

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JANUARY 8, 2018 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 Breen, Casey, Markham, Mutch, Wrobel

ALSO PRESENT: Peter Auger, City Manager
Victor Cardenas, Assistant City Manager
Tom Schultz, City Attorney

APPROVAL OF AGENDA:

CM 18-01-001 Moved by Staudt, seconded by Casey; CARRIED UNANIMOUSLY

To approve the Agenda as amended with an addition to the Mayor and Council Issues regarding a commissioner that is leaving.

Roll call vote on CM 18-01-001 **Yeas: Staudt, Breen, Casey, Markham, Mutch, Wrobel, Gatt**
Nays: None

PUBLIC HEARING: None

PRESENTATIONS:

1. Proclamation in recognition of Surya Namaskar (SUN Salutation) Awareness Period, January 13 – 28, 2018 – Srinivas Dundigalla

Swathi Tippireddy, a sophomore at Novi High School, was there on behalf of the Hindu Swayamsevak Sangh USA, Michigan Chapter. The Surya Namaskar is a Sun Salutation, and is one way to acknowledge and pay our respect to the sun. The Surya Namaskar integrates simple yoga postures in ten simple steps that along with easy breathing technique can provide immense health benefits to both the body and the mind. One of the primary benefits of doing Surya Namaskar is that it improves mental and physical balance of the person's body. It develops patience and builds stamina by increasing the mental capacity of the brain and the body. Yoga helps to reduce stress, anxiety, improves fitness, posture, flexibility and balance. HSS promotes the physical and mental wellbeing of all and emphasizes the importance of a healthy lifestyle regardless of one's age, gender, religion, ethnicity or nationality. January 14th marks the first day of the sun's transit. It is turning towards the northern hemisphere from the southern hemisphere. It also marks the end of the winter solstice and the start of longer days. To celebrate this occasion HSS has organized a two-week long Surya Namaskar Yogathon, from January 13 through January 28 to bring awareness of yoga and the practice of Surya Namaskar to the community. The community is invited on Sunday, January 28 at 9:00 A.M. through 12:00 P.M. for the Surya Namaskar marathon.

MANAGER/STAFF REPORT: None

AUDIENCE COMMENT:

Dhanasri Arvapally, Novi High School student, was concerned about the early start time at Novi High School as part of her Civics project and also as an active resident of Novi. According to the American Academy of Pediatrics, adolescents should get approximately eight to ten hours of sleep. It can be said that a child can be put to bed early to get the sufficient amount of sleep. However, the workload, extracurricular activities, after school jobs and long teen hours do not support that cause. According to a local psychologist that she consulted, the change in the circadian rhythm or altering of the body clock during adolescents forces a teenager to want to go to sleep late and wake up late. She said that teenagers usually get about five to six hours of sleep. Sleep deprivation can lead a person to various problems such as depression, anxiety, and obesity. Every year about \$9 billion dollars are spent on medical expenses to counter sleep disorders as was published by the Washington Post. Delaying school start times can have various benefits for the U.S. economy. Most schools say it isn't easy to reschedule the buses and it can cost \$150.00 per student. After school activities can cost \$110,000. These amounts can be counter balanced greatly by the benefits posed by delayed school start times.

CONSENT AGENDA REMOVALS AND APPROVALS: CARRIED UNANIMOUSLY

CM 18-01-002 Moved by Casey, seconded by Wrobel; CARRIED UNANIMOUSLY

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
 - 1. December 18, 2017 – Regular meeting
- B. Approval of Resolution Appointing Acting City Clerk.
- C. Approval of Resolution to Amend the Massage Business License Annual Renewal Fee.
- D. Acceptance of residential streets in Berkshire Pointe and adoption of the Act 51 New Street Resolution accepting Hartwick Drive, Hartwick Circle, and Harrier Place as public, adding 0.60 miles of roadway to the City's street system.
- E. Approval of Traffic Control Orders 17-42 through 17-47 for traffic control signs within Berkshire Pointe Site Condominium.
- F. Approval of a Storm Drainage Facility Maintenance Easement Agreement from American Interiors-Detroit, LLC for the American Interiors project located north of West Road, east of Hudson Drive (parcel 50-22-04-378-035).

