their religion, and the executives have rights in the court of law that does not protect them from public opinion. Her record on LGBTQ rights is clear and she is hopeful, but not necessarily optimistic Lansing will amend Elliot Larson to provide protection for discrimination. If this development is approved she urged her constituents to voice their concerns to her to vote with their wallets. That being said she still has specific concerns regarding traffic. She knows that other franchises in Michigan have longer than expected queue times. At this time, looking at what has been summited to Council, she didn't see sufficient mitigating proposals to address this. She mentioned the access points that are not well designated. She said they have referred to the peak times between 4:30 p.m. and 5:30 p.m. She stated that rush hour, especially during the holiday season is not just limited to that one hour. Adjustments to the traffic light timing, they have improved things, but she is not keen on adding to the gridlock. She said Member Mutch brought up the number of accidents that occur in this area, she had the same concerns. She commended Twelve Oaks Mall's willingness to work with Chick-Fil-A, and she appreciated the adjustments that

have been made. She is not personally satisfied with what has been presented to address traffic flow, parking, and queue times. She appreciated the concern that Member Verma brought up earlier about the lack of clarity on who is responsible for the maintenance of certain drives. At this time she cannot support this project.

Mayor Gatt said he is 100 percent in favor of this project. He is favor of all communities. Some of his best friends are members of alternative communities, it means nothing to him as far as this goes. He said Chick-Fil-A is going to provide a service to the community that will be one of the most popular places in Novi. He mentioned that everyone is looking at Chick-Fil-A and they are saying "what about the traffic". He reminded everyone that for over 30 years there was a very popular restaurant named Denny's there and some may not believe it, but there were times when Denny's was one of the hottest spots in Novi. They operated 7 days a week, 24 hours a day and people came in and out of that restaurant getting in and out on that Ring Road. He didn't anticipate any more problems with Chick-Fil-A and the traffic it will generate than what Denny's had in its hay day. If all of these accidents occurred they must have happened when he wasn't working because he didn't remember accidents on the Ring Road, not to say it can't happen or it never happened. In his 30 year career at the Police Department, he never policed an accident there. He agreed it is a tricky maneuver, but Council 40 years ago approved that. Whoever approved that must have had their traffic studies and everything that we employ today. As far as the road and who maintains it, he can tell you it won't be the City of Novi maintaining it. You have to make sure it works; you have to make sure it is drivable or people won't come. He knows from being around this community that somebody plows it, maintains it, there is an agreement in place somewhere. He applauds their efforts and believed there was support on Council.

Mayor Pro Tem Staudt said they must work indifferent circles because this weekend we had a City picnic in his subdivision. It was in 100 percent support of Chick-Fil-A. Chick-Fil-A is one of the top rated customer service organizations in the world. They look out for customers. To believe that they are going to allow traffic issues and problems with roads to hinder that customer relationship is beyond anything that he can comprehend. Chick-Fil-A thinks about their customers and they are to take care of them. They are the largest per location restaurant in the world for nothing; they provide those services to their customers. We can ring our hands about traffic, worry about someone will turn in front of someone else, and people will have accidents. This organization is truly one of the top in the country and they have selected Novi as one of the first locations in southeastern Michigan. He believed that La-Z-Boy will work out whatever arrangements are necessary and Twelve Oaks Mall sees a very strong customer base that can be driven to their stores from Chick-Fil-A customers. They have a vested interest to making sure that this all works right. He supported this 100 percent.

Member Casey noted that this is the Preliminary Site Plan, and asked City Attorney Schultz if Council can expect to see a Final Site Plan or is that done administratively. Mr. Schultz replied that it is done administratively. Member Casey pointed out that they are land locked in terms of ingress and egress, they are reliant on two other entities to

