

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, AUGUST 30, 2021 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, (absent, excused) Crawford, Fischer, Maday, Mutch

ALSO PRESENT: Peter Auger, City Manager
Tom Schultz, City Attorney

APPROVAL OF AGENDA:

CM 21-08-114 Moved by Crawford, seconded by Staudt; MOTION CARRIED: 6-0

To approve the Agenda as presented.

Roll call vote on CM 21-08-114 **Yeas: Staudt, Crawford, Fischer, Maday, Mutch, Gatt**
Nays: None
Absent: Casey

PUBLIC HEARINGS: None

PRESENTATIONS:

1. Presentation Municipal Broadband Committee Presentation - Humna Anjum and Willy Mena

Humna Anjum said she was a project engineer for the City of Novi, and she was on the Municipal Broadband Committee. She said they would be talking about some of their early findings as well as our recommendation. She explained what broadband means, the FCC standard for broadband internet is 25 Mbps download and three Mbps upload. She said this is a low threshold and essentially dial up speed compared to other nations globally. She stated that according to the FCC, approximately 24 million Americans still lack fixed terrestrial broadband at the standard level. She said these days, internet is an essential part of life and needed for everything from work, education, entertainment, connecting with friends, family and more. She explained that a fiber optic cable is glass surrounded by a jacket. Fiber cables are used to transmit information digitally and they have the capability to transmit information 60 times faster than traditional copper connections. She said the cost of fiber is mainly the cost to put the fiber underground and operating costs are less than normal cable and wireless networks. She said there is fiber in the ground today that has been used since the 1980's and the lifespan of fiber can be more than 40 years. She said you can increase capacity by upgrading the lasers on each end without having to lay new fiber. She said fiber optic cables are resilient, reliable and have fewer points of failure than traditional copper networks. She briefly highlighted three presentations they had from experts in the broadband field. She said the first presentation was from Lee Comer, from the Foresite Group, they work with different municipalities helping them develop broadband plans. She said he talked

about the four components of a Broadband Program, which are the network owner, network operator, service providers and lastly the consumers. She said he talked about how fiber is superior to cable, and lastly, he talked about the planning progression for communities, which can include a community assessment, Master Broadband Plan, network implementation, and lastly a Technology and Connectivity Plan. She said the second presentation was from Michael Watzka, attorney at Kitch. She said he talked about the legal landscape, recent legislation, metric permitting, state and federal funding mechanisms as well as the City's right-of-way being its most asset and to utilize it carefully. Lastly, he talked about the strengths, considerations, and barriers of implementing a Broadband Plan. She said the last presentation was from Joe LaRussa, he is the Farmington Mayor Pro Tem and he is on their Broadband Committee. She said he talked about viewing broadband as infrastructure alongside roads, water, sewer, and other utilities, and the importance of incorporating broadband and internet connectivity into the planning process. She said he mentioned that Farmington and Farmington Hills are choosing to have a private provider invest and operate the fiber in their communities. She said there are other communities in Michigan such as Traverse City, Holland, and Marshall, Michigan, who have also chosen to implement various forms of broadband. She stated there are four possible models for building a network, the first one being publicly owned, open network, second one, private investment, public facilitation, private execution, public funding, and lastly, a shared investment and risk model. She stated that there is so much that we have learned from these three speakers, but a key takeaway is that there is still so much we do not know or have the in-house capability to learn. She said the Municipal Broadband Committee recommends creating a RFQ for a consultant with the technical expertise to study and analyze the broadband infrastructure in Novi. She explained the purpose, outcome, and expectation of hiring a consultant would be one to obtain inventory of the current internet infrastructure which will include everything from evaluating the current broadband infrastructure, assessing, upload, download speeds, and providing an expert perspective on telecom networks as well as funding models. She stated second, it would be to help the City develop a framework to plan for the future. She said this could include a Feasibility Report, a Broadband Master Plan, then mapping out existing infrastructure, and providing a roadmap for the future. She thanked everyone for their time and handed it over to Willie Mena.

