

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, NOVEMBER 20, 2023 AT 7:00 P.M.**

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

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Fischer, Council Members Casey, Heintz, Smith, Staudt, Thomas

ALSO PRESENT: Victor Cardenas, City Manager
Danielle Mahoney, Assistant City Manager
Thomas Schultz, City Attorney

APPROVAL OF AGENDA:

CM 23-11-134 Moved by Casey, seconded by Smith; MOTION CARRIED: 6-0

To approve the Agenda as presented.

Roll call vote on CM 23-11-134 Yeas: Casey, Heintz, Smith, Staudt, Thomas, Fischer
Nays: None

APPOINTMENT OF MAYOR PRO TEM

Mayor Fischer stated we have an agenda, next is the appointment of a Mayor Pro Tem. He commented that before he got the very important job of appointing a Mayor Pro Tem he wanted to take a minute and reflect on the fact that we had a few faces missing from the table that evening and one new face. First off, he congratulated David Staudt and Laur Marie Casey on their reelection. Clearly the voters have appreciated your dedication and rewarded you by returning you to this table. He also congratulated our newest member that voters supported this November, Mr. Matt Heintz. Welcome to the City Council Mr. Heintz. He noted that we have two dedicated community members who made the decision to retire from local politics this year and thus are not here that evening at the table. He acknowledged Hugh Crawford who spent four years with us, but that was just the tip of the iceberg. He was a lifelong resident of Novi who has been serving in elected office for decades. He said he held the position of City Councilmember, Mayor Pro Tem, County Commissioner and State Representative, who, on behalf of a grateful community, we thank you and he understood we will be celebrating Hugh's latest service to Novi before our next meeting. He acknowledged former Mayor Bob Gatt there are no other words to describe Mayor Gatt and then a lifetime of service to Novi. Mayor Gatt's service began in 1975 in the Police Department. He started the DARE Program in Novi. He said unfortunately he had moved on before he got to the program. He stated he rose to the rank of Detective and then Sergeant before retiring after 28 years with the Novi Police Department. He said Mayor Gatt went on to serve on the ZBA before being elected to City Council. He spent eight years as a City Councilmember and then the last held as Mayor for a total of 20 years of elected service to Novi and its residents. He wanted everyone to think about that, quick math tells him that would be around 500 or more Monday nights that Mayor Gatt dedicated to this community, and that does not include

all the other meetings, events, etc., that go along with elected office. He said Mayor Gatt was recently quoted as saying "The best part of Novi is simple: the people", and he agreed with that statement. He said it is dedicated people like him who have given a lifetime to making Novi what it is today. He said as usual, Mayor Landry recently put it most eloquently about Mayor Gatt, no one has given more. He stated that at our last meeting, Mayor Gatt referenced the 2011 Mayor's race between himself, and I where Bob Gatt soundly defeated him. He said it did not take him long after that election to realize that Novi chose the right person for the right time back in 2011. Mayor Gatt on behalf of himself, City Council, City staff, the 66,000 residents of Novi, and as you would say, the millions of people watching this evening, I hope you found the place in Novi that is 85 degrees and sunny and you are enjoying a Council meeting free Monday night.

He said now he would move on to the business of appointing a Mayor Pro Tem. He was honored to appoint someone who recently won their fourth election to Novi City Council, the last three of which she received the highest vote tally. He said it was his honor and privilege to appoint Councilmember Laura Marie Casey as Mayor Pro Tem for the next two years. Congratulations.

PUBLIC HEARINGS: None

PRESENTATIONS: None

MANAGER/STAFF REPORT:

City Manager Cardenas thanked Mayor Fischer and congratulated all the elected officials that were reelected and to Mr. Heintz who was joining the City Council, he looked forward to working with you all again. He said he was excited to announce that we have a night of firsts, we have a new City Council, and we have our new Assistant City Manager, Danielle Mahoney who is joining us from Cary, North Carolina. He said she made the reverse migration and headed north. He said she is getting used to the winter, and he looked forward to you all getting to know Danielle. He asked everyone to please welcome Danielle Mahoney to the great City of Novi.

Mayor Fischer asked Danielle if she had any comments she would like to make. Ms. Mahoney said no, Victor stole her line about the reverse migration. She said she was excited to be here and thanked everyone for the warm welcome. Mayor Fischer said welcome to Novi, he thought that you would be a fantastic team for us, and we looked forward to working with you both.

ATTORNEY REPORT: None

AUDIENCE COMMENTS:

Two Novi High School students spoke about zoonotic diseases for their community awareness project. They said this is a part of an organization called Hosts Up. They stated their topic for community awareness is zoonotic diseases or infections that spread

between people and animals, like dogs and your pets. They listed some symptoms of zoonotic diseases such as vomiting, headaches, body pain, fatigue, and nausea. They gave suggestions on what you can do to make sure you do not get infections and diseases such as washing your hands, avoid handling sick animals, and maintain good personal hygiene. They said to be aware of zoonotic diseases both at home and when you go to a petting zoo. They mentioned avoiding bites and scratches from animals and suggested using bug spray and bug repellent to prevent bites. They asked the City to help to create awareness and spread awareness. They said they are leaving copies of their flyer and they kindly requested that it be posted on all types of social media and to pass the flyer out.

CONSENT AGENDA REMOVALS AND APPROVALS:

Member Thomas removed from the Consent Agenda, Item D for further discussion.

Member Smith removed from the Consent Agenda, Item C for further discussion, because it was related to Item D.

CM 23-11-135 Moved by Casey, seconded by Smith; MOTION CARRIED: 6-0

To approve the Consent Agenda as amended.

