

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, AUGUST 22, 2022 AT 7:00 P.M.**

Mayor Gatt called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Casey, Crawford, Fischer, Smith, Thomas (absent, excused)

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

APPROVAL OF AGENDA:

CM 22-08-107 Moved by Crawford, seconded by Staudt; MOTION CARRIED: 6-0

To approve the Agenda as presented.

Roll call vote on CM 22-08-107 **Yeas: Staudt, Casey, Crawford, Fischer, Smith, Gatt**
Nays: None
Absent: Thomas

PUBLIC HEARINGS: None

PRESENTATIONS: None

MANAGER/STAFF REPORT: None

ATTORNEY REPORT: None

AUDIENCE COMMENTS:

Linda Krieger, 44920 Byrne Dr., Northville in Connemara Hills, at 9 Mile and Taft Road which tells you what she was there to talk about. She attended the meeting in February where they talked about the upcoming option of having a roundabout and whether the residents wanted to see one. She said it seemed like it was going to go through because it is federal. She thought the stop signs were beautiful and the intersection was okay. She stated she guessed it was federal and now it is going in there. She believed there was a problem with the signage now, she drove down Beck and Taft Road, there are construction signs all over. She said they put up signs at Novi Road and east of 9 Mile Road as well today. She had a picture she wanted to show City Council and the audience. Mayor Gatt explained to her that she had to have that approved by the City Clerk to put up a photo on the overhead projector before the meeting. She was not aware of that. She apologized. She said regarding the signage, if you ask the City, they tell you it is federal, she said they said you have to ask them. She felt like she went around a roundabout trying to find out who to talk to to find out. She said the sign on 9 Mile and Novi Road, going westbound, the 30 mile an hour sign is covered up by brush

from trees that are overgrown, and behind it is a sign that says there is construction. She stated last Friday night she saw an unmarked police car at Byrne Court. She thought on their video tape it would show the increased volume if you wanted to review that as to what people are experiencing. She saw a neighbor talking on the corner, so she stopped, she stated the neighbor was upset because she said the new neighbor across the street have little kids. In two or three weeks the kids are going to start schools and there is going to be an increase in traffic, there still is traffic, although it will probably take a week to improve it or decrease the traffic. She thought it would be nice to see some sign that says "Local Traffic Only". That was all she was asking. Thank you.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 22-08-108 Moved by Fischer, seconded by Casey; MOTION CARRIED: 6-0

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
 August 8, 2022 - Regular Meeting
- B. Consideration of approval for the 2023 City Council Meeting Calendar.
- C. Approval of a Resolution Authorizing the "2022 Michigan State Fair" to occur on the Suburban Collection Showplace property at 46100 Grand River Avenue on August 31 - September 5, 2022.
- D. Approval of request to transfer ownership 2022 Class C license issued under MCL 436.1531(2) and SDM licensed business with Sunday Sales Permit (PM) for Class C license- Spirits and Mixed Spirit Drink, Outdoor Service (1 Area) from Diamond Jim Brady's of Novi, Inc.; New Sunday Sales Permit (PM) for SDM license- Mixed Spirit Drink to Two Fish in the Sea, LLC located at 43271 Crescent Boulevard, Novi, MI 48375.
- E. Approval of a resolution supporting a No Left Turn restriction located at the intersection of Grand River Avenue and the private portion of Eleven Mile Road.
- F. Acceptance of a sanitary sewer easement from International Transmission Company (ITC) for construction of a sanitary sewer that crosses ITC property (parcel 50-22-15-200-088) in the amount of \$10,000.00.
- G. Approval of claims and warrants – Warrant 1114

Roll call vote on CM 22-08-108

**Yeas: Casey, Crawford, Fischer, Smith, Gatt,
 Staudt
Nays: None
Absent: Thomas**

MATTERS FOR COUNCIL ACTION:

1. **Consideration of approval to award the construction contract to CSM Mechanical, the low bidder, for the Garfield Sanitary Sewer Pump Station project, in the amount of \$341,600, and amend the budget.**

CM 22-08-109 Moved by Casey, seconded by Smith; MOTION CARRIED: 6-0

Approval to award the construction contract to CSM Mechanical, the low bidder, for the Garfield Sanitary Sewer Pump Station project, in the amount of \$341,600, and amend the budget.

