

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, AUGUST 11, 2014 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 TEN MILE ROAD**

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

PLEDGE OF ALLEGIANCE

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

ALSO PRESENT: Victor Cardenas, Interim City Manager
Thomas Schultz, City Attorney

APPROVAL OF AGENDA:

CM 14-08-125 Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the Agenda as presented.

Roll call vote on CM 14-08-125 **Yeas: Staudt, Casey, Fischer, Markham,
Mutch, Wrobel, Gatt**
Nays: None

PUBLIC HEARING – None

PRESENTATIONS – Redevelopment Ready Communities – Report of Findings: Joseph Meyers, Michigan Economic Development Corporation.

Mr. Meyers explained that the City had originally applied in 2013 and went through a Peters Allen Study redevelopment assessment and he was there to present the report. He said although the City is still developing in some areas, he noted the prime corridors are already developed. The City of Novi does a great job in engaging the residents and businesses in an annual survey but does not have a formal public participation plan. A public participation plan helps to ensure the public outreach is done in a consistent manner and ensures the City is working to engage underserved residents. He said the City of Novi needs to align its mixed use standards with the multi-family residential standards. Under the development review policy and procedure, it was noted that Novi should incorporate all reviewing bodies into the site plan review process up front to alleviate any issues that may occur. He also noted estimating fees is very helpful to developers and that is something Novi already does. He said the practices already in place for recruiting board and commission members was well done as we advertise on-line and include a description of the duties and conduct training for these bodies in-house. He noted that one area that is lacking was in packaging re-development ready sites on the website. The City needs strong benchmarks to ensure progress is made in setting priorities. The next steps will have the City Council adopt a resolution within the next 30 days to support proceeding with the program.

Member Mutch talked about setting the benchmarks and asked for an example. Mr. Meyers said it was similar to what Council sets, but expanded to short-term and long-term goals specific to Economic Development. Member Mutch asked about other communities and if they set specific goals like adding a set amount of jobs. Mr. Meyers said he hadn't seen that yet, but the City could set whatever goals they desire, but they were usually more broad goals.

REPORTS:

1. MANAGER/STAFF – None

2. ATTORNEY – None

AUDIENCE COMMENT: None

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 14-08-126 Moved by Wrobel, seconded by Mutch; CARRIED UNANIMOUSLY:

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
 - 1. July 21, 2014 – Regular meeting
- B. Enter Executive Session immediately following the regular meeting of August 11, 2014 in the Council Annex for the purpose of discussing pending litigation, labor negotiations, property acquisition and privileged correspondence from legal counsel.
- C. Approval of Carl Johnson (Officer Delegate) and Judith Reedy (Employee Delegate) as the 2014 City of Novi representatives to attend the annual Municipal Employees Retirement System (MERS) conference to be held September 24 – September 26, 2014.
- D. Approval to award Janitorial Services contract, for one year with (2) one year renewals to American Cleaning LLC., in the amount of \$64,752.00 (annually).
- E. Approval to award bond consulting services for the 2014 Ice Arena Refunding Bonds to Bendzinski & Co. (financial advisor) and Miller Canfield (bond counsel).
- F. Approval of Ordinance No. 14-171.02, Chapter 2, Article VII, Section 2-210 to amend the procedure for administering payments made for review of legal documents submitted for private or individual benefit. **SECOND READING**
- G. Approval of Ordinance Amendment 14-120.12 to amend the City of Novi Code of Ordinances, at Chapter 20, "Massage", Article I, "In General", and Article III, "Massage Therapist Permit", in order to remove the requirement for a city-issued

individual Massage Therapist Permit as a result of state preemption of such requirement. **SECOND READING**

