

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, FEBRUARY 6, 2017 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 Burke, Casey, Markham, Mutch, Wrobel

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

APPROVAL OF AGENDA:

CM 17-02-011 Moved by Staudt, seconded by Burke; UNANIMOUSLY CARRIED:

To approve the Agenda with the removal and postponement of Item 3, the “first reading” of our Code of Ordinance “Signs”, for further review.

Roll call vote on CM 17-02-011

Yeas: Staudt, Burke, Casey, Markham, Mutch,
Wrobel, Gatt

Nays: None

PUBLIC HEARING - None

PRESENTATIONS - None

INTERVIEW FOR BOARDS AND COMMISSIONS – LIBRARY BOARD

1. Datara Michener – Library Board

Datara Michener thanked Council and said she preferred to be called Tara, which is a little less formal. She served on the Library Board for the past term and said she loved it. Ms. Michener noted she is an author, so literacy is important to her. She also mentioned she is a mental health professional and has a private practice in Novi. She said the Library has been great. She has volunteered some of her professional services giving seminars on microaggression and macroaggression. She also informed Council that she has not missed a board meeting.

Member Mutch thanked Tara for stepping forward again and being able to serve another term on the Library Board. He reviewed her previous interview for the Library Board. At that time he asked her what some of her goals would be if she was on the Library Board. He mentioned in her last interview, she said would like to make sure the Library was more accessible to the community. Ms. Michener said the Library’s Mission is to “Inform, Inspire and Include”, and she felt that the Library did a great job of inclusion. During their In-Service Day, they talked a lot about inclusion, and they

wanted to make sure everyone felt it was their Library. She was impressed with Director Julie Farkas. Director Farkas is committed to customer service. She is making sure that her staff understands how to make people feel comfortable while visiting the Library. Educating the staff about how to serve a diverse community and to see that as a value is very important.

Member Wrobel thanked Ms. Michener again for stepping forward and wanting to serve another term. He said he is very familiar with her work and he didn't have any questions for her at this time.

Mayor Pro-Tem Staudt thanked Ms. Michener for stepping forward for another term and said he didn't have any additional questions at his time either.

Member Burke mentioned that Director Farkas spoke very highly of her and that she has been a great asset to the Library. He looked forward to supporting her.

Member Casey wondered what her goals were in the future. Ms. Michener explained they are laying down ground work, making sure that the board members aren't just nodding and voting, but actually getting involved and digging in. She looked forward to using transferable skills from her career, such as diversity workshops, anti-bullying workshops, or actual books because she is an author. Member Casey stated she would strongly support the Mayor appointing her again.

Member Markham thanked Ms. Michener for stepping up to serve another term. She was impressed with her enthusiasm and how she does things just because they should be done. She said she thought she had been a great asset to the Library Board and she supports her.

Mayor Gatt mentioned two other people were interested in the Library Board, although they were not able to attend the interviews that evening. He expressed his support to Ms. Michener.

AUDIENCE COMMENT:

Chuck Lapham, 18412 Blue Heron Drive, said he had an office on Novi Road. He explained that he came to express his opinion on the sign ordinance, even though it was removed from the agenda. He went to the Planning Commission but felt he was too late. He said the changes were unproductive to the advancement of the City. He wants his thoughts considered before Council reviews it because he thought it was a mess.

William McCarthy, Grosse Pointe, said he represents Jorgenson Ford. He was there to speak about Item M. He represented a contractor who bid on the project and he attended the bid opening. He said although Varsity Ford submitted a bid, the amount read at the bid opening was far different than the amount in Item M. He said he didn't know where this lower amount came from, but it wasn't read at the

appropriate day and time. He quoted a section of the rules that govern bid submissions about how a bid must be accompanied by a bid bond. He said it was publically stated at the bid opening that the only one who didn't submit a bid bond was Varsity Ford. He asked why they don't have to play by the rules. He questioned if there was prior knowledge from the Purchasing Department that a bid bond wouldn't be required, even though the rules require it. He asked if there was collusion between the Purchasing Department and the contractor. He thought it was highly prejudicial and unfair that Varsity be given special treatment. He asked that Council research further before approving tonight.

