

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, FEBRUARY 27, 2023 AT 7:00 P.M.**

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

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Casey, Crawford, Fischer, Smith, Thomas

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

APPROVAL OF AGENDA:

Mayor Pro Tem Staudt added "Tree Limb and Tree Waste Pickup" to Mayor and Council Issues. Member Fischer added "Power Lines" to Mayor and Council Issues.

CM 23-02-019 Moved by Fischer, seconded by Casey; CARRIED UNANIMOUSLY

To approve the Agenda as amended.

Roll call vote on CM 23-02-019	Yeas: Staudt, Casey, Crawford, Fischer, Smith, Thomas, Gatt
	Nays: None

PUBLIC HEARINGS: None

PRESENTATIONS: None

MANAGER/STAFF REPORT:

Interim City Manager Cardenas wanted to give a public thanks to our CERT team members. They were very gracious with their time and volunteered to have a warming center here at the Civic Center the last few nights during some power outages. He said we have some fantastic people that were able to help us out during this time and be able to serve about 50 people or so that used it throughout the last few days. Mayor Gatt thanked him for recognizing our CERT team that provided the most invaluable service to our community for no charge, no recompense to themselves. He said they come out sometimes in foul weather and they do some very difficult deeds that we just do not have the staff to help with. He said we do appreciate it.

ATTORNEY REPORT: None

AUDIENCE COMMENTS: None

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 23-02-020 Moved by Casey, seconded by Thomas; CARRIED UNANIMOUSLY

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
February 6, 2023 - Regular Meeting
- B. 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 28, 2023, fundraiser at Pavilion Shore Park.
- C. Approval of a resolution establishing compensation for Election Commission members.
- D. Approval of the final payments to Pro-Line Asphalt Paving Corporation for the 2020 and 2021 Neighborhood Road Program – Asphalt Streets in the amount of \$68,819.99 and \$96,901.37, respectively, plus interest earned on retainage.
- E. Approval of a Purchase Agreement with Detroit Edison Company (DTE) for the installation and ongoing operation cost of three (3) GFI outlets on the existing street light posts at the entrance of Andelina Ridge subdivision, and approval of an amendment to the Streetlight Agreement with the Andelina Ridge Association.
- F. Approval of the final payments to Florence Cement Company for the Cranbrooke Drive Reconstruction from 10 Mile Road to Village Wood Road (Project 1 - 2020) and Cranbrooke Drive Reconstruction from Village Wood Road to 9 Mile Road (Project 2 – 2021) in the amount of \$56,385.28 and \$98,603.73, respectively, plus interest earned on retainage.
- G. Approval of the final payment to Fonson Company, Inc. for the Lee BeGole Headwall Reconstruction, Bishop Creek Streambank Restoration, and Segment 70 Meadowbrook Road Sidewalk project, in the amount of \$32,655.12, plus interest earned on retainage.
- H. Approval to Accept Jurisdiction from the Road Commission for Oakland County over the portion of 12 Mile Road as Identified in the Agreement Transferring Jurisdiction and Authorize the Execution of the Agreement Per MCL 247.852
- I. Final approval of the request of Granger Construction, LLC, for Michigan CAT Catherine Drive Access Parcel, JZ21-22, with Zoning Map Amendment 18.734, to rezone property from Light Industrial (I-1) to General Industrial (I-2), subject to a Planned Rezoning Overlay (PRO) Agreement, and corresponding PRO Concept Plan. The property is located east of Novi Road and north of Catherine Industrial Drive in Section 23, and totals approximately 5.29 acres. The applicant is proposing to use the site for outdoor storage of construction equipment related to Michigan CAT's shore and pump operation. **SECOND READING**

- J. Acceptance of a Conservation Easement from Vibe Credit Union for first amendment to a woodland conservation easement being offered as part of JSP21-32, Vibe Credit Union Headquarters Site Maintenance, for property located south of Twelve Mile Road and west of Cabaret Drive, in Section 15 of the City.
- K. Enter Executive Session immediately following the regular meeting of February 27, 2023 in the Council Annex to discuss the acquisition of real property and attorney-client privileged written correspondence from legal counsel.
- L. Approval of claims and warrants – Warrant 1126

Roll call vote on CM 23-02-020

Yeas: Casey, Crawford, Fischer, Smith, Thomas, Gatt, Staudt
Nays: None

MATTERS FOR COUNCIL ACTION:

City Clerk Hanson provided the results of the balloting: For the Beautification Commission, Jan Lach and Celia Todd were reappointed, for the Building Authority, William Bluford was reappointed, for the Construction Board of Review, Patrick Torossian was reappointed, and Kamran Qadeer was appointed to a full position, and for the Zoning Board of Appeals, Dr. Mav Sanghvi was reappointed.

Mayor Gatt congratulated everyone and thank you to those people who have been chosen and who have applied. He asked the whole City of Novi to continue their volunteerism because that is what makes Novi so great.

1. Appointments to Boards and Commissions

Mayor Gatt said the next appointments are made by the Mayor with the approval of the City Council. Mayor Gatt stated for the Corridor Improvement Authority there are two full terms and he submitted Blair Bowman and Hugh Crawford.