make it easy for Chick-Fil-A customers to get into the restaurant. She asked their traffic engineer if he had any recommendations or conversations on how to reduce left turns out of the La-Z-Boy entrance heading north. It is not a City road, the ownership is La-Z-Boy and the driveway and the Twelve Oaks Mall and the Ring Road, people sometimes do not do wise things like one of the previous speakers noted. She was not sure she wanted to make it easy for them to do. The traffic engineer from Chick-Fil-A said they have talked at length about this with the Twelve Oaks Mall as well as their landlord. The discussion revolves around any time you limit left turns you tend to frustrate folks. They understand the need to limit left turns at certain times, they are open to that, and they want to make sure this runs in a safe manner. When talking with Twelve Oaks Mall one of the things on the table is to eliminate that ability to make that left turn at times it makes sense for both parties such as holiday season. That is why they choose to take the approach of let's see what happens first, instead of putting in all of these fancy improvements that may or not do the trick. He felt it was fair to note that their traffic study says they are going to add traffic there, but it is difficult to prove causation that Chick-Fil-A causes the accidents and traffic back-ups. He stated that their traffic study does show in fact that they don't degrade the level of service within the Twelve Oaks Mall areas. They add incremental traffic, but they are not the cause of the train wreck either. They are open to working with the Twelve Oaks Mall to make it work in a matter that works for everybody to promote the flow of traffic to this location. Member Casey thanked him for his answer. The traffic engineer also noted that Anthony Findlay from La-Z-Boy could not be there that evening, but they did speak on the phone with regards to the request for cross parking. La-Z-Boy is not willing to provide them with specifically with cross parking rights, they understand why. He said that La-Z-Boy thought they were a great addition and they were looking forward to them serving their patrons at the La-Z-Boy. He said let's leave it up to the store manager and the local operator to work it out as necessary. As Ms. Selle stated earlier, they truly don't believe it will be problematic for them on an ongoing basis with the number of parking spaces they provided on this site. In the instance where they do need it, we are hopeful that we will work amicably if and when needed. He said the grand opening week will be crazy; please don't judge them based on that. It may make some people upset and others thrilled. Things do settle down over time and normalcy sets in and they will be happy that they didn't make quick decisions to change things. They made careful decision on this site, it is a challenge that points back to the several variations that they requested. He said they minimized those as much as they could while still meeting the intent of the ordinance, maximizing stacking, and parking, and greenspace. They have a very robust landscape plan. He felt that they have come a long way, and also the City has come a long way as well to get us to a point that we hope is mutually agreeable. Member Casey was confident they are working whatever agreements and relationship that you need to. She made a comment the last time in they were before Council was that she was looking for the thumbs up from Twelve Oaks Mall. She said Council got the thumbs up that they are working together with Twelve Oaks Mall and they are ongoing. She said a few weeks ago they took a trip down to Westerville, Ohio and on the way back, the vehicle she was in stopped by a Chick-Fil-A and she was mind boggled. She said it was similar in geography and layout, in a large shopping district. She said the queuing moved very quickly, she was surprised at how fast. He

said that is an older store, the newer stores have all of the latest and greatest innovations that they have made. It has amenities that the older stores don't have, so their hope is that this store will operated more efficiently because of that. Member Casey said she will be supporting this project. She fully expects that is there are traffic problems they will be resolved in a mutually agreeable fashion. She looked forward tin the future some changes made to the left turn as warranted.

Roll call votes on CM 19-07-129 **Yeas: Casey, Poupard, Verma, Gatt, Staudt**
Nays: Mutch, Breen

8. Approval to award a service contract for Sanitary Sewer Televising and Cleaning Services to Metro Environmental Services, Inc., the lowest responsive bidder, in the estimated amount of \$313,142.58. The contract term is until December 31, 2020 with a one-year extension option.

CM 19-07-130 **Moved by Casey, seconded by Breen; CARRIED UNANIMOUSLY**

Approval to award a service contract for Sanitary Sewer Televising and Cleaning Services to Metro Environmental Services, Inc., the lowest responsive bidder, in the estimated amount of \$313,142.58. The contract term is until December 31, 2020 with a one-year extension option.

Roll call votes on CM 19-07-130 **Yeas: Mutch, Poupard, Verma, Gatt, Staudt,**
Breen, Casey
Nays: None

9. Approval of Resolution to utilize Public Act 51 Funding for the Safe Routes to School Program to construct sidewalks, crosswalks and pedestrian signals.

