

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, MARCH 14, 2022 AT 7:00 P.M.**

Mayor Gatt called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Casey, Crawford, Fischer, Smith, Thomas

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

APPROVAL OF AGENDA:

Mayor Gatt added to Mayor and Council Issues "Taft Nine Mile Road Roundabout".

Member Casey added to Mayor and Council Issues "Council Study Session for Senior Issues".

CM 22-03-023 Moved by Fischer, seconded by Casey; CARRIED UNANIMOUSLY

To approve the Agenda as amended.

Roll call vote on CM 22-03-023 **Yeas: Staudt, Casey, Crawford, Fischer, Smith, Thomas, Gatt**
Nays: None

PUBLIC HEARINGS: None

PRESENTATIONS:

- 1. Presentation on the I-96 Flex Route by Brian Travis of the Michigan Department of Transportation (MDOT)**

Brian Travis thanked Mayor Gatt and City Council for the opportunity to speak that evening. Mr. Travis said he was with MDOT and was the construction engineer/project manager for the I-96 Flex Route project. He said he was there to seek a waiver or a variance to the noise ordinance for the City between the hours of 7 a.m. and 7 p.m. as they may do some work outside of those hours. He gave a brief overview of the project and talked about some of the impacts with noise. He explained this was a three-season project, starting next week, and will conclude in the fall of 2024 for the projects between Kent Lake Road and I-275. He said it includes about 12 total miles of pavement reconstruction and they will be doing drainage improvements, sign up grades and bridge rehab work. He said they have active traffic management for the flex lane. He indicated you will see overhead gantries out there with dynamic message signs, IPS equipment, and they will have ramp metering eight ramps throughout the corridor. He highlighted a schematic of sort of what it would look like, if you are familiar with US-23, it is very similar. He stated the lane will be in use part time, mainly during the a.m. and p.m. rush hours, or

during special events or if there are incidents, he thought it will be great when it is finished. He said it will solve the congestion problem out there. He said to do this work, obviously, they are going to create some noise. He wanted to give an overview of what to expect and he wanted to preface the slides that he had that evening in his presentation, that a lot of this could change, this is their best guess right now, and he wanted the City to have these slides as a reference. He said generally, our contractor plans to start work every day at 6 a.m., they typically work 10 to 12 hours, so finishing by 6 p.m. He did not have any actual night work proposed, but just today after he put this together, he learned of a couple weeks' worth right off the bat that the contractor wants to do, but in general, they are not shooting to do any night work. He stated work that might fall outside of our ordinance hours, contract you are starting at 6 a.m., so trucks mobilizing, moving around at the concrete batch plant doing test loads, pavement braking, concrete relief cut sign, and very rarely the contractor sometimes elects to pave concrete at night if it is too hot during the day, they really do see that, but it is a possibility. He stated they also did propose starting March 25 to do about two weeks' worth of night work, it is our asphalt contractor, they have to repave the shoulder and they have to do some joint repairs on the mainline freeway itself to get ready for traffic when we shift them onto the shoulders a little bit further down the road so that really should not be too noisy, but they did propose that specific to Novi. He explained we are going to have three big impacts for noise, the pavement braking and loading that concrete into trucks, the pavement relief sign, and then just miscellaneous truck activity. He went over some rough dates and time ranges, and said three weeks between March and June, that did not mean three weeks continuous, it could be five days in a row, then six days off and another four days, it is hard to say right now, so your pavement breaker might start at six in the morning. He stated that is a tractor or a small truck that pulls a wheel, it is like an oblong shaped wheel, and it slams into the pavement, so it is not quite as loud as a guillotine beaker that you might have seen in the past. He said they may start at six, the pavement relief sign that is critical for when we pave concrete, we have joint spaced every 14 feet, so if we do not get saws on that concrete a couple hours after we pour it, then the concrete hardens and it cracks wherever it wants to, so it is critical that we have saws going after repaving. He could not specifically say how many times that will happen, he did say it would be frequent once they do some concrete paving. He said he tried to estimate the dates the best he could. He mentioned the miscellaneous noise on a construction site, tailgates bang, trucks idling, concrete batch plant use, there are provisions in their contract to try to limit this noise, so the contractor must propose a noise mitigation plan. He said they have things like dampeners, or rubber stoppers on the tailgate. He said they try to do their best to hold them to that plan and minimize noise. He also mentioned the contractor is going to have materials and equipment storage yard at I-96 which will back up to the City's border, so there will be activity there. He noted that they may propose other storage yards in Novi in subsequent years, but for this year, this would be the only location. He ended his presentation with trying to give the City reassurance that they were there to work with them. He stated they are available 24/7, we have an ombudsman that is dedicated to the project, this phone number goes directly to him, he carries the phone around 24/7/ He said if there are complaints about noise, contractors doing things that they are not supposed to do, call them, they will do the best they can to work with everybody to get things resolved to put any fears to rest. He said he will leave you with

this contact information. He appreciated your time, and thought it was going to be a great project, and if you can bear with us through the impacts, he said it is going to be great.

Mayor Gatt thanked Mr. Travis for the presentation and asked him when the project will start. Mr. Travis said it starts on Monday. Mayor Gatt said we will need a motion that evening.

MANAGER/STAFF REPORT: None

ATTORNEY REPORT: None

AUDIENCE COMMENTS:

Gary Vanharen, 41617 Monterey Dr., Novi thanked Mayor Gatt and City Council for the opportunity to speak. He believed he was in the minority. He said while he was not the original owner, he and his wife have lived in the Maples of Novi for nine years, during which time most of the time the golf course has not been operating. He did not live on the golf course, but he did live near the clubhouse. He was there that evening to voice his support for the decision to amend the Maples of Novi PUD and further the sale of the Maples of Novi facility to the IXL Learning Center since it seemed like the best of a handful of alternatives. He said from his perspective, there are currently three options of what can be done with this property. The first is to deny IXL sale at endpoint the property would be abandoned. The second is to approve the sale to IXL, and a third if neither of those is desired, to seek out a new business to perhaps purchase the property and input it is a viable part of the community. He suspected that no one wants the first option, so that leaves the other two. He felt that if IXL is not a success on some other business applies, then we will be going through the same issues that they are going through that evening, traffic, maintenance of the golf course, noise, what to do to the swimming pool, etc. He said it seemed to him that many of the points wish to make things like they used to be in the past and he did not see that happening. He said he has seen emails amongst the owners who are wishing to hit the golf course and the clubhouses are running business, but since there has been no visible interested part in running the golf course, right now, let us thing right at this point, it seems to be off the table. He said the satisfaction and completion of either option two or three, a new business or IXL, both present similar primary results. He said increased automobile traffic, increased customer traffic, but he did not know other types of businesses would be interested in the property. He said the building and the parking lots are not particularly large which narrows the types of businesses that would be interested and that would use this type of space. He stated some suggestions that might be interested which are a daycare, IXL, a 7-11 store, a Coney Island or something similar, and as they have seen recently, a marijuana dispensary. He stated he was not advocating any of these, he said he really was not advocating for IXL, he would love to see a golf course continue, but it does not seem feasible at this point. He supposed there may be types suitable for this location, but he stated above, he felt that IXL would best be served and would be an asset to our community.

Denise Fekaris, 30923 Copper Lane in the Maples of Novi. She stated that she has researched these learning centers, and all the learning centers she has found seem to have private entrances. She said she looked at more than 25 and none of them are in a residential neighborhood. She stated the roads in the Maples of Novi are private road, and for you to tell people than can drop off 120 kids every day really violates the private roads, because they take care of those roads. She was concerned also about the offset, the others are far from the road for two reasons, she called them and asked several of them why, the reasons were because of custody disputes, and they are worried about pedophiles. She said this building is right off the road, so she did not think it is a good play for us. She said almost everyone in the Maples is a senior citizen and she was concerned about having 120 kids come in daily. She stated according to statistics, most people have heart attacks over 50 years old are between 6 a.m. and 8 a.m. and if they cannot get an ambulance or anybody in her sub because somebody else is dropping off their kids on a private road, she considered that to be an affront to all the people who live there and pay the taxes. She also believed that their house properties will decline because of this interest.

Greg Fioritto said he was an attorney with the firm, Zelmanski, Danner & Fioritto. He said he was a community association lawyer, and their firm represents two of the Maples of Novi Communities, the Maples of Novi, Maple Greens, and the Maples of Novi Community Association. He attended the January Planning Commission hearing and he thought it would be worthwhile on behalf of the two communities to just restate what he thought were some very cogent and prudent conclusions and points noted by the Commission. Number one, the concerns about safety. There were significant concerns about a traffic safety, about the single entrance and whether that would be safe for the comings and goings of children at a daycare center. That was a very significant concerns and he did not see that concern has yet been alleviated. Secondly, the concerns about the actual property, if you look at the map of Maples of nearby communities, this golf course, which he was sure you have all probably seen at some point winds through the various communities. He said there has to be some kind of well thought out plan as to what is going to happen with this property other than just promising to cut the grass that seems to be very perfunctory, almost, not giving any thought to this significant landmass that is going to be there, in perpetuity, and just cutting the grass seems not really much to offer to the community. He said neither does a disc golf course, he did not think anyone was interested in that. The last point he wanted to make was that someone made the point that this will never be a golf course again, and there are a lot of people that regret that, and maybe that is true, but is this really the best use of this property for this community where there are many seniors in these communities, it seemed like a square peg in a round hole, and it did not fit the communities.

Frank Liegghio, 31049 Collingdale Dr., Novi in the Maple Green Subdivision. He wanted to speak in opposition to the proposed IXL development. He said he wanted to bring Council's attention to some information that they might want to consider when reviewing this proposal. He mentioned that at the last Planning omission meeting, the proposed capacity of the Maples IXL exceeded the City required allotments. He said they apparently have gone ahead and limited now their revised proposal down to 120

students or children. He stated as a point of reference, five of the six other IXL facilities in the convening communities also all started out with moderate capacities. He said each of those except for one which started out with a large center in Howell, each of those centers have seen their moderate capacities increase by factors ranging from 16 to 300 percent. He said it has taken anywhere from two months to two years for them to up their student capacities. He said if we take and believe that this modest proposal that they think 120 students or children is going to be the capacity in perpetuity at the center it is merely a sort of bait and switch kind of proposal for the Council to consider. He said they do not think they have any intention of limiting to 120 students and we think all the other factors addressed by the Council and by his fellow residents in the area are valid and have not been addressed at all the issues of safety and the safety of the children or the surrounding community. He said he hoped that Council would take the advice of the Planning Commission on the actual proposal.

