

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, NOVEMBER 26, 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
Gary Dovre, City Attorney
Jeff Johnson, Director of EMS and Fire Operations

APPROVAL OF AGENDA:

CM-12-11-186 Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the Agenda as presented.

Roll call vote on CM-12-11-186	Yeas:	Staudt, Casey, Fischer, Margolis, Mutch, Wrobel, Gatt
	Nays:	None

INTERVIEWS FOR BOARDS AND COMMISSIONS:

1. Ernest Aruffo – Board of Review – absent
2. Lynne Boyle – Historical Commission - Member Margolis asked what the goals for the Historic Commission should be over the next few years. Ms. Boyle thought that for everyone who is new to Novi, to have an opportunity to learn first-hand from the people who come and speak at their meetings. There are several opportunities to learn about the community. Member Fischer asked what she or the group felt is their greatest accomplishment. Ms. Boyle said her time availability is her greatest strength. She is retired. Member Mutch noted she is always in attendance at all the functions of the Historical Commission. He thanked her for her service. Mayor Pro Tem Staudt had no questions and supported her re-appointment. Member Wrobel asked what she would like to accomplish during her next term. Ms. Boyle would like the Historical Commission to become a household word and everyone to know what they do. Member Casey asked what the City Council could do to help the Historical Commission. Ms. Boyle would like to see a bigger crowd so that more residents can be enriched. Mayor Gatt noted she has his full support.
3. Alexander Fera – Zoning Board of Appeals; Beautification Commission; Public Access Promotion Committee – Mr. Fera seeks an appointment so that he can become more active in the community. His leadership skills will be valuable to any committee. Member Fischer asked about an opening on the Housing Community

Development Advisory Committee. Mr. Fera said he would be interested in being considered for the position. Member Mutch noted something that was helpful to him when first applying to Boards and Commissions was to review the minutes of those groups to see how decisions are reached. Mayor Pro Tem Staudt noted he would also like to see him on the Public Access Promotion Committee. Member Wrobel noted they would find a spot for him. Member Casey had no additional questions. Member Margolis was very impressed that he would come back to interview. She mentioned they will find a place for him.

4. Cynthia Gronachan – Zoning Board of Appeals (ZBA) – Ms. Gronachan has lived in Novi for 25 years, and then moved for 6 years to the East Coast. She continued her community commitment while living out of state. She served 25 years on the ZBA. Member Mutch had no questions because he was familiar with her past experience on the Board. Mayor Pro Tem Staudt asked what had changed in the past 6 years. Ms. Gronachan was surprised to see the things they did and she understood why they were done. She understood the importance of the ordinances. Once back in Novi, she felt it all changed for the better. Member Wrobel asked what the biggest challenge was while on the ZBA. During her time, they always had good advice and despite the challenges the board faced, the city provided the best support. Member Casey asked what she saw in other places that she might want to bring back. Ms. Gronachan felt the most important thing was that the City worked with the residents. Novi always did that and she appreciated that. Member Margolis noted her experience with the ZBA. Ms. Cronachan prefers to stay with the ZBA if possible. Member Fischer appreciated her work at the ZBA. Mayor Gatt supports her appointment.
5. Rickie Ibe – Zoning Board of Appeals Zoning Board of Appeals (ZBA) – Mr. Ibe has served on ZBA for the past 5 years. Public service is not a right but a privilege that everyone should have. He wants to continue to serve. He is an attorney and makes time to the commitments for the ZBA. Mayor Pro Tem Staudt welcomes Mr. Ibe back and has his support for re-appointment. Member Wrobel worked with Mr. Ibe and congratulated him on being Chairman. What is the difference between being a chairman and a regular member of ZBA. Mr. Ibe said the chairman's role is to make sure all members have their say. He noted a case that went before the ZBA and giving the applicant the opportunity to speak to the ZBA, to listen, then deliberate. Members Casey, Margolis, and Fischer had no additional questions and thanked him for stepping forward. Member Mutch asked if there were any issues that come up repeatedly and if there is something Council should look at. Mr. Ibe noted cases where there are temporary signs, but they felt permanent as some have been standing in the City for a decade. They must always look at the prevailing condition. Member Mutch noted it was important to recognize striking a balance of the applicants and the community at large. Member Gatt noted he was the epitome of all that is good in Novi.
6. David Schied – Public Access Promotion Committee Public Access Promotion Committee – Mr. Schied was elected to the Public Access Promotion Committee two years ago. They initiated Public Access University that taught people how to use the

