

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, AUGUST 10, 2015 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 Casey, Markham, Mutch, Poupard, Wrobel

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

APPROVAL OF AGENDA:

CM 15-08-110 Moved by Casey, seconded by Poupard; CARRIED UNANIMOUSLY:

To approve the Agenda as amended to add item 1. The use of City funds for protection of natural areas under Mayor and Council issues.

Roll call vote on CM 15-08-110

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

PUBLIC HEARING – None

PRESENTATIONS – None

REPORTS:

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

AUDIENCE COMMENT – None

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 15-08-111 Moved by Staudt, seconded by Poupard; CARRIED UNANIMOUSLY:

To approve the Consent Agenda as amended to remove item K. for Mayor and Council Action.

- A. Approve Minutes of:
 1. July 27, 2015 – Regular meeting

- B. Approval of appointment of Judy Reedy (Employee Delegate) and Stephanie Schuetzler (Officer Delegate) as the 2015 City of Novi representatives to attend the Annual Municipal Employees Retirement System (MERS) Conference to be held October 8 - October 9, 2015.
- C. Approval of Ordinance No. 15-183, an Ordinance to amend the City of Novi Code of Ordinances, at Chapter 21, "Nuisances," Article II, "Related to Property," Division 8, "Refuse Collection," in order to further limit the hours for refuse collection in residentially zoned districts and to add a new Section 21-147, stating that the penalty for violation of the division shall be a civil infraction, rather than a misdemeanor. **SECOND READING**
- D. Approval of Ordinance No.15-184 an Ordinance to amend the City of Novi Code of Ordinances, at Chapter 16, "Garbage and Refuse," to add Article IV, "Collection, Recycling and Disposal," to provide for future collection of solid waste from residential premises pursuant to a contract with a designated waste hauler, to provide standards and specifications for the services to be provided, to provide for the administration of a solid waste program, and to provide penalties for failure to comply. **SECOND READING**
- E. Approval to award bid for the purchase of two (2) thermal imaging cameras for the Novi Fire Department from Douglass Safety Systems, the lowest bidder, for \$15,400.
- F. Approval to award an amendment to the engineering services agreement with Spalding DeDecker Associates for additional design engineering services for the Nine Mile Road Rehabilitation (Meadowbrook to Novi) in the amount of \$13,980.
- G. Approval to purchase an unmarked vehicle from Varsity Lincoln, Novi, Michigan for the Novi Police Department in the amount of \$20,546, based on the lowest quote and to amend the budget.
- H. Approval of a Storm Drainage Facility Maintenance Easement Agreement from BCP Novi, LLC and STAG Novi 2, LLC, as part of the American Tire Distributors site located at 25250 Regency Drive (parcel 22-24-276-023).
- I. Approval of a resolution authorizing termination of a portion of an existing sanitary sewer easement (recorded at Liber 42324, Page 233 Oakland County Records) at the request Sun Valley, LTD., as part of the Buffalo Wild Wings Sanitary Sewer Relocation project located at 44375 Twelve Mile Road (parcel 22-15-200-110).
- J. Approval to award engineering design services to Orchard, Hiltz & McCliment for the Karim Boulevard Reconstruction project in the amount of \$63,881.

K. Approval to award engineering design services to Orchard, Hiltz & McCliment for the Novi Public Library Entrance Widening project in the amount of \$6,228.
REMOVED AND LATER APPROVED.

L. Approval of Claims and Accounts – Warrant No. 945

Roll call vote on CM 15-08-111

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

Nays: None

MATTERS FOR COUNCIL ACTION

1. Approval to award engineering design services to URS Corporation for the Crescent Boulevard Reconstruction (Town Center to Novi Road) project in the amount of \$131,863.

Member Wrobel noted that based on the timeline, the road repair will not start until Spring/Summer of next year. He asked Rob Hayes, Director of Public Services if there were any plans to repair the road in the interim. Mr. Hayes said they looked at the option of placing a thin overlay of asphalt on the two entrances, but the cost was about \$36,000 and it didn't make a lot of sense because it will not last long. The typical patching efforts will be more aggressive in the interim.

CM 15-08-112

Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY:

To approve an award for engineering design services to URS Corporation for the Crescent Boulevard Reconstruction (Town Center to Novi Road) project in the amount of \$131,863.

