

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, OCTOBER 10, 2022 AT 7:00 P.M.**

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, Crawford (absent, excused), Fischer, Smith, Thomas

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

APPROVAL OF AGENDA:

CM 22-10-129 Moved by Fischer, seconded by Casey; MOTION CARRIED: 6-0

To approve the Agenda as presented.

Roll call vote on CM 22-10-129 **Yeas: Staudt, Casey, Fischer, Smith, Thomas, Gatt**
Nays: None
Absent: Crawford

PUBLIC HEARINGS: None

PRESENTATIONS:

1. Hindu Heritage Month Proclamation - Vijay Venugopal

Mayor Gatt read the Proclamation for Hindu Heritage Month, October 2022 and presented it to Vijay Venugopal.

Vijay Venugopal thanked Mayor Gatt and Council, he said it was an honor and pleasure in receiving this, with great humility representing the Hindu community in America. He also had a special thanks to Cortney Hanson and Jessica Mistak because they have been the ones who really run the show, so to speak. He said he wanted to thank them as well, because they had just conducted the Hindu Heritage Walk yesterday, they were very collaborative, they helped us, they guided us, as to how they wanted to go about it. He gave a special thanks to both of you, ladies. He stated he would keep this short because there was a lot on the Agenda that evening. He was very humbled, this just goes to show how, why America is the epitome of representation of values, liberty, and justice, you know, even micro minority community like Hindus who we are living in the United States has been recognized and know their heritage and culture and appreciate that. He thanked them again for all of you for this gesture. He wanted to say a couple of words about why especially October in this season. He said they recently had a festival, it is a nine-day festival, mainly representing Shakti and Shakti is mostly in Hinduism derived as a feminine character. This is over the period of nine days, they celebrate different aspects of the Shakti, or the strength, that being nurturing or be it education, monetarily well being all those things that are essential for living a good life right. He said this on a

very high level, the Shakti or the strength, he could say in three different ways that we want to emphasize during these nine days. One is flourishing the strength, the other one is applying the strength, and nurturing the strength. He said when they say when they talk about these three aspects of the strength, they also see that there could be some byproduct of that or in other words, if you have strength or power, there could also be creeping in of arrogance, so how do they make sure that while they are achieving strength they also make sure that they are aware of the arrogance piece and they do not emphasize that or they do not activate that. Hence comes the next festival following that is Diwali where they talk about as you all know, Diwali is the Festival of Lights, which is moving from darkness to light or moving from ignorance to awareness. He said that festival now tells them, be aware of while you are gaining the strength you also make sure they know you should also be very humble and use the strength for the right purposes. He said that is what the Diwali follows. Hence, you can see how these festivals over the period helps them guide to keep them in particular path and that is why this season happens to be the most significant of all throughout the year where we can imbibe and keep that ethos. He stated while they are talking about all these things, they also want to make sure in the social media and in general norm where a narrative is getting created, they also want to be in the spirit of awareness. He said they need to know if there is any false narrative or the nefarious things that are going to be done in the society against any civilization. He mentioned just a couple of things that are running around in the social media. He wanted to bring awareness for all of us here. He said maybe you may have heard it, maybe you may not, there are some slogans that usually we say, and those slogans have been misinterpreted in the social media, he gave a couple of examples. One is they usually say, Jai Shri Ram, and usually when they say Jai Shri Ram, they associate it with the God called Ram, who is an ideal representative of a character and how one person needs to live their life. He said that is what they want to say when we want to imbibe that character, if we invite that, that means then we become victorious with that and do the right things, that is all to it. He wanted to make sure that everyone has been made aware of. He stated when they say Bharat Mata Ki Jai, it is mainly representing the goddess or the land, which they treat as a Goddess has given the civilization and whatever that civilization has provided us and enlightened us, we want to use it in the right way, which will make us also successful, that is all it is with that statement as well. He said if there is any difference of thoughts about it, we can talk about it in a multi ethnicity forum or any forum. He said he just wanted to bring it again in the spirit of awareness of Diwali right as it is coming very close and bring those thoughts across so that you are aware of it. Thank you very much. Namaste.