Roll call vote on CM 22-08-109

**Yeas: Crawford, Fischer, Smith, Gatt, Staudt,
Casey
Nays: None
Absent: Thomas**

2. **Consideration of approval to award the construction contract to DiPonio Contracting, LLC, the low bidder, for the water main, road restoration, and sanitary sewer lining within the Howell's Walled Lake subdivision in the amount of \$2,071,892.02.**

CM 22-08-110 Moved by Smith, seconded by Casey; MOTION CARRIED: 6-0

Approval to award the construction contract to DiPonio Contracting, LLC, the low bidder, for the water main, road restoration, and sanitary sewer lining within the Howell's Walled Lake subdivision.

Mayor Pro Tem Staudt mentioned he may want to recuse himself from this item. He said we have a contractor who is on the Board of Directors of the Association where he is the Chief Financial Officer, and he wanted to err on the side of safety on this because he does controls things like his compensation.

Mayor Gatt said this is not something that happens all the time. He asked City Attorney Schultz if this was a case where the Mayor Pro Tem would have to seek a vote to be recused? He thought that our rules say that the only time you can recuse yourself is if you have a vested interest in the matter and or a financial interest in it? City Attorney Schultz said he was correct on both points, that there would need to be a motion to recuse, and it would have to pass unanimously, the stated reason in the City Charter is he would have a financial interest in a project. He explained sort of a general rule of constitutional law essentially, is if the Mayor Pro Tem tells the Council that he did not believe that he could be unbiased on this item, then he can ask to be recused for that reason as well, clearly, he did not have a financial interest in this contract. He said if he tells the other five of you that he really could not be unbiased on this, then you should take that into consideration.

Mayor Pro Tem Staudt said he had no problem being unbiased. He just wanted to make sure to bring it to the attention of his colleagues just so that they were aware he did not

have any interest in the project and had no problem being unbiased. Mayor Gatt confirmed that he was withdrawing his request to be recused. Mayor Pro Tem Staudt said yes. City Attorney Schultz said he was not obligated to request recusal. Mayor Gatt said they would move forward; they had a motion and support.

Roll call vote on CM 22-08-110

**Yeas: Fischer, Smith, Gatt, Staudt, Casey,
Crawford
Nays: None
Absent: Thomas**

- 3. Consideration of approval of a cost participation agreement with the Road Commission for Oakland County (RCOC) for the construction associated with the rehabilitation and widening of 10 Mile Road from Meadowbrook Road to Haggerty Road, with the estimated City-share in the amount of \$1,331,676 and a reimbursable advance of fiscal year 2024 federal funds to the RCOC, in the amount of \$1,323,044.**

Assistant City Manager Cardenas stated this is an interesting action before for you as we are on the hook for \$1.3 million, but we are working with our colleagues at the Road Commission of Oakland County to advance construct this now and fronting the other \$1.3. He said we have had some good conversations with City Council leading up to this. He was happy to answer any questions that may come up regarding the construction of the sidewalk on the south side of 10 Mile between Haggerty and Meadowbrook.

Member Fischer asked Mr. Cardenas is this was just a cost sharing agreement. Mr. Cardenas said yes, that is correct. Member Fischer stated that this is for the road, sidewalk, the culverts, etc. It is about a \$9 million dollar project, minus \$7 million of federal funds, and then some additional pieces to get us to about \$3.8 million of local share. Mr. Cardenas replied that was correct. Member Fischer said obviously, he supported the project. He knew that it has been well underway as far as the road construction goes. He said he was contracted by a resident recently as they started to put the right of way stakes in on the south side of 10 Mile Road between Haggerty and Meadowbrook. He wondered if Mr. Cardenas could put a copy of the map up on the overhead that Council received so that he could ask a couple questions about the sidewalk. Mr. Cardenas said they could pull that up. Member Fischer said he wanted to first kind of preface this. He understood that we are talking about three segments that have been on the Walkable Novi Committee Top 20 Priority List, and that is what this sidewalk is. He said oftentimes, we have a goal in the city to have a sidewalk on both sides of the major thoroughfares. He said as a committee, if you look through the prioritization, there is approximately 5.9 miles of sidewalk that are on those top 20 segments and once you really start to see where the rubber hits the road on some of these projects, you start to see the impact on the residents. That is what he wanted to bring to the attention if this map works with all due respect. Mr. Cardenas asked if there was a particular area that he wanted him to try to zoom in on. Member Fischer said Meadowbrook and 10 Mile Road, close to the PNC, LeBost, and Ripple Creek that area. Member Fischer asked if there was anything on the north side as far as sidewalks being done, it looks from the map that there are, but he