Roll call vote on CM 15-08-112

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

Nays: None

2. Consideration of Ordinance No. 15-99.16, an ordinance to amend the City of Novi Code of Ordinances, Chapter 15, Fire Protection and Prevention, to adopt the International Fire Code, 2012 Edition, by reference with certain amendments.
FIRST READING

Member Mutch commented on section 307 which deals with open burning and recreational fires. There is some language in it that the City staff asked to have added that deals with making some specific provisions for the City of Novi. He knew one of the items that were requested from residents and homeowner's associations was dealing

with the process for burning vegetation when they are trying to recreate native landscape. It wasn't clear to him whether it was permitted or not permitted and if it was permitted, what were the steps to be able to get permission to do it. He researched and found a couple of communities that had added some language in that section to address the issue by putting in a permit process. He was looking whether that section is the appropriate section to have some clarification on that issue. He said that the issue has come up in the past and will come up in the future. City Attorney Schultz said that kind of natural burn is not permitted under the code or under the amendments under section 307. It would be a policy question as to whether or not the rule would be changed, but it is not being proposed in this draft. Member Mutch said he was looking for more clarification because what he read online was directly from the IFC and it was their interpretation of the language in the 2012 code. He said the City and their interpretations differ. He would like more clarification. City Manager Auger said staff is currently researching prescribed burns because they had a few requests last year. There may be a policy change brought forward to the Ordinance Review Committee as soon as they get all the information back.

CM 15-08-113 Moved by Mutch, seconded by Casey; CARRIED UNANIMOUSLY:

To approve consideration of Ordinance No. 15-99.16, an ordinance to amend the City of Novi Code of Ordinances, Chapter 15, Fire Protection and Prevention, to adopt the International Fire Code, 2012 Edition, by reference with certain amendments. FIRST READING

Roll call vote on CM 15-08-113

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

Nays: None

AUDIENCE COMMENT:

Drew Lathin, 24291 Homestead Ct., spoke on the issue of prescribed burning because he had asked to be able to do that. He said burning was a natural process that has been suppressed with development. There are a lot of cities that permit it in the State of Michigan. He thought Detroit, Ann Arbor, Ypsilanti, Lansing, Grand Rapids and Saginaw where burning is allowed. He felt it was safe and effective.

COMMITTEE REPORTS – None

MAYOR AND COUNCIL ISSUES:

1. Use of City funds for protection of natural areas.

Member Markham said there have been a couple of developments that have come before Council recently where there were large stands of regulated trees and because many of the trees are scheduled to be removed from the sites, there will be a lot of money committed to the tree fund by the developers. She noted right now the City is in strong financial condition with about \$600,000 specifically designated for the tree fund. She cited the woodland ordinance. She thought now was a good time to see if there are other natural features that should be protected. She suggested using the tree fund to protect existing quality natural woodlands. She explained it falls in the category of enhancement as stated in the woodlands ordinance and it is also consistent with Council's stated goals to acquire additional parkland. Residents say they like Novi because of the integrated natural beauty in the landscape. Many residents live close to woodlands, wetlands and other natural areas because previous Councils and Planning Commissions used planning tools and funding sources to protect those areas. She would like Council to consider protecting more of Novi's natural beauty before it is too late.

Member Poupard asked if there were any specific areas that needed to be protected and how much money would be used. It sounded like a noble concept but details were necessary to make a decision. She would be concerned about questions that needed to be answered such as if it would stop development or if it would create blocks that are then closed for other opportunities. She would need a lot more information.

Member Casey saw this as an opportunity to be innovative to see what options may exist if Council were to look into this further. She thought this may be something staff could look at and make a recommendation on to see if there was something the City could do to prevent large woodlands from being torn down as this may be helpful to the developer, as well as, the City.

Member Mutch thought having developers who take out high quality woodlands and then give the City money to plant trees was not productive. If there were opportunities and resources in place to allow the City to proactively protect high quality trees, he thought that was what Member Casey was promoting. If there were places in the City where there are high quality natural resources, it would make sense to protect them rather than developing them. He didn't have any concerns there would be a situation where there was a lack of developable land in Novi. There is a lot of vacant land available. We are getting close to a build-out, but there are a lot of areas in Novi that can be developed. Staff can identify locations where that is the case for the long term benefit of residents and Community. He believes in being proactive by protecting areas of high quality woodlands before the projects come before Council. He would like them to explore the possibilities. He agrees the tree fund has a significant balance now. He believes it is the purpose of the tree fund to protect trees and is the goal of the woodland ordinance. He would like the City to make a concerted effort to protect trees elsewhere in the Community. He feels Council was trying to strike a balance. He thinks it will pay off in the long run to the benefit of the Community and would like it explored further.

Mayor Pro Tem Staudt said the fund balance is the \$7-8 million.

Member Markham noted we have a healthy fund balance in tree fund.

