

REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, MARCH 13, 2017 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 TEN MILE ROAD

Mayor Pro Tem Staudt called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt (absent/excused), Mayor Pro Tem Staudt, Council Members Burke (absent/excused), Casey, Markham, Mutch (absent/excused), Wrobel

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

APPROVAL OF AGENDA:

Mayor Pro Tem Staudt requested that Items 1, 2, 3 and 4 on Matters for Council Action be removed from the Agenda due to the shortage of Council Members that evening. He confirmed the Public Hearings would take place that evening. The parties had been notified.

CM 17-03-024 Moved by Wrobel, seconded by Casey; MOTION CARRIED: 4-0

Roll call vote on CM 17-03-024 Yeas: Casey, Markham, Wrobel, Staudt
Nays: None
Absent: Gatt, Burke, Mutch

PUBLIC HEARING

1. Request to Establish an Industrial Development District for C&S Twelve Mile Center LLC.

Opened at 7:02 p.m. and closed at 7:03 p.m. with no public input.

2. Request to Approve an Industrial Facilities Tax Exemption Certificate for Yanfeng US Automotive Interior Systems I, LLC.

Opened at 7:03 p.m. and closed at 7:04 p.m. with no public input.

3. Request to Establish an Industrial Development District for Madias Brothers Inc.

Opened at 7:04 p.m. and closed at 7:05 p.m. with no public input.

4. Request to Approve an Industrial Facilities Tax Exemption Certificate for A123 Systems LLC.

Opened at 7:05 p.m. and closed at 7:06 p.m. with no public input.

PRESENTATIONS:

1. Proclamation in recognition of Red Level Day on March 22, 2017 – Janet Tyler, Chief Operating Officer

Janet Tyler, Chief Operating Officer thanked Council for recognizing Red Level. She said they are pleased to be part of the City. She hoped they would remain here for many years helping local area businesses develop and grow through the use of game changing technologies. She said that was Red Level's mission and they are excited to be here for it. Mayor Pro Tem Staudt said the City of Novi was excited to have them here.

2. Upcoming M-5 Expressway Concrete Patching Project from 12 Mile Road to Pontiac Trail – Courtney DeFauw, Traffic Operations Engineer, and Steven Minton, Projects & Contracts Administration Engineer - Michigan Department of Transportation

Steven Minton, MDOT said he was there to give brief overview of their upcoming M-5 Concrete Repair Project and answer any questions. He went on to say the limits were 12 Mile to Pontiac Trail including ramps at 12 Mile and connector lanes. They will be doing concrete paving repairs, drainage structure repairs, and pavement markings. The project came in approximately a million dollars less than what they originally estimated. The planned schedule for now is from May 1st through June 19th. The low bid contractor was Florence Cement and he believed they have been awarded the project at this time. He summarized the pavement history for the 12 Mile to 14 Mile portion of M-5. He noted it was constructed in 1996, they did joint resealing and minor concrete pavement repair in 2007 and some preventative maintenance longitudinal repairs in 2014. The 14 Mile to Pontiac portion of M-5 was originally constructed in 2002 and there has been no repair work to date in that section. In regards to maintaining the traffic Mr. Minton noted it will be a full closure, one bound at a time, approximately 3 weeks per bound. They will start on the southbound side, and then switch to the northbound side. He stated there will not be saw cutting and pavement removal allowed at night south of 14 Mile Road. He also noted they planned on a 7 day work week. He explained they decided to go this route because it will minimize the impact to The Road Commission for Oakland County and local city projects in the surrounding areas. It will also shorten construction duration minimizing length of impact to motorists. He also indicated by closing the road it will allow the contractor to have the most efficient method of construction. He pointed out that the savings were reflected in the bid of almost a million dollars compared to what the original estimate was. He noted there would be many safety aspects of closing the road for construction. MDOT offered the contractor an incentive of up to \$100,000 to motivate them further if they finished ahead of schedule. They have already had meetings with the contractor and they feel confident they can meet those dates.

Member Casey thanked Mr. Minton for the presentation, but she wondered what the hours of operation would be. Courtney DeFauw said she believed the City gave them extended hours which were from 6 a.m. to 9 p.m., Monday through Sunday. She said

there would be a few operations at night, but that would be minimal. Ms. DeFauw believed pouring concrete would be the only operation at night.

Member Wrobel said this was good to see happening. He wondered if the money saved could be spent in Novi. Mr. Minton said this happens during the award of the contract and they do not have access to the savings. It gets pooled back into the program and there might be overruns elsewhere that we would have to use the money on. Member Wrobel said he had to throw that out there.