facility. They've worked very well with management for those to have access to the studio and have experienced more retention and more youth involvement. He invited Mr. Fera to visit the Public Access Committee and have more youth involved at the studio. Member Wrobel noted he served on Public Access Promotion Committee when it was Cable Access Commission years ago. He said at that time, everyone seemed to have their own agenda. Is that still true and what is he looking to accomplish in his next term. Mr. Schied noted he wanted people with their own agenda because it promotes broader programming. His focus was community safety. He noted three residents are allowed from Novi and they only have had two so far. In the next term, he'd like to see more incorporation of the web to archive the shows and exhibition of the programs. Member Casey asked what actions they've taken to get youth more involved. Mr. Schied noted his son attends the high school and assists with editing. He also noted that once they see how easy and inviting the shows are, the interest may increase. Member Margolis asked about a goal he didn't accomplish in his first term but would like to attain in the next. Mr. Schied noted he had no set goals in the first term but he accomplished getting some internet access. Member Fischer asked what Council could do to assist him in meeting his goals. Mr. Schied said he wanted more participants. Member Mutch, Mayor Pro Tem Staudt, and Mayor Gatt had no additional questions.

7. Donna Skelcy – Zoning Board of Appeals; Library Board – Ms. Skelcy currently serves on Zoning Board of Appeals (ZBA) and has been vice chair for 3 ½ years. She has a background as an Attorney. She has served on Library Committee to help develop their 5 year plan. She enjoys public service and aiding the Community. Member Casey had no questions as she served with her on the Strategic Planning Committee for the Library Board. Member Margolis asked if she had a preference. Ms. Skelcy prefers the ZBA. Member Fischer had no questions. Member Mutch asked what experience has she attained from serving. Ms. Skelcy didn't realize the ordinances monitored the signs where the message still gets out but doesn't ruin the landscape. Mayor Pro Tem Staudt noted there are two very qualified people already interviewed. He asked what sets her apart. Ms. Skelcy felt her background as an attorney and currently vice chair sets her apart. She hopes to complete another four year term to serve as the chair. She's had excellent attendance as well. Member Wrobel said he has served with her on ZBA. What is toughest challenge as ZBA member? Ms. Skelcy said it was those who come in front of the board but are not well prepared. They need assistance in proving their case. Mayor Gatt had no additional questions.

PRESENTATIONS - None

REPORTS:

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

AUDIENCE COMMENT – None

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

CM-12-11-187 Moved by Wrobel, seconded by Margolis; CARRIED UNANIMOUSLY:

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
 - 1. November 13, 2012 – Regular meeting
- B. Approval to award a unit price contract to Carr's Outdoor Services, the low bidder, for the FY12/13 Joint and Crack Sealing Program in the estimated amount of \$105,250. The contract term is one year with two one-year extensions.
- C. Approval to award the purchase and installation of two replacement boilers and boiler pumps for the Civic Center to Quality Water and Air, Inc., the low qualified bidder, in the amount of \$35,247 and R.W. Mead & Sons Inc., the City contracted Mechanical contractor, in the amount of \$35,700.
- D. Approval to award Agreements for Professional Engineering Services for Public Projects to Orchard, Hiltz and McCliment, URS Corporation and Spalding DeDecker Associates for a period of three years with the option of two one-year extensions, with an effective date of December 18, 2012.
- E. Approval to award a unit price contract to SJR Pavement Repair, the low bidder, for the FY 12/13 Spray Patch Road Repair Program in the estimated amount of \$54,500. The contract term is one year with two one-year extensions.
- F. Approval to award an engineering services agreement with Orchard, Hiltz & McCliment for design engineering services for the East Lake-Hickory Woods School Neighborhood Connector in the amount of \$6,492.
- G. Approval to award an engineering services agreement with Spalding DeDecker Associates for design engineering services for the 2013 Capital Preventative Maintenance Program—Major Roads in the amount of \$8,600.
- H. Approval of Claims and Accounts – Warrant No. 880

Roll call vote on CM-12-11-187

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

MATTERS FOR COUNCIL ACTION

1. Recommendation from Consultant Review Committee to award the Emergency Medical Services contract to Community Emergency Medical Service (CEMS) for two (2) years with three (1) one-year renewal options.

City Manager Pearson said this is an important contract. It is a contract for service that provides an essential service of advanced life support with medical transport. The City didn't have a contract but had a long standing relationship with CEMS. There has been request for proposals to see what was available to fine tune services. This will be a shared service with Northville.

