

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, APRIL 25, 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

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

APPROVAL OF AGENDA:

CM 22-04-045 Moved by Crawford, seconded by Casey; CARRIED UNANIMOUSLY

To approve the Agenda as presented.

Roll call vote on CM 22-04-045 **Yeas: Staudt, Casey, Crawford, Fischer, Smith, Thomas, Gatt**
Nays: None

PUBLIC HEARINGS: None

PRESENTATIONS:

1. Proclamation for Building Safety Month: May 2022

Mayor Gatt read the Proclamation for Building Safety Month: May 2022 and presented the Proclamation to Community Development Director Boulard so he could display the Proclamation and he turned the microphone over to Fire Chief Johnson.

Fire Chief Johnson said he was honored to be there with his co-worker, Charles Boulard, we have a great team, we work very hard to make sure all our buildings are safe, not only for fire prevention, but also that they are built correctly. He said Director Boulard and his team are wonderful. He commented that they looked forward to continuing our efforts to make sure that everyone out there is safe. He stated when we have Fire Prevention Week, he will make sure that Director Boulard is part of the team. He mentioned everyone should check their smoke detectors and make sure your carbon monoxide alarms are working. He thanked everyone very much.

Community Development Director Boulard thanked everyone. He said once buildings are constructed a lot of those systems such as smoke detectors, fire alarms, extinguishers, are dependent upon the occupants for maintenance. He said during Building Safety Month, we are going to do our best to remind people and educate them on the need to make sure those systems are up and working so that if anything does go wrong, we have the best possible outcome. Thank you.

Mayor Gatt said on behalf of the City Council and all the City Staff and 67,000 thankful residents of Novi, he wanted to tell them both Thank You for keeping everyone safe, because safety is everything. He said if our homes for persons are not safe, then nothing else really matters. He said on a personal note, John Martin came out to his house, and they fixed a fire smoke detector for him that he had trouble hooking up and that service is available to all residents and is free of charge. He wanted to thank them, and their men and women for keeping us safe. He thanked Community Development Director Boulard also. Thank you, Thank you. Thank you.

2. Proclamation for Arbor Day - April 29, 2022

Mayor Gatt asked PRCS Director Muck to come down to the podium to accept the Proclamation for Arbor Day, April 29, 2022. Mayor Gatt read the Proclamation and presented it to PRCS Director Muck.

PRCS Director Muck thanked Mayor Gatt. He recognized Forester Keith Salowich, who was spearheading the Arbor Day festivities this year. He said he has done an excellent job. He has had the pleasure of working with him multiple times throughout the year on plantings in our parks, he has a passion for his job. He said if Keith were there that evening, he would want him to thank City Council for your continued support of the forestry program. He mentioned that if you have a chance, to please come out to beautiful Pavilion Shore Park at 2:00 p.m. on Friday, to meet Keith and help us with planting some of our newest trees in that park. Thank you. Mayor Gatt thanked Jeff, on behalf of the City Council and all the members of our great community for the work that you and your team do. Thank you.

MANAGER/STAFF REPORT:

City Manager Auger wanted to bring City Council up to speed that he thought we were getting closer on how to celebrate and honor those who are currently in our armed services. He said we are looking at redoing the north entrance with more than just flags. He said it will be a change of landscape. He said when we get closer, he will bring you some display boards of what they are thing to keep City Council in the loop. Mayor Gatt thanked him very much for working on that special project.