CM 23-02-021 Moved by Staudt, seconded by Fischer; CARRIED UNANIMOUSLY

To appoint Blair Bowman and Hugh Crawford to the Corridor Improvement Authority.

Roll call vote on CM 23-02-021

Yeas: Crawford, Fischer, Smith, Thomas, Gatt, Staudt, Casey
Nays: None

Mayor Gatt announced the next appointment was for the Library Board. He submitted Priya Gorumurthy for a full term.

CM 23-02-022 Moved by Staudt, seconded by Casey; CARRIED UNANIMOUSLY

To appoint Priya Gurumurthy to the Library Board.

Roll call vote on CM 23-02-022

**Yeas: Fischer, Smith, Thomas, Gatt, Staudt,
Casey, Crawford
Nays: None**

He commented that was all he was prepared to offer that evening. He asked City Clerk Hanson to continue advertising for the Library Board.

- 2. Consideration of approval to award the contract to Weatherseal Home Improvements, the low bidder, for Meadowbrook Commons Housing Window Replacement in the amount of \$554,299, and amend the budget.**

CM 23-02-023 Moved by Casey, seconded by Thomas; CARRIED UNANIMOUSLY

Approval to award the contract to Weatherseal Home Improvements, the low bidder, for Meadowbrook Commons Housing Window Replacement in the amount of \$554,299, and amend the budget.

Roll call vote on CM 23-02-023

**Yeas: Smith, Thomas, Gatt, Staudt, Casey,
Crawford, Fischer,
Nays: None**

- 3. Consideration of appeal by Singh Development LLC for JSP 20-35 Townes of Main Street from the Planning Commission's denial of a Wetland Permit. The subject property is located east of Novi Road, north and south of Main Street in Section 23. The applicant proposes to develop 192 multi-family residential units on a vacant 17.69 acre site in the Town Center One District.**

Interim City Manager Cardenas noted that this is the final step for Singh Development to move forward with this project. He said as we all know; Main Street has been long in the making and this is their plans to finally bring it to completion. He said the wetland that is in question is south of Main Street, on Main Street Drive. He said this is not the large retention pond at Main Street and Main. He said this is more toward the south, right by that industrial area over there. He said Council permitted something similar like this under the Sakura Development back in September, although that was under a PRO process. He said that is why this is a completed and just straight request to you after receiving denial from the Planning Commission. He said the representatives from Singh were there to answer any questions and so is staff.

Mayor Gatt said he wanted people to have a better understanding of what Singh is trying to do versus what our ordinance says. He asked City Attorney Schultz if he could explain. City Attorney Schultz explained this was an appeal from a denial of the Wetlands Permit by the Planning Commission. He said there are about seven small, scattered wetland

areas that need to be mitigated. He said they are proposing to mitigate them, but they are proposing to do it outside of the City which is different. Mayor Gatt asked if he could explain why, it is different. What does it mean to mitigate it outside of Novi. City Attorney Schultz noted the ordinance requires that if you are going to fill in a wetland in connection with your development, and these wetlands are all throughout the developed part of proposed developed part of the project, you must create them somewhere else, you have to mitigate, you have to find a way to make sure that something similar exists somewhere else. He said typically, that is done in the City, because that is what the ordinance requires. He said most developers can do that. He stated this developer is proposing, instead of doing that, they would buy into a wetland mitigation bank that exists outside of Oakland County, that has been done once before with the Sakura project. He thought they could explain better, but they are proposing to do that, because in addition to Novi's regulation of these wetlands, they are regulated by the State of Michigan EGLE. He was pretty sure they have suggested to the developer, and he was pretty sure the developer was going to confirm that they mitigate in this wetland bank outside of the city. Mayor Gatt believed EGLE has approved that if he was correct. City Attorney Schultz believed that was the case, but that is not what typically happens in Novi, he stated, typically, the developers accept that, and they still do the mitigation in the city. Mayor Gatt asked if Singh does not have any other property in our city that they can mitigate. City Attorney Schultz thought there was, he said maybe staff might know more about his. He thought Singh proposed at one time to do it on some property that they own and that would entail and he was sure they are going to put this together more in their presentation started removing with woodlands in order to create a wetland and he believed that was an argument that they have made to the City and our staff said no to that. He said your staff and the Planning commission had no ability to say to it. He said that is kind of the wrap up here, you are the appeal. He mentioned the City Council are the only body that has the right to say, we will accept that here. Mayor Gatt said he would let Singh Development have the floor.