- A. Approve Minutes of:
October 23, 2023 - Regular Meeting
- B. Approval to award engineering design services to AECOM for the 2024 Neighborhood Sidewalk Repair Program in the amount of \$42,500.
- C. Approval of the request from Goddard School Annex (JSP22-0059) at 48600 Grand River Avenue (parcel no. 50-22-17-126-013) for a variance from the Design and Construction Standards Section 11-256(b) to eliminate the sidewalk requirement along 12 Mile Road. **REMOVED/LATER APPROVED**
- D. Approval of the request from Goddard School Annex (JSP22-0059) at 48600 Grand River Avenue (parcel no. 50-22-17-126-013) for a variance from the Design and Construction Standards Section 11-256(b) to pay into the City Sidewalk Fund in lieu of construction of the boardwalk along Grand River Avenue.
REMOVED/LATER APPROVED
- E. Acceptance of a highway easement and temporary grading easement for completion of sidewalk at 39415 Ten Mile Road in the amount of \$30,000.
- F. Adoption of Resolution for application to the Transportation Alternatives Program (TAP) grant for construction of a pathway connector between the ITC Trail and Bosco Fields park.

- G. Approval to accept the Bill of Sale for the ITC Trail Comfort Station per the requirements of the Terra PRO Agreement and site plan, JSP17-0052. The site is along the north side of Nine Mile Road at Garfield Road.
- H. Authorization to close on the purchase of property (Parcel No. 22-24-301-013) located on Meadowbrook Road between Grand River Avenue and Ten Mile Road, approximately 4.51 acres for the purchase price of Two Hundred Ninety-Five Thousand Dollars (\$295,000.00), subject to the existing building and use restrictions and easements of record.
- I. Approval of claims and warrants – Warrant 1143

Roll call vote on CM 23-11-135

Yeas: Heintz, Smith, Staudt, Thomas, Fischer, Casey
Nays: None

MATTERS FOR COUNCIL ACTION:

- 1. Adoption of a resolution authorizing approval of a contract with the Michigan Department of Transportation to agree to the rights and obligations associated with the rehabilitation of Wixom Road from 10 Mile Road to Hartwick Drive with the City of Novi's estimated responsibility for construction in the amount of \$3,531,612.37.**

City Manager Cardenas stated that the City was awarded federal funds for the rehab of Wixom Road through the Oakland County Federal Aid Committee. He said since the MDOT agreement that was proposed back in October the attached resolution matches the estimated cost of construction of \$4.4 million, almost \$4.5 million with a local match of \$2.9 million, almost \$3 million dollars. He said that is for this project were received on November 3, and the low bid was a little over \$5 million dollars, therefore the City estimated responsibility for the construction is \$3.5 million as the Mayor said, which is the construction award minus the federal aid dollars of \$1.514 million. He said we plan on starting construction next spring and look forward to any questions you might have.

CM 23-11-136

Moved by Smith, seconded by Casey: MOTION CARRIED: 6-0

Adoption of a resolution authorizing approval of a contract with the Michigan Department of Transportation to agree to the rights and obligations associated with the rehabilitation of Wixom Road from 10 Mile Road to Hartwick Drive with the City of Novi's estimated responsibility for construction in the amount of \$3,531,612.37.

Roll call vote on CM 23-11-136

Yeas: Smith, Staudt, Thomas, Fischer, Casey, Heintz
Nays: None

- 2. Initial review of Planned Rezoning Overlay (PRO) eligibility of the request of Toll Brothers, LLC, for Elm Creek, JZ22-28, to rezone from Office Service Technology (OST) and Low-Rise Multiple Family (RM-1) to Low-Rise Multiple Family (RM-1) on land located on the west side of Meadowbrook Road, south of Twelve Mile Road in Section 14. The applicant is proposing to utilize the Planned Rezoning Overlay option to rezone and develop a 134-unit multiple-family townhome development on approximately 37 acres of land. Under the new PRO Ordinance, this initial review by City Council is an opportunity to review and comment on the eligibility of the proposal.**

City Manager Cardenas stated this is a change of policy that the City Council acted on back in August of 2021 to allow City Council a heads up on the PRO's that are currently in the queue. He said this is a second opportunity this has presented itself since that change in the policy, no action is required. He said the petitioners are here to give a brief overview of the proposal after this opportunity to further comment on any comments, the applicant will then submit their formalized PRO plan which will be reviewed by City staff, and consultants. He said the project will then be scheduled for a second public hearing before the Planning Commission. He said the Planning Commission will make the recommendation for the project to the City Council and the City Council will have their final consideration on the rezoning with the PRO later.

Mayor Fischer asked the petitioner to come down to the podium and give us a brief overview and any comments you must make. He commented that they did receive the information regarding this project in their Council Packet.

Scott Hanson, Toll Brothers congratulated everyone who was appointed to City Council. He said they had a brief presentation. He said he was the land development director for Toll Brothers, and ultimately, we have been working on this project for the last couple of years now. He said they have gone to the Planning Commission twice and have received really good feedback. He said they have made changes to the plan that are not reflected in the current plan that is presented. Ultimately, this is a townhome development with both primary up and primary down bedroom units. He said these are three-bedroom, two bath, that range in size from 1800 to 2200 square feet. He said the site plan is laid out the way it is laid out because of the challenges with the property itself. He said the property was used as a dump site for Twelve Oaks Mall back when that was developed so there is a lot of unsuitable soil on the site. He stated they tried to lay out the site plan to account for those soils to make basement and foundation construction in a conventional manner possible. He stated some of the main comments they heard from the Planning Commission were to adjust, basically to keep Meadowbrook Road commercial, try to keep Meadowbrook Road commercial as possible. He said between our two submittals they eliminated two buildings from the first two buildings off Meadowbrook Road to try to maintain that commercial corridor and we really think that helped the whole fee. He said ultimately this property has it in your packet as well, but it has residential to the west, so we felt like this is a good transitional property to keep residential without impacting that commercial corridor as that was kind of the primary comment that they received.