ATTORNEY REPORT: None

AUDIENCE COMMENTS:

Remko Atteveld, 21975 Garfield Road, Northville said the issues with Garfield Lake and the Nine Mile sewer project dewatering has been well documented over the last couple of years. He stated tonight's packet includes an Agenda Item to recommend approval to award an engineering services contract to Spalding DeDecker to assess any permanent damages done to the Garfield Lake area. He said the document reads and he quoted "staff has not encountered any permanent damage to the Garfield Lake area." He said he was not sure what qualifies the staff to make that assessment without

the proper study, as nobody really knew the lake before the dewatering project or to the canal or lake banks. He was there to voice his concern about the selection of Spalding DeDecker as the consulting engineering firm. He stated that performing an independent study means selecting a company that has no current past or pending relationships with the City. While we do not question the professional qualifications to perform such an assessment from Spalding DeDecker, we do question the independence of Spalding DeDecker from the City. He stated a quick search easily turns up at least \$2 million in contracts awarded to Spalding DeDecker by the City of Novi. He said the packet conveniently shows a picture of the lake and its best current view, although lake levels continue to be 36 inches below normal, and the lake banks and canal continue to be devastated. He said they would like assurances that the residents most impacted by the changes in the lake are interviewed such as his family, the Allison family, and the Bullock family. He said they would also like to make sure the consulting firm as appropriate history and evidence of what the lake used to look like. He said Garfield Lake has been there for more than 40 years, and a little less than two years, that has all changed. He said they were happy to work with any of you on making sure all residents are satisfied, but they questioned whether Spalding DeDecker can give an unbiased recommendation given their long-term multimillion dollar business relationship with the City of Novi.

Jim Bullock, 22015 Garfield Road, Northville stated in the last two years, he has been in attendance for seven of these meeting, when he has spoken during Audience Comments, and it was all about Garfield Lake. He said he has also spent about \$500 on FOIA requests. He said he has read every single page of that and in his opinion after reading the information the only person that genuine support for them was Member Fischer. He said every single person that he has talked to has told him to either give up or go away, shut up, and don't post this on social media. He said they went to Channel 7 News, and during that interview, when they spoke to a City Official, one of the comments was "it is just aesthetics" He said if anyone had lived where they live, and someone did something like this to your property, he was sure as aesthetics would not be something that would be acceptable as a reason why we should not be upset. He said when he bought his property the water was blue, now it is orange, and he has asked for answers as to why this would happen. He said they have asked what the City would do to help us. He said they have been given the runaround. He said no one has helped them, no one has presented a plan to them. He said it has been over two years, they have been patient, maybe have not been the politest. He said over two years, they have been waiting for answers, they received nothing. He asked what have they done when they do not deserve some answers? It has been a very long time that he has been doing this and other than Member Fischer, no one has reached out to him and asked what they could do to help. If Council cared, why are they being ignored. He said anyone can get in touch with him, everyone knows his phone number and emails. He was open to talk to any one of you, please reach out, let's figure this out. Enough is enough, let's figure this out. Thank you.

CONSENT AGENDA REMOVALS AND APPROVALS:

Member Thomas removed Consent Agenda Item B for further discussion.

CM 22-04-046 Moved by Fischer, seconded by Gatt; CARRIED UNANIMOUSLY

To approve the Consent Agenda as amended without Consent Agenda Item B.

- A. Approve Minutes of:
 - 1 - April 6, 2022 - Special Meeting
 - 2 - April 11, 2022 - Regular Meeting
- B. Approval to award engineering services to Spalding DeDecker for the Garfield Lake Assessment, in the amount of \$17,550. **REMOVED/LATER APPROVED**
- C. Approval to award geotechnical services to Testing Engineers & Consultants (TEC) for a hydrogeologic study to aid in the design of the Sanitary Sewer Capacity Upgrade – Lanny's Influent & Drakes Bay Effluent project in the amount of \$29,400.
- D. Approval of a Michigan Department of Transportation Performance Resolution that authorizes the City of Novi to use state highway right of way for water and sewer replacement and maintenance within the I-96 right of way.
- E. Approval of a Resolution to close Grand River Avenue from the Suburban Collection Showplace to 45200 Grand River Avenue for the 2022 Michigan State Fair 5K Run from 8:00 AM to 9:15 AM on Saturday, September 3, 2022.
- F. Approval of the Beautification Commission's recommendation on the Neighborhood Entryway Enhancement Matching Grant Program to award the requested grant amount for the following neighborhoods upon successful completion of the entryway work depicted in the applications: Royal Crown Estates (\$5,000), Turtle Creek (\$3,801), Westmont Village (\$2,500), Beckenham (\$2,500) and Mirabella (\$3,871.31).
- G. Approval of a Resolution to close Meadowbrook Road from 25075 Meadowbrook to Ten Mile and close 10 Mile Road from Meadowbrook to the Civic Center at 45175 Ten Mile Road for the 2022 Memorial Day Parade from 10:00 AM to 12 PM on Monday, May 30, 2022.
- H. Approval of claims and warrants – Warrant 1106

