

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, APRIL 24, 2017 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 TEN MILE ROAD**

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 Burke, Casey, Markham, Mutch, Wrobel (absent, excused)

ALSO PRESENT: Peter Auger, City Manager
Victor Cardenas, Assistant City Manager
Elizabeth Saarela, City Attorney

APPROVAL OF AGENDA:

CM 17-04-061 Moved by Burke, seconded by Casey; MOTION CARRIED: 6-0

Roll call vote on CM 17-04-061 Yeas: Staudt, Burke, Casey, Markham, Mutch, Gatt
Nays: None
Absent: Wrobel

PUBLIC HEARING

1. Recommended Annual Budget and Financial Plan 2017-2018

Opened at 7:00

Closed at 7:01

2. Request to Establish an Industrial Development District for 43043 West Nine Mile, LLC

Opened at 7:01 P.M.

A representative of the Nine Mile Road property was there to support the request to establish an Industrial Development District and said he is open to any questions that Council may have.

Closed at 7:02 P.M.

3. Request to Approve an Industrial Facilities Tax Exemption Certificate for EJ Brooks Company, Inc. dba Brooks Utility Products

Opened at 7:02 P.M.

Closed at 7:03 P.M.

PRESENTATIONS:

1. Recognition of Linda Blair for years of service to the Novi Parks Foundation – David Landry, President – Novi Parks Foundation

President of the Novi Parks Foundation, David Landry said he was there that evening along with Executive Director, Rachel Zagaroli to recognize and say thank you publically to Linda Blair, President of ITC Corporation for her years of volunteer service as President of the Novi Parks Foundation from 2008 to 2015. He said the Mayor knew better than anyone else how important it was for businesses to get involved in the day to day life of a city. He said Novi is very fortunate to have many businesses that are involved and improving the day to day life of our residents and Parks and Recreation functions. He said no one has been more generous than ITC Corporation. They have donated and committed \$750,000 dollars to the betterment of the Parks and Recreation experience of the residents and guests that are in they city. The Vice President and now President voluntarily served as President of the Novi Parks Foundation for 7 years. On behalf of the Novi Parks Foundation and on the behalf of the entire City he thanked Linda Blair for her years of service. Linda Blair was called out of town and she could not be present so she asked that they give the presentation in her absence. For Linda Blair to serve as President of the volunteer Parks Foundation Organization is nothing short of amazing.

Mayor Gatt asked Mr. Landry on behalf of the City Council and all of Novi, if he could please thank Linda and ITC for all of their generosity. He also thanked Mr. Landry for all his service.

AUDIENCE COMMENT:

Kelly Breen, 242 Linhart, Novi, MI 48377 said she was reviewing the Agenda and for the first time ever she said that along with the Public Hearing notices there was no background information. She said she wished the City was more transparent. She mentioned that if the citizens were given more information and details regarding these issues prior to Council making their decision, with citizen input it may affect their decision on some of the proposals.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 17-04-062 Moved by Casey, seconded by Burke; MOTION CARRIED: 6-0

To approve the Agenda as presented.

- A. Approve Minutes of:
 - 1. April 5, 2017 – Special meeting
 - 2. April 10, 2017 – Regular meeting

- B. Approval to renew Dispatch Contract with the City of South Lyon beginning July 1, 2017 through June 30, 2020.

