

REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JUNE 17, 2024, AT 7:00 P.M.

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

Mayor Fischer opened the meeting by saying that he would like to take a moment to reflect on the loss of a cherished public servant in the City of Novi. Former State Senator Nancy Cassis passed away. Nancy's dedication of the community was evident by her many years serving as a teacher prior to coming to Michigan from Ohio. Before that, she became the school psychologist here in Novi in 1980 and held that position until her election to the State House of Representative in 1996. In 2022, she won election to the State Senate where she served two terms from 2003 to 2010. Nancy actually served on this very body from 1985 to 1990 and again from 1990 to 1996. She was a very well-respected legislator who had an impact on Novi, being a driving force in projects such as Providence Hospital, the Suburban Collection Show Place and many important infrastructure projects such as the interchanges at Beck and Wixom. On behalf of the grateful Novi community, we extend our deepest condolences to her family, her spirit, and her service to the City of Novi.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Fischer, Mayor Pro Tem Casey, Council Members Gurumurthy, Heintz, Smith, Staudt, Thomas (Absent/Excused)

ALSO PRESENT: Victor Cardenas, City Manager
Tom Schultz, City Attorney

APPROVAL OF AGENDA:

CM 24-06-83 Moved by Casey, seconded by Smith; MOTION CARRIED: 6-0

To approve the agenda as presented.

Roll call vote on CM 24-06-83	Yeas: Fischer Casey, Gurumurthy, Heintz, Smith, Staudt
	Nays: None
	Absent: Thomas

PUBLIC HEARINGS: None

PRESENTATIONS:

1. Novi Parks Foundation - 20th Year Anniversary

Charlie Staab started the presentation by introducing himself, David Landry who is the past Mayor and past president of the Novi Park Foundation, and Melissa Augusta who is the executive director. Mr. Staab said the reason they are here is to celebrate their 20th anniversary. The Foundation was founded in 2004 and is a 501C3. There are two Council members who served on the Foundation, Mayor Fischer who was the treasurer for several years and David Staudt who was there at the initial groundbreaking. The mission is to be

a vehicle to the citizens and businesses to provide funds for scholarships and to develop and maintain parks. In the last 20 years, the Foundation has raised over \$1.5 million dollars. The first project funded is the Jessica Starr Splash Pad and to be presented to the City is a check for \$320,000 that was raised through the Foundation. There are other projects that they have contributed to over the years, ranging from play structures at Power Park which is a unique play structure that accommodates children with handicap disabilities and so on. Not all the projects are active park situations or activities as there are also contributions to the cultural services piece of Park and Recreation plus the scholarship program of \$15,000 plus. There is also funding for public art projects. The major donor over the years has been ITC with \$750,000 and those funds were used in the improvement in development of community sports park plus the development of many other park projects meaning the park signage, the trailheads, and ITC Trail. The next slide in the presentation identified the Foundation's Board of Directors, who are a blend of both business and private citizen participation as well as Melissa Agosta, the Executive Director. A fundraiser coming up is the Pour on the Shore on July 26th at Pavilion Shore Park which is expected to have up to 500 people. This has been a long-standing annual event since 2015. There will be craft beer, wine, bourbon, music and a lot of fun at Walled Lake. There will be a band and many people will show up in their pontoon boats, listen to music and enjoy themselves. Mr. Staab then played a video that exhibited all the different parks that been touched by the Foundations' fundraising efforts such as the Pavilion Shore Park play structure, the Jessica Starr Splash Pad, Pour on the Shore and others.

David Landry then stated that the Novi Parks Foundation is not a section of the City and they are their own 501C3 corporation. The City of Novi is not just a municipal corporation, it strives to be a community. A municipal corporation is a set of logistical boundaries. The City of Novi is a community and that means participation by the residents, the business residents and the educational community. The Foundation is a vehicle by which businesses or individuals can become part of the community by making donations to the parks, recreation and cultural services of the City. As the Foundation raise funds, they assist the Parks and Recreation department in all aspects of culture for the City of Novi. Mr. Landry concluded by saying that they are happy to celebrate 20 years and happy for the support received by the City Council.

Melissa Augusta commented that she is excited about Pour on the Shore as this is the seventh year. There will be a new band called Wingman. There are many new vendors and local businesses that are also helping out. There is also a backup plan if the weather is bad.

Mayor Fischer acknowledged that it was 15 years ago he was Treasurer and congratulated the Foundation on 20 years. He thinks it's important that the newer members learn about the Foundation and the good work that has been done. Mayor Fischer reflected on the days of doing galas at different places in support of it. He thinks that Pour on the Shore is a great way to show off Pavilion Shore Park but to also engage the community with a fun adult friendly evening in the summer and enjoy the lake as well. He stated kudos on that kind of fundraising effort.

Member Staudt wanted to recognize Randy Auler who came to him 23 years earlier and who wanted to put together a park foundation. Member Staudt reflected on how 20 years later the Council is now presented with a \$320,000 check and congratulated the Foundation for keeping it running.