understood that was already fully contiguous. Mr. Cardenas said yes, he highlighted the area on the map at Stuarts at 10 Mile and Meadowbrook, there is no sidewalk in place, currently, it is just the street. He said they are installing that 5-foot on the north side, 8-foot on the south side. He believed further down to the east, there is some additional reconstructions of sidewalks. Member Fischer wondered if there is anything on the north side is reconstruction is that correct? Mr. Cardenas said yes, that was correct. Member Fischer said if went a little further east, you would see more of this. He pointed out on the map and said all along the south side of 10 Mile Road, we seem to be putting this pathway all the way up on the right of way, you can see the one house, the third one in there will barely be able to have one car in their driveway before they have an eight foot pathway put in their front yard, and that goes on with several different houses. He said this was not a critique of staff, obviously, he has been on the Walkable Novi Committee for a year or two and there has been a lot of good work that has been done there. He thought once we start to see the stakes in the ground, once we start to see the schematics, it is upon Council to really think if what is being proposed is the right thing for the residence. He said these are houses that have been in the city longer than most people at this table. He believed to construct something this big, he thought is worthy of a little more discussion. He said he would be okay moving forward with the cost sharing agreement, but he would like to see staff investigate and evaluate alternatives, one as far as placement of the pathway and the second would be whether we could go with a 5-foot sidewalk as opposed to an 8-foot sidewalk and bring those proposals back to Council.

Mayor Gatt concurred 100%. He said we did the same thing with 9 Mile Road from Meadowbrook to Haggerty, when it was proposed to have an 8-foot or 10-foot, we narrowed it down to a 4-foot or 5-foot, so he agreed. He wanted to put his comments on the record. He asked how long this project being proposed to completion. Mr. Cardenas replied that it will not be constructed until next year in terms of how long it will be. He was not sure if our DPW Director had a timeline that he could share from our friends at the Road Commission of Oakland County. Mayor Gatt said he was concerned not only for the residents, but for the business owners. He wanted to talk specifically about Moe Leon, who runs a restaurant there, in that vicinity, and his business is just now starting to come back to life since COVID. He said because of the near fatality of that place, he hoped that we take that into consideration and insist upon it with the Road Commission before we approve any of their drawings or their plans.

Member Crawford said Mayor Gatt just asked his two questions. He wondered how long it was going to take to complete this project, he did not see a timeline in the packet. Second, he wondered what kind of access businesses and residents are going to have during the project. He did know if anybody could answer that now, or do we have to wait until next year when we start the project? Mr. Cardenas assumed it would be like the rest of our construction projects. There will be a one way open either west or east at some point during construction, it will never be totally closed. He stated in terms of access, there is always going to be access to all the businesses, we will make sure that we have signage available to ensure and encourage patrons to attend or to visit their favorite businesses on both side of it. He said they will have a very robust marketing

campaign to encourage people to visit. Member Crawford said although that is good, he concurred with some of those businesses that are just now recovering from COVID to knock them down again is not acceptable. He asked if he had a rough guess of how long this will take. He asked if it would start in the spring and end up late summer or something? Mr. Cardenas said he would have DPW Director Herczeg reply to that question. DPW Director Herczeg said tentatively right now to do a couple of culvert crossings that need to be done first, and some intersection pavement work. He said as far as the utility work we have a watermain replacement here that we requested to be done with the project, that is all supposed to happen in the fall of 2022. He explained there will be hard closures at the crossing for a short period of time, but there will be access all the way up to the closure from both ways. He said in 2023 there will be the road construction. He said just as Mr. Cardenas said there will always be one way access on 10 Mile during the construction on the road part of the construction. Member Crawford asked how long he anticipated the construction to last. DPW Director Herczeg replied that it should be wrapped up by the end of the construction season next year. Mayor Gatt asked if would take the whole season. In other words, it will be 90% of most summer business, you know, will be impacted. DPW Director Herczeg said likely it will.

