

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
SATURDAY, JANUARY 11, 2014 AT 8:00 A.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

Mayor Gatt called the meeting to order at 8:00 A.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Casey, Fischer, Markham, Mutch, Wrobel

ALSO PRESENT: Clay Pearson, City Manager
Victor Cardenas, Assistant City Manager
Thomas Schultz, City Attorney

APPROVAL OF AGENDA:

CM 14-01-001 Moved by Casey, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the Agenda as presented.

Roll call vote on CM 14-01-001 **Yeas: Staudt, Casey, Fischer, Markham,
Mutch, Wrobel, Gatt**
Nays: None

PUBLIC HEARING - None

PRESENTATIONS - None

REPORTS:

1. **MANAGER/STAFF** – City Manager Pearson thanked everyone for attending at the new meeting date and time. He mentioned he gave everyone the Community Profile publication from our Community Relations Office. The latest edition contains a profile of Novi demographics and the attributes used for Economic Development. He encouraged everyone to read the publication.

2. **ATTORNEY** - None

AUDIENCE COMMENT – None

CONSENT AGENDA REMOVALS AND APPROVALS (See items A-I)

CM 14-01-002 Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
1. December 17, 2013 – Regular meeting

- B. Approval of the final payment to Envision Builders, Inc. for the DPS mezzanine Lift Project in the amount of \$2,110.69.
- C. Approval of the final payment to Braun Construction Group for the Medilodge/ITC Pathway Project in the amount of \$4,155.47.
- D. Approval of the request of Marygrove Awning for Preliminary Site Plan and Section 9 Façade Waiver. The subject property is located in Section 15 at 44175 12 Mile Road in the RC, Regional Center District. The applicant is proposing to add black fabric canopies at the existing Indo Fusion restaurant.
- E. Approval to award an engineering services agreement with Orchard, Hiltz & McCliment for design engineering services related to the 2014 Capital Preventative Maintenance Program—Major Roads (for Meadowbrook between 8 Mile and 9 Mile) in the amount of \$7,332.
- F. Approval to award an engineering services agreement with Orchard, Hiltz & McCliment for the construction phase engineering services related to the 2014 Bridge Rehabilitation Project in the amount of \$27,833.
- G. Approval of a Storm Drainage Facility Maintenance Easement Agreement from Toll MI II Limited Partnership for the Island Lake of Novi Phase 7A-7C project located east of Wixom Road, west of Dinser Drive, north of 10 Mile Road in the southwest corner of section 20.
- H. Approval of a Storm Drainage Facility Maintenance Easement Agreement from J.S. Evangelista Development for Maple Manor Rehabilitation Center project located south of Fourteen Mile Road and west of Novi Road in Section 2 (parcel number 50-22-02-201-001).
- I. Approval of Claims and Accounts – Warrant No. 907

Roll call vote on CM 14-01-002

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

MATTERS FOR COUNCIL ACTION

1. Approval of the request of Erickson Living for JSP 13-64 Fox Run Revised Preliminary Site Plan with PD-1 Option (and associated Second Amendment to the Development Agreement), Revised Special Land Use Permit, Revised Phasing Plan, Revised Woodland Permit and Revised Stormwater Management Plan. The property is located in Section 1 of the City north of Thirteen Mile Road and west of M-5 in the RM-1, Low Density Low-Rise Multiple-Family Residential District and totals 102.8 acres. The applicant is proposing to revise the original approval and layout of the remaining buildings in Phase II.

City Manager Pearson said the next phase has already been approved but through experience from the first phase they are making some changes to the building layouts and configurations. The changes have a favorable recommendation from the Planning Commission and staff.

Matthew Quinn, representing Erickson Fox Run, said they are expanding and are combining four buildings into three that results in a revised phasing plan. The only thing brought up from the Planning Commission was some adjacent neighbors from Lenox Park asked if Fox Run would consider putting in additional buffering at the border. It was agreed upon by both parties. There have been positive approvals from staff and consultants on the project.

Member Markham asked about the elimination of the emergency access. Mr. Quinn said they found out after the Planning Commission meeting that the gate was on Lenox Park property. They are still discussing it. Lenox Park will be repaving one of their roads in that area and then it will be addressed if they need an easement for any construction.

