

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, AUGUST 12, 2013 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. 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 Casey, Fischer, Margolis, Mutch, Wrobel

ALSO PRESENT: Clay Pearson, City Manager
Thomas Schultz, City Attorney

APPROVAL OF AGENDA:

CM-13-08-112 Moved by Casey, seconded by Wrobel; **CARRIED UNANIMOUSLY:**

To approve the Agenda as presented.

Roll call vote on CM-13-08-112 Yeas: Staudt, Casey, Fischer, Margolis, Mutch,
Wrobel, Gatt
Nays: None

PUBLIC HEARING: None

PRESENTATIONS:

1. Proclamation of Commendation for Eagle Scout Charles William Heil, III for the clearing of a trail in Chase Farms and construction of bat houses and signage.

Mayor Gatt presented the proclamation to Eagle Scout Charles William Heil, III. Mr. Heil was glad to become an Eagle Scout and to help out his subdivision, Chase Farms. He said the trails are now better and safer for residents.

2. Proclamation to Proclaim August 13, 2013 as Novi Cheesecake Day.

Mayor Gatt proclaims August 13, 2013 as Novi Cheesecake Day and noted he had given the proclamation to the Founder of the Cheesecake Factory Restaurant on Friday, August 9, 2013.

REPORTS:

1. **MANAGER/STAFF**
 - a. Introduction of Lauren Royston, Economic Development Director

City Manager Pearson introduced Lauren Royston, Economic Development Director. She worked with the State of Michigan in their Workforce Development Programs and served Macomb County with their economic development efforts. She is a Novi

resident. Ms. Royston said this is her third week working for the City of Novi. It has been a great experience so far. She is excited to work with Novi businesses to build partnerships, as well as, bring new opportunities to Novi.

2. ATTORNEY - None

AUDIENCE COMMENT:

Connie Varana, Village Oaks resident, requested information about the ordinance regulating fireworks and was concerned about the hours, which are from 8 a.m. until midnight the eve of, the day of, and the day after a national holiday.

John Garbacik thinks item 3 on the agenda gives the City authority far beyond the title of the policy. His concern was related to trails and easements. The walkable Novi Master Plan has all subdivisions designed to be connected to the M-5 bike path by neighborhood connectors. The intention is not to use paths along the arterial roads. Established subdivisions are built without neighborhood connectors and the neighborhood connectors have to be built over existing properties. By designating connectors as a trail, it can be installed between homes as long as there is a drainage or utility easement available. There is no policy for a trail to be a certain distance from a home in existing neighborhoods. The size, slope, maintenance, and hours of operation of the trails should be predetermined prior to the implementation of the proposed policy.

CONSENT AGENDA REMOVALS AND APPROVALS (See items A-V):

CM-13-08-113 Moved by Margolis, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
 - 1. July 22, 2013 – Regular meeting
- B. Approval of adoption of an Enhanced Access to Public Records Policy and Fee Resolution for hard copy maps and digital data searches.
- C. Approval of adoption of a Resolution and Freedom of Information Act (FOIA) Policy and Fee Schedule for providing copies of public records.
- D. Approval of adoption of a Resolution for Miscellaneous Police Department Services and Fee Schedule separate from Freedom of Information Act (FOIA) requests and/or other copies.
- E. Approval of the final payment to Hard Rock Concrete, Inc. for the 2012 Neighborhood Road Program, in the amount of \$57,097.10.

