

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, October 10, 2016 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
Thomas Schultz, City Attorney

APPROVAL OF AGENDA:

CM 16-10-134 Moved by Wrobel, seconded by Burke; UNANIMOUSLY CARRIED:

To approve the Agenda as presented.

Roll call vote on CM 16-10-134 **Yeas: Staudt, Burke, Casey, Markham, Mutch, Wrobel, Gatt**
Nays: None

PUBLIC HEARING - None

PRESENTATIONS

1. Recognition of Novi High School and South Lyon East High School Varsity Football Coaches and their teams for their sportsmanship and compassion for recognizing Robby Heil's dedication and commitment.

Mayor Gatt explained that many people probably know about an event that happened in Novi that epitomizes Novi and show that it is more than just a place to live and work. It's a feeling. Novi is a very special place and a very special thing happened a few weeks ago. Mayor Gatt called down a couple of high school coaches in the area, Coach Burnside, Novi High School and Coach Pesci from South Lyon East High School. Mayor Gatt said they did a great thing that made national and international news. Coach Burnside started with saying Robby has been hydration engineer for four years and has done a great job. He said he wanted to give him a play, a run, and do it early in the season. When the student body got back, the first game was against South Lyon East and it was a divisional opponent, so he called Coach Pesci, and said they couldn't have done it without him and his men. Coach Pesci allowed him to do this and immediately agreed. His students surprised them and got a jersey signed for Robby and did a great job. He said it was emotional, very cool and Coach Pesci did a great job allowing it to happen. The South Lyon students rushed the field for Robby. He said he knows Robby will never forget it and anyone involved will never forget that moment.

His kids will go to South Lyon East and he couldn't be more proud for that representation. Coach Pesci was honored to be a part of it and when Coach Burnside called, it was a no brainer for them to make it happen and they were glad to be a part of it. His players embraced it and came up with the idea to give him the jersey. In 18 years of coaching High School football, this was the greatest moment of his coaching career. He said they were honored to be a part of it.

Mayor Gatt called the Heil family down from the audience. Mayor Gatt said he recently honored Robby for becoming an Eagle Scout. Mrs. Heil said she was very grateful for the opportunity for Robby to feel that moment of the crowd chanting for him. The reporters were coming after her, while she had tears rolling down her face. She said it was so emotional. When South Lyon East came up, she hugged every single player. It was big sacrifice for their team, but they made it happen for him, and then they had to try to be opponents again. They sacrificed a lot on that field. Mrs. Heil said they truly appreciate it. Mr. Heil said they were very happy to hear the cheering for Robby. He had never seen it before and they refer to it as the "RUDY" moment. He has enjoyed it. Robby said he loved being an Eagle Scout, Coach Burnside was his hero, Coach Pesci he did the best, and his football friends love him. His mom had happy tears. Coach Burnside was so happy and had happy tears. He thanked them.

Mayor Gatt called down a couple of members from the school board, Member Kortlandt and Member Mena and also, "Mr. Novi", Tom Marcus. Member Mena has been honored to be with the team since 2004. He said he has gotten to know Robby over years, he likes to play pranks. Member Kortlandt, President of the Novi School Board said he was at the Eagle Scout Ceremony. The entire girls' basketball team, which Robby is the manager of, came in dressed in uniforms. They said that every Valentine's Day Robby brought them each a flower so they call him the sweetheart. He is a great example. Member Kortlandt thanked him and thanked the coaches. It was a wonderful moment. Tom Marcus said this was great and this young man has taught him some new moves. The big thing was it was a heck of a lot more than just a football game. It was two communities and kids coming together and that was priceless. That's what makes these cities great that surround us here. Thank God we have Robby and his family, they are terrific people.

Mayor Gatt said the coaches mission was to teach kids how to play football, and they do a good job of that, but they also taught a whole new lesson in life. On behalf of City Council and the City of Novi he said we have a little gift for the coaches, I am Novi shirts. We hope you will wear the shirts proud. Thank you for making Novi a great place and Novi proud. Mrs. Heil said it takes a village to raise a child and the community of Novi has done a great job with helping raise Robby.

2. Proclamation in recognition of National Friends of the Libraries Week October 16 -22, 2016 – Sue Johnson – President of Novi Library Friends, Christina Salvatore – Communications Coordinator, and Marcia Dominick – Friends Liaison for the Novi Library.

