

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, AUGUST 12, 2019 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, Mutch, Poupard, Verma

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

APPROVAL OF AGENDA:

City Manager Auger stated that they were notified today that SMART had given us the wrong numbers. He asked that Consent Agenda Item N be removed from the Consent Agenda. We will bring it back when they give us the correct numbers.

CM 19-08-142 Moved by Casey, seconded by Poupard; CARRIED UNANIMOUSLY

To approve the Agenda as amended.

Roll call vote on CM 19-08-142 **Yeas: Staudt, Breen, Casey, Mutch, Poupard, Verma, Gatt**
Nays: None

PUBLIC HEARING: None

PRESENTATIONS:

Mayor Gatt said we hear so much on television and the newspapers, we read online about kids that are messing up and doing something wrong, and not being good. Tonight we are going to show the world that in Novi that isn't the case. He was elated, privileged, and happy that they had two very special presentations that evening.

1. Novi High School Girls Soccer MHSAA Championship

Mayor Gatt invited the Novi High School Girls Soccer Team coaches, Todd Phieffer, Mike Stratton and Luke McDonald to the podium to say a few words. They said they were truly honored to be there to be recognized by the Mayor and City Council. They said this was their second year in a row as the MHSAA State Champions. For some of the girls it was their first championship, and for others it was their second year. There have been many great state championship teams that have gone through Novi. This year they have won Novi's 7th State Title in 14 years. He didn't think you would find another Division 1 school anywhere that has won three in a row, then two in a row in 2010 – 2011, and now 2018-2019. He said he has been lucky to be a part of four of them. He was the assistant coach in 2010-2011. He is now the head coach for the last

two. He is also a teacher at the school and is also an alumnus of Novi High School as well. It is truly an honor to come back to the school where he graduated from to be able to be part of this success. He said it is very hard to win a state championship in this area. It is phenomenal. He felt that the team is probably the best team in Novi High School history. He said they were voted number one in the nation at the end of the year. There were a couple other teams also at Novi that were number one in the nation, but neither of those teams had to go through the schedule that these girls played. This team tied the record for most wins in a regular season ever with 28 wins. Only one other team in the Division 3 Team won 28 games. He noted that this team set two records this year. They scored the most goals in the state championship game; they scored five goals that had never been done before. They also set the record for the largest margin of victory in a state championship game, winning five to zero. They play in the toughest division in the state. They also had to beat teams three times this year. It was a pleasure working with this team. They handed out certificates for each one of the team players.

2. Novi Robotics Team

Mayor Gatt introduced the 4th, 5th and 6th grade Novi Robotic Team. A student representative said they have a Galaxy Gazers Team 38273. We are a team of eight and this is their second year in competition. He said they are one of forty-five teams in Novi. They won second place in research project last year. They also tried to spread awareness about bullying and FIRST. They believed that robotics for our community will help us all with our future. A robotics center is important to Novi because it teaches kids creativity, presentation skills, and programming which is likely to be the main types of jobs in the future. It helps with research and to share ideas on how to make an impact to the community. It provides a safe space for interaction and mentorship. Our School Board is putting together a bond. They didn't have all of the details, but they are hoping it will include space for the robotic teams. They also hoped to influence the audience to include a maker-space in Novi's planning of a community center. The maker-space helps them to practice the first core values of discovery, innovation, impact, inclusion and team work. This promotes the design thinking, learning and more their success. Thank you for your time and support.

Mayor Gatt asked the next Robotic Team from the Middle School to step up and say a few things about the team. Gabby, from the team, said they were an 11 member, all girls, middle school FTC Robotics Team. In the State of Michigan there are over 500 FTC middle school teams, but there are less than five all girls teams. Their team is in the State Championship in Battle Creek for the past two years. The end of the year last year, they rated number 17 out of over 500 teams in the State of Michigan. This year they have already completed 13 events and volunteered over 260 hours. They lead a project with the Novi Library called Enable to print 230 prosthetic hands for children in need. D printed hands. They have already handed out 13 of the 3-D printed hands. They will be shipping a hand to a 2-year old in need. The Novi Robo Titans, the Galaxy Gazers, and the other 43 Novi robotics teams all need a place to meet together with technical ideas. They need a robot maker space. The Novi School Board is putting

together a bond, they do not have all of the details, but they are hoping that it will include a space for them and all of the other robotics teams.