Mr. Hanson said he would briefly go through those and then he just looked forward to any feedback. He said this evening, we would just like to understand if you have general support for the project, and if you do not have support for the project, what could we do differently to gain that support. He said he also had a couple of renderings. He said between the two submittals they increased their setback for Meadowbrook Road from 120 feet to 400 feet, so this really means you can hardly see the unit. He highlighted an area on the presentation on the overhead projector of Meadowbrook Road looking south and there is also the current view in that same area. He said the existing vegetation, he stated on renderings you do your best to model the existing conditions as closely as possible without fabricating something that will not be real, when the property if the property gets developed. He said that is what they tried to do between the two images, and he pulled this from Google Earth, so he was not standing out in the middle of Meadowbrook Road. He highlighted another rendering from the entrance and what that would look like. He said they tried to scale the street trees, the existing vegetation and that 400-foot buffer is extremely significant. He said they felt this property, you would not even know it was residential except for the signage out front. He said if you flip between the two, you can see how they tried to model as closely as possible with that existing vegetation. Lastly, he highlighted a more elevated view from that same location, and again, demonstrating that 400-foot buffer to those first two units. He said that was really it, again, they were looking for feedback and they wanted to understand if there is support for the project, and if not, what it would take to gain that support.

Mayor Fischer thanked him for the presentation, he said he would turn it over to his colleagues on City Council for feedback.

Mayor Pro Tem Casey thanked Mr. Hanson for bringing this project forward through our process. She had a couple of questions that evening, the first, she knew there were challenges with the site, especially as it related to the ownership split in the parcels. She said there was a reference to a letter in the packet that would be an agreement between you and the other property owner, she asked if he could give a little more specific about what the letter is going to be? She wondered if it was a memorandum of understanding or if it was a contract. She asked for a little more clarification about that. Mr. Hanson said he had a couple of slides on the overhead projector that can demonstrate. He stated the property is owned by two different people. He noted the Mall owns the northern parcel, which Toll is under contract with the purchase, and then Singh owns the southern parcel, he was sure everyone was familiar with saying the local developer. He stated the latter that is referenced in the application is an acknowledgment letter or an authorization letter from Singh saying basically that they agree to this rezoning to a PRO or RM-1 zoning. He said that is the letter they have been working with Singh to try to get their cooperation and ultimately, Singhs portion of the property at this point is conceptual. He said their goal is to continue to move forward on the northern parcel while Singh has the ability and the flexibility to move forward with something in the future on the southern portion of the parcel. He felt that the PRO process gives the City the ability to dictate what happens on that southern portion that conceptual phase two in the future, meaning if Singh does not comply exactly with what we proposed, they come back to City Council, they come back to Planning Commission

with a PRO amendment to get those approvals. He stated if they do comply with exactly what they have proposed, and what they are proposing with this submittal, then they still go to the preliminary site plan, they still go to Planning Commission and they still must go through the process of complying with all the other city requirements.

Mayor Pro Tem Casey commented that looking at it from our perspective on this, once the PRO, assuming it is approved, and once it is signed, is that going to be a strong enough agreement between the three parties, the landowner to the north, the landowner to the south, and the City to ensure that southern portion gets developed as residential in the same flavor as an RM-1 as the northern portion. She wondered if there are any further requirements from a legal perspective that we want to put in place to ensure that the agreement and that we are protected in the future should any changes to the PRO be proposed. City Attorney Schultz explained what we took at this point was just a letter saying, as part owner of that property because there has never been a split even though there was a sale. He said we, Singh, agree to the submission of this proposed PRO when it comes time to approve that if that is what the City Council does, we intend to make sure that the ownership issue and Singh's rights under the PRO are properly articulated and resolved, hopefully, regarding the property line with the potential approval of the Toll Brothers project. Mayor Pro Tem Casey appreciated Mr. Schultz's explanation. She thought it was a bit of a concern. She said it is just the difference in ownership and making sure that all owners are aligned, the City is aligned on what the expectations are, if again, the PRO is approved, and making sure that it is all documented, all the I's are dotted, and the Ts are crossed from a legal perspective.

Mayor Pro Tem Casey said second, she wanted to comment on the landscaping screening. She pointed out on the map that there are a couple of properties that are currently zoned OST that are not developed yet, and the PRO is asking us to change what is currently OST for your property into residential. She said when that happens, the screening requirements between residential and OST become much more stringent. She said what she would like to see, because some of those properties are not developed, she would like to see the screening accommodated for the residential side, and not on the OST side. She said that would be something she would be looking for to make sure that this development, this PRO addresses those screening issues and not waiting for a future development from an OST perspective to come in and then must address that screening. She said that is one of the things that she will be looking to understand when and if this comes back in front of us.

Mayor Pro Tem Casey commented that she appreciated the long driveway, she thought they were spot on in doing that. She mentioned that their proposal with first floor living and trying to address the empty nesters that most of the people at this table know that she is chair of the Older Adult needs Committee. One of the big things that we have been hearing from our residents is about the lack of empty nester type of housing and specifically first floor living. She was very happy to see that you have a plan for first floor living. She thought they could probably err on the side of more first floor options than primary bedrooms on the second floor. She said that was an opinion. She wanted to share with you the feedback they have gotten continuously as a committee, as we have

been talking to our residents that this is a big need, to have first floor living in the city of Novi, so, for whatever consideration is worth for you. She noted that looking at the number of trees that are going to be brought down, you have heard this a million times, she appreciated that you are putting a conservation easement over seven plus acres of woodlands and three plus acres of wetlands. She encouraged them to do everything they possibly could, obviously first to try to reduce the number of trees you need to pull down. Secondly, to make sure that you are replacing those trees on the property, by kind of lessening the amount you would contribute to the Tree Fund. She said she knew that was feedback that you received from staff, she wanted to echo that from the table as well, that would be something she would be looking to see. Thank you. Mr. Hanson said that is always their goal is to replace, that is where the value is for them as entries we can replace. He said the value is in keeping as many trees as possible. He said unfortunately, this site is primarily all woodlands, so it just makes it a little more challenging, but we will do the best we can.

