

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI  
MONDAY, AUGUST 27, 2012 AT 7:00 P.M.  
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. 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 Casey, Fischer, Margolis, Mutch, Wrobel

**ALSO PRESENT:** Clay Pearson, City Manager  
Victor Cardenas, Assistant City Manager  
Tom Schultz, City Attorney  
Jason Magnum, Director of Parks, Recreation and Cultural Services

**APPROVAL OF AGENDA:**

**CM-12-08-143 Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY:**

**To approve the Agenda as presented.**

<b>Roll call vote on CM-12-08-143</b>	<b>Yeas:</b>	<b>Staudt, Casey, Fischer, Margolis, Mutch, Wrobel, Gatt</b>
	<b>Nays:</b>	<b>None</b>

**PUBLIC HEARING - None**

**PRESENTATIONS:**

1. Implementation of a Non-Discrimination Plan to abide by Title VI of the Civil Rights Act of 1964 – Sehrish Salah-Ud-Din, 2012 MLGMA Fellow

Sehrish Salah-Ud-Din, 2012 MLGMA Fellow, said she was asked to draft a Title VI policy in collaboration with the Michigan Department of Transportation, (MDOT). MDOT initialized this process to all municipalities in January. We are one of the few cities that have completed, adopted and presented the policy. All communities are required to comply with the Federal order in order to receive Federal aid. Title VI prohibits discrimination in regards to race, color, or national origin. The City has put in place a Limited English Proficiency plan in the Title IV policy because Novi has more than 5% or 1,000 members from a foreign group. City employees will be able to better serve our community to accommodate the different demographic areas and sectors with respect to Title VI. We will be able promote further quality and non-discriminatory actions together as a community.

**REPORTS:**

1. MANAGER/STAFF - None

2. ATTORNEY - None

**AUDIENCE COMMENT – None**

**CONSENT AGENDA REMOVALS AND APPROVALS (See items A-M)**

**CM-12-08-144 Moved by Margolis, seconded by Casey; CARRIED UNANIMOUSLY:**

**To approve the Consent Agenda with removal of item C.**

- A. Approve Minutes of:
  - 1. August 13, 2012 – Regular meeting
- B. Approval of Traffic Control Orders 12-30 through 12-37 for the implementation of revised speed limits, and Traffic Control Orders 12-38 through 12-42 for existing traffic control signage located on West Oaks Drive, S. Karevich Drive, Fountain Walk Drive, Donelson Drive and Cabaret Drive.
- C. Approval of a resolution to amend the purchasing policy to reflect changes and improvements in the City's procurement processes, including an increase in the threshold amount for which a purchase order must be used from \$1,000 to \$5,000; authorization of the use of P-Cards for some purchases; establishment of a formal change order policy; and clarification of certain exceptions to purchases in excess of \$15,000 that do not require City Council approval.  
**REMOVED FOR COUNCIL ACTION**
- D. Approval to award an amendment to the engineering services agreement to URS Corporation for additional construction phase engineering services related to the Meadowbrook Lake Dam Improvement project in the amount of \$16,069.
- E. Approval to purchase eight (8) Panasonic laptops for Fire Department apparatus vehicles from Advanced Wireless Telecom in the amount of \$25,318.24 using an Oakland County Cooperative Purchasing contract.
- F. Approval to award a contract in the amount of \$27,344 to Oscar W. Larson Company to replace three underground fuel storage tank sumps located at the Field Services Complex.
- G. Approval to purchase two servers and storage hardware from Dell in the amount of \$28,325.23 using a competitively bid contract through the Massachusetts Higher Education Consortium.
- H. Approval of Change Order No. 2 and No. 3 in the amount of \$81,506 and final pay estimate in the amount of \$118,153 to V.I.L. Construction for the Meadowbrook Lake Dam Improvement project.

