

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JUNE 4, 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

APPROVAL OF AGENDA

CM-12-06-081 Moved by Fischer, seconded by Margolis; CARRIED UNANIMOUSLY:

To approve the Agenda as presented.

Roll call vote on CM-12-06-081	Yeas:	Staudt, Casey, Fischer, Margolis, Mutch, Wrobel, Gatt
	Nays:	None

PUBLIC HEARING -None

PRESENTATIONS - None

INTERVIEWS FOR BOARDS & COMMISSIONS

1. Colleen Crossey – Planning Commission, Library Board, Public Access Promotion Committee

Ms. Crossey was happy that City Council's Five Year Plan included short term goals to encourage more citizen involvement and to partner with schools for services where possible. She taught a psychology class at Monroe Community College and has seen how education impacts a student's life. She has done volunteer work all her life and enjoys making a contribution to the community. Her graduate degree is in social work. She's worked for Johnson Controls and Monroe County Mental Health Authority. She was a President of her neighborhood Homeowner's Association when she lived in Pittsfield Township. She served as a student government representative at Eastern Michigan University and at the University of Michigan. She is an active volunteer at Orchard Hills Elementary and is a Girl Scout Leader. She noted that the City has some exciting commercial rehabilitation plans for Ten Mile and Meadowbrook. She was eager to hear more about it. Member Margolis asked about her interest in Planning Commission and what interested her most. Ms. Crossey noted that it was exciting to watch a community grow and to be part of the process. Member Fischer asked what in her skill set makes her the most

qualified for the position. Ms. Crossey said she has served on boards previously for her undergraduate level and has the ability to solve problems. Member Mutch asked what was her perspective on what the City has done well or what we could do better from a planning perspective. Ms. Crossey said the library is something done very well with all their services. She attended the River Rouge cleanup in the City this weekend which was an educational experience for her. Mayor Pro Tem Staudt asked what excited her about the Meadowbrook Rehabilitation Area. Ms. Crossey explained that it was the renewal part. The newness and improvements draws new people to the area. She questioned if there were solar panels on the buildings in that area. Member Wrobel asked which special skill set would she bring to the Planning Commission. Ms. Crossey has been involved in community boards in the past. She enjoyed talking to neighbors and getting to know people. Her background is in counseling so she is more of a listener than talker. Member Casey asked about a particular objective she hoped to accomplish as a member of the Planning Commission. Ms. Crossey thought that now is the time for all small towns to combine talent with entrepreneurs to get Michigan going again. She thought she might do that by serving on a board. Planning the future for an organization would be a great accomplishment. Mayor Gatt thanked her for coming forward.

2. Brent Ferrell – Zoning Board of Appeals (Alternate); Parks, Recreation & Cultural Services Commission; Beautification Commission

Mr. Ferrell just moved to Novi a month ago. His goal is to be part of the community and to serve the citizens. He is employed at Oakland County Sheriff's Department. He has been a Certified Police Officer in the State of Michigan for thirteen years. His experience with ordinances is the reason for applying for the ZBA Alternate. He also felt he had excellent experience in public relations in his employment. Member Fischer asked what intrigued him about the ZBA. Mr. Ferrell noted his experience was with ordinances at his last place of employment and thought he could help with ordinance issues. Member Mutch asked about his interest in Parks, Recreation & Cultural Services. Mr. Ferrell said his biggest goal is to become part of the community and become involved in the activities within the City. Mayor Pro Tem Staudt noted the City is heavily promoting sidewalks and pathways and asked if he was active in any of those types of activities. Mr. Ferrell noted they bike, kayak, and camp along with many other outdoor activities. Member Wrobel asked if the ZBA Alternate was his first choice. He asked how he would explain to a resident that they have gotten a fair shake. Mr. Ferrell replied that he would respond to them on a one to one basis that the ordinances are what keep the City of Novi such a great place to live. Member Casey asked him what his interest was in the Beautification Commission and if he had a particular goal or objective he would like to accomplish, if he was appointed. Mr. Ferrell replied that his focus would be on curb appeal for entrances to subdivisions and any other opportunities to serve. Member Margolis asked him to give a specific experience he could bring to the ZBA. He worked with a City Manager previously. He was asked to learn about ordinances and how they were adopted. He was able to give input into some ordinances being considered for adoption. Mayor Gatt thanked Mr. Ferrell for coming forward.