Mayor Gatt thanked Member Breen for inviting the Robotics Teams.

BOARDS AND COMMISSIONS CANDIDATE INTRODUCTIONS:

1. Brian Bartlett – Zoning Board of Appeals

Mr. Bartlett stated that he has lived in Novi since 1985. He brings a number of interesting things to the Zoning Board of Appeals. He said he was on the Parks Foundation as a volunteer for 7 years. He served two terms as secretary. He said the Council at the time appointed him to the Walkable Novi Committee. He was the only member on the Walkable Novi Committee that had lived in three of the four quadrants in Novi. He has an engineering degree in computer engineering, and he also has a bachelor's degree in business. He spent his entire career in the computer engineering field on the vendor side of things. When he started everyone was using punch cards which people cannot identify today. He said his last assignment has been to support and market products in the cloud. You have to have flexibility for continuous learning; you have to be able to adjust to different environments.

2. Allan Dranberg – Zoning Board of Appeals – Absent

3. Lola Faleix – Zoning Board of Appeals

Ms. Faleix said she has lived in Novi since July 2014. She recently moved from a condo to the West Park Drive area. She also owns a business, Get Fit, LLC which is a health/fitness studio in Novi. She is currently licensed as a real estate agent salesperson and has had her license since 1993. She learned about the opening on the City's website. She wanted to get involved and be a voice for other residents. She said she would be bringing 26 years of experience with her real estate background. She started out with Chamberlain, moved on to ReMax, and then Remerica in Novi. At each brokerage she was involved on different committees to get things done from education to charity work. She understands the importance of zoning laws and ordinances for conforming purposes. She also understood that at times variances may be necessary. She said she was eager to get involved and utilize her knowledge and skill set in zoning in both residential and commercial area. She felt that she could be impartial to the applicants. The City of Novi has been good to her and she is ready to give back. Thank you.

4. Cliff Montague – Zoning Board of Appeals

Mr. Montague said he was a 22-year resident of Novi. He currently works for Albert Khan Associates an architectural engineering firm in Detroit. He has been a licensed architect for 40-years. In his career at Albert Khan, he has been a project manager, program manager, and he is currently executive vice president. He has in his capacity of doing projects around the world and has dealt with a lot of regulatory agencies. He

has experience in Qatar, Brazil, Korea, and around the states, such as Kentucky and Michigan. He fully understands the process of zoning and the Zoning Board of Appeals. Having been in the City for 22-years and getting close to retirement he was looking forward to giving something back to the City. He loved the community. He believed he had a lot to share with his experience. He noted that he was on the Planning Commission in Berkley.

5. Mike Thompson – Zoning Board of Appeals

Mr. Thompson said he lives in Island Lake. He applied previously and he was put on the Construction Board of Appeals. He said they have not had a meeting as of yet. He said he is an auto recycler. He said he would like to give back to Novi also. He does some coaching for the kids and he is on a golf league in which they talk about things that are going on in the City. He was interested in being on the Zoning Board of Appeals and he thought it would be a benefit for the City.

Mayor Gatt stated that they would not be making any decisions that evening and they will announce their decisions at a later meeting. He thanked everyone for coming out.

