

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, MAY 8, 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:

CM 23-05-056 Moved by Crawford, seconded by Thomas; CARRIED UNANIMOUSLY

To approve the Agenda as presented.

Roll call vote on CM 23-05-056	Yeas: Staudt, Casey, Crawford, Fischer, Smith, Thomas, Gatt Nays: None
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PUBLIC HEARINGS:

1. FY 2023-24 Budget and 2023 Millage Rates

The Public Hearing opened at 7:01 P.M. and closed at 7:02 P.M., with no public input.

PRESENTATIONS: None

MANAGER/STAFF REPORT: None

ATTORNEY REPORT: None

AUDIENCE COMMENTS:

Joseph Bertera, 130 Rexton, Lake Wall Subdivision said he was there once again to speak about the Lakefront Protection Ordinance and how it affects Lake Wall Subdivision. He said he wanted to point out that there is an Audience Participation Rule which says each speaker may address the City Council for three minutes and the Chair has the authority to grant additional time if requested by the speaker, and in Section J where it says the Mayor may direct the Administration to respond to the speaker. He stated that was contrary to what we just heard. First, he wanted to bring up the fact that he was saddened that none of you agreed to meet with him regarding his concerns about the Lakefront Protection Ordinance. He said it could be a private or public meeting. He didn't care how the meeting took place because he had nothing to hide. He believed many met privately with Laurie McLean, who lives on the lake, whose un-factual complaints landed us where we are today. He said McLean met privately with the Mayor, City Attorney, City Manager, and Maureen from Code Enforcement regarding her complaints

about the lake lot next to her house. He wondered why she was granted exclusive meetings with City leaders without being denied the same meetings. Is it because she is a woman, is it because she lives on the lake and pays higher taxes or is it because City Council is afraid to hear the truth and facts of what transpired in 1986. He said it is his main objective to bring truth to light and stop the bullying by not only Laurie McLean, but also now the city of Novi. He said he should have as much right to meet with City leaders as she does. He stated even more disturbing is that the City Attorney coached McLean, collecting information the City did not verify any of it and took her at her word and began an expensive lawsuit with taxpayer money. He had a photograph of Laurie McLean staring down at them on their lake lot like she does all the time. He referred to what he just said from a meeting from 1984 and it says the tax base for those residents who live on the lake pay more taxes, get more of a say than he does because he is a backlot owner. He wanted to give some background on the type of person that's Laurie McLean is that she harasses them every time they go down on the lake property now, she is the nuisance, not us. He believed Laurie McClean had been empowered by the City of Novi, taunting himself and his neighbors by saying and he quoted, "how do you like your lawsuit" and she walks away laughing as she does it. He believed that McLean does the antagonizing, and she will tell you as she states in these letters, that she owns the water and not anybody is even allowed to float a tube in front of her property. Mr. Bertera requested more time to finish. Mayor Gatt responded and said he had to wrap it up. Mr. Bertera said in the Audience Rules he could request more time with good cause. Mayor Gatt reiterated that he had to wrap it up. Mr. Bertera said you are empowering this woman, she is now taunting us with this lawsuit paid for with taxpayer dollars. Mayor Gatt said he had to wrap it up and he could participate in the next Audience Participation.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 23-05-057 Moved by Casey, seconded by Thomas; CARRIED UNANIMOUSLY

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
 - A. April 13, 2023 - Special Meeting
 - B. April 17, 2023 - Regular Meeting
- B. Approval of Resolution Authorizing parking and staging for the "2023 Motor City Comic-Con" to occur on certain parcels near the Suburban Collection Showplace property at 46100 Grand River Avenue
- C. Approval of Zoning Ordinance Text Amendment 18.300 to update the Novi Site Plan and Development Manual in its entirety and to amend the Zoning Ordinance at Section 6, "General Provisions," Section 6.1, "Site Plan Review (All Districts)" to reference the updated 2023 version of the Site Plan and Development Manual. **SECOND READING**

- D. Approval to award Healey Fire Protection, Inc. \$54,775.00 to upgrade the existing fire monitoring panel for the Public Safety building as part of the elevator system upgrades.
- E. Approval of an annual maintenance contract with SCADA Blocks for assistance with the operation and maintenance of the City's water and sewer SCADA system, in the estimated annual amount of \$35,347.60 and one-time onboarding costs of \$24,850.00. The contract term is two years with three one-year renewal options.
- F. Approval of the 2023 Summer Maintenance Agreement between the City of Novi and the Road Commission for Oakland County for street sweeping selected County Roads in Novi; and adoption of resolution authorizing Novi to provide summer maintenance on selected County roads.
- G. Approval to accept the residential street as part of Park Place East and adoption of Act 51 New Street Resolution accepting a portion of Boardwalk Avenue as public, adding 0.12 miles of roadway to the City's public street system.
- H. Approval of a Storm Drainage Facility Maintenance Easement Agreement from Novi Forum, LLC for Fountain View Professional Center, located north of Twelve Mile Road, east of Dixon Road (parcel 50-22-10-400-074).
- I. Approval of a Storm Drainage Facility Maintenance Easement Agreement from KEMPL Group, LLC for The Goddard School of Novi, located on the South of Thirteen Mile Road West of Cabot Drive (parcel 50-22-12-200-050).
- J. Approval of a Storm Drainage Facility Maintenance Easement Agreement from AMKT Novi Reality, LLC for Storie Lou Plaza, located on the North of Grand River Ave. East of Novi Road (parcel 50-22-14-352-002).
- K. Approve the completion and submission of the Oakland County 2023 Interim Local Transportation Reimbursement Program application to seek funding through the Program for a total project cost not to exceed \$172,550 and authorize the City Manager to sign all program-related documents on behalf of City of Novi.
- L. Approval to purchase a three-year subscription of the SentinelOne software package through People Driven Technology in the amount of \$58,872.00.
- M. Enter Executive Session immediately following the regular meeting of May 8, 2023 in the Council Annex to discuss property acquisition and privileged correspondence.
- N. Approval of claims and warrants – Warrant 1131

