

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JUNE 1, 2020 AT 7:00 P.M.**

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

In accordance with Executive Order 2020-75, this meeting was held remotely.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Breen, Casey, Crawford, Fischer, Mutch

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

APPROVAL OF AGENDA:

CM 20-06-060 Moved by Fischer, seconded by Casey; CARRIED UNANIMOUSLY

To approve the Agenda as presented.

Roll call vote on CM 20-06-060 **Yeas: Staudt, Breen, Casey, Crawford, Fischer, Mutch, Gatt**
Nays: None

PUBLIC HEARINGS: None

PRESENTATIONS: None

MANAGER/STAFF REPORT:

City Manager Auger commented that the Governor's new order was relaxing some of the restrictions and allowing for more interactions which will take place on June 8th. Some of the components take effect immediately. The timing of the Matters for Council Actions Item 4, and Consent Agenda Item B are even more crucial at the moment. Everything is continuing to change rapidly and these two items will help us assist us in that.

ATTORNEY REPORT: None

CONSENT AGENDA REMOVALS AND APPROVALS:

Member Breen removed Item B for discussion. Mayor Gatt removed Item D for further discussion.

CM 20-06-061 Moved by Fischer, seconded by Casey; CARRIED UNANIMOUSLY

To approve the Consent Agenda as amended with the removal of Item B and Item D.

- A. Approve Minutes of:
 - 1. May 18, 2020 – Regular meeting
- B. Approval of a resolution to temporarily relocate Precinct 25 and permanently relocate Precinct 7 for the August 4, 2020 Primary Election. **REMOVED/LATER APPROVED**
- C. Approval of the Third Addendum to the Emerson Park Planned Rezoning Overlay (PRO) Agreement, to adjust the date by which the required sidewalk and boardwalk improvements are to be completed along Ten Mile Road, west of Novi Road.
- D. Approval of a resolution regarding temporary promotional signage allowing temporary relief from Sign Ordinance from June 1, 2020 through August 31, 2020. **REMOVED/LATER APPROVED**
- E. Approval of Claims and Warrants – Warrant No. 1061.

Roll call vote on CM 20-06-061

**Yeas: Breen, Casey, Crawford, Fischer, Mutch,
Gatt, Staudt**

Nays: None

MATTERS FOR COUNCIL ACTION

- 1. **Consideration of approval to award the construction contract for Cranbrooke Drive Reconstruction, 10 Mile Road to Village Wood Road, to Florence Cement Company, the low-bidder, in the amount of \$2,243,882.95.**

CM 20-06-062 Moved by Casey, seconded by Fischer; CARRIED UNANIMOUSLY

Approval to award the construction contract for Cranbrooke Drive Reconstruction, 10 Mile Road to Village Wood Road, to Florence Cement Company, the low-bidder, in the amount of \$2,243,882.95.

Roll call vote on CM 20-06-062

**Yeas: Casey, Crawford, Fischer, Mutch, Gatt,
Staudt, Breen**

Nays: None

- 2. **Consideration of an agreement for Donation of Vacant Land and acceptance of Covenant Deed for 1.75 Acres of vacant property in the I-1 Light Industrial Zoning District, located on the West Side of Venture Drive, North of Nine Mile, in Section 26 of the City, with Parcel No. 22-26- 401-041.**

CM 20-06-063 Moved by Crawford, seconded by Breen; CARRIED UNANIMOUSLY

To authorize the Mayor and City Clerk to sign the Donation Agreement for the 1.75 acre property located in the I-1 Light

Industrial Zoning District, located on the West Side of Venture Drive, North of Nine Mile, in Section 26 of the City, with Parcel No. 22-26-401-041, as presented to City Council, and to authorize the City Manager and City Attorney to undertake all actions required to complete the closing on the donation and issuance of title insurance pursuant to the Agreement, and to authorize the appropriate City Department Heads to execute and process tax documentation for the donation as required by the Donation Agreement.

Mayor Pro Tem Staudt asked if there were any limitations on us selling this property in the future should we choose to. City Manager Auger replied no.

Roll call vote on CM 20-06-063

**Yeas: Crawford, Fischer, Mutch, Gatt, Staudt,
Breen, Casey**

Nays: None

3. Approval to allocate Lakeshore Park Project contingency funds for payment to DeMaria Building Company, Inc. in the amount of \$49,239.31 for Change Order 5 and Change Order 6 and allocate \$100,000 in contingency funds for future Change Orders, and amend the budget.