Mayor Pro Tem Casey said part of the PRO process is that you are asking the developer, landowners, asking us to make a pretty big change to zoning and part of what they are looking for is that change in zoning will have a public benefit. She mentioned when developers go through this PRO process come in, they will say, here is a list of things that we believed to be public benefit. She stated when she looked at those, they tend to have to work with developers in terms of providing things that are truly a public benefit. She stated when she looked at the list that is in our packet here, the first one mentions, having offsite sidewalk gaps. She said that is a public benefit, so it will be on Meadowbrook Road, anybody can access it. The second item being preservation of the seven acres of woodlands and three acres of wetlands, that leans a little more toward the residents of or future residents who will be there, she could stretch her way to seeing that might be a public benefit, because it is a broad benefit to the environment. She said the third benefit that you listed is proposed walkway and nature trail and overlook amenity that is strictly for your residents, that is not a public benefit and public meaning broader residents in the city of Novi. She encouraged him to look and see what other opportunities there might be free to truly offer a public benefit that would encompass a larger portion of our residents. Mr. Hanson asked if she had any recommendations or suggestions. Mayor Pro Tem Casey said she would leave that up to him.

Member Smith echoed Mayor Pro Tem Casey and what she said about the older adult housing needs that is something we are hearing; he was glad to see that in there. Obviously, preserving the wetlands is critical, he said his office overlooks the woods from the Singh property. He was hoping that we could preserve as many trees as possible for the wildlife he sees running around in the back lot of ATI, and the eagle that flies overhead occasionally.

Mayor Fischer wanted to put a few comments on the record. He said that was the joy of going last, and having our Mayor Pro Tem eloquently go through a lot of the concerns is helpful. He echoed two concerns, the two he wanted to echo were the land division concerns and making sure that it is all tidied up. He said he gets more concerned that one phase gets built, and suddenly, we are stung up as a Council on what to do with

Phase Two in the second parcel. He said he was going to be keeping a careful eye on how that legal agreement comes to fruition. He stated personally, if the entire development was coming all at once, that would be his utmost preference, but we will leave that up to you to try to go ahead. His second comment was that he appreciated the efforts to keep Meadowbrook as that commercial corridor. He mentioned that when he showed some rendering the only thing, he noticed was that the renderings showed spring, summer, fall where there were leaves on the trees. He was not fully convinced that the building closest to Meadowbrook is going to be screened as much as we think for six months of the year. He encouraged them to retake a look at that. He said whether it is that building or different types of plantings, etc. He said those are two things that he will be keeping in mind as this project moves through the process. He wished them the best, it sounded like Mr. Cardenas laid out that there are plenty of steps and plenty of feedback going back and forth. He looked forward to seeing him again in the future.

3. Discussion on the process to fill the open Council seat.

City Manager Cardenas noted that we sent out correspondence to the City Council outlining the Charter provisions as it relates to the vacancy on City Council and provided some relevant history on how this has been handled previously, when this situation has occurred. He said the City staff stands ready to follow directions from the City Council on how to proceed.

Mayor Fischer commented that there are three on Council who have been through the application vacancy process before, Mayor Pro Tem Casey, Member Staudt, and himself and they have been through this process several times, appointing people in 2009, 2010, 2014, 2018, 2019 and 2020. He stated they followed a certain process and City staff had come to him and they were prepared to go ahead and move forward in that direction. He asked that they put in on the Agenda so we could have a full discussion and make sure that we were all on board with whether we wanted to continue the process that has been followed in Novi, or something else. He understood it from the City Attorney, the Charter is very open on the process by which we as a Council could fill this. He said this is a very important decision for the two years remaining on his Council term.

Mayor Pro Tem Casey commented that there are three of us who have gone through this process. She stated she had been through it four times, herself as a Councilmember. She believed that following the appointment process is an appropriate way for us to fill the Council seat. She said people can see how many applicants have come forward every time there is an interest from the community. She thought our process is fair, there is an interview process, there is an application process. She was in favor of us continuing to follow the process that previous Councils have followed, as documented from 2009 to 2020.

Member Smith said he as a 38-year resident of Novi has seen several times when the Council has had to replace a member, the seat had been vacated. He said we have the examples from 2009 forward have been included in the packet. He noted the City Charter says we just must fill the seat within the next 30 days, or it goes to a special

election that would take place 90 days following that. He said it does not require us to follow any process to make the appointment. He commented that although as the Mayor and Mayor Pro Tem have stated, previous appointments have been made through the interview process. He had no desire to see a special election to fill this vacancy, it would be expensive, it would make it harder for the Council to conduct the business that we are all elected to serve, or to do. He said waiting for a special election means you would spend at least four months, which is over 15% of the next two years with one member short. He said that is a non-starter. His first thought was to follow the interview process and if it is a decision of the Council to conduct interviews out of respect for all applicants, he would listen with an open mind. He said however, all the recent appointments to fill a seat were for 12 months or less. He stated none of the vacancies occurred immediately after an election like the one we just had 13 days ago, that elected Mayor Fischer and the rest of the new Council or returning Councilmembers. He believed this time we had a pretty clear indication of what the voters wanted, and he felt that warranted a different approach. He stated he would like to have a discussion to appoint Sujata Raman, the fourth-place candidate, to fill that vacancy and to facilitate that discussion.

CM 23-11-137 Moved by Smith, seconded by Thomas: MOTION DENIED: 3-3

To appoint Sujata Raman to the vacancy on City Council.