City Manager Auger said there were some questions today about using the ACT 51 Funding that is stated. This is a federal problem that comes through Michigan Department of Transportation (MDOT) to the City. The State can only disperse this money to an ACT 51 agency. This resolution is spelling out that we are ACT 51 agency to receive those funds. The school which is the partner in this grant is not an ACT 51 agency so they cannot receive the funds; we have an agreement with them.

CM 19-07-131 **Moved by Mutch, seconded by Poupard; CARRIED UNANIMOUSLY**

Approval of Resolution to utilize Public Act 51 Funding for the Safe Routes to School Program to construct sidewalks, crosswalks and pedestrian signals.

Roll call votes on CM 19-07-131 **Yeas: Poupard, Verma, Gatt, Staudt, Breen,**
Casey, Mutch
Nays: None

10. Approval to Purchase a 2019 PL Custom Classic 170 Type I Ambulance on a F-450 chassis purchased from PL Custom Inc. through the Sourcewell contract #022118-PLC in the amount of \$253,961.

Member Breen asked Chief Johnson to come down to the podium. She said she understood it as this will be the second squad that the department has. Chief Johnson said that was correct, this will replace a SUV vehicle that is at its useful lifespan so we are getting about eight years out of those vehicles. This gives us the ability to transport if necessary, however our private contractor, Superior has done a very good job. Member Breen said Superior's performance and the interaction with the City when the necessity of when transport might be required. They are required to respond to priority calls within seven minutes for 90 percent of the time. Chief Johnson replied yes, that is correct, it is in their contract and we are still under a second year of a five year contract with three more renewals, one year each. Member Breen said with these priority calls nothing is supposed to be over ten minutes. Chief Johnson said if it is a non-emergency tech call they are allowed to have some discretion on those types of calls. The priority calls that you mentioned are the priority calls which are the seven minute calls and what we call the non-emergency calls which can be ten minutes with extenuating circumstances, so you have that ten percent margin. If you have weather conditions or bad road conditions, if there is traffic if there are different reasons for them they might not get a good location from the caller especially out there on the expressway. Those types of calls tend to lead to longer response times. Member Breen said she understood that. Her question was what would trigger Superior to notify the Fire Department who would have two squad cars, one at Station 1 and one at Station 2, we can't be there in seven minutes, and you should be the transport. Is there a triggering process or mechanism for that? Chief Johnson said when they don't have the resources they will notify us immediately and they have other mutual aid contacts with other private agencies and then they call on those to find out how long it will take them. It is not a completely scientific accurate method, but it can give us a reasonable number of minutes it will take them to get there. In general it would be up to the incident commander that is there with their staff. If they felt the necessity of the patient to go immediately to the hospital they will transport that patient. He said they keep track of all the calls that we transport and of the six months of this year, Novi's transport about four times with our ambulance, there has been a number of instances where another private agency has been on scene prior to our arrival. In those instances they have already packaged the patient and transported the patient. Member Breen mentioned a City goal that we established this year is to have a long-term strategy implemented for the Fire Department. She said they are looking into basic life-support transport for the Fire Department. Chief Johnson said they will look at that as a strategic plan; we are very stratified right now with where we are at right now with our private agency. He said he has been in discussions with them they have three dedicated units in the City now with other resources and proximity. They are trying to get more vehicles in the City, they worked out a lease, but they are still working through some of the processes of trying to get into a building on Grand River. He wasn't sure where that stands right now, however their goal is to put more units in Novi and of course with

Ascension Providence Hospital they are doing a lot of transports for the hospital on a non-emergency basis. There are more Superior ambulances. He has had discussions with them about maybe adding one of the units in Southfield at the Station they rent at Beck Road and 11 Mile Road. They have asked him if we could entertain them moving another vehicle in to Station #1. Member Breen wondered how often it that our department arrives on scene before Superior is. Chief Johnson said he would have to look into that. She said if our department gets there first and they determine that they can transport the patient faster for basic life support calls, wouldn't it be prudent to look into whether or not this is something the City should be doing rather than Superior if they get there faster. Chief Johnson said maybe they are there just a few minutes before Superior gets there. Again, he would have to look into that. Member Breen said she hopes he addresses this in the strategic plan because she felt it was worth looking at. Other cities have had success with basic life support transport, and if we can do it in a cost effective manner that is a better service for our citizens we need to delve into this as soon as possible.