2. Civilian CPR Presentation

Chief John Martin started the presentation by saying that each year, the Novi Police and Fire Departments hold an annual award ceremony where they honor and celebrate the women and men in uniform for their unwavering dedication and also their acts of bravery. As part of the ceremony, citizens are also acknowledged for their lifesaving procedures and contributions. This year there was a change in the format for the ceremony and it was determined the best way to honor these folks is before the Council and the public. Sudden cardiac arrest is a serious health issue and one of our leading causes of death worldwide. According to the American Heart Association's 2022 statistics, more than 356,000 out-of-hospital cardiac arrests occur annually here in the United States and with nearly 90% of them fatal. On May 4th of 2023, these three civilians sprang into action when a 53-year-old male suddenly collapsed in front of them from cardiac arrest. The patient was not breathing and had no pulse. Jesey, Carolyn and Evelyn recognized the urgency of the situation as they quickly assessed the patient and initiated CPR. They continued performing CPR until members of the Novi Fire and Police Department, along with Superior Ambulance, arrived on scene and resumed lifesaving procedures. Had these individuals not acted, the outcome would have been gravely different. Their selfless actions help save a life. For unyielding action of heroism, we award Jesey Bouchard, Carolyn Murray and Evelyn Laskowski with a Life Saving Award. Mayor Fischer concluded by thanking the award recipients for thinking on their feet and making a difference in someone's life.

PRESENTATIONS FOR BOARDS AND COMMISSIONS

1. Kazi Afzal - Public Utilities & Technology Committee

Kazi Afzal has been a Novi resident for almost six years. He has been in the techie area for over 25 years. He moved here working for Tier One Automotive, a German company. His background is electronics and electrical engineering. He graduated from New York in 1993 with a BS and then pursued his masters. In terms of experience, he worked for various companies starting from college and all the way up to management level where he made negotiations, reviewed standards, made deals, came up with standards and found weak points. He is easy to work with and can be tough when needed. Workwise, he can work across the board with people from all cultures and backgrounds. He is detail oriented and loves to travel.

2. Donna Eaddy - Board of Review

Donna Eaddy is presently an 18-year employee of Ford Motor Company. Throughout her career and prior to her current professional role, she held several positions within corporate American which included leadership in sales & market strategy, project management and global direct purchasing, both domestic and international. She is an alumnus of Wayne State University with a degree in business administration, concentrating in management. She holds an associate's degree in business as well. She has a certificate from Real Estate One Academy certifying that she has successfully completed 40 hours of salesperson fundamentals of real estate which includes four hours of fair housing instruction. She has a copy of the certificate if needed. She is a current board member of the Maples of Novi HOA. She is an election inspector, serving under the leadership of the City Clerk. She is a recent graduate of the Novi Ambassador Academy, an eight-week course for residents to learn about the ecosystem of how things work in Novi. She is a benefactor member of the Friends of Novi Library. She hopes her presentation provided impactful insight into her commitment to serve.

3. Syeda Faiz - Beautification Commission

Syeda Faiz lives in Novi after moving from California in 2018. She describes herself as hardworking, professional, diligent, loyal, and understands the importance of teamwork to the success of any organization. She loves to build relationships with different people and help people solve their problems. She is a positive person who believes you get out of life what you are prepared to put in. She is a giving person who enjoys working alongside other like-minded people who want to make a difference in the community. She has a master's degree in English and has worked many years in the banking sector from which she gained a lot of customer service experience as well as learning teamwork, complying with laws and building relationships. She is someone who is a problem solver, braces change with a positive attitude, and pays attention to detail. She also has experience working with children in a school where she has volunteered for a good amount of her life. Over the years she has gained transferable skills and qualities that she feels would be suited to the position of volunteer. She also engages herself in volunteering for schools nowadays. She enjoys reading books which help her improve both professionally and personally. She likes to travel and enjoys good food. She wants to become a volunteer because this is a cause she is passionate about and would like to work alongside like-minded people who make good decisions and positive differences in everything they do in the community.

4. Robert Hamelin - Corridor Improvement Authority

Not present.

5. Chet Roaden - Cultural Arts Committee

Not present.

6. Becky Staab - Cultural Arts Committee

Becky Staab has lived in Novi for 40 plus years and has been active with the arts community for over 40 years. She has currently served on the Cultural Arts Advisory Board for several years and is familiar with the projects that are in process. She has sung with the Novi Choralaires for 40 years. She has been an educator for over 30 years and serves as the truancy coordinator for the Waterford School District. In that capacity, she has become certified in social and emotional counseling which she thinks is important when looking at the arts in our community. She commented that the social and emotional health of our community is important and not everyone looks at health the same way. People who feel better because they go out to Sizzling Summer, which starts on Wednesday, with their children are active in the community also. The Novi Choralaires will celebrate their 50th year as the community choir in Novi and she thinks that needs to be recognized by the City Council and this committee. She concluded by saying that the committee should support what is already and there and by supporting that, they will be able to broaden what is available in the community.

7. Matt Thibaudeau - Corridor Improvement Authority

Matt Thibaudeau has been a resident in Novi for 25 years. He remembers when there were no traffic backups in Novi. He is married with three grown children, all of whom have attended Novi High School. Two of those graduated from MSU and one will be a junior. In his professional experience, he has a CPA and has worked six years in public accounting, 17 years at Chrysler in Financial and now 14 years at Blue Cross Blue Shield in Michigan in strategic program management. He is an active supporter at Novi schools especially the athletic programs. And in his spare time, he has been the president of the Novi Cats, a travel Basketball club, for over 10 years administering all programs that provide competitive basketball opportunities for youth in Novi and surrounding communities. There are 15 teams with about 150 players and functions as a feeder program for the Novi High School basketball programs. He was asked to apply for this and would be happy to make time for this as he understands how difficult it is to get people to volunteer for assignments like this. He comes with no preconceptions about how this should go and would work for the service of the Council.