Karen Zyczynski, 22125 York Mills Circle, Novi stated she was there on behalf of the Northville Novi branch of the American Association of University Women (AAUW). She said this is Women's History Month, and she was there to recognize Equal Pay Day, which is technical April 12th, but since this was Women's History Month, it seemed appropriate. She said Equal Pay Day is a symbolic day when women in this country on average catch up to the earnings of men from the previous year ending December 2021. Take a moment to let that sink in. This is the day in 2022 when women catch up to what men made in the year 2021. She said if you are Black or Latina woman, the date is much later in the year. We are part of a larger AAUW organization that was formed in 1881 and has fought and continues to fight for equity for women and girls. She said they do that in many ways, some face-to-face activities, such as career path days when we enable eighth grade girls from Northville in Novi to visit colleges, Local Businesses focusing on STEM careers. She mentioned the Let's Read Math and Enrichment Math Program for second and third graders in our local schools and reading in classrooms during March is also reading month and about women in history. She said all of these activities have been impossible during the pandemic. She said they look forward to resuming them very soon. Despite COVID restrictions, they have been able to continue our scholarships to high school graduates within this community, as well as contributions to Schoolcraft College and Oakland Community College Scholarship Programs. She said they have donated 1,000's of dollars to all these endeavors in the more than 45 years that they have been involved in this community. She said she donated monies to our local elementary schools to purchase books and materials about women in history for their libraries. She stated that they continue to send local college students to an excellent leadership training program held in Maryland, the National Conference for College Women's Student Leaders. She said they host fundraisers during the year to raise money to support many of the above-mentioned programs. Currently a fashion show highlighting you women in the fashion design business, and Miss Michigan will be our emcee. The second event is a true drive. She said you can learn more about their organization and these events by visiting their website@auwn.org, they are a 501 C-3 charitable organization and look forward to continuing our endeavors here in Novi and in Northville.

Todd Skowronski said he represented the Maples of Novi Maple Pointe, as well as the Maples of Novi, Maple Hills Condominium Associations. He is a community association attorney. He agreed with the sentiments he raised earlier. He made one more point, he said that the Planning Commission got this one correct. He said the Planning Commission held multiple hearings on this proposal from the petitioner. He said there was an initial hearing back in the summer of last year, or they tabled the matter for the petitioner to amend and come up with additional information. He stated the additional information was provided there held in January. At that time, the Planning Commission staff having reviewed all this voluminous documentation came out and recommended against approving this and part of it was the lack of a traffic study because at that time IXL was proposing to have upwards of 200 children. He noted that the Planning Commission staff also indicated that even that this proposed usage, a daycare center more than 50 children violates the zoning ordinance. He said it is not just a matter of amending the PUD, that under zoning ordinance 4.121 B daycare centers more than 50 children are not supposed to be in an area that abuts a residential zone like this. He said it is not supposed to be in this location. He also mentioned the Commission has also expressed serious concerns with the level of traffic as other people have addressed. He stated that is not the usual configuration. Usually, a daycare center has access off a main road. Here you must come in onto a side road and you can just imagine the traffic backups that are going to occur in that situation. He stated the petitioner has claimed to lower the number of children, but that is solely to avoid having to submit a traffic study, and that still will not alleviate the fact that as a practical matter. He felt this location was not suitable for a daycare center. He said the Planning Commission unanimously voted to recommend that the City Council deny tonight's proposal, and he thought they should trust the expertise and deny as well.

Amy Frawley, 30836 Palmer Dr., Novi in the Maples of Novi said they have lived in the Maples of Novi for the last four years and while the golf course was not a draw for them, the quiet neighborly community was, and they hoped to continue to enjoy living there for many years to come. She agreed the proposed change in business from golf course to early childhood education center does not compliment their community. We believe that the addition of a childcare entity would be a deterrent to prospective buyers and have a negative impact on our lives and community. She said the proposed business has the potential for significant increase in noise, reduction in our home values, and may adversely affect the taxes paid to the City of Novi. She said while our community has families with young children, the majority of the census for this business would be made up of consumers from outside of our residential community. The proposed change would bring additional traffic to our private roads throughout our neighborhoods, having cars cut through our neighborhood instead of going on the main roads. The main roads are already congested. She stated it was difficult trying to make a left from 14 Mile and there is a backup all the time, especially during the peak hours for drop off and pickup for childcare. She did not feel that there is an acceptable plan for long term maintenance and the use of the associated land in the golf course. Furthermore, there are no guarantees that the potential owner and plan would not sell off the land to minimize their up front and maintenance costs. The literal change in the landscape would be a deterrent to prospective co-owners and bring about an increased risk for crime,

additional traffic, and rodents for foodservice businesses. They believe this is a bad plan. She stated the residents have verbally expressed and expressed in writing disagreement and given pushback since the proposal first came to the Planning Commission. She said the communication initially was poor and residents were not directly involved from the inception of the plan. Additionally, the Planning Commission has recommended that this plan not be allowed to move forward, and they agreed. She said a lot of us have spoken and she hoped that a lot of us will continue to speak until this issue is resolved.

Kathy Thompson, 41366 Cornell, Novi in Maple Hills. She mentioned she was aware this was not a question-and-answer period, so she asked a rhetorical question, does Novi need another childcare center? She stated they did some research and looking at the three zip codes within the City of Novi, they found that there are currently 25 daycare centers with a total capacity of close to 3,000 children. Of those 25 about 90 percent still have availability for children. When you look at supply and demand, there is room for additional children in the existing daycare centers. She said the clubhouse right now is not as maintained as it should be, but if it were maintained with a restaurant, would the golf course then become a viable golf course? She wondered if there was logic in changing our currently established PUD for service which is not a pressing issue. She did not believe there was a pressing issue for another daycare, especially on a golf course. She thought there was a more suitable lot on 14 Mile and Decker Road which is currently for sale. She said IXL could build there and build to suit their needs, and it is just a quarter of a mile west from the clubhouse. She also mentioned the IXL handbook states that between the hours of 8 a.m. and 5:30 p.m. children will be playing and making noise for 3.25 hours every workday over that nine and a half hour time span, but there will be times when all 120 kids will be outside playing. She stated IXL itself has been cited in the past for not having properly licensed caretakers and if they have trouble staffing existing facilities, how are they going to be able to staff the proposed facility with fully qualified caretakers. She said there are also concerns that the caretaker to child ratio is a little low. If there is a one to four ratio with infants, how is one caretaker going to be able to carry for babies to safety in the case of a bomb threat or they must evacuate the building. She concluded that due to the lack of need for another childcare facility, especially for the residents of the Maples of Novi, the property IXL is misleading statements in terms of the capacity the number of children it started at 67, went to 120, went to 200, and now it is back down to 120. She felt those are misleading statements and just their passive inability to properly license their caretakers and long duration of not of noise during the day, she asked the City Council to deny IXL request to have the PUD changed and follow the recommendation of the Planning Commission and deny this approval.

Antoinette Humphry, 30931 Copper Lane, Novi in the Maples of Novi and is the original owner of 26 years. She said the selling point for her was the golf course and the pool for her and her husband. She was appalled that they have not found a decent person to come in and restore the golf course and the pool. She said the Maples and Maple Greens have no pool and they cannot use the other two. It makes no sense to them, and we are paying a lot of money to have the quiet. She said they had a peaceful neighborhood, and the neighbors are wonderful, they do not need that extra traffic. She thought that you need to take some more time to find someone to come and restore

that golf course and swimming pool, because we do not need any more traffic. She said she voted for Council, and she will vote again. We do not want these kids in there, please take some time and know that we are voters.

Mary Ann Grutzka, 45385 9 Mile Road, Northville, said she lives in the old farmhouse on the corner of Nine Mile and Taft. She commented about the proposed roundabout, which will affect them the most. She has lived there for over 44 years, and they have seen a lot of changes. She thought what you have there right now was an excellent choice. It's a four-way stop. Before you put the blinking red lights up there, there were some accidents, but since those lights went up, there has been very few accidents. She said especially at night, you can see those lights a mile away. She thought that was a really good choice. She thought when you put a roundabout in your goal it is to have a better traffic flow. She thought you are going to sacrifice safety. You have driveways, like hers, that are close to the intersection, and you have a lot of pedestrian traffic. She explained when approaching a roundabout, you are not looking at driveways and people, you are looking at how you are going to negotiate the roundabout, she thought it will be less safe. So said there is no perfect answer up there, it is a different kind of intersection, but she felt what was up there now was the best solution. She was concerned that her house is over 200 years old, they have an old Michigan basement, which is a foundation with stones with mortar. It is good and strong, but if they start excavating out there, she would put it in the fragile category. She said the plan is to remove that retaining wall that is out there now and move it to a new one closer to their house, and they must go five feet beyond that to anchor the retaining wall, so you are coming right up close to their basement. She wondered who would be liable. Who is responsible if there is a problem. She wondered if they could have an engineer come and look at their basement to see if you can't like shore up the basement somehow to prevent a problem. Those were two of her biggest concerns. One is the safety of that intersection, and the other would be the integrity of her foundation.

Gerald Borland, 5051 11 Oregon Ave. Novi said he has lived in the Maple of Novi for almost 25 years. He commented that he had a half a dozen bullet points on why you should go along with the Planning Commission. The first comment is that he called a commercial rest estate professional. He already has somebody interested in buying the property potentially and making it the restaurant characteristic that we enjoyed. The second comment was that Novi is buying land up and down Novi Road that would be a big help with some of the land that we have available, no matter who buys it. He said the other thing that shook him up a little is that there are well over 100 written statements saying that the people wanted the original PUD to remain in place. He could not understand why this is even being discussed because of that. He hoped they all saw the letters from the community. He mentioned the traffic on 14 Mile, it is naturally becoming far more than it was 10 years ago, because of all the commercial buildings at the corner of 14 Mile and Novi Road. Also, the people that are driving down to the lake. He thought the traffic issues that other people brought up about people coming through the neighborhood, those roads belong to us, period. He said nobody is allowed to drive on them. He stated if that goes through, 120 cars, we are going to have to build a gate four entries. That will cost them a lot of money to keep the cars from coming into the neighborhood. He said

that should have been talked about immediately. That road belongs to the subdivision, they pay for it, it is not for anybody else to use. He said they brought up something new supposedly to the City that they will consider another driveway. He said they did that months ago on their original push to try to buy our community.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 22-03-024 Moved by Casey, seconded by Fischer; CARRIED UNANOMOUSLY

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
February 28, 2022 - Regular Meeting
- B. Approval of a resolution to revise the boundaries of Precincts 12 and 13 in the City of Novi.
- C. Approval of Introduction of Ordinance 22-156.05, an ordinance to amend Chapter 2, Administration, Article V, Boards and Commissions, Division 3, Board of Review, Section 2-193.6, Guidelines to be uniformly applied; exceptions. **SECOND READING.**
- D. Approval to award engineering design services to Spalding DeDecker for the paving of the gravel portion of 12 Mile Road between Medina Boulevard and the east City limits, and design of two sidewalk gaps on the south side of 12 Mile Road, in the amount of \$78,932.00.
- E. Approval of a cost participation agreement with Ascension Providence Hospital for the construction of a sidewalk connection between the ITC Trail, Wildlife Woods Park, and Ascension Providence Hospital, with Ascension Providence Hospital's estimated responsibility in the amount of \$26,068.50.
- F. Final approval of a Third Amendment to the Selective Development Consent Judgment in order to allow 'Places of Worship' as permitted uses for the subject property, known as Oak Pointe Plaza. The subject property is located on the east side of Novi Road, south of Nine Mile Road, in Section 35.
- G. Enter Executive Session immediately following the regular meeting of March 14, 2022 in the Council Annex to consider confidential written communication from the City Attorney.
- H. Approval of claims and warrants – Warrant 1103

Roll call vote on CM 22-03-024

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

Nays: None

MATTERS FOR COUNCIL ACTION:

City Clerk Hanson provided the results of balloting: Christen Pietraz and Laura William were reappointed, and Torry Yu was appointed to the three full term appointments on Beautification Commission. Larry Czekaj was reappointed to the full-term appointment on the Building Authority. Torry Yu was appointed to the partial term appointment on the Housing and Community Development Advisory Committee.

Mayor Gatt explained that the other appointments are by Mayoral appointment with the consent of City Council.