Member Thomas said when she was looking through the list in the packet of the application process, it said in 2018 and 2019 that we used the list of applicants from the preceding October 2018 interview process. She was interested to know if someone could give her the history of this. She asked City Manager Cardenas if he had any background on this and how it worked out, because it looked like to her that we did not go back out. Mr. Cardenas said that was due to the passing of Member Wrobel and Member Burke as well. City Clerk Hanson recalled that it was possibly the election of Member Breen to State Representative in 2018. City Manager Cardenas explained we had those positions because of an election and because of the passing of Member Wrobel. He said they held the interviews in October, because of the passing of Member Wrobel and made the appointment for that. He stated then as per the election of Member Breen to State Representative, and that created a second vacancy. He said they used the applicant pool from that previous October to evaluate candidates for that open spot back in January then. Member Thomas wondered at that point; did we allow further applicants to come forward to apply. Mr. Cardenas believed the Council decided at the time just to use the slate of candidates that were just presented to them a month or so earlier. Member Thomas commented because they just went through this process, they decided to forego that step. Mr. Cardenas replied that was correct.

Member Thomas voiced her concerns and said we just went through an election. She said that in our election process, every two years, three Councilmembers go up for election or the seats become available for candidates to come in. She said the people vote, and they give us an ordered list, and we go through that list, and we take the top three vote getters, and those are the people who are placed in those seats. She thought

this is an example of the voters who just voted, and they gave us an ordered list of people who they want to have in those seats. She said she knew that the situation is slightly different, we have a history of making an appointment in interview process, but we do not have a history of being in this situation. She believed they were all 11 or 12 months in the past, we never had direct current election results to go back on. She felt like the voters just gave us an ordered list of who they would want and the order that we would want them. In her opinion, the hardest job interview you can do is to run for office, it is very difficult to go out there and put yourself out there, it takes a lot of hard work, a lot of talking to people, it takes a commitment, you go through interviews, you go through the candidate forums, it is the hardest thing that you can do. She thought that shows a commitment and a dedication to your community when you are willing to put yourself through that. She said she found it very difficult to think that we could make a better choice with a short interview process here. She understood that if you do not have election results, that may be the best route that you must go through, but we do have election results. She said those are current, it is also noticeable that the next highest vote getter is an Indian American woman, and she knew she would never suggest that we bring someone in because of their race or gender, but she did know that we have a large Indian community, and it is underrepresented, it underrepresented in knowing that the next highest vote getter who also represents that community. She said it is very strong, she felt like it does matter to say that, she said she would not bring someone in simply because of that reason, but with all the other things stayed at the work that was done in the fact that all of the clear public support, we have 5600 people who came out and voted and she was the next person in line. She thought that representation in the voice of our community matters. She thought we should listen to the voters, and we consider going to the next person, she did not think that the six of them could make a better decision than what the people have already told us. She said to say we use the process, but we didn't put it back out for us to accept new applicants in 2018 and 2019, she said it was a small distinction, but it is a distinction just the same. The is a point was we did not follow the exact same process because we had current results. She said she would support the appointment of Sujata Raman.

Member Heintz said, as someone who has not been on the job that long, he wanted to say that just the idea of trying to say cast a vote to see who should fill this spot is just a bit much, especially when compared to the ideas that it is six of us could cast six votes, or we can listen to the recently over 12,000 votes that we just cast in this election. He understood that just the voice of the people is very important to listen to, for him running for City Council. He said he listened to the voters, listened to the residents, so it is important to him to really weigh the value of us casting six votes or listening to that 12,000 votes that were just passed. He said for those reasons he wanted to make sure that he thought it is important for us to strongly consider as well to have Sujata Raman fill that seat being that she was just recently the fourth highest vote getter, and she clearly demonstrated to be voiced by the people to be supported for this role. He said he would like to think that all of us in these positions, want to make sure that we are listening to the voters, and following the guidance of what they are wanting and what they are interested in. He believed it was important that we listened to the voters in this situation.

Mayor Fischer said he would put his comments on the record. He said there has been some discussion about the kind of process, but he thought that this is a little bit of an unfair characterization of what took place in this election. He explained in the City of Novi, we did not rank one, two and three, it does not matter if you are the first vote or the second, or third. He said if you are one of those three, you get the same number of votes up here. He said if you fall behind and below that line, then you do not get a seat at the table and that is how voters have chosen to move forward this election. He said to say that just because someone put their name on the ballot, if this person would have received 100 votes of three votes, should they just automatically get the support of Council just because they have their name on the ballot, he thought that continues to show the fallacy of the argument. Third, he thought that this is a little different in the sense that we have a two-year term, normally, we do have 10 or 12 months, but he thought that makes it even more important to be open and transparent. He stated if we do the appointment process that we have done the last several times, it does not exclude anyone from applying it does not exclude anyone up here from saying they want this person, because they were the fourth vote getter. He said at least it gives other people in the community the opportunity to consider and be considered for a spot on the City Council. He said the last thing he would say is in 2018, we used it as a little bit of a reference point of when we have not used this process. He thought that it makes sense that when there is one month or two months between getting applications and going the noticing process, you know, that probably not much is going to change. He said he thought that one exception really is not too much of a valid argument. He thought that the best thing that we can do for the voters of Novi to listen to them, to get their input, to give them all the opportunity to apply for this position, is to go ahead and move forward with the interview process, as the staff has outlined. He said he was not one to do processes, just because we have done them in the past. He was supporting this process, because it is the best, it is the most transparent, and gives the biggest voice in his opinion to the residents. He said he would encourage the person referenced in the motion to go ahead and apply if they move down this path, but he could not come here that evening and just appoint one person based on an election that just took place. He said he would not be in support of the motion that evening.

