

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, NOVEMBER 27, 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, Mayor Pro Tem Casey, Council Members Heintz, Smith, Staudt, Thomas

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

APPROVAL OF AGENDA:

City Manager Cardenas said we have one proposed addition to this Council Agenda with respect to a pyrotechnics request that is being proposed for the Suburban Collection Showplace. He stated they are having a show this Saturday and it is customary that an application goes before the City Council. He believed we were not aware of this component of the show that will be happening on Saturday, but it is like the Brightmoor Church request that happened back in April, as these go before City Council. He sent it out to everyone prior and hoped that we could add this to the Consent Agenda for your consideration. Mayor Fischer asked anyone who makes a motion to include that item.

Mayor Fischer added to the Agenda under Presentations, the first presentation "Recognition of Former City Councilmember, Hugh Crawford."

Member Staudt added to the Agenda under Mayor and Council Issues "Nine Mile and Napier Road Intersection."

CM 23-11-142 Moved by Thomas, seconded by Casey; MOTION CARRIED: 6-0

To approve the Agenda as amended.

Roll call vote on CM 23-11-142	Yeas: Casey, Heintz, Smith, Staudt, Thomas, Fischer Nays: None
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PUBLIC HEARINGS:

City Manager Cardenas said this is a Public Hearing for the Program Year 2024 Community Development Block Grant (CDBG) Application. He said this public hearing is about this topic only.

1. Program Year 2024 Community Development Block Grant (CDBG) Application

The Public Hearing opened at 7:08 P.M.

Mr. Venkata Reddy Thalla, 45006 Yorkshire Dr., Novi said he has been a resident of Novi for about 35 years. He said he did go through the report and the agenda today. He said he even went through the audit report. He congratulated the newly elected Councilmembers. He said he went through this topic that you just mentioned about the program. He wanted something else to be added to that, he mentioned automation of our systems. He felt our systems are outdated. He thought that we needed a small program for that. Thank you.

The Public Hearing closed at 7:10 P.M. with no further input from the public.

PRESENTATIONS:

1. Recognition of Former City Councilmember, Hugh Crawford

Mayor Fischer commented that it was a beautiful evening and at 6:30 P.M. many of our residents came out to honor our former colleague, Hugh Crawford. He said he made some comments at the last meeting, and he meant them wholeheartedly. He said this is a gentleman who has given decades to the City of Novi. He is a lifelong resident and he and his wife Kathy both have given so much to the City of Novi. He recalled that he has served as a City Councilmember, Mayor Pro Tem, County Commissioner, State Representative, Planning Commissioner, and on the Parks and Recreation Commission. He thought it was important to note when you are talking to some of the people who know and have known the Crawfords, specifically Hugh as well. He stated there are so many things that we do not even recognize what Hugh and Kathy got started in the City of Novi, things like Parks and Recreation and Senior Services, many years of dedication to the City of Novi, we do have a beautiful plaque that we will be presenting you, signed by several of your former colleagues. He thanked him for his service.

Mr. Crawford said he would speak like he usually does, which is in very few words, but anyway, it has been a wonderful time, being able to serve the City of Novi, Parks and Rec, City Council, State Representative, and County Commissioner. He said it was an honor to serve Novi, this is where it is at, those other commissions and state representative positions, you are not as close to the people as you are here. He said all the new ones will figure that out. He gave his thanks again, he appreciated it.

2. Annual Comprehensive Financial Report ending June 30, 2023 – Carl Johnson, Finance Director

Finance Director Johnson said he looked forward to this night, every single year, for his three-hour presentation that usually is limited to three minutes. He was excited to talk about our Annual Audit, which was for the Fiscal Year end, June 30, 2023. He said it was a few months old, they were ready about a month ago, but he knew there was an election, or something went on and pushed us back a few days. He said he is here now and ready to talk about the results. He noted the actual Audit is 200 pages on the nose this year, we have slimmed it down to 200 pages. He said there is no way in the world any of you would stay awake for all that. He explained what he has done historically and

again this evening is to copy a few key pages out of there that he thought highlighted the results of the City.

He said before he digs into it, the City of Novi remains financially strong. He stated this is, as everybody says, is an outstanding city run very well, from the city manager all the way down to the department heads. He said we set budgets as a team, we monitor them as a team, we stick to them, and our results show it so we can continue to be very strong. He said the challenges since COVID are really on the revenue side. As you know, interest rates skyrocketed, development has slowed down, supply chain issues are out there. He said what we used to enjoy was a 2% to 3% percent increase in our property tax value each year. He noted that in the past couple of years we have barely got 1% over and above inflation. He said the extra money we had to do things like capital wise or road wise or everything else that has shrunk and will continue to shrink for the foreseeable future in the next few years anyways, as we get into our new budget session, but again, this budget also shows that our revenue shrunk as well. All in all, we remain very financially strong. He said that is why he loved coming here to talk to you about it.

Finance Director Johnson mentioned that they should have this packet of information in their Council Packets on the General Fund results. He highlighted the results and noted he had a big ugly box there, just to highlight some of those key numbers there. He said our original budget, we were we usually present a balanced budget, which is a net zero revenues equals expenses, they year, we started the year saying we were going to dip into it for one-time capital needs and that represents \$390,000 for our police cars. He stated because our Forfeiture Fund ran out of money as well as we pushed forward a drone for the Police Department during the last budget session. He said we started the year planning on using \$425,000. As you can see the final budget said we were going to use \$3.8 million, so that is timing. He said some of that is other additional things that we have pushed forward. So, \$2 million of that are projects from the last Fiscal Year that were not completed, especially on the automotive side, the truck side, the purchases side, that stuff is really dragged out, you cannot buy a car or vehicle for under a year now. He stated it seemed like we had about \$2 million from Fiscal Year 2022, that rolled into 2023, again, rolled in meaning we re-budgeted again, because it was not spent. He said the other stuff in here, items we pulled forward, so items such as, we pushed forward the body cams, which was about \$175,000, we had the unexpected storm, the ice storm where we incurred \$390,000 worth of cleanup costs that was added to our budget. He said the Police Department purchased the generator; the mobility plan was over budget and that was pretty much it. He said that is where we got to the \$3.8 million. He stated you can see the actual results, we only dipped into our Fund Balance by \$1.9 million, so good news, but it is there is a tale of two stories with that. He noted because of supply chain issues and everything else, we have \$3 million worth of rollovers that we are pushing forward into the year 2023-2024, usually that is around \$2 million. He said this year, it is \$3 million, so a lot of the stuff that we have committed to that was budgeted in the 2023 Fiscal Year we were not able to spend, but we have commitments for them, and therefore they were re-budgeted into the next year. Outside of that we were \$3.2 million under budget and our expenditures of \$3.1 million were rolled over. Again, he said city

wide, every single department, every single line item was under budget and overall, for expenditures wise we were about \$100,000 under budget, so it was a very good year.

Finance Director Johnson highlighted the bottom two remote amounts, the beginning Fund Balance again, this is just the General Operating Fund, we started the year at \$16.4 million in our General Fund, fund balance, and then we ended the year with \$14.4 which is about 34% fund balance. He noted if we spent that 3 million rollover, we would be around 28%. He said that is right around where Council's target has always been.

He said when he talked about revenue shortfall, the biggest item in there, our revenues have rebounded nicely and just about every place except for in that license permits and charges for services line item. He stated that is basically the building permits and charges for services line item. That is the building permit revenues that we receive from new development, pre COVID. He looked back in our Fiscal Year 2020, that line item was \$4.1 million, and what we hoped was three years removed from COVID, we would be rebounding back to where we were pre COVID. He noted the number there was actual results of \$3.3 million dollars is literally the same amount that we received in 2021. He said it is at pre-COVID levels or during COVID levels and has not really rebounded. He stated there is a lot that goes into that, the high interest rates, the supply chain issues etc. The new development that we are experiencing is not only impacting on our taxable value, but also impacting on our charters and permits. We saw this moving forward. He said our current budget that we are in right now, the budget is \$3.4 million, so we made the adjustment. This was the transition year where we hoped it would come and you can see we amended it down a couple hundred thousand. He said our current budget is at that lower level assuming as we talked with the Building Department, that is kind of the level we foresee for the short term. Again, outside of that our revenues were close to where we anticipated.