Mayor Gatt thanked Mr. Venugopal. He said he has been part of Novi for almost a half a century and the Indian community, and the Hindu community played such an important role in the northeast development. He said Singh Development Company was one of the first and one of the largest developers in the City of Novi. He said they built a subdivision called Turtle Creek back in the 70's. He said the homes are magnificent, but who could afford a \$70,000 home, you know, so anyway, thank you very much. He appreciated everything you do. He said if we can ever help you with anything, we are here for you. Mr. Venugopal said he had some books showing all the things about the civilization that he will drop off so that you can read it in your free time. Thank you.

MANAGER/STAFF REPORT: None

ATTORNEY REPORT: None

AUDIENCE COMMENTS:

Ginger Barrons, 24777 Glenda, Novi said she was there to talk to you about something that Council could not really help her with. She said since Mayor Gatt said there are 3 million listeners, she wanted to come out and voice her opinion. She said it was regarding the presentation from the Oakland County people regarding a transportation plan that we will all be voting on. She wanted to come out and voice her opposition to that plan and the reason that she was opposed to that plan. She stated that number one is that it is a county wide vote, which means that our voice gets mixed in with everyone else, and she did not feel it was a true representation of what the residents of Novi want. The second reason that she was opposed to such a plan is that she did not feel that we should have transportation coming through our city that is not under the control of the routes from her city government. She believed that your control over that transportation will be diminished by the County's control. She mentioned another reason she was opposed to it is that she felt the money could be better spent on the current transportation enhancing it that we have. She said that is where she would like to see her tax dollars go. She stated she was not opposed to public transportation, she was opposed to public transportation that is coming through her city without the control of somebody in her city, and without the voice that is a fair representation of Novi residents. She felt like buses coming through the city may not benefit our seniors, we know that seniors are not comfortable with buses. She thought senior transportation seems to be more popular. She had another concern that she had is generally when there is a transportation system are any kind of service that is done on a county or statewide basis. She said the services tend to go with a need as the most. She said when we throw Novi into the mix with all the rest of the county, will we be the city where they decide that the need is the most? She reiterated that she was not opposed to public transportation, she was opposed to the current plan. She wished that you had the opportunity to tell them that you did not want the plan here and you don't or that you would have the opportunity to let us poll our residents separately and find out what our residents want, and you don't. She thanked Council for letting her voice her opinion.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 22-10-130 Moved by Thomas, seconded by Gatt; MOTION CARRIED: 6-0

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
September 26, 2022 - Regular Meeting

- B. Approval of Traffic Control Order 22-02 for a Yield sign located on Kingsley Lane at Kingswood Blvd.
- C. Approval of five-year agreement between the City of Novi and Reason Consulting Corporation for Personal Property Assessment Services at a cost of \$40,000 for the first year for canvassing and processing of personal property accounts, with an additional \$20,000 for audits and special audits as needed.
- D. Consideration to approve the updated Interlocal Agreement For Oakland County's Designated Assessor for the period of January 1, 2023 through December 31, 2027
- E. Approval of amendment to City Manager employment agreement.
- F. Approval to award the Otis Elevator Company the City of Novi Public Safety building elevator modernization project in the amount of \$90,476 using a competitively bid contract through the OMNIA Partners Public Sector Purchasing Agreement.
- G. Approval of claims and warrants – Warrant 1117

Roll call vote on CM 22-10-130

Yeas: Casey, Fischer, Smith, Thomas, Gatt, Staudt
Nays: None
Absent: Crawford

MATTERS FOR COUNCIL ACTION:

- 1. **Consideration of approval to award a unit price contract to Downriver Clippers Lawn Maintenance Inc., dba Signature Services, and Major Construction Group Inc., dba Major Cement for as-needed concrete pavement repairs, in the annual estimated amount of \$428,187.50. The contract term is for one year with two one-year renewal options.**

CM 22-10-131 Moved by Casey, seconded by Thomas; MOTION CARRIED: 6-0

Approval to award a unit price contract to Downriver Clippers Lawn Maintenance Inc., dba Signature Services., and Major Construction Group Inc., dba Major Cement for as-needed concrete pavement repairs, in the annual estimated amount of \$428,187.50. The contract term is for one year with two one-year renewal options.