CITY MANAGER REPORT: None

ATTORNEY REPORT: None

AUDIENCE COMMENTS:

Belinda Smith Brock lives in the Meadowbrook Commons senior complex at 25007 Meadowbrook Road, and her comments are a continuation of comments made at the June 3rd Council meeting regarding the lease parking lot addendum to the ranch apartment homes. She consulted with a lawyer for his interpretation of the parking lot addendum. Addendum verbiage states, "this community does not provide any open parking spaces.". "Tenant may only park one vehicle per rented space.", is the attorney

interpretation. The provision should say "free open parking spaces as parking spaces are available for rent" according to the parking lot addendum. Attorney interpretation is "the rented space is exclusive to the assigned vehicle. If a tenant has two vehicles, they should rent two spaces. If guest parking is available, such parking is for guests only on a first come first serve basis.". The lease agreement under Rules of Occupancy states, "management reserves the right to alter or change these rules and regulation in accordance with the lease.". The attorney's conclusion is that the parking addendum is not being enforced. The closest single guest parking space to Ms. Brock's apartment is approximately 53 feet away. When her 91-year-old mother, who uses a wheelchair comes to visit, that closest guest parking space is being used, most if not all the time, by a tenant with a second car. This causes no available parking for the car that her mother is riding in. She addressed the situation with the community manager who responded via email and replied in short saying the tenant was not violating the addendum and could park tenant's second car in the guest parking and she would speak with the tenant about Ms. Brock's concern. There are only eight single parking spaces out of 25 guest parking spaces for 60 ranch homes. She would appreciate the Council looking into this situation.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 24-06-84 Moved by Casey, seconded by Smith; MOTION CARRIED: 6-0

To approve the Consent Agenda as presented.

- A. Approve Minutes of:

 May 20, 2024 - Regular Meeting
- B. Approval of a resolution establishing a marriage fee.
- C. Approval to purchase Courts and Law Enforcement Management Information System (CLEMIS) and Fire Records Management System (FRMS) fees and services from Oakland County for the 2024-25 fiscal year in the amount of \$62,810.
- D. Acceptance of a highway easement for completion of sidewalk improvements at 25500 Meadowbrook Road in the amount of \$2,145.57.
- E. Approval of Resolution granting the Novi Parks Foundation a one-time exemption from the City's policy regarding alcohol on public property for purposes of its July 26, 2024, fundraiser at Pavilion Shore Park.
- F. Enter Executive Session immediately following the regular meeting of June 3, 2024, in the Council Annex to discuss confidential written communication from the city attorney.
- G. Approval of claims and warrants – Warrant 1157

Roll call vote on CM 24-06-84

**Yeas: Gurumurthy, Heintz, Smith, Staudt,
Fischer, Casey**

Nays: None

Absent: Thomas

MATTERS FOR COUNCIL ACTION:

- 1. Consideration of the request of E & M Holdings, LLC, (Society Hill) to amend the 2001 Consent Judgment, and to set a public hearing on the proposed development.**

City Manager Cardenas said the Society Hill is a development located at the northwest corner of 12 Mile and Novi Road that was originally approved in 1999. Society Hill is associated with a 2001 consent judgment that was filed by the City. The consent judgment states that the site plan approved in 1999 was to remain in effect for five years from the date of execution, after which time the applicant would need to seek approval from the City Council to extend the final site plan approved each year. Going back to 2006, the applicant has requested, and the City Council has granted, the site plan extension. The 1999 site plan remains an approved project that could be built. The applicant has submitted a new concept plan for review by the City Council to consider amending the consent judgment. If the Council is amenable to the judgement, a public hearing would be an appropriate action.

Mayor Fischer stated that to understand the process at this point, the applicant Jordan Sasson will update the Council on the proposal and presentation. The Council will have the opportunity to ask questions or provide feedback and comments. No other action would be taken other than to set the public hearing, which is part of the process. He then asked Attorney Schultz to re-establish a baseline for Council based on the fact that this isn't going through the normal Planning Commission process and the reason for that.

City Attorney Schultz responded that this results from the language of the consent judgement from 2001. Over the past couple of years there have been conversations with the developer about a process to move a revised or new plan in front of the City Council. What was agreed on was what the process with the Council would be and when the developer started working on it. It essentially followed the provision in the consent judgment that talks about the City Council being the final decision maker on the site plan and that it doesn't go the Planning Commission. Part of that discussion was that the City will have to hold a public hearing and essentially that is intended to fulfill the obligation that the Planning Commission would typically do, by holding a public hearing to giving the public the same notice but with maybe a different final decision maker.

Mayor Fischer confirmed that this is a different path than the normal site plan review and approval process that's driven by the fact that this site plan is out there currently, and the property is under a consent judgement and Attorney Schultz responded that's correct but with all the protections the public would normally have.

Attorney Alan Green spoke to reiterate the process. An amendment to the consent judgment is a collaborative mutual effort by both sides, and they wanted to work with the City from the beginning on this new vision of the project. It's an older consent judgment that had nothing to do with the development itself. The currently approved development, Society Hill, went through the normal approval process and was approved prior to the consent judgement. The consent judgement is a bit of a hodgepodge. It arose from a condemnation action originally as there were several things going on at the same time. The City was seeking land, to improve Novi Road, from several property owners and there was also a SAD for sewer water. The City ended up having issue back then about finishing up the process so all of that was rolled into this consent judgment which included the plan that was already approved by the City back then and allowed to be re-approved every year after five years and that occurred 20 something years ago. This process began over a year ago when the developer came to the City Council and said that they were interested in doing a new project for Society Hill. The current plan is a traditional garden variety apartment complex with the same units, same buildings with amenities such as a swimming pool and clubhouse. What is being envisioned now is completely different. It's going to be focusing on the current master plan, providing housing opportunities for a wide variety of residents within the same development. Society Hill essentially allows and targets a certain audience. This development targets everybody within the same development and it incorporates a variety of modern planning principles. It deals with generational changes, such as what kind of housing people are looking for. The process started a year ago when the developer came to City Council and presented a new vision. It was a different makeup of Council member but there was an indication that the Council was interested so the developer spent last year doing hard design, engineering, and architecture. The next step, if desirable to the Council, is to set a public hearing. It was agreed to go through the process as if it were any other project other than the consent judgment that indicates the Planning Commission isn't involved in the project but otherwise the developer is going through all the steps with all the departments.