He pointed out in our Fund Balance we highlight the amount that we are rolling forward those unspent funds the rollover that he talked about. He noted that was the \$3.134 million that is the unspent funds from 2022-2023 that we are re-budgeting and in 2023-2024 during the current year, a lot of press about the opioid settlements with all the drug companies. He said we received our first several installments totaling about \$50,000 dollars. There are a bunch of restrictions that come with that money. He said he was just highlighting the fact that we have a new fund in our Federal Fund and the Public Safety Department is currently working on a plan. He said this is more about education and it is not about treating opioid settlements, it is prevention and education, etc. He said our Public Safety Department is coming up with a plan on how to utilize these funds. He said the settlements are over 20 to 30 years. He said we will get an annual amount of about this amount, and it may go up, but it is a long term settlement, but is restricted monies. He said he just wanted to point that out. He said that was the only new fund we had this year. He stated the City of Novi continues to invest every single dollar we have into capital and infrastructure. He said this place like any other that he has seen, every dime we get in the Road Funds, we reinvest into the Road Funds, the Drain Fund every dime, we get in there as the Drain Fund has no administrative charges, there is no money being taken for the General Fund, we reinvest the money that we get into those, we receive

about \$6.6 million in our Road Fund. He said we received another \$8 million from the State for road monies, every dime that is reinvested, including almost \$4.5 billion dollars just into our Local Road Program. He said the two amounts you see there, this is just the General Fund, or just not all funds, except for the Water and Sewer Fund, our total investment was over \$17 million dollars and capital, again, a monster number when things get tight, that is usually what goes first. Again, the City is dedicated to not only investing in that, but also investing in our staff so that our Public Safety Department has state-of-the-art equipment to use. He said our IT Department has state-of-the-art and you know all those ransom wares and everything else you have there, it is you know, we do our best to combat all that stuff. He said just huge numbers \$17.5 million dollars in capital investments. He highlighted the Water and Sewer Fund and said it is restricted money just to be used on water and sewer related activity. He said that is \$18.3 million. The monies from our current users are invested in our current system to maintain the current system that we have. That is where that money is again and reinvesting in our system to make sure that we remain strong.

Finance Director Johnson said another incredible item for the City here is debt. We have no debt, literally no debt compared to the world. He said it is kind of crazy to think about it, we have three debt issuances and all of them are for a particular purpose. The first one you see here is the Library. He explained we went to the vote of the people way back when to build our state-of-the-art Library. You can see there; our debt is totally paid off in October of 2026. So about four years left on that, there is about \$5.2 million left on the debt. He noted that is specifically backed by a millage that our voters approved and once that is paid off, that millage will disappear. He noted the only other debts we have, again, that is our General Operating that all related to the Ice Arena and Meadowbrook Commons Senior Center. He stated the Ice Arena is literally paid off June 1, 2024, our current Fiscal Year it will be paid off. He said that is always a good thing to pay off debt. The last one we have is the Meadowbrook Commons Senior Center, which will be paid off in October 2025. He said there are about three years left on that one, these two right here are not paid by millages. These are paid from the fees collected from the Ice Arena and fees collected from the rents at Meadowbrook Commons, so just to put it in perspective, this is about \$9 million dollars of total debt. He said the State of Michigan allows us to issue up to \$500 million worth of debt, our Council set up restrictions so that we do not get crazy and that restrictions \$260 million worth of the debt. So, we are not so crazy here. He said what this does for us though, it just allows us the flexibility to the extent we deem it necessary or want to be able to issue debt. He said we have a very favored, we have the highest credit rating out there at AAA. Again, if it comes down to that we have a lot of significant projects, that keep batted around, but if we needed to, we have the capacity and we would be the bond rating agencies would look very favorable on us.

Finance Director Johnson moved on to the topic of pensions, our next two favorite topics. He explained our main Defined Benefit Pension Plan is the MERS Plan, and our pension liability, we started the year with a liability of \$122 million and we ended up with a liability of \$123 million. He said that represents in semi-English, is if everybody who has already retired and everybody who has active right now, retires under this plan and lives to the

age the actuaries think they are going to live to, that is how much money we should have set aside to fund that. He said the staggering number for that is, if you see in 2020, the number he highlighted there, most of our pension plans are closed. He said that the liability related to that has jumped up more than \$22 million in the last three years, so that is a big number. He stated part of it is what he has highlighted are changes in assumptions. He said MERS had an assumption rate of 8% and they have been slowly bringing that down, because the history shows the last 20 years, they are only earning about 7% on average. He said they have knocked their interest rate assumption down to 7.35%, but it still needs to come down to more. He said every time they do that, the liability goes up. He said other things like the Mayor and Council just passed a change in our Transfer Policy with MERS. He said the result of that is that he expected a change in assumption increase to our liability of \$4 million to \$5 million for that transfer assumption that we just passed about a month ago. He stated that will not affect, you do not see it here, because that was just passed about a month ago and it will show up on our next dashboard report. He said things like that not only on the MERS side, but on our side to the extent we change assumptions, significantly impact are our liabilities on so we should not be setting aside \$123 million. He said while we have set aside for the next group you see down there, we have \$74.4 million set aside, so there is \$48.7 million, that still needs to be funded, and that puts us at about 60%. He said the key with the 60% is the State of Michigan requires anybody under 60% to file a formal plan with them on how they will get their plan funded to 100% over the next 30 years. He said there are a lot of teeth in that plan. However, they do formally require a plan adopted by the Mayor and City Council and submitted to them on an annual basis to extend your dip on your 60%. He noted an unusual thing there is MERS has a December 31 cut off for their liability and their assets. He said it is kind of I got that net investment income highlighted there was \$10.4 million to the good a year ago, it is \$8.5 million to the bad, because of the December cut off, it is really kind of skewed because from January on the market was pretty good.

Finance Director Johnson moved on to OPEB, he said you can see that OPEB and return was poor a year ago and it is good this year and vice versa MERS. He hoped, depending on the impact of that change in assumptions, that we stay above the 60% that is our goal. He said the staggering thing is our liability goes up, so does our contribution and the contribution has got to be budgeted for and paid for by the General Fund every year. In the box, he pointed out the amount that the City is required to contribute on an annual basis in 2015, \$2.6 million more than double that in the last eight years and there is no end in sight. The last actual report we got was 5.6 and the change in the actuarial assumptions that was passed a month ago will increase that by another \$300,000 annually. He said our contribution will continue to go through the roof until it stabilizes, and we get above that 60% to 80%. He said every year you see there in the last two years; it has gone up \$800,000 and in the last year \$500,000 that every year is a new amount that must be budgeted in our budget. He stated that is why the growth in our taxable value, the growth in our building permits, etc., all of that was used to offset some of these additional costs. He said without that, it really becomes tighter to balance our budget and annual basis, that is really a staggering number there. He said the crazy thing is even if we budgeted in 2020, if we budgeted to get us fully funded, three years later, we would be 20% underfunded, because people live longer. The actuaries have a great job, they are

like weathermen, they are never right, and it always cost us more money. He said he never had an actuary that is in your favor, you do not have to pay us so, but unfortunately, we have the projection hover around that 60% for another five to 10 years with the escalating contribution. He wanted everyone to be aware as we move into budget season.

