

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, MARCH 26, 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 (absent, excused) Wrobel

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

APPROVAL OF AGENDA:

Member Markham asked that Council add to the Mayor and Council Issues: SEMCOG 50th Anniversary.

CM 18-03-038 Moved by Casey, seconded by Breen; MOTION CARRIED: 6-0

To approve the Agenda as amended with the addition to Mayor and Council Issues: SEMCOG 50th Anniversary

Roll call vote on CM 18-03-038 **Yeas: Staudt, Breen, Casey, Markham, Wrobel, Gatt**
Nays: None
Absent: Mutch

PUBLIC HEARING: None

PRESENTATIONS:

1. National Emergency Telecommunicator's Week April 8 - 14, 2018 – Alan Patterson, Communications Manager

Communications Manager Patterson thanked City Council and City Manager Auger for the recognition. Our police officers, firefighters and dispatchers work 24 hours a day, all year long, they miss holidays and family events. They appreciate the recognition.

2. Novi Police Department Awarded Michigan Association of Chiefs of Police (MACP) Accreditation by the Michigan Law Enforcement Accreditation Commission (MLEAC) – MACP President Chief Clifford Block – Midland Police Department; MACP Executive Director Retired Chief Bob Stevenson – Livonia Police Department; MLEAC Accreditation Program Director Retired Chief Neal A. Rossow – Flat Rock Police Department

Chief Molloy introduced MACP Executive Director, Bob Stevenson. He joined the MACP a few years ago after nearly a 35 year career with the City of Livonia. Chief Neal Rossow is the Accreditation Manager for the MACP. He is also a retired Police Chief

from the City of Flat Rock, and prior to the City of Flat Rock he had 30 plus years with the City of Port Huron. MACP President Chief Clifford Block currently serves as the Chief of Police in the City of Midland. Executive Director Stevenson said they were there to recognize the Novi Police Department and their significant accomplishment of receiving the Accreditation through the MACP. He said that sometimes when you are surrounded by excellence you do not recognize it. He stated that from the outside the Novi Police Department has a reputation of excellence throughout the State of Michigan. They are recognized as leaders, the best, and they are proactive. They are always looking to further their professionalism of their Police Department. The award tonight is an example of that. He said this is the first time that they presented an Accreditation Certificate to a Police Department in the State of Michigan, of which there are 600 Police Departments, that have achieved both CALEA Accreditation and now MACP. Accreditation Manager Rossow explained what was actually accomplished by the Novi Police Department. He expressed to the Mayor and Council what a big deal this was. He said they decided in 2016 to create their own Commission Accreditation. It has nothing to do with the National Accreditation; it caused the Novi Police Department a lot more work than the National Accreditation. He noted there was a period of time after they created their Commission that they tried to make a crosswalk with the national group. While that discussion was going on, the Novi Police Department was not going to wait for that. They said this was important to them and they were going to do it. He reported that they have 105 standards; they are the core of what they could think was professional excellence which are state and nationally accepted. The Accreditation Commission has 11 members. The Novi Police Department had to prove that the 105 standards were met. MACP President, Chief Block said it was his honor to present the award. He read the award which said that the Novi Police Department having voluntarily complied with the standards established by the Michigan Law Enforcement Accreditation Commission deemed essential for the delivery of professional police services in the protection of their community is hereby awarded this Certificate of Accreditation effective, February 8, 2018 for a term of three-years. He said this was quite the accolade they received for this excellence. Having two accreditations in 12 months was phenomenal. He congratulated the team.

Chief Molloy commented that his senior staff worked hard on this every single day. He introduced Accreditation Manager, Sergeant Kevin Rhea. Sergeant Rhea has been with the Novi Police Department for 25 years and will retire in a few months. He served as our accreditation manager, and subject matter expert on many of these standards. He worked collectively with all of our men and women, not only in communications, but in uniform operations and support services. He also introduced Assistant Chief Erick Zinser who oversees all of our uniform operations and Assistant Chief Scott Baetens who oversees all of our support services. Chief Molloy said this award is a testament to all of the hard work of all our men and women that they do every single day. He said he was extremely proud of them and was honored to accept that on their behalf. Thank you. Mayor Gatt congratulated the Chief and his department. He said on behalf of City Council how much gratitude they have for the Chief and all of the brave men and women that work for him. He said we know how fortunate the City of Novi is; we do

have the best Police Department in the State of Michigan. He thanked everyone for all of their work.