Mayor Pro Tem Staudt, Chairman of the Consultant Review Committee, asked Director Johnson to speak on this issue. He thanked everyone on the Committee. Director Johnson answered all the questions for the Committee. Director Johnson was asked about the improvements with moving from two to three dedicated ambulances in the City, including the 7 ½ minutes, 90% of the time. They are enhancements to our current agreement.

Director of EMS and Fire Operations Johnson explained that this contract has improvements with three dedicated units and noted that they will respond 7 minutes or less, 90% of the time. This contract is raising the bar which was a goal in the last contract. We will monitor them monthly.

Mayor Pro Tem Staudt said there are generally three year agreements with one year renewals, but we decided to give more flexibility to our Public Safety Department to re-evaluate after two years. He thanked Director Johnson for his excellent input.

Member Wrobel noted that this new contract will not increase any expenditure to the City. They are giving us a third ambulance at no additional cost.

CM-12-11-188 Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY:

To approve an award of the Emergency Medical Services contract to Community Emergency Medical Service (CEMS) for two (2) years with three (1) one-year renewal options.

Member Fischer asked what if they don't meet the 7 ½ minutes and how would they address that with CEMS.

Director Johnson answered they have provisions within the contract that would revisit the issue and can look elsewhere if we are not satisfied with their service.

Member Fischer asked for clarity about two other firms without an enhanced 911 secondary public access answering point.

Director Johnson said it was an important piece of the contract. Our communication center screens 911 calls and has to have the ability to transfer calls to the private

ambulance company that is providing the response. In this case only Huron Valley and CEMS could provide that enhancement.

Member Mutch clarified the point that currently there are no out of pocket costs or taxpayer costs for the provision of this service to City residents. Director Johnson said the only time the patient would see a bill is if they are transported to the hospital. Member Mutch asked how many runs annually are considered of a priority nature that would be required to meet this 90%, 7 ½ minute standard. Director Johnson said that they provided that information in Council's packet. Member Mutch asked where the units will be located. Director Johnson said they will be based at 11 Mile and Beck, Providence Hospital, and will post them at locations where they need them. The fourth unit they have is at Haggerty and Ten Mile. They will also have units on the north end of town and near Northville. Member Mutch asked if the City is being charged when CEMS is on site for events. Assistant City Manager Cardenas said there is no additional charge because it is donated to us by CEMS. Member Mutch asked how many events that they will attend. Mr. Cardenas said those are held outside the contract terms and it depends on the number of events which fluctuate.

Roll call vote on CM-12-11-188 **Yeas: Fischer, Margolis, Mutch, Wrobel,
Gatt, Staudt, Casey**
Nays: None

2. Approval to award an engineering services agreement with Orchard, Hiltz & McCliment for design engineering services related to the Water System Master Plan, Water Distribution Storage Facility, and Supervisory Control and Data Acquisition (SCADA) for the City's water distribution system in the amount of \$172,300.

City Manager Pearson added that it is our Master Plan update for the water system. It is required. There is water storage that the City would own and maintain as a part of the Detroit water system. There is a payback with possibly lowering of rates. SCADA is a more efficient way to run the system remotely.

CM-12-11-189 Moved by Fischer, seconded by Margolis; CARRIED UNANIMOUSLY:

To approve an engineering services agreement with Orchard, Hiltz & McCliment for design engineering services related to the Water System Master Plan, Water Distribution Storage Facility, and Supervisory Control and Data Acquisition (SCADA) for the City's water distribution system in the amount of \$172,300.

Roll call vote on CM-12-11-189 **Yeas: Margolis, Mutch, Wrobel, Gatt,
Staudt, Casey, Fischer**
Nays: None

3. Consideration of request from Secure Development Properties Management, LLC (d/b/a Paradise Park) for a new Class C quota license and

Dance/Entertainment permit to be located at 45799 Grand River Avenue, Novi, Michigan 48374 and Agreement on the Prohibition on Profiteering by Class C Liquor License Holders.

City Manager Pearson said it has one remaining quota license. The Review staff has no objections regarding this applicant.

Kelly Allen, Representing the Wainwright Family, said they have a very unique venue and have invested 4.2 million in the Park. It is an indoor and outdoor family park and specializes in special events. Eventually, they would like to build a permanent structure. They fulfill the requirements of the City's licensing policies which are uniqueness of venue and permanence by becoming a full service venue, their character will generate economic development with employing over 600 young people, and financial investment with an additional improvement that will be an additional \$200,000. They have great community ties. They were voted best family entertainment in 2012. This will give them a competitive edge with bookings. They've already had their employees trained in TIPS, alcohol management training. The only place alcohol will be served or sold is in the food court area, outside service area and the special events area. They have a limit of two drinks per person and no alcohol before the dinner hour. It is not intended to be a bar. There would be only beer and wine but with spirits for special events.