He stated the on the OPEB side, much better. We enjoyed significant increases in our rate of return over the past three to six years, which got us over 100% funded. He noted the other thing we did is in 2021, we went self-insured for most of our insurance and our premiums for Medicare Advantage have gone down significantly or held steady. He said you can see our liability from 2021 to 2023 has literally remained flat because of it. He said there was a slight increase from 28.7 to 28.9, but if you look back in 2021, that is still just about where it was in 2021. He said we have held our costs, not too bad for those that we promised retiree health care for. He said our funding continues to go up, you can see their net return for the last year was \$2.9 million, and now that our interest rates have gone up, we have an opportunity to move a lot of our investments out of the market, and then to more conservative longer-term bonds and those kinds of things. He said we are working on that, and you will see a change in our investment policy coming forward in the next month or two. He said the bottom line is we had \$32.3 million set aside, now we have \$33.9 million. He stated just like the pension, the actuary said, you need \$29.8 million set aside, we have \$33.9 million set aside, we have 113%. He stated the reason we cannot stop paying it all is because the actuaries are never right. He said the only time that you can stop funding, or that you can get ultra conservative on this is when that percentage hits about 140% is what we found. He said we are doing that where this is outstanding results were probably in the top 10% of the entire State as far as having their own OPEB funded over 100%. He commented that Novi is doing great things.

Finance Director Johnson said, lastly, he reminded Council that when we created or when the CIP millage was passed, the Mayor and City Council chose to fund advanced fund a lot of the projects, and what that did under the stupid accounting rules for government, which everybody acknowledges that again, that's official finance term. If we issue debt, it is revenue, if we internally borrow to fund it, it is not revenue, and it creates a deficit. He said the CIP Fund has a deficit of \$3.7 million at the end of the Fiscal Year. He said just like the previous five or six years, where we required to file a formal deficit elimination plan. He just wanted to put it in perspective, if we were to issue the debt, it would have cost us to date his calculation was over \$2 million in bond issuance costs and interest. He said a very smart thing we did by internal borrowing. He said the preparing of the Debt Elimination Plan and having it formally approved as an internal borrowing is a minor inconvenience compared to the money, we saved with that ultimately, so the CIP millage collects about \$4.1 million annually as of right now. He said we have about four years left, \$16 million left in the deficit. He said it is \$3.7 million. He said there is plenty of money left to be able to cover that. He said he was available for any questions the City Council may have.

Mayor Fischer thanked Mr. Johnson was the presentation. He said he is one who does enjoy his presentation each year, given his background. He opened it up to the Council

for any questions. He said seeing none, he thanked Mr. Johnson for bringing this forward. We are in good financial hands, not so much just the stewardship of the people sitting up here, but clearly, you and your staff and everyone in the City who clearly watches each one of these dollars like it is their own. Thank you very much and pass that message along to the staff as well.

Finance Director Johnson said next you will have the audit partner, so again, these 200 pages, it is all finances, except for three pages, which are the opinion of the audit firm, Rehmann. He said they do their opinion if we are doing things right, and if they found anything internal control wise, like we were not signing this or we were not doing that, or if we were doing something out of the ordinary. That is what they are here to report on. He introduced Nate Baldwin from Rehmann to give the update on their opinion on these financials.

3. Annual Comprehensive Financial Audit for year-end June 30, 2023 – Rehmann

Mr. Nate Baldwin said Mr. Johnson is his whole presentation. It is nice to come in after a presentation like that, as an auditor, a lot of times we come in and present financial information, but that really is best served by your finance staff. He said it is great having that presentation and following that. He said in terms of the audit opinion that was issued, those three pages that we have in this 200-page document is an unmodified or clean opinion. He said basically the way he looked at it means that you can rely on the information that is there. He stated there is a lot of language that is in there that talks about financial statements being fairly stated in all material respects. He said there is a lot that goes into that and a 200-page document that we are looking at, but it is an opinion that you can rely on that financial information. He said in terms of the internal controls. He said we do issue a separate report, it is just a couple of pages, a two-page letter we used to be, if you remember, in past years, you have had a single audit, but because you did not have the federal expenditures over \$750,000, this year, you did not have to have a single audit. He thought the last one you had was the alternative compliance exam. He said that a separate report talks about your internal controls. He stated they do not give an opinion on the controls, but they are required under government auditing standards to provide that report to you. He said if things come to their attention during our audit, as part of our procedures, we are required to report those to you, and they are happy to report that they did not have anything there was well. He said finally, the separate letter that you received from us the independent, or the communication with those charged with governance. He said we did have an attachment, like Mr. Johnson talked about in terms of the Capital Improvement Fund, we are required by the State of Michigan, if there is a deficit to report that and we must comment on it. He stated it say what he said in terms of indicate that you do have that deficit, but then it explains within that and gives a response in our letter in that letter as well that management has written that talks about the Deficit Elimination Plan and what the City is doing with that. He mentioned this year he wanted to bring up what was different this year, there was a new standard that we had to evaluate. He said there did not end up being any arrangements that qualified, but there was a new standard Gatsby 96 for subscription-based information technology arrangements. Those Gatsby Standards

that Carl talked about that we all love; they just continue to put them out. He said that one we did evaluate management looked at it, evaluated determined there was nothing that met the standard that needed to be recorded. He said then they had to do procedures to make sure that was accurate as well, you will find in that letter, we talked about significant risks that were different this year, of significant risks that we had to identify. He said that across the board, what we do when we have new standards, we consider to be a significant risk to make sure that it is implemented properly. He stated in our opinion, it was implemented appropriately this year, and thankfully, going into next year, management gets a year off before they must implement the next new standard in Fiscal Year 2025. He said it has been a pleasure working with the City. He commented that this year, once again, very well prepared for us. It was a very smooth audit, we were able to get through things quickly again, and we are ready. He said the timing this year for presentation is just delayed for various reasons. He said he would be happy to answer any questions that you may have.

Mayor Fischer said we always appreciate the work that you and your team put in, obviously a good relationship with the staff. He said we appreciated all your comments today. It is always good that you do not have too much to report to us, if you did, that would be an issue. He opened it up to the Council for any questions of our auditor. Seeing none, he thanked Mr. Baldwin for joining us this evening.

MANAGER/STAFF REPORT:

City Manager Cardenas said he had a couple of reminders and notice of information for you all. He reminded everyone we do not have a Council meeting next week; we are going to postpone that to December 11. He noted the Early Budget Input Session for January 6 has been scheduled and we will be working on an Agenda and some background information for you on that. He mentioned per the actual City Council from last week for the Council vacancy we have put notice out to the world that will appear in the Novi News on Thursday as we purchased the necessary notice section. He said the application is on our website for the individuals or the residents to fill out, that link went out in a newsletter that was sent out via email today. He said we have also announced it on the world famous "After the Gavel" episode and the latest episode of our podcast today. He said we have received two applications and will afford more as the news of this spreads. He said he was happy to answer any questions if you have any.

Member Smith wondered if he had the dates when the applications are due. City Manager Cardenas said the applications are due on December 6, 2023 and we intend to have the interviews on December 11, 2023, the next meeting. That will allow the City Council to decide on December 18, 2023.

ATTORNEY REPORT: None

AUDIENCE COMMENTS:

Sivaraman Sridar, 26529 Anchorage Ct. Novi said he was a 29-year-old resident of Novi. He congratulated the newly elected officials. He commented that he realized there is a vacancy that was created when one of the Councilmembers ran for the Mayor's Office and got elected in this election that was held in November. He stated the vacancy was imminent on the day of the election. He said he understood the Charter, he understood your process, etc., but it seemed very logical that the election was held just a month ago. This vacancy is not something that happened unrelated to the election, the election happened. He said there were multiple members who contested in the election, and the top three got chosen to the seat. He thought it only seemed logical that why are we even having another process. This election, the City Council is Councilmembers are elected, and we just had the election in November. He said the election vacancy was imminent on the day of the election. He did not know there is a lot of clarity about what your Charter is, but it seemed very logical that the next person gets in.

