

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, AUGUST 28, 2017 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 (absent, excused)

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

APPROVAL OF AGENDA:

Mayor Gatt added "Temporary Committee Adjustments" under Mayor & Council Issues.

Member Markham added an item regarding the purchase of SWOCC to Mayor & Council Issues.

CM 17-08-133 Moved by Casey, seconded by Markham; MOTION CARRIED: 6-0

To approve the Agenda as amended.

Roll call vote on CM 17-08-133 **Yeas: Staudt, Burke, Casey, Markham, Mutch, Gatt**
Nays: None
Absent: Wrobel

PUBLIC HEARING - None

PRESENTATIONS - None

MANAGER/STAFF REPORT - None

AUDIENCE COMMENT:

Alex Dinser, 41872 Cherry Hill, Novi 48375 thanked Council for allowing her the opportunity to speak. Ms. Dinser said she was a member of the Concerned Citizens for Candidate Communication and she wanted to invite all candidates running for office to participate in a Candidate Forum that is open to the public on Wednesday, September 27, 2017 at 7:00 P.M. at FlexTech High School in Novi. She mentioned the purpose of the forum was to provide the candidates for City Council and Mayor to have an opportunity to introduce themselves to the citizens who will be in attendance, to present their position as candidate, and to answer questions from the citizens in a casual open environment. She also stated that a letter with more information about

this forum will be going out to each of the candidates within the next few days and It is the hope of all members of the Committee that all candidates with find this forum a useful opportunity and take the chance to participate. Ms. Dixon thanked everyone for their time and mentioned if anyone has questions they should contact the Communications Coordinator, Dana Fortier at 248-996-4104.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 17-08-134 Moved by Casey, seconded by Burke; MOTION CARRIED: 6-0

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
 - 1. August 14, 2017 – Regular meeting
- B. Enter Executive Session immediately following the regular meeting of August 28, 2017 in the Council Annex for the purpose of discussing property acquisition.
- C. Approval of adoption of Ordinance 17-16.06, amending Chapter 35, "Vehicles for Hire", in order to repeal the regulations and provisions in its entirety. **SECOND READING**
- D. Approval of Resolution to close Taft Road from Novi High School (west lot) to Grand River Avenue and Grand River Avenue to 46100 Grand River Avenue (Suburban Collection Showplace) from 9:30 a.m. – 10:30 a.m. on Monday, September 4, 2017 for the Michigan State Fair Parade.
- E. Approval of a request to transfer ownership of a 2017 Resort Class C Licensed Business issued under MCL 436.1531 (4), non-transferable with Sunday Sales Permit (AM and PM) from Anbe Investments, Inc. d/b/a The Library Pub, to Jasonpub LLC d/b/a Jason's Pub, located at 42100 Grand River Avenue, Novi, MI 48375.
- F. Approval to authorize D&D Water and Sewer Inc. to install a fire hydrant along the frontage of 43651 Nine Mile Road, in the amount of \$21,900.
- G. Approval to award an amendment to the engineering services agreement with Spalding DeDecker for construction engineering services for the Eight Mile Road Pathway project in the amount of \$40,621.26.
- H. Approval to award an amendment to the engineering services agreement with Spalding DeDecker for construction engineering services for the Bishop Creek and Ingersol Creek Streambank Stabilization project in the amount of \$60,828.30.
- I. Approval to award an amendment to the engineering services agreement with AECOM (URS Corporation-Great Lakes) for construction engineering services for the Pavilion Shore Additional Parking Lot project in the amount of \$30,028.98.

