

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, MAY 22, 2023 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, Fischer, Smith, Thomas

ALSO PRESENT: Victor Cardenas, Interim City Manager
Thomas Schultz, City Attorney

APPROVAL OF AGENDA:

Member Smith added "Wear Orange Resolution" to Mayor and Council Issues.

CM 23-05-065 Moved by Casey, seconded by Thomas; CARRIED UNANIMOUSLY

To approve the Agenda as amended.

Roll call vote on CM 23-05-065	Yeas: Staudt, Casey, Crawford, Fischer, Smith, Thomas, Gatt Nays: None
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PUBLIC HEARINGS: None

PRESENTATIONS: None

MANAGER/STAFF REPORT:

Interim City Manager Cardenas reminded the public and City Council that we have a couple of events taking place this week with respect to the Memorial Day festivities. He said the Fuerst Field of Honor is going to be Wednesday, May 24 at 5:30 p.m. He said the flag should be installed he believed beginning today, he invited the public to make their way to Fuerst Park Field of Honor to make their way through the flags. He mentioned the Memorial Day Parade is Monday, May 29 at 10:00 a.m., he asked that our participants in the Memorial Day Parade to be at Meadowbrook Commons by 9:30 a.m. He also gave an update with respect to the construction of Eastbound I-96 and to anyone living west of us, the Michigan Department of Transportation let us know that it will be closing Eastbound I-96, Tuesday, May 23, it is an emergency closure. He stated beginning at 9:00 a.m. they are going to go down to one lane and then from 10:00 a.m. until 2:00 p.m. it will be closed all together. Apparently, it is some kind of emergency repair that must happen, he wanted to get the news out there.

ATTORNEY REPORT: None

AUDIENCE COMMENTS:

Kelly Kasper, 21505 Sunflower Road, Novi thanked Mayor Gatt and City Council for giving her the opportunity to make her comment. She mentioned she emailed Council regarding a Proclamation for June 2 for Wear Orange to support the victims of gun violence. She wanted to read her email and the Proclamation to have it on record. She read her email: The residents of Novi Michigan wish to enlist our aid in helping to stem the epidemic of gun violence in our country. Specifically, I am requesting that the City of Novi issue a Proclamation declaring that June 2, 2023, be proclaimed as National Gun Violence Awareness Day, Wear Orange Day, this request is being made to honor the almost 40,000 people who are killed annually by guns in our country. Sadly, for every person killed an average of two or more are wounded. Gun deaths take many forms including suicides, cases of domestic violence, accidental shootings, and homicides. Gun violence is now the second leading cause of death for American children and teens. By proclaiming June 2 as Gun Violence Awareness Day, our city will join hundreds of others across our nation and bringing attention to these tragedies. For more information you may wish to research the story of Hadiya Pendleton, the 15-year-old honor student who was shot and killed in Chicago about a week after she and her classmates performed at President Obama's second Inauguration. Her friends decided that her death would not be in vain and started to wear orange day in her honor because it is bright, and it is a color that hunters were to say don't shoot me. This tribute has grown into a national movement which is now observed in communities across our country. I am hoping that after reviewing this request, you will proclaim June 2 to be Gun Violence Awareness Wear Orange Day in the City of Novi, last year 18 cities in Oakland County proclaim the first Friday in June is National Gun Violence Awareness Day. This year, we would love to have all the cities, villages, and townships proclaim it. Ms. Kasper said she managed to get 75 nearby residents to support her on her initiative to do this, so she has the support of the community. She said the Proclamation declares the first Friday in June to be National Gun Violence Awareness Day in the City of Novi to honor and remember all victims and survivors of gun violence and more than 200 are shot and wounded with an average of more than 17,000-gun homicides every year and whereas Americans are 26 more times likely to die by gun homicides.

