

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, OCTOBER 6, 2014 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 Casey, Fischer, Markham, Mutch, Wrobel

ALSO PRESENT: Victor Cardenas, Assistant City Manager
Thomas Schultz, City Attorney

APPROVAL OF AGENDA:

CM 14-10-159 Moved by Casey, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the Agenda as presented.

Roll call vote on CM 14-10-159 **Yeas: Staudt, Casey, Fischer, Markham, Mutch, Wrobel, Gatt**
Nays: None

PUBLIC HEARING - None

PRESENTATIONS:

1. Walled Lake Consolidated Schools 2014 Operating Millage Renewal 18-mill Non-Homestead & 3.9 mill Hold Harmless - Judy Evola spoke about both millages. They are operating millages and not an increase. They were first levied in 1995 and renewed in 2005 and the Walled Lake School District is asking for another renewal from all 9 communities served by the school district.

2. Proclamation Recognizing October as Fire Prevention Month – Mayor Gatt presented the proclamation to Director of Emergency Services and Fire Operations Jeff Johnson. Director Johnson asked all residents to be safe with cooking appliances, candles and fireplaces, but most important was to make sure to have a working smoke alarm. Also, he advised residents to obtain a carbon monoxide alarm. The Fire Department also has a number of free programs where the department will come out to individual homes.

REPORTS:

1. **MANAGER/STAFF** – Assistant City Manager Cardenas reported that the audio portion of the meeting was not functioning due to a technical difficulty

2. **ATTORNEY**

AUDIENCE COMMENT –

Pam Sordyl, Clarkston resident, reported that in 2013 1,000 puppies were shipped from Indiana. The store claimed they worked with veterinarians. But their reports showed 144 puppies or 15% had abnormalities. Luxating patellas was the most common defect. Umbilical hernias and open fontanels were also found. The key is that there are defects that cannot be fixed. Some puppies may get brain damage if they strike their head. She reported that time cannot fix the genetic defects.

Olga Feyerman, Bloomfield Township resident, works with a dog rescue and noted they've received puppies that were surrendered to them. The owners spent \$1800 to fix one puppy that required additional surgery at a cost of \$2500. They require a lot of care for these particular congenital issues. Luxating patellas cause the kneecaps to fall out. She stated Family Puppy is still getting dogs with congenital defects. It's tough on the owners and the dogs. They've also gotten some from Petland as well that were surrendered to them. She gave the breeder's name and stated they were known for puppy mill breeding. She is with a small rescue group and manages to raise funds but most dogs are euthanized.

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

CM 14-10-160 Moved by Casey, seconded by Mutch; CARRIED UNANIMOUSLY:

To approve the Consent Agenda with the removal of items L and M.

- A. Approve Minutes of:
 - 1. September 22, 2014 – Regular meeting
- B. Enter Executive Session immediately following the regular meeting of October 6, 2014 in the Council Annex for the purpose of discussing pending litigation.
- C. Approval of Resolution of support for Senate Bills 1023 and 1024, to restore ban on aerial and explosive fireworks.
- D. Approval to award a sound system upgrade agreement with I.Comm Corporation for services related to the Novi Civic Center Theatre sound project in the amount of \$27,455.
- E. Approval of the 2015 Suburban Mobility Authority for Regional Transportation (SMART) Municipal Credit Fund Contract and Resolution for the Older Adult Transportation Program in the amount of \$54,454.
- F. Approval to award an engineering services agreement with URS Corporation for design engineering services related to the Villa Barr Park Sanitary Sewer Extension project in the amount of \$19,494.

