

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, SEPTEMBER 25, 2017 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 Burke, Casey, Markham, Mutch, Wrobel

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

APPROVAL OF AGENDA:

Mayor Pro Tem Staudt said he would like to add to Mayor and Council Issues – “Interviews for Legal Firms”.

CM 17-09-141 Moved by Casey, seconded by Burke; CARRIED UNANIMOUSLY

To approve the Agenda as amended.

Roll call vote on CM 17-09-141 **Yeas: Staudt, Burke, Casey, Markham, Mutch, Wrobel Gatt**
Nays: None

PUBLIC HEARING:

1. Corridor Improvement Authority for Grand River Avenue

Assistant City Manager Cardenas said part of the process of developing a Corridor Improvement Authority is to have a public hearing 60 days before it is brought to Council for consideration. He gave a brief overview summarizing the purpose of a Corridor Improvement Authority (CIA). He explained the main purpose of the CIA was to support economic development in the area. The area he was talking about was Grand River Avenue from Haggerty Road to Wixom Road. It is similar to a Downtown Development Authority. A CIA is authorized under the Corridor Improvement Authority ACT (Public Act of 208 from 2005). The primary benefit of forming a CIA is the ability to capture the incremental increase in property taxes that results from improvements in the district. It captures taxes after it is created. He said we will only capture 50% of the taxes from the City and the County for 20 years, and after that, all of those taxes will return back to the respective taxing authorities. He said the tax revenue we already keep, nothing more, and as the value increases that is when the capture occurs. Those revenues will go to the CIA itself. He showed the boundaries and said it will include a little north and south of Grand River, encapsulating Providence Park, Main Street, Town Center and where the old convention center used to be. He said some of the projects they can potentially fund would be the northwest quadrant “Ring Road” that would connect Novi Road to Grand River and alleviate some of the traffic turning right from

southbound Novi Road traffic. He said some gateway signage throughout the corridor could be expenditure from the CIA. He also mentioned streetscaping along Grand River Avenue, such as brick pavers, street trees and plantings as well. He also noted intelligent transportation systems and looking towards the future in terms of the new topic of mobility. Having the infrastructure in place talking for the autonomous vehicles, which are semi-autonomous now and will be fully autonomous in the future. He affirmed to those in the audience that this will not raise or lower their taxes. It is where those taxes will go after you pay them every year. The taxes will go to infrastructure, sidewalks, pathways, wayfinding signage, and traffic improvements to include intelligent transportation systems and also improve mobility. Possible corridor expanding, corridor shuttle, the ideas could be endless with the technology going forward.

Public Hearing opened at 7:04 P.M.

John O'Brien, O'Brien Sullivan Funeral Home said they have been on Grand River and Meadowbrook for over 40 years. During that time he has been fortunate to be involved with many Grand River Corridor Committees. He said he has seen a lot of great designs, but the funding always lacked. He believed the creation of the CIA will be something that we will be able to see some of this to its fruition and truly make the entire corridor of Grand River from Haggerty to Wixom be truly a gateway and it will be a good thing for the City of Novi.

Ollie Fayz, Pheasant Run Plaza at Grand River and Haggerty. He came in support of the CIA and wondered if the road will be 4 or 5 lanes.

Robert Ludletter, 26501 Taft Road, said he lives near the corner of Taft and Grand River. He stated he was concerned that they would take his property because he is very close to Grand River and he wouldn't have much room for a driveway. If the road was to widen he didn't know how close his house would be to the road. He has been at this home since 1999 and they like their house and want to stay there.

Carol Price, 26070 Lannys Road, said she was concerned about the safety of the citizens. She spoke with Mr. Cardenas earlier that day and forgot one crucial item. She and her husband got stuck on the road one day and they had to walk along Grand River to her home on Lannys Road. She said she would never do it again unless it was an emergency. She said it was the worst thing in her life and had a bad feeling about it. Her concern was for the safety of the citizens.

Public Hearing closed at 7:10 P.M.

PRESENTATIONS:

1. Proclamation in recognition of Fire Prevention Week October 8 – 14, 2017 – Jeff Johnson, Director of EMS/Fire Operations

Jeff Johnson, Director of EMS/Fire Operations thanked the Mayor and Council for their support. He said he was representing 96 members of the Public Safety Team, Fire and Public Safety Administration. He wanted to share some of the programs they do and explained they leave a brochure that explains all of the different programs when they respond to a call. The programs include File of Life, Free Home Inspection, fire alarms, (they will install at no cost to any resident in the City), free CPR Programs, and fire extinguisher program for businesses. They have the brochures at the Police Department, Fire Stations, and they are handing them out to make sure everyone in the city is safe. Mayor Gatt thanked them for their commitment in keeping everyone safe.

AUDIENCE COMMENT:

John Kuenzel, 23819 Heartwood, was present on behalf of a group of citizens who have organized a candidate forum. The forum is Wednesday, September 27th at 7:00 P.M. at Flex Tech High School on 24245 Karim Blvd., just west of Haggerty Road, north of Ten Mile. The doors open at 6:30 P.M. and the forum begins at 7:00 P.M. Lisa Berry of WNIC Radio will be a moderator. The program is expected to last until 8:30 P.M.