Todd Rankine thanked the Mayor and City Council. He said he was with Singh Development and that he was joined that evening with Mike Noles with the Umlore Group. He thought that Mr. Schultz did a great job of portraying a lot of the issues that they were up against. He mentioned there are several small wetlands scattered across the site. He said when you add those up, they do add up to 2.4 acres of impact. He stated the City limit is 0.25 before they need to mitigate within the City of Novi. He stated they have engaged with EGLE, there was a site walk and our wetlands consultant walked the site with many representatives of EGLE and they agreed with the extents of the impacts, they agreed with the low quality, and they have processed their permit, we have gone through a period of either 60 or 90 days for a public notice. He said that is where it just wrapped up a little while ago, and now it is in for their final review. He said all indications from EGLE so far is that they support their permit and their mitigation purchase. He explained that is really where they are right now is that these little spotty areas of wetland were created over time, if you look back through history, late 1960's, right around until the early 1980's, that was used for City of Novi DPW or DPS. He said those areas were kind of created by some manmade industrial uses that became low lying areas and when it rained, and then there was some runoff, it collected some water,

then became what is qualified as a wetland, but they are low quality. He stated they are scars left over from the past and so the area that we are exceeding is what they are having a hard time with as Mr. Schultz had mentioned, there were some other considerations that they were looking at. He explained to create this area of wetland mitigation, when you take all these little scattered areas, add them up, they would have to build that area, and the impact that it would take to do that, to create this 0.6 acres of wetland mitigation in a woodland area, according to Novi Woodlands Map, the amount of, he did not want to say deconstruction, but the amount of impact that they would be doing to create this wetland mitigation area just did not seem to make sense. He commented that is why they said instead of that there wasn't a way that Novi could approve that, that the City Council or staff could approve that. He concluded that is why they were there before City Council asking for a waiver.

Mayor Gatt asked if Singh has a piece of property on 12 Mile Road, a woodland piece of property that you were going to give to the City to keep the trees intact in lieu of creating a wetland. Mr. Rankine replied what the proposal was, it was on the south side of the Twelve Oaks Lake, on the north side of I-96, right at the south end of the Twelve Oaks Lake there. He said there is a parcel that is owned by Singh and they had proposed to put that under a conservation easement so that it would never be developed on, so it would remain a natural area. Mayor Gatt understood that is a wooded area now, correct? How many trees are on there, would you estimate? Mr. Noles responded to the Mayor's question, he replied that it is a five acre parcel, and it usually runs between 70 and 100 per acre of trees on your eight inch DBH ordinance. Mayor Gatt asked if Singh would give that property to the City. Mr. Rankine thought the proposal was, if he could interrupt, was to put it under a conservation area. Mayor Gatt explained that means it could never be developed or trees cut down, is that correct. Mayor Gatt said that was in lieu of mitigating a wetland somewhere else. Mr. Rankine said in lieu of disturbing now, virgin soil to create a wetland mitigation area. Mayor Gatt said he was sure Council was going to ask some questions, but one more question he had before he turned it over to Council, if the Council does not approve of that option is there no other place in the City of Novi that Singh owns that you can mitigate. Mr. Noles said there certainly is, Singh owns a lot of property in the City of Novi, they have been a benefactor to the City for a long time, and they have enjoyed doing business in this city as well. He said it is a mutually beneficial relationship with the City. He mentioned they have a number of properties, and there are several of them that they identified and surveyed that where they could do this mitigation. He explained the issue is the EGLE is reluctant to have them build 0.4 acre, half an acre of wetland mitigation, when they are creating these wetland mitigation banks that are hundreds of acres, because those are real wetland mitigation, wetland ecosystems, rather than to just add another little extra piece on an existing wetland. He stated they are reluctant to have them do this for many reason, because it is hard to keep it alive. He said you have to do five years of monitoring, that ends up costing as much and it is not as much of a habitat. He said Novi rightfully has an ordinance that says if you are going to impact our natural resources within the city, we would like you to replace them within the city, this is not one of those wetlands. He stated this is a low-quality wetland as Mr. Rankine pointed out, it was basically a fire rot that turned into and some phragmites grew out of it, now it is a wetland. He commented it is

not one of those high-quality assets within the City. He stated because EGLE is going to have them buy into a wetland mitigation bank anyways, they were trying to avoid this double jeopardy, if you will, where they must buy from EGLE the credits and find another place somewhere else within the city, we were willing to do that. He said they looked at that piece that you mentioned over at Twelve Oaks Lake, and when they went there, they said this is beautiful woods. He explained that is why they were there that evening. He noted they have been working on this project for two years and they were pleased to have an unanimous recommendation for approval at preliminary site plan here from this body, as well as from the Planning Commission, including he thought we had a dozen minor waivers along the way because of the benefits that this project brought to the City, having doors in the downtown Novi, in the Town Center to bring business into there, every one of these units. He stated the National Builders Association says that each townhome unit generates approximately 1.2 jobs. He said the whole development is about a \$70 million dollar investment in the City. He mentioned it also brings residents to the core so that these businesses that have somewhat struggled in the past in the area, now have additional customers in a pedestrian way, and they would like to get started on it. He said it is not that it is impossible to move forward without this help, but we asked for the wrong thing. He stated last time, they asked Mayor and City Council if they would allow them to mitigate off site but within Novi, and what they should have asked for was the waiver. He said now they are at the 11th hour and they do not have their homework done, so they were asking for Council's help to get them through.