Joseph Bertera, 130 Rexton, said he was there once again to talk about the Lakefront Protection Ordinance, the history of its formation and the true intent of this ordinance which is contrary to the city of Novi's currently legal actions against his neighbor and the Lake Wall Subdivision. He explained the spark of this ordinance started in 1984, involving Beachwalk Apartments, which is on the east side of Walled Lake. He highlighted the letter dated September 24, 1984, on the overhead projector for the audience. He stated the former Novi City Attorney, David Freed, saw several drawbacks to this such an ordinance, stating that Beachwalk Apartments had littoral rights to the lake in the same manner as other owners of lakefront property. He said City Attorney Freed stated in this letter that littoral owners have equal rights to the use of the water stated right there in his letter, our Lake Wall Subdivision, Lot 9 on Walled Lake has the same littoral rights that the City is ignoring in favor of falsify complaints from Laurie McLean. He said City Attorney Freed also stated in the letter that private litigation may be a more appropriate remedy to the problem that regulation by the City also stated in that letter. He commented even with this recommendation from the City Attorney at the time, Novi is bankrolling a lawsuit

against residents of this city. He said he had several of his neighbors in the audience that evening, and using taxpayer dollars to sue his subdivision, and residents of Novi, whereas if anything should occur, he felt Laurie McLean should be bankrolling her own lawsuit against the residents like the attorney had suggested in 1984. He stated Novi has never reached out to his neighborhood to discuss the allegations, or even research the accuracy of her claims. He said Novi just caved to her demands and started a lawsuit without merit. He moved on to highlight the next letter from September 27, 1984, from the City Manager at the time. He stated that former City Manager Kriewall referenced the letter he just showed and stated the owner of Beachwalk had specific withdrawal rights equivalent to that of other property owners. He said again, the same with total rights that Lake Wall Subdivision, Lot 9 residents possess, yet the City continues to ignore his subdivision. He quoted from the letter that former City Manager Kriewall also said "this is probably not what you want to hear, however I feel the question needs to be asked." He wondered why littoral lake rights was something that City Council did not want to hear that at the time, why did the City Manager say something like that. He said he had proof to back it up that the Novi City Council and all its ego was going to do whatever they wanted, regardless of the City Attorney recommendation and that is exactly what they did 37 years ago and continue to do in present day 2023. He mentioned as reference in the last Council meeting, a Novi councilmember in 1985 suggested shoving this ordinance down the City of Walled Lakes throat.

Spencer Betts 923 Novi Road, Novi MI said he wanted to continue the Proclamation. He said the Proclamation declares that the first Friday in June, be National Gun Violence Awareness in the City of Novi to honor and remember all the victims and survivors of gun violence, and to declare that we as a country must do more than in this public health crisis. Whereas, every day, more than 120 Americans are killed by gun violence, and more than 200 are shot and wounded, with an average of more than 17,000-gun homicides every year, whereas Americans are 26 times more likely to die by gun homicide than any other high-income countries. Whereas, Michigan has 1382-gun deaths every year, with a rate of 13.7 deaths per 100,000 people, a crisis that cost the state it costs the state \$16.8 billion each year, of which \$380.5 billion is paid by the taxpayers. Do you want to expend the taxpayers. Michigan has the 25th highest rate of gun deaths in the United States. Whereas gun homicides and assaults are concentrated in cities with more than half of all firearms related gun deaths in the nation are occurring in those cities; and whereas, cities across the nation including Novi itself are working to end this senseless violence with evidenced based solutions. Whereas, protecting public safety in the communities they serve is mayors' highest responsibility; whereas, the support of the Second Amendment rights of law abiding citizens goes hand in hand while keeping guns away from people with dangerous histories; and whereas mayors and law enforcement officers in partnership with local violence intervention activists and resources know their communities best, are the best and familiar with local criminal activity and how to address it, and are best positioned to understand how to keep their citizens safe. He said he would let the next person continue with the Proclamation. He said he hoped that you do listen to this Proclamation in its fullest, especially in the email that was already submitted.