1. Appointments to Boards and Commissions

Mayor Gatt submitted Chet Roden to the full term opening on the Economic Development Corporation.

CM 22-03-025 Moved by Staudt, seconded by Fischer; CARRIED UNANIMOUSLY

Approval of Chet Roden to the full term appointment on the Economic Development Corporation.

Roll call vote on CM 22-03-025

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

Mayor Gatt announced there were three appointments on the Library Board, two full-term appointments and one partial-term appointment. He submitted Brian Bartlett for the full-term, Priya Gurumurthy for the partial-term, and Mark Sturing for the full-term appointment to the Library Board.

CM 22-03-026 Moved by Crawford, seconded by Casey; CARRIED UNANIMOUSLY

Approval of Brian Bartlett for the full-term, Priya Gurumurthy for the partial-term, and Mark Sturing for the full-term appointment to the Library Board

Roll call vote on CM 22-03-026

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

Mayor congratulated everyone that was appointed. Mayor Gatt reached out to those that were not chosen. He said it was a difficult decision, and to everybody who applied we appreciate your willingness to serve. He wanted to let them know to not give up, because next year there will be more appointments.

2. **Consideration of the request to amend the Maples of Novi Planned Unit Development (PUD) Agreement and Area Plan at the request of JMSS Novi, LLC, for IXL Learning Center of Novi, JSP21-03. The site is on approximately 30.32 acres east of Novi Road, and south of Fourteen Mile Road in Section 2. The applicant is proposing to repurpose a clubhouse into an education center with a capacity limit of 120 children, and proposes improvements to the parking lot, and the addition of an outdoor play area with visual screening. The applicant has indicated that they will, at a minimum, maintain the existing golf course as open space.**

Cory Byron said he is one of the owners of CKC, which owns the Maples Golf Club. He mentioned he was a co-founder for The First Tee of greater Detroit former golf pro. He said his brother is the general manager of a 54-hole facility and they own another golf course. He said golf is not just his job, it is his passion. He did not think there were a lot of people that that related to his knowledge of this facility and what they have done there. He did see a few familiar faces there that evening of supporters for the club. He thanked them for all that they have done in supporting us in our time. He had a list of occurrences that have happened within the community in the last two years that he thought was vital for everyone's knowledge. He said everyone has this misconception that the Maples is like Boca and Myrtle Beach, and everyone is happy and loves the golf course. He mentioned they had to call the police several times from neighboring children taking private golf carts on the golf course and vandalizing it. He said they had two golf carts stolen this year from a professional ring of thieves. Last fall, a resident who did not know what to do with their leftover garage sale products thought it would be a great idea to put it on one of the bridges or one of our golf holes. He said we had a customer call us and say you have a chandelier, bookshelves on your bridge. He said the first couple of weeks of COVID they had a wedding take place on hole number three. They did not ask for permission. He said they held back the golfers and said they needed to wait because they were having a wedding. They never got permission, never asked, never did anything. He said they have mattresses, bookshelves, all sorts of things left at their dumpster. He said just last week, someone bought three brand new LG appliances, they left their boxes right in front of our dumpster. It was full of broken glass. He said they have to re-box it themselves and properly dispose of it. He said they constantly have residents hop on the golf course to play a few holes, not paying. He said most residents use the course as a walking path or a dog park. He has pictures. There are more people walking their dogs than playing golf during the week sometimes. He said a resident behind number eight green was caught using the green for his dog park. There were dog toys and about 50 stool samples found right before they opened last year. Had we not caught him, he never would have picked it up. He said they have been taken to court because their windows have been broken on the golf course even though in the master deed it states that is the homeowner's responsibility. He stated he keeps going to court to defend this. He said there was a semi parked in their parking lot at the beginning of COVID. He stated there was a woman unloading COVID supplies into her car. He said when he got out there, she said that his business partner gave her permission to do this, he said no, his business partners are in Grand Rapids. He then said he spoke with his father, he said no you did not, then he said the previous owners gave him permission. He said they called

the police, and they did not notice anything. The next day, there were more cars coming. They were loading the semi and they took the long way out of the complex drive all the way around. They saw them at their house very close to the building loading it and taking it into their house. He said there is a police report. He commented that you can do your own due diligence, but a resident had no problem with a stolen semi in their parking lot for their disposal. He said there is a lot of things they use it as a green space now. He stated if IXL mows that green space, a green space is three inches, we know the rough at three inches, that is probably 70 percent of all the golf course is greenspace the putting greens different it is a par three executive golf course. The average size clubhouse for a par three executive golf courses is 750 feet or 15,000. He said there is not much you can do with that. He said first, he wanted to mention that you heard a lot about traffic and noise. He thought that was very interesting because we have a TG Jr. camp with 32 kids that participates for five weeks of the year on the golf course. He said that was 32 kids on a putting green, six coaches, and several parents that stay there, about 48 people on a putting green that is about the size of this right here. He said never once have they had a noise complaint, not once. We have a lady's league that plays on Tuesday nights, sometimes they get rowdy in the evening, and never received a noise complaint. He said regarding traffic, Thursday is our busiest night, the junior league leaves at four o'clock. That's 40 cars leaving within a five-minute time span. Never once has anyone waited at 1/4 Mile or complain that is 40 cars in five minutes. He said they were talking 130 cars in four hours. There are just illogical things like traffic getting backed up to M-5 and all sorts of things. He has been doing this, he owns other golf courses, and own other properties. There are a lot of things that go in with the Maples of Novi that the community does not know, and he was going to address that. He mentioned everyone talks about the PUD and how it has not been changed. In the PUD it states there will be three clubhouses. The first clubhouse will service the golf villas, which is Maple Greens. That clubhouse was designed for Maple Greens and the golf course. The specialized clubhouse will include meeting rooms, locker rooms, kitchen, and exterior swimming pool. He said this area of the clubhouse will service only those individuals of the golf villas. Attached to the clubhouse, but separate is the facility to manage the golf course and pro shop. He said this is very important. Maple Greens had an exclusive contract for that clubhouse. When Maples filed for bankruptcy years ago, they severed that relationship. They were paying monthly due to use the clubhouse to use the pool to use all this stuff. It had the amenities they were paying for it. He commented that when they first took over the Maples, they met with the past president of Maple Greens and asked if they had any interest in renewing this or getting the pool going. He said the president said they had no interest in renewing a contract. He did mention he was a golfer, but he refused to play the Maples because the condos were too close to the golf course. He said you have the largest association, the complex, the person who runs that organization, refusing to play your golf course because he did not want to hit another condo. He said think about that for a moment. He said three years ago they went to the City to discuss separating the clubhouse from the golf course to see what we could do with it. He said they met with Sri and Barb. In that conversation they learned something very interesting. Everyone here thinks that the Maples should be a restaurant. He said it is not zoned or approved to be a restaurant, it was approved to be a kitchen for the PUD. A kitchen for the Maple Greens people to use, it is not zoned for a restaurant. So, they found out they could not even

open a restaurant. He stated they have 14,000 square feet of space now that is for a pro shop, which is wonderful. Anyone who wants to own a restaurant must go through the same thing that IXL does. He said there is not one restaurant in America that is going to come in and spend \$200,000 to make it a restaurant and hopefully make money. He said you will hear from several people that are for and against this, most of them here are against it. You will not hear from anyone else with a solution that is a different idea. He said they heard restaurant, well we know that is not realistic now, but the residents were not privy to that. He said they tried to have a meeting with all four associations. He stated the association's canceled on them the day before they were supposed to meet to go over different ideas, anything that would be susceptible and to make them work. He hoped they heard the passion in his voice. Mr. Byron said Maple Greens did not want the property. They did not want it then and do not want it now. They did not want anyone else to do something with it, which is irrational. IXL is a perfect fit for the building. He said both IXL and CKC Maples have spent thousands of dollars to make this a reality. He said the City said he needed to find a use to submit, they did that, we found a perfectly good suitable use. He said they have done everything that the City has asked them to do. He said the associations have had multiple opportunities to buy the Maples, never once have they tried Maple Greens, broke the contract, and there is zero affiliation with the property associations. He said they found great buyers in IXL who will take great care of the property, they are great people. He said if given the opportunity, the community would love them, but as of right now, no one is even giving them a chance. He wondered if IXL is not approved and the PUD is incorrect, what is he was supposed to do. He said they are talking about not updating a PUD. He said when Maple Green severed that contract, they did not update it, what makes them so adverse to it, why didn't they have to do it. He thanked them for their time, hopefully you hear the passion and know how much he cared. He turned it over to Jen Moss from IXL.

Jen Moss, from IXL said she has lived in the Novi/Northville area her entire life. She was born here, lived here, and her kids went to school here. Her husband is a firefighter here. She said she is a large part of this community, restaurants, all of it. She said she very much cared about what happens to the City of Novi. She said she wanted to answer a couple of things before she went into this, because she heard some incorrect comments. She heard several times that there are not childcare centers that are surrounded by neighborhoods. She said three of them that are, and she has one, even that uses an entrance into a neighborhood. In 17 years, we have not had one noise complaint. She said they have not had any issues with traffic. She said this building is like any other childcare building, there are not traffic backups because not everyone comes at the same time. She said this is not an elementary school. She said in this presentation she took actual data from a couple of their centers. She said she plotted out drop off and pickup and you can see that expand extends over two hours of time. She stated when she did the math, it is about 10 cars per 10 to 15 minutes. She explained that maybe 8:00 a.m. is a little bit busier than 9:30 a.m. She said they only get a couple people drop off or pick up on the outer ends. She said currently they have 700 children on their waitlist at their seven locations. She stated in Northville alone they have 165 on the waitlist. She mentioned the previous speaker said they called around to other daycare centers. If you called us, we would say yes, we have a spot because we may have a two-day spot

here, maybe we have a three-day spot over there, we have limited availability, but under two and a half. We were booked out over a year, so there is a large need in the community. She pointed out there have been many people that have reached out to her privately that live in the Maples and of course if you are not with the majority, they are very silent about it, so she did not know if everyone was against it. She stated they were very open to having a private entrance. She reached out to the Oakland County Road Commission who said they did not recommend it because their entrances are only on 14 Mile Road into the neighborhoods. There are not entrances for private businesses. She stated they said if the City Council requires it, then this is the information that we would need to begin that process, so we are open to it if that is something that we can work out together. She commented that she heard several times that she switched around the numbers from 60 to 200. She thought that the 60 number came from the children outside, if you look on the plans, it has written 60 on the side, and what the architect meant was that would be the capacity of the playground, so we always said 200, she had never heard the 120 was the requirement. The first time she heard it was at the Planning Commission meeting, we went back and ran numbers to see if this still is a viable thing for them. She said personally she will be investing millions of dollars and putting her house up for collateral and taking out a loan to do this. She stated she used to live in Village Oaks, and she started watching kids in her home, so it started in Novi, and it has grown to this. She lives in Northville currently, and she opened a center there. Currently she has seven locations in 17 years. She said she has been to a lot of meetings regarding variance and zoning, and at that Planning Commission meeting that she went to, she found it interesting, not one of the members asked her any questions, it almost seemed like they were not open to it at all. They would say things like, interesting, but would not ask questions and let her answer. She said if City Council had any questions about their plans, please ask, instead of making assumption, she would really appreciate that.