Willy Mena said he has been a community member in Novi for 30 years, and he has been a technologist for over 35 years. He thanked the City for including him on the Municipal Broadband Committee, which was chartered to see if there were better ways of optimizing broadband services here in Novi. He said he came onto this Committee with an open mind not having a clue whether doing something like this would ultimately be feasible. He stated there were two things that he certainly did know coming into our first meeting, and that is that many of community members have been complaining for quite some time now about the high cost, low speeds, and unreliable service. He said we are tired of the dance that many of us go through every year or two with our 12 month or 24 months specials that we get from our service providers. He said after sitting through a few sessions with experts in this field and learning of the benefits that a fiber infrastructure could bring to our great city, and hearing about some of the creative ways other

communities have been able to partner to finance such a project, it became abundantly clear that moving on to the next steps in this process would be the best course of action. He said he agreed with the recommendation being brought forth by the Committee and he looked forward to assisting in the process in any way he could. He thought you will find that the residents of Novi by and large, would be fully supportive of us at least looking into the possibility of making their online lives more reliable and productive. Thank you.

Mayor Gatt thanked Mr. Mena and Ms. Anjum. He stated this City Council went on a Mayor's Exchange several years ago in Westerville, Ohio. He said that community had wide broadband system. He remembered how they praised it and how they were so proud of it. He said that it costs \$150 million or something like that, he thought that this is something that we have been talking about and exploring for a long time now. He thought the Committee was on the right track. He stated that he knew that we have something more that evening that Council was going to vote on to establish a committee and a consultant. He asked if any Councilmembers had any questions.

Member Fischer said he did not know if questions were appropriate now or later for staff due to the other piece, but he guessed he was trying to understand the timing of how long we would expect this consultant to review and when we would be able to expect something back. City Manager Auger said the next step would be to take a couple of weeks to do it, and then convene the Consultant Review Committee to try to see what kind of feedback we get from the consultant, a wide variety of them are out there right now. He guessed within a couple of months we will be able to bring maybe one or two in for an interview with the Consultant Review Committee, maybe tag teaming with the Library Committee or Broadband Committee. Member Fischer said we are talking the results of the work that were the scope of the consultant that is going to be months and months away from being presented back to Council. He said this is a long-term project that we will be approving. He believed it is more about setting expectations for the residents to say we expect some sort of presentation in three months, or we expect a presentation in a year. He thanked him for the clarification.

MANAGER/STAFF REPORT:

City Manager Auger reported a few meetings ago DTE made some commitments and City Council asked some questions they wanted some feedback on. He said he wanted to briefly follow up on the eight items that City Council asked them to do. He said first they wanted DTE to meet with the Mayor and City Administration, and as you all know, we did that, and we completed that task. They shared information with management on what they found so far, although they are still not completed on that. He stated they are going to continue to build a relationship with City Administration so that we have better communication. He said he received Sunday night, an email about possible storms coming through and the precautions they were taking so that looks like it is continuing. He mentioned as part of their Customer Excellence Program they are investigating what is causing the outages and starting to get that fixed. He said they will continue to get new information on that. He said City Council asked about the tree

trimming. He said the answer was no, it is scheduled in Novi in 2022. He mentioned the reimbursement for spoilage in the outages is a credit of \$25.00, but DTE is now offering a credit of \$100.00. He said they would research that ever further update on improvements to the circuit. He stated they are shutting down our smallest circuit and combining with another unit making it stronger, more robust. He said they are implementing the Customer Excellence Program to our three circuits for faster maintenance and updates. He explained what that does is they will get boots on the ground; they will be inspecting the lines with drones. He said if they find an area of weakness, like a support that is weak or maybe even just a wooden support they want to put a fiberglass one there, they will not just put in a work order for it, they will do it right away. He stated if they have lines that they think are interfering with their lines or branches, that are interfering with their lines. He mentioned City Council asked to see a plan so we can provide residents with the level of assurance, and DTE is working on a plan. He stated they are also working on a couple key questions that City Administration has given to them so they can answer those. He said it is moving forward and hopefully with the Customer Assurance Program hopefully we will see some better results in the next storms.