3. Stacy Ferrell – Parks, Recreation & Cultural Services Commission; Beautification Commission

Dr. Stacy Ferrell is employed at Providence Park Novi in the emergency services. She is now able to devote time to better the community where she resides. Member Mutch asked about her outdoor hobbies and how they would apply to the Parks, Recreation & Cultural Services. Dr. Ferrell ran multiple summer camps and grew up in a very athletic family. She thinks it is very important to keep children involved in outdoor activities. Mayor Pro Tem Staudt noted Parks, Recreation & Cultural Services are heavily into paths and sidewalks. He asked what she particularly liked in the City and why they moved here. Dr. Ferrell replied that the safety of her children and the schools attracted them to Novi. She wants to make sure children have a safe place to play and walk and that was important to her as a physician. Member Wrobel asked what she thought the Parks and Recreation Commission should do for the City of Novi. Dr. Ferrell said that getting people involved in the City was important by having fun and learning. From a sports aspect, it is not only healthy but it teaches kids to interact and to receive constructive criticism. Member Casey asked about the interest she had in the Beautification Commission and was there any goal or objective she would like to accomplish. Dr. Ferrell takes a lot of pride in everything she does, including the community where she lives. She would like to see improvement in the upkeep of Novi. She believed in involvement and would like to get others to become involved. Member Margolis asked what her professional life could bring to the Parks and Recreation Commission. Dr. Ferrell noted she's put a lot of time and effort into whatever she's done and will do the same for whatever she plans. As far as a work perspective, she sees a variety of things at her work and can adapt quickly. Member Fischer asked about what the City at large could improve. Dr. Ferrell felt every city could improve on education for the children and while her child is still very young, felt it was very important. Mayor Gatt thanked her for applying and appreciated her wanting to donate her time.

4. Gerald Jewell – Parks, Recreation & Cultural Services Commission

Mr. Jewell noted he was seeking re-appointment as he has enjoyed his time and he appreciated seeing the projects grow. He bikes a lot in the community and felt it was important to attract younger families back to the City. He has lived in the City for over 20 years. He's been involved with Novi athletics for many years. He takes pride in the things he does and believed in being active in the community. Mayor Pro Tem Staudt had no questions and was happy he was coming back for re-election. Member Wrobel asked what he is most proud of. Mr. Jewell said Fuerst Park has developed into something wonderful with the movies and events at the Park. It was nice to see the community come together at the events there. Member Casey asked about a particular goal. He looks forward to Pavilion Shore Park. He would also like to see the pathways completed and roads improved. Member Margolis thanked him for his service and had no questions. Member Fischer also had no questions and appreciated the flourishing relationship between Director Mangum and the Commission. Member Mutch noted it was important to have

history on the Commission and an active knowledge of the community. He would support his service going forward.

5. Edward Kramer – Planning Commission

Mr. Kramer withdrew his application.

6. Mike Lynch – Planning Commission

Mr. Lynch has been a resident for 10 years and on the Planning Commission for two terms. He would like to be considered for an additional term. Member Wrobel served with Mr. Lynch on Planning Commission for several years and supports his re-appointment. Member Casey asked in terms of all the projects, what he was most proud of. Mr. Lynch noted he is proud of all projects but also of being consistent and fair with all projects. He hoped the minutes have helped the Council to make decisions. Member Margolis fully supports his reappointment to the Planning Commission because of his length of term. Member Fischer also supported his re-appointment. Member Mutch noted his history and knowledge is so important because of the repetition of projects. From his perspective as serving on the Commission, what was the biggest challenge going forward over the next 3-5 years for the City. Mr. Lynch responded that we have a good master plan in place, but strategically, the City of Novi is well positioned for long-term growth. Mayor Pro Tem Staudt noted we have a very exceptional Planning Commission. He asked if he foresees decisions becoming more challenging with the City nearing build-out. Mr. Lynch noted the focus should really be on the Meadowbrook project to help balance out the growth of the undeveloped west side of Novi. He felt they have been consistent and followed the Master Plan. Mayor Gatt thanked Mr. Lynch for his service and looked forward to his continued service.

