

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, APRIL 17, 2023 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, (absent, excused) Fischer, Smith, Thomas

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

APPROVAL OF AGENDA:

Member Fischer added to Mayor and Council Issues "Residential Zoning Ordinance".

CM 23-04-047 Moved by Fischer, seconded by Casey; MOTION CARRIED: 6-0

To approve the Agenda as amended.

Roll call vote on CM 23-04-047 **Yeas: Staudt, Casey, Fischer, Smith, Thomas, Gatt**
Nays: None
Absent: Crawford

PUBLIC HEARINGS: None

PRESENTATIONS:

1. Proclamation for Arbor Day 2023, April 28, 2023 - City Forester Keith Salowich

Mayor Gatt read the Proclamation for Arbor Day 2023, April 28, 2023. He gave the Proclamation to City Forester Keith Salowich and asked him to display it in a prominent place. Mayor Gatt handed over the microphone to Mr. Salowich for comments.

City Forester Salowich spoke briefly on the Arbor Day event we have coming up in two weeks as the Mayor stated previously at the Wildlife Woods Park on April 28, at 5:00 P.M. He said we are also celebrating Earth Day, which is this Friday, April 21 by giving away some seedlings that we ordered. He noted they ordered 1500 of them, they are giving away to 220 residents that signed up to help them bolster that urban tree canopy here in Novi. He commented that there are a couple of great events coming up and he hoped to see some people there.

2. Proclamation for National Library Week, April 23 - 29, 2023

Mayor Gatt invited Library Director Julie Farkas and Vice President Kat Dooley up to the podium for the next Proclamation. He read the Proclamation for National Library Work Week 2023, April 23 through April 29. He encouraged the residents to visit the Library to explore the wealth of resources available. He thanked Director Farkas for everything that

you and your staff do. He asked that she display the Proclamation in a prominent place. He said the microphone was hers.

Library Director Farkas said she was joined by their Vice President Kat Dooley; she thanked her for joining them that evening. She invited Mayor Gatt and Councilmembers to some of the festivities that are going on at the Library beginning April 23. She asked if you could join them this Sunday, which will be a kickoff for a concert at 2:00 P.M. She noted that the Friends of the Library will be unveiling a beautiful Giving Tree, which is an opportunity not only for art, but also for you to donate to the Library and support the Library. She said they will also have a tiny Art Show. She said they have two display cases on the first and second floor. She stated this is artwork that has been done by many community members, right in Novi and you will get a chance to view the art through the month of April. She commented that their theme is "There's More to the Story". She said there are so many amazing stories in our collection, to meet the needs and wants of our community. She hoped people continue to want to use and visit the Library. She appreciated the support from the Mayor and City Council that they have received over the years. She said they truly enjoyed serving the community of Novi. She gave a huge shout out to the Library Staff, the Library Board and the Friends of the Novi Library who are just without them, we would not be who we are. She thanked everyone for their time that evening.

Mayor Gatt commented without them, you would not be who you are. He said without the Library, Novi would not be what it is. He stated the Novi Library is a claim that wherever he goes, people want to talk about lots of things about Novi, but the Library is always one of the first things that come up. He thanked her for all her hard work. Thank you for what you do and what your Board does. He let her know that they were there to help them.

MANAGER/STAFF REPORT: None

ATTORNEY REPORT: None

AUDIENCE COMMENTS:

Joe Bertera, 130 Rexton, Novi in Lake Wall Subdivision. He was there to talk about the Lakefront Protection Ordinance that is trying to be enforced on their subdivision. He wanted to talk about himself that evening and why he moved to Novi 25 years ago. He said when he was looking for his first house, he had a boat and he wanted to live in a subdivision where he could put his boat on the water. He thought Lake Wall Subdivision was the perfect location. He said it was close to where he worked at the time, and where he grew up in Livonia. He said Novi is a great location and he felt he was 20 minutes from everywhere. He thought Novi was a great city from an aspect as far as location and all those kinds of things. He settled here, bought his first little house, a 900 square foot on Rexton Street. He got married, had a bigger family, and bought the house directly across the street at 130 Rexton Street. He lives across the street from his old house where he originally moved here, and enjoyed his boat, his neighbors, and the neighborhood for all these years. He commented that his son is 14 years old, and he wants to get his boater safety card and learn now to drive the boat. He stated the problem they have now is

after 37 years of this Lakefront Protection Ordinance existing, the City wants to tear out the fabric of their neighborhood by making them take this dock out and enforcing an ordinance that has not been enforced for almost 40 years. He believed it was never meant for their subdivision which he displayed in previous exhibits that he presented to City Council. He thought what the City was doing here was unfair. He believed there is a way to work this out in a different manner than extensive litigation and costing the taxpayers hundreds of thousands of dollars. He said if this was happening in any one of your neighborhoods, you could easily make a motion, and easily put it on the Agenda, like you put Moe's on the Agenda last week Mayor Gatt, because the business is down, or when the tree limbs came down, then you had the cleanup on the trees, and he read back in 2019 when the power was going out, you directed the city manager at the time to investigate DTE and why the power kept going out. He believed Council had the power to control what is happening in your neighborhood.