Aaron Martinez, Shorecrest Drive, Novi said he had three quick points that he wanted to bring up. First, the Fire Strategic Plan. He would have liked to see this item pulled off the Consent Agenda that evening and discussed in a bit more detail. He said that because considering the Building Needs Committee that is going on. He thought it was important for residents to know how this document is guiding that or how these are working hand in hand. He said there are several points in the plan, which it says are being undertaken by City staff and he knew that some on the Committee have undertaken the work to go and inspect some of the buildings. He said he would like to get that out there and make sure that it is clear to the residents. He said it is helpful to know what the City Council is going to be doing about that. Secondly, he wanted to give his support to the proposed Gun Safety Resolution, which was advocated for that evening. He thought Ms. Kasper had done a great job of organizing our residents and showing that they want some action from our City Council on this. He thought the resolution presents a great opportunity in his mind to highlight some of the points the City of Novi has already done to help curb gun violence and push responsible gun ownership, including the providing of free gun locks at our Police Station. He hoped you can act on this resolution, whatever the policies are in the way on this, he thought we needed to cut through that red tape and give the residents something that they need on that. Lastly, a quick word about the Open Meetings Act. He was trying to make sense of the Fire Plan on the Agenda that evening, he went looking for the most recent minutes from the Building Needs Committee and the last meeting was March 6, and the Minutes still have not been posted. He believed state law requires proposed minutes not even just accepted minutes, but proposed minutes to be posted within eight days of the meeting. He hated bringing this up except for the fact that it was the second time in the last year that he had had this complaint. He said it seems to happen on these project-based committees. He wanted to make sure that is clear and that the City Council is doing everything it can do. He gave a shout out to Sheryl Walsh and to the City Manager who immediately got that sorted out when he brought it to their attention.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 23-05-066 Moved by Crawford, seconded by Fischer; CARRIED UNANIMOUSLY

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
 May 8, 2023 - Regular Meeting
- B. Approval to award the Sport Clothing and Apparel contract to Empire Printing, LLC for one (1) year with two (2) renewal options in one-year increments based on unit pricing; with an annual estimated annual amount of \$34,000.
- C. Adoption of Resolution seeking reimbursement from Oakland County for expenses associated with the City of Novi's annual Mosquito Control Program.

- D. Approval to accept the residential streets as part of Dunhill Park and adoption of Act 51 New Street Resolution accepting Dunhill Drive, Dunhill Court, and Wales Court as public, adding 0.42 miles of roadway to the City's public street system.
- E. Approval to participate in Oakland County's Urban County Community Development Block (CDBG) Grant Program for the years 2024, 2025 and 2026.
- F. Approval of the Resolution for Adoption of the Novi Fire Department Strategic Plan 2022-2027.
- G. Approval of claims and warrants – Warrant 1132

Roll call vote on CM 23-05-066

**Yeas: Casey, Crawford, Fischer, Smith,
Thomas, Gatt, Staudt**

Nays: None

MATTERS FOR COUNCIL ACTION:

Member Smith wanted to make a couple of comments on the National Gun Violence Awareness Day Wear Orange Day Proclamation. First, he wanted to thank everyone who signed Ms. Kasper's petition and everyone who came that evening in support. He believed gun violence and gun accidents are becoming background noise in our society. He said sometimes we need a mirror to look at ourselves and really see what we are becoming. He said for this issue, you all are that mirror, so thank you. Second, as a Council, we need a way to discuss requests for Proclamations like this one and like the American Armenian Genocide Resolution that was brought up in Audience Comments a couple of weeks ago. Obviously, we cannot have a policy that just blanket approves request for Proclamations and we should not have a policy that blanket denies them either. He said we needed a forum and as a Council we can discuss that. He said we may agree or disagree. We may pass it, or we may not pass it, but we should at least have that discussion or our residents. He said through the mayor, he would like to ask the Rules Committee to bring forward a way for us to talk about proposed Proclamations such as this. Thank you. Mayor Gatt thanked Member Smith, he thought they had a Rules Committee meeting scheduled. Clerk Hanson said it has not been formally scheduled, but we can get it on the books.