Jordan Sasson commented didn't grow up in Novi but did spend years of his childhood living and working here. He is a second-generation developer. His father was a very active developer in the 80's and 90's and spent many years building notable projects in Novi. As a teenager, Mr. Sasson worked in Novi at those properties and leasing departments and learned what it meant to go to work every day, so Novi is special to him in that regard. He graduated from high school and went to college. He moved to New York and worked for a big real estate developer, Related and Steven Ross who the business school at University of Michigan is named after. This project was approved by his father in 1984 where it took 13 years to rezone and subsequently got approved in 1999. The current site plan provides for 312 apartments, a clubhouse with a pool, and a few tennis courts. Units are two, three and four bedrooms, all of which are quite large in size and all of which have a single car garage. The developer went back to the drawing board over a year ago and had conversations, which predated Mr. Sasson's involvement, about what could be at this important intersection in Novi which is a transition between the core Novi commercial and the residential neighborhood to the north. They want a transformational project that aligns with the master plan visions of the

City and worked with consultants to come up with an exciting project. The property is north of the intersection of Novi Road and Twelve Mile and is 34 acres. Mr. Sasson stated the focus was developing a true mixed-use environment inside the boundaries of the site. Mr. Sasson reiterated Mayor Pro Tem Casey's concerns about the type of housing typologies that are in the City and is focused on providing diverse housing. They also believe in garage parking and think the residents will demand them as that is an expected part of quality. The site is complicated in terms of its engineering features. There will be large outdoor and indoor amenity packages available to all the residents. There will be an extensive network of connected green spaces as they believe in landscaping and incorporating it into the design features as natural features are critically important to this site and to the layout. There will be over 10 acres of preserved wetlands and trails as well as other amenities in the orientation of the building to capture the views and use those wetlands as features of the site. The developer has put thought into how to interact and connect to the amenities from the site and multi-modal connectivity. To the south of the project there is a City owned parcel of three acres that is primarily wetlands and part of the proposal is to use this as stormwater detention. The first key attribute of the project is the housing typologies. There are four-story apartment buildings with tuck under parking. All of the garage entries and locations are specifically cited to work with the existing topography. The highest elevation is about 40 feet from the low elevation across the site. The buildings and roads are located in a way so garages, an important amenity, can be tucked under. The indoor and outdoor amenities are located within these buildings but are accessible to everybody. There are studios, one, two and three-bedroom apartments that range from 600 square feet to 2,200 square feet. Every building has an elevator. There are also two townhome options with 100 units across the northern half of the site and 80 of those are three-stories that range from two to three-bedrooms and have a variety of layouts and sizes. All of these have a private garage with EV capability. There will be EV capability in all buildings. There will be 20 two-story townhomes of which 16 are planned to have full ground floor living accommodations where the master suite, living, kitchen and bathrooms are. There is a two-story option that has a second or third bedroom upstairs if a larger area is needed. Mr. Sasson stated that Novi has a diverse demographic, a big population and it's important to appeal to those and help the City continue to grow by having a product that appeals to everyone. The indoor amenity will be approximately 15,000 feet across the main level of the large building as well as a rooftop amenity. The indoor amenity will have a grand lobby, business center, leasing management office, café, bistro, fitness center and more. The outdoor amenities are a big differentiator. The topography of this site is unique. When you enter the building on the first floor, it is about 30 feet above the height of a pond located on the west side, so everyone that comes into that building or lives there will have a tremendous view. There is a tiering opportunity to introduce amenities such as pools, tennis courts, basketball courts, and pickleball courts. There is a turf soccer pitch in the middle and a kids' playground. Mr. Sasson stated that given how complicated and large the site is, they have made a product that will help create an economic halo effect for commercial revitalization and investment within the City. For sustainability there will be EV charging stations, LED lighting, Smart Home systems, motion-sensor lighting, sustainable building materials and energy efficient appliances. The key attributes of Natural features and green space are buildings and amenities sited in location to optimize view corridors of

natural features, 10 plus acres of preserved wetlands & woodlands, nearly seven acres of active open green space, 98% of units have a private outdoor space, two plus miles of walking & running trails, permanent water ponds, gazebo seating & pergola areas for viewing, plus a significant landscaping program. The multi-modal connectivity will have two plus miles of trails within Society Hill that connect to sidewalk improvements along Novi & 12 ½ Mile roads including a new at-grade sidewalk, interconnected bike path to Lakeshore Park and more within a half a mile, plus or minus. The new proposed site still uses the RM1/PD1 zoning. Its use is residential with all the ancillary components, amenities and so on that are a part of that zoning. As it was in 1999 and still is today under the newly proposed plan, the heights correspond to the same PD1 guidelines. It's important to note that while there are more units, it's a different type of unit configuration. The overall square footage and room count is negligently the same and the parking ratio is consistent with the standards of the City. The site was originally approved for approximately 2,000 trips based on a traffic study that was done years ago but has now increased by 184. Regarding stormwater management, ordinances and standards were different when the plan was originally approved but Mr. Sasson stated that they would increase the storage capacity which would have a more significant and positive impact in terms of flow rates of the site and into the City's storm system. The developer has worked with the Engineering department and the City to come up with a concept where they would use the City's parcel for storage and control the flow offsite.