Mayor Gatt stated he was at the meeting, along with City Manager Auger, Assistant City Manager Cardenas, and City Attorney Schultz, and there were four executives from Edison. He wanted to let the people know in Novi, Edison was certainly listening to us. They took copious notes in a speech, said immediately, he received an email on Sunday and another one this morning, as a matter of fact. He believed they got the message, but we should not expect miracles. He noted they were very clear that 2022 is going to be the year that they come in and do the tree trimming plan that has been on the books, and they expect that to be something that will certainly reduce outages. He said that there is one station that is older and probably the cause of some of the outages that we have experience in the southeast part of the City, the older part of the City. He said they did promise some immediate attention to that. He thought the meeting was very helpful and everybody should know that your City Administration is on top of things and doing their best to alleviate the problems as and quickly and efficiently as possible.

ATTORNEY REPORT: None

AUDIENCE COMMENTS:

Dorothy Duchesneau, 1191 South Lake Drive, Novi said she had just a couple of comments about the broadband Internet access. She thought adding broadband Internet to areas like the city parks was a great first step. She said outdoor Internet access when Lakeshore Park was remodeled and designed was appreciated. She believed that Pavilion Shore Park and other city parks should also become a priority. She thought that adding citywide access so residents have an easier way to access the Internet from their homes would be fantastic. Many of us in the 48377 on the north end are very limited with choices for Internet access. She stated that they do not have the choice of different companies available to us those residents south of 12 Mile Road do. We have one choice, and that must be bundled with TV services or phone services if you want to have Internet. She said in our case, we had satellite service, which is no longer an option for us

and hasn't been for many years. The trees in our neighbor's properties have grown, and we don't think cutting down their trees so that our satellite dish can have a path to the sky would be considered a friendly option to our neighbors. She mentioned they have switched satellite providers four times as the trees have grown to get a new satellite every time the orbits get changed. She said the dishes are still on our roof and walls, but they're totally useless. She said cable and internet costs without TV service are extremely high when you're on fixed budgets. She noted that their reception from over the year in for our TV service provides a better picture than when we had cable. If the weather interferes, we just switch to Roku. She stated that unless you bundle of phone service or a TV service with it, you can't just order Internet in the area we live. She asked that whatever direction or decisions you go, please remember to include us. We in the north end are also residents of Novi and live within Novi's boundaries.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 21-08-115 Moved by Staudt, seconded by Crawford; MOTION CARRIED: 6-0

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
August 9, 2021 - Regular Meeting
- B. Enter Executive Session immediately following the regular meeting of August 30, 2021 in the Council Annex for the purpose of discussing City Clerk and City Assessor performance evaluations and City Manager contract.
- C. Approval to purchase thirteen (13) sets of protective turnout gear for the Novi Fire Department from Phoenix Safety Outfitters, an authorized dealer for LION, who holds the National Purchasing Partners (NPP) cooperative purchase agreement for \$35,462.05.
- D. Approval of resolution appointing Shannon Bennett (Employee Delegate) and Elise Marra (Officer Delegate) as the 2021 City of Novi representatives to attend the Annual Municipal Employees Retirement System (MERS) Conference to be held October 7 – October 8, 2021.
- E. Approval to award contract for Police and Fire Department uniform cleaning to Perfect Cleaners, the lowest bidder, for an estimated annual amount of \$17,000 for a period of two (2) years, with three (3) renewal options in one (1) year increments.
- F. Approval of request by E & M, Inc. (Society Hill) for one-year extension, to October 9, 2022, of site plan approval for a 312-unit apartment project developed as a PD-1 Option in a multi-family (RM-1) district, located at the southwest corner of Novi Road and 12 ½ Mile Road, previously extended under a consent judgment and subject to annual extension reviews.