Mayor Pro Tem Staudt said there has been discussion while being on the Parks Commission and Council to purchase land with tree fund money and there was never an adequate balance to consider it because the balance fluctuates. He had asked staff to provide a list of current projects in process, but there isn't a lot for money coming in the future. Most of the projects are using potential tree fund money to replant within the development. If we could find some good areas that aren't developable, but have stands of healthy trees, maybe, but using Ten Mile and Beck isn't a good example because it would have been difficult to purchase the land at a reasonable amount of money. He stated there would be a possibility of competing against the developer to drive the cost of land up to preserve trees.

Mayor Gatt noted the tree ordinance has been used for things other than buying or replacing trees as we've bought equipment with the funds. He didn't think the Ten Mile and Beck area was a good example because we should not compete with developers and to try or attempt to stop development by buying a clump of trees. He didn't feel that residents would embrace the idea. He felt it is Council's role to strike a balance. About 20% of land in Novi is still open for building and that's where the attention would be focused. He believes tax revenue would be brought in by development which is good for the City and should not be stopped to buy a cluster of trees. For those looking to preserve natural areas it is fine, but not at the expense of the taxpayers who want to see the City flourish. He wouldn't be opposed to an internal study, but if the intention is to prohibit development then he would be opposed to that. The City has opened parks in the past few years and will continue to enhance the parks wherever possible.

Member Markham said her intention was not to offend anyone by citing a section of the ordinance. Her intent was to identify those areas that may be sensitive and important. If people know that they are moving into an area where they back up to woodlands, that is very important to residents. She didn't think protecting trees would stop development. She was looking for more creative thinking and keeping Novi one of the Communities that have worked hard to balance development and natural features.

CM 15-08-114 Moved by Markham, seconded by Casey; MOTION FAILED: 3-4

To approve a request for staff to identify potential natural areas, future parklands, and potential funding sources including the tree fund or drain fund to protect high quality woodlands and wetlands.

Mayor Pro Tem Staudt felt it was not an appropriate motion. He was looking for a suggestion to staff to put together some ideas, but this is unusual and he will not support it.

Member Mutch said they usually direct City Administration to formalize something of this nature. It is how Council gives direction to the City Manager and wasn't clear where the concern was. He felt there was a consensus that this was worth looking at. He didn't feel it should be limited to the tree fund. There are other resources and grants that can be pursued. Natural resources trust fund grants that are specifically designed to protect properties and it would make sense to move forward. He said Planning Commissioners felt frustrated when heated commentary has been directed to them about trees being removed. Last year, the City approved the removal of approximately 3,000 regulated trees. Planning Commissioners have asked for guidance concerning areas of development and areas that need to be protected. He felt they should be proactive and identify areas to prevent any discontent among residents from future development. This is an opportunity to take action without spending any monies.

Member Poupard likes that idea of thinking outside the box, being proactive, and looking at our natural resources with a fresh perspective. She was having difficulty with the identification of funding for it in a way that could lead them down to a different path. She thought if the motion failed, there could be a motion to identify it if there are segments of trees that can be looked at without combining it with the source of funding.

Mayor Gatt will not support the motion and noted they have directed City staff many times without an action or motion. He agreed with Member Poupard regarding not combining the request with funding sources. This could be discussed during budget sessions. He didn't think it was prudent to identify properties for placing restrictions on it.

Roll call vote on CM 15-08-114

Yeas: Mutch, Casey, Markham

Nays: Poupard, Wrobel, Gatt, Staudt

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION:

- K. Approval to award engineering design services to Orchard, Hiltz & McCliment for the Novi Public Library Entrance Widening project in the amount of \$6,228.

Member Mutch said he didn't have the opportunity to discuss this item at a previous Council meeting. He was concerned about the City being the only funding source for this project. The last Council meeting there was a budget amendment that came forward and explained that the Library operations are separate from City operations. He didn't see any funding coming from the Library. He agrees the entrance built for the new Library building doesn't work well but asked where is the Library's share of funding? Now that a solution has been identified, the Library should participate since it is their

property. He would like clarification about the direction this took. He wasn't sure if anyone wants to set this precedent.

City Manager Auger said it started as a three way project. They looked at all options and the school wasn't ready to participate with this option. It came back to City Council who decided to move the project forward. The Library has been involved in paying for the project, but didn't have the commitment at the time. The Library has committed now up to \$36,000 which would be a 50/50 split between the City and Library.

Member Mutch said it was what he was looking for and as long as there will be documentation at the final stage.

CM 15-08-115 Moved by Mutch, seconded by Casey; CARRIED UNANIMOUSLY:

To approve an award for engineering design services to Orchard, Hiltz & McCliment for the Novi Public Library Entrance Widening project in the amount of \$6,228.

Roll call vote on CM 15-08-115

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

Nays: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:38 P.M.

Maryanne Cornelius, City Clerk

Robert J. Gatt, Mayor

Transcribed by Jane Keller

Date approved: August 24, 2015