Member Smith expressed that he liked the idea of coworking space, conference rooms, first-floor living, elevators and the looks of the development. He is concerned about the number of trees coming out and that the developer wants to use the 1999 era ordinance for replacing the trees or for paying into the tree fund. The count has gone from 1,062 trees in 1999 to 1,338 now, which is 25% more trees coming off the site. Member Smith commented that in general, when developers are making presentations, he would like to see more use of solar or inground heat exchange systems for heat pumps.

Member Gurumurthy had three items of concern and feedback. The first item she spoke of was the tree survey that was done back in 1999 and thinks it's important to do the tree survey now so the Council can better understand what the impact is going to be. The second item was the shoreline setbacks as she thinks it should be 100 feet across the board. The third item was the wetland mitigation and Member Gurumurthy expressed that it is important that we are consistent with the City's wetland and watercourse protection and wants to see that it's within the ordinance, on site or a little bit within the City's jurisdiction. The last concern is about the screening berm near the property lines and want to make sure that is also aligned with the ordinance.

Member Heintz mentioned that the 10 acres that would be preserved wetland is not a conservation easement and asked could that potentially be subject of alteration or future development. Jordan Sasson responded by saying that the site is oriented and designed in a way that those are features of the site and that they are making a meaningful investment towards the design that those are amenities of their site. Mr. Sasson also said that there is zero interest in doing anything with those areas and there is every intention of keeping them an integral part of the project. Alan Green added they

would take the next step in preparing an amended restated consent judgement by attaching a preliminary plan and that would bind them in that regard. In a consent judgement of this nature, there could be a paragraph or provision dealing with natural features or wetlands so there would be a commitment that would be court ordered and would preserve those features. Addressing the woodlands, with respect to the new trees that are proposed to be removed, they are applying the current ordinance standards and not looking back at 1999 requirements. Replacement or financial requirements for those trees are being looked at. Other trees that were slated to be removed were replaced and there have been about 1,266 trees planted elsewhere in accordance with the consent judgement even though there is no development yet. Mr. Green understands that some of the trees that were counted back in 1999 have grown but that the trees they planted elsewhere have also grown and reiterated that the intent is to look at the current ordinance.

Jordan Sasson presented a map that addressed the new limits of disturbance and stated that there are 194 trees on their site and 82 trees on the City's parcel. The 82 trees on the City's parcel and most of the 994 trees are to accommodate the larger stormwater base. In addition to introducing new building typologies, road access, and buildings that need access on all four sides for the garages, making the road systems work is an incremental challenge. There are two small wetland pockets that are in the middle of the site plan north of the detention basin that makes up most of the incremental disturbance on the site. The old plan had no impact therefore no mitigation, but this plan has mitigation because there's impact. The only place to do it from a grading limits perspective is adjacent to the remaining preserved wetlands which means there are larger impact areas. As part of the mitigation requirements, there is a lot of mitigation on site for woodlands where the old plans had none as it was all off-site, so they are trying to find a balance of both wetland and woodland mitigation on site. Mr. Sasson also wanted to address the shoreline setback and stated that there was also a deviation that was granted under the original plan. There is a tight topographic condition from Novi Road to the elevation of a large pond, almost a 40-foot drop so those buildings also have the same shoreline setback. The detention ponds are treated as ponds and have shoreline setbacks. The original detention ponds for the original plan also have setback limits. The 1999 site plan had stormwater detention basins sized for a 10-year flood event. The new plan has the stormwater detention basins sized for a 100-year flood event where the City's parcel is included to partially offset incremental impact of stormwater management and updated basins will help cleanup, control & improve existing runoff entering the preserved wetlands & city stormwater system. The deviation is necessary in order to be able to site this project in a successful way.

Member Staudt stated that he has been involved for 17 renewals on this project. He then wanted to know if there is anything that prohibits us from negotiating public benefits in the changing of the consent judgment. City Attorney Schultz replied by asking if Member Staudt was talking about the sort of public benefit concept that is typically talked about with a planned rezoning overlay in which Member Staudt responded by saying that was exactly what he was talking about. City Attorney Schultz then commented that he didn't know if they would be identified as that but as Mr. Green said, this is a bit of negotiation