MANAGER/STAFF REPORT: None

ATTORNEY REPORT: None

AUDIENCE COMMENT:

Brian Smith, 41516 Fawn Trail, Novi said he has been a Novi residents for 35 years. He wanted to say a few things in support of the FIRST Teams. He said there are three levels. There is the FLL which is the elementary level, FTC which is the middle school level, and FRC which is the high school level. The high school is well supported, they have space in the school, and they have teachers to help out. The FTC and the FLL Teams are strictly supported by their parents. That means that for someone like himself, in 2011, it was one of the first FTC Teams in Novi and he had team in their basement for 6-months. Expanding the teams requires expanding the opportunities for coaching, opportunities to have space to work. It is critical to get people into the high school. They found out that a lot of kids were falling through the cracks in middle school. Getting that program involved in the middle school helped fill up the high school team. He said from high school one of the things that the founder of FIRST said is that anyone can go pro. He said he had three children that went through the program, three engineers that are very successful. People can get scholarships. When they get into college they ask what FRC Team were you on. He wanted to support anything that City Council and the School Board can do to give support to the elementary and middle school teams.

CONSENT AGENDA REMOVALS AND APPROVALS:

- A. Approve Minutes of:
 - 1. July 17, 2019 – Workshop meeting

2. July 22, 2019 – Regular meeting

- B. Approval of appointment of Nathan Mueller (Employee Delegate) and Carl Johnson (Officer Delegate) as the 2019 City of Novi representatives to attend the Annual Municipal Employees Retirement System (MERS) Conference to be held October 3 – October 4, 2019.
- C. Approval to renew School Liaison Officer Contract with the Novi Community School District beginning with the 2019-20 school year through the 2022-23 school year.
- D. Approval to purchase a Turn-Out Gear Washer/Extractor and Drying Cabinet from Universal Laundry Machinery, Westland, Michigan, sole source provider, in the amount of \$23,054.
- E. Approval of resolution recognizing Project Forgive as a nonprofit organization operating in the City of Novi for the purpose of obtaining a charitable gaming license from the State of Michigan.
- F. Approval of resolution recognizing the Novi Chamber of Commerce as a nonprofit organization operating in the City of Novi for the purpose of obtaining a charitable gaming license from the State of Michigan.
- G. Approval of an agreement with Suburban Collection Showplace to host the 2019 Evening of Appreciation, an annual event honoring Boards, Commissions, Committees and Employees for their dedication to Novi, on Saturday, December 7, 2019 for the estimated amount of \$26,782.
- H. Approval of the resolution between the City of Novi and the Novi Police and Fire Benevolent Association (NPFBA) for investment holdings.
- I. Approval of Resolution regarding Temporary Michigan State Fair Promotional Signage allowing specific city-wide temporary relief from the Sign Ordinance from August 26 through September 2, 2019.
- J. Approval of request for Fireworks Display Permit by Michigan State Fair, LLC to be operated by Wolverine Fireworks Display, on Thursday, August 29, 2019 for the Michigan State Fair event.
- K. Approval of Ordinance No. 19-124.20, an ordinance to amend the City of Novi Code of Ordinances, Chapter 11, "Design and Construction Standards," Article III, "Watermains," Section 11-68, "Design Considerations," Subsection (F), "Fire Hydrants and Appurtenances," in order to amend standards relating to placement and spacing of fire hydrants. **SECOND READING**

