

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, MARCH 9, 2015 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 Casey, Markham, Mutch, Poupard, Wrobel

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

APPROVAL OF AGENDA:

CM 15-03-025 Moved by Poupard, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the Agenda as presented.

Roll call vote on CM 15-03-025 **Yeas: Staudt, Casey, Markham, Mutch,
Poupard, Wrobel, Gatt**
Nays: None

PUBLIC HEARING - None

PRESENTATIONS

1. Preliminary Budget Overview – Carl Johnson, Finance Director

Carl Johnson, Finance Director, gave an overview of the budget that Council will receive in a few weeks. The Capital Improvement Project (CIP) Committee has reviewed the budget and it is now with the Planning Commission. He spoke about the three year budget. He went over the General Fund and explained the revenue sources. The budgets are balanced for the next three years. He noted even though property taxes are going up, in 2018, the public safety millage will expire which generates about \$1 million. He explained the Street Fund revenues and capital expenditures presented in the budget. He said they make sure some of the SAD monies are spent on Neighborhood Roads. In summary, the budget Fund Balance projection for the end of this fiscal year is about \$8.6 million which is about 27% of the expenditures. The target has been 18% to 22%. It is a healthy Fund Balance. The property taxes are estimated to increase \$523,000 for next year, but overall revenues will only increase by \$145,000. The Capital Improvements will be done with very little increase of the overall revenues. There is continued investment in Service Improvement (SIP) projects vehicles, pension contributions, and 4 new positions. Parks and Recreation budget is balanced to zero. The next 3 years shows \$825,000 spent out of the General Fund to fund various Parks projects. The Roads Funds are spending all revenues and

including half of the SAD monies. Neighborhood Roads funding will be increased every year.

REPORTS:

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

AUDIENCE COMMENT:

Mark Adams, 1721 E. Lake Dr., addressed consent agenda item M controlling geese and swan nest program. The problem was that the geese deposited their waste material everywhere. He noted geese have been at Pavilion Park. He encouraged geese control, but thought Council should get more information on the swan control before a decision was made about the swans. Some swans might seem aggressive, but they might also just be defensive of their nest.

Pat Maniewski, 1207 S. Lake Drive, noted she had a group that was trying to work with the swans and noted that she was against the swan nest removal. She felt this topic kept coming up and while she lived there for 45 years, this was only the second set of swans she'd seen. Her family has no problem with the swans. There are a few people on the lake who jet ski and who aggravate the swans.

Ron Maniewski, 1207 S. Lake Drive, felt that there were people who just wanted to eliminate animals on the lake. Many animals migrate through Walled Lake, including eagles that come in the fall. Swans prefer quieter lakes. His concern was that there would be no more animals in the future. He asked if Council could deny the item on the consent agenda.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 15-03-026 Moved by Poupard, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the Agenda as amended with the removal of item M.

- A. Approve Minutes of:
 1. February 23, 2015 – Regular meeting
- B. Enter Executive Session immediately following the regular meeting of March 9, 2015 in the Council Annex for the purpose of discussing labor negotiations, property acquisition and privileged correspondence from legal counsel.
- C. Approval of Resolution granting the Novi Parks Foundation a one-time exemption from the City's policy regarding alcohol on public property for purposes of its July 31, 2015 fundraiser at Pavilion Shore Park.

- D. Approval of Resolution Concerning Acquisition and Approving Declaration of Necessity and Taking and authorization of Offer to Purchase in the total amount of \$1,245 for a permanent pathway easement and temporary grading permit on a parcel owned by 47087 Grand River, LLC (parcel 50-22-16-151-002) for the purpose of relocating an existing pathway as part of the project to add a second left turn lane for eastbound Grand River Avenue at Beck Road.
- E. Approval of Contract with ExecuTime Software LLC, for a digital employee time and attendance management system, subject to final review as to form, including minor non-substantive changes, by the City Attorney and City Manager.
- F. Approval of Text Amendment 15-57.02, as recommended by the Ordinance Review Committee, to amend Chapter 34, Utilities, of the City of Novi Code to update the City's Cross Connection Ordinance for consistency with the requirements of the Michigan Safe Drinking Water Act (Public Act 399, as amended). **SECOND READING**
- G. Approval to award an amendment to the engineering services agreement with Spalding DeDecker Associates for construction engineering services for the West Road Rehabilitation project in the amount of \$19,451.
- H. Approval of the final payment to Erie Construction, LLC for the Novi Dog Park Project in the amount of \$27,935.60.
- I. Approval to award engineering design services to Orchard, Hiltz & McCliment for the Whipple Drive Bridge Reconstruction project in the amount of \$19,965.
- J. Approval of a Storm Drainage Facility Maintenance Easement Agreement from Novi Crescent, LLC, for the Novi Crescent development located at the northwest corner of Novi Road and Crescent Boulevard (parcel 22-15-476-042).
- K. Approval of a Storm Drainage Facility Maintenance Easement Agreement from PI's Property Management, LLC, for Genji Japanese Steakhouse located at 27155 S. Karevich Drive (parcel 22-15-200-108).
- L. Approval of resolutions authorizing termination of an existing water main easement (recorded at Liber 8674, Page 433, Oakland County Records) at the request of PI's Property Management, LLC, as part of the redevelopment of Genji Japanese Steakhouse located at 27155 S. Karevich Drive (parcels 22-15-200-108 & 22-15-200-107) and acceptance of a new water main easement in the actual location of the water main on the site.
- M. Approval of a resolution in support of Lakes Area Homeowners Association's request to participate in the Michigan Department of Natural Resources Mute Swan Nest and Egg Destruction program. **REMOVED and later rejected.**