due to amending the consent judgment and if both parties are amenable to something, it can find its way into the consent judgment amendment. Member Staudt commented that there is definitely a benefit to the developer expanding this footprint and there are some things that he thinks would be of beneficial use to City residents. He then asked the developer if the intent is to build out the entire site in one phase, including the amenities or build out a few buildings at a time. Mr. Sasson responded by saying that the horizontal infrastructure work on this site needs to be attacked in one shot because of the land balancing requirements and the utilities. The site is big and complex and the dirt from one side needs to be moved to another side. Mr. Sasson continued by saying that 463 apartments cannot be delivered in one month and this needs to be sequenced. There is not enough local manpower to build all these buildings in one shot. The intention is not to "phase the project" but to deliver building by building which is no different than other projects under construction in Novi. Some residents move in early and some will move into the last building. There are construction limitations, worksite limitations, and a market absorption question as you have to get people in quickly so you can get to the next building. Member Staudt said that some of the attractive parts of this are the smaller buildings on the perimeter of the development. He wouldn't be a supporter of the mega building being built first and then those built at a later date. Member Staudt stated he doesn't want a development that goes on for 10 years and would ask to have something in the consent judgment about some kind of a build out period. He doesn't want a big building built and no amenities and then the amenities will get done as time goes on. There are some concerns Member Staudt has about a development this large and the amount of time that it's going to take and if something will change in the economy that precludes the project from getting finished. For example, buildings with garages don't get done because financially it is not the right time. Mr. Sasson responded by saying that the reason they approach this project, with multiple housing typologies, is to mitigate that concern. It is the developer's belief and business plan to deliver a variety of product typologies. The goal is to try to have mass grading, the balancing of the site, and all the utilities done in one shot to allow for all the housing. They have to get through the site and find areas to be able to sequence first but the goals and objectives were to have variety of housing to attract a wide base from the get-go and that includes the amenities and everything else. The site will be marketed in a manner that it is a very unique project. Mr. Sasson continued that to achieve their goals, they need to deliver the promise that they are making to the community, to the residents, and to themselves or else it will not be a successful project. He cannot speak to the past 25 years as to the history of the annual renewals but can speak to his involvement in coming up with this concept and working with his team, engineers and consultants to dream up this and listening to what he believes he has heard from the Council. They listen to what the Council says, what the touch points are and have done their best to incorporate them into this project. Mr. Sasson's father, back in 1990, built River Oaks West and it is one of the most well-known properties in Novi. It spearheaded a run of successful projects that followed with Main Street and other projects that came to Novi, since River Oaks was the first project with garages. River Oaks was also the first project with a 10,000 plus square foot clubhouse and a huge pool deck. Mr. Sasson believes in this community, which is why this project is being presented. It's an important intersection and is something he believes in or the land would have been sold years ago. It's a project they believe can catapult the city for

many generations to come like river Oaks did years ago. It's a big project that has complexities that will need to be worked through and they will do their best. Member Staudt said that his question didn't get answered and that the Council generally doesn't get involved in individual developments but wanted to make it known what issues he has and wanted to know is this going to take several years to build out. Mr. Sasson responded by saying that he recently went to a project on 90 acres and three times the size of this project and it was built in two years. This project has more risk because but thinks this is more appropriate for today's market and what the City deserves. Member Staudt said he thought the proposal brought forward in 2021 or 2022 was a good project and he supported it but being discussed is to open up a consent judgement which is not usually done in this City. He has made it clear that the whole issue of this project is how it's going to be built out and when things are going to get done. He wants to make sure the very largest building, which people cannot move into, isn't completed without any of the amenities being completed. He wants to see those things built in conjunction with the large building because what he doesn't want is a big building sitting in the middle of a lot with nothing because the market's changed. There is nothing in the agreement that says you have to build this and at some point, it could stop. Member Staudt then asked if the amenities will be an additional cost to the residents. Mr. Sasson responded yes, it is common practice to charge amenity fees but that everyone will be charged the same amount and that it may be a separate charge or part of the rent.

Mayor Pro Tem Casey stated that there is a lot to like about the development and the difference in the housing topography. She appreciates hearing some of the feedback that some of her colleagues have been saying for months now in terms of wanting first floor living for older adult residents. When she looks through the packet, there's a lot of feedback from staff that she looks forward to seeing come back in the next submittal. There is a list of things that Council has in front of them that she expects that they will talk about at the table because there are some deviations that the developer is asking for. Mayor Pro Tem clarified that they will be talking about setting a public hearing tonight and at the next meeting she will be looking forward to seeing what they've done to respond to the staff's feedback and expectations. She would also like to see some clarity about where the 1,200 trees are that have already planted. She echoes Member Staudt's concerns about how the site gets built out.

Mayor Fischer said he looks at this from a pro/con list. Fundamentally, there is an agreement and a site plan, and the developer could go ahead and start tomorrow with that and he thinks it's doable but it's not something that would be a showcase for Novi. What is being proposed now is such a higher quality and nicer change of pace from the prior plan, and those pros take away from some of the negatives. There is everything from 600 some odd square feet to 2,200 square feet with all the amenities inside and out. He is impressed and intrigued and supports all of that. He is also intrigued by what Member Staudt said and thinks it's an appropriate concern from a Council perspective but also thinks that it is something that could be collaborated on to come up with something that would satisfy both parties. He thinks the project has a lot to offer and would be something that Novi as a city could be proud of.

CM 24-06-85 Moved by Casey, seconded by Staudt: MOTION CARRIED: 6-0

Approval of request to set a public hearing in order to consider the request of E & M Holdings, LLC, (Society Hill) to amend the 2001 Consent Judgment, and direct City Staff to send notice of a public hearing to be held at the July 8, 2024, City Council meeting.

Roll call vote on CM 24-06-85

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

Nays: None

Absent: Thomas

2. Approval of resolution to authorize Budget Amendment #2024-5

City Manager Cardenas said this budget amendment puts us in line with what was approved during the budget process by City Council and gets us to the fund balance level that was directed by Council, the 11.4 mark. It sets us up for the next budget amendment which is at \$3 million with all the rollovers and could be listed separately in the capital fund. One thing brought to his attention under the Parks and Rec fund is a reduction of a transfer from the general fund to the Parks fund that will need to be noted because the Parks fund did not need that large of a support from the general fund.