- G. Approval of a Storm Drainage Facility Maintenance Easement Agreement from Hino Motors Sales U.S.A., Inc. for the Hino Motors project located south of Twelve Mile Road, west of Taft Road (parcel 22-16-226-019).
- H. Acceptance of a warranty deed from Hino Motors Sales U.S.A. Inc. for the dedication of a 60-foot master planned right-of-way along the south side of Twelve Mile Road and a 33-foot master planned right-of-way along the west side of Taft Road as part of the Hino Motors project (parcel 22-16-226-019).
- I. Acceptance of a warranty deed from Haggerty Holdings, LLC for the dedication of a 60-foot master planned right-of-way along the west side of Haggerty Road south of Thirteen Mile Road as part of the Autoneum project (parcel 22-12-200-055).
- J. Acceptance of a sidewalk easement from GR Meadowbrook, LLC, as part of the Huntley Manor development located south of Grand River Avenue and west of Meadowbrook Road (Parcel 22-23-251-023).
- K. Acceptance of a Sidewalk Easement for parcel 50-22-03-101-006 as part of the Pontiac Trail Sidewalk Project.
- L. Approval of contract award for printing and mailing services for utility bills, tax bills, assessment notices, and personal property statements to Whitlock Business Systems for the estimated amount of \$22,486.
- M. Approval to purchase new flooring for various locations at the Police Headquarters from Shaw Integrated Solutions, in the amount of \$19,911.05 based on National Joint Powers Alliance (NJPA) cooperative purchasing contract.
- N. Approval to award the Civic Center Duct Cleaning to Amistee, the low bidder, in the amount of \$22,450.
- O. Approval to purchase new office furniture for various locations within the Civic Center from ISCG Inc., in the amount of \$42,000 based on State of Michigan MiDeal Cooperative Purchasing program; and approval of a resolution to amend the budget to add \$42,000 to this line item.
- P. Enter Executive Session immediately following the regular meeting of January 8, 2018 in the Council Annex to consider confidential communication from City Attorney.
- Q. Approval of Claims and Accounts – Warrant No. 1003

Roll call vote on CM 18-01-002

**Yeas: Breen, Casey, Markham, Mutch, Wrobel,
Gatt, Staudt**

Nays: None

MATTERS FOR COUNCIL ACTION

1. Consideration to adopt Ordinance 18-190, an Ordinance to amend the City of Novi Code of Ordinances, at Chapter 31, "Streets, Sidewalks, and Other Public Places," to add Article VI, "Public Cemeteries," Sections 31-86 through 31-89 in order to establish General Regulations for City-Owned Cemeteries, to adopt a related Resolution approving the administrative rules prepared by the City Clerk and entitled "City-owned Cemetery Rules and Regulations," to become effective on the effective date of the ordinance. **FIRST READING**

CM18-01-003 Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY

To approve the adoption of Ordinance 18-190, an Ordinance to amend the City of Novi Code of Ordinances, at Chapter 31, "Streets, Sidewalks, and Other Public Places," to add Article VI, "Public Cemeteries," Sections 31-86 through 31-89 in order to establish General Regulations for City-Owned Cemeteries, to adopt a related Resolution approving the administrative rules prepared by the City Clerk and entitled "City-owned Cemetery Rules and Regulations," to become effective on the effective date of the ordinance. FIRST READING

Roll call vote on CM 18-01-003

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

2. Consideration to adopt Ordinance No. 18-191, an ordinance to amend the City of Novi Code of Ordinances, Chapter 24, "Outdoor Gatherings and Filming Permits," in order to amend the title of the Chapter, and to add definitions and regulations relating to mobile food vendors and events, and to clarify penalties for violation of the Chapter. **FIRST READING**

CM 18-01-004 Moved by Wrobel, seconded by Casey; MOTION DENIED: 3-4

To approve to adopt Ordinance No. 18-191, an ordinance to amend the City of Novi Code of Ordinances, Chapter 24, "Outdoor Gatherings and Filming Permits," in order to amend the title of the Chapter, and to add definitions and regulations relating to mobile food vendors and events, and to clarify penalties for violation of the Chapter. FIRST READING