N. Approval of Claims and Accounts – Warrant No. 935

Roll call vote on CM 15-03-026

**Yeas: Casey, Markham, Mutch, Poupard,
Wrobel, Gatt, Staudt**

Nays: None

MATTERS FOR COUNCIL ACTION:

1. Consideration of Zoning Ordinance Text Amendment 18.272 to amend the City of Novi Zoning Ordinance at Article 4, Use Standards, Section 4.29, Fueling Stations and Minor Automobile Service Establishments in order to permit fueling stations with accessory minor automobile services that pre-date the ordinance to terminate fueling operations and continue minor automobile repair services. **FIRST READING**

CM 15-03-027

Moved by Wrobel, seconded by Poupard; CARRIED UNANIMOUSLY:

To approve Zoning Ordinance Text Amendment 18.272 to amend the City of Novi Zoning Ordinance at Article 4, Use Standards, Section 4.29, Fueling Stations and Minor Automobile Service Establishments in order to permit fueling stations with accessory minor automobile services that pre-date the ordinance to terminate fueling operations and continue minor automobile repair services. FIRST READING

Member Mutch questioned uses that were being proposed, currently allowed within the B-3 zoning district, were in because they are accessory to a gas station use and they are not allowed as a stand-alone use. He asked where these uses would be otherwise used in our zoning ordinance. Ms. McBeth, Deputy Community Development Director, stated that usually they are allowed in the light or general industrial zoning district and allowed by right. He asked how they are differentiated from regular auto repair to more intensive auto use. Ms. McBeth said they are defined in the ordinance. Member Mutch asked why a zoning text amendment was done instead of another avenue to change it. City Attorney Schultz said it would qualify for a use variance because there are too many uses for the property that would be permitted. Member Mutch said he didn't have a problem with the use. He thought it looked like they made the change for this specific use, but understood this was the best approach. Mayor Gatt agreed with Member Mutch because the business has been well established in Novi.

Roll call vote on CM 15-03-027

**Yeas: Markham, Mutch, Poupard, Wrobel,
Gatt, Staudt, Casey**

Nays: None

2. Approval to award a construction contract for the West Road Rehabilitation project to Asphalt Specialists, Inc., the low bidder, in the amount of \$153,511, subject to final review and approval of form of agreement by City Manager's office and the City Attorney.

CM 15-03-028 Moved by Casey, seconded by Mutch; CARRIED UNANIMOUSLY:

To approve the award of a construction contract for the West Road Rehabilitation project to Asphalt Specialists, Inc., the low bidder, in the amount of \$153,511, subject to final review and approval of form of agreement by City Manager's office and the City Attorney.

**Roll call vote on CM 15-03-028 Yeas: Mutch, Poupard, Wrobel, Gatt, Staudt, Casey, Markham
Nays: None**

3. Approval of Resolution authorizing participation in the Road Commission for Oakland County's 2015 Tri-Party Program for Road Improvements dedicating Novi's 2015 allotment of \$161,038 to the Eastbound Grand River at Beck Dual Left Turn Lane Project.

Mr. Auger said there will be two construction projects for this intersection and hoped drivers will be patient as the improvements take place.

CM 15-03-029 Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY:

To approve a resolution authorizing participation in the Road Commission for Oakland County's 2015 Tri-Party Program for Road Improvements dedicating Novi's 2015 allotment of \$161,038 to the Eastbound Grand River at Beck Dual Left Turn Lane Project.

**Roll call vote on CM 15-03-029 Yeas: Poupard, Wrobel, Gatt, Staudt, Casey, Markham, Mutch
Nays: None**

4. Adoption of resolution to defer review of applications for new connections to the Nine Mile Road force main sanitary sewer between Roberts Road and Kensington Drive.

CM 15-03-030 Moved by Casey, seconded by Poupard; CARRIED UNANIMOUSLY:

To approve a resolution to defer review of applications for new connections to the Nine Mile Road force main sanitary sewer between Roberts Road and Kensington Drive.

**Roll call vote on CM 15-03-030 Yeas: Wrobel, Gatt, Staudt, Casey, Markham, Mutch, Poupard
Nays: None**

AUDIENCE COMMENT – None

COMMITTEE REPORTS – None

MAYOR AND COUNCIL ISSUES – None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION:

- M. Approval of a resolution in support of Lakes Area Homeowners Association's request to participate in the Michigan Department of Natural Resources Mute Swan Nest and Egg Destruction program.

Member Casey disapproved of the destruction of wildlife and removed the item. She noted the residents that spoke made compelling arguments.

CM 15-03-031 Moved by Casey, seconded by Gatt; CARRIED UNANIMOUSLY:

To reject a resolution in support of Lakes Area Homeowners Association's request to participate in the Michigan Department of Natural Resources Mute Swan Nest and Egg Destruction program and for more research done by City staff.

Member Wrobel asked if there was a problem with the mute swans. Rob Hayes, Director of Public Services, spoke about the requests they received regarding this issue. They did not verify any problems, but go by what others have said about the issue. Member Wrobel said he will not support it until he gets the data from the DNR. Member Poupard understood that the mute swans consume and pull up sources of food for native animals and destroy their habitat. She asked if there could be more research. Member Mutch said that there was a growing population, but asked if it was on Walled Lake. He explained the mute swans are not native to the United States. He asked the Lake Area Homeowner's Association for more significant support and specific information and would consider it at a later date. Member Poupard echoed Member Mutch. She thought they spoke about the defense of the swans, but her concern was the threat to the endangered wildlife.

Roll call vote on CM 15-03-031

Yeas: Wrobel, Gatt, Staudt, Casey, Markham, Mutch, Poupard

Nays: None

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

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Jane Keller

Date approved: March 23, 2015