Roll call vote on CM 22-10-131

Yeas: Fischer, Smith, Thomas, Gatt, Staudt, Casey
Nays: None
Absent: Crawford

2. **Consideration to Introduce Ordinance No. 22-147.02, an Ordinance to Amend the City of Novi Code of Ordinances, as amended, Chapter 2, Administration, Article VI, Purchase and Sale of Property, Section 2-201, Authorization for Expenditures, with regard to the expenditure amounts requiring Council approval. FIRST READING**

CM 22-10-131 Moved by Smith, seconded by Casey; MOTION CARRIED: 6-0

Approval of Ordinance No. 22-147.02, an Ordinance to Amend the City of Novi Code of Ordinances, as amended, Chapter 2, Administration, Article VI, Purchase and Sale of Property, Section 2-201, Authorization for Expenditures, with regard to the expenditure amounts requiring Council approval. FIRST READING

Roll call vote on CM 22-10-131

**Yeas: Smith, Thomas, Gatt, Staudt, Casey,
Fischer
Nays: None
Absent: Crawford**

3. **Consideration of approval to award engineering design services to Spalding DeDecker for phase 2 of the asbestos cement water main replacement program along with ductile iron water main replacement on Roethel Drive, in the amount of \$390,312.50.**

CM 22-10-132 Moved by Casey, seconded by Thomas; MOTION CARRIED: 6-0

Approval to award engineering design services to Spalding DeDecker for phase 2 of the asbestos cement water main replacement program along with ductile iron water main replacement on Roethel Drive, in the amount of \$390,312.50.

Roll call vote on CM 22-10-132

**Yeas: Thomas, Gatt, Staudt, Casey, Fischer,
Smith
Nays: None
Absent: Crawford**

4. **Consideration of the request of Cambridge of Novi, LLC for a Second Amendment to the previously-approved Planned Rezoning Overlay (PRO) Agreement, JSP 17-52 and JSP 21-12, Terra, associated with Zoning Map Amendment 18.718. The applicant received approval for a 41-unit single-family ranch development on approximately 30.14 acres on the north side of Nine Mile Road, east of Napier Road. The current amendment is requested to make changes to sidewalks in the Phase 2 portion of the project.**

Mark Guidobono said he was representing Cambridge Homes and the residents at Terra. He said they were asking for an Amendment to the PRO in three areas, one has been