Roll call vote on CM 23-05-057

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

Nays: None

MATTERS FOR COUNCIL ACTION:

1. Approval of Resolution for 2023 Millage Rates

Interim City Manager Cardenas said the Budget and 2023 Millage Rates are two different items. He stated the first one as we are considering right now, it is just the millage rates which is established by resolution. He said the millage rates have not changed since last year. He said that we are proposing that bids be set at 10.5376 mills and that will cover all the assorted millages as levied by the City as outlined in your packet. Mayor Gatt asked him to repeat the number. Mr. Cardenas replied, 10.5376 mills. Mayor Gatt said that is still one of the lowest millages in Oakland County. Mr. Cardenas said that it is the second lowest for a City.

CM 23-05-058

Moved by Fischer, seconded by Thomas; CARRIED UNANIMOUSLY

Approval of Resolution for 2023 Millage Rates

Roll call vote on CM 23-05-058

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

Nays: None

2. Approval of Resolution for Fiscal-Year 2023-2024 Budget and Acknowledging the Multi-Year Budget, Including Projections of Future Fiscal-Years 2024-2025 and 2025-2026.

Interim City Manager Cardenas said this is the actual Budget itself. He noted you will see in the Motion Sheet that it denotes and reflects the motion that was made at the budget session to establish a one time \$250,000 expenditure budget placeholder in Fiscal-Year 2024, for additional cost associated with the possible creation of a standalone Senior Department with the General Fund, funded by General Fund Balance. He said this is where the Council can deliberate and make any additions or changes to the Budget as it stands currently.

Mayor Gatt commented before he turned it over to City Council he wanted to say again, to our management and our staff, and to our residents, that this is a balanced budget, we just approved the millage rate that is either the lowest or the second lowest of all of Oakland County, yet the services that the City provides are truly second to none. He was sure he spoke on behalf of everybody. He said we appreciated everybody's hard work. He said he was going to make a motion that we amend this budget just one little bit. He stated if you will indulge him, we have been talking on and off over a year now about the Field of Honors in front of our Civic Center. He said that our previous City Manager

provided them with some of the plans, if you will, that were not discussed in great length, they really were not debated at the table. He did not remember exactly what was on them, but he believed that the city of Novi is the best city, as you have heard him say and he knew you all think he was just making it up, but he really thought it is the greatest city in the state, maybe the whole country. He thought for us to go forward with something like this Field of Honors will just make us more unique and better than before. His idea was for a horseshoe type Field of Honors out in front of City Hall that faces 10 Mile that people driving on that road, will look at and just wow, wow, they are going to see something that you will not see anywhere else. Mayor Gatt made a motion that we take \$500,000 out of our proposed Rainy-Day Fund and put it over into the CIP Fund, in that the City management working with our PRCS Director, and anybody else in the City that the City Manager feels appropriate to work with, and come up with a real plan that they can present the City Council in the next four to six weeks that we can talk about at this table.

CM 23-05-059 Moved by Gatt, seconded by Staudt; MOTION CARRIED: 4-3

To approve moving \$500,000 from the proposed Rainy-Day Fund to the Capital Improvement Program (CIP) for the Field of Honors.

Mayor Pro Tem Staudt thanked the Mayor and noted he is the brother of three retired Army veterans who all were in active combat and has dozens of uncles, cousins, nieces and nephews who all served in the Military. He thought this is the type of thing that is important to our residents, and he completely supports it. He said he would like to see it get done sooner than later, this is something we have been talking about for probably a couple of years now. He thought this is something that we need to get done soon and he asked for his colleague's support.

Member Thomas agreed that we need to take care of our veterans and support our veterans. However, she thought that it was a lot of money to set aside, and she would like to see a plan. She knew we have asked for plans to come forward and have some idea what it would cost to be able to put forth something she thought that it would make sense to wait until we have a plan that is an idea of what it costs to implement that plan.

**Roll call vote on CM 23-05-059 Yeas: Fischer, Gatt, Staudt, Crawford
Nays: Smith, Thomas, Casey**

Member Smith said he noticed looking through the Budget that there is an item, FPM 006, for heat trace wire installation to gutters at the Lakeshore Park building. He noted it was scheduled for the 2025-2026 Budget Year for \$66,600 from the General Fund. He said he talked to Interim City Manager Cardenas about it to ask if we can move that up. He said Mr. Cardenas said there was no technical reason that we could not do it immediately given the massive amount of damage that ice dams can cause.