Karyn Chopjan, 23991 Seminole Ct., Novi thanked the Mayor and City Council for giving her this opportunity to speak. She stated for the past two years per the Armenian community's request, the City of Novi has been issuing a Proclamation to mark April 24 as Armenian Genocide Remembrance Day in Novi, and she wanted to thank you for that. She noted that she was aware that the community requested such a Proclamation this year as well, but the City of Novi did not issue it yet. She wanted to inquire about that reason. She stated this Proclamation is important for their community considering current events in Armenia, and Artsakh, where the ethnic cleansing of the Armenian's is still going on. She stated it has been more than four months that Azerbaijan is completely blockaded the only road that connects Artsakh to Armenia, and the rest of the world where 120,000 Armenians are held hostage by Azerbaijan, facing another threat of genocide. She said the humanitarian crisis is worsening every day as the shortage of food and life saving medication is increasing. She said for this reason, it is important to acknowledge the past crimes to prevent it from happening again. She proclaimed this is a human rights issue that affects everyone. She stated many descendants of the 1915 Armenian Genocide are residents of Novi and now are watching their brothers and sisters facing another genocide. She said we need our city to stand up by our community in Novi during this difficult time for the Armenians in Novi and all over the world. She emphasized this proclamation is important, it is a reminder for all of us a calamity like this can happen anywhere.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 23-04-048 Moved by Casey, seconded by Thomas; MOTION CARRIED: 6-0

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
 April 3, 2023 - Regular Meeting

- B. Approval of a Resolution to close Ten Mile Road from the Civic Center to Taft Road, and Taft Road from 10 Mile to south of Grand River Ave (26233 Taft Rd) for the Festival of Chariots from 11:30AM to 1:30PM on Sunday, July 23, 2023.
- C. Approval to award a sixty-three-month lease for multi-function copy equipment to Canon Solutions America through the OMNIA Partners National IPA cooperative purchasing agreement for \$17,410.92 annually. Subject to final review and approval of the contract form by the City Manager's Office and City Attorney.
- D. Approval of request for Pyrotechnics Display Permit by Brightmoor Christian Church to be operated by James Herr, on Tuesday, April 25 through Friday, April 28, 2023.
- E. Approval of Introduction of Ordinance 23-64.04, an ordinance to amend Chapter 2, Administration, Article V, Boards and Commissions, Division 2, Beautification Advisory Commission, Section 2-172., Composition. **SECOND READING.**
- F. Approval of a Resolution requesting that the State of Michigan Legislature/Governor include funding in the 2023 Budget for communities following pension best practices established by the State.
- G. Approval of a Resolution to close Meadowbrook Road from 25075 Meadowbrook to Ten Mile and close 10 Mile Road from Meadowbrook to Taft Rd for the 2023 Memorial Day Parade from 10:00 AM to 12 PM on Monday, May 29, 2023.
- H. Approval of claims and warrants – Warrant 1130

Roll call vote on CM 23-04-048

Yeas: Casey, Fischer, Smith, Thomas, Gatt, Staudt

Nays: None

Absent: Crawford

MATTERS FOR COUNCIL ACTION:

1. **Consideration of a request from Maples Hospitality, LLC for a new Class C quota license to be located at 31260 Wakefield Dr, Novi, MI 48377, and Agreement on the Prohibition on Profiteering by Class C Liquor License Holders.**

Interim City Manager Cardenas recalled that this applicant came before City Council back in December. He stated at that point, they were not ready yet for this request. They have been working with our City Staff diligently and Staff is recommending it now for approval as they have made significant progress with the County Health Department and other inspectors to get that in place for them to make a proper request as they are

right now. He believed the petitioner was present that evening and could answer any questions the City Council may have.

Mayor Gatt asked the petitioners to come down to the podium and mentioned if they wanted to address City Council they could, or they could just stand by for questions.

Member Fischer asked City Staff if they recalled the last time, we discussed this it did not feel like we were very far along in the planning stages, he asked Interim City Manager Cardenas if he or someone from Staff could come down and give a brief overview of what has transpired, for our consideration. Mr. Cardenas said Director Boulard was coming down to give an overview, as he mentioned earlier, due to the progress with the County and with the City Inspector, he said Director Boulard could explain it more eloquently. Member Fischer said where he was going with his question, as you know, we wanted to see some progress to make sure that the investments were being made, these liquor licenses we do not pick them off a tree, we get very few of them. He said we wanted to be very protective of them. He said we want to make sure that the license will stay in the community and that the investments are being made. He asked if he could address some of the concerns, they had the last time.