MANAGER/STAFF REPORT:

City Manager Auger reported that City Council received a copy of the Manager's recommended budget which presents a balanced budget that will address issues that were pushed forward in the City Council workshop. We have our budget workshop coming up on April 18th. There may be a slight adjustment to the numbers as we are waiting for some of the options regarding some recent national events that have taken place. He informed Council that they need to get in front of these issues, and he said they will probably recommend an additional position within the Police Department. He asked Council to contact him if they have any questions after reviewing the budget. He will have his staff obtain the information so that Council can make informed decisions.

AUDIENCE COMMENT:

Dorothy Duchesneau, 125 Henning, Novi said she was there because of a project that is in its beginning stages and will be likely coming before you shortly, Lakeview Townes Homes by Robertson Homes. She stated based on the City Master Plan approved by City Council July 26, 2017, this developer will be asking for rezoning of parcels located in the existing older subdivisions in the north end of Novi, just south of 13 Mile, off Old Novi Road, directly south of Pavilion Shore Park. She expressed that most of the residents in this area had no idea that these existing subdivisions, left and right of Old Novi Road and areas across from Pavilion Shore Park were to be targeted as one of the city's three redevelopment areas and as such, under this new vision, have their density increased. She said the residents have their full attention now. She pointed out that under the Master Plan, our R-4 zoning in this area, which has been in effect since people started building around the old Casino and amusement park many years ago, even before Novi became a city, may become a potential overlay named Pavilion Shore Village. She stated that it has a suggested increased density of 7.3 or less homes per acre. Many of the older homes in this area are on a 40-60 foot lots and we live very well on them. It is a peaceful up north area that happens to be in Novi. Those who live in this area on the south shore of Walled Lake don't have to own "up north" property to enjoy the life style of living "up north". She emphasized that they would like to keep that "up north" community feel, where no two homes are alike. She stated that new sardine packed attached three story townhomes literally built on property lines scream city downtown. She felt that Robertson Homes seems to have been intensely pre-involved in creating the new master plan guidelines, and now wants to build nearly 50 three story attached townhome condominiums on three acres of this eight acre proposed district. She pointed out that would be 15 plus units per acre. She also stated that these proposed 20 foot wide attached townhomes are literally being built on top of our neighbors. They show buildings built on the property lines, not intending to meet any of the current R-4 setback requirements, and even requesting that the city give up its right-of-way to our residential Old Novi Road to facilitate extra parking on both sides of the

roadway so they can fit more units (more profit) on to their limited space rather than provide their own guest parking areas. She said Robinson Homes has been in discussion with the Planning Department since fall of 2015, even submitting an approval letter to the Council last July supporting this overlay for high density "urban" housing in this area. They have met twice with local residents at the Novi Library in the last month. She reported the first time had 40 neighbors, the second time nearly a 100 neighbors. She said they didn't hear us the first time.

Todd Keene, 2300 Austin Drive said he was there also regarding the Pavilion Shore Village development. He echoed what the previous speaker said. He stated this will be at Old Novi Road and 13 Mile Road. He said we have Shawood Heights Subdivision, and the plan is to start taking pieces out of it by looking at the Master Plan. The developers have a certain part that they have planned, but if you look at the Master Plan it continues all the way down to Austin Drive which means everyone will sell and then it will take over all of Shawood Heights. He asked that Council would recognize maintain this neighborhood as you would your own by not allowing rezoning of Old Novi Road and 13 Mile at the expense of all the residents there. He said that everyone who attended the last developer meeting didn't think this was a good idea. Not one out of nearly 100 people.

Elaine Washington, 43050 12 Oaks Crescent Dr., Novi stated she was there to talk about the Regional Transit Authority. She said she takes the SMART bus to work every day to downtown and she picks up the bus in Farmington Hills. She thought it could get on the ballot for 2018 millage. She said she also sees many people getting off of the bus in Farmington Hills and they are walking over to the mall. She said there is a 12 Mile SMART bus, but it stops in Farmington Hills, it doesn't carry them to Novi. She was there in support of the Regional Transportation Authority to see if she can get it on the ballot in November.

Michel Duchesneau, 1191 South Lake Dr., Novi said he has been a resident of Novi for over 40 years. He moved here from Troy and he has lived in Novi his whole adult life. The reason he moved to Novi was because he saw that Novi was going to be like Troy was, but it was three years behind its development with all of the accesses to the expressways. He was being serious, not joking, but he thought the City Council, Planning Commission and the other Boards for the job that has been done over the 40 years have done a good job. He mentioned they have done a good job with the budget, controlling growth, and overseeing the management of the city which is all of those things that we don't see. He requested that Council maintain the same enthusiasm they had when they were first running for Council, walking the streets, talking to neighbors and listening to residents. He gave them a great heartfelt thank you for all the work they have done.