- G. Approval to purchase one replacement Dakota 420 Top Dresser from Revels Turf & Tractor in the amount of \$29,379.37.
- H. Approval to pay an additional \$11,970 to Haggerty Project, LLC, the owner of 21333 Haggerty, for an extension of a temporary grading easement associated with sidewalk construction.
- I. Consideration of Adoption of Ordinance No. 18.297, an Ordinance to amend the City of Novi Code of Ordinances, Ordinance 14-271, the City of Novi Zoning Ordinance, as amended, at Article 2, Definitions, in order to revise the definition of Planned Rezoning Overlay (PRO) Conditions, and at Article 7.0, "Administration, Appeals, and Enforcement," Section 7.13, Amendments to Ordinance, subsection 2, Planned Rezoning Overlay (PRO), in order to comprehensively revise the requirements of the Ordinance with respect to intent, eligibility, approval, procedure, effect of approval, amendment, expiration and extension, and effective date. **SECOND READING.**
- J. Approve Resolution Authorizing "2021 Michigan State Fair" to occur on the Suburban Collection Showplace property at 46100 Grand River Avenue.
- K. Consideration of request to transfer ownership of 2020 Class C licensed business with (3) bars, Sunday Sales Permit (AM), Sunday Sales Permit (PM), and Dance-Entertainment Permit from JD Racing Indoor Karting, LLC; cancel Sunday Sales (AM) Permit; cancel Dance-Entertainment Permit; cancel add bar (1) leaving total of (2) bars at 44225 W 12 Mile Rd Ste C-118 in Novi, MI 48377.
- L. Approval of claims and warrants – Warrant 1090

Roll call vote on CM 21-08-115

Yeas: Crawford, Fischer, Maday, Mutch, Gatt, Staudt
Nays: None
Absent: Casey

MATTERS FOR COUNCIL ACTION

- 1. **Consideration of an introduction to Ordinance No. 21-188.01, an Ordinance to Amend the City of Novi Code of Ordinances, at Chapter 28, "Signs," Section 28-1, "Definitions," Section 28-3, "Permits," Section 28-5, "Allowed in All Districts," Section 28-8, "Off-Premises Signs," Section 28-9, "Non-Commercial Message Permitted; Right-of-Way," Section 28-10, "Prohibited Signs," and Section 28-14, "Non-Conforming and Abandoned Signs," in order to remove references to On- and Off-Premises Signs, to add a definition of "Highway Sign", and to make other revisions to sign standards for permanent signs. FIRST READING.**

CM 21-08-116

Moved by Staudt, seconded by Fischer; MOTION CARRIED: 6-1

folks told him that it is coming along fine and through this fall it should be good so they can start programming in the spring. Member Mutch thanked him for the update.

Roll call vote on CM 21-08-118

**Yeas: Mutch, Gatt, Staudt, Crawford, Fischer,
Maday,
Nays: None
Absent: Casey**

4. Consideration of Approval of Change Order No. 2 to Fonson Company, Inc. for the Martin Avenue Storm Sewer Improvements project to the Lee BeGole Headwall, Bishop Creek Streambank Stabilization, and Meadowbrook Road Sidewalk contract, in the amount of \$386,068 and amend the budget.

Member Mutch said he will be supporting this. He thought this is the right thing to do for the residents in this neighborhood, particularly the residents who have been directly impacted by the flooding coming off the Lakeview development. He was a little disappointed in the fact that the City's on the hook for we talked about the \$386,000, but the actual total project cost is going to be over a half million dollars to address flooding coming from this development. He said in conversations with the neighbors who have been affected who had their back yards flooded, who had the dirt and mud flowing though and into their garages, this never happened before this development was approved, this changed the drainage flow in this area. He said he would like to see Robertson contribute to the problem that has been created, because he thought it goes directly back to them. Having said that, he said he would not hold up this project waiting on them. He stated they have not always been timely in their responses we wanted to even the more basic requests that we have had. He said he would support this moving forward, but he did think there needs to be some accountability for the impact this has had, not only on the neighborhood, but on the City's finances as well.

Member Fischer directed his questions to City Attorney Schultz. He asked what our likely options would be to drive accountability from Robertson Brothers. City Attorney Schultz said he did not know enough about the underlying allegations about what Robertson Brothers did. He said to answer that questions, he would need to spend a little more time with staff and any consultants to know if there really is anything that we could point to them and ask them to help them out. Member Fischer thought it is important that we do look at that we get something we have to Council, because we are going to have people up here talking about driving accountability, and we are all concerned with what happened with the residents. He wanted to take a step to investigate it, and he asked that he do that.