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: None

AUDIENCE COMMENT:

Joseph Bertera, 130 Rexton, Novi said he was curious as to how these comments happen from Member Smith and he is talking about what these people are trying to do, which is great, but he gets no comments. He said moving on to the ordinance itself, the Lakefront Protection Ordinance, in all the related documents, look at how many times the word development is stated in these documents. He pointed out several times the documents talked about future development. He counted 15 references to development in these documents about the Lakefront Protection Ordinance and this is not even close to all the

documents he had for his FOIA request. He said if you looked over all these documents, it is over 100 times. He said even the title of the ordinance itself says regulate development right here at the top of the ordinance to regulate development. He said that is what it starts out with. He gave a newsflash, their subdivision was already into development 67 years prior to this ordinance, not even the City of Novi and its leaders in their illusion of omnipotent power can erase the past, but that is what they are trying to do. He said the Novi City Council did nothing to protect existing residents of his subdivision or other existing subdivisions around the lake. He said Novi only offered those residents from 1986 broken promises, lied directly to their faces in public hearings, which he had the proof on that and ended up doing whatever they wanted in the same manner as a dictatorship would act. He said this is a democracy, this is not a dictatorship. He wished he had a time machine to go back and correct all these injustices for 1986. He stated the 1986 Novi City Council which he found out from Kathy Crawford and Mr. Crawford, you are on the Council in 1986 when this was passed so your input would be fantastic. He said he would like to talk to you or talk to somebody, they used every trick in the book to get this ordinance passed. He said they even made-up new tricks to get what they wanted. He said Council deceived the residents, broke the public trust. He said it is within your power to correct those mistakes from 1986 and regain some of the public trust. Instead, you choose to do nothing. He said you choose not to listen and follow exactly in their footsteps making you all as guilty as they are. He commented that you are refusing to look at the facts that he has presented at multiple meetings, and you are refusing to meet with him to discuss any opinion other than your own, a sure sign of an enormous ego and the definition of narcissism.

Priyanka Heintz and Avika Raman said guns are the second highest reason for children dying each year and from an 11-year-old and 10-year-old perspective, that is ludicrous. We need to stop this, and we do not want to go to school each day with that kind of fear. The fact that we must have all these gun drills is ridiculous. Priyanka said she went to Village Oaks, and she was in the fourth grade, there was a prank call that there was a man with a gun in the fourth-grade bathroom. Then there was an Oxford school shooting in our very own state. Avika Raman said because of these people who are making all these online threats their learning was interrupted and that took away that week of learning and they hoped that the fact that they are kids coming to you with their concerns that you will consider it a little bit more.

Matt Heintz, 24551 Kings Pointe and he was the proud father of Priyanka that just spoke right there. He reiterated his support for the Wear Orange Day initiative, just to hear his daughter speak those words of truth gets him choked up to just know that our children these days are going to school in fear, and just to have a day of awareness of gun violence to this to our attention to be able to take this seriously. He wanted to acknowledge those that have experienced this. He said this included his own uncle who lost his life last year due to mental health and what took his life, he took his own life using a gun. He said it is not just a simple activity against somebody else. He said it could be to oneself or anything, just to acknowledge so many people that are affected by this would just be a very kind gesture from the City of Novi.

Emily Manschot, 44685 Ford Way Drive, Novi said she and her husband have been Novi residents for the past 34 years. She was there to support the Wear Orange Resolution and to thank Kelly and everybody who spoke so eloquently about this. She said this affects her personally. She lost a nephew to gun violence, if you Google his name Flint Smith in Arizona, an article will pop up even though this happened many years ago, he was only 24 years old. She said her husband Peter also lost one of his dearest friends, a co-teacher at West Maple Elementary to gun violence, he was shot by a former student of his and killed in his very home. She knew we cannot take all the guns away; she was not after the Second Amendment; her brother is a hunter. She knew that responsible gun ownership is a right and a privilege. She believed that we could do something small, we can take a baby step to help all these people who are suffering. She said her supervisor at the University of Michigan is an Oxford parent. She said her children are in the middle school, but that the community is paralyzed right now, and she cannot tell you how sad she is.