Mayor Gatt said he understood, but he wanted to put his two cents on the record first. He stated number one, he has been Mayor for 11 years and one of the first things that he did as Mayor was meet with City Attorney Schultz and then City Manager Pearson. He said they met with the owners of Main Street, they tried to undo a condominium and they made some great progress. He commented here we are 1 year later, and there is still nothing on Main Street. He said we must build on Main Street. He mentioned that he receives letters from residents saying it is blight. He did not consider it blight, but it certainly is a part of the City that needs to be developed, and he would hate to stand in the way of 180 homes being built there over this. He noted that they also sit at this table and they talk about saving trees all the time, and they get letters and hate letters sometimes from people saying, you cut down these trees to save to build us up. He stated if the proposal he was hearing and he said he did not hear well is that they will give us five acres of land that is filled with trees in lieu of this, he thought that was a perfect solution. He hoped that is the way we go. He did not blame the Planning Commission at all for their conclusions, that is what they are charged to do. He said they handle the ordinances, we as a City Council, we have a different mission. He said our mission is to do what is best for the city of Novi and use the powers that are bestowed upon us by the voters to make the best things happen. He said the best thing to happen would be to move forward with this project, if possible.

City Attorney Schultz hoped the petitioner could clarify one of the statements that they made that evening, because what they are in front of Council for is basically a request to modify the Planning Commission's denial by letting them use the four acres of EGLE approved wetland mitigation outside the city to satisfy the ordinance. His question to the

applicant is, is the proposal now to do that, plus the conservation easement on the additionally owned Singh property, he hoped they could answer that question. Mr. Noles explained that EGLE is going to require them to do the mitigation bank regardless, so they must do that, and they had offered to put a conservation easement over these five acres, and they had no intention of trying to put the genie back in the bottle. He concluded if that is what this Council would like to see happen to move this job forward, then they were willing. City Attorney Schultz stated the reason he asked the question was that he wanted to make it clear that they are not standing here thinking you are requiring them to do that conservation easement, but they are offering it to you, their proposal. Mayor Gatt understood. City Attorney Schultz said EGLE is going to require the mitigation and the building of a wetland, not the City of Novi. He just wanted them to say that on the record. He said they are standing there that evening for the first time in front of a board or commission saying in addition, we are going to do the conservation because that is not in any of your zone. Mr. Noles said that is correct. It was offered by the applicant before and they were offering it again in addition to buying mitigation credits from EGLE, we will put a conservation easement over this five-acre area of woodlands in the city. City Attorney Schultz said thank you, that was very helpful. He wanted to be clear, if that was offered before at the staff level, they were in the same bind that they were in that evening, which is that it is not their ability or the Planning Commission's.

Member Crawford said he would make a motion to approve what you have asked for and described to us. He commented that is never made sense to him to destroy perfectly good hardwoods to dig a hole in the ground that fill it up to raise mosquitoes and that is exactly what would happen with such a small little piece, it didn't make sense at all.

CM 23-02-024

Moved by Crawford, seconded by Staudt; CARRIED UNANIMOUSLY

In the matter of the appeal by Singh Development LLC of Planning Commission's denial of a revised Wetland Use Permit for JSP 20-35 Townes of Main Street:

- 1. City Council determination per Chapter 12, Section 12-173(f) of the Code to modify the Planning Commission's denial for the requested Wetland Use permit;**
- 2. A modification/variance is hereby granted to permit the applicant to purchase Wetland Mitigation Bank credits outside of the city in an approved EGLE mitigation bank, based on (1) the location of the small, scattered, and relatively low-quality wetlands being within the largely developed Main Street area and on a property that has been a source of blight and regular City code enforcement efforts for years; (2) the City's interests in having the property developed to reduce the ongoing costs to the City of monitoring the area. Under these unusual circumstances, the Council finds that it is sufficiently within the public interest to acknowledge the purchase of the credits outside the City but within the same watershed as a lesser deviation from the**

goals and objectives of the City Code than would result in other instances.

- 3. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Final Site Plan.**

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, and Article 5 of the Zoning Ordinance, and with Chapters 1 and 12 of the Code of Ordinances, and all other applicable provisions of the Ordinance.

City Attorney Schultz said he wanted to make sure the motion maker was clear. He stated there is a written motion that has three points as to why you would be approving, hopefully you are incorporating that. Member Crawford replied yes. City Attorney Schultz noted the one change and he wanted to make sure everybody understood that, when we wrote the motion sheet, we did think that the EGLE mitigation would be in the City, the same watershed, it is not, it is in the Ann Arbor watershed, but it is the same one that Sakura used. He stated that would be the only change Member Crawford. Member Crawford said that is fine. City Attorney Schultz said the motion as written with the updated mitigation. Member Crawford said yes.

Mayor Pro Tem Staudt wanted to be clear, the approval includes what they have offered as five acres as a permanent conservation easement. City Attorney Schultz clarified that would need to be added. He said yes, it would be points one through three, and then add the fourth point of accepting the developers offered conservation easement on the 12 Mile parcel. Mayor Pro Tem Staudt asked the motion maker if they would support that. Member Crawford replied yes, and Mayor Pro Tem Staudt said as the seconder he would support it.