- L. Approval of Ordinance No. 19-99.18, an ordinance to amend the City of Novi Code of Ordinances Chapter 15, "Fire Prevention and Protection," Article II, "Fire Prevention Code, "Section 15-16, "International Fire Prevention Code-Adopted as Amended; Insertions" and Section 15-17, "Amendments," to adopt and incorporate the 2015 International Fire Code. **SECOND READING**
- M. Consideration to adopt Ordinance No. 19-158.01, an ordinance to amend the City of Novi Code of Ordinances, Chapter 22, "Offenses," Article IX, "Offenses Pertaining to Underaged Persons," in order to amend Division 3, "Tobacco Products," to include vape, electronic cigarettes, and nicotine products; to amend Section 22-263, "Use of Tobacco on School Property," vape, electronic cigarettes, and nicotine products; and to include and provide penalties for violations. **SECOND READING**
- N. Approval of the 2020 Suburban Mobility Authority for Regional Transportation (SMART) Municipal Credit Fund Contract and Resolution for the Older Adult Transportation Program in the amount of \$57,160. **REMOVED**
- O. Approval of termination of an existing right of access to maintain private sanitary sewer system (recorded in Liber 39355, Page 261, Oakland County Records), associated with relocation of private shared sewer leads on the subject parcels (parcel 22-27-479-034, and part of parcels 22-27-476-035, 22-27-476-036 and 22-27-276-037).
- P. Approval to purchase two (2) 2020 Ford Escapes from Signature Ford, through the Macomb County Cooperative Purchasing Contract, in the amount of \$51,050.
- Q. Approval to purchase two (2) 2020 F-350s from Signature Ford, through the Macomb County Cooperative Purchasing Contract, in the amount of \$79,520.
- R. Approval to award a contract to PLM Lake and Land Management Corp. for the Phragmites removal project, in the estimated annual amount of \$16,658. The contract term is until June 30, 2020, with two one-year renewal options.
- S. Approval of the final payment to Asphalt Specialists, Inc., for the Fire Station No. 5 Parking Lot Rehabilitation project in the amount of \$9,303.07, plus interest earned on retainage.
- T. Approval of a Resolution to close Grand River Avenue from the Suburban Collection Showplace to 45200 Grand River Avenue for a Michigan State Fair 5K Run from 7:45AM to 8:30AM on Sunday, September 1, 2019.
- U. Approval of Claims and Accounts – Warrant No. 1041

CM 19-08-143

Moved by Casey, seconded by Mutch; CARRIED UNANIMOUSLY

To approve the Consent Agenda as amended.

Roll call vote on CM 19-08-143

**Yeas: Breen, Casey, Mutch, Poupard, Verma,
Gatt, Staudt
Nays: None**

MATTERS FOR COUNCIL ACTION

1. Consideration of approval to award condition assessment services to Xylem for inspection of PCCP water main, including the valve assessment and the installation of the extraction tap, in the amount of \$645,110, and amend the budget.

CM 19-08-144 Moved by Casey, seconded by Poupard; CARRIED UNANIMOUSLY

Approval to award condition assessment services to Xylem for inspection of PCCP water main, including the valve assessment and the installation of the extraction tap, in the amount of \$645,110, and amend the budget.

Roll call vote on CM 19-08-144

**Yeas: Casey, Mutch, Poupard, Verma, Gatt,
Staudt, Breen
Nays: None**

2. Consideration of approval to award the purchase and replacement of the Tim Pope Play Structure located at ITC Community Sports Park to Penchura LLC in the amount of \$409,000, using an HGAC Buy cooperative purchasing contract and amend the budget.

Member Breen thanked the Parks Foundation for stepping up so that we could make this very necessary improvement for our children and the parents that are taking them to the playground. She also thanked the Parks and Recreation Department and PRCS Director Muck. She was happy to see that we are using the same company that we used for Pavilion Shore Park. They do an excellent job and the children seem to love it. She said that we were accommodating everyone, there is accessibility, there are different structures for different ages to play in and also a shade tent which is something that we needed.

CM 19-08-145 Moved by Breen, seconded by Casey; CARRIED UNANIMOUSLY

Approval to award the purchase and replacement of the Tim Pope Play Structure located at ITC Community Sports Park to Penchura LLC in the amount of \$409,000, using an HGAC Buy cooperative purchasing contract and amend the budget.

Mayor Pro Tem Staudt stated that he got on the Parks and Recreation Commission in 2001. He met a guy, Charlie Staab, who was one of the people that was instrumental in getting this done. He said 19 years later he is still Commissioner Staab. Mr. Staab sent Council an email supporting this and he was very happy to finally see this come across. He said they have been talking about this for years. Member Staudt said this is a big day for the Pope Family and Mr. Staab.

