

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JUNE 20, 2011 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

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

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Landry – absent/excused, Mayor Pro Tem Gatt, Council Members Fischer, Margolis, Mutch, Staudt, Wrobel

APPROVAL OF AGENDA

CM-11-06-085 Moved by Fischer, seconded by Margolis; CARRIED UNANIMOUSLY:

To approve the Agenda as presented

Roll call vote on CM-11-06-85	Yeas: Gatt, Fischer, Margolis, Mutch, Staudt, Wrobel
	Nays: None
	Absent: Landry

PUBLIC HEARING – None

PRESENTATIONS

1. City of Novi awarded the Charlemagne Award – David Schuler, President – Michigan Association of Code Enforcement Officers

Mayor Pro Tem Gatt said the award was presented by the Michigan Association of Code Enforcement Officers annually to one community in recognition of dedication to the organization and a commitment to code enforcement issues.

David Schuler, President – Michigan Association of Code Enforcement Officers, presented the award.

Maureen Underhill said the award would be published in the Novi News so the community would be aware of how much support they were given.

2. Proclamation for Recognition of Recreation and Parks for the month of July 2011 – Jason Mangum, Parks, Recreation and Cultural Services Director

Mayor Pro Tem Gatt presented the presentation to Jason Mangum.

Mr. Mangum said July was designated as Parks and Recreation month since 1985 and this year was specifically unique because there were 5 Fridays, 5 Saturdays and 5 Sundays in the month of July. He issued a challenge to get out to 5 different parks, open spaces or trails in celebration of Parks and Recreation month.

3. Novi Public Library Summer Reading Program – Laura Liddicoat

Mayor Pro Tem Gatt said the Novi Public Library Summer Reading Program began. It provided the opportunity for people of all ages to engage in interactive, educational and fun programs in the brand new Library.

Ms. Liddicoat invited everyone to the Summer Reading Program. She said it consisted of summer reading games and summer reading programs. She said there were 4 separate games that accommodated all ages. She said the program ran from June 20th through August 6th. She said people could track the amount they read online or at the Novi Public Library and there were different prizes given out for different amounts of reading. She said one of their programs was the Terrific Tuesday program in partnership with Parks, Recreation and Cultural Services and the Sizzling Summer Art Series. The first program, Cirque Amongus, was on June 21st at 10:30am at the Fuerst Park and was family friendly entertainment for everyone. She said there would also be story times, music, puppet, magic and science shows, crafts, movies, interactive theater and lots of games throughout the summer. She said on June 22nd at 11:00am and 7:00pm on the Library Patio was the Friends around the World program with Kevin Kammeraad. She said there were also Summer Reading Programs for teens and tweens including a Tie-Dye Day, a Ring of Steel Program and a Harry Potter Program. She said for adults they had Travelogue in Jazz, Singing the Old Songs Again and the HarmonyTown Barber Shop Chorus.

REPORTS:

- 1. MANAGER/STAFF – None**
- 2. ATTORNEY - None**

AUDIENCE COMMENT – None

CONSENT AGENDA REMOVALS AND APPROVALS (See items A-N)

CM-11-06-086 Moved by Gatt, seconded by Fischer; CARRIED UNANIMOUSLY:

To approve the Consent Agenda as presented

Roll call vote on CM-11-06-086 **Yeas: Fischer, Margolis, Mutch, Staudt,
Wrobel, Gatt**
Nays: None
Absent: Landry

- A. Approve Minutes of:**
 - 1. June 6, 2011 – Regular meeting**
- B. Approval to extend the 2010 heating, ventilation, and air conditioning (HVAC) services contract (an annual contract with two renewal options) with R.W. Mead**

& Sons, Inc. for one year based on the same terms, conditions and pricing as the original contract at an estimated amount of \$64,000.