Sue Johnson, President of the Friends of Novi thanked everyone on behalf of the 10 member board and 350 members. They are a diverse group and they support a diverse platform. Last year they purchased a 3D printer for the library and invited people to try it out. This year they are supporting the raising a reader program in Novi, partnering with Rotary and Novi public schools. It is a preschool program where they provide books and the goal is to read 1,000 books before kindergarten. She said they are really encouraging reading as well as purchasing books for the library for the preschool classrooms. Next Wednesday they are having Jack Lussenberry, a political writer for NPR come to speak to the community regarding the longer term effects of the election. They are diverse, support technology and do programs and support community activity. If you are interested in becoming a Friend of the Library they have a brochure to join. Sue thanked Council.

Christina Salvatore, Communications Coordinator said they wouldn't be the library they are without the Friends of the Library. Last year they gave over \$28,000 dollars and that was just from the book nook sales. They wouldn't be where they are today without them. Christina also thanked Council for their support.

3. Recognition for achievement of the Parks, Recreation and Cultural Services Commission for Accreditation of Parks and Recreation Agencies (CAPRA) - Jeff Muck, Director of Parks, Recreation and Cultural Services

Mayor Gatt said accreditation is a long and arduous process. Not every city is lucky enough to have staff to make this happen.

Jeff Muck, Director of Parks, Recreation and Cultural Center said it was a pleasure to be here one of only four Agencies in the State of Michigan to be accredited and only 1 of 155 out of 10,000 across the country. He said it is the pinnacle of their profession to make this achievement. Mr. Muck said the best explanation of this would be to read off the certificate that they gave us last week. He read from the Commission of Accreditation of Park and Recreation Agencies – Let it be known that the City of Novi Parks, Recreation & Cultural Services has fully demonstrated its commitment to the park and recreation field by complying with a body of standards deemed essential to the quality of services delivered and the professionalism of its operational system, and having accomplished best management practices is hereby, upon recommendation by the members of the Commission for Accreditation of Park and Recreation Agencies, conferred Agency Accreditation effective on this 4th of October, 2016. Mr. Muck said this truly took a team. It was a multi-year process. They have the best of the best in the country. They were recognized during their hearing on how they attacked the process. They recognized what each team member did. He said every team member was assigned a section in the chapter and focused on that aspect. He also wanted to recognize city administration and all of our other departments, and said this was a city wide effort. They had assistance from every department to make this happen. It was a team effort. He also wanted to thank Greg Morris for being the lead throughout the process. He spearheaded it, kept them on track, and really made it happen. He also thanked Council for their continued support.

REPORTS:

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

AUDIENCE COMMENTS:

Al Bialek, 44084 Winthrop Dr., stated he has been a Novi resident for 25 years and is a Vietnam Veteran. He invited everyone to a presentation at the Novi Library on Veteran's Day at 7:00 p.m. He said it was free, no obligation. He is doing it because his grandson asked him what a veteran was and that resulted in him creating this presentation.

A Novi resident who lived in Stonehenge spoke about how he lives with his 94 year old mother who doesn't use any medical facility or medicine. He was concerned about how the Fire Stations are staffed on nights and weekends and felt it wasn't enough. He said that was dangerous. He asked Council to think about that. He said he had also heard the response time was longer than other communities and he was concerned about that.

A Novi resident spoke about two concerns he had. He said he was 72 years old and on Social Security. He wanted Council to consider concessions for seniors on water bills and utility bills. He was also concerned about the response time for emergency calls and the staffing at the Fire Stations. He hoped they would do something about it.

A Novi resident from Willowbrook Farms spoke about Veteran's Day last year. His culture celebrates the Festival of Lights, which doesn't always fall on the same day every year. He said last year it fell on Veteran's Day and they were celebrating with fireworks. Apparently there were complaints and they were asked to stop lighting the fireworks. He asked how they could move forward in continuing to celebrate the Festival of Lights without running into complaints.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 16-10-135 Moved by Burke, seconded by Wrobel; UNANIMOUSLY CARRIED:

- A. Approve Minutes of:
 1. September 26, 2016 – Regular meeting
- B. Approval of Traffic Control Order 16-32 requiring eastbound Carmela Court traffic to stop at Meadowbrook Road in Mirabella Estates.