- G. Approval of liquor license request from Rojo Six, LLC (d/b/a Rojo Mexican Bistro) to transfer ownership of 2014 Class C Licensed Business with New SDM, Dance-Entertainment, Sunday Sales (AM & PM), and Outdoor Service from Luna Properties Novi LLC to be located at 42875 Grand River Avenue, Suite 103, Novi, MI 48375.
- H. Approval of Zoning Ordinance Text Amendment 18.270 to amend the City of Novi Zoning Ordinance at Article 19, "I-1, Light Industrial District", Section 1905, "Required Conditions" and Article 23A "Planned Office Service Technology District", Section 2303A, "Required Conditions", to permit and regulate above-ground storage tanks. **SECOND READING**
- I. Approval of Ordinance 14-182 to amend the City of Novi Code of Ordinances Chapter 21, "Nuisances" Article II, "Related to Property," in order to add a new Division 12, "Obstructions in Public Ways." **SECOND READING**
- J. Approval of Ordinance 14-100.43 to amend the City of Novi Code of Ordinances Chapter 8, "Signs" Section 28-7, "Allowed in All Districts," Subsection (a)(11), in order to revise regulations relating to temporary signs installed in window areas. **SECOND READING**
- K. Approval of Ordinance 14-104.09 to amend the City of Novi Code of Ordinances Chapter 21, "Nuisances" Article II, "Related to Property" Division 1 "Lot Clearing," in order to revise the administrative fee for grass/weed mowing by the City on private property and clarify the properties to which the requirements are applicable and approval of associated resolution setting the administrative fee. **SECOND READING**
- L. Approval to award contract for the 2014 Fall Tree and Landscape Planting to the lowest bidder RC Tuttle, Inc. for the amount of \$ 60,000. **REMOVED, AMENDED AND APPROVED**
- M. Approval to purchase a tax-foreclosed property from Oakland County under Act 123 of 1999, parcel number 50-22-11-101-004, located in the City of Novi Section 11, Howell's Walled Lake Sub, Lot 26, for the amount of \$1,286.82 plus additional fees, charges, or other costs as determined by the County and as required by law for the property. **REMOVED, AMENDED AND APPROVED**
- N. Approval to award an amendment to the engineering services agreement with URS Corporation for construction engineering services for the Haggerty Road Widening project in the amount of \$19,663.
- O. Acceptance of a sidewalk easement from the International Transmission Company, as part of the ITC Headquarters development located at 27175 Energy Way (parcel 22-13-200-033).

- P. Approval of a Storm Drainage Facility Maintenance Easement Agreement from the International Transmission Company for the ITC Headquarters located at 27175 Energy Way and 27075 Haggerty Road (parcels 22-13-200-037 and 22-13-200-033).
- Q. Acceptance of a Conservation Easement from Mirage Development LLC for woodland and wetland conservation areas on the Orchard Hills North development, located on the south side of Ten Mile Road, between Meadowbrook Road and the CSX Railroad tracks in Section 26 of the City.
- R. Approval of Claims and Accounts – Warrant No. 925

Roll call vote on CM 14-10-160 **Yeas: Casey, Fischer, Markham, Mutch, Wrobel, Gatt, Staudt**
Nays: None

MATTERS FOR COUNCIL ACTION

- 1. Approval to accept a donation from the Novi Parks Foundation in the amount of \$30,000 and amend the current fiscal year budget; to purchase a Custom Inclusive Play Booster Playground to be installed at Ella Mae Power Park, from Superior Play in the amount of \$115,000.

Linda Blair, President of Novi Parks Foundation was present and noted they've expressed their support for this accessible play structure at Ella Mae Power Park. Mayor Pro Tem Staudt questioned if these were naming rights funds being expended and thought it was necessary to have Council approve any naming rights funds.

CM 14-10-161 **Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY:**

To approve the acceptance of a donation from the Novi Parks Foundation in the amount of \$30,000 and amend the current fiscal year budget; to purchase a Custom Inclusive Play Booster Playground to be installed at Ella Mae Power Park, from Superior Play in the amount of \$115,000 to be derived from the naming rights funds.

Roll call vote on CM 14-10-161 **Yeas: Fischer, Markham, Mutch, Wrobel, Gatt Staudt, Casey**
Nays: None

2. Approval to award a construction contract for the Haggerty Road Widening project to Commerce Construction & Landscaping, Inc., the low bidder, in the amount of \$141,050, subject to final review and approval of form of agreement by the City Manager's office and City Attorney.

Council member Mutch asked about the timeline for the construction. City Engineer, Rob Hayes noted the work will begin soon and will be finished in 4 to 5 weeks once they are mobilized.

CM 14-10-162 Moved by Mutch, seconded by Casey; CARRIED UNANIMOUSLY:

To approve a construction contract for the Haggerty Road Widening project to Commerce Construction & Landscaping, Inc., the low bidder, in the amount of \$141,050, subject to final review and approval of form of agreement by the City Manager's office and City Attorney.

Roll call vote on CM 14-10-162

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

3. Consideration of a request from Kris Krstovski for a variance from Section 11-276(b) of the Design and Construction Standards requiring pathways along the arterial roadway network in accordance with the City's Bicycle and Pedestrian Master Plan for the single family home under construction at 44780 11 Mile Road.

Mr. Krstovski was present and noted that his home is the last house on Eleven Mile between Taft and Lannys Road. He felt that it wouldn't make sense to install a sidewalk and have it be the only one on the north side of Eleven Mile. He also thought it might be confusing to pedestrians to start out on the north side and encounter the end of the sidewalk at his property.