Member Mutch was not comfortable with the secondary access point being eliminated. He knew that Fox Run does have a secondary access closer to Thirteen Mile off the entrance drive that goes to Lenox Park. In light of the size of the development, he feels there may be a need for emergency vehicles to access the development. He recommended being very cautious about eliminating the access. The other concern of the Lenox Park residents was the storm water runoff. City of Novi ordinances don't allow storm water flow going onto the adjacent property and asked how that was being handled by the Fox Run development. Julian Wargo, Zeimet, Woniak & Associates, 41637 Steinbeck Glen, said he is the civil engineer for Fox Run and Lennox Park developments. He said Fox Run's storm water management program does not affect Lenox Park in any way. There is a divide that runs along the property line between the two developments. He was involved with the design of Fox Run in the beginning and with the close out of Lenox Park; he said one does not impact the other. Member Mutch said he wanted to make sure those concerns were properly addressed and thanked Mr. Wargo.

CM 14-01-003 Moved by Casey, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the request of Erickson Living for Fox Run for a Revised Special Land Use Permit for JSP 13-64 based on the following findings:

Relative to other feasible uses of the site:

- The proposed use will not cause any detrimental impact on existing thoroughfares (*as indicated in the traffic review letter*);
- Subject to satisfying the requirements in the Engineering Review the proposed use will not cause any detrimental impact on the capabilities of public services and facilities (*because the plan adequately addresses and provides for water and sanitary sewer service and management of stormwater volumes*);
- The proposed use is compatible with the natural features and characteristics of the land (*as no new impacts to natural features are proposed*);
- The proposed use is compatible with adjacent uses of land (*as indicated in the staff and consultant review letters*);
- The proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use;
- The proposed use will promote the use of land in a socially and economically desirable manner; and
- 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.

This motion is made because the plan is otherwise in compliance with Article 6, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance.

Roll call vote on CM 14-01-003

Yeas: Fischer, Markham, Mutch, Wrobel, Gatt,
Staudt, Casey

Nays: None

CM 14-01-004

Moved by Casey, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the request of Erickson Living for Fox Run for a Revised Preliminary Site Plan with a PD-1 Option and the Second Amendment to the Development Agreement based on and subject to the following:

- a. City Council finding that the standards of Section 2404.4.A of the Zoning Ordinance are adequately addressed;
- b. Applicant providing a material sample board that demonstrates that the proposed colors will be harmonious with the existing buildings;
- c. Applicant working with staff and the adjacent Lenox Park development representatives to explore eliminating the existing

emergency access connection and providing additional landscape screening as discussed at the December 11, 2013 Planning Commission meeting;

- d. 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 6, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance.

**Roll call vote on CM 14-01-004 Yeas: Markham, Mutch, Wrobel, Gatt, Staudt, Casey, Fischer
Nays: None**

CM 14-01-005 Moved by Casey, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the request of Erickson Living for Fox Run for a Revised Phasing Plan based on and subject to 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 6, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance.

**Roll call vote on CM 14-01-005 Yeas: Mutch, Wrobel, Gatt, Staudt, Casey, Fischer, Markham
Nays: None**

CM 14-01-006 Moved by Casey, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the request of Erickson Living for Fox Run for a Revised Woodland Permit based on and subject to 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 Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance.

**Roll call vote on CM 14-01-006 Yeas: Wrobel, Gatt, Staudt, Casey, Fischer, Markham, Mutch
Nays: None**

CM 14-01-007 Moved by Casey, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the request of Erickson Living for Fox Run for a Revised Stormwater Management, based on and subject to 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 Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance.

Roll call vote on CM 01-14-007

**Yeas: Gatt, Staudt, Casey, Fischer, Markham,
Mutch, Wrobel**

Nays: None

2. Approval to purchase six (6) replacement marked patrol vehicles from Berger Chevrolet, Grand Rapids, MI for the Novi Police Department in the amount of \$164,013.70 through the Oakland County cooperative purchasing contract.

City Manager Pearson said these are part of our regular fleet replacement. They are all budgeted and purchased through a joint purchasing program.

CM 14-01-008

Moved by Wrobel, seconded by Mutch; CARRIED UNANIMOUSLY:

To approve purchase six (6) replacement marked patrol vehicles from Berger Chevrolet, Grand Rapids, MI for the Novi Police Department in the amount of \$164,013.70 through the Oakland County cooperative purchasing contract.

Roll call vote on CM 14-01-008

**Yeas: Staudt, Casey, Fischer, Markham,
Mutch, Wrobel, Gatt**

Nays: None

3. Approval to award a construction contract for the 2014 Bridge Rehabilitation Project to RCL Construction Co., Inc., the low bidder, in the amount of \$115,102.

City Manager Pearson noted these are two bridges at Cranbrook and Brookfarm Park. There will be budget amendments to cover some of the work for storm water and roadwork adjacent to it.