- C. Approval of Decorative Street Name Sign Support Agreement as requested by Mirabella Estates Condominium Association for the installation of a decorative street name sign post within the public right-of-way.
- D. Approval to award design services to Orchard, Hiltz & McCliment for the replacement of culverts under Meadowbrook Road north of Grand River for a fee of \$35,790 and amend the budget to reflect this new project.
- E. Approval to award the Sport Clothing and Apparel contract to All American Embroidery Inc. for one (1) year with two (2) renewal options in one-year increments based on unit pricing; with an estimated annual cost of \$25,000.
- F. Approval of resolution recognizing Novi High School Band Boosters as a nonprofit organization operating in the City of Novi for the purpose of obtaining a charitable gaming license from the State of Michigan.
- G. Approval of the request of Feldman Automotive, JSP 16-31, for Zoning Map Amendment 18.713 to rezone property in Section 23, located on the south side of Grand River Avenue, between Novi Road and Meadowbrook Road, from the RM-1, Low-Density Multiple-Family District to the P-1, Vehicular Parking District, and a waiver of the required Rezoning Traffic Impact Study. The subject property is 1.67 acres and rezoning approximately 0.9 acres. **SECOND READING**
- H. Approval to award Janitorial Services contract to Du All Cleaning Inc., in the amount of \$84,198.00 (annually) and amend the budget.
- I. Approval to award the contact to R.W. Mead & Sons, Inc. for heating, ventilation, and air conditioning (HVAC) services. The Contract includes scheduled inspection, preventative maintenance and service/repair at an estimated cost of \$64,000.
- J. Approval of the sole source purchase of two model ST-1085-FBA portable equipment lifts from Steril Koni in the amount of \$16,000.
- K. Approval to award the Municipal Property Sprinkler Backflow Upgrade to A&R Plumbing for the amount of \$34,414.
- L. Approval of a Storm Drainage Facility Maintenance Easement Agreement from HCP Land, LLC and Daifuku North America Holding Company for the Haggerty Corridor Corporate Park Phase II development located west of Haggerty Road and north of 13 Mile Road (parcels 22-01-400-040 and 22-01-400-039).
- M. Approval of Claims and Accounts – Warrant No. 973

Roll call vote on CM 16-10-135

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

Nays: None

MATTERS FOR COUNCIL ACTION

1. Approval of three year agreement with 2 Stones Events to coordinate an annual "Vibe on Main" festival on Main Street.

Member Wrobel said he has been on City Council for six years and one of the things he always brings up at goal setting is that we need another event to bring people to Novi. He said we used to have a "50's Festival" that ran its course, but it was quite successful. Fortunately, Cal and Whitney has stepped up this year and had the first "Vibe on Main". He felt it was something important for the City and he thought we should continue with it.

CM 16-10-136 Moved by Wrobel, seconded by Burke; UNANIMOUSLY CARRIED:

To approve a three year agreement with 2 Stones Events to coordinate an annual "Vibe on Main" festival on Main Street.

Roll call vote on CM 16-10-136

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

Nays: None

2. A) Approval of form of License Agreement for Access to and Use of Right-of-Way for Telecom Antennas, Support Structures and Equipment; and B) Approval of License Agreement for Access to and Use of Right-of-Way with Fiber Technologies Networks, LLC.

Member Mutch said he had a few questions about this request. He wondered what type of equipment they would be installing on the poles and what it would be used for. Thomas Schultz, City Attorney responded to his question and said the equipment is basically antennas and the equipment required to make sure the antennas are receiving sound. Member Mutch wondered if these were wireless. Mr. Schultz said he believes these particular antennas are wireless. Member Mutch noted there are 14 locations and most of these will be on new poles going into the public right-of-way. Mr. Schultz confirmed that 10 of the 14 will be new poles. Member Mutch believed the poles will be 42 feet high and wondered how that compared to an existing pole such as a DTE pole? Mr. Schultz replied the DTE poles are 39 feet. Member Mutch asked if the City would be hearing from other companies doing this kind of work in the future. Mr. Schultz said they have heard from one other company that has submitted some material into the City. He said one thing Council will be doing tonight is approving the form of document so that all of these in the future will not have to come to the City