Mayor Pro Tem Staudt stated he like the idea of a waiver for the permanent easement and have the funds go into an escrow account. Council member Mutch clarified that the funds would be used elsewhere and the projected cost by the City was \$7800. Mr. Krstovski noted he could build it for less and he would install it if the City required it. Member Mutch stated it made sense to ask for cash in lieu of installation of a sidewalk. He suggested tabling this item and allowing the applicant to obtain quotes to install the sidewalk as those would not include design and engineering costs from private contractors. Mayor Gatt noted this item was more like the situation on Eleven Mile from years ago between Taft and Beck. City Engineer Hayes stated the City would install a six foot wide sidewalk and at a cost of \$8 - \$9 per square foot and included a design factor of 15%. Further discussion centered on the timeline for installation.

Since this area is ranked at #59 on the sidewalk and pathway priority list, it may be anywhere from 8-15 years out. Mayor Gatt suggested Ordinance Review committee should look at this Ordinance in the near future.

CM 14-10-163 Moved by Fischer, seconded by Mutch; CARRIED UNANIMOUSLY:

To table/postpone the request from Kris Krstovski for a variance from Section 11-276(b) of the Design and Construction Standards requiring pathways along the arterial roadway network in accordance with the City's Bicycle and Pedestrian Master Plan for the single family home under construction at 44780 11 Mile Road to allow the applicant to obtain three quotes from private contractors to install a sidewalk.

**Roll call vote on CM 14-10-163 Yeas: Mutch, Wrobel, Gatt, Staudt, Casey, Fischer, Markham
Nays: None**

4. Approval of 2014 Retention Basin and Capacity Improvements Contract with Oakland County to authorize project costs for capacity upgrades at the Walled Lake-Novı Wastewater Treatment Plant (WWTP) in the amount of \$446,809; and concurrently amending the FY 14/15 budget in the amount of \$446,809.

CM 14-10-164 Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the 2014 Retention Basin and Capacity Improvements Contract with Oakland County to authorize project costs for capacity upgrades at the Walled Lake-Novı Wastewater Treatment Plant (WWTP) in the amount of \$446,809; and concurrently amending the FY 14/15 budget in the amount of \$446,809.

This item is adding sewage capacity and should be completed in the fall of 2015.

**Roll call vote on CM 14-10-164 Yeas: Wrobel, Gatt, Staudt, Casey, Fischer, Markham, Mutch
Nays: None**

AUDIENCE COMMENT – None

COMMITTEE REPORTS

MAYOR AND COUNCIL ISSUES

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

L. Approval to award contract for the 2014 Fall Tree and Landscape Planting to the lowest bidder RC Tuttle, Inc. for the amount of \$ 60,000.

Member Mutch noted the budgeted amount for the fall tree planting was only \$60,000, however, the tree fund has \$1.5 million. In order to plant the proposed trees, he suggested an amendment to the motion in the amount of \$11,201 for a total of \$71,201 to accomplish the proposed fall tree planting and landscape planting.

Mayor Pro Tem Staudt asked about dead trees at Village Wood Lake. Mr. Hayes noted those trees were still under warranty and were scheduled to be replaced this coming week.

CM 14-10-165 Moved by Mutch, seconded by Staudt; CARRIED UNANIMOUSLY:

To approve the contract for the 2014 Fall Tree and Landscape Planting to the lowest bidder RC Tuttle by amending the amount to \$71,201.

Roll call vote on CM 14-10-165

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

Nays: None

M. Approval to purchase a tax-foreclosed property from Oakland County under Act 123 of 1999, parcel number 50-22-11-101-004, located in the City of Novi Section 11, Howell's Walled Lake Sub, Lot 26, for the amount of \$1,286.82 plus additional fees, charges, or other costs as determined by the County and as required by law for the property.

Member Mutch discovered another parcel on the tax-foreclosed property list from Oakland County that is adjacent to property ITC owns which is a wetland property. During this process, it has been discovered that most of these parcels were not suitable for development. He proposed to add parcel number 50-22-17-126-014 in the amount of \$2,604.89 to be acquired for stormwater management and protection of environmental resources.

CM 14-10-166 Moved by Mutch, seconded by Markham; CARRIED UNANIMOUSLY:

To approve the purchase of tax-foreclosed properties from Oakland County under Act 123 of 199, parcel numbers 50-22-11-101-004, located in City of Novi, Section 11, Howell's Walled Lake Sub., Lot 26, for the amount of \$1,286.82 plus additional fees, charges or other costs as determined by the County and as required by for the property and also parcel number 50-22-17-126-014 in the amount of \$2,604.89 that is wetland property adjacent to the ITC corridor in section 17 to be acquired for stormwater management and protection of environmental resources.

Roll call vote on CM 14-10-166

Yeas: Staudt, Casey, Fischer, Markham,
Mutch, Wrobel, Gatt
Nays: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:45 P.M.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Date approved: October 20, 2014