already resolved with the city. He said they met with Rick Meader on the trees, and they were able to find location to plant the remainder of those trees. He stated the second item was the sidewalk over by the drain, which he could call the sidewalk to nowhere because we had no sidewalk on that side of the street, so they had to cross the street. He said he did not have a map up to be able to show you that. He stated this is kind of simple, the culvert is not able to get the sidewalk in because there is not enough room. He said they had to move that culvert over about three and a half feet, it was a decision the city made on the spot, it was a good call from an engineering standpoint, that prevented us from putting the sidewalk in, we could do it with a retaining wall, but it is a \$20,000 retaining wall, it just did not make any sense because you would still have to cross the street to the north side of Villa Court to get across to Villa Drive because that is where the approach is on the north end there. He said on the plan, you would see that it is kind of the sidewalk to nowhere. He said the third thing was the ITC Trail connection. He mentioned when they were getting their approvals, Planning wanted connectivity and this was at a time when the ITC Trail was on the south side of Nine Mile Road. He said during the approval process and that connection with Planning it asks us to put it in and we did, but as we went through the approval process, we kind of recommended to the Planning Commission and the City Council that we move that ITC Trail from the south side of Nine Mile to the north side of Nine Mile to have one street crossing instead of two street crossings and we agreed to work with the city on that, but we still left the connection and to the ITC Trail when we are we do have a connection right at our entrance because the ITC Trail crosses right at our entrance. He said having two connections is redundant in their mind and the residents would prefer that we try to also block as much of the ITC powerlines, he knew we could not block the towers because they are so big. He stated they could raise the berm up about another eight or 10 feet by eliminating this ITC connection, which could be confusing for people coming down the trail, which way do they go? He said he was representing the residents and they would prefer not to have this connection, they have it right at the entrance, and he agreed with them that they would like to see a more enclosed situation with the berm to block those ITC power lines. He said another thing that is real is that when you look at the site plan, it is very close to Unit Number 37, which is about 10 feet away from this house and it is just a little too uncomfortable once that home is sold for that resident. He asked that for the amendments to the PRO. He said that is the third thing on the list, although with regarding the changes to the PRO. He said the last thing he wanted to talk to City Council about was about Wayne Wroble. He believed he sat on the City Council prior to his passing during our project and they are proposing to dedicate a plaque for Wayne and attach it to the ITC shelter that they are building for the city right now if that were something the City Council would support. He said he was happy to answer any question anybody had.

Mayor Gatt said before him opened it up to City Council for discussion or a motion and if anybody had any questions for Mr. Guidobono, he wanted to say that the plaque is a very nice, very classy, and the city will support that plaque and he hoped that we could include Wayne's widow, Debbie, because she would be very touched by that.

Mayor Pro Tem Staudt said he was taking a quick look at the drawings, he said this is a situation where he thought our Planning was well intentioned, but the result is probably

not particularly acceptable. He did not know that the time that we totally understood what we were looking at in terms of the second phase and he was in support of eliminating this from the PRO, he was just trying to find where the action was, he said he was looking at this approval is subject to that one, two, and three? He asked City Attorney Schultz for clarification on the motion. City Attorney Schultz said if he understood correctly that you would add the request that the Planning Commission did not grant, that the Council would be approving, you would add that as Item B, under number two, that you would grant the deviation with regard to the ITC Trail connection.

CM 22-10-133 Moved by Staudt, seconded by Casey; MOTION CARRIED: 6-0

Tentative approval of the request of Cambridge of Novi, LLC for a Second Amendment to the previously-approved Planned Rezoning Overlay (PRO) Plan and Agreement, JSP 17-52 and JSP 21-12 Terra, based on the following findings, deviations, and conditions, with the direction that the City Attorney's Office shall prepare the required Second Agreement and work with the applicant to return to the City Council for Final Consideration pursuant to the PRO Ordinance:

- 1. This approval is subject to all conditions listed in the original PRO agreement recorded April 9, 2019, unless otherwise amended with the First Amendment and this approval.**
- 2. The PRO Agreement will be amended to include the following ordinance deviation:**
 - a. Deviation from Subdivision Ordinance (Section 4.05) and the Design & Construction Standards (Section 11-256(b)) to allow for the absence of sidewalk along a portion of the south side of Villa Court as shown in the revised Plan dated June 14, 2022, as recommended by the Planning Commission.**
 - b. Eliminate the condition that the applicant provide a sidewalk connection from the east side of the development to the ITC Trail.**
- 3. The applicant will work with City staff to locate woodland replacement trees in alternative locations on the site whenever possible and ensure their protection within a conservation easement. Payment into the Tree Fund in accordance with the terms of the Woodland Ordinance shall be made only when on-site planting is not possible, as determined by the City Planner.**

Member Fischer had a question on the motion. He stated Item three is resolved, so is Item three incorporated in that motion or it sounds like that has already been addressed by staff. City Attorney Schultz said when he read that, he thought it was okay to keep it in there just so it continues to track. Member Fischer said ok, he was fine with that and he thanked him for his clarification.