CM 21-08-119

Moved by Staudt, seconded by Crawford; MOTION CARRIED: 6-0

Approval of Change Order No. 2 to Fonson Company, Inc. for the Martin Avenue Storm Sewer Improvements project to the Lee BeGole Headwall, Bishop Creek Streambank Stabilization, and Meadowbrook Road Sidewalk contract, in the amount of \$386,068 and amend the budget.

Roll call vote on CM 21-08-119

**Yeas: Gatt, Staudt, Crawford, Fischer, Maday,
Mutch,
Nays: None
Absent: Casey**

5. Consideration of the recommendation from the Municipal Broadband Committee to put out a Request for Qualification (RFQ) for technical consulting services to study and analyze the broadband infrastructure and connectivity landscape within the City of Novi.

Mayor Pro Tem Staudt said he did not speak during the presentation because he knew that we had an action item, and he was one of the three members of the Broadband Committee. He said he was lucky enough to have two very motivated people and another staff member who worked with us. He said we have the great fortune of having a municipality directly next to us Farmington, Farmington Hills, that have spent two years studying this issue. He stated they have gone out and created a voluminous amount of information, which was available to us. He said they reached out to several; we have an attorney in town here who has been very involved in this for many years. He stated they reached out to a couple of consultants, where we had one do a presentation, and then we had a committee member from Farmington, Farmington Hills group do a very nice presentation for us. He said what they learned from all of this is that we need to know a lot more and one of the things that we are looking to do with through this request for quality is to very similar to what we did with the Non-Motorized Master Plan.

CM 21-08-120

Moved By Crawford, seconded by Gatt; MOTION CARRIED: 6-0

Approval of the recommendation from the Municipal Broadband Committee to put out a Request for Qualifications (RFQ) for technical consulting services to study and analyze the broadband infrastructure and connectivity landscape within the City of Novi.

Mayor Pro Tem Staudt mentioned one of the things that was important to us to really come up with a Master Plan that designated how we would work with businesses and individuals and our options, there has been a lot of big numbers thrown around like \$100 million, and things like that, we are not looking to have the City pick up the tab, unless there would be a compelling reason to do it. He stated we do not have that information yet. He said the whole point of the RFQ is. He said we need to go out and find a consultant who can look deep and really understand the broadband infrastructure, and the fiber infrastructure of our City, which will then allow us to make much better decisions. He stated that at this point we are really looking to find somebody, they would come back and work with our committee and really hash out all the issues we are looking for, whether it is economic development art, or you know, what we are going to do with individual homes, or what we are going to do in future zoning and in building issues. We are going to require as part of our ordinance that you have fiber going into a new subdivision or a new development of any type. He stated this whole thing is based around the fact that we want to get our hands around it before we start going out and

talking about exactly what it is that we can do as a community, or exactly how we are going to do it. He said there are a lot of options. He said there are some very attractive ones that include companies that will come in and completely fund it for a period of time, which is what Farmington, Farmington Hills went with. He said we are asking for, he was not sure there is a specific dollar amount that we are looking for, but we want to put the RFQ together, we want to send it out, we want to get the bids and we will pick somebody and as the chairman of the Consultant Review Committee, he will be able to bring some good insight to that also. He said they are ready to move forward. He said City Manager Auger said it will take us about six months to get any real results back. He thought that will be time well spent, because the Committee will be meeting the whole time talking about the process that we are going through.

Member Fischer asked for clarification on exactly what they were doing. He understood that we are going to go ahead and go out for an RFQ, we are not expending the money, we are not budgeting the money at this point. He said we are going to go out, get some bids back and everything will go through the consultant what was just outlined earlier, but we are not actually expending any money. City Manager Auger said that was correct. We are going out to find somebody with qualifications, any expenditure will come back to City Council.