- F. Approval to apply for a grant under the 2014 Michigan Justice Training Competitive Grant Program with the office of the Michigan Commission on Law Enforcement Standards (MCOLES) for law enforcement in-service training with a required match of 25% for a potential impact to the City of Novi of \$2,500, which will be recouped through registration fees.
- G. Approval to purchase three (3) used unmarked vehicles from Varsity Lincoln, Novi, MI for the Novi Police Department Investigative Section in the amount of \$58,204, less trade-in value of \$8,204 for a net cost to the City of \$50,000 based on the lowest quote.
- H. Approval of Employment Agreement between the City of Novi and Rochelle Pernak, Cultural Arts Coordinator.
- I. Approval of Adoption of Ordinance Amendments to update Chapter 22 in accordance with recent changes in legislation:
 - A) Approval of adoption of Ordinance 13-160.02, an ordinance to amend the City of Novi Code of Ordinances, Chapter 22, "Offenses, Article VI, "Offenses Against Public Safety," Division 1, "Generally," Section 22-112, "Fireworks," in order to incorporate changes to state law regarding the prohibition of the ignition and discharge of fireworks except on certain days and the hours of discharge. **SECOND READING**
 - B) Approval of adoption of Ordinance 13-23.29, an ordinance to amend the City of Novi Code of Ordinances, Chapter 22, "Offenses", Article V, "Offenses Against the Public Peace", Section 22-96, "Noise Disturbances Prohibited", to limit the current exception for lawful fireworks by reference to certain times when the discharge will be permitted. **SECOND READING**
- J. Approval of Resolution regarding Temporary Michigan State Fair Promotional Signage allowing city-wide temporary relief from the Sign Ordinance from August 27 through September 2, 2013.
- K. Approval of a traffic control device maintenance agreement with the Road Commission for Oakland County for the existing traffic signal at Grand River and 12 Mile/Novi Promenade.
- L. Approval of a revised Good Faith Offer in the amount of \$6,565 for a permanent pathway easement and a temporary grading permit on the Appel property (parcel 22-27-200-012) located at 23675 Novi Road for the purpose of constructing a pedestrian safety path on the west side of Novi Road between Nine Mile and Ten Mile.
- M. Approval of a revised Good Faith Offer in the amount of \$3,435 for a permanent pathway easement and a temporary grading permit on the Appel property

(parcel 22-27-200-010) for the purpose of constructing a pedestrian safety path on the west side of Novi Road between Nine Mile and Ten Mile.

- N. Approval to award a contract for design engineering services for the Wixom Road and Glenwood Drive Signal to Orchard, Hiltz & McCliment for a design fee of \$12,736.
- O. Approval of a traffic control device maintenance agreement with the Road Commission for Oakland County for the existing traffic signal at 12 Mile Road and Cabot Drive.
- P. Approval of a Labor Agreement between the City of Novi and the Police Officers Labor Council for a term of July 1, 2013 through June 30, 2016.
- Q. Approval of a Labor Agreement between the City of Novi and the Police Clerks and Dispatchers for a term of July 1, 2013 through June 30, 2016.
- R. Approval to award bid for ball field fencing replacement and repair at ITC Community Sports Park and Ella Mae Power Park to RMD Holdings, Ltd. d/b/a Nationwide Construction Corporation, in the amount of \$25,908.
- S. Approval of the request of the applicant, ACR Investments, for a one-year extension to the termination date provided in the PRO Agreement for Triangle Place, JSP13-53, a 2,575 square foot office or retail development, proposed to be located on a 0.48 acre parcel of land located on the east side of Haggerty Road, north of Eight Mile Road.
- T. Approval of a Completion Agreement with Nadlan II, LLC for SP06-58A, Lot #38 of the Beck North Development located north of West Road and west of West Park Drive, in accordance with the requirements of Chapter 26.5.
- U. Approval to award an amendment to the engineering services agreement to URS Corporation for additional construction phase engineering services related to Change Order No.1 for the 2013 Neighborhood Road Program—Contract 2 (Asphalt) in the amount of \$41,645.
- V. Approval of Claims and Accounts – Warrant No. 897

Roll call vote on CM-13-08-113

**Yeas: Casey, Fischer, Margolis, Mutch, Wrobel,
Gatt, Staudt
Nays: None**

MATTERS FOR COUNCIL ACTION:

- 1. Consideration to approve "Resolution Authorizing Submission of Charter Amendment Ballot Proposals to Electors," submitting 5 ballot proposals to update, modernize, and streamline City of Novi Charter to the voters at the

November 5, 2013 general election, pursuant to recommendation from the *Ad Hoc* Charter Review Committee.