Amarjit Chawney, 32850 Longbow Ct., Beverly Hills, said he was at the previous meeting and provided a chronological review about his Financial Guarantee that he made in 2002 which hasn't been refunded yet. After the last meeting, he met with Mr. Schultz to discuss. He said he asked why he waited 14 years to ask for the money back. Mr. Chawney said that wasn't true, that he asked for it in 2004. He said they did return \$800 out of \$10,800. Since then, he said he was given excuses as to why they wouldn't return the money. He submitted additional documentation to Mr. Schultz. He said he hopes now it would be refunded. His certificate of occupancy was issued December 5, 2006 and it should have been returned at that time to him. He asked that they return his money.

Carolyn Upton, 42806 Brookstone, said she was there because she got on the Beautification Commission in December. She was first exposed to the Commission when her subdivision received the entryway grant and she was impressed with the program. She interviewed and when she was asked about her goals, she said they needed more people on the Commission. At the time, they only had 4 members out of a possible 9. Since then, one has resigned, one is a senior who doesn't use email, and they have a lot of upcoming events. In March they will host the Beautification Commission of Southeast Michigan's quarterly meeting. She said this was a volunteer position, and she wants to help her city, but is frustrated. They also have the entryway grant program coming up. They are tasked with providing recommendations to Council, but with 3 people, it wasn't fair to the subdivisions who submit grants. She wants it to be a robust program. They also have perennial exchanges, monarch workstation workdays, and they want to get involved at the Senior Center. When she interviewed, there was a young man who interviewed who didn't get appointed. When she asked about it, she said Dave Staudt responded to her email and said the applicant could be a volunteer. She said a volunteer has no voting rights and they run by Roberts Rules. She was confused why someone who was qualified to serve as a volunteer wasn't appointed, since it is a volunteer position. She noticed other communities that have larger commissions. She said citizen volunteers should be welcomed in the City.

Susan Wheeland, 17851 Airport Road, Fraser, said she was at 12 Oaks looking for a dog ramp at Pet Land and it was heartbreaking. There was a 12 week old Great Dane puppy in a kennel and he is sick and 13 pounds underweight, which amounts to

28% underweight. She filed a complaint at the Police Department and was told one had already been filed. She was also told that the dogs had been taken to a vet and Pet Land was aware. She said when she was there, the employees didn't seem aware that the dog was sick. She wanted to know why the dog would be being sold if he was sick. If she had taken that dog home, it would put her dogs at risk as well. She remembered hearing about a Great Dane puppy from pet land that had died. It is showing the same systems and they are still willing to sell that dog. It would be heartbreaking for someone who doesn't realize the dog is sick. She was asking that Council step in to watch over these stores or get rid of them. She said Novi doesn't want to be known for having this. She wants it to be humane area, for the people who don't know better, and for the animals. She said we owe it to the future generations, we can do better.

Tyler, a student at Northville High School, was present to talk about the dangers of radon gas which is found at homes and businesses in Novi. Many people know what radon gas is, but the extent of its danger to human health is not commonly known. Radon is the 2nd leading of cause of cancer and children are especially vulnerable due to their small lungs and high respiration rates. Radon can be easily tested and mitigated. The EPA lists Oakland County a zone 2 and Washtenaw as zone 1 which means Washtenaw has high levels of radon. Regardless of geographic location, the EPA recommends all home be tested for radon. He researched City Ordinances and Codes, but hasn't found any legislation regarding radon testing. He believes they should take a small step, and mandate Novi Public Schools be test for radon. It would ensure the students have a safer and healthy environment to receive an education. If levels are higher than allowed, he felt it was the City's responsibility to remediate the affected building. July is National Radon Action month, he suggested Novi runs an article or ad in ENGAGE! about of the dangers of radon. Since Novi is always striving to be better, it would be in the City's best interest to look into it.