Colleen Crossey, 22279 Brockshire St., read an article from Capital Confidential titled "City Property Tax Breaks Mean Sweetheart Deals for a Select Few", written by Tom Gantert.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 17-09-142 Moved by Burke, seconded by Casey; CARRIED UNANIMOUSLY

- A. Approve Minutes of:
 - 1. September 11, 2017 – Regular meeting
- B. Enter Executive Session immediately following the regular meeting of September 25, 2017 in the Council Annex for the purpose of discussing pending litigation, property acquisition and privileged correspondence from legal counsel.
- C. Approval of a Resolution to Accept Cummings Lane and Twain Place upon Acceptance of Brownstone Drive, Hemingway Drive, and Holmes Road as public roads.
- D. Approval of the FY17/18 Winter Maintenance Agreement between the City of Novi and the Road Commission for Oakland County for snow and ice control on selected County roads in Novi; and adoption of resolution authorizing Novi to provide winter maintenance of selected County roads.
- E. Approval to purchase a 2017 E42 Bobcat compact excavator from Carleton Equipment CO. through the MiDeal Purchasing contract in the amount of \$47,327.60.

- F. Approval to purchase a 2017 T870 Bobcat compact track loader with milling attachment from Carleton Equipment CO. through the MiDeal Purchasing contract in the amount of \$ 81,235.12.
- G. Approval of the final payment to Cadillac Asphalt, LLC for the 2015 Neighborhood Roads Program-Asphalt project in the amount of \$82,131.56, plus interest earned on retainage.
- H. Approval of the final payment to D & H Asphalt Company for the Providence Park Connector Trail project in the amount of \$21,290.78, plus interest earned on retainage.
- I. Approval of the final payment to Merlo Construction Company for the 2016 Pathways and ADA Compliance project in the amount of \$11,867.09, plus interest earned on retainage.
- J. Approval to Adopt Interlocal Agreement with I.T. Services between Oakland County and City of Novi.
- K. Approval of Claims and Accounts – Warrant No. 996

Roll call vote on CM 17-09-142

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

MATTERS FOR COUNCIL ACTION

- 1. Approval to award a unit price contract to RC Tuttle Refinishing Co., the low bidder, for the Fall 2017 and Spring 2018 Tree and Landscape Planting Projects in an estimated amount of \$137,965.

CM 17-09-143 Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY

Approval to award a unit price contract to RC Tuttle Refinishing Co., the low bidder, for the Fall 2017 and Spring 2018 Tree and Landscape Planting Projects in an estimated amount of \$137,965.

Member Mutch was pleased to see this come forward. The tree planting program is one that only a few cities have done on a regular basis. He said this really adds to the value of the City both economically, visually and from a quality of life perspective. He mentioned he went through the list of planned tree plantings and counted 182 trees this fall and 181 trees next spring for a total of 363 new trees. He wanted to put it into perspective in terms of what has been going on with the tree removals in the City. They are proposing to plant 363 new trees that are 3 inches or smaller in diameter. He said just this year alone the City has approved the removal of 778 trees that are 8 inches or

larger in size. While it sounds impressive to be planting a few hundred trees, just by the numbers approved this year, they are behind. Looking back to 2016, the City approved the removal of 3,800 trees 8 inches or larger. Some of those trees were much larger, and over 100 years old. If they go back over 5 years, they have approved the removal of 8,100 trees 8 inches or larger. They have a long way to go with replacing trees that have been removed through the development process. He will support this, but going forward he thought they need to be more proactive in replacing the trees, but also in removing trees. They should permit development, but be more environmentally responsible.

Roll call vote on CM 17-09-143 **Yeas: Casey, Markham, Mutch, Wrobel, Gatt
Staudt, Burke,**
Nays: None

2. Consideration of adoption of Ordinance 17-149.13, amending Chapter 3, Alcoholic Liquor, Article 1, In General, Section 3-5, Persons Under Twenty-One—Unlawful Purchase, Consumption or Possession, of the City of Novi Code of Ordinances. **First Reading**

CM 17-09-144 **Moved by Burke , seconded by Casey; CARRIED UNANIMOUSLY**

To give consideration of adoption of Ordinance 17-149.13, amending Chapter 3, Alcoholic Liquor, Article 1, In General, Section 3-5, Persons Under Twenty-One—Unlawful Purchase, Consumption or Possession, of the City of Novi Code of Ordinances. First Reading

Roll call vote on CM17-09-144 **Yeas: Markham, Mutch, Wrobel, Gatt, Staudt,
Burk, Casey**
Nays: None

3. Approval of resolution to authorize Budget Amendment #2017-18.

CM 17-09-145 **Moved by Staudt, seconded by Casey; CARRIED UNANIMOUSLY**

To approve the resolution to authorize Budget Amendment #2017-18.

Roll call vote on CM 17-09-145 **Yeas: Mutch, Wrobel, Gatt, Staudt, Burke,
Casey, Markham**
Nays: None

4. Consideration of Resolution Regarding Lakeshore Park Community Building Use Policy and Rules.

CM 17-09-146 Moved by Staudt, seconded by Casey; * LATER WITHDRAWN:

To give consideration of the Resolution Regarding Lakeshore Park Community Building Use Policy and Rules.