Rod Schlessman, 100 Pleasant Cove Dr., Novi said he has lived in Novi for 35 years. He said one thing that puzzled him was why the SMART bus stopped at Haggerty Road. He echoed one of the previous speakers and agreed that we need a good regional transit solution in our metro area, including Novi. He said we should be a part of that solution

with other communities. On a personal note, he used to take the SMART bus down to Wayne State where he was working. He enjoyed taking the bus, he thought it was convenient, it was easy, and less stress and it cost less. He had no parking problem at the other end. He said in order to take the bus he had to drive to Farmington to get to the bus stop. He stated another reason we need to consider is that some people have infirmities. He has had a condition which doesn't affect him every day, but when it does there is a period of time that he is not permitted to drive. Fortunately when that has happened in the past he has been able to get a ride because he and his wife worked at the same place. He pointed out that he does have to come up with different solutions for transportation when that problem occurs. Mass transit is one solution, but that option is not available, unless he gets some transportation to get to a bus system. He expressed support for the Regional Transit Authority initiative and will support any ballot that it comes up on.

Mike Atkinson, 200 Pleasant Cove Dr., Novi said he was there to talk about the development of Robertson Brothers. He stated he moved to Novi about three years ago because of the ambiance of that neighborhood. It is "up north" in the city. He pointed out that they want to put up 53 units on either side of Old Novi Road. That will be approximately 100 cars, the traffic will be insane. The dynamic of the neighborhood will change. There are a lot of young families with children playing in the street, and they have no sidewalks. He thought the development might sound like a good idea, but once it is there, you cannot undo it. This will change the neighborhood, this doesn't fit our neighborhood.

Chris Taylor, 100 Pleasant Cove Dr., Novi stated he has been a resident for about seven years. He said he has lived in other parts of the metro area since coming from the Saginaw area in the early 2000's. He noticed in Novi there is no public transportation. He is fortunate enough to have his own transportation; however he is at a certain age that he might not be able to drive himself. He expressed his concern that he worries about this at his age, what about those senior citizens now that have to depend on ride sharing to get to doctor appointments, etc.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 18-03-039 Moved by Wrobel, seconded by Breen; MOTION CARRIED: 6-0

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
 - 1. March 12, 2018 – Regular meeting

- B. Approval of a five (5)-year agreement with the Resource Recovery and Recycling Authority of Southwest Oakland County (RRASOC) to maintain the regional recycling drop-off center at the Field Services Complex on Lee BeGole Drive.

- C. Approval of Beautification Commission's recommendation on the Neighborhood Entryway Enhancement Matching Grant Program to award the requested grant amount for the following neighborhoods upon successful completion of the entryway work depicted in the applications: Autumn Park (\$5,000.00), Barclay Estates (\$5,000.00), Country Place (\$5,000.00), Mystic Forest (\$5,000.00), and Whispering Meadows (\$5,000.00).
- D. Approval to award a unit price debris removal services contract to Ellsworth Industries, Inc., the low bidder, in the estimated annual amount of \$87,430. The contract term is one year with two one-year renewal options.
- E. Approval to award civil engineering services to Spalding DeDecker, Inc. for construction engineering services associated with Special Assessment District 179 (Holmes Road, Hemingway Drive, and Brownstone Drive within the Vistas of Novi PUD) in the amount of \$54,425.14, and to amend the budget.
- F. Approval to award engineering services to Orchard, Hiltz & McCliment – Advisors (OHM) for Safe Routes to School Grant Application Assistance in the amount of \$49,000.00.
- G. Approval of the final payment to Hard Rock Concrete, Inc., for the 2017 Neighborhood Road Program - Concrete Streets (Contract 2) project in the amount of \$51,222.74, plus interest earned on retainage.
- H. Approval of the final payment to Fonson Company, Inc., for the Meadowbrook Road and Pathway Settlement project in the amount of \$14,070.13, plus interest earned on retainage.
- I. Acceptance of a Storm Drainage Facility Maintenance Easement Agreement, acceptance of a Warranty Deed for additional right-of-way along Eleven Mile Road, and acceptance of a sidewalk easement as part of the Campus Technology Park (formerly known as Meadowbridge Park Condominium) development located on the north side of Eleven Mile Road and east of Meadowbrook Road (Parcel 22-13-352-001,-002,-003,-004).
- J. Acceptance of a Warranty Deed for additional right-of-way along Meadowbrook Road and acceptance of a sidewalk easement as part of the South University site (formerly known as Meadowbrook Office Building) located on the west side of Meadowbrook Road and south of Twelve Mile Road (Parcel 22-14-200-045).
- K. Acceptance of a Storm Drainage Facility Maintenance Easement Agreement as part of the Meadowbrook Medical Office Building development located on the east side of Meadowbrook Road and south of Eleven Mile Road (Parcel 22-24-100-001).