Kelly Kasper said she was also impacted by gun violence that her daughter was a freshman at Michigan State University this year and to get texts coming across your phone that say run, hide, fight, to not know where your child is on campus for hours to text her, and she says she was scared. She said there were people crawling outside her window with machine guns and she was just at the Student Union, she left the Student Union five minutes before the shooter walked in. She said it was just luck that my daughter did not die while trying to get a college education this year. She said she works at Novi High School. She has worked in the Novi School District since 2008 and she has been going through active shooter drills training to save these kids' lives. She was so glad when her daughter graduated high school, she thought she was safe. She made it out, but she didn't, gun violence it is affecting your neighbors. She said you don't even know; you have no idea. She said we must do something; we must stand up for the victims of gun violence. We have to say we see you; we know the pain that you are in. She said we know the mental health issues that follow gun violence. She said her family would be recovering from this for many years, it was all that she could do to get her kid back on campus. She said her college years are not going to be what we would hope college years would be for our children. She wanted to stand behind her. She said if she could not stand up and advocate for her, then she was lost. She stated if you cannot stand up and advocate for your community members, then you are lost.

Joe Peddiboyina, 41326 Scarborough Lane, Novi thanked Mayor Gatt, City Council and the audience for giving him the opportunity, as mentioned are one of his friends who came to us back in Dallas while she was shot dead in a recent shooting. He requested that we take the baby steps on the gun violence. Thank you.

CM 23-05-067 Moved by Staudt, seconded by Gatt; CARRIED 6-1

**To proclaim June 2, 2023 to be National Gun Violence Awareness
Day with the associated language of the proclamation**

Roll call vote on CM 23-05-067

**Yeas: Fischer, Smith, Thomas, Gatt, Staudt,
Casey**

Nays: Crawford

COMMITTEE REPORTS:

Member Casey gave a quick update to her colleagues and residents about the Older Adult Needs Committee. She noted since their inception, they have met multiple times and have heard from the Area Agency on Aging, our Library, Public Safety Department and with Code Enforcement. They have heard about housing in the City of Novi from our Meadowbrook Commons. She noted they had a presentation on the City Transit and the Transportation Program and heard from Oakland County's Chief of Older Adult Services. She said they are learning as we are going in and understanding what the conditions really are and what the needs really are. She stated some of the upcoming topics we are going to be covering are hearing a bit more about our SOS Program. She asked that we have a conversation with our Older Adult Services that is out of our Parks and Recreation Department, we are going to be inviting some local Directors of Senior Centers to come in and talk to us about what it takes to operate a Senior Center so that we have that grounding as well. She said part of our resolution also includes understanding disability means we are going to be finding people who can talk to us about universal design. She understood how to make our city more accessible to residents from both physical mobility to Wi Fi and or wayfinding signage, getting around our city, getting through our buildings, etc. She stated it is likely that you will hear a recommendation and request for a survey to fully understand the needs coming up in the next handful of months.

Mayor Gatt mentioned that it was brought up that evening that we have not had a Building and Safety Needs Committee meeting in some time, he said the last time we left there was an outside consultant that was hired to come in and study and when that person or company was done, we were to meet again. He asked Interim City Manager Cardenas if there was any update on that. Mr. Cardenas said the hired contractor has been meeting with the internal stakeholders for the project and is currently in the phase of developing the report to bring back to the Committee with his findings. Mayor Gatt requested an update on that before the next meeting, he would appreciate it.

MAYOR AND COUNCIL ISSUES: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:33 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: June 5, 2023