An IXL employee wanted to take a moment to speak on behalf of the safety. Many people had mentioned concerns over the safety of children. She thought it was important for everyone to understand that they have been doing this for 17 years. She said they are incredibly close with the teams that they work with through the State of Michigan LARA. She explained in that process, you will find from anyone that safety is part of their tagline and is one of the things that they pride themselves on. She stated as for running their childcare centers, anything that could pose even the smallest bit of safety concern would not be something that they would be choosing whether it is location, nap time, what they are feeding the children, who their staff is, everything that they do, their number one decision is the safety of the children. She explained that there is never going to be a single moment that all 120 children are outside at given time unless for some reason there was a need to evacuate the building for safety purposes. She stated at any given time they break up their playgrounds into separate areas, classes come in and out when it is their turn based on the equipment being for age-appropriate use. She mentioned what Jen said earlier that three of their locations have playgrounds or the center is in neighborhood areas and not one has they every ad a concern about the noise level of the children. They are children, they are outside, if anything that is the most joyous, beautiful thing to hear is kids playing. It is not screaming, it is not loud, it is

not crazy. She said they are children outside playing and it is a part of our world, it is a part of our community, and it is a part of our community that many people are seeking and need. She touched on the issue of the waitlist. Not all childcare centers are alike, and every childcare center is not best for every single family. She felt it was comparing apples to oranges to that they there are many slots available for children to be serviced. Parents need a choice of what level of care and what price bracket, there are not two that are alike. She felt it was an inaccurate comparison to say that there are many spaces available. She thought the most important representation was the number of people who are seeking IXL, and that being that 165 children are on the waitlist at their Northville location not that far away.

Jen Moss hoped that someone had Googled them or looked up IXL, she said they have a very high-quality center, and very good reviews. They do not do any advertising. They put their money into their teachers and their facilities. She touched on the numbers again, and said she was not aware of the 120 rule, she ran the numbers and went from 200 to 120. She said it was an interesting building, you have a basement and an upstairs, it is not what they call grade A space. She thought it would be difficult for a business to utilize the whole space. She explained that IXL or any childcare center is that they are closed on evening, weekends, and holidays, out have two hours in the morning and two hours in the afternoon where the kids are playing. She said you must remember, half of those kids are infants, and they do not come outside to play, they go for walks, maybe they don't. They are not elementary school children who can be very loud, they go outside, but they are not loud. The children take naps in the afternoon, it will be quiet during that period. They never had any complaints about noise. They are going to put fences up and they are going to put in landscaping. She said the typical drop off and pickup time is 7 a.m. to 9 a.m., sometimes it is around 9:30 a.m. She mentioned another concern that she heard from the residents regarding cutting the grass, and they were happy to do that. She did not want the place to look bad either because her business is there. However, they did offer to donate to the residents and there our four locations right they could each have what every they like in their area and make it whatever they want which she thought would be wonderful. She said it is either that or it is private property, so if we do not do something, maybe Cory could do something else. She thought that was the part that wasn't being addressed as much is that it is technically private property that people are using. Just gave an example of an executive golf course that failed, and they turned it into greenspace. She said this was an example of where it worked. She brought up the concern about sales prices. She had a real estate professional graphic for them, she said the Maple Golf Course closed between 2011 and 2014 and you can see the property value still went up.

Mayor Gatt thanked her for a very comprehensive presentation and asked if she would stand by for any questions.

Member Crawford wonder by she did not find a property and facility that was less controversial and more conducive to what she wanted to do. Ms. Moss replied, initially, it was not controversial until June. She reached out to two of the Homeowner's Association presidents, and they said it seemed good, they talked a couple of times, she

even has a voicemail message from January of last year. She said when she realized in June it was going to be controversial it was COVID and she was not going to be knocking on people's door, so she let the Homeowner's Association president know. She heard a couple suggestion such as buying land somewhere and building to doing a rehab, a building less expensive that it is to build from the ground up and this building was great since it has a basement. She said if all that were on the main floor of this building it would be worth a lot more and she would not be able to afford it. She said she drives around looking for vacant buildings all the time. Member Crawford said we have a lot of them in Novi.

Mayor Pro Tem Staudt asked City Planner McBeth to come up to the podium. He stated that they have been inundated with emails and correspondence and packets. He said 75 percent of the objection to this project is the fact that they are using private roads to access it. He said this evening, they heard a comment that the Road Commission would allow for them to do a curb cut into that property. He wondered why that was not pursued at the Planning Commission level, because that is not something we should be talking about at this point as far as he was concerned. He asked if that was true. City Planner McBeth responded, she said there was quite a bit of discussion at the Planning Commission level about the traffic aspect of it, we sort of heard that too. She said they followed up with a question to the applicant following that meeting. She said that they had reached out to the Road Commission and found that to justify a curb cut there they would need to do some traffic studies. She explained that was one thing that staff had suggested previously, a traffic study would be needed, and they declined based on the number of children. Mayor Pro Tem Staudt asked City Planner McBeth if the Road Commission would allow a curb cut into their property, yes or no. City Planner McBeth replied that they have not verified that, but from what they tell us, it sounded like the Road Commission would entertain that. Mayor Pro Tem Staudt wondered why that in the mass of individual things that have been going on there that has a huge bearing on many of the residents here that the use of their private roads is a big issue. He wondered why this advantage wouldn't be addressed. City Planner McBeth replied, the initial assumption was that it would be 60 children in the daycare, and the traffic study was done based on that number of children did not determine that any additional improvements to the existing driveway or even a new driveway would be required. Mayor Pro Tem Staudt thanked Ms. McBeth and mentioned he had a few comments. He said he was very sympathetic to the owner of the property. He said he was here about 12 years ago when we went through this exact same process, the current owners of the golf course, which whoever, monumentally crazy set this PUD up, where you have a private owner of the golf course, that can do basically whatever they want. He said this PUD was horribly written as far as he was concerned. He was very sympathetic to personal property rights in this owner's ability to be able to do something with the property. Secondly, IXL Learning Center is a very well-run business, he felt bad when he heard them attacked for their business practices. Frankly, that does not help any in this discussion, they have been successful, they are looking to make a big investment. He said he would probably question a lot of the things that they are talking about, but they are a good company, good people. He said we should not be attacking people willing to invest in our community. Third, PUD's, we have the discretion to open and close those

PUD's. When a lot of residents send us emails saying, why did you let these people come up and speak; you should have shut them down at the Planning Commission. He said no, that is not what we do here in this City. He stated in this City, property owners can come and petition City Council and expect to be treated fairly. He said they may not agree with what they have to say, but they do have a right to come and talk to them. He said they receive a lot of emails from people who say they are appalled that Council is letting them speak again. He said they have a right to speak, they have an investment in our community, just like you do. He commented that until we resolve this issue with access from something other than your road, he will support the denial of this motion that evening, and he will make a motion. He said he was going to read the pieces of it because he thought they are relevant, and everybody needs to hear them. He was not saying that these folks cannot come back at some point and make a better proposal. He stated the Maples need to get their Homeowner's Associations talking to each other, they need to work together. He said he talked to four or five different groups and sat in on the meeting that you had here in the building and heard some of the things we had to get on the same page. He suggested that we must work together as a community, just not do things because we do not want it in our backyard. He said he would make a motion to deny the request because he agreed with all the reasons. The Planning Commission currently determined that the proposed amendment constitutes a major change to the PUD plan and agreement.

CM 22-03-027 Moved by Staudt, seconded by Fischer; CARRIED UNANIMOUSLY

1. Denial of the request of JMSS Novi, LLC, JSP21-03 IXL Learning Center of Novi, to amend the Maples of Novi Planned Unit Development Agreement and Area Plan for the following reasons:

- a. The Planning Commission correctly determined that the proposed amendment constitutes a major change to the PUD Plan and Agreement.**
- b. The request for amendment does not clearly establish the need for the specific proposed amendment and new use as required by Section 2700.9.b of the PUD Ordinance, because the proposed use is not a beneficial improvement to the existing PUD development and the surrounding area as compared to other potential permitted uses.**
- c. The proposed new use does not represent a recognizable and substantial benefit to the residents and users of the PUD and to the City, because the proposed use does not appear to be intended to serve the residents or other members of the PUD or the immediately surrounding area.**
- d. The proposed new use would not be compatible with or would adversely affect adjacent property owners, given the noise**

attendant to the proposed new use, the change in use from a golf course to an open space without adequate plans being provided for the long-term use and maintenance of the open space.

- e. The Applicant has not shown that there would be no unreasonable economic impact on the surrounding property values in the immediate area, including within the existing PUD.**
- f. The proposed mix of uses with the proposed new use would not be advantageous or beneficial to the overall PUD development, as the use is neither residential nor commercial and does not appear to be intended to serve the existing uses in the area.**
- g. The proposed new use is permitted in a residential district only upon approval of a special land use, and several of the criteria for such a use under Section 6.1 of the zoning ordinance would not be met including incompatibility with adjacent uses of land (which are residential) due to the size of the use, noise attendant to the use, and traffic considerations resulting from the use of neighborhood streets at peak periods; and whether the proposed use promotes the use of land in an economically and socially desirable manner, given the other existing uses in the PUD and the purpose and intent of the PUD.**

Mayor Pro Tem Staudt said he did not personally support it for that reason. He stated those are all well-articulated by the Planning Commission staff who wrote this. However, there is going to be projects and it may be this project or another that will be a little bit in his mind better planned at the front end before it gets to us. He commented that when it gets to City Council, we should not be talking about things like road cuts, those things would be decided well ahead of time. He said somebody deserves to use this property, that property owner deserves to be able to sell his property for a fair profit. He said everybody must understand that we do not want to stop him from being able to fairly make a profit on his property/ However, we have the ability with the PUD, he knew when he bought it, yes, some circumstances changed, but at the time, they should have come to us and changed the PUD. He suggested that might be the better process where you come and change the PUD and then come back with a use. He said he was voting for denial that evening, but he will absolutely predict that we will see many of you again at some point soon.

City Attorney Schultz said he wanted to make sure the record was clear, depending on where this goes from here. He said he was hearing for the first time that maybe the idea that the owner of this property does not have the right to use the adjacent streets. He did not know that we are able to put that on the record as a reason for denial. He said the Planning staff's motion does not say they are not permitted to use those streets because he did not think we are prepared to say that. Mayor Pro Tem Staudt said he read it verbatim. City Attorney Schultz said it is fine, the way the motion is written. He wanted to

make sure that everyone in the room understands we are not saying as the City of Novi City Council, that some future user is not going to be entering that property off that street.

Roll call vote on CM 22-03-027

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

Nays: None

3. **Approval of the request of Singh Development LLC for JSP 20-27 Griffin Novi for approval of Preliminary Site Plan with a PD-2 option, a Special Land Use permit, Wetland Permit and Storm Water Management plan. The subject property is located at the southeast corner of Twelve Mile Road and Twelve Oaks Mall access drive in Section 14. The applicant proposes to utilize the Planned Development 2 (PD-2) option to develop 174 multi-family residential units on a vacant 7.5 acre parcel.**

Todd Rankin, Singh Development Company said he has been with Singh for over 16 years now. He said they celebrated their 49th anniversary last month. He stated that one of their very first projects was here in Novi. He stated they have had a number of projects throughout the years and was happy to bring this project to you this evening. He commented that it comes before Council with the Planning Commission support approval from last month and staff approval. He was available for any questions that you have.