L. Approval of Resolution Authorizing "Shrine Circus" to occur during the week of April 9th, 2018 on the Suburban Collection Showplace Property at 46100 Grand River Avenue.

M. Approval of Claims and Accounts – Warrant No. 1008

Roll call vote on CM 18-03-039 **Yeas: Breen, Casey, Markham, Wrobel, Gatt, Staudt**
Nays: None
Absent: Mutch

MATTERS FOR COUNCIL ACTION

1. Approval to award the construction contract for Special Assessment District 179 (Holmes Road, Hemingway Drive, and Brownstone Drive within the Vistas of Novi PUD) to Hutch Paving Inc., the low-bidder, in the amount of \$755,003.89, and to amend the budget.

CM18-03-040 **Moved by Staudt seconded by Casey; MOTION CARRIED 6-0**

To approve to award the construction contract for Special Assessment District 179 (Holmes Road, Hemingway Drive, and Brownstone Drive within the Vistas of Novi PUD) to Hutch Paving Inc., the low-bidder, in the amount of \$755,003.89, and to amend the budget.

Member Markham confirmed with City Manager Auger that we are amending the budget to the lower amount of \$755,003.89 from the \$815,000 because the bids came in at a lower price.

Roll call vote on CM 18-03-040 **Yeas: Casey, Markham, Mutch, Wrobel, Gatt, Staudt, Breen**
Nays: None
Absent: Mutch

2. Approval to award a construction contract and amend the budget for the Department of Public Services (DPS) Field Complex construction project to DeMaria Building Company, Inc., the low bidder, with the final form of the agreement to be reviewed and approved by the City Manager and City Attorney:

A. Approval to award a construction contract in the amount of \$11,457,035 for the renovation and expansion of the DPS Field Services Complex (\$10,008,493) and construction of an addition to the Department of Public Safety Gun Range and Training Facility (\$1,448,542).
OR

B. Approval to award a construction contract in the amount of \$9,588,293 for the renovation and expansion of the DPS Field Services Complex.

City Manager Auger stated that this was a long awaited and overdue project to update our DPS facilities to today's standards. This project was started several years prior to his arrival in Novi. He explained they have two options, when we went to design from the construction estimates, the economy turned around and now all construction costs are up over 37% from the original estimates of around \$7 million dollars. The first, Option A, is DPS improvements with the additional space at our gun range for a cost of around \$11 million dollars. He indicated that Council is cost conscious so they prepared a second, Option B, which scaled down the DPS facility and eliminated the shooting range upgrade as a way to still make improvements and progress, but dropping the cost to just over \$9.5 million dollars. He recommended Option A, but we are prepared to move forward with Option B if that is what Council desired. He explained that if we choose Option A would put us in the best position to improve on our operational costs and allow for more labor hours in the field. It also allows all of our vehicles to be housed under one roof. He pointed out that Option A also upgrades the DPS Gun Range and Training Center which would keep us in the game for keeping all federal and other agencies training at our facility. He emphasized that it will allow us to update our technology, add a training classroom, as well as make training more convenient under one roof. It is important to keep these outside agencies utilizing our facilities as their fees cover the operational costs for this training facility, allowing us to use General Fund dollars on our taxpayer's services. He mentioned that it may sound strange, but the DPS improvements do some simple things that we would require any building built in the city to do. He gave examples such as, two ingress/egress points, and enough men's and women's restrooms where we do not have to bring in portable restrooms in the summer season. He also mentioned proper decontamination facilities, a break/lunchroom, insulated walls and no operations out of areas constructed to be garage stalls. This would also include properly upgraded electrical services. He stated they had representatives from our Facilities Group, DPS, Project Architect, NSA and Project Engineers, PEA to answer questions.

Mayor Gatt stressed that he thought it would be a terrible mistake on Council to pick Option B. He explained the gun range is something that the residents of Novi didn't pay a penny for. He said around 2004 when he was first on Council there was a drug bust that netted the City of Novi, several million dollars in cash to spend on anything pertaining to the Police Department. There was much debate on how to spend all of this money. People wanted to buy computers, cars, windows, they wanted everything. One person stood firm and said we need to purchase something with this money that will withstand the test of time. It had to be standing for 100 years. He said he was a police officer for 30 years and for 30 years the Police Department in Novi had to go outside of the city to practice their pistol shooting skills. He said in the old days they had to go to Pontiac. Taking officers off the road and sending them to Pontiac for several hours was a terrible waste of manpower. He noted the City of Farmington using federal funds eventually built a facility so we started going to Farmington instead of Pontiac. He stated thanks to Mayor Pro Tem Staudt we started renting the pistol range out to

outside agencies. As a result we have all celebrated a million dollars in revenue which has come in from running this facility to outside agencies. If we do not continue to improve that facility, the building itself, and build a classroom that would be more efficient. He said he was in support of Option A.