- H. Approval to award an amendment to the engineering services agreement with URS Corporation for construction engineering services for the 2014 Chip Seal Program in the amount of \$24,025.
- I. Approval to award geotechnical services to Testing and Engineering Consultants (TEC) for the Water Storage Facility Project in the amount of \$24,570.
- J. Approval of a License Agreement with International Transmission Company (ITC) to allow the City of Novi to construct and maintain a 10-foot wide pathway on ITC Property between the north property line of Community Sports Park and City parkland along Ten Mile Road, near Fire Station 4.
- K. Approval to purchase one (1) 2015 GMC Terrain vehicle from Red Holman GMC for the amount of \$22,387.00 based on Oakland County cooperative pricing to replace a vehicle currently used by Community Development inspection staff.
- L. Approval of a Storm Drainage Facility Maintenance Easement Agreement from Advance Stores Company, Inc. for Advance Auto Parts located at 42520 Grand River Avenue (parcel 22-23-126-015).
- M. Approval to award an amendment to the engineering services agreement with Spalding DeDecker for construction engineering services for the Town Center Drive Reconstruction project in the amount of \$89,332.
- N. Approval to award an amendment to the engineering services agreement with URS Corporation for construction engineering services for the Grand River Avenue– Westbound Right Turn Lane Extension at Beck Road project in the amount of \$33,196.
- O. Approval to award an amendment to the engineering services agreement with URS Corporation for construction engineering services for the Haggerty Road – SB Right Turn Lane at Grand River Avenue project in the amount of \$29,945.
- P. Approval to award an engineering services agreement with URS Corporation for design engineering services related to the Grand River Dual Left Turn at Beck Road project in the amount of \$42,281.
- Q. Approval of Claims and Accounts – Warrant No. 921

Roll call vote on CM 14-08-126

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

MATTERS FOR COUNCIL ACTION

1. Approval of the request of Novi Town Center Investors for Town Center Fountain Shops JSP14-24, for the Preliminary Site Plan and Stormwater Management Plan approval. The subject property is located at the intersection of Ingersol Drive and Crescent Boulevard in the TC, Town Center district. The applicant is proposing a 7,108 square foot retail building.

Mr. Cardenas explained that this was the preliminary site plan approval for the building that will go at the corner of Ingersol Drive and Crescent Boulevard. The plan is to create a new plaza there with a fountain and additional parking. A landscaping waiver is required regarding a decorative wall. Staff is supportive of this recommendation. He added that the building will resemble a building that was just built across the street on Novi Road.

Matthew Quinn was there to represent the owners of the Novi Town Center. As stated, this was a 7,000+ square foot addition with the redevelopment of the fountain. He said the fountain is over 20 years old, outdated, and useless in the wintertime. What they are proposing is to put a fountain that will have flowing water on each side and a permanent sculpture that would be able to be viewed 365 days a year. He said they were working with the Arts Council to look at rotating various arts pieces there.

CM 14-08-127 Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the Preliminary Site Plan based on, with, and subject to the following:

- a. City Council approval of a building setback reduction from 50 feet to 20 feet along Crescent Boulevard is hereby granted since the plan meets the standards of Ordinance Section 1603.4 as noted in the review letter; and**
- b. City Council waiver of the required 3 foot tall decorative wall along the rights of way is hereby granted since the proposed landscaping features and pedestrian amenities provide an attractive substitute; and**
- c. Subject to the conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan.**

This motion is made based on and subject to the site plan and site being in compliance with all applicable provisions of the Zoning Ordinance, including Articles 16, 24 and 25, and all applicable City Zoning Ordinance approvals, decisions, conditions and permits.

Member Mutch said this was a good step forward for the development. He said in regards to the area in general, he felt they would have to tackle Crescent Boulevard as it goes past the site because it separates the retail from the restaurants on the other side and there was no way for pedestrians to get from one side of the road to the other. There is a lot of potential from the traffic that the restaurants generate, but those

people aren't going to risk crossing Crescent Boulevard because it's not safe or even possible.

Member Casey thanked the developer and Mr. Quinn for recognizing the role the Arts Council plays and their willingness to bring public art into that area.

Member Markham said she liked that they granted the waiver regarding the required 3 foot tall decorative wall. She felt it promoted walkability.

Mayor Gatt said he was pleased with what was going on at the Town Center compared to just five years ago.

Roll call vote on CM 14-08-127 **Yeas: Fischer, Markham, Mutch, Wrobel, Gatt, Staudt, Casey**
Nays: None

CM 14-08-128 **Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY:**

To approve the Storm Water Management Plan, subject to the conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan. This motion is made because, with those items addressed, the Plan will be in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance.