Pam Sordyl, 8758 Deerwood Rd., Clarkston, founder of Puppy Mill Awareness of Southeast Michigan. She said the last time she spoke it was about Pet Land's breeders and she provided a lot of information. She said nothing changed. She looked at the supplier list; she said they are still working with irresponsible breeders. There were over 400 comments on the Channel 7 news story about the Great Dane that died. There were 20 sick dog complaints in those comments also. Everyone wants to know why the store is still open. She said she has 74 complaints about sick dogs that were sold under the current owner since 2010. Many dogs die shortly after purchase, which is a pattern of bad behavior on behalf of the store. This store is not a good neighbor. For families that can't pay, the store is taking them to court. There are 19 court cases. There are 11 cases where the families have taken the store to court. She said this could have been prevented. There is no agency levying these complaints. She said by not providing adequate veterinary care, it is a violation of animal cruelty laws. She asked Council to stop this. She said we need resources assigned to investigate the cases and pass an ordinance to prevent more puppy mill dogs from coming from Novi. It would be great if the Mayor could coordinate a new outlet with the help of Pet Land and 12 Oaks to get homeless

dogs from Oakland County Shelter adopted. She looks forward to working with someone on this.

Andrew Sarpolis, 27980 Trail Wood Court, Farmington Hills, said he came back to talk about a few issues of concern. First is the puppy mill issue. He said when he filed for Council, within a couple months, the store owners of some of those stores started sending him material about how great they are. He said he imagined it was the same with others on Council. He said it was important to them to keep a clean, corporate image. He said Ms. Sordyl has done a great job of sending out other photos. He has seen both and he said they were very worrying. There is such a great discrepancy between what the businesses show versus what Ms. Sordyl shows. He said Council has been aware of this issue for years and he is questioning why Council hasn't investigated. He said he was endorsed by the Michigan Committee for Animals and said an email was sent by David Staudt about how it would hurt their cause to partner with him and other political stuff. He said no one cares about the politics; people just want to see the issue resolved. He said he hasn't seen any action or that it is being taken seriously. He said he was previously on the Beautification Commission and he understood a qualified person applied and wondered why he didn't get appointed. He said vacancies were always a problem on the Commission and imagined it was a political why. He asked why there wasn't a LGBTQ ordinance; why can people be fired at any time just for being gay.

Colleen Crossey, 22279 Brockshire, Novi, said when she ran for office in 2016 she sent Council an e-mail regarding the Sign Ordinance on October 12, 2016. She wanted to read the response from Member Wrobel to that e-mail. His response said "Ms. Crossey this e-mail is in response to your e-mail October 12, 2016. Ignorance of the rules is no excuse. The same sign placement rules have been in effect in Novi for over a decade for both political and non-political signs and apply to everyone, including you. These Ordinances are not as complex as you make them out to be. Simply stated, signs cannot be placed in any public road right-of-way and you cannot place them on private without first obtaining permission from the property owner. What is so difficult about understanding that? As you stated in your letter this is not the first time you ran for office and have placed political signs. Any credible candidate would have researched the issue prior to going out and placing signs which was obvious you did not do. The sign placement ordinance was instituted to ensure the City is not cluttered with an overabundance of signs, political or non-political. Like Northville, Livonia, Wixom, and Southfield there are an abundance of locations within the City you can place signs after receiving permission. As a current member of the Novi Beautification Commission, I would assume you would want to keep Novi looking good and not full of clutter like these other cities. I could be wrong in this assumption. It also makes one stop and think if you are having such a hard time understanding these simple sign placement ordinances, what makes you think you'll be able to understand the more complex issues an Oakland County Commissioner will face while in office." Wayne Wrobel, Novi City Council. Ms. Crossey said she has concerns about the tone of this, but she only had 3 minutes. She wondered if Council looks into other concerns from citizens and perhaps makes a change. She thanked them for reconsidering this case.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 17-02-012 Moved by Wrobel, seconded by Burke; UNANIMOUSLY CARRIED:

To approve the Consent Agenda as amended to remove Item "M".

- A. Approve Minutes of:
 - 1. January 23, 2017 – Regular meeting

- B. Acceptance of Wetland Preservation Easement and Woodland Preservation Easement from Mirage Development, LLC for wetland and woodland preservation areas as part of the Montebello Estates project site, JSP 15-76, located north of Nine Mile Road and west of Novi Road in Section 27 of the City.