CM 22-03-028

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

Approval at the request of Singh Development LLC for JSP 20-27 Griffin Novi, for Special Land Use permit based on and subject to the following:

1. **The proposed use will not cause detrimental impact on existing thoroughfares (*based on Traffic review*);**
2. **The proposed use will not cause a detrimental impact on the capabilities of public services and facilities (*based on Engineering review*);**
3. **The proposed use is compatible with the natural features and characteristics of the land (*because there are no regulated woodlands on site, and minimal impacts to wetland areas are proposed*);**
4. **The proposed use is compatible with adjacent uses of land (*because the proposed use is similar to the residential community to the south and complements other nearby uses*);**
5. **The proposed use is consistent with the goals, objectives, and recommendations of the City's Master Plan for Land Use (*as it fulfills the Master Plan objectives to provide a wide range of housing options and to provide residential developments that support healthy lifestyles*);**

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 ensure compatibility between residential and non-residential developments)*;
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;
8. This motion and these findings are further subject to the City Council also approving the Preliminary Site Plan, and in the event a plan is not approved, the special land use granted herein shall be null and void.

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, Article 5, and Article 6 of the Zoning Ordinance and all other applicable provisions of the Ordinance, subject to Preliminary Site Plan approval as required by ordinance.

City Attorney Schultz explained that they will vote on part one of the motion but as a reminder, there was a new motion that was distributed that added a new part eight, that language really is, and he believed that made it to the city website. The new part eight essentially say these findings one through seven are only good if we pass the second motion part two. He said if that fails to pass then it is null and void.

Roll call vote on CM 22-03-028

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

CM 22-03-029

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

Approval at the request of Singh Development LLC for JSP 20-27 Griffin Novi for Preliminary Site Plan with a PD-2 Option, Wetland Permit and Stormwater Management Plan, based on and subject to the following:

1. Findings that the standards of Section 3.31.4 of the Zoning Ordinance are adequately addressed, as identified in the Planning Review Letter;
2. Findings that the standards of Section 3.31.7.B.viii.d of the Zoning Ordinance are adequately addressed, as identified in the Planning Review Letter.
3. City Council approval of the following ordinance deviations:
 - i. Deviation from Section 3.31.7.D for not meeting the minimum building setback requirements for front yard (Twelve Mile frontage). A minimum of 50 feet is required, 20 feet is provided. *The applicant states the standard setbacks of the district are for a more suburban style of development and the deviations*

- would be consistent with a more urban development as they propose.*
- ii. Deviation from Section 3.31.7.D for not meeting the minimum building setback requirements for western exterior side yard (Twelve Oaks Mall Road frontage). A minimum of 50 feet is required, 30 feet is provided. *The applicant states the setbacks of the district are for a more suburban style of development and the deviations would be consistent with a more urban development as they propose.*
 - iii. Deviation from Section 3.31.7.D for not meeting the minimum building setback requirements for southern exterior side yard (Access Drive frontage). A minimum of 50 feet is required, 42 feet is provided. *The applicant states the setbacks of the district are for a more suburban style of development and the deviations would be consistent with a more urban development as they propose.*
 - iv. Deviation from Section 3.31.7.D for not meeting the minimum building setback requirements for the eastern side yard. A minimum of 35 feet is required, 19.2 feet is provided. *The applicant states the setbacks of the district are for a more suburban style of development and the deviations would be consistent with a more urban development as they propose.*
 - v. Deviation from Section 3.6.2.H for not meeting the requirement for additional setback from a residential district to the south. A minimum of 174 feet is required for a building 58 feet in height, 87 feet is provided. *This deviation is supported as the uses are both multi-family residential and the additional protection afforded by the larger setback is not warranted. However, the ZBA granted a conditional approval for a setback variance for the Waltonwood Phase 2 in 2003 that stated any building on the subject property would be a minimum of 150 feet from those buildings, which is shown on the plans and is consistent with the ZBA's previous approval.*
 - vi. Deviation from Section 3.31.7.B.viii.b.iv to exceed the maximum building height of 55 feet for Building C (58 feet proposed) and Building D (56 feet 7.5 inches proposed). *The applicant states that the minor deviations for additional height are due to the site topography, and will not be perceivable to the human eye from ground level.*
 - vii. Deviation from Section 3.31.7.B.viii.b.vii to exceed the maximum building length of 125 feet without providing pedestrian entranceways every 125 feet along the frontage for Building B (135 feet proposed) and Building D (135 feet proposed). *The applicant states that pedestrian entranceways are geared toward the parking lot and resident garages at the back of the building. There are entrances on the Twelve Mile*

Road frontage to individual units, which meets the intent of the ordinance.

- viii. **Deviation from Section 3.8.2.H to allow a reduction in the minimum distance between buildings in two locations: between Buildings E & F (21.5 feet proposed, at least 30 feet required), between Buildings F & G (20 feet proposed, at least 30 feet required). *The applicant states the setbacks of the district are for a more suburban style of development and the deviations would be consistent with a more urban development as they propose. Pedestrian access and landscaping have been provided at these locations, so the site is not compromised as a result of this deviation.***
- ix. **Deviation from Sec. 5.2.12.C to allow reduction of minimum required parking spaces for multiple family residential uses. A minimum of 355 are required, 308 spaces are provided. *The proposed parking supply (308 spaces) is 25% higher than the projected peak demand (247 spaces), and therefore seems to contain a reasonable safeguard should these assumptions be off by some degree. Staff recommends approval of the deviation to allow for a 13% reduction in parking from the Ordinance requirement consistent with the applicant's request.***
- x. **Deviation from Section 5.10.1.B.vi to allow parking stalls within 25 feet of Building D and the Clubhouse in a residential district (8-10 feet proposed, 25 feet required). *The applicant states maintaining adequate parking for visitors is an important feature of the site. The unusual configuration of the property boundary creates some awkward angles that are not conducive to consistent rectilinear buffers. The deviations requested are located in areas that are less objectionable. For example, locating ADA accessible spaces closer to the building, near the community clubhouse, and near the high traffic Twelve Oaks Mall Road.***
- xi. **Deviation from Section 4.19.2.F for allowing a dumpster in the side yard instead of required rear yard. *Staff supports this deviation as the site has three street frontages, which limits the possibilities to conform. The applicant indicates the dumpster has been located to best avoid negative views from unit balconies and exterior roadways, while still being accessible to waste hauler vehicles.***
- xii. **Design & Construction Standards variance for lack of sidewalk offset from the travel way near the pool. *Supported by staff as compliance will be achieved in other locations.***
- xiii. **Landscape deviation from Section 5.5.3.B.ii and iii for lack of 4.5-6 foot landscaped berm along eastern property line. *Supported by staff as alternative screening is provided with***

- large evergreen trees and the applicant will add additional fencing to block the headlights from the parking lot.*
- xiv. Landscape deviation from Section 5.5.3.B.ii and iii for lack of berm or wall in the greenbelt of Twelve Mile Road, Twelve Oaks Drive and the southern road. *Supported by staff due to the topography and presence of utilities, but the proposed hedges must be planted adjacent to the parking lots in order to screen headlights effectively.*
 - xv. Landscape deviation from Section 5.5.3.B.ii and iii for deficiency in greenbelt canopy trees on Twelve Oaks Drive. *Supported by staff due to utility conflicts.*
 - xvi. Landscape deviation from Section 5.5.3.B.ii and iii for deficiency in street trees on Twelve Oaks Drive. *Supported by staff due to utility conflicts.*
 - xvii. Landscape deviation from Section 5.5.3xx for a 25% deficiency in multi-family unit trees. *Supported by staff as 75% of requirement will be provided.*
 - xviii. Landscape deviation to permit up to 30% of the multi-family unit trees to consist of subcanopy species. *Supported by staff.*
 - xix. Landscape deviation from Section 5.5.3.C.iii for deficiency in parking lot perimeter landscaping. *Supported by staff as the parking areas are fully landscaped.*
 - xx. Landscape deviation from Sec 5.5.3.E.ii for deficiency in multifamily building foundation landscaping along interior drives. *Support by staff as the applicant will include small beds to provide relief between garages.*
 - xxi. Façade deviation under Section 9 of the Façade Ordinance to permit an overage of vertical batten siding on the side elevations of buildings B, C and D (maximum of 50% permitted, 51-59% proposed). *Supported by façade consultant as the deviation is minor in nature and is consistent with the overall compositions of the facades.*
 - xxii. Deviation from Section 5.7.3.K to allow the average to minimum light ratio to exceed the 4:1 maximum (5:1 proposed).

4. 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.

The City Council's approval of the deviations listed above includes the following 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.**

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, and Article 5 of the Zoning Ordinance, and with Chapters 11 and 12 of the Code of Ordinances, and all other applicable provisions of the Ordinance.

Roll call vote on CM 22-03-029

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

- 4. Consideration of approval of the final payments to Mattioli Cement Company for the 2020 and 2021 Neighborhood Road Program – Concrete Streets in the amount of \$38,834.15 and \$88,826.77, respectively, plus interest earned on retainage.

CM 22-03-030 Moved by Fischer, seconded by Casey; CARRIED UNANIMOUSLY

Approval of the final payments to Mattioli Cement Company for the 2020 and 2021 Neighborhood Road Program – Concrete Streets in the amount of \$38,834.15 and \$88,826.77, respectively, plus interest earned on retainage.

Roll call vote on CM 22-03-030

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

- 5. Consideration of approval of the final payments to Pipeline Management Company for the 2020 and 2021 Sanitary Pipe and Manhole Rehabilitation Programs in the amount of \$27,284.22 and \$129,530.03, respectively, plus interest earned on retainage.

CM 22-03-031 Moved by Crawford, seconded by Casey; CARRIED UNANIMOUSLY

Approval of the final payments to Pipeline Management Company for the 2020 and 2021 Sanitary Pipe and Manhole Rehabilitation Programs in the amount of \$27,284.22 and \$129,530.03, respectively, plus interest earned on retainage.

Roll call vote on CM 22-03-031 Yeas: Casey, Crawford, Fischer, Smith,
Thomas, Gatt, Staudt
Nays: None

6. Consideration to award a unit price contract for mowing services to B&B Landscaping, Inc., the low bidder, for a one-year term with three (3) one-year renewal options at an estimated annual cost of \$182,250.

CM 22-03-032 Moved by Casey, seconded by Crawford; CARRIED UNANIMOUSLY

Approval to award a unit price contract for Mowing Services to B&B Landscaping, Inc., the low bidder, for a one-year term with three one-year renewal options at an estimated annual cost of \$182,250.

Roll call vote on CM 22-03-032 Yeas: Crawford, Fischer, Smith, Thomas, Gatt,
Staudt, Casey,
Nays: None

7. Consideration to award a unit price contract for Sanitary Sewer Televising and Cleaning Services to Rogue Industrial Services, the lowest responsive bidder, in the estimated amount of \$472,814.98. The contract term is until December 31, 2024.

CM 22-03-033 Moved by Casey, seconded by Smith; CARRIED UNANIMOUSLY

Approval to award a unit price contract for Sanitary Sewer Televising and Cleaning Services to Rogue Industrial Services, the lowest responsive bidder, in the estimated amount of \$472,814.98. The contract term is until December 31, 2024.