Mayor Gatt wanted to put his comments on the record. He asked City Manager Auger if the Planning Commission recommended against granting this is that correct? City Manager Auger replied yes. Mayor Gatt said that is what he read. He indicated that normally City Council does not go against our Planning Commission. He stated those are very dedicated citizens who work very hard at their job and take it very seriously and he commended them for their work on this. He said he was going to support this motion because after receiving all the letters we did from the residents and listening to Mr. Guidobono, he said he did not think they had a full grasp on all the aspects of this.

Member Casey said she wanted to put her comments on the record as well. She said she was supporting the motion to eliminate the connection into Terra. She said she was in the neighborhood over the weekend, and she saw quite a few people biking and riding right by your neighborhood. She thought the connection that already exists from the Trailhead to the sidewalk is going to be well sufficient for both your residents and then all the other residents of that neighborhood to be able to get to and from without having to come into the complex. She said she also looked at the berm and she was happy to give you the opportunity to make that larger.

Roll call vote on CM 22-10-133

**Yeas: Gatt, Staudt, Casey, Fischer, Smith,
Thomas**
Nays: None
Absent: Crawford

5. Consideration of a selection process for the next City Manager

City Manager Auger said with his announcement that he was retiring from City management; it is the City Council's next step is to choose how they want to proceed in selecting the next city manager.

Mayor Gatt said he wrote out some notes so that he did not forget anything because this is in his humble opinion what they are faced with now will be the most important decision that the City Council can make. He said it is something that does not happen often. He said the news that Mr. Auger was retiring came as a surprise to all of us. He said there will be many opportunities in the coming weeks to say thank you for your service to our great city. He said on behalf of all his colleagues on City Council, and the 67,000 people who call Novi home, thank you. We wish you the very best in your future endeavors, good health, and happiness always. He said with Mr. Auger's announcement comes the Novi City Council's most important task finding a replacement. He said it is the most important work that we can possibly do. He stated it is more important than anything else that the City Charter calls on them to perform. He said it affects every city employee, all 67,000 residents and every business located in the city. He said the City Manager runs the day-to-day operations of the great city and it is our job now to find someone capable of doing so in the manner that we have all become accustomed to. Professional, filled with integrity, transparent with what is best for Novi always is at the top of our minds. He said to hire a City Manager is the sole responsibility of the Novi City Council, the City Charter is perfectly clear about that. He said the majority of the City Council will eventually vote

to hire a replacement for Mr. Auger. He stated right now today he wanted to go on record and say that it is his fervent hope as mayor, that when that day comes, it will be a unanimous choice. He wanted to assure his colleagues and the hundreds of City employees that we will be steadfast in our deliberations, but certainly in no rush. He said we will do everything possible to find the very best possible replacement for Mr. Auger. He said as we on City Council are part-time employees will we rely on several key City staff members to assist them in their deliberations as well as our City Attorney. He stated as Mayor, he will do his very best to lead this City Council in its search. He stated fortunately for him and three of his colleagues at this table, we worked together eight years ago when we searched for and hired Pete Auger. He said he was also present, but then, not as Mayor but as a Councilmember. He said when they hired Clay Pearson so many years ago, he hoped to use those experiences to guide this City Council as they begin to search for a replacement for Pete. He said since Mr. Auger's announcement, he has met with a couple key members of staff and it was his sincere hope that his colleagues on City Council will agree that the best way to proceed is similar, if not exactly the way the City Council proceeded. He said when Mr. Pearson left in 2014, those of us who were here then may recall the first thing to City Council did was to tell the City staff to prepare an RFP for City Councils review, to hire a firm to assist in the recruitment of a City Manager. He said for the last three City Managers, Auger, Pearson and Helwig. He said the City Council's conducted a nationwide search to select the very best candidate, and they found that person by employing a firm to assist in the search process. He sincerely hoped that his colleagues and City Council agreed to follow that pattern.