- J. Acceptance of a sidewalk easement for 42741 W. Fourteen Mile Road and two sidewalk easements and a drainage easement for 1103 East Lake Drive as part of the 2017 Pathways and ADA Compliance project (Parcels 50-22-02-126-010, 50-22-02-126-002 & 50-22-02-126-003).
- K. Approval of a request from Etkin, LLC for a variance from Chapter 5, Section 2.2.4 (B)(7) of the Engineering Design Manual to allow the construction of a permanent storm water pump station to service drainage for the proposed Fountain Office Park (A123 Systems) development located south of 12 Mile Road and west of Cabaret Drive, subject to the applicant meeting requirements of said section of the Engineering Design Manual.
- L. Approval of Claims and Accounts – Warrant No. 994

Roll call vote on CM 17-08-134

**Yeas: Burke, Casey, Markham, Mutch,
Gatt, Staudt**
Nays: None
Absent: Wrobel

MATTERS FOR COUNCIL ACTION

- 1. Approve Resolution of Intent to create a Corridor Improvement Authority (CIA) for the Grand River Avenue.

CM 17-08-135 Moved by Staudt, seconded by Casey; MOTION CARRIED: 6-0

To approve Resolution of Intent to create a Corridor Improvement Authority (CIA) for the Grand River Avenue.

Member Mutch said this item has been on their agenda for a while and it also came up during goal setting in January. Earlier this year they approved a consultant to work with the City to put the Corridor Improvement Authority (CIA) together. He had concerns with what they are hoping to accomplish with the CIA. One thing he hoped to see accomplished was using the CIA to do things that they, as a City, couldn't do on their own, or couldn't afford to do using tax dollars. He didn't think the intent of the CIA was to capture tax dollars and spend on activities or projects they wouldn't be willing to spend their tax dollars on. He was concerned when he asked city administration about the things they saw the CIA accomplishing. He didn't see several of the projects he thought should be completed. First and foremost from an infrastructure and transportation perspective would be to tackle Grand River between Haggerty Road and Novi Road. He said anyone who drives that corridor during the evening knows there is not enough capacity in that section of Grand River to handle the volume of traffic. He noted that particular project was not highlighted as one that would be addressed by the CIA. In his opinion was that should be the number one project. Another major project was the Ring Road which has been talked about in regards with

different ways of funding it. He wanted to see the Ring Road as part of the projects they accomplish with the CIA. He felt there are real opportunities in terms of economic development with the Ring Road. He also mentioned that he wanted the CIA to take on services and projects that the City cannot fund alone, such as transit services within the corridor. They've talked about having a circulator around the Town Center/Mall area, which he didn't see mentioned. They could help public facilities. They've talked about a new fire station. That is the direction he would like to see, but it wasn't mentioned. What he did see was new entryway signage, place making, directional street lighting, and landscaping. They are great things, but not the priority to him. He said those should be done in conjunction with or after major projects are accomplished in the corridor. If they are capturing tax dollars that would otherwise go for police and fire services or road improvements, etc., instead of spending money major projects in the corridor, he doesn't see the benefit. He wanted administration to set the direction for the CIA going forward and to outline what Council can do. The board will be elected and in control of potentially millions of tax dollars. He supported this motion, but would like his concerns addressed by the time this comes back to Council.

Mayor Pro Tem Staudt said the Ring Road is one of his higher priorities. There are a lot of things that are being proposed, but they should tackle big ticket items early on because it's important they have early successes. He agreed that these need to be significant infrastructure projects. This is a considerable amount of money, they want to see real, tangible results or they will continue to do projects through City Council instead. He doesn't want City Council to be dictating everything to this Authority. Council has their agenda and source of funds; they should have the ability to make some autonomous decisions. They should be able to work within the context of what Council provides. He doesn't want to lay out projects and make them complete them. It would be a big benefit to complete the Grand River Corridor since it needs attention in terms of economic development.

Member Burke agreed with the previous speakers that Grand River from Haggerty to Novi needs a full rehab. If they want residential on that corridor, they can't have that type of speed limit. He mentioned that they would have to lower the speed limit along the corridor with a possible boulevard. He believed the Grand River corridor and the Ring Road should be the first priorities and then branch out from there. He looked forward to seeing this evolve.