Member Poupard mentioned that this is a diesel motor, and she wondered how that fits in with the sustainability plan for the City to replace vehicles with more sustainability type vehicles. She would hate to purchase something that is not in line with that sustainability goal. Assistant City Manager Cardenas replied, he said we are in the beginning stage of the sustainability plan. He said for diesel, and heavy equipment fleet we are in the beginning stage of looking into alternative fuels. That would need some kind of propane fueling station or mixed fuel that would require a new fuel storage capacity and facility that we do not have at our Department of Public Works at this time. That would be more long range thinking.

Member Mutch asked Chief Johnson if this was operating out of Station #2. Chief Johnson said yes. Member Mutch asked how that location chosen and is that where the existing SUV vehicle is stationed? Chief Johnson said that was correct, that was part of why they chose that. He said Station #2 is sometimes our busiest Station of the four areas. It commands the decision that we put a reliable transporting unit in that area as well. Member Mutch wondered if that was a function of the fact that those are the types of calls that you are answering out of Station #2 such that we would need this verses a different truck. Chief Johnson said way back we had these types of vehicles. They give us the ability for the firefighters also that when they are out on locations when the weather is prevailing, we can rehab our firefighters during those types of events, whether or not it is fire emergency, hazardous materials, or other types of calls they are on. Member Mutch said in terms of our replacement program that we have going on here, this is a twin to an existing vehicle that we have, and we have one more SUV vehicle of this nature that we need to replace? Chief Johnson said there are two other SUV's that we need to replace that are operating out of Station #1, and also Station #4. Member Mutch asked where the other squad vehicle located. Chief Johnson said currently the other ambulance is out of Station #1, this will be squad two and there is SUV's that were operating out of Station #3, and Station #4. Member Mutch wondered if this was considered a first response vehicle. Is this what you would send out verses some other vehicle? Chief Johnson said this was a first response vehicle so we don't

have to send a fire engine out as a first response. He stated that they are trying to minimize the amount of mileage and engine hours that we are putting on the larger vehicles. Member Mutch said operating a smaller diesel vehicle verses one of the larger diesel vehicles actually would have helped the impact to the environment per Member Poupard's concerns on sustainability.

CM 19-07-132 Moved by Staudt, seconded by Mutch; CARRIED UNANIMOUSLY

Approval to Purchase a 2019 PL Custom Classic 170 Type I Ambulance on a F-450 chassis purchased from PL Custom Inc. through the Sourcewell contract #022118-PLC in the amount of \$253,961.

Roll call votes on CM 19-07-132

**Yeas: Verma, Gatt, Staudt, Breen, Casey,
Mutch, Poupard
Nays: None**

AUDIENCE COMMENT:

Mike Watzka , 21916 Bedford Drive, Northville said he was there in regards to Mayor and Council Issues Item #1, the potential for fiber network buildout. He has a bias; he works in an office out of his house. He is telecommunications attorney for municipalities. He said he has done some work for Novi in the past. He represents municipalities all across the state. He is a lawyer doing municipal broadband in a number of communities across the state for a decade or more. The state of internet access in America, Michigan, and Novi is weak compared to global competitors who receive gig service which is really fast compared to anything that we can get here. He said even if you want to get it, you can't get it. The reason is because of a policy decision made in the United States to allow private market to provide this service. That hasn't worked in his opinion. He said that over a 100 communities in the country, several here in Michigan such as Marshall and Traverse City are building their own. Building our own you get that gig service, speed, and capacity that you can't buy at a price that is affordable. If the internet is the information super highway, we are driving down two lane dirt roads as opposed to fiber systems. He said he was supportive of Item #1 and hope you pursue that.