Member Thomas said that when we talk about a transparent interview process, she believed that nothing is more transparent than an election process. She felt very strongly that it does meet the transparency threshold and it significantly exceeds the interview process transparency. She said when we say that we give people the opportunity to be appointed, but didn't we just give people the opportunity to run for Council, if they wanted to be on Council, that opportunity was just available to anyone who wanted to run, anyone can go and get their signatures or pay to be on the ballot. She thought that everyone also already had the opportunity to run for Council if they wanted to be on Council, that opportunity was just available to anyone who wanted to run, anyone can go and get their signatures or pay to be on the ballot. She thought that everyone also already had that opportunity. She said it is much harder job to run for office, she thought everyone could agree on that and it is only two weeks since that election. She said she could not imagine that much of what the voters want him to have changed and to say that this would give the biggest voice to the residents, she thought that their actual voices

are probably bigger than what we could give to them. She said she wanted to note all those items in, and she did want to note that if Council in a whole decides to go through with an interview process, she wanted to note that whoever interviews and she did not know if this is even the appropriate moment to say this, but just know that we can sit up here and have a debate. She said some of us are going to lose, maybe it was going to be her, but if you do just make sure that if we go to an interview process and you interview for this, be ready to come out there and make your voice heard and be ok with winning or losing because we are all here to have a vibrant debate to say what we think and stand on that. She wanted to make that clear if we do go to an interview you want to come just to know that everyone up here all our voices matter whether you agree with each other or not.

Roll call vote on CM 23-11-137

Yeas: Heintz, Smith, Thomas

Nays: Staudt, Fischer, Casey

CM 23-11-138

Moved by Staudt, seconded by Casey: MOTION CARRIED: 4-2

To fill the vacancy on the City Council by using the process that has been proposed that has been previously used and scheduled appointments, scheduled interviews, leading to votes for appointments in the future.

Roll call vote on CM 23-11-138

Yeas: Fischer, Casey, Smith, Staudt

Nays: Thomas, Heintz

Mayor Fischer said we have a process, so City staff can go ahead and get that noticed, obtain the applications and move forward with the process as outlined.

4. Consider Resolution Delaying Council Committee Appointments.

Member Fischer noted that since we have six members and we do not have the seventh member, he asked that a resolution be made where we postpone the appointments of Councilmembers to committees under Council Rules. He explained that this is required by the second meeting of the new Council. He wanted the opportunity to see who the seventh person will be before he makes the final decisions on committees. He asked for this resolution to be passed by his colleagues. He said there was one clarification in the resolution right now, it says that he would make those appointments by December 18, 2023. Concurrent with what might be the night we appoint someone; he would ask that and if this considered by Council and a motion was made that the simple change to say that the first meeting in January is when the rule is postponed until.

CM 23-11-139

Moved by Smith, seconded by Staudt: MOTION CARRIED: 6-0

To approve Resolution Delaying Council Committee Appointments until the first meeting in January 2024.

Roll call vote on CM 23-11-139

Yeas: Fischer, Casey, Heintz, Smith, Staudt, Thomas

Nays: None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION:

- C. Approval of the request from Goddard School Annex (JSP22-0059) at 48600 Grand River Avenue (parcel no. 50-22-17-126-013) for a variance from the Design and Construction Standards Section 11-256(b) to eliminate the sidewalk requirement along 12 Mile Road.**

Member Smith noted that Item C is related to continuing the sidewalk on the south side of the Goddard property. He said it is related to Item D because they do not want to put the sidewalk on the north side of the property. He stated the only thing he hated more than sidewalks that go nowhere is boardwalks that go nowhere because they cannot get used and they eventually fall apart, and we must replace them. He said they continue to go nowhere. He wondered if it was possible, and the property owner has offered to contribute to the Sidewalk Fund of \$13,000 if it was possible to apply that money directly to the south side and build that sidewalk to complete or get as close to the sidewalk that is coming from the east on Grand River. City Manager Cardenas believed that is what the intention of the motion is, that we are getting a variance just from the North side because it is not going anywhere. He said they are making the dollars and for the South side to then when we do construct that and do complete that it would be the complete south side.

CM 23-11-140

Moved by Smith, seconded by Thomas: MOTION CARRIED: 6-0

To approve the request from Goddard School Annex (JSP22-0059) at 48600 Grand River Avenue (parcel no. 50-22-17-126-013) for a variance from the Design and Construction Standards Section 11-256(b) to eliminate the sidewalk requirement along 12 Mile Road.

Roll call vote on CM 23-11-140

Yeas: Casey, Heintz, Smith, Staudt, Thomas, Fischer

Nays: None

- D. Approval of the request from Goddard School Annex (JSP22-0059) at 48600 Grand River Avenue (parcel no. 50-22-17-126-013) for a variance from the Design and Construction Standards Section 11-256(b) to pay into the City Sidewalk Fund in lieu of construction of the boardwalk along Grand River Avenue.**

Member Thomas said she was looking for clarification. She understood that it appears that there is a portion along Grand River that they do not want to build. She thought that it looks like a section of sidewalk that they want to exclude on Grand River, she wondered if that was an accurate assessment. City Manager Cardenas confirmed there is going to be sidewalk for the first 232 feet and then the last 75 feet would be the boardwalk and

that is when the applicant will pay for that. He thought they we were going to put the money in for the sidewalk and we would pay the extra dollars for the boardwalk that had to be installed there because of the wetland. He said if he was wrong DPW Director Herczeg could give him guidance. Mr. Herczeg said yes, he was correct. Member Thomas said she was still not clear. She stated it said approximately 75 feet of boardwalk to be constructed and the applicant to pay to the sidewalk. She wondered if the red area on the map that we are saying that there will be a sidewalk there along Grand River. Mr. Cardenas explained there is a Sidewalk Fund, it is in black underneath there, so they are going to pay into that Sidewalk Fund. He said yes, we will finish that when we decide to make that whole connection there. Member Thomas said the amount being paid into the sidewalk won't go in when the work is done, but the sidewalk fund will be there so that it would be done in the future. Mr. Cardenas said yes, that is correct. Member Thomas said the only thing she wanted to clarify was just to make sure that we would not have a gap because she knew there is a building over there, there are a couple properties, but eventually if those get filled, then she wanted to make sure it is going to connect.

