

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, MARCH 23, 2020 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 Breen, Casey, Crawford, Fischer, Mutch

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

APPROVAL OF AGENDA:

Mayor Gatt amended the agenda to eliminate first audience comment and only have one at the end of the action items.

CM 20-03-028 Moved by Casey, seconded by Fischer; CARRIED UNANIMOUSLY

To approve the Agenda as amended.

Roll call vote on CM 20-03-028 **Yeas: Staudt, Breen, Casey, Crawford, Fischer, Mutch**
Nays: None

PRESENTATIONS: None

MANAGER/STAFF REPORT:

City Manager Auger apologized to Council for how they learned about the Mayor's emergency declaration. The communication and timing of how that happened was his responsibility and he understood why it shouldn't have happened the way it did.

Director of Public Safety, Chief Molloy stated that the coronavirus emanated from December 2019 from the Wuhan, Hubei Province, China. Their updates show that the World Health Organization declared a pandemic on March 11, 2020 due to the virus spreading and the severity of the illness. From an emergency management standpoint, they have been tracking COVID-19 since mid-February because they didn't know how far or wide this spread would go. They established a COVID-19 Task Force consisting of the Emergency Management Coordinator Marshall Johnson, Assistant Fire Chief John Martin, and Sergeant Amanda Kulikowski. All three individuals have extensive background and education in emergency management. In early March, the COVID-19 Task Force started issuing daily briefing updates so command staff was aware of the current number of cases and the associated executive orders being issued from the various levels of government. Their team is constantly been in a state of assessing and monitoring this health crisis. They have also been monitoring the respective states of emergency as declared by the Governor, Oakland County Executive, and the Mayor.

In the last ten days, our City's leadership team has been meeting daily following these declarations to ensure effective delivery of essential, critical services to our residents and businesses. We have engaged our emergency management partners for Oakland County's Homeland Security division under the Health and Human Services Department, and we are continually monitoring the State of Michigan and Oakland County's web-based emergency operations centers, or web EOC's, so we can request critical supplies in terms of N95 masks, or other personal protective equipment. We've also stayed in constant contact with our security and health care officials from Ascension Providence Hospital, Novi campus, and we've also been Beaumont Hospital as well. Many of the conversations with Providence have revolved around our ability to assist and support their team in the event the hospital system is overloaded. We've also been in contact with our nine senior or short-term living care facilities throughout our community. We are checking and assessing the status of well over 2,300 of their residents and patients to determine if there are any issues that the Police and Fire teams need to be aware of. We've been providing personal protection kits to all Public Safety employees and we've been screening staff to ensure they are free from any type of fever or other symptoms that could be associated with COVID-19. We have widely shared community mitigation strategies and all personnel reviews those. We are mandating social distancing and stay home when you can. We have teams constantly cleaning their environment; every four hours someone is disinfecting the surfaces they touch knowing the virus can live on surfaces for days. The City has shared multiple resources to keep employees informed on what is going on in the City of Novi and oakgov.com, the State of Michigan coronavirus site and CDC.gov. We remain in an assessing and monitoring condition. We have not activated our Emergency Operations Center; to do so at this time would not be prudent because there is no activity that we are reporting on at this time.

City Manager Auger said we are well prepared and the Chief keeps everyone informed. Things change daily: new directives, new legislation, and new data. We continue to adapt, innovate, and overcome everything we are faced with in this temporary situation. We will continue to re-assess what and how we are doing things. He said he will continue to keep Council updated.

ATTORNEY REPORT: None

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 20-03-029 Moved by Casey, seconded by Fischer; CARRIED UNANIMOUSLY

To approve the Consent Agenda as presented.

A. Approval of Minutes from March 2, 2020 - Regular Meeting

B. Approval of a three (3) year contract with two mutually agreed upon one (1) year renewal options with Suburban Arena Management, LLC for the management for the Novi Ice Arena, commencing on July 1, 2020.