Member Markham wondered how they were going to save a million dollars on this project. Mr. Minton said their belief, along with the contractors, that closing the road and not having to worry about traffic getting in and out leads to the efficiency and the savings in the bid. She confirmed with Mr. Minton that it was all about efficiencies of operations and not how the road repairs are done.

Mayor Pro Tem Staudt mentioned that the Mayor announced at the State of the City Address that the City is going to engage in a multi-year neighborhood panel replacement program for concrete panels. He said we are looking at somewhere between 4 and 5 thousand panels and 5 million dollars. The local communities are excited to participate and good to see MDOT with a very worthwhile project.

CITY MANAGER/STAFF REPORT:

Mr. Auger explained that administration was working with Suburban Collection Showplace on their new event called Stars and Stripes, which will be held over the Fourth of July weekend. They expect to have a resolution to present to Council similar to how we handle the State Fair. He said we should be hearing about it in the near future.

AUDIENCE COMMENT:

Chuck Lapham, 18412 Blue Heron Drive, said he owns Safe Storage. He was there to comment on the sign ordinance that was coming up on the Agenda tonight. He said he was asked to write a letter by Charles and he hoped it had gotten to the right place. He wanted to express his views and reservations about how he can comply with the ordinance and also advertise his business. He said he is trying to figure out how he can operate under the proposed sign ordinance because he has been creative in his advertising. He purchased a large elephant statue and he wants to know how he can utilize it so that it doesn't become a public nuisance. He has also had issues with parking a truck on his property outside the confines of the gate. Since it has the business name on the side of the truck, he got a citation.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 17-03-025

Moved by Wrobel, seconded by Casey; MOTION CARRIED: 4-0

To approve the Consent Agenda as amended to remove Item R.

- A. Approve Minutes of:
 - 1. February 27, 2017 – Regular meeting
- B. Approval to appoint Megan Mikus as the City of Novi Representative to the Walled Lake Improvement Board.
- C. Approval of the request of Commerce Park, JSP 17-02, for Zoning Map Amendment 18.716 to rezone property in Section 16, located on the southwest corner of Twelve Mile Road and Taft Road from RA (Residential Acreage) to OST (Planned Office Service Technology). The subject parcel is approximately 30.64 acres. **SECOND READING**
- D. Approval to enter into the South West Oakland Special Response Team (SWOSRT) Intergovernmental Agreement with the Township of West Bloomfield.
- E. Approval to award engineering design services to Spalding DeDecker for the Andes Hills Water Main Special Assessment District project (SAD 180) in the amount of \$17,701, and amend the budget accordingly.
- F. Approval of a Resolution to close Napier Road between Ten Mile and Twelve Mile Roads for the Novi Half Marathon from 7:45 a.m. to 10:45 a.m. on Sunday April 30th, 2017.
- G. Approval of Resolution to close Ten Mile Road from the Civic Center to Taft Road for the Festival of Chariots from 11:45 a.m. to 1:30 p.m. on Sunday, July 23, 2017.
- H. Acceptance of a warranty deed from Hunter Pasteur Homes Dunhill Park, LLC for the dedication of a 60-foot master planned right-of-way half width along the west side of Beck Road north of Eight Mile Road as part of the Dunhill Park project (parcel 22-32-400-014).
- I. Approval of a Storm Drainage Facility Maintenance Easement Agreement from Hunter Pasteur Homes Dunhill Park, LLC for the Dunhill Park development located at the northwest corner of Beck and Eight Mile Roads (parcels 22-32-400-013 and -014).
- J. Acceptance of a sidewalk easement from Hunter Pasteur Homes Dunhill Park, LLC, as part of the Dunhill Park development located north of Eight Mile Road and west of Beck Road (Parcel 22-32-400-014).
- K. Approval of a Storm Drainage Facility Maintenance Easement Agreement from STORE Capital Acquisitions, LLC for the Everbrook Academy project located west of Beck Road north of Eleven Mile Road (parcel 22-17-400-014).