- C. Approval to award an amendment to the engineering services agreement with Spalding DeDecker for construction engineering services for the Meadowbrook Road Rehabilitation project (from I-96 to 12 Mile Roads) in the amount of \$71,614.95.
- D. Approval to award an amendment to the engineering services agreement with URS Corporation – Great Lakes for design engineering services associated with Cabot Drive from Twelve Mile Road to Lewis Drive Improvements in the amount of \$36,741.93.
- E. Approval to award geotechnical investigative services to Testing Engineers and Consultants, Inc. for the Eleven Mile Rehabilitation (Clark Street to Wixom Road) project in the amount of \$18,470.00.
- F. Adoption of Resolution requesting that the Michigan Department of Transportation (MDOT) include the bridges on Meadowbrook Road over Ingersol Creek, on Cranbrooke Drive over Ingersol Creek and on West Park Drive over the CSX railroad in the State Local Bridge Program List for Preventative Maintenance. If MDOT selects these bridges, the City of Novi will accept 5% of the total cost.
- G. Approval to award geotechnical investigative services to Soils and Materials Engineers, Inc. for the Taft Road Rehabilitation (Nine Mile Road to Grand River Avenue) project in the amount of \$32,000.
- H. Approval of Resolution to Submit a Grant Application for New Voting Equipment for the purpose of transmitting proof of authority to Oakland County to submit the Grant Application and enter into the HAVA Grant Agreement.
- I. Approval to enter into a Software License Agreement with Hart InterCivic, Inc. related to the purchase of new voting equipment.
- J. Approval of Claims and Accounts – Warrant No. 986

Roll call vote on CM 17-04-062

Yeas: Burke, Casey, Markham, Mutch, Gatt, Staudt,

Nays: None

Absent: Wrobel

MATTERS FOR COUNCIL ACTION

- 1. Approval to award a construction contract for the Christina Culverts Rehabilitation project to Springline Excavating, LLC, the low-bidder, in the amount of \$143,532.00, subject to final review and approval of the form and agreement by the City Manager's office and the City Attorney.

CM 17-04-063

Moved by Mutch, seconded by Casey; MOTION CARRIED 6-0

To approve the award for a construction contract for the Christina Culverts Rehabilitation project to Springline Excavating, LLC, the low-bidder, in the amount of \$143,532.00, subject to final review and approval of the form and agreement by the City Manager's office and the City Attorney.

Roll call vote on CM 17-04-063

Yeas: Casey, Markham, Mutch, Gatt, Staudt, Burke

Nays: None

Absent: Wrobel

2. Approval to award a construction contract for the 2017 Neighborhood Roads Program-Asphalt (Contract 3) project to Florence Cement Company, the low-bidder, in the amount of \$629,062.79, subject to final review and approval of the form and agreement by the City Manager's office and the City Attorney.

Member Markham had a few questions regarding two streets being removed from this year's original plan due to project costs coming in higher than projected. She said the neighborhood roads are not getting better. They have a millage and she believed the expectations from the residents are that the City was going to be really aggressive. She was disappointed that the bids are coming in over what we think they should cost. They need to keep the neighborhood road program going and they need to get a handle on the way they budget and how bids are done.

Member Mutch said he had the same concerns Member Markham expressed. His concern is about the amount that is estimated and what the actual bid came in as. He said they cannot control all those factors that go into the bidding process, but this is a significant difference. The other concern he had goes back to conversations they have had on other road related projects when they come back at a cost that is higher than was estimated. He said he appreciated staff making an effort to get the projects to fit the budget but at some point City Council needs to have the information that this is a concern. They need the opportunity to weigh in and decide whether to go in the direction of strictly heeding the budget line amount, or figure out how to come up with the funds to complete the project. He said one of the streets to be eliminated is in the Mayor's neighborhood. It doesn't matter whether it is a street in a Council Members neighborhood, they are all important. He agreed with Member Markham, they have told the residents that neighborhood roads are a priority, and they have a millage to help pay for the roads. He understood that the bids came in higher than expected because asphalt costs were higher than anticipated. If that is true going forward, they will have to deal with it. If they say it is a priority, then they need to find the funds.

Mayor Gatt agreed with Member Markham and Member Mutch. He will not vote in favor of this. They made a promise to the residents who voted to put a new millage in place for the neighborhood roads. They cannot tell them they are going to do

something and then not follow through. He said if it takes a budget amendment or something else, they will have to do it.