Mayor Pro Tem Staudt said four years ago at goal setting he proposed something called the Capital Improvement Program (CIP), part of that was this particular building. He mentioned they first saw this about five or six years ago, it was brought to Council and they were told it was going to be about \$7 million to \$8 million dollars, they just about fell off their chairs. Council thought there would never be a way to fund it, so it went into the abyss. He stated they passed the CIP, the voters trusted us with their money and this came back. He explained that this is actually part of the CIP where we will take dollars that are going to be accrued over the 10 year life of that program. We will be borrowing money internally to pay back the cost of this building. Therefore we are not going outside so any interest that accrues will go back into our water fund, so this is being completely funded in house over time by a millage as opposed to a bond. There are no out of pocket taxes here. He noted there is an additional cost that is being accrued through our Water and Sewer Fund. He echoed the Mayor and said he was in support.

CM 18-03-041 Moved by Staudt, seconded by Wrobel; MOTION CARRIED 6-0

A. To approve to award a construction contract in the amount of \$11,457,035 for the renovation and expansion of the DPS Field Services Complex (\$10,008,493) and construction of an addition to the Department of Public Safety Gun Range and Training Facility (\$1,448,542).

Member Wrobel reiterated that this has been on our plate for a number of years and is needed as our city grows so we can provide the type of services that our residents want. He felt the longer we wait, the more it will cost. He said he was in support of this; it is well past its time.

Member Markham agreed in theory that we need to upgrade the storage facilities for our trucks, and for all of the reasons we talked about over the last couple of years. She questioned why she did not see a lot of detail and stated maybe it was someplace else, but she has asked consistently that as we build city buildings and upgrade city facilities that we have a renewable energy component. She asked what the goal was for this development, will it have any geothermal, any solar, wind, and are we selling or buying credits from DTE? If we are building something that will be around for at least 50 years she would like to see as much renewable energy used that we can, because ultimately it is free once we've paid for it. She said when she read through what the various contractors had to say it appeared that it was very competitive right now. A few of them almost alluded to the fact that we are biting off more than any contractor can chew at this time. It limited our ability to get a bid on this. She noted that two contractors out of nine said they would be willing to bid on this. She wondered if that

will be a problem for us? She stated that one of the contractors decided not to bid that he expected that this was going to be a non-union and a non-prevailing wage job. She didn't think it was spelled out that way, and if it was she would like to understand why we would say that? City Manager Auger said that Facilities Manager, Brandon McCullough, would be the best person to answer those questions. He described some of the features that both the DPS and Gun Range will both have incorporated into the design process. He said for the roofing, they will be using a roof that is similar to what we have at the Civic Center right now. We added an additional two inches of insulation that equates to about an R-12. He said on a sunny day you have to go up there with sunglasses it is so bright. What it does is that it bounces the UV rays back off. When we have a 90 degree day, the building stays cool. He said that right now we have T-12's and T-8's for lighting at the DPS, with old aging light fixtures. The plan is to sweep the whole facility with LED's; we should drop up to about 60 percent of energy use just from the LED standpoint. He also mentioned low flow plumbing fixtures that are also automatic. He said most everything built today is built at a sustainable level. The flooring component which will be luxury vinyl tile, carpet squares, the furniture, they call that cradle to grave. There is a recycle content to virtually almost anything that goes down. They will upgrade the HVAC system, with this technology he can jump on his laptop from home and make adjustments with the building automation that is going in the DPS. We did have a HVAC upgrade a few years back and those will be utilized, we are trying to reuse what we have and not waste any good HVAC equipment. The stormwater will be up to code and filtering our water through detention basins. He mentioned low VOC's, which is in all of the paints and adhesives that will go into the facilities, will be low VOC to no VOC. He said you can build to a standard, but all of the requirements to build green are about 20 to 30 percent more expensive to get a plaque. He did say we will be sustainable on everything we do. She asked about the energy, he responded, saying the geothermal was expensive and didn't have a good return on the investment. It is possible with solar, if down the line the return of investment changes, those can be intergraded. Member Markham brought up the concern that one of the bidders made a comment on regarding wages. Facilities Manager McCullough said it was an open book; there was no requirement on union. He then handed it over to Frank Ray, from NSA Engineers and Planners, Farmington Hills, to talk about the bidding atmosphere currently. He confirmed that we had an open spec; DeMaria is both union and non-union contractors that will be on this project. We did not restrict that at all on this project, nor do we have a prevailing wage requirement. With regard to the bidding climate, it was a double edged sword. We all are enjoying a really good economic time right now; unfortunately with that, this is a lot work out there for the contractors to bid. He explained that they get busy and their backlog gets filled up, it is not that large a job. Many large contractors in town are working on major projects. He said when they had the bid walk through they found that many were small contractors. When they chose not to bid it wasn't necessarily familiar with the project we put out for bid. When they come in the bid review meetings, they do not know the scope of the project. Some will come in and they do not know if it is a two million or ten million dollar job. Then they bow out; that is where some of the comments came from. The larger contractors that did not submit bids that actually worked the entire time getting bids, the problem was