Member Mutch echoed Mayor Pro Tem Staudt's comments. He recently came across a Novi News article back in 1997 when the Tim Pope Memorial Play Structure was completed. It was a community built project where members of the community lead by folks like Charles and Becky Staab. It was important to him that they had their support because they were instrumental in that day having come together in 1997. He thought it really carried forward the look and feel of the original play structure as well as maintaining the memorial elements of it. He commented that the Parks Department looks at that opportunity for those that would want to once again contribute and memorialize that location in some way through a contribution or donation to the City. He thought that rededicating this so others if they are interested can donate. He was in support of this and he thought it was a great location for the children to enjoy themselves for years to come.

Mayor Gatt said he and David Molloy spent about 14 hours working diligently helping to build that play structure along with a hundred members of the community. It was something to see.

Roll call vote on CM 19-08-145

**Yeas: Mutch, Poupard, Verma, Gatt, Staudt,
Breen, Casey,
Nays: None**

3. Consideration of approval to award a unit price contract to Signature Services, and Rotondo Construction Corp., the lowest bidders, for as-needed concrete pavement repairs, in the estimated annual amount of \$274,562.50. The contract term is for one year with two one-year renewal options.

CM 19-08-146

Moved by Staudt, seconded by Casey; CARRIED UNANIMOUSLY

Approval to award a unit price contract to Signature Services, and Rotondo Construction Corp., the lowest bidders, for as-needed concrete pavement repairs, in the estimated annual amount of \$274,562.50. The contract term is for one year with two one-year renewal options.

Roll call vote on CM 19-08-146

**Yeas: Poupard, Verma, Gatt, Staudt, Breen,
Casey, Mutch
Nays: None**

4. Consideration of approval to purchase four (4) 2020 Ford Police Hybrid Explorer vehicles in the amount of \$146,036 from Signature Ford, Owosso, MI through the Macomb County cooperative purchasing contract and two (2) 2020 Chevrolet Police Tahoe vehicles in the amount of \$71,612 from Berger Chevrolet Inc. through the Oakland County cooperative purchasing contract.

CM 19-08-147 Moved by Breen, seconded by Poupard; CARRIED UNANIMOUSLY

Approval to purchase four (4) 2020 Ford Police Hybrid Explorer vehicles in the amount of \$146,036 from Signature Ford, Owosso, MI through the Macomb County cooperative purchasing contract and two (2) 2020 Chevrolet Police Tahoe vehicles in the amount of \$71,612 from Berger Chevrolet Inc. through the Oakland County cooperative purchasing contract.

Mayor Gatt stated that he remembered days when it wasn't easy to buy police cars. There was a lot of discussion. We had to replace police cars every 50,000 miles years ago because the roads were so bad. We didn't have the money back then like we have today. He said sometimes Chief BeGole would make them drive a car with 49,995 miles and grievances came out.

**Roll call vote on CM 19-08-147 Yeas: Verma, Gatt, Staudt, Breen, Casey, Mutch, Poupard,
Nays: None**

5. Consideration of approval of Change Order No. 3 to Anglin Civil, LLC, for the ITC Trail – Phase 2 project in the amount of \$430,877.

CM 19-08-148 Moved by Mutch, seconded by Casey; CARRIED UNANIMOUSLY

Approval of Change Order No. 3 to Anglin Civil, LLC, for the ITC Trail – Phase 2 project in the amount of \$430,877.

**Roll call vote on CM 19-08-148 Yeas: Gatt, Staudt, Breen, Casey , Mutch, Poupard, Verma,
Nays: None**

6. Consideration of approval of the final payment to Sole Building Company for the ITC Storage Facility Construction Project in the amount of \$135,396.50, plus interest earned on retainage.