AMENDED MOTION

CM 23-02-025

Moved by Crawford, seconded by Staudt; CARRIED UNANIMOUSLY

In the matter of the appeal by Singh Development LLC of Planning Commission's denial of a revised Wetland Use Permit for JSP 20-35 Townes of Main Street:

- 1. City Council determination per Chapter 12, Section 12-173(f) of the Code to modify the Planning Commission's denial for the requested Wetland Use permit;**
- 2. A modification/variance is hereby granted to permit the applicant to purchase Wetland Mitigation Bank credits outside of the city in an approved EGLE mitigation bank, based on (1) the location of the small, scattered, and relatively low-quality wetlands being within the largely developed Main Street area and on a property that has been a source of blight and regular City code enforcement efforts**

for years; (2) the City's interests in having the property developed to reduce the ongoing costs to the City of monitoring the area. Under these unusual circumstances, the Council finds that it is sufficiently within the public interest to acknowledge the purchase of the credits outside the City but within the same watershed as a lesser deviation from the goals and objectives of the City Code than would result in other instances.

- 3. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Final Site Plan.**
- 4. Accepting the offer from the developer for a Conservation Easement on five-acre parcel off 12 Mile Road.**

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, and Article 5 of the Zoning Ordinance, and with Chapters 1 and 12 of the Code of Ordinances, and all other applicable provisions of the Ordinance.

Mayor Pro Tem Staudt said this is a last-minute swing for the fences and that he was happy you did because he thought there were some folks up here who did not think that what you were offering was within the spirit of what we were looking for, which is preserving some woodlands of wetlands in the City of Novi. He noted as somebody who sits and looks out over that property, he has been waiting for a long time to see it developed, and he was happy to see that we have reached that point. He said this is an important part with Sakura up the road a little bit, and with Bond down the road a little bit. He said this is something that is the closet we are ever going to get to as building a community in a kind of a downtown walkable area. He was excited to see this move forward and he was going to support the motion.

Member Fischer echoed the sentiments of the Mayor Pro Tem. He has been on the record many times saying he was not in support of mitigating outside of the City of Novi. He understood that EGLE has put you in a very difficult position, as he is called it kind of a double jeopardy, but to be quite honest, we need to protect the city of Novi and he will go on record as saying in the future if we see developers in a situation similar, if EGLE is tying their hands, he still would not support it, but the offer that you brought to us that evening he thought was fair. He stated given the fact that we are talking about low quality wetlands, it is a relatively small part, and this is going to be an economic boon to this part of the city that is really needed. He said this latest offer really puts it over the edge. He mentioned the conservation easement and as he understood it, we are not going down the wetland path it is going to stay as woodlands, is that the plan. Mr. Noles said yes. Member Fischer said perfect. He thought it would be a win-win for the City of Novi and he said he would support this motion.

Member Smith agreed with the previous speakers that without the extra five acres, he would not have wanted to support this. He thought we need to protect our wetlands in the City. He said water goes to places for a reason, you cannot convince it to go other places as much as you would like to. He thought the five-acre conservation easement, we are protecting some trees, which is always a plus. He commented that he would be supporting this as well. Thank you.

Member Thomas echoed the thoughts of some of her colleagues. She felt very strongly that if it were mitigation outside of the City of Novi, we need to do what we can to protect our resources. She noted for anyone watching or any future developments, she wanted to make sure we are clear on where her thought are, but she thought that your offer is a very generous one. She loved the idea of a conservation easement. Thank you.

Member Casey thanked the representatives for coming out that evening. She said you have heard it all from her colleagues in terms of what they would be looking for, and the fact that we do not have available wetlands in the City for you to use and additional land for you to use for mitigation within the City. She stated she thought this was a reasonable, she would not say compromise, but she thought this is a reasonable opportunity. She said if we were just talking about broadly, allowing the mitigation outside of the city, her vote at the table would also have been no, but she appreciated their willingness to understand what faces us and what requirements we have related to the resources in our city, and come to us with an opportunity that she thought is, something that we can absolutely, obviously, take advantage of and use. She thanked them for thinking to do that. She said she was going to turn her head away from you for just a moment. She said you know; we have had conversations at this table before about the need for us to find land in the City or to at least look for land in the City where we own property that has wetland so it that we might be able to expand for our purposes to enable wetland mitigation. She said we have had at least two conversations, she believed, maybe not in detail. She said she was going to ask at the table again, to the City Manager, can we look again at some of the property and come back with a real intense look at what it is that we own. She thought we do have property that has wetlands on it today, let's see if we can use that property going forward to enable mitigation in our own city doesn't have anything to do with you, gentleman. She said that is why she was turning her head away from them for a minute. She thought it is incumbent upon us to make sure we are taking that step and doing that analysis. She said with that she will be supporting the motion that evening.

Mayor Gatt commented that he thought his is a win-win situation. He said everybody in Novi wins, he thought soon is going to be a win, and certainly City Council can walk away as a winner that evening. He thought most importantly we are going to see some building on Main Street, and we are going to see that pretty darn soon, correct? Mr. Rankine said that was correct.

Roll call vote on CM 23-02-025

**Yeas: Thomas, Gatt, Staudt, Casey, Crawford,
Fischer, Smith,
Nays: None**

4. Adoption of a Resolution Authorizing Distribution of proposed City of Novi Master Plan amendments relating to Future Land Use Map designations for Public Park and Educational Facilities, to be sent to neighboring communities, Oakland County, railroads public utilities and other agencies, for a 42-day review and comment period.