City Manager Auger mentioned Integrated Solutions Director Petty was there to answer any detailed questions on this item. City Manager Auger said they put \$100,000 down instead of the normal 10 percent. He said we have gone through that and have an additional \$50,000 tonight. He said we have more coming up with the remobilizations to get the company back out to construction after the COVID-19 pandemic shut down. We are not quite sure what that amount will be yet. He mentioned they were also discussing a couple of other items that they found on this. He said construction projects are like this. The worst part is when they are starting out, you never know what is under the ground and that is when you usually find things. If you look at the list of things that are on the change order such as the basketball foundation, and checking the soil when we thought we might have oil contamination, etc. He said Mr. Petty was there to answer any questions. If you are wondering what the extra \$100,000 is, that is what it is flagged for.

Member Breen asked if they could get a revised timeline. Mr. Petty said the revised timeline has the project completing around August 11th.

Mayor Pro Tem Staudt asked Mr. Petty how much more money do you anticipate that we are going to spend out of the contingency on this project. Mr. Petty said he believed that we will be at the 10 percent mark. The COVID-19 start up is the wild card. Mayor Pro Tem Staudt said that wasn't encouraging.

CM 20-06-064

Moved by Fischer, seconded by Casey; MOTION CARRIED: 6 -1

Approval to allocate Lakeshore Park Project contingency funds for payment to DeMaria Building Company, Inc. in the amount of \$49,239.31 for Change Order 5 and Change Order 6 and allocate \$100,000 in contingency funds for future Change Orders, and amend the budget.

Roll call vote on CM 20-06-064

Yeas: Fischer, Mutch, Gatt, Breen, Casey, Crawford

Nays: Staudt

4. Consideration to adopt a resolution regarding relaxation of certain requirements for reopening retail and restaurant/bar businesses in light of COVID-19 pandemic.

Mayor Gatt commended the City administration and staff for thinking this way. He said it is no secret that our businesses have been impacted by the COVID-19 pandemic. Mayor Gatt thought that Governor Whitmer's news was good news for all of us. He hoped that we could move forward with the message to our businesses that we are listening to them. We are willing and able to bend the rules to do things off the norm. We have to move off of our very conservative center that Novi is known for and open up these businesses to have more of a chance to survive post pandemic.

Member Casey echoed Mayor Gatt and thanked the City administration for pulling this resolution together. Obviously we don't know what is coming next, but she is looking forward to seeing what we figure out what we can do to help the businesses and residents as much as we can. City Attorney Schultz confirmed that the motion was referring to the version of the resolution that was circulated late this afternoon and not the version in the packet.

CM 20-06-065 Moved by Casey, seconded by Fischer; CARRIED UNANIMOUSLY

Approval of Resolution Regarding Relaxation of Certain Requirements for Reopening Retail and Restaurant/Bar Businesses in Light of Covid-19 Pandemic.

Member Mutch asked City Attorney Schultz how we see this operating in the time-frame; he mentioned that the resolution talked about it going through October. Realistically absent some specific directive from either the County or the Governor saying that we see this ending quite a bit sooner. He said in terms of the language in the executive orders and the latest version allows restaurants to open at 50 percent capacity. Mr. Schultz said it would be nice if it ended sooner and then we could use the language in that paragraph where we picked October 31st and to end it quicker. He said it will be a constant monitoring of what the State and the County is doing and if we get ahead of anything great, but we will react quickly to each of those. Member Mutch said when that happens it will give them 14 days to ramp down a little bit. Mr. Schultz replied yes.

Roll call vote on CM 20-06-065

**Yeas: Mutch, Gatt, Staudt, Breen, Casey,
Crawford, Fischer**

Nays: None

5. Consideration of a resolution to authorize budget amendment #2020-6

CM 20-06-066

Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY

Approval of a resolution to authorize budget amendment #2020-6

Roll call vote on CM 20-06-066

**Yeas: Gatt, Staudt, Breen, Casey, Crawford,
Fischer, Mutch**

Nays: None

AUDIENCE COMMENT:

Joshua Friedman, commented on the racial tensions and police brutality tensions that have been escalating over the past week especially with the situation involving the murder of George Floyd. It brings to his attention that there is approximately 8 percent or around 5,000 residents in the City of Novi who are black. He is concerned for their safety. He said that has not been an issue in Novi. What steps is the City Council going to take to keep all his black neighbors, black teachers, black co-workers, and his black friends safe from the people who are supposed to protect them. What is the City of Novi's plan on creating anti-racism education?