Roll call vote on CM 22-03-033 Yeas: Fischer, Smith Thomas, Gatt, Staudt,
Casey, Crawford,
Nays: None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: None

AUDIENCE COMMENT: None

COMMITTEE REPORTS: None

MAYOR AND COUNCIL ISSUES:

Mayor Gatt said there were two things added to Mayor and Council Issues. The first is the Nine Mile and Taft Road Roundabout. He noted that for many months now, he told our Administration that he was not in favor of moving forward with the plan for the Nine Mile and Taft Road roundabout. He complained that they had not had a chance to discuss

the matter at the table, and in fact, City Council had not even weighed in on the project. He stated that City Manager Auger pointed out to him that he was mistaken, that the City Council has seen the project in writing and in fact, had been in the budget for several years. He said in fact, the project dated back almost 11 years. He apologized, because it seemed that he missed a lot of that, but it did not change his mind, he thought the project was misguided and he will not be in favor of proceeding. He said having one meeting on a Wednesday night in the middle of winter, where a few people show up and mostly objected to the roundabout isn't what he would consider a valid sampling of what the public wants. He has been a member of this body for 19 years and there are many projects that are good for the entire City but may not be what the residents of a certain area want. He embraced those projects. He said he has sat there with hundreds of people in the audience screaming and yelling that they did not want a subdivision built, but because it was so important to the City, we moved forward with that. He felt that was not the case here. He said when a project does not impact the entire City, then he wanted to pay close attention to what the residents of that area want. He indicated the Nine Mile roundabout; he did not believe we had a valid sample of the people who live there. He said he would like Administration to send letters with self-addressed, postage paid, response to each homeowner in the area. He said he was talking from 8 Mile to 10 Mile from Novi Road to Beck Road and then share those results with City Council and the public. He mentioned that somewhere in the paperwork the last few days he saw some sort of study that our City did. He believed it was just a gathering of the neighborhood app or Facebook app or both. He said it was evenly split, but he wanted to see something where we solicit the residents who live in the area to tell us what they want. He said there was a lady in the audience that came and spoke during audience participation. He said she brought up a lot of the points that he is going to talk about. He said he was not against roundabouts in locations where they are warranted. He stated the roundabout at 10 Mile and Napier Road literally saves lives. Mayor Gatt said he was in a unique position amongst his colleagues on City Council because he was a police officer in the City for almost 30 years. He patrolled the City and the streets for all that time. He knows the spots for traffic hazards and where a roundabout would be a major help. He said 10 Mile and Napier is a perfect example. Personally, he had policed two fatalities at that intersection. With that roundabout and cutting that hill down, that is not going to be the case anymore. He stated that 9 Mile and Taft is not one of those spots. He said roundabouts help to limit the more dangerous aspects of a traffic intersection so that drivers that run red lights or failed to yield on left hand turns causing serious accidents. He said there is no traffic light at the intersection right now, and records will show there is really no danger in that intersection right now. He said in fact, according to city records supplied by City Administration, from January 1, 2020, until today, there have been four traffic accidents, and three of those were what we call PDA, or just property damaged accidents. He said one resulted in injury. He noted there have been 31 accidents since 2013, that is nine years and 31 accidents, that is a smidgen over three accidents at that location per year. He said he drives to work Monday through Friday on a route that has four roundabouts each way. He drives eight roundabout every day, five days a week. He said he did not have the exact numbers, but he sees at least three accidents a week in those roundabouts, either going or coming, and that is because roundabouts reduce the number of serious accidents. He stated the roundabout again at 10 Mile and Napier is

great, but it also increases the number of fender benders, many people are confused by roundabouts, especially younger and older drivers. He said that intersection on the way to school every morning is going to be filled with younger drivers. He is not judging; he is just reporting what we all know to be true. He was all for improving the intersection the lady talked about that evening, light it up, put a traffic signal, put more signage, but a roundabout at 9 Mile and Taft will look out of place that will be out of place and it really does not belong there. He felt there a lot of cons about roundabouts. He explained that drivers are supposed to yield an entry to traffic, then enter the intersection and exit at their desired street. He said driver uncertainty about yielding when approaching roundabout drivers are supposed to yield the traffic already there. However, some drivers believe you must stop completely, while others may not know who must yield the right of way. He said it is dangerous if you do not know what you are doing. He said especially for people unfamiliar with roundabouts, the more traffic coming onto a roundabout, the greater risk of collisions. He said some drivers change lanes and multi lane roundabouts, they keep going left and when they are not supposed to turn left, they turn into the car next to them. He said these impacts pedestrians, and bicyclists as well and those of you who live in the area or drive the area or have driven the area should know that there are a lot of pedestrians and a lot of bicycles in that area. He agreed driver speed while in a roundabout should force drivers to slow down, many drivers still enter and proceed them at too high of velocity. He said drivers may try to cut through on the roundabout, he has seen this at smaller intersection, and that is a perfect one. He said if you are northbound on Taft at Nine Mile and you want to go left on to 9 Mile or west, instead of going around, some people will just say, I will turn left right here. He has seen that happen, that endangers other vehicles and bicyclists and pedestrians. He said there is not shoulder lane for bicycles or pedestrians, or if there is, it is very narrow. He stated roundabouts need more space than a traditional intersection, and we heard this evening that at least one homeowner is going to be looking at the roundabout right outside of her window. He said if most of the homeowners who live in that area want it, he will still not like it, but he will certainly go along with the majority. He believed the majority will not want it there. He said tonight, he was most interested in hearing what his colleagues had to say.

Mayor Gatt said even though it may have been in packets, and even though it may have been in the budget, to his knowledge, and he has not missed a Council meeting in years, they have not had the opportunity to discuss this issue at great length with each other in public in front of City Administration. Now he stated the Administration plans are proceeding unless City Council directs them otherwise. He said he would like his colleagues to chime in and tell him and City Administration and the people listening what you think of the roundabout.

Member Smith stated in general, he supported roundabouts for environmental reasons, he thought they make the traffic flow better. He said he drove through that intersection that evening, and his highly scientific study of one car at this particular time, he waited 15 seconds to get through. He said if you multiply that by the 1000s of cars that he saw in the study going through that intersection, that is not an insignificant amount of greenhouse gases being emitted. However, he agreed with the Mayor, in this case, it is a small area to try to fit a roundabout into it without really significantly impacting the four

houses on the corner there. He said there is also the hill, it is kind of a strange place, he thought you would have to take a roundabout that already confuses people and rotate it 30 degrees and make the entries come in at angles and confuse people even more. He said he would not support this roundabout in this location.

Member Fischer said he was the odd guy out tonight apparently. He said roundabouts obviously evoke a lot of emotion almost as much as daycare centers, apparently. He had been concerned about and skeptical of this mainly because of the aesthetics of the roundabout and the impact on the people on the corner. His first question was to City Administration, as to if you have spoken with and have any permission from the direct corner property owners. City Manager Auger said the staff has talked to people on the south side, who have impact at the intersection. The other two empty into the subdivisions and do not empty out onto one of the roads. The resident with two driveways is very in favor of the roundabout. He stated the other neighbor was concerned about the retaining wall, which will be replaced in this project, as well as the roundabout fits the footprint of what we have already at the intersection. He said they are basically very in support but concerned about their retaining wall being replaced. He said they will handle that in the project. Member Fischer said his biggest concern was with those four corners because they were the most impacted. Regarding the roundabout being out of place, there's one just to the south by Cooke Middle School. He had these concerns, but the fact of the matter is, Council approved the engineering back in May. They have seen schematics from that engineering. The footprint of the roundabout does not look overly large. It does not look like they are taking much property from these property owners, because he did have concerns about the property owners' rights there. He voted to approve the engineering study, he had the opportunity to pipe in at that time, and obviously voted yes. What surprised him most about the roundabout and the residents recently is usually they get a lot of opposition emails. This is the first project in a long time that he has had people reach out directly to say that they were in support. Usually, if residents are in support, he doesn't get a lot of feedback. He's had quite a few and it's because they live in Dunbarton, Royal Crown, Roma Ridge, and they've sat in that traffic. There is traffic. He used to sit in the traffic when he was going to high school. He would go down Nine Mile and make a right onto Taft Road. Even more recently, when picking up his child, he would be making a right onto Taft Road again in the evenings. He would be backed up all the way to Dunbarton. In fact, he would go through Dunbarton just to avoid the intersection. If you want to talk about safety and talk about diverting traffic and traffic flow, having this traffic flow is going to be better for the residents of those neighborhoods. There's a lot of talk about the safety aspects of roundabouts. He thinks the Mayor did a good job articulating that there may be more but they're much less severe, which is very important, because of the number of high schoolers that we have going through that. Ultimately they are reconstructing all of Taft Road from Ten Mile all the way to the City limits, and at this point, the City can either take the \$600,000 that the Feds are giving us to improve safety through a safety grant to pay and build this roundabout and the City would pay \$225,000 of the City's dollars or the City would pay \$400,000 to \$600,000 out of the City coffers to get the same intersection they have now that's less safe and less traffic flow. He asked for confirmation if his numbers were accurate, and City Manager Auger confirmed. For those reasons,

financial, safety, traffic flow, he has absolutely had support of administration moving along. He thinks of 10 Mile Road and the opportunities they had 20 years ago to make some good improvements there. They didn't do that. 10 years, 20 years down the road, we'll be kicking ourselves. He thinks if they don't do this, the Council 20 years from now are going to look back and realize it was a bad decision.

Member Casey said she wouldn't reiterate many of the previous speaker's points. She was at the open house on Wednesday night and got a chance to both listen and talk to the residents that did show up. What she heard was that one of the owners on the Nine Mile corner was in favor of having the roundabout. There were a couple of people who lived further south on Taft who had some concerns because they have driveways that enter out onto Taft, so she can understand their perspective. The other residents that she talked to were not in favor because they just simply don't like roundabouts. From that perspective, she respects that opinion. She said that's not enough to change the plans that the City has been making for years. The conversations that have been had with the roads committee talked quite a bit about roundabouts in general, and this one in particular. She thinks for all the safety reasons, they got this grant for safety. The federal government said they would support making it a safer intersection, and that safer intersection is a roundabout. She is still fully in support of putting the roundabout in this intersection. She believes it's the right decision. She would hate to be 20 years from now having one of those Council Members come kick her for making a bad decision.