Interim City Manager Cardenas commented that this is the next step in the process with respect to our agreement or proposed agreement with the Novi School District with the swap of the properties here at Ella Mae Power Park and over at the Bosco Fields. He mentioned the motion said, this is the notification process that we are required to do which is a 40-day to 42-day window, we must abide by to make sure there is no comment from them until we go to the next part of the process.

Mayor Gatt thanked Mr. Cardenas and said he wanted to put some comments on the record because he has sent enough emails to yourself and City Attorney Schultz over the last couple of weeks. He stated he did not know what happened. He said what started off as just a grand plan that was going to be great for the Novi School District and great for the city and the citizens of the city turned into quite a conundrum, when? He commented that at the last Planning Commission meeting there were scores and scores of people complaining about the agreement because they are going to build condominiums on the property, they are going to build buildings on the property, and they are going to build homes on the property. He said apparently a letter was sent, but he did not get the letter. He said apparently the letter was sent to property owners mentioning the possibility of that happening. He stated if he lived adjacent to the City park, and he has been there for 20-30 years, and somebody sent him a letter from the City saying, hey, we are thinking of a land swap and yes, that there could be condominiums built there, he would be a little scared and angry, and every other adjective that you could think of at the same time. He did not think the city did themselves any great favors by sending that letter with those words in it. He was not sure who comprised that letter, but he said it was not anybody on City Council. He said the agreement started off great, and he believed with reading this, it is going to end up great. He felt very strongly that before he voted yes on anything, when it comes back to us after 42 days, that those citizens in the surrounding areas, every darn one of them receive a letter in the mail, telling them exactly what we are doing, and exactly what that means. He said there should not be any questions as to what might happen in the future. He said he was shopping on Saturday morning when three Novi residents surrounded him at Costco, and they had a debate for 25 minutes, and he was not exaggerating, and you three know who you are. He said he told them, he would not vote for anything that even remotely jeopardizes the parks as we know them today, and he did not think that we are going to do that. He hoped that the City takes what he is saying to heart and gets a letter, a detailed letter explaining, maybe even apologizing for the misunderstanding, and get that out to the people and maybe fore the 42 days, to give them a chance to ask and to react and come to the City Council or come to the City Hall or Novi School District because they are partners in this too. He wanted to put it in writing, let's make sure that everybody has an ironclad understanding that this piece of property is going to stay a

vacant, beautiful piece of property, and that people will have access to it just like they do now.

Mayor Pro Tem Staudt thought the Mayor said that very well. He moved to make a motion to adopt the resolution.

CM 23-02-026 Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY

Adoption of a Resolution Authorizing Distribution of proposed City of Novi Master Plan amendments relating to Future Land Use Map designations for Public Park and Educational Facilities, to be sent to neighboring communities, Oakland County, railroads public utilities and other agencies, for a 42-day review and comment period, in addition to permitting final adoption of the plan amendments to the Planning Commission following a second public hearing held after the 42-day review and comment period.

Member Smith agreed with the Mayor that this is a good deal for both the City and the Novi School District, he thought it would be a nice addition to the Bosco Field. He had one comment relating to the packet material. He said it was not related to the 42-day process, but he would like to see when it comes back to the City if the first right of refusal if the Novi School District decides they do not want the property anymore, that the City would have the first opportunity to buy that back so that we can maybe avoid condos, etc. on that land.

Roll call vote on CM 23-02-026

**Yeas: Gatt, Staudt, Casey, Crawford, Fischer,
Smith, Thomas**

Nays: None

5. Consideration for the Removal of Shaun Page from the Beautification Commission.

Mayor Gatt mentioned this is a consideration for the removal of someone from the Beautification Commission. He said Mr. Schultz, in his tenure, we have never done this publicly. City Attorney Schultz asked the Mayor to ask whether or not Mr. Page was in the audience that evening. Mayor Gatt asked if Mr. Page was in attendance of the meeting that evening. Mayor Gatt said it did not appear that he was in attendance. City Attorney Schultz said the City Charter says in order to remove somebody from a board or commission you need to give notice to that person. He stated you must do it at a hearing that they are permitted to appear and put evidence on in their favor as to why they should not be dismissed. He said this is a venue, and if Mr. Page is not here, he thought you just need to move to adopt the resolution. Mayor Gatt thanked him for the clarification. He asked if staff has tried to contact the subject, Mr. Schultz replied yes, repeatedly. City Attorney Schultz stated we have tried everything that we could to prevent this.

CM 23-02-027 Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY

Approval for the Removal of Shaun Page from the Beautification Commission.

Roll call vote on CM 23-02-027

**Yeas: Staudt, Casey, Crawford, Fischer, Smith,
Thomas, Gatt,
Nays: None**

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: None

AUDIENCE COMMENT: None

COMMITTEE REPORTS:

Member Casey reported that the Older Adults Needs Committee had its first meeting a couple of weeks ago, they are planning to meet on Monday evening alternating with City Council Mondays at 5:30 p.m. She announced they meet back in the Council Conference Room and it is obviously a meeting that is open to the public. She said they will welcome any input as they go along.