- C. Approval to award VMware Virtual Desktop Infrastructure (VDI) and Virtual Storage Area Network (vSAN) Project to Dell Technologies in the amount of \$79,592.75 using a competitively bid contract through the Midwestern Higher Education Compact (MHEC).

- D. Approval of re-appointment of City Manager and Community Development Director to the Building Authority, with terms expiring on March 1, 2019 and March 1, 2020, respectively.

- E. Approval of Resolution appointing Patrick Sullivan to serve as the Administrative Hearing Officer as required by Section 20-37 of the City Code of Ordinances, pertaining to the revocation or suspension of massage business licenses.

- F. Approval of resolution recognizing the Novi Co Op Preschool 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 the final payment to Highway Maintenance & Construction Company for the 2016 Chip Seal Program in the amount of \$12,128.98, plus interest earned on retainage.

- H. Acceptance of a Perimeter Easement from Secure Development Properties, LLC for a perimeter area and a specific berm area as part of the SP 03-57 Paradise Park site, located south of Grand River Avenue and west of Taft Road in Section 16 of the City.

- I. Approval of a Storm Drainage Facility Maintenance Easement Agreement from Secure Development Properties, LLC for the Paradise Park (a.k.a. Novi Family Fun Park) property located at 45799 Grand River Avenue (parcel 22-16-451-046).

- J. Approval of recommendation from the Consultant Review Committee to award a contract for Civil Engineering Private Development Field Services to Spalding DeDecker & Associates, Inc. through December 18, 2017 and adoption of associated fees and charges effective immediately.
- K. Acceptance of subdivision streets in The Reserve of Island Lake (Island Lake Phases 7A and 7B) and adoption of Act 51 New Street Resolution accepting Acorn Trail, Overlook Trail and Mallard Trail as public adding 0.55 miles of roadway to the City's street system.
- L. Approval of Traffic Control Orders 17-05 through 17-13 for Acorn Trail, Overlook Trail, and Mallard Trail located in The Reserve of Island Lake (Island Lake Phases 7A and 7B); Wixom Road at Acorn Trail/Drakes Bay Drive; and Drakes Bay Drive.
- M. Approval to award the lowest bid of \$97,227.00 to Varsity Ford for the purchase of the chassis and the up-fits to be done by Knapheide. **REMOVED AND NO ACTION TAKEN**
- N. Acceptance of a sidewalk easement from Pinnacle-Valencia South, LLC, as part of the Valencia Estates South development located south of Ten Mile Road and west of Beck Road (Parcel 50-22-29-226-046).
- O. Acceptance of a warranty deed from Pinnacle-Valencia South, LLC for the dedication of 27 additional feet of proposed right-of-way for a total of 60 foot half-width master planned right-of-way along the west side of Beck Road south of Ten Mile Road as part of the Valencia Estates South subdivision development.
- P. Approval of a Storm Drainage Facility Maintenance Easement Agreement from Pinnacle-Valencia South, LLC for the Valencia South development located at the southwest corner of Beck and Ten Mile Roads (parcel 22-29-226-019).
- Q. Approval of Claims and Accounts – Warrant No. 981

Roll call vote on CM 17-02-012

Yeas: Burke, Casey, Markham, Mutch, Wrobel, Gatt, Staudt

Nays: None

MATTERS FOR COUNCIL ACTION

- 1. Approval of the recommendation from the Consultant Review Committee to enter into a contract with OHM Advisors for consulting services to establish a Corridor Improvement Authority.

Mayor Pro Tem Staudt stated he was Chairman of the Consultant Review Committee and they had two excellent, but very different presentations. After meeting with the

Committee they made the recommendation. This is not the low bidder, which in some circumstances is unusual, but they were two very different proposals. He remarked that one contract was related to policy issues, and the other contract was related to appearance issues.

CM 17-02-013 Moved by Staudt, seconded by Wrobel; UNANIMOUSLY CARRIED:

To approve recommendation from the Consultant Review Committee to enter into a contract with OHM Advisors for consulting services to establish a Corridor Improvement Authority.