Mayor Pro Tem asked the City Manager if he was under the impression that this has been approved by City Council and this is just a discussion at this point and the City has the green light to move forward. City Manager Auger responded that the process has been several years in the making and the engineers are designing it. Everything fits there. Unless City Council directs Administration not to improve that intersection, then yes. This is a process that has been well in the makings. Mayor Pro Tem continued by asking at this point, City Manager Auger did not see that any additional approval from City Council to move forward is necessary. City Manager Auger said the next thing would be the bid package that would go out and come back to City Council. Mayor Pro Tem asked if Council would have an opportunity when that bid package comes back to stop it, if that's what we choose. City Manager Auger said once they go out for bids, we have to start working on the project. There are two projects that are tied together. One the City is leveraging the federal funds for the intersection. The other is the total reconstruction of Taft Road, leveraging County funds. That that's how we got to the point where the City is paying under 50% for this whole improvement on this project. We're kind of up against the wall regarding timelines. If City Council wants to stop it, he would recommend now rather than later. He thought the traffic intersection warrants improvements. The Federal government would not give us safety dollars if it didn't warrant it. It's not a design for aesthetics. They are not just doing this to make it look nicer, to look like we're a roundabout City. Traffic engineers count these roundabouts actually cut down on the amount of accidents that occur at intersections by a significant percentage. The Mayor is correct that when accidents happen, they're less severe as well. Mayor Pro Tem Staudt said it was his understanding that the Mayor would like to have some public outreach. Then based on that feedback, it might have an effect on his decision to approve or

disapprove. He thinks that may be something he would also like to see. Ultimately, he thinks the Mayor's request for feedback from the local residents is something he would like to see also. He would suggest at this point that we do that in post haste. It's March, we probably need to get this bid out. He asked when the bid would need to go out. City Manager Auger asked for Jeff Herczeg to respond. Mr. Herczeg said the real issue with a hold up would be obligating the funds because as City Manager Auger discussed, there's two separate pots. One is a FAC pot for the reconstruct of the of the road. The other is the limits of the roundabout. If we don't move forward, he believes they're both projects are part of the local agency project. If the City doesn't obligate under their timeline, we'll potentially lose the funding for the roundabout and then have to push the entire project into 2023. He would say the obligation of the funds is the biggest issue moving forward. If there needs to be more outreach, that will likely cause the team to miss obligation anyway. He has never experienced returning federal funds, so he doesn't know what the process would be from the HSIP level, which is the highway safety level, but the FAC is a little bit more flexible, He can move and adjust projects in there. The preference would be to get obligated ASAP. There's a timeline on tree removal for bats that needs to be hit as well. If that is missed, we'll have to have to wait again. Everything would be pushed back. He would also note that this construction, as City Manager pointed out, falls completely within the footprint of the existing intersection. As a single lane roundabout, we aren't taking any property except for a very small sliver of the southeast portion who is in favor of the project. That is for sidewalk only, it is not for any of the road. All the construction is happening within the right-of-way. He knows the resident who was here expressed concerns and we have reached out to her a couple of times through staff. All the construction on that property is within the right-of-way, including the tree removal, the wall, the non-motorized, and the roundabout. Mayor Pro Tem Staudt asked when the bids will go out. Mr. Herczeg said he would look for June because we wanted to get a July 1 start. He didn't know if that will happen. Mayor Pro Tem Staudt said we have a few weeks where we could come back at the next meeting and present the information that the Mayor is asking for and consider it at that point. Mr. Herczeg responded we'll miss a tree deadline. There's a tree removal deadline for a species of bat that needs to be accomplished before March 31, which would be done before we bid. We would do that internally which he will have to discuss with engineering what that means. That would be the only issue with it. We could come back to the next council meeting to discuss and move forward. If the timelines get adjusted, they get adjusted, and he would have to see how the funding falls. Mayor Pro Tem Staudt said at this point, he was not going to do anything additional. There are two more speakers and so far, this roundabout isn't really getting a lot of love.

Member Crawford said he concurred with what the Mayor had to say. He was not aware when Council voted to go out for engineering, that was a step to say let's build a roundabout. Now we're contemplating going out for bids, which is another step. The City is going to be so far down the road, we're not going to be able to return. He believes in roundabouts. He doesn't think there ought to be one there. He doesn't see it's necessary there. He is concerned with bicyclists, pedestrians, lack of any serious accidents, which is usually the reason to do a roundabout. This is the old saying that this is a solution looking for a problem. He thinks that's exactly where we're at now. He will not support going any

further, including going out for bids on this project. He thinks it's unnecessary. Maybe someday but not now.

Member Thomas asked about the funding. Are the only scenarios that we do the roundabout and keep the funding or we make some other changes and we lose the funding. There's no other possibility other than the roundabout where we maintain the funding? City Manager Auger responded that to receive the safety funds, you have to make an improvement to the intersection that makes it safer. If we do not improve the intersection, we will not get the federal safety dollars for that intersection. That goes back to a previous speaker mentioning the City would have to incur that extra cost to put the same intersection back. Member Thomas asked if there was an option other than a roundabout that would improve it and increase the safety. Mr. Herczeg said there were not any other options that we have any funding for. The other option would be to gap the intersection and do the reconstruction of the road as planned with the local dollars. Member Thomas said it's the roundabout or lose the funding, is that right? Mr. Herczeg said yes, the reconstruction of the roundabout is a more significant fix than the crush and shape of the road. The intersection itself was in the poorest condition of the section and has an insufficient pavement section. It needs to be reconstructed versus rehabbed. We will rehab this section of Taft Road from Ten Mile to the intersection limits on both sides and it's a different process. That's the two funding paths. We have the one for the reconstruction and we have the one for the rehab. The option would be to do the rehab, which is a separate funding source and address the intersection at a future date. Member Thomas said, much like the Mayor mentioned, she agreed with several of the points that he brought forth. She felt like roundabouts, while they can improve safety, it is her understanding also that they increased accidents, but not the serious accidents that you find without them. At least that's that was her previous understanding. She feels like where it's absolutely necessary, yes, but people do get very confused. Knowing that the road has to be reconstructed, and that there's funding on the table to lose, and that we're very far down this process, she wouldn't necessarily say that she is against it. Typically, when it comes to the point of roundabouts, she would like to say that it's actually necessary or that there's a safety concern that needs to be addressed before moving forward with something like that. It doesn't seem like that exists here. However, because of the funding issue, she wouldn't necessarily say that she is against it either.

Mayor Gatt said that he listened intently to six other speakers and he doesn't think there's support for this project. He heard a couple things that he wanted to address. He heard a couple people say that the roundabouts reduce accidents. He said that was not true. Roundabouts reduce serious accidents, that is a fact. That's why Ten and Napier is perfect. Roundabouts increase the number of fender benders. What happens at Ten or Nine Miles on Taft, that's what we have. We have fender benders, we have people that slide into each other. The fact of the matter is there are no serious accidents at that intersection. And if there are any, it's one or two in 10 years. Drunks can hit somebody, lots of things can happen that a roundabout won't resolve. Another thing he heard that he finds hard to believe from being a career police officer is that the only way to improve that intersection is to build a roundabout. That's the only way we can improve. Is that what you said, Mr. Herczeg? Mr. Herczeg said from a safety standpoint, we have three

different consultants and staff engineers and the federal government who awarded us the funds from a safety improvement. Mayor Gatt asked what if we come up with the list of improvements to the intersection, better lighting, better signage, make it a little bit wider. He's not an engineer, but make the intersection better and safer. The federal government will say no, I'm sorry, we wanted one of the roundabout. Mr. Herczeg replied yes. Mayor Gatt said that's where the federal government is controlling. They want roundabouts. Mr. Herczeg said they're controlling the funding. Not a lot of projects meet the criteria, there are very few projects that are awarded. This is one intersection that the City has complete jurisdiction over. We've had many discussions about intersection safety and improvement. Mayor Gatt said that he trusts Mr. Herczeg's judgment, but he doesn't agree with that. Here's the dilemma he finds himself in and everybody up here should find themselves in the same dilemma. Last summer, this Council was faced with same amount of audience that we had tonight, clamoring about the Nine Mile sewer project. That sewer was necessary. There's no question the people in that area needed the sewer. The method of that sewer going in was not something that was discussed at great length at this table. It wasn't, and there were all kinds of problems. Two people here campaigned on that. He just wants to see what the people in those areas think about this roundabout. He doesn't know why we would be afraid to do that. He wants just a question: do you favor or oppose a roundabout at Nine Mile and Taft Road? He would suspect that more people in the vast majority in that area are going to say no, regardless of what he heard here tonight from a very small sample of people. He believes that if people are faced with the question that they can just put a checkmark and put it in the mail and not have to pay the postage back. He thinks that this administration, and this Council will have a better idea of where to go. He wished somebody would make the motion to do that. We're not so far along the project that we can't delay it a couple more weeks. This is something that we could put out in in very quick fashion. As long as it's not a prejudice postcard.

Mayor Pro Tem Staudt asked City Manager Auger if you really need a resolution at this point, or can we ask you to go out and collect the data that we're looking for. There are two options tonight. One is we collect the data and the Mayor and others here have expressed some concern about what the residents think. He fully agrees with what Member Thomas said that this issue with the funding from the federal government does weigh on him and that it's a risky thing for us. It's something we can get done or two or three weeks and not delay the progress and if the Mayor and others agree that there's enough people there that we can support it. Or do we just shut it down tonight and be done with it. City Manager Auger responded that there's a lot to unpack in that statement or question. We can do a combination of all. The City did send out a postcard to that area and directed residents to take a survey. He said he supposed we could do some things with the trees before the end of the month, because we then we just replace them if we don't do it. Therefore, if we went through with the project as scheduled, it might not slow us down there. He was just looking at the roundabouts and reducing accidents and in the State of Michigan, that's 37% reduction overall collisions, 75% reduction in injury collisions, 90% reduction in fatality collisions, and 40% reduction in pedestrian collisions. Around the United States, it varies from 35% to 47% reduction in crashes. He stated that he understands the want to hear from residents, but when we

design a lot of roads, he is concerned that we're setting a precedent that before we design roads, we take surveys to make sure everyone's on board. He said he was just a little confused on how we move forward from here. He didn't know if that answers the question or not. Mayor Pro Tem Staudt said we're not asking everybody to support anything here and we should be asking residents how they feel about roads. We're doing it on Beck Road right now. There is a precedent that he thinks everybody wants to see. We heard a lot of talk from some people about the one that was built over by Walmart. This one is kind of right dead set in the neighborhoods, and people are really in support, or they're really opposed. Clearly the Mayor is opposed. Others are very much in support; we're probably split the same way as the residents. He said we pay you to figure out these questions. He could make a motion that we kill it right now and would probably get the vote. Where do we want to go with this? City Attorney Schultz said he was just going to ask a question. The trees are sort of weighing on his mind. Would Council be fine with if the project just proceeds, and the trees are removed in the eventuality that the project goes forward after you do your survey. Mayor Gatt responded that he didn't think the Council would be opposed to having the trees removed if we're going to go forward with that survey. Eight to Ten, Novi to Beck Road, every resident in that area be sent self-addressed, postage paid. All they got to do is check it and put it back in the mail. No ambiguous stuff and nothing about we're going to lose money or gain money. He wants to know what they think about the roundabout. When Mr. Auger says we set a dangerous precedent, he said he can tell without mentioning names, there's at least two or three people at this table who last summer said from now on we're going to ask the residents. He wants to know what the residents think. He doesn't see anything wrong with that. They are paying the freight, and if they don't want a roundabout, or if they don't want a sewer, or if they don't want something, then okay.

Member Fischer asked about this tree. Do we need to remove the tree if we just do a complete replacement? He didn't want to remove a tree and then have the project killed, and then we just have the same intersection anyway. Mr. Herczeg asked for clarification about what he meant by complete replacement. Mr. Schultz said the tree cannot be removed if it's not removed by the end of the current month. Mayor Gatt asked if the tree can only be removed during certain times of the year? Mr. Herczeg confirmed yes. Member Fischer said if we don't do a roundabout, do we need to remove the tree. Mr. Herczeg said if you leave the intersection as is, then you would not need to remove it. Member Fischer said he doesn't think he would support taking out trees on the eventuality that someone already has counted the votes and thinks he wants to kill it tonight. Then all of a sudden, we're going to kill the project and kill trees that we didn't have to. His issue with going down this path of a survey. He thinks the Mayor is dead on and he has had discussions with the Mayor and Mr. Auger that we don't do enough to reach out to the residents to get a little feedback, especially earlier on in the process. In this case, in the last month, we've had online surveys, we did mail postcards to area residents. City Manager Auger said that he was just informed that we did go a mile in each direction of the road with regards to the roundabout. Member Fischer continued that they got information, they had in an open house that they could participate in. If they couldn't attend, they could have called the City they could have emailed us. Tonight, for IXL, his email was blowing up all day long with people who are so upset about

the IXL proposal. We have thousands of residents with a postcard saying there's a roundabout and he has gotten zero emails. He has gotten the information that he needs from the residents at this point. We've had this project in the works, we've informed them, and it's time to move on. We can't make decisions by consensus with the residents on every single issue. Every single project going forward, we can't ask the residents and that's why they elect us. We are here to make the decisions, these large decisions for them. That's why he thinks it does set a very dangerous precedent, because any Council Member is going to pull any project that they may not like and say we can't move this forward unless we get a comprehensive study done. He doesn't want to participate in that.