CM 14-01-009

Moved by Fischer, seconded by Mutch; CARRIED UNANIMOUSLY:

To approve the award of a construction contract for the 2014 Bridge Rehabilitation Project to RCL Construction Co., Inc., the low bidder, in the amount of \$115,102.

Roll call vote on CM 14-01-009

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

4. Approval of Ordinances to Amend the City of Novi Code of Ordinances to add Chapter 27.5 for precious metal and gem dealer, secondhand and junk dealers, and pawnbrokers in accordance with State Law and to approve the Resolution setting fees for licensing and registration.

A) Approval of adoption of Ordinance 14-181, to amend the City of Novi Code of Ordinances to add Chapter 27.5, "Registration and Licensing," for the creation of registration and licensing standards for certain businesses, occupations, and activities, and to reserve sections 27.5-1 through 27.5-15 for general provisions. **SECOND READING**

B) Approval of adoption of Ordinance 14-181.01, to amend the City of Novi Code of Ordinances, Chapter 27.5, "Registration and Licensing," to add Article II, "Precious Metal and Gem Dealers." **SECOND READING**

C) Approval of adoption of Ordinance 14-181.02, to amend the City of Novi Code of Ordinances, Chapter 27.5, "Registration and Licensing," to add Article III, "Secondhand Dealers and Junk Dealers." **SECOND READING**

D) Approval of adoption of Ordinance 14-181.03, to amend the City of Novi Code of Ordinances, Chapter 27.5, "Registration and Licensing," to add Article IV, "Pawnbrokers." **SECOND READING**

E) Approval of a Resolution setting fees for licensing or registration of precious metal and gem dealers, secondhand and junk dealers and pawnbrokers.

Member Markham asked about the paragraph referring to license renewal. It seems like a better ordinance and we are getting more control of who is moving second hand items through the pawn brokers but section 27.5 – 51 specifically says that except for temporary displays at other facilities they require a license. She wanted to know if there were instances where this may happen and wanted clarification on it. Assistant Chief Hart said this was something he worked with the City Attorney very closely on and it is an exception they built in. They didn't want garage sales included and temporary church sales. Member Markham asked if there was a temporary pawn operation at the Gem Shows or Gun Shows. Assistant Chief Hart said yes and the activity there may be construed as second hand, junk dealer, and precious metal and gem and they wanted to eliminate that type of ambiguity if they happened to be there on a temporary basis.

Member Mutch said Member Markham raised a good question. He thought that without some of barriers people take advantage of sales without a license. He thought it would be less likely if it was a public show. It does raise the potential for someone to abuse it, but thought the practical aspects of it would eliminate the possibility. He said

Assistant Chief Hart pointed out there would be a challenge to enforcing those situations. He noted it is a good thing to be aware of and our expectation is that if problems do arise that the City Administration would try to address the situation.

CM 14-01-010 Moved by Mutch, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve Ordinances to Amend the City of Novi Code of Ordinances to add Chapter 27.5 for precious metal and gem dealer, secondhand and junk dealers, and pawnbrokers in accordance with State Law and to approve the Resolution setting fees for licensing and registration.

A) Approval of adoption of Ordinance 14-181, to amend the City of Novi Code of Ordinances to add Chapter 27.5, "Registration and Licensing," for the creation of registration and licensing standards for certain businesses, occupations, and activities, and to reserve sections 27.5-1 through 27.5-15 for general provisions.
SECOND READING

B) Approval of adoption of Ordinance 14-181.01, to amend the City of Novi Code of Ordinances, Chapter 27.5, "Registration and Licensing," to add Article II, "Precious Metal and Gem Dealers."
SECOND READING

C) Approval of adoption of Ordinance 14-181.02, to amend the City of Novi Code of Ordinances, Chapter 27.5, "Registration and Licensing," to add Article III, "Secondhand Dealers and Junk Dealers."
SECOND READING

D) Approval of adoption of Ordinance 14-181.03, to amend the City of Novi Code of Ordinances, Chapter 27.5, "Registration and Licensing," to add Article IV, "Pawnbrokers."
SECOND READING

E) Approval of a Resolution setting fees for licensing or registration of precious metal and gem dealers, secondhand and junk dealers and pawnbrokers.

Roll call vote on CM 14-01-010

Yeas: Fischer, Markham, Mutch, Wrobel, Gatt, Staudt, Casey
Nays: None

AUDIENCE COMMENT – None

MAYOR AND COUNCIL ISSUES - None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION – None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 8:26 A.M.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Jane Keller

Date approved: January 21, 2014