COMMITTEE REPORTS: None

MAYOR AND COUNCIL ISSUES: None

COMMUNICATIONS: None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION:

B. Approval of a resolution to temporarily relocate Precinct 25 and permanently relocate Precinct 7 for the August 4, 2020 Primary Election.

Member Breen said everybody knows that Secretary of State Jocelyn Benson has indicated that everybody in the State of Michigan will be getting an absentee ballot application. In addition to that we recently changed some of our precincts in Novi and she wanted to thank City Clerk Hanson for doing a great job notifying people. She wanted to pull this off the Consent Agenda so that the City Clerk can give us an indication as to when folks will be notified of their new voting locations and also because Secretary of State Benson said everybody will receive an Absentee Voter Application and she wanted an update on when people can expect to see those in their mailboxes. City Clerk Hanson said we do have two changes to Precincts, one of them is a temporary change and it will affect Precinct 25 which is typically located at Thornton Creek Elementary and will be under construction and not accessible. We are

temporarily moving that precinct to the Novi High School Cafeteria. Those voters will be notified by post card in approximately a month. That is about a month before the election. The second change is Precinct 7 which we had recently relocated to Walsh College. Unfortunately Walsh College said they are permanently closing their Novi Campus so we have relocated that Precinct to our newly renovated Department of Public Works. Those voters will receive brand new Voter I.D. Cards in a similar time frame; approximately a month from now prior to the election. City Clerk Hanson said in reference to the Absentee Voter Applications, we do maintain what we call an Automatic Application List where voters can request to always receive an Absentee Voter Application before an election. The Absentee Voter Applications went out last week and we are starting to see those flood back in. We are in a place where we can accommodate the additional applications that the Secretary of State has sent out to the voters. City Clerk Hanson explained that all of the Absentee Ballot Applications whether they were sent out from the City Clerk, Secretary of State, or others are acceptable.

CM 20-06-067 Moved by Breen, seconded by Gatt; CARRIED UNANIMOUSLY

Approval of a resolution to temporarily relocate Precinct 25 and permanently relocate Precinct 7 for the August 4, 2020 Primary Election.

Member Fischer said there was a comment about the applications being sent from the Secretary of State to all the voters. He wanted clarification on who was sending out the applications to all of the voters. City Clerk Hanson replied that the Absentee Voter Applications that come from the City Clerk's Office were mailed out to approximately 11,000 to 12,000 registered voters on our Automatic Application List last week. Those are on a cardboard type of paper that looks like a postcard. She was not sure what the Secretary of State sent out, that is separate and will look different than our applications. They are all acceptable to use, it will come from a different source. Member Fischer confirmed with City Clerk Hanson that it is not her responsibility to send the application out to every single registered voter in Novi. City Clerk Hanson said that was correct. We are using our normal Automatic Application List.

Roll call vote on CM 20-06-067

Yeas: Staudt, Breen, Casey, Crawford, Fischer, Mutch, Gatt

Nays: None

D. Approval of a resolution regarding temporary promotional signage allowing temporary relief from Sign Ordinance from June 1, 2020 through August 31, 2020.

Mayor Gatt said he pulled this from the Agenda and he thanked the City administration for thinking in that direction. He thought it fell short of where he would like to go and he wanted to hear his colleague's thoughts. He said he has received a lot of emails and letters from our businesses. He received a letter the other day and he won't mention any names. He said it is from a property owner in the Town Center area whose client is one of our better known restaurants in the area. This restaurant had some flags flying in

front of their business advertising the fact that they were open for carry-out. He said the letter praised our ordinance officer. It said they were professional and they were doing their jobs. Mayor Gatt asked why can't they throw some flags out in front of a building during a pandemic telling people that they are open for business, we are struggling and trying to stay alive. They need help. He said this is a fairly large business, he is talking about retail, wholesale stores, and little mom and pop shops. He believed starting as soon as possible going through the end of the year, with a sunset of December 31 or January 1 that the City of Novi should come up with some sort of regulations that ensure that what we allow is safe to do, that people are not setting up advertising in the right-of-way or parking lots or where someone can get hurt. Short of a safety issue he wanted to see the City of Novi send a message to all of the businesses that are in the City and we are behind them 100 percent. We are not going to be the cause anymore of stopping somebody from knowing your business is open. He felt that we needed to relax the sign ordinance to the point where we can help our businesses. He wanted the City to sit down with City Attorney Schultz and look at this so that we can help our businesses. This wasn't the time to be that stringent on our signage ordinance.