- L. Acceptance of a warranty deed from STORE Capital Acquisitions, LLC for the dedication of a 60-foot master planned right-of-way half width along the west side of Beck Road north of Eleven Mile Road as part of the Everbrook Academy project (parcel 22-17-400-014).
- M. Acceptance of the Academy Lane, and adoption of Act 51 New Street Resolution accepting it as public, adding 0.06 miles (325 feet) of roadway to the City's street system.
- N. Approval of Traffic Control Order 17-14 for Academy Lane located west of Beck Road, north of Eleven Mile Road.
- O. Approval of Resolution No. 2 and setting the public hearing for March 27, 2017 for Special Assessment District 179: Holmes Road, Hemingway Drive, and Brownstone Drive within the Vistas of Novi Planned Unit Development.
- P. Acceptance of a sidewalk easement from Toll MI II Limited Partnership as part of the Reserve of Island Lake, Phase 7C development located north of Ten Mile Road and west of Dinser Road (Parcel 22-20-304-075).
- Q. Approval to award an amendment to the engineering services agreement with Spalding DeDecker for construction engineering services for the Meadowbrook Commons Parking Lot Rehabilitation project in the amount of \$66,105.10.
- R. Approval of the final payment to L.J. Construction, Inc., for the ITC Pathway – Phase 1A project in the amount of \$45,046.97, plus interest earned on retainage.
REMOVED
- S. Acceptance of a Wetland Conservation Easement from, ATI Land Holdings LLC for a wetland conservation area as part of the ATI Headquarters project site, JSP 14-40, located on the west side of Meadowbrook Road and north of the I-96 freeway in Section 14 of the City.
- T. Approval of the ownership transfer of an escrowed Class C and SDM liquor license from Sun Valley, MI Limited Partnership to Taipei 101 located at 44125 W. Twelve Mile road, Suite E 136, Novi, MI 48377 with Sunday Sales (AM and PM) Permit, Dance/Entertainment Permit, Additional Bar Permit, and an outdoor Service Area Permit.
- U. Approval of Claims and Accounts – Warrant No. 983

Roll call vote on CM 17-03-025

Yeas: Markham, Wrobel, Staudt, Casey
Nays: None
Absent: Gatt, Burke, Mutch

MATTERS FOR COUNCIL ACTION

1. Approval of Resolution to establish an Industrial Development District for C&S Twelve Mile Center, LLC. for parcel 55-22-14-200-025 on Twelve Mile Road east of Taft Road. **REMOVED AND POSTPONED**
2. Approval of Resolution authorizing application from Yanfeng US Automotive Interior Systems I LLC. for an Industrial Facilities Tax Exemption Certificate for an approximately 67,364 square foot facility to be located at 41935 Twelve Mile Road and related Agreement concerning Industrial Facilities Tax Abatement. **REMOVED AND POSTPONED**
3. Approval of Resolution to establish an Industrial Development District for Madias Brothers Inc. on Twelve Mile Road east of Taft Road. **REMOVED AND POSTPONED**
4. Approval of Resolution authorizing application from A 123 Systems LLC. for an Industrial Facilities Tax Exemption Certificate for an approximately 88,580 square foot New Facility to be located on Twelve Mile Road east of Taft Road, and related Agreement concerning Industrial Facilities Tax Abatement. **REMOVED AND POSTPONED**
5. Approval of Change Order No. 2 to Fiore Enterprises LLC. for the 2016 Neighborhood Road Program – Contract 2 (Concrete) in the amount of \$100,956.90.

CM 17-03-026 Moved by Wrobel, seconded by Casey; MOTION CARRIED: 4-0

To approve the Change Order No. 2 to Fiore Enterprises LLC. for the 2016 Neighborhood Road Program – Contract 2 (Concrete) in the amount of \$100,956.90.

Roll call vote on CM 17-03-026

Yeas: Wrobel, Staudt, Casey, Markham

Nays: None

Absent: Gatt, Burke, Mutch

6. Approval to award a construction contract for the Meadowbrook Commons Parking Lot Rehabilitation project to Merlo Construction Company, the second low-bidder, in the amount of \$1,005,804, subject to final review and approval of the form and agreement by the City Manager's office and the City Attorney.

CM 17-03-027 Moved by Wrobel, seconded by Casey; MOTION CARRIED: 4-0

To approve the award of a construction contract for the Meadowbrook Commons Parking Lot Rehabilitation project to Merlo Construction Company, the second low-bidder, in the amount of \$1,005,804, subject to final review and approval of the

form and agreement by the City Manager's office and the City Attorney.

Roll call vote on CM 17-03-027

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

7. Consideration of adoption of Ordinance No. 17-188, an ordinance to amend the City of Novi Code of Ordinances, at Chapter 28, "Signs," in order to comprehensively revise regulations relating to purpose and intent; permitting process; permanent and temporary signs; off-premises signs; definitions; appeals; and other provisions of the ordinance. First Reading

CM 17-03-028 Moved by Wrobel, seconded by Casey; MOTION CARRIED: 4-0

To consider the adoption of Ordinance No. 17-188, an ordinance to amend the City of Novi Code of Ordinances, at Chapter 28, "Signs," in order to comprehensively revise regulations relating to purpose and intent; permitting process; permanent and temporary signs; off-premises signs; definitions; appeals; and other provisions of the ordinance.