- C. Approval of the Final Payment to Serv-Ice Refrigeration, Inc. for the Energy Efficiency Improvement Project at the Novi Ice Arena, in the amount of \$53,960.
- D. Approval to award the first one-year renewal for the towing contract to Hadley's Towing and Keford Towing based on the same terms and conditions as the original 2010 contract to function on a rotating basis with an effective date of July 1, 2011.
- E. Approval of a Preliminary Engineering Agreement with CSX Transportation, Inc. for the review of the portion of the Ten Mile Road Pathway project (CSX Railroad to Catherine Industrial Road) located within the CSX railroad right-of-way at an estimated cost of \$6,500.
- F. Approval to Participate in Oakland County's Urban County Community Development Block Grant Program for the years 2012, 2013 and 2014.
- G. Approval to award an amendment to the engineering services contract for construction engineering services related to the Meadowbrook Road Rehabilitation (Ten Mile to Cherry Hill) project to URS Corporation, in the amount of \$41,392.
- H. Approval to award Sanitary Sewer Cleaning services to Metro Environmental Services, Inc. for annual sewer cleaning for 2011-2012 at an estimated amount of \$55,000, subject to contract pricing.
- I. Approval to purchase Microsoft Office software licensing from CDW-G, per the GSA contract GS-35F-0195J, in the amount of \$46,638.81.
- J. Approval to amend the authorized contract amount related to the cost sharing agreement with Michigan Department of Transportation (MDOT) for the M-5 Non-Motorized Pathway Project (13 Mile to 14 Mile Road) from \$24,400 to an estimated final amount of \$29,206, which represents 2.25% of final project costs per the agreement with MDOT.
- K. Approval to award an amendment to the engineering services contract for construction engineering services related to the Cranbrooke Drive Bridge Repair project to URS Corporation, in the amount of \$29,132.
- L. Approval of the Final Payment to Rauhorn Electric, Inc. for the Energy Efficiency and Conservation Block Grant (EECBG) lighting retrofits and improvements in the amount of \$11,611.50.
- M. Approval of the revised *City of Novi Investment Policy* (updated List of Financial Institutions ONLY).

N. Approval of Claims and Accounts – Warrant No. 846

MATTERS FOR COUNCIL ACTION – Part I

1. **Approval of Diamond Jim Brady's of Novi, Inc. to transfer location of 2011 Resort Class C Licensed Business issued under MCL 436.1531(2) from 26053 Town Center, Novi, MI 48375, Oakland County to 43271 Crescent, Novi, MI 48375, Oakland County.**

Mr. Pearson said the staff saw no reason to deny the application for transfer.

CM-11-06-087 Moved by Margolis, seconded by Fischer; CARRIED UNANIMOUSLY:

To approve Diamond Jim Brady's of Novi, Inc. to transfer location of 2011 Resort Class C Licensed Business issued under MCL 436.1531(2) from 26053 Town Center, Novi, MI 48375, Oakland County to 43271 Crescent, Novi, MI 48375, Oakland County

Roll call vote on CM-11-06-087

Yeas: Margolis, Mutch, Staudt, Wrobel, Gatt, Fischer

Nays: None

Absent: Landry

2. **Consideration of request to waive Liquor License Application fee for the location transfer of Diamond Jim Brady's of Novi, Inc. to 43271 Crescent, Novi, MI 48375.**

Mr. Pearson said it was a request from the applicant and was a policy decision for Council to make.

Member Wrobel asked if the transfer was being requested because of the change in address.

Mr. Pearson said anytime there was a change in address or ownership it triggered a review.

Member Margolis said changes happened on a somewhat regular basis and she was concerned about setting a precedent.

Member Mutch said last time the applicant submitted a change was in October 2010 for a change in ownership. He was inclined to grant the request because the circumstances presented were fairly unique and easy to distinguish from other requests that might come forward. He said he felt Council had the authority to grant the request of such a waiver, provided it met their criteria. He said it was a unique situation; it was an existing business and the owner recently went through the review process and paid the typical fee to have the change in ownership reviewed by the City. He said they were relocating within the same commercial center in a building that previously had

the same type of use. He thought it was easy for them to separate that request from others that might come through with a change in actual ownership which required a very detailed review process by the Police Department or a new business going into a new development which required them to evaluate the issues from a building and zoning perspective.

CM-11-06-088 Moved by Mutch, seconded by Staudt; MOTION DENIED: 4 – 2

To grant the request to waive the Liquor License Application fee for the location transfer of Diamond Jim Brady's of Novi, Inc. to 43271 Crescent, Novi, MI 48375 for the following reasons:

- 1. The literal application of the substantive requirement would result in an exceptional practical difficulty to the applicant**
- 2. The waiver of the fee based on the previous payment of a fee in October 2010 covered the reviews the City had to complete and didn't substantially deviate from the performance that would be granted by the strict enforcement of the standards**
- 3. The granting of the waiver wouldn't be detrimental to the public health, safety or welfare, or injurious to adjoining or neighboring properties, nor contrary to the overall purpose and goals of the regulation in question.**

Member Margolis said she stumbled over the language stating that it would result in an exceptional practical difficulty to the applicant because a lot of people could say that. She also questioned the language that the alternative proposal be adequate for intended use. She asked if the amount of review the City had to do for this request was less because the City reviewed an application for ownership transfer in October.