7. Mark Pehrson – Planning Commission

Mr. Pehrson looked forward to serving again and noted the City has a great team to work with. Members Margolis, Casey, Fischer all thanked Mr. Pehrson for his service and supported reappointment. Member Mutch asked about any future challenges of the City. Mr. Pehrson noted we've made great strides in changing the image of the Planning Commission and of the hard working staff. Now they are making sure they are staying ahead of the ordinances by checking with other communities to remain updated. Mayor Pro Tem Staudt noted he is assured the Planning Commission vets everything for every project before it moves forward. Member Wrobel served with Mr. Pehrson on Planning Commission and was impressed with him chairing the meetings and maintaining fairness for all. He asked about spot zoning requests. Mr. Pehrson noted the Master Plan is the living document we go by. They have to be consistent. As different properties come in, they have the opportunity to educate citizens and developers to have them understand what our ideas are to move forward quickly. Mayor Gatt noted Mr. Pehrson is also a paid on call firefighter and dedicated to the community.

REPORTS:

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

AUDIENCE COMMENT:

Don Fleming, 24296 Hampton, spoke about the installation of the SMART meters, as he felt they are harmful to children and people like himself with pacemakers. He noted the primary concern of Council is the health, safety and welfare of the citizens, yet they allowed installation of the meters. Mr. Fleming stated he has had 11 incidents in the last month and a half due to SMART meters. He would like the City to contact DTE to remove the meter from his house.

Karen McDonald, PO Box 726, Royal Oak, is a candidate for the Oakland County Circuit Court, as Judge Sosnick is retiring. She taught school for 3 years, attended Wayne State law school, and then worked as a research attorney at the Court of Appeals. She worked as an assistant Oakland County Prosecutor for six years. She now practices family law and some civil business litigation. She loves her job now but, after doing this for 15 years and being an advocate for 15 years, she wanted to move beyond advocacy and make decisions. Someone with training is needed in this position and she has spent her career helping children and families. She is motivated because she has a calling to serve her community.

CONSENT AGENDA REMOVALS AND APPROVALS (See items A-L)

CM-12-06-082 Moved by Fischer, seconded by Mutch; CARRIED UNANIMOUSLY:

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
 1. May 21, 2012 – Regular meeting
- B. Approval to award a one-year contract extension (the second of two potential extensions) for towing services to Hadley's Towing and Keford Towing to function on a rotating basis with an effective date of July 1, 2012.
- C. Approval of Proposed Water & Sewer Rate Resolutions for 2012-13.
- D. Approval to award an amendment to the engineering services agreement with Orchard, Hiltz & McCliment, Inc. for construction engineering services related to the 2012 Neighborhood Road Program, in the amount of \$93,037.
- E. Approval to award an amendment to the engineering services agreement with Orchard, Hiltz & McCliment, Inc. for construction engineering services related to

the 2012 Regional Storm Water System Improvements project, in the amount of \$32,048.

- F. Approval of the final payment to C & L Enterprizes, Inc. for the 2010 Pathway Gap project, in the amount of \$9,340.19.
- G. Consideration of adoption of Ordinance No. 12-81.25 to amend the City of Novi Code of Ordinances at Chapter 33, Traffic and Motor Vehicles, to allow prosecution of cases under Section 625 (1) (C) of the Motor Vehicle Code with enhanced penalties for high bodily alcohol level (BAC). **Second Reading**
- H. Adoption of resolution referring a proposed Zoning Ordinance Amendment relating temporary tents erected in connection with a permitted outdoor recreation use, under Section 3004, to the Planning Commission for its review and following a public hearing, if recommendation to City Council.
- I. Approval of the final payment and balancing change order to Tiseo Brothers, Inc. for the Crescent Boulevard Extension Phase 1 project, in the amount of \$26,253.90.
- J. Approval to award an amendment to the engineering services agreement to URS Corporation for additional construction inspection services related to the Crescent Boulevard Extension Phase 1 project in the amount of \$21,832.50 (which is offset by the charges to the construction contractor for exceeding the number of crew days that were in the construction contract.)
- K. Approval of Resolution for Fees for Returned Deposit items.
- L. Approval of Claims and Warrants – Warrant No. 869

Roll call vote on CM-12-06-082

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

MATTERS FOR COUNCIL ACTION

- 1. Approval of recommendation from Consultant Review Committee to award a contract for professional Audit Services for a two-year term and three one-year renewal options.

Member Margolis appreciated the work that the Consultant Review Committee did. She read through the information, minutes, and proposal. Both firms are very qualified. She thought Andrews, Hooper, and Pavlik, PLC has performed quite well with a lower bid.