CM 24-06-86 Moved by Casey, seconded by Smith: MOTION CARRIED: 6-0

Approval of resolution to authorize Budget Amendment #2024-5.

Roll call vote on CM 24-06-86

Yeas: Smith, Staudt, Fischer, Casey, Gurumurthy, Heitz

Nays: None

Absent: Thomas

3. Approval of resolution to authorize Budget Amendment #2024-6

Member Smith commented that he liked the idea of breaking out the carryovers into a separate budget because it makes it easier to understand where things are coming from and going to and as someone who reads the budget, it is appreciated.

CM 24-06-87 Moved by Smith, seconded by Staudt: MOTION CARRIED: 6-0

Approval of resolution to authorize Budget Amendment #2024-6

Roll call vote on CM 24-06-87

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

Nays: None

Absent: Thomas

**4. Appointments to Boards and Commissions - Parks, Recreation, & Cultural Services
Commission Appointment and Planning Commission Re-Appointment**

City Clerk Hanson stated that for the Parks, Recreation & Cultural Service Commission there were two full terms available. There was one applicant who received enough votes to be appointed and that is Swami Gopalakrishnan leaving one full term to still be appointed. Mayor Fischer stated that the second appointment can be revisited at the next meeting.

CM 24-06-86 Moved by Fischer, seconded by Casey: MOTION CARRIED: 6-0

Approval to re-appoint Ramesh Verma to the Planning Commission

Roll call vote on CM 24-06-86 Yeas: Fischer, Casey, Gurumurthy, Heintz,
Smith, Staudt,
Nays: None
Absent: Thomas

CM 24-06-87 Moved by Fischer, seconded by Casey: MOTION CARRIED: 6-0

Approval to re-appoint Mark Pearson to the Planning Commission

Roll call vote on CM 24-06-87 Yeas: Casey, Gurumurthy, Heintz, Smith, Staudt,
Fischer
Nays: None
Absent: Thomas

CM 24-06-88 Moved by Fischer, seconded by Casey: MOTION CARRIED: 6-0

Approval to re-appoint Mike Lynch to the Planning Commission

Roll call vote on CM 24-06-88 Yeas: Gurumurthy, Heintz, Smith, Staudt,
Fischer, Casey
Nays: None
Absent: Thomas

5. Consideration of approval of Change Order No. 5 to Cadillac Asphalt, LLC for construction of Thirteen Mile Road Rehabilitation, Meadowbrook Road to M-5, in the amount of \$927,466.

City Manager Cardenas said this is tied to the project that the City assumed responsibility from the GLWA and their initial construction last year. The total cost will be \$1.1 million with the packet material estimated an increase of about \$500,000. The City's responsibility is believed to be closer to \$250,00 due to some reimbursement from GLWA because the City will be doing more work on the south side than was initially thought.

CM 24-06-89 Moved by Casey, seconded by Smith: MOTION CARRIED: 6-0

Approval of Change Order No. 5 to Cadillac Asphalt, LLC for construction of Thirteen Mile Road Rehabilitation, Meadowbrook Road to M-5, in the amount of \$927,466.

Roll call vote on CM 24-06-89

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

Nays: None

Absent: Thomas

- 6. Consideration of agreement with People's Express, ("PEX") that will allow use of City office and parking space and provide a process for PEX to invoice the City for the cost of fares to enable Eligible Rides to receive rides for free.**

City Manager stated that similar to other transitions experienced with city services, contractors have asked to be on site so they can answer questions and help facilitate the transition and answer real time questions. For the next six months it's proposed that PEX will be in-house, and this includes having their vehicles on site using spaces as well as office space and using the City's fuel pumps. It would be a good idea to have an MOU in place to facilitate this. The City Manager requested that the motion include the typical language "subject to the approval of final form by the City Manager, City Attorney' office, including minor non-substantive amendments" since there were changes to the agreement that were brought to attention.

Member Gurumurthy commented that she was glad that PEX will be on site and asked if they will be available during the transition time as well. The City Manager responded yes, during the daytime hours as well as their call center which is sometimes available past the normal nine to five hours.

Mayor Pro Tem Casey stated she liked this process that was started with Waste Management, or the trash vendor at the time, by bringing them on site for that transition. She appreciates the process that's been started and continuing it with PEX. Her only comment would be since this agreement can be mutually extended, is to get staff's input around the three-month mark as to if an extension is needed.

CM 24-06-90 Moved by Casey, seconded by Gurumurthy: MOTION CARRIED: 6-0

Approval of an agreement with PEX to run from July 1, 2024, to December 31, 2024, which may be extended upon mutual agreement subject to the approval of final form by the City Manager, City Attorney' office, including minor non-substantive amendments.

Mayor Fischer asked what the purpose was of having PEX lease parking spaces from the City and what was their long-term solution beyond December 31st. The City Manager responded that the purpose was so that drivers that were hired from City staff and locally,

and will not have to drive to Whitmore Lake to pick up the buses only to come back here. There will be four PEX vehicles parked here. There is no final determination on how long the PEX vehicle will be kept here or at Whitmore Lake. The Mayor commented that PEX is a separate body and should not be using City parking spaces free forever as those should be available for residents and suggested the City enter into a rental agreement with any businesses using our facilities or parking spaces. The Mayor is fine with offering PEX spaces for during this transition for a period of six months. City Attorney Schultz clarified that it is expected that there will be a subsequent agreement unless this all gets worked in the County agreement. The Mayor stated then the City would need to do something beyond 2024 if subsidies on these rides continued and if the County doesn't do anything, there would be another agreement like this one and Mr. Schultz expects that to be so.