- I. Approval to purchase twenty-three (23) replacement in-car laptops for Police Department patrol vehicles from Dell in the amount of \$69,430.69 using an Oakland County Cooperative Purchasing contract.
- J. Approval of a revised Agreement of Sale and Offer to Purchase Easements over Real Property in the amount of \$2,750 for a permanent pathway easement and a temporary grading permit on the Ban property (parcel 50-22-16-451-033) for the purpose of constructing a pedestrian safety path on the west side of Taft Road between Grand River Avenue and Eleven Mile.
- K. Approval to award an amendment to the engineering services agreement with Spalding DeDecker Associates, Inc. related to the 2012 Pathway Gap and Americans with Disabilities Act Compliance Program in the amount of \$32,006.
- L. Approval to award an amendment to the engineering services agreement with Spalding DeDecker Associates, Inc. related to the Sanitary Sewer Rehabilitation of CMOM program areas B, C1, and G in the amount of \$59,653.
- M. Approval of Claims and Accounts – Warrant No. 874

**Roll call vote on CM-12-08-144**

**Yeas: Casey, Fischer, Margolis,  
Mutch, Wrobel, Gatt, Staudt**  
**Nays: None**

**MATTERS FOR COUNCIL ACTION – PART I**

- 1. Approve the contract to purchase the David and Beth Barr property located at 22600 Napier Road, Novi, MI at the appraised value of \$375,000, to be used as a City of Novi Park, Sculpture Garden and Cultural Education Center.

Jason Magnum, Director of Parks, Recreation and Cultural Services, noted that the information given to Council explained what they hope to accomplish and achieve by purchasing this piece of property. He gave a quick overview for those who are not as familiar with the project. The David and Beth Barr property is four acres in the southwestern part of the City. The house was built in 1980. It was just farm land but has been transformed into a park like setting with a pond, mature trees and wildlife. They hope to purchase the property and home to be used as a cultural education center for Novi. The home is a 3,800 square foot home and would be used for an artist's residence programming. The outside studio would be used for classes and lectures with many different options. The appraisal showed a value of \$375,000 and doesn't include the art and sculpture. They will include six pieces of art for a value of \$145,000 in the purchase price. They have also looked at some partnering agencies they could partner with. They have a tremendous amount of support from the artistic community from all over the State.

David Landry, former City of Novi Mayor, said he has been dedicated to this project for over a year. He has agreed to join the Board of the Directors of the Novi Parks

Foundation because this project is so unique. Novi has concentrated on developing and presenting diverse opportunities to everyone and is able to do what we do. The City is buying a park which has already been developed. Initially, when the project was discussed, he received a message that taxpayer dollars should not be used to purchase art. This property includes six pieces of art worth \$145,000; in addition, they agree to leave thirty-four pieces of art until the family or heirs sell the art. We can move the pieces anywhere we wish. The building is intended to be an artist in residence program. The vision is to approach some of the business residents to sponsor an artist for a year. The artist would have to give the City a piece of art after a year. This is a commitment to art.

Member Margolis attended the Baseline dedication and it is a place of peace in the City. She was excited to see the City engage the citizens in a different way. The idea of a public-private partnership is great. She thanked everyone for the hard work on this.

Member Wrobel thanked Mr. Landry, Mr. Magnum and Mr. and Mrs. Barr for working together. It will be a grand addition to the City.

Mayor Pro Tem Staudt suggested raising money to buy additional art. His support for this project is contingent upon a commitment through the Parks Foundation that they raise an additional \$50,000 from private funds within one year to buy additional art. He noted Novi is in the top five percent in philanthropic giving in the nation. The money could be arranged through naming rights or major contributions to the park.

Member Fischer noted that it was a wonderful, peaceful property. It is an opportunity to enhance our cultural services. He felt that they are reaching out and giving an opportunity to residents in the southwest quadrant and showing them that Council cares about their needs and wants, as well. He would help with any fundraisers.

Member Mutch thanked David and Beth Barr for presenting this opportunity to the City of Novi. He noted that the Detroit Institute of Art millage passed handily in Novi. Some may have thought it wouldn't have passed but many voters were willing to make that contribution. He liked the acquisition of the property and that the art is not being purchased with tax dollars. This property has been sculpted into a park-like setting and won't require a significant amount of public investment to make it available to the public. It can be enjoyed by all ages for its natural setting. He thought it was important to set goals for fundraising as a City and for partnering organizations. The City has to make the commitment to this project. As this project moves forward, he would like a long-term plan for the property. He would like to ensure this property is funded for the long term maintenance and improvements.

Member Casey welcomed the Barr's to the meeting. The spirit of serenity on the property was amazing. She supports this because it gives the public a chance to interact with another person's vision of art at their own speed and time. Not very many cities can offer this to their residents. She is very grateful for the opportunity and thanked former Mayor Landry for his leadership.