- C. Approval to renew Dispatch Contract with the City of South Lyon beginning July 1, 2020, through June 30, 2023.
- D. Approval of a Warranty Deed to dedicate 35 feet of half-width right-of-way along the west side of Cabaret Drive and approval of a Storm Drainage Facility Maintenance Easement Agreement from A123 Real Estate Ventures as part of the A123 development (parcel 50-22-15-126-016).
- E. Approval to award a unit price contract to Asphalt Solutions of Michigan and Great Lakes, LLC, the lowest qualified bidder, for the Infrared Pavement Repair Program, in an estimated annual amount of \$75,000. The contract term is for one-year with two one-year renewal options.
- F. Approval for OHM Advisors scope of engineering services for the preparation of a Water System Master Plan and associated documents needed for compliance with America's Water Infrastructure Act of 2018, in the amount of \$83,800.
- G. Approval to award a unit price contract to Midwest Pavement Contracting Inc., the lowest qualified bidder, for the Municipal Parking Lot Maintenance Program, in an estimated annual amount of \$50,000. The contract term is for one year with two one-year renewal options.
- H. Approval of Resolution regarding Temporary Promotional Signage allowing temporary relief from Sign Ordinance from March 23 through June 1, 2020.
- I. Approval of Claims and Warrants – Warrant No. 1056.

Roll call vote on CM 20-03-029

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

MATTERS FOR COUNCIL ACTION

1. Consideration to approve Resolution Declaring Local State of Emergency (COVID-19).

Mayor Pro Tem Staudt said he wanted to amend paragraph 2 regarding the City Manager to be with the approval of the Mayor.

CM 20-03-030 Moved by Staudt, seconded by Gatt; CARRIED 6-1

Approval of Resolution Declaring Local State of Emergency (COVID-19), with the addition of "with the concurrence of the Mayor" to Section 2.

Member Casey said this was such an extraordinary time for all of us and she wanted to thank the first responders and all medical and health professionals that are taking care of our community and those around us. We appreciate what you are doing. She had some changes to propose in the resolution. She agreed with Mayor Pro Tem Staudt that the Mayor is part of the approval chain. Her first proposed change was regarding approving payment of bills after approval of the City Treasurer. She wanted to add "and following approval limits defined by the City's purchasing requirements" because what we are doing with this declaration is broad, but sometimes overly broad. She wanted to make sure it was recognized that this approval is up to the level that our purchasing policy allows and anything greater than that needs to come before Council.

Mayor Gatt asked the City Manager how that would impact him. City Manager Auger said what that sections allows, and the reason that limit would be removed, is in an emergency situation to spend more than the \$25,000 that is allotted towards the City Manager. He said he couldn't come up with a fictitious event right now where we would have to purchase something quickly, but that's why the limit would be removed. It would still come back to City Council, as all emergency expenditures would. We would still obtain three quotes and bid where we can, but that would slow down the purchase in an exigent circumstance where we would need to purchase something if we had to wait two weeks for a Council meeting. Mayor Gatt asked if the motion was passed, the City Manager would need to get with the Mayor before you did something like that anyway. City Manager Auger said that was correct and that he would also inform Council about expenditures made and why it can't wait until the next Council meeting.

Member Casey said these are very broad approvals and understood the timing situation that was just brought up; there is also the opportunity for the Mayor and two Council Members to call an emergency session of Council following the appropriate guidelines. There is an opportunity where they would not have to wait two weeks to have that conversation. She said if this motion passes, with amendments or as is, they are awarding a much higher authority to the City Manager. With that understanding, she suggested a new Section 4 as follows: "While this declaration is in effect, the City Manager is required to provide detailed daily updates to City Council. This communication must contain a description of any decisions made by the City Manager, the Emergency Manager, and/or the City Leadership Team. If he exercises any authority granted by this resolution, a communication must be sent to Council within 24 hours of the action, provide a detailed description of said action, the reasons behind taking such action, and any next steps deriving from said action." She explained because the resolution enables such greater authority to the City Manager, as a Council Member, she wanted to know what the decision was, how, when, and why it was executed as well as next steps.