with the subcontractors who were so busy, they couldn't provide pricing to accommodate the general contractor. That ultimately led to two qualified bidders with a full slate of subcontractors. Currently it is even worse than when we went out to bid. He stated they are very happy with the contract they do have, it is a Novi contractor, they have been around for a long time and he believed we will get a good product from them. Member Markham thanked him very much and commented he was very helpful. She had one other question that related to the Gun Range. She admitted when this first came around that she wasn't a gun person and she wasn't excited about the Gun Range. She pointed out that it has been an important feature for the Police Department, it has been a money maker, and she thought it was run well. She wondered if we had made any provision for gun owners who did not want to store their guns at home they could have the option to store them at the range. Chief Molloy answered no; they did not make any provisions for that. The storage is very limited and the addition to the gun range is for a classroom that would allow us to perform additional training. The only time we store weapons is when we get a court order from either a district or circuit court judge to secure someone's weapons as a result of either a criminal or assault matter. We do not have the storage capacity to take in and store weapons. She said possibly it would be just private gun ranges that would store guns.

Member Casey was happy to support Option A moving forward. As much as it may seem it looks like they are having a very quick conversation about spending a lot of money that we are talking about spending. The key to remember is how long this has been on their CIP. She said she was finding it back to at least 2014, or maybe well before that. We have seen the price at about ten million dollars; we thought we had it down to about eight million because we were trying to be too careful on how much money we were spending. At this point what we are really talking about for this building are needs, there are no real wants in this building. We are talking about facility improvements for the employees who work there. Think about the volume of people we have coming in for summer maintenance, as well as the people who come in during the winter and spend numerous hours there as they are going through the shifts and snowplowing keeping the roads clean for us. We spend a lot of money on equipment and it will help to extend the life of the equipment and vehicles when they can be stored inside. She commented that it does sound like a lot of money; we have been talking about it for some time. She supported Option A and said it was the right amount of money to spend and she was happy to support it. She would be hesitant to skim this back too much because we would be back in a few years trying to have another conversation about doing additional work which could cost us potentially more money.

Member Breen had several questions, but most of them had been answered by the previous speakers. She looked at the long term needs assessment from 2014 which talked about the DPS building which related to some discussions going back to 2006. She agreed with the previous speakers that we need a new DPS building. She pointed out that when the original DPS building was constructed Novi had about a third of the population of what we have now. She mentioned that one of the requirements would

include indoor storage for all of the vehicles or otherwise it will shorten the life spans of the vehicles leading to increased costs for maintenance and labor in the future. The current facilities are inadequate for the employees, especially for the women, and there is not enough room for everybody there. She pointed out in 2014 the original assessment was more than what is proposed now. She questioned the difference between Option A and Option B. It appeared as though there were three specific items that were indicated that could be removed from Option A to reduce the overall cost and that was the wash bay, a second entrance, and parking. She was happy to see all of the sustainability options that were mentioned, she felt that was something we do need. She echoed one of the other speakers and said she was also leery of certain things when it comes to guns, but the Gun Range in Novi has done a wonderful job, it is a revenue generator, and it promotes gun safety education which she was in favor of. She asked if someone would explain the differences between Option A and Option B. Frank Ray, NSA explained that they looked at a couple further cuts when we were pushed which was the secondary entrance. He said it is required by code, he thought what they could do was move that possibly saving some money. He stated currently that if a renter entered the DPS Gun Range they enter where they enter to the DPS and would have full access to it which they wanted to eliminate. They were able to put a gate between the two facilities and have a dedicated leverage the fact that the ordinance calls for an additional entrance and make that a dedicated entrance for the DPS Gun Range particularly during those rental situations. They looked at that as a cut if they had to. One of the other items they addressed was the car wash bay, they looked at different options and they worked with DPS staff to figure out how they could do that. He said there really wasn't a good way, in the end that was something that all that the Fleet Manager was willing to consider as an option. He explained what they finally did was if they were not going to have some of those in place they felt they could eliminate some parking. He stated currently most of the parking takes place in and around the building and they felt that was a hazard. They wanted to bring the parking from non-city vehicles out away from the building. He said when they looked at that they could pare back a little bit and still be within code, but it might impact visitor parking which they prefer not to do. Member Breen cited that a few of the items were related to safety concerns, and based upon all of the information being exchanged she said she would be in favor of Option A.