**CM-12-08-145 Moved by Margolis, seconded by Staudt; CARRIED UNANIMOUSLY:**

**To approve the contract to purchase the David and Beth Barr property located at 22600 Napier Road, Novi, MI at the appraised value of \$375,000, to be used as a City of Novi Park, Sculpture Garden and Cultural Education Center.**

Mayor Gatt thanked the Barrs and City staff for this opportunity. He had the opportunity to walk the property. He agreed with every comment of Council about the beauty of the property. He was hesitant to be in favor of the project. He questioned whether the City of Novi should purchase a house. He wondered what will happen if the house needs repair. The taxpayers would have to pay for the repair in this case. He struggled with it, but when he found out that Mayor Landry will join the Parks Foundation, he was in favor of the project. He felt most of the repairs can be done by City staff. He has reservations because of the house. He thought it would work out with Mayor Landry's commitment to raising money to buy art.

**Roll call vote on CM-12-08-145**                      **Yeas: Fischer, Margolis, Mutch, Wrobel,  
Gatt, Staudt, Casey**  
**Nays: None**

2. Consideration of an Ordinance to amend the City of Novi Code of Ordinances, Chapter 21 "Nuisance," in order to add a new division, Division 11, entitled "Nuisance Lighting." **Second Reading**

City Manager Pearson stated they brought this recommendation forward to update and modernize our Code of Ordinances to deal with any nuisance lighting situations. They have tightened the language to provide some specifics and guidance as to what the ordinance is intended to do and to provide a table of how other communities deal with such ordinances for reference.

Member Margolis was in favor of the ordinance and appreciated the enhancements the staff added.

**CM-12-08-146 Moved by Margolis, seconded by Casey; MOTION CARRIED: 6-1**

**To approve the Second Reading of an Ordinance to amend the City of Novi Code of Ordinances, Chapter 21 "Nuisance," in order to add a new division, Division 11, entitled "Nuisance Lighting."**

**Roll call vote on CM-12-08-146**                      **Yeas: Margolis, Mutch, Wrobel, Gatt, Casey,  
Fischer**  
**Nays: Staudt**

3. Approval of Zoning Ordinance Text Amendment 18.257 to amend the City of Novi Zoning Ordinance at Article 30, "Administration and Enforcement," Section

3004, "Temporary Special Exception and Temporary Special Land Use Permits," in order to add a timeframe for submitting an application and to provide regulations relating to temporary tents in connection with an outdoor recreation facility. **Second Reading**

City Manager Pearson said this ordinance provides a great balance between the need to provide public safety with review and also give the user flexibility to have back to back weekends to have the temporary tents.

Member Fischer appreciated staff's work on this to reduce the costs to our businesses while providing safety for our residents.

**CM-12-08-147 Moved by Fischer, seconded by Margolis; CARRIED UNANIMOUSLY:**

**To approve the Second Reading of the Zoning Ordinance Text Amendment 18.257 to amend the City of Novi Zoning Ordinance at Article 30, "Administration and Enforcement," Section 3004, "Temporary Special Exception and Temporary Special Land Use Permits," in order to add a timeframe for submitting an application and to provide regulations relating to temporary tents in connection with an outdoor recreation facility.**

**Roll call vote on CM-12-08-147**

**Yeas: Mutch, Wrobel, Gatt Staudt, Casey, Fischer, Margolis**  
**Nays: None**

4. Approval of Zoning Ordinance Text Amendment 18.261 to amend the City of Novi Zoning Ordinance at Article 25, "General Provisions" Section 2516, "Site Plan Review (All Districts)" in order to allow administrative approval of site plans proposing a reduction in building size from a previously approved plan. **First Reading**

City Manager Pearson shared that it is intended to stream line the process. It would allow those with additional buildings to be administratively approved with guidelines provided. They wouldn't have to go through the entire process.

**CM-12-08-148 Moved by Margolis, seconded by Mutch; CARRIED UNANIMOUSLY:**

**To approve the First Reading of the Zoning Ordinance Text Amendment 18.261 to amend the City of Novi Zoning Ordinance at Article 25, "General Provisions" Section 2516, "Site Plan Review (All Districts)" in order to allow administrative approval of site plans proposing a reduction in building size from a previously approved plan.**

Member Fischer asked about how the "up to 10,000 square feet and 10%" works from a maximum perspective. He asked if someone had a 200,000 square foot building, would it be 20 or would they cap it at 10. City Manager Pearson said the maximum would be 10,000 square feet. Once you are over a 100,000 square foot building, anything more than that would stay at the 10,000 addition.