CM-12-06-083 Moved by Margolis, seconded by Fischer; CARRIED UNANIMOUSLY:

To approve the award of a contract for professional Audit Services to Andrews, Hooper and Pavlik, PLC for a two-year term and three one-year renewal options.

Roll call vote on CM-12-06-083 **Yeas: Fischer, Margolis, Mutch, Wrobel, Gatt, Staudt, Casey**
Nays: None

2. Approval to award a construction contract for the 2012 Regional Storm Water System Improvements project to Verdeterre Contracting, Inc., the low bidder, in the amount of \$537,197 (offset by \$189,704 in grant funds).

City Manager Pearson said these are a variety of storm water projects. He wanted to note the amount of grant funds to offset the cost to the City. One of the main elements is for Brookfarm Park, which will make the park more attractive.

CM-12-06-084 Moved by Mutch, seconded by Fischer; CARRIED UNANIMOUSLY:

To approve the award of a construction contract for the 2012 Regional Storm Water System Improvements project to Verdeterre Contracting, Inc., the low bidder, in the amount of \$537,197 (offset by \$189,704 in grant funds).

Roll call vote on CM-12-06-084 **Yeas: Margolis, Mutch, Wrobel, Gatt, Staudt, Casey, Fischer**
Nays: None

3. Approval to award a construction contract for the 2012 Neighborhood Road Program to Hard Rock Concrete, Inc., the low bidder, in the amount of \$1,012,788.

City Manager Pearson said this is putting money into our neighborhood roads and received a good contract from a reputable company. They are doing reconstruction improvements on the neighborhoods worst streets.

Member Mutch asked about the timeline to completion. City Manager Pearson said they have to be done by September. They will start mid-July and be there through September. Member Mutch said there are a variety of projects. City Manager Pearson said from beginning to end, they will be grouped together and there will be some lag times as they move around from projects. Member Mutch said it is good to have some roads with a Paser 2-4 range that are in fairly bad shape getting repaired with the funding that we have.

CM-12-06-085 Moved by Margolis, seconded by Casey; CARRIED UNANIMOUSLY:

To approve an award of a construction contract for the 2012 Neighborhood Road Program to Hard Rock Concrete, Inc., the low bidder, in the amount of \$1,012,788.

Roll call vote on CM-12-06-085 **Yeas: Mutch, Wrobel, Gatt, Staudt,
Casey, Fischer, Margolis**
Nays: None

4. Approval to award the Civic Center Roof Replacement contract to CEI Michigan LLC, the low qualified bidder in the amount of \$224,650 subject to final approval of form of contract.

City Manager Pearson said that the Civic Center building looks so fresh because we put money into the building. It prevents the roof from leaking. We are anxious to get this summer time work started.

CM-12-06-086 Moved by Fischer, seconded by Casey; CARRIED UNANIMOUSLY:

To approve an award for the Civic Center Roof Replacement contract to CEI Michigan LLC, the low qualified bidder in the amount of \$224,650 subject to final approval of form of contract.

Roll call vote on CM-12-06-086 **Yeas: Wrobel, Gatt, Staudt, Casey, Fischer,
Margolis, Mutch**
Nays: None

5. Approval to award a contract for audiovisual enhancements to the Civic Center Council Chambers, including construction of an audiovisual room and ADA accessible presentation area in the back of the chambers and technical upgrade with HD cameras, projection and presentation system, and atrium sound system to I.COMM, the sole qualified bidder, for an amount not to exceed \$280,835.

City Manager Pearson said that it is the original part of the building that needs updating. The source of funds is from the PEG access fees that are restricted for capital improvements. Member Fischer asked where do these funds reside in. City Manager Pearson said they are deposited in the General Fund. The monies are restricted for projects such as this.

CM-12-06-087 Moved by Fischer, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the award of a contract for audiovisual enhancements to the Civic Center Council Chambers, including construction of an audiovisual room and ADA accessible presentation area in the back of the chambers and technical upgrade with HD cameras, projection and presentation system, and atrium sound system to

I.COMM, the sole qualified bidder, for an amount not to exceed \$280,835.