Roll call vote on CM 18-03-041

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

Nays: None

Absent: Mutch

3. Consideration of Ordinance 18-23.31 an ordinance to amend the City of Novi Code of Ordinances at Chapter 22, "Offenses," Article III, "Offenses Against the Person," Section 22-48, "Malicious Use of Service Provided by Communications Common Carrier" to revise existing regulations to provide regulations regarding the malicious use of telecommunications – **FIRST READING**

To approve Consideration of Ordinance 18-23.31 an ordinance to amend the City of Novi Code of Ordinances at Chapter 22, "Offenses," Article III, "Offenses Against the Person," Section 22-48, "Malicious Use of Service Provided by Communications Common Carrier" to revise existing regulations to provide regulations regarding the malicious use of telecommunications – FIRST READING

Member Breen through the Mayor to the City Attorney said she would like the background on why these changes would be necessary. She also wondered why they believed it was more in accordance with state law. City Attorney Schultz answered through the Mayor this really is just text amendment to bring our local ordinance into conformity with the state law. He explained the original state law that our ordinance was based on was adopted back in 1988, it used the phrase "Common Carrier" which was a reference to the Telephone Company or Telegraph Company and our ordinance still uses that language. The state law was amended in 2002 to reflect Telecommunication devices and providers. We are frankly just catching up to that 2002 amendment to the state law. She wondered if this would encompass issues as far as hacking, stalking, cyber-bullying, and phone or email scams. City Attorney Schultz said it was not limited to those in particular, it said it could cover those things, such as the malicious use of any of these devices for an improper purpose which could fit under there. He noted that there are other statutes that also deal with stalking, there is a recently introduced state bill to deal with some cyber-bullying, and this could fit into that depending on the circumstances. He stated that when the law evolves there may be some other places to put those kinds of rules as well. She confirmed with City Attorney Schultz that the Prosecutor would have the option whether to prosecute under the local ordinance vs the state law.

CM 18-03-042 Moved by Breen, seconded by Casey; MOTION DENIED: 6-0

Mayor Pro Tem Staudt said this particular ordinance goes way beyond anything he would be willing to support. He said clearly there are a lot of things here that are necessary, but this is a First Amendment crusher if he had ever seen one. He asked City Attorney Schultz through the Mayor if this could include someone's opinion on harassment posted on Facebook. City Attorney Schultz said yes, it could include a Facebook post as long as that post meets all of the requirements of the existing state statute which includes malicious intent to use the words as terrorize, harass, criminal kind of terms. He said this is an existing state statute that we are mirroring our local ordinance with. Mayor Pro Tem Staudt thought it should stay at the state level, or better yet at the federal level. The problem he could see was that someone who doesn't like a Facebook post or a tweet they are going to call our Police Department and ask them to send a Detective over to someone's house. It would be up to them to determine whether it would be something relevant. He would not support the scope of this. He thought it needs to be narrowed down and address specific things, he thought it was very broad. This is allowing prosecutors, police departments to make decisions about

content. He believed there were First Amendment rights issues here and the state has this figured out. He said one person's opinion about something like being harassed or it being offensive is another person's First Amendment right. He would not support this and would like to come back when we can see something more specific.

Member Wrobel through the Mayor to City Attorney Schultz, he wondered if in the correspondence that he mentioned earlier that state law covers this already, aren't we bound by state law to enforce whatever they have on the books. City Attorney Schultz said it would still be investigated at the local level here. He thought this would be redundant if it is already covered at the state level. He stated given that reason he would not support it.

Mayor Gatt commented that he was prepared to vote yes on the issue. He said he would not support it after the discussions. He pointed out that harass is just a big word that he might say something to Mr. Auger that he might deem harassment, he would call the Police Department and he felt they would be tied up with a lot of political rhetoric. He stated that he has never seen our country as divided as it is today by any standard. He felt that due to the division you see a lot of comments posted on Facebook or Twitter could be construed he supposed as threatening or harassment, but they really aren't. Mayor Gatt thought it would be more difficult to get a warrant under state law than if it was under local ordinance. The local Prosecutor works for the Police Department and he or she would be more able or apt to give a warrant and a county of state Prosecutor would not. He said he would not support this and thought it should be kept at the state level. He agreed with Mayor Pro Tem Staudt and said he felt it was a First Amendment issue that should be at the federal level. He wished the whole country would calm down a little bit.