Community Development Director Boulard explained since these gentlemen were before you the last time, they have completed the design drawings for the kitchen fit out. He said those permit applications have been submitted and reviewed by the City and that work is underway. He stated they are currently working with our Planning team to address the rooftop screening, for the new rooftop unit that is being put on to feed the kitchen makeup air. He said they have gone through and gotten their approvals from the County Health Department and like the Community Development Department, the County would be ready to issue the approval as soon as the work is completed. He said they have made a lot of progress. Member Fischer thanked Mr. Boulard for the update. He asked if we were to approve this and given the process you are going through with the Building Department, when would you plan on opening. The petitioner responded that he hoped to open July 1st, if the liquor license transfers in time, July 1st was his opening day.

Member Fischer said his last question was for City Attorney Schultz. He felt like a broken record with this question. He said when we had in the past, an issuance of a liquor license, he recalled we wanted to rescind it when the Certificate of Occupancy never came through. He said this was on Novi Road in the downtown area. He asked if he could recall which liquor license he was talking about, and to help him understand what we can do to protect ourselves, if anything possible, in the instance where if something were to happen where they were not able to open, in a year, six months, or 18 months, whatever condition we wanted to put on it if that is something we are able to do or not. City Attorney Schultz stated we are not able to put that kind of condition on it, we can avail ourselves of the State Lottery, you know, opportunities to ask the State to revoke the license and we can pass a motion to do so here at the local level. He said we do require this anti profiteering agreement in case you know that the applicant wants to turn around

and sell the license to someone else. He stated you must take a leap of faith with the applicant when you grant that in a Class C Liquor License a little different than a transfer.

Member Fischer said the process that we went through last time of trying to go through the State and doing that, it would be the same thing we would have to do here. Okay, he said he was very happy to see the investment being made. He stated there has been a lot of resident concern about what was going to go into that area, there were other potential uses being considered and brought forward before Council. He mentioned the residents in that area wanted it to remain a restaurant and golf course area. He was impressed with what has transpired since our last meeting, and he said he would be in support of this approval that evening.

Mayor Pro Tem Staudt said he has been getting reports from their friends at the Maples. He said you fixed the pool up nicely; they were happy with that. He commented that it sounds like you are getting ready, or you have already blacktopped your parking lot. The petitioner said they are getting ready for that, we just cleaned it up right now, but they are getting ready for the blacktop in the parking lot. Mayor Pro Tem Staudt said he what he has heard from City Staff, and residents there has all been positive, which meant most importantly that you took our message to heart and did the things that they asked, so he was going to recommend approval of the request.

CM 23-04-049 Moved by Staudt, seconded by Fischer; MOTION CARRIED: 6-0

Approval of the request from Maples Hospitality, LLC for a new Class C quota license to be located at 31260 Wakefield Dr, Novi, MI 48377 and Agreement on the Prohibition on Profiteering by Class C Liquor License Holders because the premises was previously occupied by a similar business licensed to sell alcohol and such use is not incompatible with other uses in the area, the existing use will continue and has not adversely affected surrounding uses, because the use provides for a unique dining experience not otherwise available in the immediate area which includes a public golf course and a pool, and because the applicant appears to qualify for a license under the City's ordinance.

Roll call vote on CM 23-04-049

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

2. Consideration of approval to award Garland/DBS, Inc. \$284,882 for the roof restoration at Fire Station 4 using a competitively bid contract pricing under the Master Intergovernmental Cooperative Purchasing Agreements and Omnia Partners Public Sector Agreements and amend the budget.

CM 23-04-050 Moved by Casey, seconded by Thomas; MOTION CARRIED: 6-0

5. **Consideration of approval of the final balancing change order and the final payment to D.V.M. Utilities, Inc. for the Nine Mile Sanitary Relief Sewer project, in the amount of \$113,204.29 and \$303,009.74, respectively, plus interest earned on retainage.**

Interim City Manager Cardenas commented that this is the final pay and then we are done.

CM 23-04-053 **Moved by Thomas, seconded by Smith; MOTION CARRIED: 6-0**

Approval of the final balancing change order and the final payment to D.V.M. Utilities, Inc. for the Nine Mile Sanitary Relief Sewer project, in the amount of \$113,204.29 and \$303,009.74, respectively, plus interest earned on retainage.