Roll call vote on CM 14-08-128 **Yeas: Markham, Mutch, Wrobel, Gatt, Staudt, Casey, Fischer**

Nays: None

2. Approval to award a construction contract for the Town Center Drive Reconstruction to Pavex Corporation, the low bidder, in the amount of \$955,526, subject to final review and approval of form of agreement by the City Manager's office and City Attorney.

Mr. Cardenas explained that since 11 Mile Road construction was finished, the attention was moved to Town Center Drive from 11 Mile to Crescent Boulevard. Bike lanes will be included in the design and they are looking forward to this project.

Member Wrobel asked when the anticipated starting and end dates were. Mr. Hayes said the contractor would begin around Labor Day and the work is anticipated to be complete mid to late fall.

CM 14-08-129 **Moved by Fischer, seconded by Casey; CARRIED UNANIMOUSLY:**

To approve a construction contract for the Town Center Drive Reconstruction to Pavex Corporation, the low bidder, in the amount of \$955,526, subject to final review and approval of form of agreement by the City Manager's office and City Attorney.

Roll call vote on CM 14-08-129

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

3. Approval of Zoning Ordinance Text Amendment 18.269 to amend the City of Novi Zoning Ordinance at Article 12, "OSC, Office Service Commercial District", Section 1203, "Required Conditions" in order to permit Outdoor Display Areas in conjunction with a permitted General Hospital Use. **FIRST READING**

Mr. Cardenas explained they had recognized the constantly evolving world of sponsorships. They text amendment would permit display pads similar to what was found at the Suburban Collection Showplace campus. The Planning Commission has reviewed and recommended for approval.

CM 14-08-130 Moved by Staudt, seconded by Gatt; CARRIED 6-1:

To approve Zoning Ordinance Text Amendment 18.269 to amend the City of Novi Zoning Ordinance at Article 12, "OSC, Office Service Commercial District", Section 1203, "Required Conditions" in order to permit Outdoor Display Areas in conjunction with a permitted General Hospital Use. FIRST READING.

Roll call vote on CM 14-08-130

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

4. Approval to award a construction contract for the 2014 Chip Seal Program to Highway Maintenance and Construction, the low bidder, in the amount of \$250,630, subject to final review and approval of form of agreement by the City Manager's office and City Attorney; and approval of an additional appropriation in the amount of \$217,700 as a rollover from FY13-14 for this budget line item.

CM 14-08-131 Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve a construction contract for the 2014 Chip Seal Program to Highway Maintenance and Construction, the low bidder, in the amount of \$250,630, subject to final review and approval of form of agreement by the City Manager's office and City Attorney; and approval of an additional appropriation in the amount of \$217,700 as a rollover from FY13-14 for this budget line item.

Roll call vote on CM 14-08-131

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

Nays: None

5. Consideration of a request from Kamil and Debbie Krainski for a variance from Section 11-276(b) of the Design and Construction Standards requiring pathways along the arterial roadway network in accordance with the City's master plan for the single family home under construction at 23140 Meadowbrook Road.

Mr. Cardenas explained a new home was being constructed on Meadowbrook Road between 10 Mile and 9 Mile Roads. The applicants are requesting a variance from the requirement to construct a sidewalk until the City constructs a planned pathway on the east side of Meadowbrook Road, which is currently slated for Fiscal Year 19-20. The applicants have offered to remit payment for the sidewalk as well, however if we wait to construct in 2019-2020, the cost will be significantly more. For the reasons cited in the agenda packet material, staff does not recommend granting the applicant's request.

The applicant, Mr. Krainski, explained they were requesting a deferral in having to install the sidewalk. They were originally granted a right-of-way and a building permit without the sidewalk. Five months into construction, once the budget had already been allocated, the permit was revoked. He said they met with Brian Coburn and he explained their options were to install the sidewalk or to seek a variance. Since then, DTE had installed an electrical consumer box that took away the most logical placement of the sidewalk. In his opinion, DTE would have had to get approval from the City, which would mean the City was aware of the placement. He sent the preliminary proposal for the sidewalk to be relocated due to the placement of the transformer, which was rejected because it was too close to the transformer box. They had offered them an alternative location, but there happens to be another box by Ameritech which eliminates the proposed new location from being feasible. Now the only location for the sidewalk is down into the ditch, which would require the ditch to be filled. They cannot fill that ditch in because of the run-off. He said there are mature trees that they had wanted to protect. With the proposed location determined by DPS, they would have to remove those trees. He requested the City hold off on having them install the sidewalk until other portions are completed as well, because the sidewalk would go nowhere.