Member Mutch asked City Attorney Schultz a few questions in regards to the language. He questioned the language that specifically excluded catering trucks that drive through industrial parks. His understanding was that catering trucks have been

operating for years. He was concerned with how the language was structured. He believed that a catering truck and a food truck essentially operated in the same way. They have set locations with a menu and people go to them to buy food items. He said a food truck may park in one place for extended time, but some travel. He felt it's arbitrary to have this very restrictive policy for food trucks based on concerns about health, safety, and competition. He said it excluded any consideration of a food truck business that operates in the same way. He wanted an explanation on why they are treating one type of food truck one way. A catering truck is the same thing to him. Mr. Schultz explained that they are not regulating the actual truck differently. They are calling that visit by a mobile food vehicle to an industrial complex or office complex for traditional lunch or break times for less than an hour to be an exempt activity. The idea is that a catering truck is only there for an hour as a traditional lunch time service. Member Mutch confirmed that any food truck can operate as a catering truck as long as it's not parked anywhere for more than an hour. Mr. Schultz said yes, within certain uses, such as an industrial park complex, office complex or warehouse. Member Mutch said they are doing the same thing though. They are selling food items out of the truck in exactly the same way. He doesn't want to regulate catering trucks. It has never been an issue. It highlights the scope of this ordinance as being broader than it needs to be. A lot of the language came from the Farmington ordinance where they wanted to regulate food trucks. He thought the rationale there was not applicable in Novi. He didn't see the need. His perspective was if they need to have ordinance, he wants it to be clear that foods trucks are welcome. This does the opposite and makes it cumbersome. They just had an event at City Hall with food trucks and it was great. They add a lot to events in the City and this was too much unnecessary regulation. All it will accomplish is driving food trucks away. He wanted to see this streamlined and less arbitrary. Mr. Schultz said when they presented this to the Ordinance Review Committee they outlined the fact that currently food trucks are not welcome in Novi, as they are not a permitted use. They gave the ORC a handful of ordinances to choose from. This was the version that ORC decided to move forward with. He said it was purely a policy question. If the ultimate conclusion is that it's too restrictive, as intended, then they should decide and go back to the drawing board. It was intended to be very restrictive and if that is not what Council wants then they will have to go back and talk about it some more. Member Mutch said he appreciated the explanation and he would be on the less restrictive side of the table.

Member Breen said she had concerns about the language and thought it was onerous. She stated it said that no mobile food vendor shall have more than five permits per calendar year. It also states that no owner/occupant can apply for more than five permits per calendar year. She was interested in how they came up with that number. Mr. Schultz said the communities who allow these on a more frequent basis treat them as land uses because once you have a truck in a particular place for a number of times, it goes from an event to an actual use of land. The ordinance is set up is to ensure these don't become the regular use of a piece of property. He thought it was straight forward, but it is restrictive as special event based. If they want to change, they have to re-write the ordinance. Member Breen asked about a specific office complex that holds food truck rallies. She confirmed that if they wanted to continue more than

five times a year they wouldn't be allowed. Mr. Schultz said yes, that would be correct. Member Breen felt this was overly restrictive. She thought they should encourage food trucks. They want to encourage people to have start-up companies. She felt this was too much for a food truck ordinance and wanted it less cumbersome.

Mayor Pro Tem Staudt said he isn't on ORC and he wondered what prompted this. One issue is if food trucks park in front of a restaurant or get a permit to park in a parking lot of a non-competing business. It isn't fair to the restaurant that has an investment in the community and pays taxes. The food truck is only paying a permit fee. It may be onerous, but he understood the point about protecting businesses that invest in community. Maybe the number of times they are allowed in the community is an issue. He is more interested in protecting existing businesses than ones that can drive in.

Member Casey said when she looked at the definition for a traditional catering truck, she interpreted it differently. A catering truck is a truck that brings food that they have already prepared, which was not what she considered to be a food truck type of purpose. The previous speaker noted that there was no difference in terms of what these vehicles do. They dispense food. She said it felt odd that they were trying to regulate one and not the other. She agreed that five times is arbitrary. She understood that perhaps they don't want it every day, but it felt like a random number. A business may want more than that. She respected the point of view that they would want a regulation requirement where they would allow these types of mobile food vehicles not within a certain distance of a fixed restaurant. She was open to the idea of having a regulation that talked about broader things, such as where and how long. She would like regulations for food trucks, but not too much. She supported the motion to open up the conversation but she really struggled with how this ordinance was written.

Member Markham said some of her points had been covered, but this felt like they were trying to solve a problem that they don't have. Often people come forward and say Novi is too hard on businesses and say our regulations are too hard on those people who are trying to start up. Food trucks are innovative and fresh, and they can start up without huge amounts of money. Based on what she'd been reading, a food truck may not be bad for restaurants. It brings attention to the area. She said she is not in support of any restriction on being too close to someone else. She mentioned she didn't want to be in the business of micro managing. She believed that those problems will solve themselves. She was against over-regulating. She didn't feel that they need an arbitrary number. They don't need to be specific about locations. She also didn't think it was necessary to talk about the type and quantity of food. She said she was on the ORC and voted to move this forward, but had concerns that she expressed in that meeting. She was not in support of anything restrictive for any new small business.