CM 19-08-149 Moved by Staudt, seconded by Casey; CARRIED UNANIMOUSLY

Approval of the final payment to Sole Building Company for the ITC Storage Facility Construction Project in the amount of \$135,396.50, plus interest earned on retainage

Roll call vote on CM 19-08-149

Yeas: Staudt, Breen, Casey, Mutch, Poupard, Verma, Gatt
Nays: None

7. Consideration of the 2020 City Council Meeting Calendar.

CM 19-08-150 Moved by Casey, seconded by Poupard; CARRIED UNANIMOUSLY

Approval of the 2020 City Council Meeting Calendar.

Roll call vote on CM 19-08-150

Yeas: Breen, Casey, Mutch, Poupard, Verma, Gatt, Staudt
Nays: None

AUDIENCE COMMENT: None

COMMITTEE REPORTS: None

MAYOR AND COUNCIL ISSUES:

1. 10 Mile Road and Meadowbrook Road development options.

Member Mutch understood the Ordinance Review Committee was meeting to discuss some possible zoning ordinance changes related to the B-3 District that evening. He said the issue in play is related to B-3 zoning. He thought if there were changes related to that it may not be necessary to have those conversations at this time. Mayor Gatt stated the Ordinance Review Committee had met that evening, and that was one of the topics they discussed. He said they decided that they would forward some of the information to the Planning Commission for review. He said he was sure they would cover part of what he was going to say. Mayor Gatt suggested that perhaps what we should do with your matter is to forward that to the Ordinance Review Committee for further discussion. Member Mutch said he would quickly cover what he shared with Council and then we can decide how to proceed. It sounds like it folds into that whole conversation. He explained that recently the Planning Commission considered and approved a Preliminary Site Plan for a drive-thru car wash at the northwest corner of 10 Mile and Meadowbrook Road. That particular car wash is going to be located at the Novi-Ten Shopping Center just north of the Citizens Bank which is on the corner of 10 Mile and Meadowbrook Road. That car wash use is permitted under the B-3 zoning and that entire shopping center and the bank fall under the B-3 zoning. The reason he brought this forward was that back in 2011-2012 the City undertook a study of the entire Meadowbrook Road and 10 Mile intersection and all the commercial parcels that surround that. They put together some concepts plans for that in anticipation of the

likelihood that those properties would redevelop at some point. He said they could all agree that a number of those properties are older; some have excessive parking areas that are never used so there are opportunities for redevelopment. At the same time City Council adopted a change in the City's tax abatement policy that opened up the opportunity for folks looking to redevelop those properties through tax abatement. Those concept plans for that area really wanted to see that entire area and 10 Mile and Meadowbrook to transform into a more walkable pedestrian friendly environment. Maybe we would have more sit-down restaurants, small coffee shops, more of that. His concern was seeing this car wash use come in and that it didn't fit into that vision for that area. It reminded him with B-3 zoning you really have a lot of uses such as; fast food restaurants, gas stations, massage parlors, and tobacco stores. He said he didn't think we would want to see happen there, but with the current zoning in place and the redevelopment potential there that we may want to revisit that area. He thought that we may want to have certain businesses located there, but others may be better located somewhere else in the City. At the time this plan was put together the City Council which he was on at the time didn't implement any zoning changes at that time. These properties will come through seeking tax abatement and then we can have a conversation about what we would like to see there in terms of the vision of what the City had put together in conjunction with the property owners, and the residents in the area. What he was looking for was whether City Council was interested in having City Administration revisit that plan and talk about the kind of uses that would be appropriate for that plan and that area. If we continue to see redevelopment at 10 Mile and Meadowbrook which he hoped we do. Do we want an outline of the kind of uses that we want for that area, and also recognize that there may be some uses that really don't fit into that long-term vision for that area? We would want to encourage those types of businesses to go to other B-3 zoning locations in the City. He thought we could be proactive in terms of the rest of the area. We should seek guidance from the Planning Commission giving us direction in terms of what the best way is to accomplish that. Mayor Gatt confirmed with Member Mutch that he would like City Administration to take another look at this and come back to City Council with their recommendations on what would be appropriate there.

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: NONE

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:48 P.M.

Dawn Spaulding, Deputy City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: August 26, 2019