**Roll call vote on CM-12-08-148**

**Yeas: Wrobel, Gatt, Staudt, Casey, Fischer, Margolis, Mutch**  
**Nays: None**

5. Approval to award a construction contract for the Sanitary Sewer Rehabilitation in CMOM program areas B, C1, and G to Inland Waters Pollution Control, Inc., the low bidder, in the amount of \$553,441.

City Manager Pearson said they don't want infiltration of storm water in the sanitary sewer because it would cause additional costs and treatment. Engineering has gone through a review of areas are of infiltration. They have targeted those and this will go in and do treatments to line the sewers and manhole covers to limit the infiltration. The money spent here will save down the road.

Member Mutch asked about the impact on sewer service in those areas where the work is being done. Rob Hayes, Director of Public Services, said the nature of the repairs is such that our contractors will temporarily be blocking off or bypassing the flow to those areas for a short period of time. It would have minimal impact.

**CM-12-08-149 Moved by Margolis, seconded by Staudt; CARRIED UNANIMOUSLY:**

**To approve the construction contract for the Sanitary Sewer Rehabilitation in CMOM program areas B, C1, and G to Inland Waters Pollution Control, Inc., the low bidder, in the amount of \$553,441.**

**Roll call vote on CM-12-08-149**

**Yeas: Gatt, Staudt, Casey, Fischer, Margolis, Mutch, Wrobel**  
**Nays: None**

6. Approval to award a construction contract for the 2012 Pathway Gap and Americans with Disabilities Act Compliance Program to Koala-T Construction, the low bidder, in the amount of \$184,878.

Member Mutch commented that residents always want their sidewalks repaired immediately but through our prioritization process, these two segments are near the top of the list. The reason is because both segments will create continuous sidewalk pathway from Eight Mile Road to Grand River on the west side of Meadowbrook Road and on the west side of Taft Road. It will be a great benefit to the City.

**CM-12-08-150 Moved by Mutch, seconded by Casey; CARRIED UNANIMOUSLY:**

**To approve a construction contract for the 2012 Pathway Gap and Americans with Disabilities Act Compliance Program to Koala-T Construction, the low bidder, in the amount of \$184,878.**

**Roll call vote on CM-12-08-150**

**Yeas: Staudt, Casey, Fischer, Margolis,  
Mutch, Wrobel, Gatt**

**Nays: None**

**AUDIENCE COMMENT – None**

**COMMITTEE REPORTS - None**

**MAYOR AND COUNCIL ISSUES - None**

**CONSENT AGENDA REMOVALS FOR COUNCIL ACTION:**

- C. Approval of a resolution to amend the purchasing policy to reflect changes and improvements in the City's procurement processes, including an increase in the threshold amount for which a purchase order must be used from \$1,000 to \$5,000; authorization of the use of P-Cards for some purchases; establishment of a formal change order policy; and clarification of certain exceptions to purchases in excess of \$15,000 that do not require City Council approval.

Member Mutch pulled this item for several reasons. He was concerned about the changes in the policy as submitted. He would not support it as presented. One thing that stood out was the increase of the purchase order threshold to \$5,000 and any purchase under that amount would not have to go through the purchase order process. In the information that was provided to him, none of the other communities in comparison had that high of a threshold. There were other areas of which he had concerns. The information didn't explain the benefit of the change other than it is requested by other departments. This is taxpayer dollars and the purchase order process provides oversight and transparency. He would like City administration to provide additional details explaining the rationale for the specific policy changes.

**CM-12-08-151 Moved by Mutch, seconded by Staudt; MOTION TABLED: 6-1**

**To approve a resolution to amend the purchasing policy to reflect changes and improvements in the City's procurement processes, including an increase in the threshold amount for which a purchase order must be used from \$1,000 to \$5,000; authorization of the use of P-Cards for some purchases; establishment of a formal change order policy; and clarification of certain exceptions to purchases in excess of \$15,000 that do not require City Council approval.**



Mayor Pro Tem Staudt agreed with the previous speaker. He would prefer taking smaller steps as opposed to a broad implementation.

**Roll call vote on CM-12-08-151**

**Yeas: Casey, Fischer, Mutch, Wrobel, Gatt, Staudt**

**Nays: Margolis**

**ADJOURNMENT** – There being no further business to come before Council, the meeting was adjourned at 7:52 P.M.

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Robert J. Gatt, Mayor

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Maryanne Cornelius, City Clerk

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Transcribed by Jane Keller

Date approved: September 10, 2012