Mayor Pro Tem said the reason they added the Mayor as an approval point is once this is passed, he has much more authority under the emergency rules, and therefore he felt adding the Mayor negates the necessity of Council having to weigh in on any other

decisions until it's appropriate for them to do that. He said this is a time of crisis and he didn't want the City Manager spending a lot of time writing memos to City Council every day. He would rather he spend his time taking care of the issues going on. He asked the City Manager how far he was willing to go with the communication relative to what was proposed. City Manager Auger said he didn't have a problem when we deviate from normal operating procedures to keeping Council informed on what we are doing. If we were to make a decision under this resolution, it's agreeable to let Council know. Mayor Pro Tem Staudt asked the City Attorney if there was anything more he needed regarding the suggested addition. He wanted to know if the wording was acceptable and if he was clear with the language. City Attorney Schultz said they would circulate an amended version to ensure they are on the same page before the City Clerk signs the resolution. Mayor Pro Tem Staudt said he would accept the second amendment, but not the first amendment.

AMENDED MOTION

CM 20-03-030

Moved by Staudt, seconded by Gatt; CARRIED 6-1

Approval of Resolution Declaring Local State of Emergency (COVID-19), with the addition of "with the concurrence of the Mayor" to Section 2, renaming Section 4 to Section 5 with the new Section 4 to read "While this declaration is in effect, the City Manager is required to provide detailed daily updates to City Council. This communication must contain a description of any decisions made by the City Manager, the Emergency Manager, and/or the City Leadership Team. If he exercises any authority granted by this resolution, a communication must be sent to Council within 24 hours of the action, provide a detailed description of said action, the reasons behind taking such action, and any next steps deriving from said action."

Member Crawford asked if the second part of the amendment would become part of the original motion. Mayor Gatt said yes. Member Crawford said he didn't agree with either amendment and didn't think they were necessary. He said what was stated before, that we have an elected official, the Mayor, to oversee. They are talking about an emergency, not every day procedures. Under an emergency, he didn't want to hamper anybody with anything. If that second amendment is part of the motion, he would not support it.

Member Fischer said he could appreciate where Member Casey was going with the first suggestion and he would like to see that implemented, but he would not hold up the resolution for that. He said the communication clause was important and he would not support a motion without it.

Member Crawford asked if they were voting on the original motion or the amendments. Mayor Gatt said they were voting on the resolution with the amendment by Mayor Pro Tem Staudt and the second amendment by Member Casey.

Roll call vote on CM 20-03-030 **Yeas: Casey, Fischer, Mutch, Gatt, Staudt, Breen**
Nays: Crawford

- 2. Consideration of approval of the final payments to Mattioli Cement Company for the 2018 and 2019 Neighborhood Road Program – Concrete Streets in the amount of \$29,568.04 and \$110,545.63, respectively, plus interest earned on retainage.**

CM 20-03-031 **Moved by Staudt, seconded by Fischer; CARRIED UNANIMOUSLY**

Approval of the final payments to Mattioli Cement Company for the 2018 and 2019 Neighborhood Road Program – Concrete Streets in the amount of \$29,568.04 and \$110,545.63, respectively, plus interest earned on retainage.

Roll call vote on CM 20-03-031 **Yeas: Crawford, Fischer, Mutch, Gatt, Staudt, Breen, Casey**
Nays: None

- 3. Consideration of adoption of a resolution authorizing cost participation, and approval of a cost sharing agreement with the Michigan Department of Transportation (MDOT) for the Novi Road over I-96 Project, with the City of Novi's estimated responsibility in the amount of \$169,000.**

City Manager Auger said this was before Council previously but they were approached by MDOT that they were doing another project and wanted to add this to it. It would get a non-motorized route over the freeway.

CM 20-03-032 **Moved by Mutch, seconded by Casey; CARRIED UNANIMOUSLY**

Adoption of a resolution authorizing cost participation, and approval of a cost sharing agreement with the Michigan Department of Transportation (MDOT) for the Novi Road over I-96 Project, with the City of Novi's estimated responsibility in the amount of \$169,000.

Roll call vote on CM 20-03-032 **Yeas: Fischer, Mutch, Gatt, Staudt, Breen, Casey, Crawford**
Nays: None

- 4. Consideration of approval of a cost participation agreement with the Road Commission for Oakland County for the preliminary engineering and right-of-way acquisition associated with the resurfacing and widening of 10 Mile Road from Meadowbrook Road to Haggerty Road, in the estimated amount of \$133,040.**

CM 20-03-033 Moved by Mutch, seconded by Casey; CARRIED UNANIMOUSLY

Approval of a cost participation agreement with the Road Commission for Oakland County for the preliminary engineering and right-of-way acquisition associated with the resurfacing and widening of 10 Mile Road from Meadowbrook Road to Haggerty Road, in the estimated amount of \$133,040.