COMMITTEE REPORTS: None

MAYOR AND COUNCIL ISSUES:

1. The creation of a Task Force to look into the creation and funding of a Fiber Network in Novi.

Mayor Pro Tem Staudt commented that when they visited Westerville, Ohio they found out that they provided fiber optic high speed internet to residents and businesses. He said that this intrigued them. He stated that we really don't know a lot about it this. He

would like to have Council instruct staff to put together the framework for a Task Force, very much like Farmington Hills and Farmington is doing. He thought the Task Force would be responsible for meeting several times. We have tremendous resources like Mr. Watza and many others in our City that are interested in this issue. He said get together, and really dig into the issues. He said whether we want to work with private enterprise and find platform that works, or the only way we can do something is to build our own fiber network. He was looking for support from City Council to start the process to put together a Task Force by the City staff and one or two Council Members involved. Have them come back with the framework to exactly what it so that we are looking to do, what kind of partners we are looking for whether it is residents, or industry experts, or all of the above. They can look into whether we have enough already, do we need to privatize this, or do we come up with our own plan. He said this is extraordinarily expensive undertaking if we went all the way. He said to be a great city you have to take great steps and Novi is a great city. We have to have the vision of going beyond what the status quo is and accepting what is given to us.

Mayor Gatt asked City Manager Auger is he had any problem with the City staff handle something like that. He would like Mayor Pro Tem Staudt to be part of that Task Force. Mr. Auger asked Mayor Gatt who else besides Mayor Pro Tem Staudt? Mayor Gatt said Member Verma.

2. Consideration of selling City-owned land, particularly on Walled Lake.

Mayor Pro Tem Staudt said he had an inquiry made to him and to staff in the past about some of the lots available on Walled Lake. He started looking into it, he found out about the history. It became clear we don't have a vision for the property or we have a vision, and we as Council doesn't know what it is. Or possibly we don't have a vision right now, but there maybe is something that staff can come back with. He wanted to see a list of potential properties that don't fit into our Policy where we are trying to preserve land such as woodlands and wetlands. He is not trying to get rid of parkland, not large parcels. The things that he is talking about is perhaps a parcel in the middle of a neighborhood that we own and it doesn't have any purpose and can be built on so that there would be taxable revenue coming from that property. He said the Walled Lake properties are problematic because the road splits them. He said there was a tremendous value in those properties. If we sold property, can we put restrictions on it? Like you can't launch a boat from that property? He said there has been some concern about using the property as a boat launch. City Manager Schultz said the short answer is most likely yes. Those types of things are typically enforceable. Mayor Pro Tem Staudt said he was looking for staff to bring recommendation for City Council, it could be in the off week packet. We do not need too man committees for this type of thing, but If we do decide to sell property, we may want to consider community input. He was wondering if there were options for the property that we own and we have absolutely no long term use for and would be better off selling that property and using the revenues to enhance our Capital Improvement Projects. Mayor Gatt asked City Manager Auger if he could provide that in one of Councils packets.

Member Mutch mentioned having been involved in property acquisitions; it makes him nervous to sell properties. He said from what Mayor Pro Tem Staudt stated, he is focused on narrow set of properties in the City. He didn't think this was an open ended evaluation of City properties generally. When he said we aren't looking to sell parkland or large parcels, it addressed his concerns. He said that we have to be realistic about selling these properties. One of the reasons we own them is because they went through a tax foreclosure process because people didn't want to own and pay taxes because they had limited value. He believed that properties that went through a tax foreclosure process have limitation to the amount of revenue would come back to the City if we did sell them. He said he was open to considering those, but he thought we need to be careful the message we are sending. In terms of strategy in Parks and Recreation and Council has talked about is that we do want to have properties that are more accessible to residents that are more of a neighborhood park usage. He said we may look at some of these parcels and say they really don't provide a lot of value; they may still serve a value in terms of a neighborhood amenity. It is appropriate to look into properties that we own that don't have a long term purpose for the City. He can support having that review and discussion.

Member Breen wanted to thank Mayor Pro Tem Staudt for bring up these issues, she strongly supported the creation of the Task Force to look into the Fiber Optic Network. She said we need a clear vision going forward if we do something with any of these properties. She wanted to emphasize what he said about having a clear vision, whether it is keeping them as pocket parks to help make the area more livable and walkable, but we need to have a vision, not just to sell them off because of their possible taxable value that they may bring in later down the road.

Mayor Gatt said they were entering into Executive Session and did not plan on returning to Open Session.

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 9:17 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: July 22, 2019