Mayor Gatt said the *Ad Hoc* Charter Review Committee has done a lot of work. On the Committee were Council Member Casey, Council Member Wrobel, City Manager Pearson, City Clerk Cornelius, City Attorney Schultz, Intern John McCarter, Mayor Gatt, former Mayor Landry, and Mr. Fil Superfisky.

Mayor Landry noted the last time the City Charter was reviewed was in 1977. It was originally adopted in 1969. In March of 2013, Council created the Charter Review Committee to identify any language that should be revised or updated. They reviewed the entire Charter. They identified nineteen suggested changes to the Charter. The Committee ranked the changes and limited five questions to go to the voters. Each question on the ballot is limited to 100 words and must be approved by the Governor's Office and Novi City Council. The changes requested update the Charter to present operations because of technological changes and to provide efficiency. Question one, on the ballot, would give the Charter gender neutral wording. The Attorney General's Office required questions two and three to be broken into two questions. Questions two and three affect City publications. There are six sections in the Charter that require notices. The Charter language would include the internet as a means of communication for notices. There is State Law that supersedes requirements for notices of ordinance changes and public hearings. Question four would combine two sections 4.13 and 4.6 because of duplicate language. It also clarifies language in section 4.6 as to who is an appointed officer. Another aspect of the question is about combining departments if it is needed. The City Manager and Council would have the ability to create a department. Question five would eliminate Section 8.10 of the Charter. The section references the warrant system that is presently in place. Warrant systems are no longer used by cities to do payables and the safeguard of it is illusory. It is an inefficient process. Also, the Charter presently requires that all funds withdrawn by the Treasury must be paid by check and signed by two officers. Currently, many of the payments done are wire transfers, P Cards and credit cards. He hopes that the additional fourteen suggested changes the Committee made would be reviewed next year.

Member Fischer thought all changes made sense but had one question about section 8.10, Withdrawal of Funds. His concern was if there was some kind of payment terms when vendors are demanding payment. City Manager Pearson said there would be a schedule established at the beginning of each year. Member Fischer didn't want employees wasting time cutting special checks all the time. City Manager Pearson said it will allow them not to have to cut special checks because it will give the vendor a better answer as to when they will be paid. It will allow the City to meet vendor terms to avoid penalties and take advantage of discounts. Member Fischer said he supports all five questions.

CM-13-08-114 Moved by Margolis, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the "Resolution Authorizing Submission of Charter Amendment Ballot Proposals to Electors," submitting 5 ballot proposals to update, modernize, and streamline City of Novi Charter to the voters at the November 5, 2013 general election, pursuant to recommendation from the *Ad Hoc* Charter Review Committee.

Member Mutch said he would like to have something in place to track the expenditures and continue to have a public reporting system.

Roll call vote on CM-13-08-114 **Yeas: Fischer, Margolis, Mutch, Wrobel, Gatt, Staudt, Casey**
Nays: None

2. Approval of Change Order No. 1 to Cadillac Asphalt for the 2013 Neighborhood Road Program—Contract 2 (Asphalt) in the amount of \$433,126.

City Manager Pearson said they are dedicating additional dollars to Neighborhood Road work. Through the budget process, they are able to allocate additional monies towards this work to get it done as soon as possible.

Member Mutch asked when the work will take place with additional funds. Director of Public Services Hayes answered it would begin mid to late September with residents being informed in advanced.

CM-13-08-115 **Moved by Mutch, seconded by Wrobel; CARRIED UNANIMOUSLY:**

To approve Change Order No. 1 to Cadillac Asphalt for the 2013 Neighborhood Road Program—Contract 2 (Asphalt) in the amount of \$433,126.