Member Mutch said he was in support of granting the variance. He said there were times when the Zoning Ordinance and other ordinances come into conflict with common sense. He said the factors really point to the justification of granting the variance. He said they know the City won't build a sidewalk for at least 5 years, which means the connecting sidewalks won't be there right now. Another issue that he felt wasn't even addressed is that when the sidewalk is built, the City would build six or eight foot sidewalks along the east side; however the applicant would currently be required to install a five foot sidewalk. By enforcing them to install that piece of sidewalk now, it would not conform to what will be added there in the future. He pointed out that in 2007, the City required two residents to install sidewalks and those sidewalks still do not

connect to anything seven years later. He said the common sense solution is to grant the variance and allow the applicants to provide financial contribution to the City which can be used immediately to address other sidewalk gaps. He said it made more sense to address other gaps than to enforce the applicants to install this sidewalk. Regarding the increase in cost by the time the sidewalk is built, the City would absorb with another development anyway.

CM 14-08-132 Moved by Mutch, seconded by Markham; CARRIED UNANIMOUSLY:

To approve the request from Kamil and Debbie Krainski for a variance from Section 11-276(b) of the Design and Construction Standards requiring pathways along the arterial roadway network in accordance with the City's master plan for the single family home under construction at 23140 Meadowbrook Road and request that the applicants provide the City a financial contribution of \$1,800 in lieu of installing the sidewalk at this time; and that payment will be made as one single payment within the next 30 days. Council has found that all of the following conditions have been met:

- 1. A literal application of the substantive requirement does result in exceptional, practical difficulty and would be unnecessarily burdensome to the applicant; that the variance does substantial justice and that a lesser relaxation is more appropriate.**
- 2. The alternative proposed by the applicant is adequate for the intended use and does not substantially deviate from the performance that would be obtained by strict enforcement of the standards because there is nothing to tie the sidewalk to; and**
- 3. The granting of the variance will not be detrimental to the public health, safety or welfare, nor injurious to adjoining or neighboring property because the sidewalk would not connect at this time or in the next few years.**

Mayor Pro Tem Staudt said he spent several years on the Sidewalk Prioritization Committee and felt it wasn't realistic to expect that portion of sidewalk to be built in the next 5-6 years. He said the Committee needs to really prioritize things that are real and remove issues that are unlikely in the long-run. Meadowbrook is covered by a very nice sidewalk on the west side already. He felt the segment on the east side should be removed from the Plan completely. He said they are always looking for opportunities for sidewalks, but they really need to finish what they already have started. They really need to stop building segments that don't make sense.

Member Fischer wanted to ensure the motion included all of the conditions that the variance has been met. Member Mutch added that he didn't want to see payment drag out over an extended period of time. The applicants stated they were grateful for the variance and said they would pay in one payment within 30 days.

Member Wrobel supported the motion and based on the location of the terminals, he saw no reasonable location for the sidewalk.

Mayor Gatt said the ordinance is designed to make all pathways connect to each other and most times it makes sense, unfortunately not in this case.

Roll call vote on CM 14-08-132 **Yeas: Staudt, Casey, Fischer, Markham, Mutch, Wrobel, Gatt**
Nays: None

6. Consideration of the 2015 City Council Meeting Calendar.

CM 14-08-133 **Moved by Fischer, seconded by Staudt; CARRIED UNANIMOUSLY:**
To approve the 2015 City Council Meeting Calendar.

Roll call vote on CM 14-08-133 **Yeas: Casey, Fischer, Markham, Mutch, Wrobel, Gatt, Staudt**
Nays: None

AUDIENCE COMMENT: None

COMMITTEE REPORTS – None

MAYOR AND COUNCIL ISSUES - None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION – None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:44 P.M.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Cortney Hanson

Date approved: August 25, 2014