Mayor Pro Tem Staudt said this is a big difference, approximately \$400,000 dollars. He said he was not sure where they are getting the estimates from but it needs to get fixed. He said their priorities on Council are the residents. If asphalt has gotten to be so much more expensive, they need to start thinking about putting the money back into the neighborhoods and maybe pulling some of the other projects. He also said it was odd reading a letter from the consultant suggesting they should just cut the budget. He wondered when they let the consultants decide how they are going to spend their money. He expressed his concern about the process where a bid comes in high and they just cut the project and not try to come up with the funding to do the project. He said he gets e-mails on a weekly basis wondering why they are not getting their street repaved. He commented that they have the fund balance; they need to find the money to pay for the roads.

CM 17-04-064 **Moved by Staudt, seconded by Gatt; WITHDRAWN**
(Main motion)

To postpone the Approval to award a construction contract for the 2017 Neighborhood Roads Program-Asphalt (Contract 3) project to Florence Cement Company, the low-bidder, in the amount of \$629,062.79, subject to final review and approval of the form and agreement by the City Manager's office and the City Attorney.

Mayor Pro Tem Staudt said if this was contract three, how many more were coming. City Manager Auger replied this was the last one in this fiscal year and coming out of the current operating budget 2016-2017. Mayor Pro Tem Staudt said the language in the letter was that it could be reconsidered in 2018. He said the residents would not be happy and they have to consider that if they postpone a program, it has to be in the next budget, not two to three years down the road.

Member Burke asked if they tabled it tonight, how long of a delay will it create. City Manager Auger said they may have to re-bid it, he would look into it. Member Burke asked if there was an option to consider this with all pieces in and then have a budget amendment at the following the meeting so that we can move forward. City Manager Auger said they can bring it back to the next meeting to figure out where they are going to get the funds to do the two that were removed, as a budget amendment. Member Burke wondered if they could formulate this to approve the entire original plan with all streets included. City Manager Auger said they would have to add the \$340,000 and bring it back to Council to approve with the other two streets included. Member Burke asked Mayor Pro Tem Staudt if he would consider that. Mayor Pro Tem Staudt was concerned because they do not know where the money will come from. He stated this was 2016-2017 expenditure, not a 2017-2018. They have to find money from the previous budget. He asked if anyone had an idea where the money would come from.

Mayor Gatt asked City Attorney Saarela if they tabled the item, could the City Manager come back to Council in two weeks with a new plan and funding. City Attorney Saarela said they would have to modify it for the next Council meeting if the contract amount was different. City Manager Auger said the original bid amount was for \$1,009,034.93 and that they would talk to the contractor and have them maintain that cost for the entire scope.

Mayor Pro Tem Staudt confirmed that they have a bid for \$1,009,034.93 and although there was a budget suggestion made, but they can change anything they want at any time on the budget. He changed his motion to move to accept the \$1,009,034.93.

The amended motion:

**CM 17-04-064 Moved by Staudt, seconded by Casey; MOTION CARRIED 6-0
(Amendment)**

To approve the award for a construction contract for the 2017 Neighborhood Roads Program-Asphalt (Contract 3) project to Florence Cement Company, the low-bidder, in the amount of \$1,009,034.93 and instruct City Staff to come back with the proper allocation of funds.

Mayor Gatt asked the City Attorney if they could proceed with the motion. City Attorney Saarela confirmed it was ok.

Member Mutch commented that was his suggestion also. He said it didn't make sense to hold up the contract so they should move the contract forward and have a budget amendment on the next meeting Agenda to address this.

Mayor Pro Tem Staudt asked how often they get suggestions from the engineering consultant to reduce the budgeted amount of the contracts and to cut things out. He didn't recall seeing this frequently in the past ten years. He wondered if this was new, or were they so far off in their estimate that they wanted to bail on this one. He referred to the letter from Spalding DeDecker where they suggested they reduce the project by \$350,000. City Manager Auger said the point was taken and hopefully they will not be presenting this type of issue again. He said they hope their estimates will be more accurate. He said Assistant City Manager Cardenas was doing a good job at the DPS right now trying to reformat. They are going out and doing the geotechnical investigations before the bidding. They know the approximate roads they will be doing so they will do a lot of the prep work beforehand. Mayor Pro Tem Staudt wondered if this was going to skip the budget and get moved to 2018. Assistant City Manager said it would be in the next fiscal year, the next Neighborhood Road Program.