Member Fischer agreed with the Mayor. He served on the Zoning Board for five years. He said when you are on the board you care about the character of the City, but he understood the Mayor's point. Some relaxing of the sign ordinances for the next six to eight months he could support.

Member Mutch thought it would be helpful for the City Attorney to walk through what they are approving that evening in terms of the specific changes that we are allowing on signage that would not be normally permitted under our current sign ordinance. He understood the sentiment of giving our businesses a boost in every way possible. The problem with the "wild west" approach is that it becomes a sea of noise. There are so many signs out there competing with each other that the mom & pop business just gets lost in all of the distraction. The way people access retail and restaurants is on their phone or an app and they look it up. He wasn't sure signs played the same role as they did in the past. He said the way he was reading the change it was a fairly significant adjustment to allow additional signage. He wasn't sure how much further they want to go where we get to the point of diminishing return. He asked City Attorney Schultz what the changes were above and beyond what we normally allow so that we have the base of discussion before we go any further. City Attorney Schultz said it was a fairly conservative approach that Council has taken before. Previously Council would occasionally approve one additional temporary sign. This resolution authorizes two additional signs per business; they have to be temporary, and portable. They cannot be attached to a building, cannot be permanently anchored into the ground, and not to exceed 20 feet. They cannot be placed in the public right-of-way which is normal. This particular extension runs through August 31, 2020. There is a brief, easy to fill out application that they submit to the City acknowledging that the business sees that there are limitations on it. He stated that is what Council is looking at doing that evening. It is fairly consistent to events that Council has done previously; this just adds an additional sign. Member Mutch said in light of the fact that we have approved a resolution earlier that evening that allows relaxation of various code enforcement

related to businesses, is there some logic here in terms of addressing what the Mayor raised in terms of the time frame to extend that out to match that time period with that resolution. He said June to August, some businesses are already open, and some will be open soon. That is just a few months' verses taking it out to October 31, 2020. City Attorney Schultz said it does make sense. That date was picked because it is the end of the good weather. Member Mutch could not recall if a motion had been made. City Attorney Schultz said no, there is no motion yet. Member Mutch said he would make a motion to approve the resolution.

CM 20-06-068 Moved by Mutch, seconded by Casey; CARRIED UNANIMOUSLY

Approval of a resolution regarding the temporary promotional signage allowing temporary relief from the sign ordinance with the change that this will run from June 1, 2020 through October 31, 2020 to make it consistent with previous action by City Council.

Mayor Gatt said he appreciated that, but the only problem he had with it was that at October 31st. We will be getting into the holidays and traditionally we soften up our regulations for the businesses during the holidays. He didn't think this motion or resolution went far enough. It doesn't address the issue he brought up with the letter that he received with some flags out in front of a business. He understood what Member Mutch said about it being noisy and you can lose yourself. Mayor Gatt thought that should be up to the businesses themselves to decide. Mayor Gatt said the government shut them down, the business owner didn't say I think I am going to shut down for a few months. We can argue all day and night is that was the right thing or the wrong thing to do and if it accomplished anything. The fact is the government did it, not our local government, but the government. He felt we owed it to them to do more than two signs extra for a few months. He wanted to move forward, but he couldn't support that motion because he felt it didn't go far enough.

Member Crawford agreed with the Mayor. He said some of the folks are almost out of business right now. Anything we can do to perk up their business for the rest of the year. This is not just to let people know they are open again; we need to do something for them for the rest of year and go through the holidays. He would like to amend that motion that was just made and have it go through December 31, 2020. City Attorney Schultz asked if that was offered as a formal amendment. They did not hear a second for that motion.