City Manager Auger explained that this was brought forward because there was some community involvement requesting that City Council take action and state what the intent of the Lakeshore Park Community Building is. He said it was for discussion purposes only.

Mayor Gatt asked if we had a policy for all the park buildings in the City. City Manager Auger responded yes, the rules are done by a resolution that is passed by Council. The Mayor asked if they were all the same. City Manager Auger believed they are all the same. It is up to City Council on how the parks buildings are used. Mayor Gatt confirmed with City Manager Auger that all of the buildings in the City have the same policy.

Mayor Pro Tem Staudt believed this was prompted through a series of correspondence with residents that there wasn't a formal policy in place. He was not sure it was necessary to have a separate policy for each building. However, with all of the conversation that has occurred, it probably was in the City's best interest to show clearly what the Council is doing. He hoped at one point that they have a single policy that covers all of buildings that everyone is comfortable with.

Member Mutch thanked Mayor Pro Tem Staudt for taking the initiative to bring this forward. He thinks it's responsive to the concerns by residents about potential use of new Lakeshore Park building. It makes sense to have this in place and it's appropriate to have this policy in light of concerns. He had a few questions for City Attorney Schultz in terms of language. One question from residents was that this building could be used as banquet facility, contrary to City Charter, which states it cannot be used that way without a vote of people. Even without a policy, that Charter provision would preclude any City facility primarily as a banquet facility. City Attorney Schultz said the Charter provision does reference properties that existed before the Charter was amended so it is intended to apply no matter what. Member Mutch noted that if some future Council said they wanted to change that, it has to comply with Charter. In terms of proposed uses outlined it clearly lays out that it is to be used primarily for city uses related to parks and recreation. If there is any question, it's intended to be used as parks and recreation facility with some exceptions like a polling location for one day. The policy itself addresses many of the concerns they've heard from residents on the kind of uses and the intent. There have been many things said but this policy makes it very clear. They made sure it wasn't conducive for a banquet facility. He's always taken the position that whatever they build, it has to be compliant with the City Charter. This covers all bases and he is fully in support of this.

Mayor Pro Tem Staudt withdrew his motion so the public would have the opportunity to provide comments. Member Casey agreed as she was the original supporter of the motion.

Mayor Gatt asked City Attorney Schultz to define what a "banquet" was. City Attorney Schultz said the Charter Amendment from 1999 used the term "banquet facility", but it was not defined in the Charter Amendment. There is no definition in the Charter or the Zoning Ordinance. If they wanted a detailed legal answer, he could look into it. Mayor Gatt noted a banquet hall is designed to hold dinners, banquets, but they can all agree there are banquets here in the Civic Center. He said he was confused as to what the new building will have or not be able to have. He questioned if 50 kids came to camp, would eating their lunch together be considered a "banquet". He said they need to define what a "banquet" is so they can determine what they cannot do at this new building. City Attorney Schultz said under the second paragraph of general policy, it talks about what the building is primarily meant to do, but it can be used by other groups. There is an attempt in the second sentence of paragraph two that says "the building is not intended to be marketed or used for a banquet facility, as that term is generally understood to include a facility designed and typically or regularly used for events where a primary purpose is the provision of an area for consumption of food and drink in connection with that event." Mayor Gatt wondered if parents catered lunch in, would that be in violation. He wanted the public to know that this is not cut and dry. It will be a recreational facility, but that doesn't preclude someone from eating there or having a gathering.

Member Wrobel wondered if they should open the Charter again to get a more defined definition on what a banquet is or isn't. Mayor Gatt was not sure they should open the Charter. He would like a legal definition on what "banquet" is to rely on. He said they have to be careful how they move forward. He would like management to study this, possibly get input from the public, and come back with a more refined, definitive, comprehensive definition. The Mayor said they want to comply with the City Charter, but they have to be sensible.

AUDIENCE COMMENT:

Colleen Crossey, 22279 Brockshire St., continued reading the article that she started reading in the first audience comment section.

MAYOR AND COUNCIL ISSUES:

Mayor Pro Tem Staudt was on Consultant Review Committee and they have review coming up. It came to his attention that someone who represents him in current litigation may be considered for one of the positions. He inquired about what he needed to consider in that situation. The City Charter requires that a member vote on an issue unless there is a financial interest. There is none in this situation. He wanted to disclose that he is represented by one of the firms, but can remain fair and impartial. He was not requesting to be recused, but wanted everyone aware.

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: Consent Agenda items which have been removed for discussion and/or action.

Mayor Gatt stated they were adjourning the meeting at 7:44 P.M to enter into Executive Session. It was noted that Council planned on returning to open session.

Council rose from Executive Session at 8:31 P.M.

CM 17-09-147 Moved by Mutch, seconded by Casey; CARRIED UNANIMOUSLY

In regards to Smale V. City of Novi, move to direct the City Attorney and City Administration to resolve the case as discussed in closed session.

Roll call vote on CM 17-09-147

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

Nays: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 8:32 P. M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: October 9, 2017