Mayor Gatt said he was on the ORC and this passed unanimously to move forward. He was surprised to hear some of the comments. He was not saying he disagreed with anything either. He thought that management had the notion where Council stands for a second reading.

Roll call vote on CM 18-01-004

Yeas: Wrobel, Gatt, Staudt

Nays: Markham, Mutch, Breen, Casey

3. Approval of a recommendation from the Consultant Review Committee to award the City's Emergency Medical Services Contract to Superior Air-Ground Ambulance of Michigan, Inc., with the terms and cap of \$800 billing to residents for two (2) years with three (3) one-year renewal options effective January 23, 2018.

City Manager Auger pointed out that the motion sheet didn't have the customary language to allow the City Attorney and City Manager the latitude to correct any minor deficiencies in the contract. For example, it was brought to his attention that one of the addresses is wrong in the contract. Without changing the scope of the RFP he would like to ask that the customary language be added if this motion is made so that they can correct minor deficiencies.

Mayor Pro Tem said he was the Chairman of the Consultant Review Committee that met over a series of meetings. This was a multi-month process. They were making a recommendation to go with a new vendor after many years with an existing vendor. He explained that it had to do with past track records. Superior said they would commit to three full time vehicles in the community. He said our responsibility is to the community and public safety. The best vendor became clear. They had pricing concerns, but addressed that with the \$800.00 cap. They were happy to move forward. They have a great reputation outside of Michigan. They are relatively new, but have exceptional long term record in other states.

CM 18-01-005

Moved by Staudt, seconded by Casey; CARRIED UNANIMOUSLY

To approve the recommendation from the Consultant Review Committee to award the City's Emergency Medical Services Contract to Superior Air-Ground Ambulance of Michigan, Inc., with the terms and cap of \$800 billing to residents for two (2) years with three (3) one-year renewal options effective January 23, 2018 subject to final approval by the City Attorney and City Manager.

Member Mutch stated he was a new member on CRC so he didn't hear the conversations with the previous provider in the context of previous proposals. A few things stood out to him in the presentations from the providers. Superior made it clear that they could meet the standards requested, which are very rigorous standards. They decreased the amount of time they are allowed to take to respond to calls. They didn't hesitate to say they could meet that standard. They would always have three vehicles within the City of Novi no matter the circumstances. If a large scale situation occurred, they would ensure three vehicles would always be on call. The competitor stated that what was being proposed was impossible to meet. That was a telling difference. He noted it was a higher cost for that level of service. There was a lot of discussion and they came back with the cap for Novi residents who receive service. It's a tradeoff. They are

asking for a higher level of service and guarantee. They can get cheaper service with a different vendor with slower response time, and not the guarantee of coverage. They chose to have higher level of service. They will evaluate consistently. The Superior contract was recommended by Public Safety and Leadership who deal with this every day. He felt comfortable moving forward with this.

Member Breen wanted to thank everyone on Council for answering the number of questions she has had. She noted that this was a good decision because Superior does intend to interview and/or hire a lot of paramedics that were utilized by the former vendor. As a mom of young kids, she had concerns about the ability to service our youngest patients. She was assured they have specific training and the ability to transport to the appropriate facility as needed. There was an anti-discrimination clause that Superior included in their contract that would make sure no one was ever denied care regarding sexual orientation, which is a problem across the nation.

Roll call vote on CM 18-01-005

**Yeas: Mutch, Wrobel, Gatt, Staudt, Breen,
Casey, Markham**

Nays: None

4. Appointments to Boards and Commissions.

City Clerk Hanson said Sam Olsen was appointed for the Zoning Board of Appeals Alternate position.

AUDIENCE COMMENT: None

MAYOR AND COUNCIL ISSUES:

Mayor Pro Tem noted this past weekend he found out that a good friend and longtime servant was getting ready to relocate. Doug Bauss has been Chairman of Parks, Recreation and Cultural Services Commission for many years. Mayor Pro Tem Staudt said he appreciated everything he did and wanted to thank him for all the work he has done.

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 7:39 P. M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: January 22, 2018