Roll call vote on CM 17-04-064

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

3. Approval of Zoning Ordinance Text Amendment 18.283 to amend the City of Novi Zoning Ordinance at Article 5.5, Landscape Standards within Article 5, Site Standards, to update the landscape ordinance standards and the landscape design manual, in order to promote health of planted materials and the health of non-built open areas, to improve the visibility of buildings, to update the list of invasive species, to clean up inconsistencies, and to bring the ordinance into agreement with other recently amended ordinances. **FIRST READING**

Member Mutch said he would like to thank Landscape Architect, Rick Meader for all of the work he did cleaning this up. It was similar to the Sign Ordinance, it was a sprawling amount of material to work through and across multiple sections of several different ordinances to try to get them into alignment. He appreciated the fact that he reached out to the landscape professionals that have worked in Novi to get their feedback. He expressed that he liked more landscaping, trees, and flowers. The rationale that explains why those changes were made and that they will end up with better landscaping over the long term with some of these changes. He commented he didn't see any discussion regarding invasive species, such as phragmites. He said he reached out to City Staff regarding that and they said between the first and second reading they could look at some language that would address that in the development process. He said it doesn't make sense to remove phragmites on our side of the property line, but not the neighboring property line. He also mentioned another provision that he wanted staff to review in the Subdivision Ordinance. He said the current language regarding the greenbelt setback along major roads requires a 40 foot setback. He said they know they will have to something in the future along those main roads whether it's adding more lanes or otherwise. He said the houses that back up to that will have a significant impact if you have to widen the main road. He said we should have as much buffer in between the right-of-way lines and the new homes the better. He said it would cut down on problems down the road when they have to go to residents and say they have to widen the road. He felt it was important because many are looking at smaller lots which push the house back closer to the property line where they back up to the main road. He suggested that staff look into increases that. He said the Northville Township ordinance actually has 50 foot instead of 40 foot with flexibility in their language that deals with site conditions.

CM 17-04-065 Moved by Mutch, seconded by Burke; MOTION CARRIED: 6-0

To approve the Zoning Ordinance Text Amendment 18.283 to amend the City of Novi Zoning Ordinance at Article 5.5, Landscape Standards within Article 5, Site Standards, to update the landscape ordinance standards and the landscape design manual, in order to promote health of planted materials and the health of non-built open areas, to improve the visibility of buildings, to update the list of invasive species, to clean up inconsistencies, and to bring the ordinance into agreement with other recently amended ordinances. FIRST READING.

Member Markham commended Landscape Architect, Rick Meader on updating this and learning from their experience. She said little things, such as right-of-way tree planting and how many trees can be under a wire. Like the Sign Ordinance, it is important for people driving around to find a business. She said they need to keep it aesthetically pleasing. She commented that he went in a direction to make that easier, but still keeps the beauty they want throughout the City. She also appreciated that he reached out to the landscape architects that work with the City and incorporated their comments which was really good business.

Roll call vote on CM 17-04-065 **Yeas: Mutch, Gatt, Staudt, Burke, Casey, Markham**
Nays: None
Absent: Wrobel

4. Approval of resolution to authorize Budget Amendment #2017-3.

CM 17-04-066 **Moved by Mutch, seconded by Burke; MOTION CARRIED: 6-0**

To approve the resolution to authorize Budget Amendment #2017-3.

Roll call vote on CM 17-04-066 **Yeas: Gatt, Staudt, Burke, Casey, Markham, Mutch,**
Nays: None
Absent: Wrobel

AUDIENCE COMMENT - None

MAYOR AND COUNCIL ISSUES - None

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

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:34 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: May 8, 2017