Member Mutch said he was fully in support of this. He thought one of the points that the Mayor Pro Tem Staudt and the Committee presentation touched on was in terms of infrastructure in the City. He said we know there is fiber out there in various forms. He said it is owned by various entities, some of them public, and some of them private. He stated that Ms. Duchesneau touched on in her public comments is that some portions of the City are underserved, in terms of internet connectivity, but he will tell you, even here, south of 12 Mile, he said he was on Spectrum, and he was just recently in discussion with them about various options. He said the cost relative to the speed that we are getting here is ridiculous. He said we are paying too much and getting too little for it, and even upgrading, it is still relative to what we should be getting these days, we are years behind. He thought a lot of that was driven by issues of competitiveness, or lack of competition as a may be in so he thought we are not going to get a handle on this until we take this next step and get some more information in. He said he fully expected the Committee is going to be working with the consultant, assuming we go forward with that, is going to be able to kind of figure out what are the best solutions for Novi, some folks are looking at a full-blown City run service. He said some folks are looking to see if we can do totally private, it is probably going to be some blend of that, but he thought as we learned over the last year and a half, we knew this beforehand, but we really experienced over the pandemic is how critical having high speed internet is to our community, both on the residential side and the business side. He said it is no longer this luxury that you know, if you can get high speed internet, great, but we do not really need it, we need it, everybody needs it. He said they touched on it in the presentation, it is going to be no different going forward in communities to be looking at this portion of our infrastructure as being a critical piece of infrastructure, just like roads, water, sewer, and electricity. He said we have experts on roads, water, and sewer, we do not have experts on electricity, we do not have experts on internet infrastructure. He said that is where he thought

bringing in that outside expertise will serve us well. He believed they will be able to really fill in a lot of these gaps for us and help us make an informed decision. He said we could not know a lot of people are clamoring you go to spend some time on next door, if you want to hear upset from upset residents about internet service in this community. He stated we just do not know enough today to really be able to decide in any direction. He thought this will get us going and he was fully supportive.

Mayor Gatt commented for the record that this was something that we have been talking about since we were in Westerville. He said it is something that he thought the city of Novi was prepared to explore, and certainly no promises. He said it depends a lot on what is out there and how much everything will cost.

Mayor Pro Tem Staudt said he had a couple of items to touch on, one is some of these funds, especially for this initial study he believed would be eligible through federal grants. He said some of the money that we got for COVID relief would be available for this. He said secondly, you know, just so folks have an idea, we are probably talking between \$30,000 and \$60,000, for an initial study, and from there, we would really be able to make a much greater determination of what we want, how far we want to go with it, and how in depth it is going to be. He stated it is not a super project right now in terms of dollars, but it is something that really will get us going in the right direction.

Member Maday echoed her colleagues and agreed with them 100%, and she believed it is the right direction to be heading towards. She was in full support.

Roll call vote on CM 21-08-120

Yeas: Staudt, Crawford, Fischer, Maday, Mutch, Gatt,

Nays: None

Absent: Casey

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: None

AUDIENCE COMMENT:

State Representative, Kelly Breen, 242 Linhart, Novi thanked City Council for the actions that they were taking to help her neighbors and our neighborhood regarding the flooding. She said it has been going on for a while and she fully appreciated the additional comments regarding investigation as far as accountability. She stated that prior to the development up on her end, there were not the significant flooding issues, we had terrible roads to begin with, and within a very short period, we have two water main breaks and a gas main break. She said she did not think it is quite fair for the City to bear the cost of this and she was glad that this is going to happen. She said as far as determining whether we can prevent this type of an incident happening in the future with another development or some additional action being taken with this. She said the other issue was in regard to the Agenda item regarding road repairs to Linhart, Martin, Paramount and Wainwright, the neighbors would appreciate some additional

information as to what the City intends to do as far as a road repair and when, and what that would entail. Thank you.

COMMITTEE REPORTS: None

MAYOR AND COUNCIL ISSUES: None

Mayor Gatt announced that Council was going to enter Executive Session at 7:41 P.M., and that they did not expect to return to Open Session.

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:41 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: September 13, 2021