Member Mutch said he didn't have a problem with that. He was specifically trying to keep the two items in alignment. His concern was with going too far down the road with some of these changes is that, as Mr. Schultz has explained to us in various legal opinions, is that sign ordinances are tricky in the first place from a legal perspective. It is important for a City to be able to enforce its' sign ordinances to be consistent in their enforcement. Particularly now after the most recent Supreme Court's ruling on signs. We are in very unusual times, no doubt about that. He would hope in any court if there was some kind of question about what we are doing right now if they would recognize that. On the flip side if we get too far down the road it becomes hard to return to a

regular pattern of operation. It may be a while. He said he is fine with that date and we may be sitting here in December saying it is still very difficult times, we need another six months. He asked City Attorney Schultz if there was any problem extending this out to the end of the year. City Attorney Schultz said he thought that things that run through the end of the year were not a concern. Once the outdoor stuff is done you are in getting into the holidays. He thought it was going to take a while to get back to the normal. He felt it was a decent argument to defend relaxation through the end of the year. It is a relaxation; it is not based on the content of the sign. You can have more signs. We are not telling anyone what they can say. Some of the concerns you would normally have are not present here. He didn't have a problem with January 1st any more than October 31st. Member Mutch said as the maker of the motion he was happy to extend it to the end of the year as suggested.

CM 20-06-068 Moved by Mutch, seconded by Casey; CARRIED UNANIMOUSLY
Amended Motion

Approval of a resolution regarding the temporary promotional signage allowing temporary relief from the sign ordinance with the change that this will run from June 1, 2020 through December 31, 2020.

Mayor Gatt wanted to clarify if the change is going to extend this resolution from October 31st until December 31st, and not to enhance it. Member Mutch said that is what Member Crawford offered and he didn't get anyone to second it. Member Mutch said he didn't have a problem with amendments; they can make that to the motion. He said the challenge he had with additional changes was if we start talking about allowing certain things, or maybe not require something, we cannot do that on the fly without understanding how that would play out. If we want to approve this resolution, which he felt we should, then we could have a separate motion if needed directing City Administration to make additional changes. Mayor Gatt said that is what he suggested earlier. He said he wanted City Administration to come back with an enhanced version of what they approved this evening, something that was much bigger, and much stronger. Member Mutch suggested if everyone was on board with these changes they should vote on that and then give direction to City Administration to enhance the resolution at a later date. Mayor Gatt said we do not need to motion to have City Administration look at the resolution and enhance it. To be clear on the language of the resolution he asked City Clerk Hanson to read the motion again. She said the motion was to have approval of a resolution regarding temporary promotional signage allowing temporary relief from the sign ordinance with the change that it will run from June 1, 2020 through December 31, 2020. Mayor Gatt asked if we had support on that motion. Ms. Hanson replied yes.

Mayor Pro Tem Staudt said he thought they needed to use common sense. We are going through unprecedented difficult times. For us to go out there and do things without really understanding, sure we are following the law, but to go out and stop a business from doing something after being locked up for 90 days is not acceptable. We need to go far further than this. He really didn't care if we got sued down the road. We will all go to court and say this was probably one of the most difficult times for

businesses in our country and we lightened up. It is time for us to get back into business, it is time to open the doors and embrace business owners. A couple of signs are not far enough, we need to go much further. He called the City Manager a week ago and they had the same conversation. Frankly, ordinances make things more difficult. We need to use common sense about how we look at business on reengaging and embrace them. We do not need to come up with another ordinance that says instead of one sign you can have two or three. We need to have in the resolution that we will do everything in our power as a City to bring back business whether they are retail, restaurants, or whatever. We should do everything in our power and this is not everything in our power. He said he would vote to support this, but he agreed with the Mayor and said we need to go a lot further than this. The message needs to be we are open for business and Novi wants you. If we don't want them, there will be a lot of people who do.

Member Breen agreed with Mayor Pro Tem Staudt and what she is hoping to do is not in the motion, but to give direction to City administration. She wanted a detailed memo on what we will be doing to help our small businesses. She said there has been a lot of discussion at the county level on the Hero's Act and the Cares Act. She wanted to know how we will utilize money that is coming to Novi to help the small businesses. This is not directly to the motion at hand; she is looking for additional direction from the city staff on outreach to the businesses. She also mentioned the larger businesses and wondered how we going to help them.

Roll call vote on CM 20-06-068

**Yeas: Breen, Casey, Crawford, Fischer, Mutch,
Gatt, Staudt,
Nays: None**

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:48 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: June 15, 2020