Ratna Rao, 41740 Hampshire St, Novi congratulated everyone who just got elected. She said she moved to this country as a young immigrant in 1980, five years later, she became eligible for citizenship, which she immediately applied for, as one of the benefits of becoming a citizen was the ability to vote. She said she took that to be a great privilege, she has been an earnest voter all through these decades. She said for any of you who want her vote, you know, she is a good voter. She said that brought her to something more substantive, which is elections have consequences, by choosing who we vote for, we choose the people we want to govern. She said people like you who are all sitting up there because the citizens of Novi decided to vote for you. She said that brings her to the election tht just happened less than three weeks ago, there was an election, Mr. Fischer got moved to be the mayor. She said there was immediately as the previous speaker mentioned, there was an opening for a City Councilmember, there was a fourth highest vote getter with 5600 votes, that is not a joke, and you guys need to start that, There is a process called elections, we all respect the process and she did not think it should be up to the six of you to decide who gets to be the next Council person. We had, you had a choice, we had a vote, and we did it, and the election was just three weeks ago. So, this was not because you do a depth or a movement of somebody, you know, being elected to a separate office. She implored the Council to pay attention to the process. She stated she also sent an email to the website. She said she got a standard form email back. She said she would really like to understand why your process of six people electing the next Councilperson is more important than the 5600 of us who want Sujata Raman.

Jonathon Gold, 22203 Greentree, Novi, understood that City Council has a process. He understood we just had an election, but he thought the process should be read, should respect the next leading vote getter in the election. He said he was not there to dispute the process, there's already an established process. That is what we must go through. That is what the government does, but he thought that the Council should show special respect to the next leading vote getter from the last election, that is all.

Kelly Kasper, 21505 Sunflower, Novi stated she was also there that evening to advocate for respecting the election process and considering those 5600 votes that were cast by the community member of Novi, they are voting for specific reason, they are voting to

see diversity represented in our community and she did not think six people who we do have faith in and who we do believe in, are enough to override the voice of 5600 people. She thought it is an ethical and moral obligation on Council's part, to respect the voters, they put you in your seats and you wouldn't get out of your seats right now to let six people decide who gets to sit there, you have worked hard for those seats, and you campaigned and you went out and met the community members and talked to people in Canvas. The interviewed people who applied for the interview there is no guarantee that they have done the same hard work, and that they have made the same connections. She said the people felt there was a reason that they wanted this person to receive 5600 votes and, in her opinion, if you disregard that, you are shutting the people out of the City Council Chambers and that is never right. We have a voice, we want to be heard, we deserve to be recognized, those are our votes, and she thought you should pay attention to what the people want. Thank you.

Elizabeth Morris, 46962 Sunnybrook, Novi said she has lived in Novi for almost 26 years, and it is a wonderful community to live in. She said she missed the City Council meeting two weeks ago but was surprised to learn after the fact that there was no discussion of who should assume the vacancy on City Council. She said she was a person who probably never missed an election, in voting, and thought that the fourth vote getter in line would assume that position, and she was surprised there was an alternative process. She echoed the previous speakers and said she did not think that the six members of Council should circumvent the will of the voters, we had an election, it was a fair election, and she thought the voters have spoken and we should listen to them. She also felt that Novi is a very well educated and well-informed community, and they will be paying attention. She said we value fairness and transparency, and as a new Mayor and partially new City Council, she thought, starting off the new reign would on a better note of fairness to the voter who have turned out and to people who have worked hard to campaign, she thought we need to recognize that the fourth vote getter Sujata Rahman, serves a position on Council. She felt she needed to come that evening and let you know her thoughts. Thank you.

Asha Vinod 24811 Thatcher Dr., Novi said she has lived in Novi for more than 13 years. She said she was here last Monday, and she addressed the Council so she could give Council her opinion. She said she was here again to stick to her opinion that the fourth largest vote getter should be appointed to the vacant City Council position. She thought it seemed unfair to her because that is what the voters had opined for. She said it did not make sense to her that we follow a different process that we had followed, many years ago, when this situation happened after six months, or a year of an election and position was open. The election happened maybe a month ago, so it makes sense to do like, a new announcement and ask for everybody to kind of apply for the position and the Councilmember's interviewing them. She believed in this particular year, in this situation, when the election just happened on November 7 and the vacancy was created on the election day, the fourth vote getter should be appointed as the City Councilmember. Thank you.

Sarah Mutch, 21552 Chase Dr., Novi thanked everyone for the opportunity to speak that evening and to congratulate our new members and the new mayor. So, thank you and congratulations. She wanted to take a moment to talk a little bit about Member Thomas comments at the last meeting regarding the process that was agreed to and filling your empty seat at the Mayor's former seat. She thought the idea that taking this process inside and making it an application and interview process, the idea that that is somehow more democratic than actually what happened three weeks ago is a little confusing to her, in that the numbers just don't work out when six people are the ones who essentially elect the person for the remaining seat, versus the voice of 5600 of our residents here in Novi, when it happened not only just a month ago, not even a month ago. She said she knew we have had this process in place, the Charter is not very specific on how that seat gets filled. She said it is not really an official process, which is why you had to agree on it at your last meeting, but she was not sure as to why it is necessary. She said we just recently had a poll from our residents as to who they felt should be the fourth place person, so she appreciated the attempt to include other people who maybe now are interested in sitting on Council. She appreciated the effort that all of you put in and getting into the seats that you are in now, there is a lot of work that goes into running for a seat on Council. She said not to say that there is not somebody who is not just as well qualified, or would bring another wonderful, maybe even diverse voice to this table, but the idea that they hadn't gone through the work yet, just doesn't sit right with her. She wanted to share those things with you. Finally, she knew Council had posted about the position being available, and she hoped that did not make you think that you cannot go back. She said she tells her children a lot, and other people that you know, sometimes we make mistakes. She said sometimes we do something, and we are like oh, you know what, I changed my mind, maybe this is not the best way to approach something. It is not, it doesn't look poorly on you, it just means that Council thought it through and made a different decision. She said don't let that keep you tied to a process that is not as democratic as the one that we just went through three weeks ago. Thank you.

8. Fatima, a Novi resident said we live in a democratic nation, we must listen to the people's choice, which we heard through a vote earlier this month. She believed we should choose the person with the next most votes, the next most votes were Sujata Raman to be the City Councilmember. She said it did not make sense to ignore hardworking candidates and privately interview people for the City Council vacancy. She said people get no say in this and that is not fair. She asked why hold elections if we are not going to listen to them, and then choose to interview a different process for City Councilmember. Thank you.

9. Mr. Venkata Reddy Thalla, 45006 Yorkshire Dr., Novi said our Finance Director did a wonderful job. You had to present the 200-page report in a few minutes and our auditor got three pages out of those 200 pages and he did a wonderful job. He said he got three minutes, let's see how he was going to do, you will be the judge. He said we have seen we are blessed. Trust him when he says we are blessed. Our mayor, recently elected mayor, has served us a long time as a Councilmember, his name is Justin. He said the meaning of the name Justin means we are blessed, that is why he said we are blessed. He said he has been presenting here for more than three years. He said he knows a lot of

them, so he congratulated the retired councilmember, and the mayor also. He said every Sunday he comes here as part of the Relationship Church member for the last two and a half year or so. He said our Church pastor leader serves our Novi City Police Department as a chaplain. He said when there are police in trouble, or people are in trouble in the middle of the night, he gets a call, and he goes there. He also said the officers and the people who get arrested or whatever. He felt this place is becoming more and more blessed and more and more holy. We just noticed, I have been attending here, so many people here in the audience came only today. Only today, and so any of them became public auditors of our City Charter. They came to know, hey, something wrong is going on here. Why did the fourth vote getter did not automatically get filled in the vacancy on City Council. That is why they were questioning. He said he was glad, but they must do a lot more homework. Thank you. God bless.