Roll call vote on CM 22-04-046

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

MATTERS FOR COUNCIL ACTION:

Approval to award the construction contract for 2022 and 2023 Concrete Neighborhood Roads Program to Mattioli Cement Company LLC, the low-bidder, in the amount of \$2,309,088.50.

Roll call vote on CM 22-04-050 **Yeas: Thomas, Gatt, Staudt, Casey, Crawford, Fischer, Smith**
Nays: None

5. **Consideration of approval to award an hourly rate contract to Limb Walkers Tree & Snow, and CutMyTreeDown, the lowest bidders, for forestry services, in the estimated annual amount of \$354,912.50. The contract term is for one year with three one-year renewal options.**

CM 22-04-051 **Moved by Thomas, seconded by Smith; CARRIED UNANIMOUSLY**

Approval to award an hourly rate contract to Limb Walkers Tree & Snow, and CutMyTreeDown, the lowest bidders, for forestry services, in the estimated annual amount of \$354,912.50. The contract term is for one year with three one-year renewal options.

Roll call vote on CM 22-004-051 **Yeas: Gatt, Staudt, Casey, Crawford, Fischer Smith, Thomas**
Nays: None

6. **Consideration of approval of Change Order No. 3 to Merlo Construction Company's 2020 Pathways and ADA Program contract for the Meadowbrook Glens Sidewalk Repair Program project, in the amount of \$343,778.50.**

CM 22-04-052 **Moved by Fischer, seconded by Casey; CARRIED UNANIMOUSLY**

Approval of Change Order No. 3 to Merlo Construction Company's 2020 Pathways and ADA Program contract for the Meadowbrook Glens Sidewalk Repair Program project, in the amount of \$343,778.

Member Fischer said he wanted to thank staff for their efforts on this. He said this is a goal that City Council put forward to look at our sidewalks, figure out how we can maintain some of the older ones, some that are in a dilapidated condition. He knew that there were many public meetings and different things that the DPW did. He said they came up with a good solution here, proposed it to City Council. He thought it will be a good pilot for the Meadowbrook Glen's subdivision. He said it is budgeted to continue to invest in this maintenance in future years and he hoped that we could continue to do that. Thank you.

Roll call vote on CM 22-04-052

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

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION:

- B. Approval to award engineering services to Spalding DeDecker for the Garfield Lake Assessment, in the amount of \$17,550.

Member Thomas said originally when she looked at this, she thought that it made sense that we were having someone go out and assess the lake to make sure that it could be restored to its proper format, or that the way that areas was prior to the changes in the sanitary sewer project. She thought that was a good step in the right direction. She commented based on the feedback that we have from our community, she did not believe there was anything untoward going on, but she thought that part of City Council's job is to make sure that we have the support and that our community believes in us and the work that we are doing. She was curious to know if there are other possible companies that we could get to investigate this and if we had other bids that we could move forward with. She wanted to know if there are other options that are available to the City.

CM 22-04-053

Moved by Thomas, seconded by Casey; MOTION FAILED: 2-5

Approval to have staff review this to see if there are other options that could be presented to City Council.