Member Margolis said this facility meets all the criteria and has invested in our community for many years. The business provides great corporate citizenship in the City. They have taken steps to show they take this responsibility very seriously. This Park is well maintained. It is a top notch facility and it brings economic development to the City.

CM-12-11-190 Moved by Margolis, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the request from Secure Development Properties Management, LLC (d/b/a Paradise Park) for a new Class C quota license and Dance/Entertainment permit to be located at 45799 Grand River Avenue, Novi, Michigan 48374 and Agreement on the Prohibition on Profiteering by Class C Liquor License Holders as the applicant's request satisfies A, B, & C of Chapter Three of the Code of Ordinances.

Member Fischer said the entire business meets the uniqueness aspect of the Ordinance. There is a total investment of \$4.4 million with future improvements and fits all the criteria. He noted the concern of go-karts and alcohol and how they will insure there will not be any major incidents with these vehicles. Ms. Allen said it was one of their biggest concerns. They will have wristbands to ensure that anyone who is drinking cannot drive the go-carts. Member Fischer said it was one of the most comprehensive packets they have seen. He would support the request.

Member Wrobel spoke with many members of the Community and did not receive one negative comment. They have a proven track record. They have a comprehensive plan for alcohol use. He would support the request.

Mayor Pro Tem Staudt asked about zero tolerance policy for the site because of the bar next door. Theresa Wainwright said they already had to deal with it. They do constant training. They belong to two international associations which provide training in March in November. They attend the trainings. They bring back professionals and send their teams to training with Disney. They already have zero tolerance. Mayor Pro Tem asked if they would deny access to anyone. Ms. Wainwright said they have denied access to the venues because of behavior.

Mayor Gatt concurs that Wainwrights have put their heart and soul into the Park.

Roll call vote on CM-12-11-190

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

4. Consideration of request from El Mariachi Mexican Restaurant for a new Class C quota license to be located at 31150 Novi Road, Novi, Michigan 48377 and Agreement on the Prohibition on Profiteering by Class C Liquor License Holders.

CM-12-11-191 Moved by Margolis, seconded by Staudt; WITHDRAWN:

To deny the request from El Mariachi Mexican Restaurant for a new Class C quota license to be located at 31150 Novi Road, Novi, Michigan 48377 and Agreement on the Prohibition on Profiteering by Class C Liquor License Holders as none are available.

Member Fischer asked if the applicant had to pay the fee and if they could receive a refund. City Manager Pearson said the work has been done so they would not receive a refund. Member Fischer could not support this motion with the premise there was a liquor license when they applied unless there is a way the applicant could receive a refund. Mayor Pro Tem Staudt said that the fee hopefully will be applied to a transfer license. He asked the applicant if he has checked into another license.

Roberto Ortega said he owned a liquor license before he came to Novi. When he submitted the application, he thought he was told they do not take the application for transfer first and must apply for the liqueur license that the City has available. He has found a liquor license available.

Member Mutch asked if the City Clerk Cornelius could clarify the fee policy. Ms. Cornelius said Mr. Ortega did pay the \$1,210 for the initial application. We explain to the applicants the criteria that have to be met and the difference between a quota and a transfer license. If they are denied a quota license they would have to reapply

6. Approval of the Parks, Recreation & Cultural Services department donation acknowledgment and acceptance of the naming rights agreement with Tom Holzer Ford for a three (3) year period in the amount of \$10,000 payable in two (2) installments of \$5,000 each.

City Manager Pearson said they have had a great partnership with Tom Holzer Ford for naming rights at Power Park. They have renewed it. The Parks Foundation has been a vehicle to provide this. He thanked the Parks Foundation and Tom Holzer Ford for the generous contribution.

CM-12-11-194 Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the Parks, Recreation & Cultural Services department donation acknowledgment and acceptance of the naming rights agreement with Tom Holzer Ford for a three (3) year period in the amount of \$10,000 payable in two (2) installments of \$5,000 each.

Roll call vote on CM-12-11-194 **Yeas: Staudt, Casey, Fischer, Margolis,
Mutch, Wrobel, Gatt**
Nays: None

7. Appointment to Board of Review for a Vacant Position – Term ending 01/01/2015.

City Clerk Cornelius announced that James Staschke was appointed to the Board of Review vacant position for a term ending 01/01/2015.

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 8:40 P.M.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Jane Keller

Date approved: December 3, 2012