Member Crawford said we are a representative form of government. We're elected to make decisions. What if we had sent out a survey to all the all the citizens that said, Do you want a nine mile sewer, and they said no. Would we have not done it? He didn't think so. Some things we've got to do for the good of the community and the good of residents. He is all for finding out what people want and reach out to them, but it's got to be tempered with whether you're going to abide by the decision that you get from the people and Nine Mile would have been an example. Mayor Gatt said the Nine Mile sewer, he was all for that. The methods of putting it in was not something that was discussed at great length at this table, if at all. That was what was controversial, not the sewer. The sewer is necessary. He doesn't think that the roundabout is necessary, that's where he would differ. This is something that the federal government seems to be dictating that we impose on our citizens in the City. He doesn't agree that we've got the answer, because people didn't come out in the middle of winter on a Wednesday night to the police station at six o'clock. Those that did, it was about 50/50 so he didn't get where it was overwhelming.

Member Thomas said she wanted to point out that to make decisions tonight that she was opposed to giving the government back \$600,000. It might not be her choice of new intersections, but to turn down new infrastructure, I'm constantly told in all the trainings we're doing how we have a fiduciary responsibility to the city. She doesn't know that it makes that big a difference if the intersection remains the way that it is, or if it has a roundabout, she doesn't know that roundabout is necessary. If we're going to get that significant cost savings for brand new infrastructure, then she would have a hard time turning down that funding that's available only in the circumstance that it is proposed right now.

Mayor Gatt asked for any additional comments on the topic. We're not going to resolve this issue tonight, that's for sure. He thinks there's a loud and clear message sent to administration. We'll see what they do with it.

Member Casey said a couple summers ago, we did what might have been one of the first in her memory: Council study sessions. The topic that we talked about was roads and a recreation center. The reason that she thinks that it was so successful for us was that it was an opportunity for us to dedicate time to two very specific topic areas. In that meeting, we heard from staff, we got some input from staff in terms of what they knew

about the roads and what they were talking about what we've investigated from a rec center perspective. She thinks that it has shown us that in the right instance, having a separate conversation where we can all group around a table and discuss fully a particular topic makes a lot of sense. She thinks we also know from news media, that there's projections that in the next decade or so, American adults over 65 will outnumber children 18 and under. We know we're going to see a huge growth in population of our senior citizens. With the pandemic, we established the SOS program that had a very specific target of reaching out to seniors and others with special needs in the community to understand what their needs were to make sure we had contact with some of the seniors, so we were aware of what their experience was. We built a program to talk to our senior citizens and we have let that program run. She thinks now is the opportunity especially because we have now taken the older adult Advisory Committee and move that into a full Council committee through the Rules Committee and from our goal setting session. She thinks now is the time to dedicate a Council study session specifically to talk about the needs of the senior citizen residents in Novi hear from staff, hear from Director Muck from Parks and Rec perspective, maybe hear from our public safety department and understand the insight that they've got, but really talk about what it is that we as a council want to do and set as direction and policy related to how we can support our senior citizen residents. She said she was asking her colleagues to agree and direct administration to set up as soon as reasonably possible, a Council study session for us to talk about how we meet the needs of our senior citizen residents.

Mayor Pro Tem said he was going to disagree with his colleague and here's the reason. This came up is because a member of the community wanted to talk to several of us about Senior Services. She's had an opportunity to do that with some of us, but not all of us, and not with the administration. He threw out some ideas to this person and didn't expect them to be something that was going to be discussed amongst my colleagues unless he wanted them to be. They did get out, and he had a sense that some folks like some things, and some folks don't like other things. At this point, we're being very presumptuous in that we need to have another group. He knows serving on the parks, the recreation center group that didn't accomplish anything. The roads thing didn't really accomplish much. We have lots of binders of groups of studies that we've done. You know what, maybe the best thing to do is sitting at the table here, have some proposals made, but in consultation with staff and we don't all have to be in the same room to discuss everything all the time. You know, some of these things are just we're throwing ideas around. Some of them are very controversial. They may include additional taxation, additional building, there's a lot of things that we're throwing ideas out at. And sitting around the table and discussing those things in detail in public. At this moment, before we've had an opportunity to get feedback from the staff. He's just not ready for that. He was a little surprised this was added to the agenda. Tonight, it just didn't feel right to be putting together this group right now. But one thing he completely agrees 100% is, we need to figure out long term, what we're going to do with our senior services, our older adult services, in Novi, and come up with a better solution, because what we're doing right now, just frankly, isn't working to the satisfaction of many of the seniors and many of us sitting at this table. He's not quite ready to say we should be having some kind of a

group session yet, but he agrees that we need to reconsider the way we provide services in our community to our aging adults.

Mayor Gatt said when Member Casey told him this, he answered that he's already met with Mr. Auger last week. What the Mayor Pro Tem just said, he agrees with a thousand percent. We are sorely lacking in the way our seniors are treated. We're just sorely lacking in our Senior Services. SOS was a great stop gap during COVID. It got us moving in the right direction, but we're probably leap years away from where we want to be. We have some exciting ideas that we're just not ready to bring out on a table like this yet, because there's questions that have to be answered. He understood what she was saying, and maybe the day will come when he supports a group like that, but not yet. Everybody has a chance to talk to Mr. Auger. He doesn't know what other Council members are talking to him about, he knows what he's talking to him about and senior citizens was number one. The fact of the matter is, there are some definite, exciting ideas that this Council will be debating in the not-too-distant future. He thinks we stand by, there's going to be some very nice and very dramatic improvements in that regard. He is not ready to employ a study group or anything like that yet. He wants the staff to involved and let them do their talking and because it's going to affect them. He would rather them weigh in before we get weighed in too much.

Member Thomas said she believes, unfortunately, like she might be at a disadvantage, because she's not familiar with most of what's going on other than the idea of a study session for the needs of our aging population. She feels tonight like we've had the most effective discussion that we've had since she started here. And she wishes that we had more conversations. Since she became a member of Council, she wished that we had more time when we just had discussions that we did tonight. She feels like there is a lot that needs to be discussed, especially when it comes to the aging populations. It may be very personal to her is having gone through the end of life, having a mother with me and it's trying for people dealing with aging parents. It's not just the older population. It's also the working population that's trying to take care of their parents and they need that extra support because they have to maintain their jobs in their homes as well. She feels like there's a lot to be done there. She feels like it's much more productive when we are able to talk to each other and obviously due to the meetings. It's very limited, you know, the small conversations between small groups, she feels like it's much better to have these open discussions where we can talk to each other and get it our ideas out on the table. That idea is we move forward like we can kind of think and brainstorm and work together and she is supportive of such a motion.

Member Smith said that he agrees with Member Thomas and Member Casey. He thinks that would be a good idea to get the ball rolling and get us talking about things. It's somewhat of a disadvantage being a new person on Council. He doesn't have the institutional memory that a lot of people that have been here a longer time. He doesn't know all of the things that are happening, and we can't talk about things that would adversely affect buying property or things like that. We can at least talk about some general ideas and get the ball rolling and see what happens.

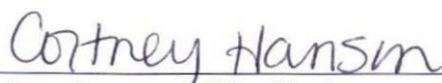
Member Fischer said he wasn't here for the study session. He almost gets the impression though, that there's some effort that we want to have some ideas feed to staff and have those kind of mature of that. He feels like Member Casey's also proposing that staff has to take those ideas and bring them to us. She's basically asking that we kind of set a time certain that staff comes to bring these topics to us so we can have the discussion. He would ask Mr. Auger because he has had different discussions with the Mayor and Mayor Pro Tem. He has had some ideas too. What is your thought on the next step, knowing that we all want to take senior services to the next level. When do you think it is appropriate that you would be prepared and have your staff be prepared to come in and have the discussion the presentation with us? City Manager Auger said that part of this is probably we haven't communicated well enough of what we've already been doing since the Mayor and Council gave direction. For the SOS program, we've put out some memos and numbers, but we've also hired a new programmer to start the ball rolling. There is a lot of energy, seniors seem to love the interaction. That's kind of the direction that we've been going. To answer your question, timeline wise, he has a couple more meetings set up with some residents. He has some ideas on how we can move the senior program not only forward, but we must not be telling the story right. It's missing some gaps because it's not a switch we're going to turn on. There's a process we need to take to grow the programs that we're talking about growing. He thinks within the next couple months, we could have something back to City Council. An interesting segue from the last session, he wants to get some input from some of our seniors that are key components that could give me some good information on where to go. He thinks within a month or so we could come back with Mr. Muck and lay out where we're at, because we've made some significant changes already. Where we see ourselves going, and if things line up with these couple meetings with some residents coming up. He thinks we can do both. He thinks we can bring it back to the table where this Council can have a discussion and say you're going the right direction, or no, that's not the direction we'd like you to take it. Member Fischer said he thinks they should let this mature a little bit. Let other people have the opportunity to have the discussion with the community member and have Mr. Auger have his additional meetings get us some more information. He thinks a good discussion at Council would be warranted sometime in the second quarter. He is right in the middle right now.

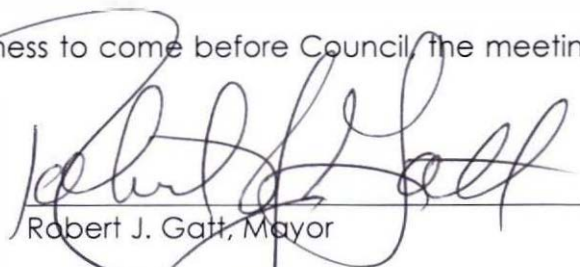
Member Casey said thank you all for the conversation. Her intent tonight was to raise the issue to make sure that we, as a body of seven, are talking to each other. Either next to each other or across the table from each other, my ask was to have staff come back with some information. She is perfectly fine with hearing from staff giving Mr. Auger the time to do the due diligence that you want to do. She wants to make sure that this group has the opportunity to hear that input that you've got and give our direction and set the policy that we want to set, which is our role as the governing body. She is fine if a couple months from now, we'll be having this conversation again.

Mayor Pro Tem said sometimes when you think big and out of the box, you need maturation periods. Things like buildings, millages, lots of other things. Some of the biggest things have been accomplished here took us two years of warming up to it. Some of the things that he talked to a resident about recently, he normally wouldn't be talking to other

Council Members about until he had a lot more information. He wasn't given that opportunity and didn't even get to talk to the City Manager before that information was spread out. He is a little hesitant when he talks to somebody and information spreads. This is this a little bit too fast for him, and he has been through this for a long time, because he proposed a lot of stuff. He knows how stuff works in City government, and it doesn't get done in a week. He hasn't talked to the City Manager about the things that he was thinking about, and that's normally something he would like to do before he has an opportunity to talk about it with seven people. So that's his concern, he thinks as we go along here, there's a lot of really good stuff to talk about, but let's let it mature a little bit.

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 9:31 P.M.


Cortney Hanson, City Clerk


Robert J. Gatt, Mayor


Transcribed by Deborah S. Aubry

Date approved: March 28, 2022