Heather Cummings, 26596 Island Lake Dr., Novi stated she was here last week and shed continued to be concerned and baffled with Councils failure to appoint Sujata Raman to the vacant City Council seat. Pursuant to the Novi City Charter, there are only two ways to fill the vacancy of an elected office. She stated the first is to appoint someone with the majority vote, and the alternative is to hold a special election. She thought the choice list we could not have been clearer, the choice last week could not have been clearer, and the choice last week could not have been more democratic. She said there were three additional candidates of which Ms. Raman was the highest vote getter. She stated she came less than 300 votes away from sitting up on the dais. She said Ms. Raman received as you have heard this evening, 5614 votes. Ms. Raman attended a voter forum, she talked to hundreds of community members, many of whom Indian just like herself. She stated the Council had the chance last week to do the right thing and appoint Ms. Raman, thousands of community members would have felt as if they finally had a seat at the table. She stated you could have made history by appointing Ms. Raman to the Novi City Council, but you chose not to, and it begs the question why, and she knew that had been brought up that evening. She wondered why did three of you voted against appointing Ms. Raman, and she knew they did not have to answer her question. She said by not answering a question up here and not explaining why two different things. She said there was never a good reason why you would not vote for Ms. Raman. Instead of following the City Charter and having a special election you are now implementing a process that has no Charter support. She said no matter what you say, there is no precedential support for what is happening in this particular and specific situation. She believed you are giving yourself the power to choose the person to fill the Council seat. Unfortunately, we have seen how this has worked in the past. We have seen Councilmembers encourage residents who align politically with them, who show their deference and who are like themselves, they ask them to apply. She said this is not what the voters want, this is not what the voters asked for. She gave an example, the most recent time Council used this process, they appointed a resident who failed to get elected a mere 11 months after you appointed her. She said this proves this process is faulty. This further proves that the self-serving process does not and cannot adequately replace the sanctity of voting. Think about the optics, you are telling 5614 residents who exercised their right to vote that their votes do not matter, that their votes do not count. She thought more galling is that you are telling 5614 residents that the six of you or maybe

less, no better than them, this comes across as arrogant. Please respect the voice of the Novi voters.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 23-11-143 Moved by Smith, seconded by Thomas; MOTION CARRIED: 6-0

To approve the Consent Agenda as amended.

- A. Approve Minutes of:
 November 20, 2023 - Regular Meeting
- B. Approval to award a contract for professional services to Spicer Group for development of the 2025-2029 Strategic Community Recreation and Master Park Plan, in the amount of \$27,500.
- C. Approval of Resolution Approving Assignment of Commercial Rehabilitation Exemption Certificate
- D. Enter Executive Session immediately following the regular meeting of November 27, 2023, in the Council Annex for confidential written communication for legal counsel and to discuss property acquisition.
- E. Approval of claims and warrants – Warrant 1144
- F. Approval of a request for Pyrotechnics Display Permit for Suburban Collection Showplace on December 1st and 2nd.

Roll call vote on CM 23-11-143

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

Nays: None

MATTERS FOR COUNCIL ACTION:

- 1. Consideration to approve the Program Year 2024 Community Development Block Grant (CDBG) Application in the approximate amount of \$125,246 and authorize the Mayor to sign the Application.**

City Manager Cardenas mentioned that this was very similar to years in the past, but as the Motion Sheet highlights this is a different allocation. He explained we normally give it to four entities, which has always been Haven House, Novi Youth Assistance Program, Hospitality House, and the City of Novi Minor Home Repair Program. He said this year, the County has reduced the amount for public services from \$37,000 to \$18,000. He said you saw the biggest reduction in the allocation from the Beautification Commission who now oversees this program to Haven House, and their decision was to have the dollars be spent closer to home. He said that is what has been recommended to you and what was advertised for the Public Hearing. He said he would be happy to answer any questions.

Mayor Pro Tem Casey asked if we have an expectation the County is going to keep this funding level for public services at 15% versus 30%. She said they might not have given us a read yet, and she respected that. Mr. Cardenas said as of right now, he could only make assumptions. He said we assume this will be the new level, but the County Commission can make decisions every year to amp that up a little bit more, so he can investigate that report and come back later. Mayor Pro Tem Casey said that would be wonderful, thank you. She said it is unfortunate that the change has come through, because there are a couple of organizations that we have funded in the past to the level that they have requested, based on, our ability to use these funds. She was pleased to see the difference going into the Minor Home Repair Program, although she thought over the years, we have seen fewer and fewer applicants, which is also a good thing, theoretically. She agreed with the Beautification Commission's decision, she regretted that we have so little to give compared to last year. She wanted to put those comments on the record. She made a motion to approve.

CM 23-11-144 Moved by Casey, seconded by Smith: MOTION CARRIED: 6-0

Approve the Program Year 2024 Community Development Block Grant Application in the approximate amount of \$125,246 and authorize the Mayor to sign the Application.

Roll call vote on CM 23-11-144

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

Nays: None

2. Consideration of request from Caldin Konja for a variance from Section 5-12 "Keeping of Animals as accessory use" of the City Code, to allow the maintenance of a chicken coop on the property located at 47707 Nine Mile, Road, in a location that is less than 100-feet from the nearest adjoining dwelling.

City Manager Cardenas stated this does not happen very often and that we get this kind of question before the City Council. He explained this is a response to a complaint that was received by our compliance officers, they went out and discovered that the chickens, roosters, and ducks were being kept at an address on Nine Mile Road just west of Beck Road. He stated these animals were not housed according to the City Ordinances which as the Mayor said, were not within 100 feet, they were actually closer than 100 feet to the exact neighboring dwelling. He said the ordinance does not provide a variance procedure for a situation like this, hence defaulting to the general appeal to City Council. We believe that the resident is here requesting an appeal and can address questions from the City Council, but they are requesting that they do not have to hold to the ordinance, and they can keep their coop within 75 feet of the neighboring dwelling. He turned it back over to Mayor Fischer.

Mayor Fischer thanked Mr. Cardenas and said before he turned this over to the resident which he will give whoever an opportunity to present to the City Council. He asked City

Attorney Schultz if he could explain a little bit on why this item is coming to Council, typically variances like this are Zoning Board of Appeals (ZBA). This is just for our knowledge up here and then we will turn it over to the applicant.

City Attorney Schultz said this is your opportunity to sort of be a ZBA like body, which is not typical for you. The reason why it is in front of you and not the ZBA is because the provision that sets that 100 feet and all the other limitations on keeping animals like this is in the City Code. He stated the Zoning Board deals with issues and regulations that are in the zoning ordinance. This one is not in the zoning ordinance, it is in the code and you, as the City have, he thought are useful, but maybe a little unusual general appeal and variance provision in your code, and it fits this situation. He explained essentially a three-part test that we put in the middle of your Motion Sheet. He said it is like what ZBA might look at a practical difficulty on the part of the property owner. The effect that what they want to do has on their neighbors is very similar to what a ZBA would do, only you are doing it this time.

Mayor Fischer thanked him for that background. He asked the Applicant to come down and if they would like to make any comments or turn it over to the City Council for discussion.

The Applicant said he did approach the ZBA, and he filled out the proper paperwork like he was told. He then got a call back; he paid the fee to have his application, or the variance submitted. He stated they got a call a week later and was told his money was getting refunded and that he needed to approach the City Council for a variance on the ordinance.

Mayor Fisher said we have the information from the City in the Agenda Packet and he would turn it over to the City Council for discussion or a motion.

Member Heintz said the issue is the chicken coop in its current location or moved. He was trying to understand what the benefits of that could be compared to if there has been discussion already about other ways to ameliorate any other issues. He thought if there is an odor issue at 100 feet, compared to 75 feet, that will not make a difference at all. He said his simple question is would there be a plan in place or have there been discussions already about if the chicken coop has remained in its current location to mitigate any other issues that might exist. The Applicant replied that he did not think there were any other issues aside from being exactly 86 feet from the neighbor to the west of him and about 79 feet from the neighbor to the east of that barn or accessory building structure on the property. He said he had aerial photos, it was built in 1968, so the barn and home were there prior to either of the adjacent dwellings. He stated the previous homeowners used this barn to house animals, chickens, turkeys, pigs. He said when he purchased the property they grew their own vegetables, they had a small vegetable garden, they told him they had animals there, he was under the assumption that he could just use the barn as they had been using it for the last 40 years. He said the only way for him to what he was told by code enforcement was that he would have to move the chicken coop. He stated his property is two acres, but it is two separate parcels one acre in the front and

the second parcel that is in the back He said the only way for him to move the chicken coop to the parcel in the back is to again approach City Council and ask for his properties to be joined because of a law passed in 1997. He said his property is 330 feet deep by 130 feet wide, because it is deeper than it is wide, he would get denied for the original parcel joining and would have to ask again for a separate variance to allow that to happen. Once that happens, then he would have to go and apply for a permit to build an accessory structure on the back of the property to move the chickens 40 feet. He said they do not bother the neighbors. He stated they are kept in a coop, they have chicken run, and he has submitted drawings of where that would be, they are not a nuisance to anybody. He said there was a rooster he was not aware that was not allowed to have a rooster. He removed the rooster as soon as he was asked to do so.