Member Staudt expanded on the Mayor's concern by saying that he thinks it would be appropriate for PEX to have some kind of staging area or depot by purchasing property in the City and making an investment in the City, much like MedStar did. To drive to Whitmore Lake and back to have service in the area doesn't make sense and thinks it would behoove them to look at a facility here and make that investment in the community. PEX is getting \$1.5 million a year so they can afford a small building.

Roll call vote on CM 24-06-90

**Yeas: Smith, Staudt, Fischer, Casey,
Gurumurthy, Heintz**

Nays: None

Absent: Thomas

7. Consideration of Resolution Approving Assignment of Waste Hauling Agreement from GFL Environmental to Priority Waste LLC. subject to the Transfer Agreement between GFL and Priority Waste begin finalized and Priority Waste providing insurance to the City.

City Manager Cardenas said the City is notified that GFL will be selling their residential business to Priority Waste, a company that is located on the east side. The provision in the agreement requires that any change by the provider must be approved by City Council. It is anticipated that residents will not see a difference in the level of service, just different colored trucks. The days of service will stay the same and the level of service will remain high. Resident carts may receive a new sticker at some point that he is sure Priority will facilitate to acknowledge the cart as Priority Waste's property. It is expected there will be the same high-level service from Priority just like from GFL and Waste Management.

Member Staudt said that there was good service from GFL and wanted clarification regarding exchanging out the trash barrels. Sam Caramagno from Priority Waste stated that there will be the same trash and recycling containers as before and the trucks will someday be yellow and no longer green.

CM 24-06-91 Moved by Staudt, seconded by Smith: MOTION CARRIED: 6-0

Approval of Resolution Consenting to the Assignment of the City's waste hauling agreement from GFL Environmental to Priority Waste.

Mayor Fischer stated that it was his understanding that with contracts like these, there seem to be very little recourse as a city council to not go ahead and allow this assignment or contract to take place unless there was some justifiable reason and asked if Attorney Schulz could expand on that. Mr. Schultz responded that Michigan contracts are generally assignable unless there's an attempt by the parties to limit that assignment ability. This language here is typical for agreements that been seen in Novi and is somewhat of a limitation which says, it can't be assigned without consent which will not be unreasonably withheld, meaning that there has to be a commercially good reason to say no.

Roll call vote on CM 24-06-91

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

Nays: None

Absent: Thomas

8. Approval of the recommendation from the Consultant Review Committee for City's 2024-2025 property and liability insurance coverage with Travelers Insurance in the amount of \$574,891.

The City Manager commented that the City has been with Tokio Marine Insurance since the early 2000's. Recent quotes from the City's broker, Kapnick, brought Traveler's Insurance with a premium account at \$574,000, which is the same amount the City had last year. Instead of planning for a 10%, there will be a \$57,000 savings for next year's budget. A consultant review that that was appropriate, and the proposal Traveler's put forth was impressive.

Member Staudt said that on the Consult Review Committee, there was a lot of discussion about this. The new proposal provides excellent coverage for the City. It is going to be a potentially long-term agreement. Traveler's is interested in the community and want to do business with the City.

CM 24-06-92 Moved by Staudt, seconded by Casey: MOTION CARRIED: 6-0

Approval of the recommendation from the Consultant Review Committee for City's 2024-2025 property and liability insurance coverage with Travelers Insurance in the amount of \$574,891.

Roll call vote on CM 24-06-92

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

Nays: None

Absent: Thomas

- 9. Approval of the recommendation from the Consultant Review Committee to renew Kapnick Insurance Group as the City's insurance broker for general liability and property insurance until fiscal year 2028 with a one two-year city renewal option.**

CM 24-06-93 Moved by Staudt, seconded by Casey: MOTION CARRIED: 6-0

Approval of the recommendation from the Consultant Review Committee to renew Kapnick Insurance Group as the City's insurance broker for general liability and property insurance until fiscal year 2028 with a one two-year city renewal option.

Member Staudt stated that this was part of the Review Committee meeting and after consideration and discussion, it was determined that instead of a two-year renewal agreement, a four year would be more appropriate as Kapnick has done a good job for the City.

Roll call vote on CM 24-06-93

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

Nays: None

Absent: Thomas

CONSENT AGENDA REMOVALS: None

AUDIENCE COMMENT: None

COMMITTEE REPORTS:

1. Older Adult Needs Committee

Mayor Pro Tem Casey stated that the work of the Committee in tonight's meeting was going through and getting close to finalizing their presentation to Council which is scheduled for the end of July.

2. Consultant Review Committee

Member Staudt commented that the committee basically oversees and assists staff with the discussion about major projects and contracts. One big thing coming down the pike is going to be a review of a potential management representative for a public safety facility.

3. Environmental Sustainability Committee

Member Smith said the committee has their first meeting tonight and had a good discussion of potential outside resources to talk to other cities and groups of the county that have implemented environmental sustainability plans. The plan is to narrow down looking at what other people have been successful with and where issues have been

and where funding can be found. The committee did a little brainstorming session on ideas and hope to have a representative from one of the neighboring communities to come in and talk to the committee about their process.

MAYOR AND COUNCIL ISSUES: None

COMMUNICATIONS: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 9:01 P.M.

Cortney Hanson, City Clerk

Justin Fischer, Mayor

Transcribed by Becky Dockery,
Account Clerk

Date approved: July 8, 2024