Member Markham confirmed with Mayor Pro Tem Staudt that there would be further discussion on this item at a later meeting. She had a few things she wanted to bring up and wondered if this item was going on the next Agenda. Mayor Pro Tem Staudt explained they usually go on the Consent Agenda. City Manager Auger said they could put it back on Matters for Council Action. She mentioned it makes more sense to wait until the next meeting as long as it is put on Matters for Council Action. She thanked Mayor Pro Tem Staudt for addressing this matter.

Roll call vote on CM 17-03-028

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

8. To approve the request of Hadley's Towing, JSP 16-33, with Zoning Map Amendment 18.715, to rezone property in Section 17, located on the south side of Grand River Avenue between Wixom Road and Beck Road from I-1, (Light Industrial) to I-2 (General Industrial) subject to the related Planned Rezoning Overlay (PRO) Agreement, and corresponding PRO Concept Plan. The property totals 17.78 acres and the applicant is proposing to rezone approximately 5.6 acres of the northerly portion of the property to accommodate a vehicle towing business and outdoor storage yard.

CM 17-03-029 Moved by Wrobel, seconded by Casey; MOTION CARRIED: 4-0

To approve the request of Hadley's Towing, JSP 16-33, with Zoning Map Amendment 18.715, to rezone property in Section 17, located on the south side of Grand River Avenue between Wixom Road and Beck Road from 1-L (Light Industrial) to 1-2 (General Industrial), subject to the related Planned Rezoning Overlay (PRO) Agreement, and corresponding PRO Concept Plan as reviewed by the Planning Commission on December 7, 2016, subject to the conditions listed in the staff and consultant review letters, and with any changes and/or conditions as discussed at the City Council meeting, and any final minor alternation or amendments required in the determination of the City Manager and City Attorney to be incorporated by the City Attorney's office prior to the execution of the final agreement. This motion is made because:

- a. The rezoning request fulfills two objectives of the Master Plan for Land Use by fostering a favorable business climate and welcoming new business.**
- b. The rezoning is a reasonable alternative as the proposed use is less intense of uses that would be typically allowed under 1-2 zoning and puts to use a vacant parcel and is adjacent to other parcels of similar use.**
- c. The rezoning will have no negative impact on public utilities.**

Member Markham questioned City Planner, Barb McBeth regarding Hadley's Towing combining their business on this site that they want to change the zoning on. They said they will be closing their impound lot on Trans-X Drive. She wondered if there are any guarantees that this will happen. Ms. McBeth responded to her question saying that was one of the public benefits that they offered and we are taking them at their word on that. City Attorney, Thomas Schultz confirmed that it is in the PRO Agreement that they will do that. Member Markham also wondered if Ms. McBeth was comfortable with rezoning this from where it is now to the I-2 zoning, because according to the Master Plan it is not zoned I-2 zoning. Ms. McBeth said we could potentially amend the Master Plan. Ms. McBeth felt that it was an appropriate use given the fact that it is next to R-2. She said there is a couple of existing outside uses and because of the PRO Agreement the land would revert back to the original zoning at such time if the tow operation ceases to operate there. Member Markham mentioned the other public benefit they offered about protecting the wetlands. She wondered if we have any figures on how much wetland would be protected and also how would that be done. Ms. McBeth said the concept plan that was offered deals with the north part of the property, the majority of the wetlands are on the south end of the property. She informed Ms. Markham that we do not have any plans at this time for development on the south end of the property. She mentioned if this passes the City Council it will go back to the Planning Commission for consideration of Site Plan, with approval of a Woodland and Wetland Permit. She also mentioned at that time it would be likely that

the wetlands that would be impacted by this portion of development would be addressed. Member Markham thanked Ms. McBeth.

Mayor Pro Tem Staudt asked Ms. McBeth if they would have to reopen the PRO Agreement if they wanted to expand this property to outside use. Ms. McBeth confirmed that he was correct; they would have to reopen the PRO Agreement.

Roll call vote on CM 17-03-029

Yeas: Markham, Wrobel, Staudt, Casey
Nays: None
Absent: Gatt, Burke, Mutch

AUDIENCE COMMENT - None

MAYOR AND COUNCIL ISSUES - None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: Consent Agenda items which have been removed for discussion and/or action.

R. Approval of the final payment to L.J. Construction, Inc., for the ITC Pathway – Phase 1A project in the amount of \$45,046.97, plus interest earned on retainage.

Member Wrobel said he removed Item R which was the final payment to L.J. Construction, Inc. for work on the ITC Pathway, Phase 1A for approximately \$45,000. He said they recently received a letter from one of our residents questioning the quality of the work. The letter said that some of it was falling apart. He would like to give city administration a chance to check it out before approving payment.

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:35 P.M.

Cortney Hanson, City Clerk

David Staudt, Mayor Pro Tem

Transcribed by Deborah S. Aubry

Date approved: March 27, 2017