Mayor Gatt asked the city take special notice of this and regardless of what the Road Commission of Oakland County wants to do. He said we must make sure the signage is right, and the lighting is right, and any alternative pathways to get to his place. He said maybe rerouting them, through Village Oaks and up Nilan Drive to 10 Mile to do whatever we can to make sure that the businesses are getting the benefit of what we can do. DPW Director agreed, absolutely. Mayor Gatt said that would be his open, hopefully the Council will concur. He said he knew they were a little bit early to talk about all that, but as we approach next year, that is what is he wished.

Member Casey said before she made the motion, she wanted to thank all the previous speakers for their comments. She started to get concerned when she was driving north on Cranbrook and turning east on 10 Mile Road, and she started to see the flags that were looking close to some of those residences. She appreciated the previous first speaker for raising the issue. She concurred with seeking some feedback from staff about the sidewalk design later after we make this motion.

CM 22-08-111 Moved by Casey, seconded by Gatt; MOTION CARRIED: 6-0

Approval of a cost participation agreement with the Road Commission for Oakland County (RCOC) for the construction associated with the rehabilitation and widening of 10 Mile Road from Meadowbrook Road to Haggerty Road, with the estimated City-share in the amount of \$1,331,676 and a reimbursable advance of fiscal year 2024 federal funds to the RCOC, in the amount of 1,323,044.

Member Fischer commented that he would like to incorporate as part of the motion that the staff is directed to evaluate the design of the sidewalk, including the two pieces he

mentioned previously, which is the size and the location, to see if the impact to residents can be reduced.

Amended Motion

CM 22-08-111 Moved by Casey, seconded by Gatt; MOTION CARRIED: 6-0

Approval of a cost participation agreement with the Road Commission for Oakland County (RCOC) for the construction associated with the rehabilitation and widening of 10 Mile Road from Meadowbrook Road to Haggerty Road, with the estimated City-share in the amount of \$1,331,676 and a reimbursable advance of fiscal year 2024 federal funds to the RCOC, in the amount of \$1,323,044 and to direct administration to evaluate the design of the sidewalk size and location in order to limit the impact on residents.

Roll call vote on CM 22-08-111

**Yeas: Smith, Gatt, Staudt, Casey, Crawford,
Fischer
Nays: None
Absent: Thomas**

- 4. Consideration of Approval of Change Order No. 2 to Asphalt Specialists, Inc. for the 2022 Neighborhood Road Program – Asphalt Streets in the amount of \$177,256.77.**

Assistant City Manager Cardenas recognized our Public Works Team and our Engineering Team and gave them kudos, he said a couple streets were left out of a construction that is happening there at Lochmoor and 11 Mile Road and Beck Road. He stated now we can get those into the program and get the whole subdivision done at one time, so we do not have to go back again next year. He thanked them for their efforts and getting this done.

CM 22-08-112 Moved by Casey, seconded by Fischer; MOTION CARRIED: 6-0

Approval of Change Order No. 2 to Asphalt Specialists, Inc. for the 2022 Neighborhood Road Program – Asphalt Streets in the amount of \$177,256.77.

Roll call vote on CM 22-08-112

**Yeas: Gatt, Staudt, Casey, Crawford, Fischer,
Smith
Nays: None
Absent: Thomas**

- 5. Consideration of a unit price contract for as-needed catch basin, storm water pipe, and concrete slab stabilization services to Havener Tech, LLC, using the Farmington Hills contract (extended to MITN members), for a two-year term at an annual estimated amount of \$200,000.**

CM 22-08-113 Moved by Casey, seconded by Smith; MOTION CARRIED: 6-0

Approval to award a unit price contract for as-needed catch basin, storm water pipe, and concrete slab stabilization services to Havener Tech, LLC, using the Farmington Hills contract (extended to MITN members), for a two-year term at an annual estimated amount of \$200,000.

Roll call vote on CM 22-08-113

**Yeas: Staudt, Casey, Crawford, Fischer, Smith,
Gatt
Nays: None
Absent: Thomas**

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: None

AUDIENCE COMMENT: None

COMMITTEE REPORTS: None

MAYOR AND COUNCIL ISSUES: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:23 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: September 12, 2022