Roll call vote on CM-12-06-087

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

Nays: None

6. Consideration of adoption of Ordinance 12-160.01, an Ordinance to amend the City of Novi Code of Ordinances, Chapter 22, "Offenses," Article VI, "offenses against public safety," Division 1, "Generally," Section 22-112, "Fireworks," in order to incorporate changes to state law regarding fireworks and to confirm that ignition and discharge of fireworks is not permitted except on certain days.

First Reading

City Manager Pearson explained that this provision would get the City ordinance into sync with the State regulations. We can't regulate the sale and discharge of fireworks on the day before and on the day after within the ten National holidays but this would regulate activities outside those days. We can't apply noise ordinances within those dates and will do the best they can. Residents can register complaints with their State Representatives.

Member Fischer wanted to clarify regulating the use of consumer fireworks the day before and the day after a holiday. City Attorney Schultz noted that the language now is very direct from the State. We cannot regulate the discharge. Member Fischer was concerned because they will hear from residents concerning this. City Attorney Schultz said if we hear about other communities that are enforcing a noise ordinance; we may end up with a different opinion. Member Fischer questioned why it didn't go through the Ordinance Review Committee. City Manager Pearson said that it was straight forward as to bringing it into compliance with State Law and they didn't have a lot of choices. Member Fischer asked if there was any staff discussion about the 4th of July. People will probably discharge fireworks the weekend before and after because of the Holiday falling in the middle of the week. From a staff perspective was there any discussion as to what they allow and didn't feel residents should be penalized. City Manager Pearson said it was on the books in the past. It is there for a reason for the Holidays. They have experience in the past to go out and give people notice for complaints. Member Fischer would be more in favor of passing an ordinance to give reasonable time limits to celebrate within reason instead of penalizing the residents with a \$500 fine.

Member Mutch said that we don't have much choice in terms of moving this forward. The State Legislature has decided to trump any local decisions in this area. He believed that the fireworks ordinance is generally followed in Novi but there are a few that abuse it. The Police Department isn't out there writing tickets for every firework display out there but if someone shoots a firework through his neighbor's window then they would be in trouble. He thinks the way that it is structured and the way that it is enforced is different. It would be difficult for us to have a free-for-all for 30 days, and then have

another set of days where we would have some rules for days that are more lax. It is important to have consistency and fairness. The key is to have rules that people can understand. We can't have two sets of rules. People will probably continue to do it but if they are shooting them off at 2 am, they will have problems. Additional changes would make it difficult for everyone involved.

Member Wrobel said it is not perfect but it is a step in the right direction and will support this reading.

CM-12-06-088 Moved by Fischer, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the first reading of Ordinance 12-160.01, an Ordinance to amend the City of Novi Code of Ordinances, Chapter 22, "Offenses," Article VI, "offenses against public safety," Division 1, "Generally," Section 22-112, "Fireworks," in order to incorporate changes to state law regarding fireworks and to confirm that ignition and discharge of fireworks is not permitted except on certain days.

Roll call vote on CM-12-06-088

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

Nays: None

7. Consideration of adoption of Ordinance 12-113.03, an Ordinance to amend the City of Novi Code of Ordinances, Chapter 25, "Parks and Recreation," Article IV, "Parks and Recreation Protection," Division 1, "Generally," Section 25-63, "Firearms and Fireworks," in order to incorporate changes to state law regarding both firearms and fireworks and to confirm that ignition and discharge of fireworks is not permitted in parks. **First Reading**

City Manager Pearson said we are allowed to prohibit fireworks and firearms in our parks.

Mayor Pro Tem Staudt asked about it affecting school property and was it something we would have to have in our ordinance. City Attorney Schultz explained that the State Statute says public, school, and church property can't be used without written consent from those property owners. The ordinance just past includes a reference to that.

CM-12-06-089 Moved by Fischer, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the first reading of Ordinance 12-113.03, an Ordinance to amend the City of Novi Code of Ordinances, Chapter 25, "Parks and Recreation," Article IV, "Parks and Recreation Protection," Division 1, "Generally," Section 25-63, "Firearms and Fireworks," in order to incorporate changes to state law regarding both firearms

and fireworks and to confirm that ignition and discharge of fireworks is not permitted in parks. First Reading

Roll call vote on CM-12-06-089

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

Nays: None

AUDIENCE COMMENT – None

COMMITTEE REPORTS - None

MAYOR AND COUNCIL ISSUES - None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION - None

COMMUNICATIONS - None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 8:19 P.M.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Jane Keller

Date approved: June 18, 2012