Member Markham agreed with a lot of what she heard. She wondered who will determine who is on the CIA. She was concerned and hoped that City Council will have a real part to play in the development and where they are going. The citizens voted Council in and they are in contact with the citizens regarding these issues. She asked how Council will provide input if they aren't on the committee. She mentioned it talks about a public hearing, and wanted to know when that will happen. City Manager Auger said it will be on September 25th. Member Markham hoped material would be available for the public to review. She mentioned that everyone in that corridor will be notified, but questioned if notice would be provided to people who about the corridor, but aren't in it. City Manager Auger said those in the corridor will

receive the mailing, those outside of it will not. He noted that there will be information posted on our website for everyone to see. The City also has to post it in 20 different locations within the district. Member Markham thought transportation on Grand River needs to be looked at from Haggerty to Napier as a unit. She felt the City should seriously consider a public transit component if they truly want to improve mobility in the community and down this corridor to make it easier for people to get to the businesses. She said they should look at some of the modern road designs in areas, such as road diets, with protected bike paths on both sides. She suggested that they talk to the people at SEMCOG who are up on the latest designs. She mentioned she will be supporting the motion at this time, but she will have a lot of questions over the next 60 days.

Member Casey agreed with the other speaker's insights and ideas. She asked City Attorney Schultz to look into what the role of City Council was in the CIA and define what they are allowed to do and not allowed to do. City Attorney Schultz said he would look into it.

Mayor Gatt agreed with most things, except that it's been talked about for years. This was talked about 14 years ago. They just decided to move forward. He did say a lot of important questions were asked. He looks forward to getting more information on this.

Roll call vote on CM 17-08-135

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

Nays: None

Absent: Wrobel

2. Approval to award a construction contract for the Eight Mile Road Pathway project to Koala-T Construction, the low-bidder, in the amount of \$447,711.75 subject to final review and approval of the form and agreement by the City Manager's office and the City Attorney.

Mayor Pro Tem Staudt wondered how we got this for 25% less than what was budgeted. Assistant City Manager Cardenas said they were able to get good quotes from good engineering firms that were willing to help us out. Mayor Pro Tem Staudt said that was good news.

CM 17-08-136

Moved by Staudt, seconded by Burke; MOTION CARRIED 6-0

To approve the award for a construction contract for the Eight Mile Road Pathway project to Koala-T Construction, the low-bidder, in the amount of \$447,711.75 subject to final review and approval of the form and agreement by the City Manager's office and the City Attorney.

Roll call vote on CM 17-08-136

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

Nays: None
Absent: Wrobel

3. Approval to award a construction contract for the Bishop Creek and Ingersol Creek Streambank Stabilization project to Anglin Civil, the low-bidder, in the amount of \$756,878.25 subject to final review and approval of the form and agreement by the City Manager's office and the City Attorney.

CM 17-08-137 Moved by Burke, seconded by Casey; MOTION CARRIED: 6-0

To approve the award for a construction contract for the Bishop Creek Ingersol Creek Streambank Stabilization project to Anglin Civil, the low-bidder, in the amount of \$756,878.25 subject to final review and approval of the form and agreement by the City Manager's office and the City Attorney.

Member Markham confirmed with administration that all of the residents whose property abuts this project have been notified.

Roll call vote on CM 17-08-137 Yeas: Mutch, Gatt, Staudt, Burke, Casey, Markham
Nays: None
Absent: Wrobel

4. Approval to award a construction contract for the Pavilion Shore Additional Parking Lot project to Fonson Company, Inc., the low-bidder, in the amount of \$200,414.00 subject to final review and approval of the form and agreement by the City Manager's office and the City Attorney.

CM 17-08-138 Moved by Casey, seconded by Burke; MOTION CARRIED: 6-0

To approve the award for a construction contract for the Pavilion Shore Additional Parking Lot project to Fonson Company, Inc., the low-bidder, in the amount of \$200,414.00 subject to final review and approval of the form and agreement by the City Manager's office and the City Attorney.