Roll call vote on CM 23-04-053 **Yeas: Staudt, Casey, Fischer, Smith, Thomas,
Gatt,
Nays: None
Absent: Crawford**

6. **Approval of resolution to authorize Budget Amendment #2023-4.**

Interim City Manager Cardenas said as he communicated with the Council that this has been revised to denote the expenditures for the storm limp pickup is now under the General Fund Balance instead of the Tree Fund as we sent out earlier last week.

CM 23-04-054 **Moved by Smith, seconded by Fischer; MOTION CARRIED: 6-0**

Approval of resolution to authorize Budget Amendment #2023-4

Roll call vote on CM 23-04-054 **Yeas: Casey, Fischer, Smith, Thomas, Gatt,
Staudt
Nays: None
Absent: Crawford**

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: None

AUDIENCE COMMENT:

Joe Bertera, 130 Rexton, Novi in the Lake Wall Subdivision said he was there to talk about the Lakefront Protection Ordinance again. He said it was perfect that they were here talking about putting in a bar over at the Maples of Novi because that was part of his preparation for that evening. He stated the Lakefront Protection Ordinance, perhaps there was a day when this ordinance was needed in Novi. He said in 1986 when this new ordinance was written the City of Novi had 22,000 residents. He commented that it was not fully developed around Walled Lake. Now we are 37 years later, and 66,000 residents and everything is fully developed around Walled Lake at this point. He said maybe then

the ordinance was needed, but now, not so much due to the development that has happened. He said now the ordinance is trying to be used for something against our subdivision that it was not meant to be used for. He stated let's not forget history, there was a time in the United States where they passed prohibition in 1919, which was the same time our subdivision was platted. He said that eliminated all liquor sales in the United States. He said currently half of Novi is now bars, restaurants, and everything else that sells liquor, and that is part of what brings money into Novi, right. He said he was sure any one of you enjoy a glass of wine during dinner or drink with friends or whatever the case may be. He said eventually, the United States realized that the prohibition law was wrong, correct. He said it lasted for 13 or 14 years. He said all it did was bring in bootleggers and illegal sales and everything else. He said they repealed prohibition in the early 1930's. He said what they are asking for is for Council to repeal the Lakefront Protection Ordinance, or at least an amendment to grandfather in our 104-year-old subdivision, it just doesn't serve the purpose that it was supposed to, the City is fully developed. He said let's not forget the other history of the City of Novi, back in the early 2000's anybody who lived here, you would remember Sandstone. He said what a debacle that was where the City Council made a bunch of decisions. He said it ended costing the City \$70 million dollars and almost bankrupt this entire city in the early 2000's. He said it was based on decisions that the City Council made blocking roads, not getting it done. He stated they ended up giving 95 acres of land to satisfy this \$70 million dollar settlement. He said what he was saying is there needs to be an amendment to this ordinance to save our subdivision this to save their property values. He said you know, there are times for certain things in history, and there are times for them to be taken away, just like prohibition was taken away. He said this ordinance needs to be amended or repealed for residents that have been here this long.

COMMITTEE REPORTS: None

MAYOR AND COUNCIL ISSUES:

Member Fischer added "Residential Zoning Ordinance" to Mayor and Council Issues. He said he would keep it brief or try too anyway. He mentioned he has been contacted by a resident who has had some issues in their subdivision where it appears that there are businesses being run out of homes, and it appears that there are quite a few cars being parked in the area. He said you know, as usual, he turns those types of requests over to the City Staff as they are the best to handle those. He thought that process is still ongoing, but he thought that the time is prudent for in this situation for this to be referred to the Ordinance Review Committee, jut to take a look at, you know, what does our current ordinance talk about as far as businesses and what can be allowed in a residential area, as well as some of the parking, maybe benchmark some of the other cities and see what they do in these similar regards.

CM 23-04-055

Moved by Fischer, seconded by Casey; MOTION CARRIED: 6-0

To direct City Staff and the City Attorney to review businesses operating from residential homes and have the Ordinance Review

Committee review the topic to determine if any ordinances needed to be amended.

Mayor Pro Tem Staudt commented that one of the things as a Homeowners Association officer is that many of the Homeowners Associations have covenants that also deal with these issues. He said one of them is the one he was most familiar with was Village Oaks, where he lives. He stated there are specific prohibitions about having commercial vehicles parked for any period. He said it may be a combination of things, not only what we can do as a city, but also what Homeowners Associations can do and letting them know what the process to do that is, so he was very interested in hearing this discussion.

Roll call vote on CM 23-04-055

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

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:33 P.M.



Cortney Hanson, City Clerk



Robert J. Gatt, Mayor



Transcribed by Deborah S. Aubry

Date approved: May 8, 2023