Member Fischer asked either City Manager Auger, or DPW Director Herczeg what the normal purchasing bid process was. He said he believed that a contract of this size, the City followed the normal purchasing process in doing this. DPW Director Herczeg said \$15,000 is the threshold that we can approve administratively. He stated we have three pre-approved professional engineering consulting firms, Spalding DeDecker was one of those firms. He said that it exceeded the \$15,000 threshold, and that is why you are seeing it in front of you. He stated that they are a professional engineer, just like the other two that are pre-approved by the City Council, bound by, their organizations to report correctly. He said the other alternative would be to go out for an RFP, which will take a considerable amount of time, given the small scope, that specific scope, he did not think it would garner much interest, and it could potentially cost significantly more. He recommended sticking with Spalding DeDecker. Member Fischer said that was his next question, he asked about the timing of doing that process. He wondered if we were talking about delaying this, one month, two months, three months. He wondered what the normal process was. DPW Director Herczeg said you get an RFP together, maybe a few weeks to a month, or more. Member Fischer said he was very sympathetic to the speaker earlier this evening, we need to move forward with doing an assessment. He thought that any delay in doing that was a disservice to those residents. He said we have worked with Spalding DeDecker for a long time, and he found them to be a very

professional company. He also found our staff to be very professional. He commented that we are talking about an assessment that would come back to City Council as we could then make decisions on what needed to be improved. He stated that if we do not like the answer from Spalding DeDecker then we could also at that time potentially look at a different firm or whatever else. DPW Director Herczeg agreed with that statement. Member Fischer said he would not be in support of delaying this. He said he would like to get this highly rated professional company out as soon as possible to start the business of trying to help these residents out. Member Fischer mentioned comments that were made previously regarding interviews, as part of this process, meeting with the residents and he said reading the packet item it appeared to him that is exactly what they are planning on doing, everything that was mentioned by the residents that spoke that evening. DPW Director Herczeg said that was correct, that is the direction we've given Spaulding DeDecker. Member Fischer said given all that, he did not see why we would delay this, and he will not be supporting the motion to delay.

Member Casey said she was going to ask the same questions that Member Fischer asked, she had no further comments.

Mayor Gatt asked DPW Director Herczeg if he or the City had any reason to doubt Spalding DeDecker in their work in this matter. DPW Director Herczeg said no.

Member Thomas said that she and the rest of City Council have no doubts in the ability of our teams within the City or the ability to select an appropriate firm. She indicated that it was the public's confidence that was her concern.

Roll call vote on CM 22-04-053

Yeas: Casey, Thomas

Nays: Crawford, Fischer, Smith, Gatt, Staudt

CM 22-04-054

Moved by Fischer, seconded by Gatt; MOTION CARRIED: 5-2

Approval to award engineering services to Spalding DeDecker for the Garfield Lake Assessment, in the amount of \$17,550.

Roll call vote on CM 22-04-054

Yeas: Crawford, Fischer, Smith, Gatt, Staudt

Nays: Thomas, Casey

AUDIENCE COMMENT: None

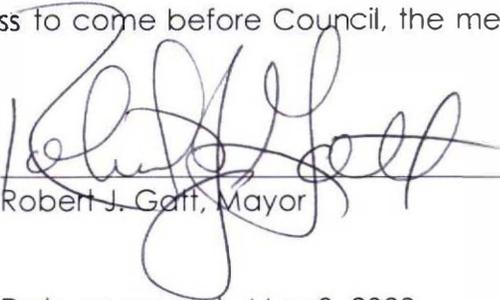
COMMITTEE REPORTS: None

MAYOR AND COUNCIL ISSUES: None

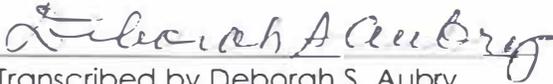
ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:29 P.M.



Cortney Hanson, City Clerk



Robert J. Gaff, Mayor



Transcribed by Deborah S. Aubry

Date approved: May 9, 2022