Member Smith understood the original problem was when the chickens were "at large". The Applicant said he has had chickens his whole life. He said he had dogs and animals, he moved to Nine Mile Road because it was a dirt road property that sat on two acres ahead of a barn that he did not that that you know, it was going to be a big problem as it has become. He said chickens like to hide in the woods. He said that is so they can keep away from hawks and predators and birds and they will sit up in the trees and give them cover. He said his neighbor to the west of him has a wooded area and between our two properties that is towards the front, closer to Nine Mile, and he would allow the chickens to free range, you get the best eggs that way, they are healthy to get bright orange yolks and that is how he has always raised his chickens as allowing them to roam freely. He said the neighbor decided to call the City because his chickens were in her woods and would go out towards the street. He understood the rooster was probably a nuisance. That is probably what caused her to call in the first place. He wished she would have just told him, and he would have got rid of the rooster. He said he protected the hens and realistically on Nine Mile, he had this conversation with the code enforcement person. He said the person was extremely rude to him on the phone, he got talked to like he was a child. He said you know there are plenty of other residents that live on Nine Mile on that dirt road part, they have roosters, he hears them every morning. They are all up and down Nine Mile, everybody over there has a significant piece of property has chickens and roosters. He said she asked him if he could tell her where the roosters were, and he said he was not going to tell people that have roosters for the same reason that he did not want to get rid of his rooster, he protects his hens. He said as they get older and phase out and stop laying, his hens will lay, you know, have babies and then his new chicks will grow and give him more eggs. Member Smith asked if we were to grant this variance, would you be able to keep the chickens, so they are not roaming around and if you get rid of the rooster, so that is a good thing. The Applicant said yes. He said he did not know if Council had the aerial photos, there was a drawing that he put on there, that would be currently, he has a garden that is right up against the neighbor's fence. He said that is where some of the chickens are, and there is a small run that is on the side of that barn. He said that is close to the neighbor's garage. He drew out in red pen where the proposed chicken coop and run would be that is between the bar and his house. He said they would always be kept in a fenced area, they would not be able to roam, it does give them some grass, some area to run around on, but they would not be free ranging.

Member Thomas wanted to make sure that she was understanding the information in the packet correctly. She wondered if all the violations would be rectified, the coop and keeping them in the coop and the rooster is no longer there. She said the only issue is the placement of the coop, is that correct? The Applicant said yes, that is correct. Member Thomas wondered if the neighbor who complained was there that evening to comment. The Applicant said he did not think so. Member Thomas said she wanted to make sure if there was another party to hear from that we did, she was ready for that. She asked where the coop was, is it already in this spot that you have outlined here or is this going to be. The Applicant said no, the outline is where he would put the coop, right now the coops on the side of the barn closets to the green tarp building, that is the neighbor's garage, that would put the chicken coop in the run, he believed it was 65 feet to the corner of their home. He said if he was to move it to the other side of the barn that is in between the barn and his house, then we would be 79 feet to the closet adjacent dwelling. He said they is why he is asking for a 25-foot variance. Member Thomas said that the only issue is that you do not have a place that will soot's it correctly right now. The Applicant said that was correct. Member Thomas asked if there was anywhere, he could put it that would fit the variance the way that it is today. The Applicant said no, currently no, there isn't. Member Thomas said she has a neighbor with chickens, and she loved the chickens. She thought that they were great, and she had heard somewhere in the neighborhood a rooster, she does not know where for sure. She said she was all for growing eggs at home and it seemed like you were addressing the issues that would have arisen in the past. She said if there were further issues, through the Mayor to City Manager, how would that be addressed. Would that go through the code compliance again if the neighbor continued to complain for some reason, the chickens continued to be at large as it were, if the corrections were not made. City Manager Cardenas believed that would be the normal case. So, it would be he guessed anything additional to what is being approved in this appeal currently. He said if they are not within the specified run that has been shared by the resident, or there are different kinds of animals being added, then yes, that would then go back to code compliance for further rectification. Member Thomas thanked Mr. Cardenas for the explanation. She said she supports this chicken coop.

Member Staudt asked City Attorney Schultz if there is something that prohibits us from having zoning language that deals with these situations or is it just, we do not currently, have it? City Attorney Schultz said he did not think there was anything that would prevent it from being in the zoning ordinance. He guessed he would say that the regulations that are on the keeping of animals are usually in a City Code, because that is more of a public health, safety, welfare kind of thing. He said because you do not have the issue of non-conforming uses, in other words, the idea that his happened, you know, years before your ordinance was adopted in 2011, and was in place is affected by the fact that you put it in your City Code. He stated you can make somebody comply with a new ordinance, if it is in the city code and the zoning ordinance, you got to deal with non-conforming issues. He said that is two reasons, essentially why it is in your City Code, not your zoning ordinance. Member Staudt said if our intention was long term, to eliminate these types of structures in the city, even if it was the current owner was able to continue

to use this in the future, if it is our intention, not to have these kinds of buildings and for this use, we would put in in the zoning. City Attorney Schultz say you would put it I the City Code where it is right now. Member Staudt asked how we could prevent future owners from using that building for that purpose. Mr. Schultz said this ordinance. Member Staudt asked then why are we here that evening? Mr. Schultz replied that your ordinance does not allow it, just like in a zoning situation, go to the ZBA and ask for a variance and ask for something that is not allowed to be permitted. That is what is happening here, it is not allowed, but they are asking for permission. Member Staudt commented that we have grown out of this as a city and frankly, if he was the neighbor, he would not want a chicken coop anywhere near his house, looking at the photos of the homes that are near this. He especially would not want it if he was the owner of one of these properties. He would prefer that this kind of thing ends in our city. If there is a way for us to do this, he would love to do it, but clearly, this is a kind of a one-off situation for this individual homeowner, but Novi has grown up, it is time to move on.

Mayor Pro Tem Casey said her understanding of what drove the initial complaint was that the chickens were free range. She said that is what drove the complaint initially, was part of the complaint also related to any odors. She wondered if that was documented in any of the complaints, was It odors and noise as well. Mr. Cardenas believed it was mainly just for the chickens just roaming free. He did not believe that, to his knowledge, Mr. Boulard would please correct him if he was wrong. He did not believe we had heard anything about noises or smells that were attributed to that concern.

Member Casey said that makes a big difference in terms of understanding the issue, because at its core, we have two property owners who have equal rights to using their property and having enjoyment of their property. She said one who is requesting a variance and the other who is the neighbor, and I am not talking about the accessory dwelling, she is actually looking at the house of the West, which is, you know, very close to where the chicken coop is, through the Mayor to the City Attorney, we heard some information from the Applicant relating to issues about moving the coop into the back lot, that second lot of his, would there still be a requirement for a variance. She said some of the information he outlined in his presentation was, is that what he would have to do to move the chicken coop further back into his property. She wondered if he would have to request a variance and go through a whole bunch more processes or could that be something he moves as part of direction from Council. City Attorney Schultz said we do not have a very good answer for that because we were not involved in any of that kind of discussion. He did not know what he was told. He certainly understood the idea that you would not create a single lot with that layout of right, you know, width and depth without a variance from the City Council again, under the subdivision ordinance that time not the zoning ordinance. So, the subdivision, or a landlord, you know, he would hesitate to give you any kind of definitive answer there. Mayor Pro Tem Casey said she appreciated that. Mr. Schultz said it would be a process and we would evaluate that under a different set of rules. Mayor Pro Tem Casey said being a subdivision ordinance is a whole different set of processes. Mr. Schultz said that is correct. Mayor Pro Tem Casey said then what we are being asked to consider this evening, thank you for that.