Mayor Gatt reported on the Public Safety Building Needs Committee, and they also met for the first time a couple of weeks ago, they were planning on meeting again next Monday, March 6 at 5:30 p.m. at the Novi Police Department Education Center on the south side of the building. He said everybody is invited to attend the meeting.

MAYOR AND COUNCIL ISSUES:

Mayor Pro Tem Staudt said he added "Tree Limb and Tree Waste Pickup" for discussion. He mentioned we had an extraordinarily rough week last week with the rain, the ice, the snow and everything else. He stated one of the results of that was there were a lot of tree limbs, a lot of trees broken, and there was a lot of action, a lot of people asking about what do they do with the ones that are sitting in their front yard. He said it was difficult to get a professional tree company in and it is expensive. He suggested moving forward and even considering perhaps this event is for the city to get involved in providing a mechanism to have those limbs picked up, whether they are shredded, or whether they are destroyed in some other way. He stated he found out today, and he was going to confirm with the Mayor and City Manager, he understood that in our contract, there is a provision that for \$175 an hour that we can get GFL to do something, he wondered if that was true? Interim City Manager Cardenas confirmed there is a provision in our current contract for their solid waste hauler. He believed that it is only a weekend option, so that is an option that we can explore. He stated currently we do have crews going through the City and removing limbs that are placed out on the right-of-way. He said we have about three crews doing that as of now, today was a little harder, because we had some more trees come down. He said they had to deviate to take care of those trees. He said yes, that is a provision through GFL that we have. Mayor Pro Tem Staudt thanked him. He said the way he read the email that went out to the residents was that the city would

pick-up something that was in the right-of-way, or a tree that was a city owned tree in the right-of-way, he knew we may be doing this a little bit different. He said we have loosened up the rules a little bit to allow private trees. He thought we really need to start thinking about how do we address this as a city and in especially in a very difficult situation like we had last week and really provide this service at a high level. He commented what else are we as a city other than somebody to help out when things are really bad. He said we have public safety first, he felt this was a safety issue. He understood we did not want a lot of people walking into their yards, they did not know if wires were down and things like that, but once we got to the point where that was taken care of it is still a month away from having yard waste pickup and he thought the city could be a leader in this. He said he knew some communities around the region have done that, he thought Novi needed to consider this also. He asked City staff if they could put something together so that residents clearly can understand that we will be able to allow them to put something in a pickup area, certain sizes, but that we will also provide the financial backing to do that. He said he knew there are additional costs, maybe stump grinders or tree limb grinders or whatever, the cost is minimal compared to the value of provide. He said he would like to see us do something moving forward and he would like to be proactive and have something ready for the next time something comes down the pike like this. He said we do not know if it is going to be in the summer, through some thunderstorms or during the winter with ice storms. He said even this one may be letting residents know that we will provide a pickup between now and next week, it would be a huge benefit to a lot of people. Thank you.

Mayor Gatt asked if he could add to what he was saying. Mayor Pro Tem replied, absolutely. He thanked him and said he took a lot of the words right out of his mouth and things that he wanted to say. He wanted to add to it, he thought we are letting the city off the hook a little bit too easy here. He thought that we should ask our City Manager to direct the staff to pick a day, its Monday, let's say Friday of this week, if it could be done. He said hire GFL, take the money out of our Rainy-Day Fund if you have to, but wherever we have the funds and let us provide a service to our community that they need, because he knew other communities are doing it, and we say Novi is the best. He said we always tell everybody Novi is the best, let us act like we are the best, and if it cost us money, it costs us money. He said he was going to talk for a little bit, and he did not want to hurt anybody's feelings, but he was going to say something. He commented that we worked for the City of Novi, those of us who work for the City of Novi were public servants. He said that is what we are here for, to serve the public and when other people get the day off because it is raining and snowing, and whatever it is, that does not mean we do. He said we close buildings here, he said he was totally against that, he did not know why we would close a building because the other community members are home. He thought that we should stay open, we have to provide the server's, we are public servants, he gave this lecture to his staff where he works all the time. He said nobody forced anybody to become a public servant, but you became one. He said there are a lot of amenities that go with it, there is a lot of beautiful benefits for working for the City of working for the County of working for the State or working for the government. He said you are government workers, and we must provide a service. He said we had a major storm last week that we still have people in Novi he thought without power. He said there

are still people in Novi that do not have power and he thought Mr. Fischer is going to address some of that next. He said we are here to help the people and a lot of trees and limbs and all kinds of stuff that you wake up and some people are his age, and they cannot go out, we have got to help these people. He said we must help these people who need help, we have a CERT Team, we have talked about them earlier, maybe we can employ them to help maybe they can drag some of the tree limbs off come private properties if possible. He said his point is that we must try and help, but as far as picking up limbs as far as picking up these tree branches and whatever came down because of the storm last week, and maybe even today, he did not know about here, but in Pontiac where he was. He said it was icy and there were trees down in the yard where he works. He thought that we have to set a date and get it done or not. He agreed with Mayor Pro Tem 1000 percent. He said we should have a plan place that whenever something like this happens, bingo, there are the steps that are going to happen. He stated we are going to help the residents it is going to cost a few bucks, but we have got the money in Novi, thank the Lord.