CM 23-11-141 Moved by Thomas, seconded by Casey: MOTION CARRIED: 6-0

To approve the request from Goddard School Annex (JSP22-0059) at 48600 Grand River Avenue (parcel no. 50-22-17-126-013) for a variance from the Design and Construction Standards Section 11-256(b) to pay into the City Sidewalk Fund in lieu of construction of the boardwalk along Grand River Avenue.

Roll call vote on CM 23-11-141

**Yeas: Heintz, Smith, Staudt, Thomas, Fischer,
Casey
Nays: None**

AUDIENCE COMMENT:

Atasi Bagchi, 45113 Bartlett, Novi said she has lived over 20 years in Novi. She moved here because she thought it was an amazing community. She was excited to raise her children here. She has a daughter in high school and her son that just graduated from Novi High School, he registered to vote, he applied for an absentee ballot, he turned in his absentee ballot. She said she was so disappointed to tell him that there is a vacant Council seat and there is someone who received the fourth largest number of votes, but the Council is not considering appointing that person. She said that is the will of the people. If you earn the fourth largest number of votes, that is who would have been elected to Council if there are four open seats. Therefore, there is an open seat. She said she was disappointed with how things ended up that evening. She stated if there is an application process, she hoped the Council will listen to the feedback of the community and respect the will of the voters and make their decision. Thank you.

Roompa Bhattacharyya, 45254 Courtview Trail, Novi said she was a proud Novi resident and mother of three young daughters and a sales and marketing director for a consulting

firm. She came there that evening to strongly support the appointment of Sujata Raman to the open seat. She was disheartened that this did not occur that evening. She said we heard a lot that evening about voters' choices. She stated two weeks ago Sujata earned the next highest vote count among Novi citizens feeling to a pointer to the seat overrules the voices of the voters. She said it also seemed an unnecessary waste of the City's time and resources. She said it also denies representation for the City's significant Indian community. She said her husband and I moved here in 2018, in large part due to the rich diversity and to raise our children amid this diversity, but this is conspicuously not extended to City leadership. She said it is disappointing that the Indian community isn't already represented here. She felt it would be egregious of Sujata Raman given her vote count is also denied a seat at this table. She has already been vetted and approved by the voters, please appoint her at the next meeting.

Ishaan Thurman, 41294 Carriage Hill Dr., Novi and is a member of Novi High School. He said he was quite shocked, and disappointed in the Council's actions this evening, on the process of filling the vacancy. He stated there is clearly a will of the people and he did not think it is quite a valid point to say that there wasn't, that is just the fourth person ranked because there was only a 290-vote difference between Sujata Raman and David Staudt, the lowest vote getter of the people who were appointed to City Council. He said he would like to say that as you are members of the public office, supposed to be representing the people. He did not think you represented the people very well in today's meeting. He hoped that going forward, you will be the people's representatives, and not be representative of the people not representing the people. Thank you.

Sergio Brilanti, 50816 Sevilla Circle, Novi said he was a 23-year resident of Novi. He said he did not understand why you would not just choose a fourth person. He said this is the first time he was going to a City Council meeting, and he was happy to see the growth of all of you on the Council going forward and see how the City grows. Thank you.

Betsy Beaudoin, 23559 Cranbrooke Dr., Novi extended her congratulations to all of you who have been elected, promoted, or reelected this evening. She thanked everyone for their service to our community. She wanted to say as someone who has gone through a campaign process, she thought that Member Thomas is correct that it is much more challenging than any job interview that she has ever been a part of. She stated that one of the things she heard repeatedly during her campaign process for school board was how much so many parts of our community do not feel their voices are heard. She fully respected the thoughts and opinions that came to this table from those six microphones. The thousands of people who took their time to cast their ballot also shared their voice with us. In her mind, when she is sitting at a table trying to decide for the schools, she tries to separate what is her thought, what do I want here, and what does our community want. She encouraged the Council to think about it if this Council wants to be productive. She said if this Council will work as a team, how do we find a space for everyone at your table, because she saw a lot of white people up here. She did not see any other representation, and she would love that to not be the case. She stated that our Indian population was close to 40% of the City, not all of them are voters. That is true, you can make that argument, but they all live here, and they should all matter to you. She thought

you have been given a gift that you have election results within just a couple of weeks. She said as Member Thomas pointed out, you utilized applications that were much older than two weeks for your 2019 appointment. She thought to say the data you have is not current is very false. She commented that when Councilmember Fischer was promoted to Mayor and won that election, there became a fourth open seat and instead of three, you have four and you have those vote totals. She encouraged Council to think on that and consider what is the best thing for your community. What is your community telling you that they want, because she did not think that this is it. She thanked everyone again and congratulated them, she said she genuinely appreciated all your service even when she disagreed.

Asha Vinod, 24811 Thatcher Dr., Novi said she has been a resident of Novi for the past 14 years and she loved the community. She said that is why she was there that evening. She was there to let the Council know that she supported Sujata Raman for the open City Council seat. She was disappointed that being the fourth highest vote getter was not chosen that evening. She said she and two of her children, all voted absentee ballots and they voted for Sujata Raman, she was just saying it louder that evening. She echoed what many people have said, the Indian community is not at all represented in the Council. Sujata has the next highest number of votes and if you fail to appoint her, that means you are not listening to the voters' voices. She believed they were overruling it, and they were denying them representation, please appoint Sujata Raman I your next Council meeting. Thank you.