Member Mutch said he has been contacted by a couple of the residents who back up to this location and city administration has been working with them to address their concerns in terms of buffering with the introduction of a parking lot next to their homes. He looked forward to staff continuing to work with those residents to get the appropriate landscaping in place.

Member Markham wondered how many additional parking spaces were going into the lot. City Manager Auger replied either 32 or 35 in the new section.

Roll call vote on CM 17-08-138

**Yeas: Gatt, Staudt, Burke, Casey, Markham,
Mutch
Nays: None
Absent: Wrobel**

AUDIENCE COMMENT - None

MAYOR AND COUNCIL ISSUES

Mayor Gatt noted that Member Wrobel will be absent from Council for a period of time. The Consultant Review Committee and Ordinance Review Committee both have some important work to do. In the interim period, while Wayne Wrobel is absent, the Mayor appointed Member Burke to both the Consultant Review Committee and Ordinance Review Committee.

Member Markham said she read that the sale of SWOCC has been completed and the City is responsible for all of video as we planned and executed. SWOCC always did candidate videos for all communities they served. She asked if the City was planning to do those videos instead. City Manager Auger said we don't have a policy concerning that. He said that would be a policy question that we would want City Council to weigh in on. We have the public access channel that people can submit videos to. The challenge would be that we'd be using taxpayer equipment and personnel to do campaign style work. City Council would have to decide if they want to do it. Member Markham said it didn't seem different than paying SWOCC to do it. People are saying they aren't getting enough information from our government right now. She believed we are not informing them as we have done in the past. She said she raised the issue and she would like the City to do that.

Mayor Gatt said SWOCC was an entity that formed around three different governments, Farmington Hills, City of Farmington and the City of Novi. They had private employees that worked there. Member Markham is correct that people running for office would go to the SWOCC Studio and film their message and it would air on channel 13. Since SWOCC was dissolved, the question is whether city employees should use city equipment to do political events. The consensus around the county is no. He noted he is running for office and said there is an alternative. There is a public access channel 12 which is run by an independent organization. He noted anyone can tape a show and send it in to have the video air on channel 12. He has already interviewed with a private person and it's online. It's not like people are deprived, they just have to look at a different channel. He isn't convinced it would be appropriate.

Mayor Pro Tem Staudt explained that SWOCC was dissolved not sold. The building itself was sold recently. The City will accrue the assets based on the proportion of the building that was sold. We had one asset, the building. That was the final step in the complete dissolution of SWOCC. He said about a year ago they created this internal entity we are managing on city property. They discussed policies to manage these types of things. A lot of issues need to be resolved. They do need to draft policies to

dictate how they deal with different situations. He doesn't think it was ignored, he believed they were waiting for the complete dissolution of SWOCC. It just came up and now they have to deal with it.

Member Mutch pointed out from a candidate's perspective that the folks need to get as much information out to voters in whatever means they legally can do. The Mayor touched on a point that was brought up by the City Manager that there might be a legal question about city staff being involved in the production of these types of videos and broadcasting. He said at the minimum he would like City Attorney Schultz explore this since it is not a one-time thing. From a policy making perspective, they as a City Council should have information from the attorney about what legal parameters are raised by this scenario. Would it cause problems for the City or is it permitted once we have a policy in place. SWOCC is dissolved and the City of Novi has a channel and producing its own content. He asked how public access would work for city residents going forward. He would like to see direction and forward movement from our attorney.

Mayor Gatt asked City Attorney Schultz to prepare a legal opinion for the off-week packet. City Attorney Schultz indicated they could do that. He mentioned he thought they would do that in the review of potential policies that the City comes up with for operating the system. He also noted the last piece of the puzzle for the SWOCC dissolution is the SWOCC ordinance. They have a draft ordinance that will govern cable system, including public access, without reference to SWOCC. They will have the opportunity for discussion.

Mayor Gatt said they were entering into Executive Session and they did not plan on returning.

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: Consent Agenda items which have been removed for discussion and/or action.

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:34 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: September 11, 2017