Roll call vote on CM-13-08-115 **Yeas: Margolis, Mutch, Wrobel, Gatt, Staudt, Casey, Fischer**
Nays: None

3. Consideration of a Policy for Non-regulatory Directional and Informational Signage Guidelines for Signage within the Public Right-of-Way.

City Manager Pearson said this item was a follow-up to discussion from last Council meeting. The discussion was how the City was approaching informational signage that is not required. This Policy was developed for non-regulatory signage. It acknowledges what it does and doesn't cover. They found it appropriate, next to existing City property and utilities, signs can be placed in the Public Right-of-Way and signs for the

regional trails which are defined in the Non-Motorized Master Plan. He appreciated any feedback.

Member Casey thanked the Administration for preparing the Policy. She felt that the 30 day notice to property owners in the notification section was sufficient time but didn't understand why Council was given the same amount of time. She was open to discussion of this issue because she didn't think it was enough time for Council to review the signage before presented to the residents.

City Manager Pearson said he didn't see any problem and said it made sense about the time necessary to review.

Member Fischer cannot support this due to concern over the number of signs going up in the City. He did like, in the Policy, the elimination of signs on residential type roads. This Policy still gives the ability to put signs to public facilities such as the Library and Park which are not necessarily needed. The approach shouldn't be through a blanket policy but a comprehensive plan would make more sense.

Member Mutch will support the Policy as presented even though he had some concerns. He liked the public notification process but he didn't feel that Council should have to approve every sign request that doesn't fit within the proposed policy structure. He doesn't think it would be the best use of Council's time. He is willing to accept it to put in place a framework for them to make decisions. In terms of the scope, he thought the Policy was too restrictive. He cited items such as natural beauty roads which we have signage on that indicated that they are natural beauty roads or scenic drives which under our current policy, the signs would not be allowed. Some of the signage that is currently allowed or in place would have to be removed. He explained that there are other examples. He understood the objections to signage in the subdivisions. The Policy makes it more restrictive than what is intended. He was surprised with the concerns about the signage in the City because there is a lot of information and directional signage already in place. We may not be aware of it. A number of the signs could be affected by a change in the policy. The signs currently exist and this concern resulted in the bike route signs. He feels there are signs for everything but people are not comfortable putting up signs for bicycle riders or pedestrians. He would like a balance to meet all the needs of all people who are utilizing a roadway. The public comments have led to changes. It was mentioned previously that neighborhood connectors are not regional trails. Regional trails are the ITC Corridor and M-5. He doesn't read this policy as allowing signage outside the two corridors without going through the approval process. Also, it is his understanding that it is strictly limited to easements owned by utilities. He didn't read where either of those aspects of the Policy applied to the situation that Mr. Garbacik referred to. Mr. Garbacik brought up a good point for neighborhood connectors and it will be discussed at the Walkable Novi Committee meeting. They should look at what standards should be in place for the neighborhood connectors. As future development comes forward, he finds the current standards are insufficient.

Member Margolis supports this policy. She thanked Administration for generating the Policy. The biggest concern was when the signs appeared on people's lawns. She could see the concern and the Policy addresses that concern.

CM-13-08-116 Moved by Margolis, seconded by Casey; MOTION CARRIED: 6-1

To approve a Policy for Non-regulatory Directional and Informational Signage Guidelines for Signage within the Public Right-of-Way as amended with a 45 day notice to Council.

Mayor Gatt agreed with the previous speaker and thanked the Administration.

Roll call vote on CM-13-08-116 **Yeas: Mutch, Wrobel, Gatt, Staudt, Casey, Margolis**
Nays: Fischer

AUDIENCE COMMENT – None

COMMITTEE REPORTS – None

MAYOR AND COUNCIL ISSUES – None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION – None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 8:04 P.M.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Jane Keller

Date approved: August 26, 2013