Mayor Pro Tem Casey said she was torn, because she obviously wanted to respect your right to raise chickens that are accounted for in our ordinance regardless of whether she felt we should have chickens in the City or not. She stated we have an ordinance, the question at hand is, do we give you that 25-foot variance to keep the chicken coop. She said you are going to move it to get it closer to your house as far away as possible from neighbors on both sides. She said if we do give you that variance of 25 feet and make that change or do we defer to the neighbor who made a complaint. She said right now, she was leaning towards giving you the variance because what she has not heard come through clearly is that the complaint was made for noise and or odor. She said if that had been part of the complaints, or she will be honest, that would have changed her calculation. She stated for now you will have her approval if a motion is made to accept the variance for us to offer the variance to you. She said understand that, if it becomes a bigger issue, and we must go back through code compliance again, it comes in front of us again, she might have a different answer than if that becomes a future issue.

The Applicant asked if he could respond. He said regarding smell, he keeps a very clean chicken coop, his chickens are healthy. He claimed this was never an issue of odor. It may have been noise when the rooster was present. Again, he has been removed from the property. He stated his neighbors just do not like him to be completely honest with you, he said he moved here two years ago. He said it is just him and his son, he is a single dad, and he works full time. He said he is very quiet; the neighbors have never really been fond of him. He said he wasn't entirely sure why to be honest with you. He believed they called code enforcement because he had the chickens, she complained that they were on her property. He wanted to clarify, if he was told specifically by code enforcement that if he was to move the chicken coop so that he was within the ordinance of being 100 feet from adjacent dwellings because of where that would sit on his property, he would then be in violation, because that is an empty parcel. He said he cannot have an accessory structure on a vacant lot. He said he would have to go again, back around this entire loop to connect the property, get a variance, go back, then get the permit and so on and so forth. Mayor Pro Tem Casey thanked him for that, she said she was not inferring anything about your care of the animals. She just wanted to clarify and put her comments on the record. Thank you.

Mayor Fischer asked for clarification, he asked City Attorney back in his ZBA days, when we granted a variance that you usually run with the land. He wondered if we were to grant this tonight, what is our ability to bring this back and reject that in the future? City Attorney Schultz said that was another excellent question. He said the reason why there is a clear answer when you're the ZBA is because that is sort of what the law says, you know, you get the variance, and it runs with the land. He said you don't, this is a different animal. He said you have created this variance process by having it in your ordinance without also creating that rule in words. He thought you should grant the variances; he thought you should evaluate the variance as though it is a land use type variance and assume that it would be difficult to take it away once granted. He stated if you brought code enforcement out there for this exact issue, then once you have granted the variance, he thought changing the setback issue would be difficult because some of them would argue by analogy to the zoning ordinance right. He said that does not mean

you could not enforce all those other things, noise, odor, and things like that. He said you should assume you would be subject to maybe a court saying you are stuck with the zoning runs with the land kind of things, but we would argue it and see what happens. He stated if you indulge him a little bit that is it. He said you are here granting a variance and granting potentially long-term relief. He did not think we had investigated the idea of moving it away and causing another different kind of variance by putting it on the other parcel that is essentially part of the zoning lot. He thought they probably have the staff, but he just hasn't had that conversation with them. He knew it has been raised two times now and by the Applicant that he was told that could not happen. He said that is correct, unless you grant a different kind of relief. He said he did not know how that has been explored by Administrators.

Mayor Fischer said he appreciated those comments. He said when he looked at this, he put a little bit of that ZBA hat back on. He stated like the prior speaker, he was not going to comment on whether he liked or did not like chickens. He said he did not like whether he liked them or did not like them in the City and or whether they belong here. He said there is an ordinance in place. He said if the chicken coop is maintained, there are no roosters there is no free ranging, those are all things that are not allowed, then there are certain things that are allowed. He was focusing in on is whether or not you have a difficulty on your lot as to this 100 foot setback He said that is what he is really focused on, and given the prior uses, given the fact that this has been used supposedly in this situation before, and given the fact that he did not think that an additional 25 feet would necessarily make that much of a difference given that prior use, he would be inclined to go ahead and approve this. He said for him to fully understand that practical difficulty, he needs the answer of whether we could move it to the other lot.

Mayor Fischer said his preferred recommendation that evening would be to go ahead and postpone this item so that we can have our City Attorney Schultz provide counsel and with the information needed to understand the process to go ahead and put this on that backlog. He said if it is as arduous, as you know, you have been described, supposedly by staff, then he would probably would not be inclined to support this at a future meeting. He said he could not say that you have a full practical, you know, a real difficulty if it is as simple as moving it to a different lot. City Attorney Schultz said he would assume they were given the exact correct answer by staff, and he guessed it sounded like people still want to explore that potential possibility. Mayor Fischer thought a more formalized opinion by you and the City Manager to City Council would be his preference. So, again, that is what he was at this point. He thought we had all made some comments. He said we can go into round two or entertain a motion to keep this moving along.

Mayor Pro Tem Casey said she appreciated those questions. She was not considering that this could be potentially considered as something that would ride with the land. She said that does change her calculus. So, understanding that, she was in favor of postponing this to give the City Attorney a chance to come back with an opinion as noted by the Mayor. She said that this is not a no at this point, but she did think if it would be considered that this would run with the land and a future owner would be able to say,

well, you approved the variance, it is locked. She said then, you know, goodness, help us if someone else tries to if they have a similar issue.

CM 23-11-145 Moved by Casey, seconded by Smith: MOTION DENIED: 3-3

To postpone consideration of the Applicant's request for a variance to allow the maintenance of a chicken coop on the property located at 47707 Nine Mile, Road, in a location that is less than 100-feet from the nearest adjoining dwelling to allow the City Attorney to provide an opinion on understanding the difficulty in what the applicant would face if he were to move the chicken coop to the second parcel behind his house.

Member Staudt asked the Applicant if he had any intention of moving this building to the back if that was allowable or are we just doing this for an exercise. The Applicant said if he could have moved it and avoided all of this headache he would have done that months ago, he was told that he would be in clear violation of a different ordinance by code enforcement and that process would have him again to apply for conjoining the parcels in which he would subsequently denied because his property is three times as deep as it wide. He said he would have to come back to City Council to ask for a variance allowing him to join the parcels being that the property does not fit the requirements since the 1990s. Member Staudt asked the Applicant if it was not too strenuous for you to do that. The Applicant said he would not like to because it is going to incur cost, he would have to build a new chicken coop, a new run, this building is already there, there is water, there is a well inside of it, everything that the chickens need has been there for 40 years. He stated his preference is to keep it where it is at.

Member Thomas said given the information that we have received today, she knew that some members are looking for more formal information from the City Manager and City Attorney. However, given the location where it is the work that the Applicant has gone through already, she would prefer that we just finished with this business and finish today. She said she would be open to approving it. She said she would rather finish this business today. She did have one more question through the Mayor to City Manager Cardenas, or whoever can answer this question. If we were to come back, you would be able to say either they could move it to the backlot or they can't without doing some extra work. She wondered if there is any extra work that would go on the Applicant for that, it seemed like they have already done a lot of work already. She was curious how much additional work that would put on to the Applicant. City Attorney Schultz said sort of hypothetically, if we wrote something that said, with a variance to the width to depth ration for combing the lot, he could do this, yes, he would have to pay the application for that he would have to ultimately to pay other feeds and get other permits. Sure, there would be more work from him, absolutely. Member Thomas noted and then he could possibly get denied for that, you would have to go through that process to know whether it was going to get approved or denied. She said because of the additional work, the information that we have received on what he has been told already, she would not support postponing. She thought we knew this is the spot for it and whether we move forward or not. She

stated those were just her thoughts on this. She thought we should make the decision that evening.