Mayor Gatt explained when the search firms respond to the RFPs, the City staff then paired the applicants down to a manageable number eight years ago, then Assistant City Manager Cardenas assisted in the process, along with key staff members, however, in this instance, that will not be possible. He said Mr. Cardenas is sure to be an applicant for the vacant position, he was sure that everyone will agree that Mr. Cardenas must stay completely away from this process. He said we are open and transparent and fair, we want no one to question our integrity in this process. He suggested that the City leadership headed by our Director of Human Resources and the Director of Communications, gathered ahead this process absent of course, Mr. Auger and Mr. Cardenas when this group has pared the applicants down to a manageable number and he was just throwing out the number five here, the recommendations would be sent to City Council for their review and our recommendations. He said the RFP would come back to them for approval before it is a no and the search firms that apply. He stated even though there may be only four or five recommended by this search team, City Council will get a chance to look at everyone. He said City Council may decide to interview any, all, or none, of the recommended search firms. He stated once agreed on that a Special Council meeting can be called as was the last time for a Saturday morning to interview the firms and to decide which one to hire. He said after that, the firm that was chosen would meet with each City Council person individually, staff members, key members of the public, to determine what we want in a City Manager. He said they would prepare an ad for the City Council to review and once approved by most of the City Council, the search process for the City Manager would commence. He said this is going to be a

lengthy process. He said we are not in a hurry, we do not want to be rushed, nor do we want to even feel rushed. He said if we follow protocol from eight years ago, an Interim City Manager will soon be named by the City Council to be effective when Mr. Auger leaves. He explained that City Council will direct that Memorandum of Understanding be created by the City Attorney to be brought back to the City Council for review. He noted that the one in 2014 was created by the City Attorney using the Memorandum of Understanding from 2006 as a model. He said we are not here to reinvent the wheel, but to make this process as orderly and smooth as possible, with the very best results in mind. In the 2014 Memorandum of Understanding, the compensation provision represented the halfway point between the Interim's present salary and the outgoing City Manager salary at the time. He said there was also an increase in the monthly parallels and the other terms of employment remained the same. He stated the agreement was good for 120 days but could be extended if a new City Manager had not been chosen in that time. He said it automatically ended when a new City Manager was chosen. He also noted that the Interim City Manager could make no permanent appointments to department heads and could not discharge, suspend, or discipline any department heads without the express consent of City Council. He said that is where we are today, as Mayor, he would like to see City Council move to get the RFP ball rolling to begin this process. Having said that, he opened this up to his colleagues on City Council for any discussion or motions, or any comments.

Member Fischer thought Mayor Gatt did a very good job of summarizing many of his thoughts. He said he was around in 2014, and he thought the process served them very well.

CM 22-10-134 Moved by Fischer, seconded by Gatt; MOTION CARRIED: 6-0

To direct the Director of Human Resources and Director of Communications to prepare RFP and City Attorney should start working on a Memorandum of Understanding for an Interim City Manager.

Member Casey mentioned the other speaker said this is exactly what we had done in 2014. She thought the process was very smooth and orderly in 2014. She appreciated the work that the staff did and looked forward to seeing us go down this path and follow the process. We followed the process in 2014 that you outlined. She reminded everybody this is a 12–15-week process just looking at it from where we are sitting right now, so to the Mayor's point, this is not fast. It will take us time to find the exact right candidate that we need for the City. Thank you.

Roll call vote on CM 22-10-134

**Yeas: Staudt, Casey, Fischer, Smith, Thomas,
Gatt
Nays: None
Absent: Crawford**

Mayor Gatt asked City Manager Auger to direct the staff to begin this as soon as possible. Mr. Auger agreed.

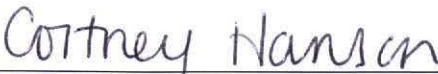
CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: None

AUDIENCE COMMENT: None


COMMITTEE REPORTS: None

MAYOR AND COUNCIL ISSUES: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:39 P.M.



Cortney Hanson, City Clerk



Robert J. Gatt, Mayor



Transcribed by Deborah S. Aubry

Date approved: October 24, 2022