Ronald Gallardo, 50777 Chesapeake Dr., Novi wanted to say do not be afraid of change. The voters have elected the new mayor because they want to change. Again, there were certain circumstances to allow that. He gave his opinion, you have heard the voice of the residents, and he was just saying don't be afraid of change. He thought the argument to say we don't rank is not valid. He said you have a first mayoral candidate, the second place, the first ranking person won, so it just makes sense to listen to the people and allow the fourth ranking person into that vacancy. Please don't be afraid of change.

Khurram Abbas, 26508 Mandalay Circle, Novi congratulated everyone who ran this election and won, he wished them all the best. He echoed the sentiments of all the speakers before him. He said he did not see any diversity in our City Council or School Board, and it is disappointing. He said he hears that from his community celebrations, and he felt like you have this opportunity to change that. He said it is right there in front of you. He said it was very disappointing to see that the three of you voted no to that. That was all he had to say. Thank you.

Toby Brazwell, 45455 Kimberly Court, Novi said he was disappointed in today's decision. He felt like we had an opportunity for change. He felt like even though there is precedent, he thought history shows that there are sometimes indications where the precedent is wrong, where we can make a change for the better. He said he saw a lot of people of color here, and he saw a lot of opportunity. He said he was disappointed, and he thought that we could do better. He said one of the main reasons why we moved here was

because of the diversity, we looked, we had opportunities. He said there are other great cities here in this great state, but we chose Novi, specifically because of the diversity. He said as a black man, having an opportunity to have a person of color on this board that makes very crucial decisions. He said he could not go home that evening without making his point felt. He said this will not be the end of this, whatever decision gets made. He said the people's voices are going to be heard one way or another, and he thought they were seeing that this evening. He wanted them to reconsider and sometimes to make the right decision you must think differently from what we have always done. He urged Council to challenge themselves like his son challenges him with the books and thoughts that he has, however different from how he was raised. He said that is how we get better and wanted us to get better. He said in that way we can get better, is to change not opposition, and through conversation, debate, and discussion in research and in soul searching. He asked everyone to search tonight, really think hard if the decision you are making is because you are making decisions on default, or we make an actively good decision for the people that are out there. Thank you for your time.

Punita Dani, 41294 Carriage Hill, Novi congratulated everyone who were newly appointed and brought into their seats. She said she was here to tell you that she was also disappointed in the process as you have laid it out for all the reasons that all the speakers before her have mentioned it, it is a decision that is made. She said now you will move forward in the process. She hoped that this kind of turnout shows up when you have the candidate and the slate, whoever you do want to interview, but she asked of you to be very transparent about the criteria you will use in making your decision now that you have made this appointment, you will have the will of the voters that have spoken as her son said, a 200 vote difference. She said there is a clear mandate from this community. She said so if this Council, when you go through your process, and you have your candidates and you make your selectin, she will have a high degree of expectation of transparency, that you will speak clearly to why you would make any choice other than the thousands of voters in Novi who told you who with their vote who they wanted to serve on Council. She said her high expectation as you follow your process, as you always have, is that you will take high regard to the votes that were made and given to Sujata Raman when and if she chooses to apply for Council in this next round. She thought any other selection would be highly irresponsible of this Council.

Heather Cummings, 26596 Island Lake Dr., Novi said she has a son in Novi schools, and she was very happy with the community, she loved this community. She thanked everybody for serving, she knew it was a very difficult job. She echoed the previous speaker that said, just because she did not agree with you does not mean she did not respect you or appreciated all your hard work. She congratulated those who won the election. She said as an attorney, she wanted to say that the term precedent and she knew her fellow attorney over there would agree is a very important term. She said in all due respect, you do not have precedent here. She said the situations that you brought up in the past are not identical to what happened. She said in fact, there are two instances recently, where you had people apply, and you chose two people to sit in a 12-month seat, she believed, and then they were not elected. She said in all due respect, she did not think that you know what your community wants in some situations. She said

you have been told as someone pointed out with less than 400 votes from Mr. Staudt that they want Sujata Raman. She wanted to say with all due respect Mayor that Ms. Raman can just apply again is a bit disrespectful. She did apply, she busted her tail off for months and months. She said she had the pleasure and the honor to walk with her some days and speak to a lot of wonderful citizens in this community, who were happy to not only see a woman, but to see an Indian woman, and there were a lot of hugs and there were some tears, and it was a beautiful experience. She thought it was disrespectful to ask Ms. Raman to apply, she did apply for the job. She said the people that you are now saying could apply for the job did not apply or had the opportunity to apply. She thought this community has a problem at times saying anyone can have a chance to apply when they have already proven themselves and she thought that was a problem. She said that disappoints her and she was there that evening hoping that this Council was going to do that, the right thing and you didn't. She hoped they thought about it long and hard that evening. She hoped that some of you would have a change of heart, but the clear person is here, she is here that evening, and it is an easy decision. She was unclear on why you want to complicate this. She could not think of a reason, the reason you gave, they did not convince her.

Karolina Melendez, 44690 Huntington Dr., Novi said she wanted to express that as she and many other people have come to a community of Novi, she has lived here for over nine years, because of the diversity and the mix of cultures that also bring a lot of new knowledge, new ways to see things, maybe new perspective. She thought that it is important to consider, especially if most of the population had a vote, express it, where they say what they want, they want to be represented. She said that is what makes us a great community. She thought sometimes we undervalue the great things that other cultures can bring to the table. She said if we can, we want a better country, we must start with better cities, and small communities where we all value the things that everyone can bring to the table to be a better place for everyone. Thank you.

COMMITTEE REPORTS: None

MAYOR AND COUNCIL ISSUES: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 8:12 P.M.

Cortney Hanson, City Clerk

Justin Paul Fischer, Mayor

Transcribed by Deborah S. Aubry

Date approved: December 11, 2023