Council for approval. Member Mutch confirmed that future approvals will go through the City Manager. Member Mutch said if you look at the map they provided a couple of the poles are located in main corridors in the City. He wondered if the City expects they will want to come back and expand beyond what is currently proposed. Mr. Schultz said we do not have a clear indication just yet. Member Mutch was concerned that we will have additional requests. He said one of the issues is that DTE isn't allowing, or is making it difficult to co-locate. He said he expects that most of the future requests will have a similar situation. He also mentioned looking at the particular equipment there is so much stuff on the pole that he doesn't see how they will open up their pole to people doing comparable stuff. Mr. Schultz said they heard that DTE is not allowing locations in some situations although we are going to confirm that. He said the License Agreement actually requires Fiber Tech to prove individually with each of these poles that there is no DTE pole available, so hopefully we will have some correspondence or conversation directly with DTE. Mr. Schultz said when the first part of this conversation started, Fiber Tech said they don't need any approval because they are permitted under the Metro Act, so at least we have gotten them to agree we are going to do individual reviews and issue individual licenses. Mr. Schultz said it is not perfect, but it could be worse. Member Mutch said Mr. Schultz made a pretty good case that they are not covered under the Metro Act because it is on a separate pole. Member Mutch said he thought it is an important issue, but it is separate from the discussion now. Member Mutch wondered about the compensation for the use of the city right-of-way since this is being treated differently than the Metro Act, he said he understood that we are not approving that at this time. Member Mutch wondered how that will be approved. Mr. Schultz said when we actually get a request to use a city pole we will bring that to City Council for approval of a fee. Member Mutch wondered about the compensation for using the city right-of-way. Mr. Schultz said that is the fee that is included in Exhibit B. Member Mutch said it was not included in the motion and wondered how that will get addressed. Mr. Schultz replied the fee for the right-of-way, not necessarily to locate on City property. Member Mutch confirmed with Mr. Schultz that wasn't part of the motion. He wondered how that piece will get addressed. Mr. Schultz said in the future when we have an actual location on the City pole. Member Mutch noted that the schedule talks about fees beyond just the use of the City pole. He said if you use the right-of-way, you have to pay "X", and if you are using a city pole in the right-of-way, you will have to pay "Y". Mr. Schultz confirmed that was correct. Mr. Schultz said we are approving the fee schedule for this particular permit which is what the attached exhibit is. Member Mutch said minimum fourteen poles and if none of them are ours and they are all theirs it would be about \$1,400 that they will be paying. Member Mutch wondered if we felt that was a fair compensation. Mr. Schultz said as part of his review Mr. Dove did a survey to see what other communities charge. Member Mutch said requests like this obviously think it is a small request because it is only fourteen poles, of which ten will be new. He said this is one of the situations that we might have to try it to see how this works. Member Mutch said he would like us to review this after this is in place. He wondered if we will see a proliferation of poles in the right-of-way and he felt that would not be visually appealing.

CM 16-19-137

Moved by Mutch, seconded by Wrobel; UNANIMOUSLY CARRIED:

Motion to approve the form of the License Agreement for Access to and Use of Right-of-Way presented by the City Attorney for general use under Section 31-1(d) of the City Ordinance Code, and authorize the City Manager to sign such License Agreements with telecommunication providers upon all required information being included, all Exhibits being completed, and all other required City permits or approvals being obtained. This motion does not approve any information specific to Fibertech or the bond and fee amounts in Exhibits C and D of the License Agreement.

AND

Motion to approve the License Agreement for Access to and Use of Right-of-Way with Fiber Technologies Networks, LLC, as presented by the City Attorney and authorize the City Manager to sign it on behalf of the City subject to and conditioned on the following:

- 1. The plans and specifications for each of the 14 DAS Facility locations described in Exhibit B to be attached to the License Agreement as part of that Exhibit shall be approved by the City Engineer.**
- 2. The overall height of any new poles and antennas shall be strictly limited to the 41'2" height shown on the generic illustration drawings submitted to Council with the License Agreement, and the overall height of any existing pole that is used shall not be increased by more than the 24" height of the antenna.**
- 3. All other required City permits or approvals being obtained.**

Member Wrobel said he was excited when he saw this and said he spent half of his career dealing with this kind of stuff. He wondered if they were DTE poles or AT & T poles. Mr. Schultz answered the question saying they are locating for DTE poles and ten new poles. Member Wrobel said many times they are joint poles and you could think they are DTE poles, but they could be an AT & T pole. He also said there are four existing poles and he has one issue which would be overloading on the poles. He said this is something he dealt with on a daily basis and wondered if they are going to do the required studies to be sure that by placing facilities on these existing poles that they are not all over taxing the poles and creating a safety hazard. Mr. Schultz said he believed that was part of the administrative review process.

Roll call vote on CM 16-10-137

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

Nays: None

AUDIENCE COMMENT - None

COMMITTEE REPORTS - None

MAYOR AND COUNCIL ISSUES

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION - None

COMMUNICATIONS - None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:42 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: October 24, 2016