Mayor Pro Tem Staudt added one additional thing to any of the residents watching that evening. He said GFL cannot pick up these materials right now, the landfills prohibit it. He asked that they do not put your branches in your garbage cans and things like that. He said it is not permissible for them. He said if we hired them to do it on a Saturday, they are going to send to a different group of trucks in and going to different types of landfills. He said we have some, they have some limitations. He did not know what the City would do it, but we have a lot of trucks. He said we have staff, they can grind it up and put it in a mulch pile somewhere. He did not know what they are going to do. He said all he knew is that what he thought the City Council is looking for from our City staff. He said what they look for is what they expect.

Mayor Gatt asked Interim City Manager Cardenas if he was all set. Mr. Cardenas said as long as you are amenable to maybe more than one day, if we can continue our efforts, there are a lot of trees down. He did not think it is going to be able to be done in a short period of time. He said if you let us, then it begins with a single step. Mayor Pro Tem Staudt said that is true, the key to this is making sure we have a communication out there that makes it clear that it is anything that has fallen down on your yard, not just the city tree.

Member Casey said we thanked the CERT team earlier and she would also like to express our thanks to the first responders, our Public Safety team and our DPW. She said they were out trying to help make this city safe for the residents who were talking about tree limbs coming down. She thanked that team as well for the work that they did. She told the Mayor she could not say enough about the proposal from Mayor Pro Tem. She thought this is exactly what it is that we should be talking about and doing as the City Council She was in full support for what comes back from the City. Thank you.

Member Fischer added "Power Lines" for further discussion. He said it seems like we often have to have this conversation and unfortunately, once again, in the City of Novi, we had similar areas without power. He said what frustrated him up at this table is that we pretty much have very little power that we can do as a City Council. He mentioned last

year, Mayor and City staff had the Attorney General here we have a contact with the MPSC. He said Commissioner here, we have outreach to our state government all the time, and to be quite honest, it does not seem to have changes as much as lobbying as everyone up here does to try to get some sort of relief. He said so what do we do as a city, we open the City Hall as a warming center, we have volunteers to try to help when possible. He said that does not keep people's freezers cold and it does not keep people's oxygen machines on, but we are doing everything and putting every resource we can as City staff and City Council towards this. He said something else came to mind as far as trying to think outside of the box of what we can do as a Council as he was driving down getting dinner the other night at Moe's, which is on 10 Mile, and we have a large construction project going on there. He said it occurred to him, now he was in an area that often gets hit with the high-power outages, we have a large construction project going on along the road and as far as he knew, there are no plans to change the power line mechanisms and infrastructure there. He believed that the posts and the power lines are going to remain above ground. He mentioned City staff may have studied this in the past, and maybe it is cost prohibitive, but what he is asking for City staff to do is look at the potential of possibly having a policy or an ordinance. He did not know if it would be impact private developers as well or just City when we are doing infrastructure projects, but the potential of burying as much of our utility as possible. He said he would like to ask City staff to go ahead and investigate that and report back to Council as a potential idea to try to do what we can, again as a City Council to mitigate these ongoing, terrible situations that seem to happen in the same darn pockets in our city. He said that was his request that evening, Mr. Mayor, and he said he would leave it at that.

Mayor Gatt thanked Member Fischer and he agreed 1000 percent. He said he, Member Fischer and Mayor Pro Tem Staudt had a little conversation about this just Saturday and they were not sure the legalities, but that is what they want the city to look into. He also mentioned what Member Fischer said just about a year ago, the Attorney General of Michigan sat right there, and he sat here, and other people were up here and everybody talked a big story. He did not think anybody did a darn thing to be quite honest with you. He commented that DTE talks about approving this and they approve that and the same part of the City that was out before is out again. He said whatever they replaced or improved, did not work. He said his sub was out of power for 48 hours and as he said, there are people in Novi that are still out, not too many, thank goodness, but we are five to six days out now. He said it does not make sense to him. He stated if the City has any power, we should exercise that power and do what we have to do.

Member Fischer had one more thing to add. He would like this to move pretty expeditiously from a staff perspective, especially as it relates to the 10 Mile project that is ongoing.

Member Smith said he would like to widen that consideration to include just any place where we see power lines running through trees, for example, a Nine Mile Road where he lives, there are power lines that are tied around limbs, maybe not really, but they go through some limbs that he was quite surprised it did not come down last week. He would

like to get those reviewed to and put some pressure on DTE to mitigate that stuff. He thought that would be very valuable.

Mayor Gatt he would entertain a motion to adjourn. He announced they were going to adjourn into Executive Session, and they may return, so get some popcorn, and stay alert.

City Council entered Executive Session at 7:54 p.m. and rose from Executive Session at 9:14 p.m.

CM 23-02-028 Moved by Fischer, seconded by Casey; CARRIED UNANIMOUSLY

To approve in the matter of SBA Tower versus the City of Novi, we direct the City Attorney to proceed as discussed in Executive Session.

Roll call vote on CM 23-02-028

**Yeas: Casey, Crawford, Fischer, Smith,
Thomas, Gatt, Staudt
Nays: None**

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 9:15 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: March 6, 2023