Member Mutch clarified with City Attorney Schultz that the contract would go into action after we create a Corridor Improvement Authority. City Attorney Schultz said the next step would be to consider a resolution to create the Corridor Improvement Authority.

Roll call vote on CM 17-02-013

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

2. Consideration to adopt Ordinance No. 17-110.05, amending Chapter 17, Article II, "Historical Commission," Section 17-17, "Composition," of the City of Novi Code, in order to add two additional voting members to the Commission, for a total of seven members, and to remove certain non-voting members. **FIRST READING**

Member Mutch mentioned this was discussed at the Ordinance Review Committee and he made a motion to approve this on the "First Reading" with one minor adjustment to clarify the membership that would involve removing a reference to the Novi Historical Society. It was decided that it be preferred they do not have that restriction on membership which hasn't been followed in the recent past.

CM 17-02-014 Moved by Mutch, seconded by Wrobel; UNANIMOUSLY CARRIED:

To approve consideration to adopt Ordinance No. 17-110.05, amending Chapter 17, Article II, "Historical Commission," Section 17-17, "Composition," of the City of Novi Code, in order to add two additional voting members to the Commission, for a total of seven members, and to remove certain non-voting members. FIRST READING

Roll call vote on CM 17-02-014

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

3. Consideration of adoption of Ordinance No. 17-188, an ordinance to amend the City of Novi Code of Ordinances, at Chapter 28, "Signs," in order to comprehensively revise regulations relating to purpose and intent; permitting process; permanent and temporary signs; off-premises signs; definitions; appeals; and other provisions of the ordinance. **FIRST READING - REMOVED AND POSTPONED**
4. Approval of Zoning Ordinance Text Amendment 18.280 to amend the City of Novi Zoning Ordinance at Article 4, "Use Standards," Section 4.86 "Uses Not Otherwise Included Within a Specific District," and Article 2, "Definitions," Section 2.2 - Definitions, in order to recognize and provide for implementation of State and Federal legislation regarding wireless communication equipment and facilities. **FIRST READING**

CM 17-02-015 **Moved by Wrobel, seconded by Burke; UNANIMOUSLY CARRIED**

To approve Zoning Ordinance Text Amendment 18.280 to amend the City of Novi Zoning Ordinance at Article 4, "Use Standards," Section 4.86 "Uses Not Otherwise Included Within a Specific District," and Article 2, "Definitions," Section 2.2 - Definitions, in order to recognize and provide for implementation of State and Federal legislation regarding wireless communication equipment and facilities. FIRST READING

City Attorney Schultz reminded Council there was a previous concern in regard to the height of the tower and the antenna on top of the tower that Council may remember from the Special Land Use. That change did not get picked up in this version. They will highlight a change to correct that and give some additional height for that antenna at "Second Reading".

Roll call vote on CM 17-02-015 **Yeas: Mutch, Wrobel, Gatt, Staudt, Burke, Casey, Markham,**
Nays: None

5. Approval of resolution to authorize Budget Amendment #2017-2.

M 17-02-016 **Moved by Staudt, seconded by Wrobel; UNANIMOUSLY CARRIED**

To approve a resolution to authorize Budget Amendment #2017-2.

Roll call vote on CM 17-02-016 **Yeas: Wrobel, Gatt, Staudt, Burke, Casey, Markham, Mutch**
Nays: None

AUDIENCE COMMENT - None

COMMITTEE REPORTS - None

MAYOR AND COUNCIL ISSUES - None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION:

M. Approval to award the lowest bid of \$97,227.00 to Varsity Ford for the purchase of the chassis and the up-fits to be done by Knapheide.

Mayor Pro Tem removed Item "M". He said the best thing to do with this particular item is to ask for some clarification in an off-week packet and reconsider this in the future.

CM 17-02-017 Moved by Staudt, seconded by Burke; UNANIMOUSLY CARRIED

Roll call vote on CM 17-02-017

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

Nays: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:43 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: February 27, 2017