Mayor Fischer said to City Attorney Schultz is that what he was looking for is you could come back and say what was originally thought was incorrect, he could move this, no questions asked, without any issues with the zoning or City Code, it that is not difficult. That is what he was trying to figure out was how difficult it is. He wanted an official opinion, not hearsay. He was not saying you do not know or the City staff does not know. He thought that a formal understanding of all the data as far as how hard it would be, and an assessment from the City Attorney was what he was looking for, so that is why he was moving to postpone and get that final date. He said it could be very easy to very hard, that is what he did not know right now.

City Attorney Schultz said the question is, would they be in front of you for relief from how far they are setback from their neighbors? Or would it be some different kind of relief that kept it 100 feet away from their neighbors? He did not know until we talked to Director Boulard and others and gave you a formal opinion. Mayor Fischer said that was correct.

Member Heintz wondered what information that would include. He asked City Attorney Schultz if that would include projected costs, as well as logistics, spacing? Or just, what parameters? He asked what types of information would be included in that sort of assessment. City Attorney Schultz said it would just be a process and what you are permitted to do, what his options are, and we would not get into cost. He said right now, he has a building that does not comply with the code. He has potential other options that it sounds like some want us to explore and we would lay that out what those legally are.

Roll call vote on CM 23-11-145

Yeas: Fischer, Casey, Smith

Nays: Heintz, Staudt, Thomas

CM 23-11-146

Moved by Smith, seconded by Heintz: MOTION DENIED: 3-3

To approve the Applicant's request for a variance to allow the maintenance of a chicken coop on the property located at 47707 Nine Mile, Road, in a location that is less than 100-feet from the nearest adjoining dwelling, in the location identified in the Applicant's application, for the reason that Applicant has shown that placement of the chicken coop in a location on the Property that would be at least 100 feet from the nearest adjoining dwelling is not possible, that the current placement does not interfere with the enjoyment of the adjoining dwelling because there has always been a chicken coop on the Property prior to the construction of the adjacent dwellings with no negative impact, and the granting of the variance will not be detrimental to the public health, safety or welfare, nor injurious to adjoining or neighboring property, nor contrary to the overall purpose and goals of the chapter or article

containing the regulation in question. Because the Applicant will keep the chickens restricted to the chicken coop and will maintain the area so as to eliminate or minimize any noise or odors associated with maintaining chickens.

Roll call vote on CM 23-11-146

Yeas: Smith, Thomas, Heintz

Nays: Fischer, Casey, Staudt

CM 23-11-147

Moved by Thomas, seconded by Casey: MOTION CARRIED: 5-1

To postpone consideration of the Applicant's request for a variance to allow the maintenance of a chicken coop on the property located at 47707 Nine Mile, Road, in a location that is less than 100-feet from the nearest adjoining dwelling to allow the City Attorney to provide an opinion on understanding the difficulty in what the applicant would face if he were to move the chicken coop to the second parcel behind his house.

Roll call vote on CM 23-11-147

Yeas: Fischer, Casey, Heintz, Smith, Thomas

Nays: Staudt

The applicant had one last comment. He said the longer this takes, the ground gets cold, he will be unable to move them. He said this would be something that would even if it was approved or denied, or however we move forward, they would have to remain where they are until the spring. Mayor Fischer appreciated his patience, and we appreciated those comments. He said we will have to work with City staff as far as how that would all work out when we evaluate the final application.

3. Consideration to approve Purchase Agreement for a vacant property on Eight Mile Road, adjacent to ITC Sports Park, approximately 88.32 acres total, Parcel No. 22-31-300-003, for \$4,000,000, and to amend the budget accordingly.

City Manager Cardenas stated this is simply a purchase agreement, there are still some hurdles that must be cleared with respect to environmental assessment. He said we are fully engaged in that. He stated to meet the time constraints attached to our purchase agreement, we need approval now and we will get back to regarding the results of our various due diligence.

Member Smith thought an opportunity to buy this much land in Novi, adjacent to an existing park is something we cannot pass up, he said he would support this.

CM 23-11-148

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

Approval of Purchase Agreement for the vacant property on Eight Mile Road, adjacent to ITC Sports Park, approximately 88.32 acres

total, Parcel No. 22-31-300-003, for \$4,000,000 including closing and related costs, and to amend the budget accordingly.

Member Staudt noted that this is something that we have been looking at for probably five to eight years. He wanted to commend PRCS Director Muck for never giving up, even though it was something that we kept harping at him to continue to go after. He said this was not an easy transaction, this has been going on for many years, and it is a big deal. He stated we are getting an opportunity to double the size of Community Sports Park, and perhaps even a little bit bigger than that there are some adjoining lands that he hoped we revisit at some other point. He reiterated that this is a big deal. He said he did not think that you folks should underestimate that this has been long coming between this and Bosco, we have literally quadrupled the amount of property we have available.

Roll call vote on CM 23-11-148

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

Nays: None

AUDIENCE COMMENT:

Mr. Venkata Reddy Thalla, 45006 Yorkshire Dr., Novi said he has been a resident of Novi for years. He just walked here today. He said we witnessed a wonderful brother, who is growing chickens and roosters, and his neighbor. So tht conflict. He said the City went through an interesting conflict resolution. He noted our Mayor, Mayor Pro Tem even said, they are torn apart. He wanted the audience and the public that we are seeing right now live, even later, to appreciate how much our leadership goes through, how many hours are not what they go through. He said it is not easy to make the shift. He said we all appreciated your efforts. He mentioned the City Attorney, City Manager, City Clerk and all the staff, they had to do so much homework. For example, he said our brother here who is a single dad with one child, and he is trying to grow these. He said obviously the neighbor has see it is not only the smell, not only the noise, but these is also always infections. He said it is not an easy addition. He said what he was trying to say here is that there is a lot more homework that he needed to do, and they needed to do, and the audience must absorb our lead, our processes, our tools, our team structures, a lot of these things have been obsolete and outdated for a long time. He said it is not just our city, he said the entire world constitutions are outdated, long time back. He thought there are bugs, there are design, manmade, thought leadership introduced bugs are there. He thought we needed to take a deeper look. He was glad our Mayor made the decision to postpone and then beloved Member Thomas even proposed a game changer mind. It was because she was insisting on making the decision today but changed her mind on the fly. He said this is exactly one light, at least must work. One light at least must shine. One light at least must grow and grow during our journey. Thank you. God bless us. We are blessed.

COMMITTEE REPORTS: None

MAYOR AND COUNCIL ISSUES:

1. Nine Mile and Napier Road Intersection

Member Staudt said about a year ago he started seeing some postings on Facebook and other social media about the intersection at Nine Mile and Napier Road. He thought some of them were outrageous and probably overinflated. He said he took a road trip over there and walked across the street a couple of times and was scared to death. He said the traffic there was extremely fast. He said one of the things he recently talked to was DPW Director Herczeg and found out that intersection is under consideration for some remediation. He wanted to make it clear that he thought this is an opportunity for us to put in a roundabout, which will slow down the traffic and make that intersection much safer. He said there are a lot of children that live in that area. He stated there is a lot of new development in the area as well. He said while he was watching cross country teams cross the road as a car went by at 70 miles an hour, not a great place to be able to recreate so he would like to see us and perhaps the City Manager who knows a little bit more about what is going on. He did not see DPW Director Herczeg there that evening. He said first of all, it is an area that needs to be fixed, and two, he thought a roundabout would fit in well.

City Manager Cardenas expanded upon what DPW Director Herczeg said, yes, the county is looking at it, they are currently in design. He said they met back in August with representatives from our department, Lyon Township, and the Road Commission for Oakland County (RCOC) and OHS Advisors to investigate what they can do with this. He stated they got our feedback; our staff was in favor of a roundabout at that location. He was not sure exactly what Lyon Township officials provided. He stated RCOC then went back to the drawing board, and they are currently in design for potentially putting a roundabout at that location. He said at this point, that happened back in August. He said we are waiting to see what the deliberation and design looks like from the folks at the Road Commission.

Member Staudt said hopefully we will hear something sooner than later. He said it is a proactive approach to a potentially difficult situation. Thank you.

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 8:46 P.M.

Cortney Hanson, City Clerk

Justin Fischer, Mayor

Transcribed by Deborah S. Aubry

Date approved: December 11, 2023