**Roll call vote on CM 20-03-033 Yeas: Mutch, Gatt, Staudt, Breen, Casey, Crawford, Fischer
Nays: None**

5. Consideration of Zoning Ordinance Text Amendment 18.292 to allow Instructional Centers in the OS-1, Office Service District throughout the City of Novi, subject to conditions. FIRST READING

CM 20-03-034 Moved by Fischer, seconded by Gatt; CARRIED UNANIMOUSLY

Approval of Zoning Ordinance Text Amendment 18.292 to allow Instructional Centers in the OS-1, Office Service District throughout the City of Novi, subject to conditions. FIRST READING

**Roll call vote on CM 20-03-034 Yeas: Gatt, Staudt, Breen, Casey, Crawford, Fischer, Mutch
Nays: None**

6. Consideration of approval of a resolution in support of Island Lake Homeowners Association's request to participate in the Michigan Department of Natural Resources Goose Nest Destruction Program for Island Lake.

CM 20-03-035 Moved by Crawford, seconded by Staudt; CARRIED 6-1

Approval of a resolution in support of Island Lake Homeowners Association's request to participate in the Michigan Department of Natural Resources Goose Nest Destruction Program for Island Lake.

Member Casey said with all due respect to the homeowners, she cannot support the destruction of wildlife. That is her personal belief.

**Roll call vote on CM 20-03-035 Yeas: Staudt, Breen, Crawford, Fischer, Mutch, Gatt
Nays: Casey**

AUDIENCE COMMENT:

City Clerk Hanson stated there were two audience comments that were emailed to be read into the record.

Edna Zaid from Holly Hill Professional Village: Thank you to the Planning Commission for their assistance in preparing this Zoning Text Amendment for tenant occupancy in our complex. I believe these tenants bring value and talent to the City of Novi; particularly the director of Claire's Music Academy who performs at the DSO and teaches at U of M. She is a world-renowned musician and will be a great asset to the City of Novi. Thank you for your time and please be safe.

Bob Copes, Ladene Lane: When taking your oath of office, whether for your first time or your most recent, no one could have predicted the events of 2020. No one would have embraced the opportunity to step up and lead our community during this time of crisis. Yet, here you are today, leading and doing your best both individually and collectively to help bring our community through this with minimal loss of life. Thank you. You didn't sign up for this, yet here you are. This evening there are no Republicans, there are no Democrats. We are one, united under your guidance and leadership. We are Novi. And we thank you.

COMMITTEE REPORTS: None

MAYOR AND COUNCIL ISSUES:

Mayor Gatt said on the Consent Agenda, they approved Item H regarding temporary promotional signage. They typically do that around the State Fair and other large events. He thought that staff got together and recognized that our businesses are hurting and our businesses need all the help that we can give them. Every local establishment is going to need our help. This will help them because we are relaxing the rules. They will be allowed to put signs out that normally would not be permitted. He asked the City Manager if staff would be available if there were questions. City Manager Auger said yes. He asked for the public to be patient. We are providing services that we always provide but a lot of staff is home under the Governor's directive. Staff will respond to calls within 24 hours. He said this program is the same as what we do around holidays to help people have additional signage. Like restaurants doing carry out business or to alert residents that their business is still open. Mayor Gatt encouraged everyone to frequent local establishments.

COMMUNICATIONS: None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: None

Mayor Gatt said this was uncharted and unprecedented territory. He never dreamed as the Mayor or as a Council Member that they would be signing declarations of emergency. He has been in government work for 45 years and he can state that what is happening in Novi is happening everywhere. The same questions are being asked everywhere. This is so fast moving and policies are changing. He asked everyone to

know that we will get through this and we will do our best. He said he will keep Council Members informed of what is going on and promised everyone that he will do his best.

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:40 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Cortney Hanson
Date approved: April 6, 2020