Mr. Boulard said in terms of the Building review, it was a different location; therefore it would be a new project for them.

Chief Molloy said they did the same due diligence that they did in October.

Member Margolis said for those reasons she didn't think it met the standards they were looking for.

Member Wrobel said he wished the petitioners were there to answer questions. He said they were forced to move by the Town Center and because they were moving within the same center there should have been some negotiation with the Town Center Development to pick up any associated fees that could come with them being forced to move.

Member Fischer said he agreed with Member Wrobel. He said the City was being asked to forego a fee even though they had to go through the same amount of work. He didn't think the second point of the motion had been met.

Mayor Pro Tem Gatt said he couldn't support the motion because the City didn't force them to move. He added that he didn't feel it met the criteria.

Roll call vote on CM-11-06-088 Yeas: Mutch, Staudt
Nays: Wrobel, Gatt, Fischer, Margolis
Absent: Landry

CM-11-06-089 Moved by Fischer, seconded by Margolis; **CARRIED UNANIMOUSLY:**

To deny the request for the waiver of the Liquor License Application fee for the location transfer of Diamond Jim Brady's of Novi, Inc. to 43271 Crescent, Novi, MI 48375, given the fact that the conditions for the variance being granted were not met, in particular the part that the alternate proposed by the applicant would not be adequate for the intended use and the fact that the City staff had to complete the same amount of due diligence and because the petitioner had made a business decision to move within the same center.

Roll call vote on CM-11-06-089 Yeas: Staudt, Wrobel, Gatt, Fischer, Margolis, Mutch
Nays: None
Absent: Landry

3. **Approval of transfer ownership of 2010 Class C Licensed Business, located at 21091 Haggerty, Novi, MI 48375, Oakland County, from Brinker Michigan, Inc. (A Delaware Corporation) to OTB Acquisition LLC (A Delaware Limited Liability Company).**

Mr. Pearson said the transfer was for On the Border and the staff found no reason to deny the request.

CM-11-06-090 Moved by Margolis, seconded by Staudt; **CARRIED UNANIMOUSLY:**

To approve the transfer ownership of 2010 Class C Licensed Business, located at 21091 Haggerty, Novi, MI 48375, Oakland County, from Brinker Michigan, Inc. (A Delaware Corporation) to OTB Acquisition LLC (A Delaware Limited Liability Company)

Roll call vote on CM-11-06-090 Yeas: Wrobel, Gatt, Fischer, Margolis, Mutch, Staudt
Nays: None
Absent: Landry

4. **Approval to award a construction contract for the Cranbrooke Drive Bridge Repair project to Z Contractors, Inc., the low bidder, in the amount of \$202,177.**

CM-11-06-091 Moved by Staudt, seconded by Fischer; CARRIED UNANIMOUSLY:

To approve the award of a construction contract for the Cranbrooke Drive Bridge Repair project to Z Contractors, Inc., the low bidder, in the amount of \$202,177

Roll call vote on CM-11-06-091 Yeas: Gatt, Fischer, Margolis, Mutch, Staudt, Wrobel
Nays: None
Absent: Landry

5. Approval of resolution to authorize Budget Amendment #2011-4.

Mr. Pearson said it codified what Council saw in the budget process in terms of the current year and cleaned up some of the adjustments made.

CM-11-06-092 Moved by Margolis, seconded by Staudt; CARRIED UNANIMOUSLY:

To approve the resolution to authorize Budget Amendment #2011-4

Roll call vote on CM-11-06-092 Yeas: Fischer, Margolis, Mutch, Staudt, Wrobel, Gatt
Nays: None
Absent: Landry

AUDIENCE COMMENT – None

MATTERS FOR COUNCIL ACTION – Part II – None

COMMITTEE REPORTS – None

MAYOR AND COUNCIL ISSUES – None

COMMUNICATIONS – None

AUDIENCE COMMENT – None

ADJOURNMENT

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

Robert Gatt, Mayor Pro Tem

Cortney Hanson, Deputy City Clerk

Transcribed by Natalie Laitinen

Date approved: July 11, 2011