Member Markham asked City Attorney Schultz through the Mayor if we need this ordinance. City Attorney Schultz said we have many, many, many ordinances that are local ordinances that mirror state law, such as drunk driving ordinances for example. He questioned do we need it? We may not need any of our local ordinances if you look at it that way. Member Markham asked if we didn't have a drunk driving ordinance in Novi would that mean our Police Officers couldn't pull someone over for drunk driving? City Attorney Schultz said they would be written under state law provision. She echoed the Mayor and had planned on voting yes until she heard her colleagues bring up some good points. She was not comfortable voting on the issue at that time.

Mayor Pro Tem Staudt said there are a lot of good provisions in this ordinance that are clearly things that we want to be able to deal with, such as someone calling someone up to 150 times and hanging up, he would like somebody to be able to deal with that. He said parts of the ordinance have merit, but other parts are far reaching. There are a lot of lousy state laws out there too. He said let us take a step back, take a look at it, possibly have an ordinance review and have a conversation about it. He stated this was the first he has seen of this. He said we should really think it out, he said the state law will be changed again. He would like to see certain language that would protect

certain rights. He felt potentially we were taking too much back from the First Amendment.

Member Wrobel wondered if this was ever brought to Ordinance Review. City Manager Auger replied no, it didn't go through Ordinance Review. He said when we have items that come through basically the Police Department that mirrors state law; many times they do not go through Ordinance Review. He said we can take this back to Ordinance Review. Member Wrobel thought that was a good idea.

Member Breen thanked her colleagues for bringing up some valid points that she actually hadn't thought about. She believed that the Prosecutor would use the appropriate reasonable person test to decide to prosecute somebody under a local ordinance instead of a state law. She also believed there would be merit if they made some particular changes in this ordinance. She echoed her colleague and said they need to make sure that this doesn't become overbroad that we start infringing on people's First Amendment rights. She noted the language was very specific when it comes to determining what will be pursued and that there has to be a malicious intent to terrorize, threaten, intimidate, harass, etc. She agreed that this needs more thorough review and make sure we are not doing something that we don't need to do because it is already in place at the state level.

Roll call vote on CM 18-03-042

Yeas: None

**Nays: Wrobel, Gatt, Staudt, Breen,
Casey, Markham**

Absent: Mutch

AUDIENCE COMMENT:

Dorothy Duchesneau, 125 Henning, Novi continued with her final comments that from the meetings she has attended along with others is that Robertson Brothers said he cannot make money unless he builds a lot of units, and that these units are exactly what the City wants to see per their vision in the New Master Plan. We do not want to see a developer run rough shod over long time loyal residents. This development of over dense tall housing is not appropriate for this area on the lake and contributes absolutely nothing to the existing residents around his developments. There are other places in Novi where dense housing is appropriate; these add nothing to the area than traffic, traffic, and traffic. We and others bought and built in this area of Novi because we wanted this type of laidback lifestyle, and not a downtown feel. We are not saying "don't build anything", we are saying keep development to the existing R-4 zoning density and the rest of the requirements, like the rest of us had to. Thank you.

Karl Migrin, 49450 W. 9 Mile Road, Novi wanted to thank Council for all that they do, their time and patience. He also thanked City Attorney Schultz for being at the last Planning Commission meeting. He had a concern about a possible conflict of interest and it was nice to have him there to address the situation right there. He thanked the Police Department and their non-emergency phone number. He thanked our Parks Department for the ITC Trailhead Park, and getting the funding to complete the project

there. He also thanked the people in the control booth during Council meetings, they do an excellent job. Thanks for all you do.

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: None

MAYOR AND COUNCIL ISSUES:

Member Markham said the City of Novi is a member of an organization called SEMCOG, the Southeastern Michigan Council of Governments; it was formed 50 years ago. It has 170 member communities around Metro Detroit. She explained they are a regional planning partner with local members of government; they serve the southeast Michigan region. They promote the efficient use of tax dollars for infrastructure investment and governmental effectiveness. They are celebrating 50 years as an organization. They have a special exhibit at the Detroit Historical Museum and they have presented to each of the communities a very nice tile that they would like represented in our facility to show that we are a member of SEMCOG. She was honored to be our member representing the City of Novi.

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 8:17 P. M.

Dawn Spaulding, Acting City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: March 26, 2018