CM 23-05-060 Moved by Smith, seconded by Casey; CARRIED UNANIMOUSLY

To approve pulling forward FPM 006 for heat trace wire installation to gutters at Lakeshore Park for the 2023-2024 Fiscal Year.

Member Fischer wondered if PRCS Director Muck or CIO Petty were available for questions. He said he is always interested in the staff's perspective, as a member of the CIP Committee, we have gone through many of these different projects. He stated oftentimes there is a reason why staff has things. He commented that it may be just because that is when the funding comes in, or maybe that is because they think that it is the best fit for that project to be done. He said before he decided if he could support moving it, he wanted to hear the staff's opinion on this proposal. Mr. Petty responded to his question. He said we chose during the process of the construction, no to do it, to see what the outcome of the winter months would be. He noted that once they noticed that and we could identify the areas that dammed up, then we brought that forward, we are still under a warranty. He said that strategy, we had a backup plan on that strategy, because we did have a warranty, but that was our approach to it. Member Fischer wondered if he thought waiting and getting more data would be more advantageous or do you think that going ahead and installing this in the next year is more appropriate. Mr. Petty replied that he would recommend that we install it. He thought we had a good winter to get an idea of what we were going to see.

Roll call vote on CM 23-05-060

**Yeas: Smith, Thomas, Gatt, Staudt, Casey
Crawford, Fischer
Nays: None**

CM 23-05-061

Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY

Approval of Resolution for Fiscal-Year 2023-2024 Budget and acknowledging the Multi-Year Budget, including projections of Future Fiscal-Years 2024-2025 through 2025-2026.

Member Casey noted that she voted no on the previous amendment related to moving \$500,000 from the General Fund into the CIP. She explained the reason she did that is not because she disagreed with the intent and not because she disagreed with the need. She stated we have talked about this at the table, it was the dollar figure that came out of nowhere. She said it was not anything that specifically she remembered seeing as the final cost or any kind of real costs from the previous city manager. She stated she had a hard time saying yes to something when we are just randomly putting in dollar figures in the budget, we are doing it now for this, we did it for the \$250,000 for the Older Adult Department. She said she was struggling with understanding why this Council in years past and even recently, has been very careful to make sure that we are clear and understanding and have data when it comes to cost and putting cost in the budget. She commented that now we are just putting money in. She said now, she was going to be approving the budget or voting to approve the budget because we have a deadline that is coming up in front of us in the next couple of weeks. She said she did not know if we would have time to make a lot of or to have another meeting to have another conversation. She just wanted to go on record saying this is kind of counter to the practice

that we have had in years past. She hoped that for the next budget, we get ourselves back on track to putting dollars in the budget and assigning dollars in the budget based on having data in front of us.

Member Thomas said she voted against the addition of the \$500,000. She felt that we didn't have the information necessary to determine exactly what we should be going forward with or how much that should cost. She stated she was also against the money set aside for the creation of the Older Adult Department. She thought that we were in the process of going through the needs, it is premature, we are not there yet. She was not saying that we should not take care of our older adults. What she was saying is that we are working towards determining what the needs are in the community, what needs are already met, and what needs should be handled by the City. She thought it was premature to make that decision. She noted since we are required to have a budget, she would support it, but she wanted her objections on record.

Member Smith agreed with Member Thomas and Member Casey. He also wanted to go on record that he would like to see the data before he committed to putting money into a budget.

Mayor Pro Tem Staudt said having gone through 16 budgets, this is not an expenditure. He said this is putting a line item into a budget. He said we have a whole Capital Improvement Budget, that we have line items and they do not have any specific costs associated with them.

Roll call vote on CM 23-05-061

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

Nays: None

- 3. Consideration of approval to award a unit price contract to Scodeller Construction, Inc., the lowest qualified bidder, for the Joint and Crack Seal Program in the estimated annual amount of \$250,000. The contract term is one year with two one-year renewal options.**

CM 23-05-062

Moved by Casey, seconded by Smith; CARRIED UNANAMOUSLY

Approval to award a unit price contract to Scodeller Construction, Inc., the lowest qualified bidder, for the Joint and Crack Seal Program in the estimated annual amount of \$250,000. The contract term is one year with two one-year renewal options.

Roll call vote on CM 23-05-062

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

Nays: None

4. **Consideration of approval to award the construction contract to Fer-Pal Construction USA LLC, the low bidder, for the Westminster Subdivision Water Main Lining project, in the amount of \$952,481.**

CM 23-05-063 Moved by Casey, seconded by Thomas; CARRIED UNANIMOUSLY

Approval to award the construction contract to Fer-Pal Construction USA LLC, the low bidder, for the Westminster Subdivision Water Main Lining project, in the amount of \$952,481.

**Roll call vote on CM 23-05-063 Yeas: Staudt, Casey, Crawford, Fischer,
Smith, Thomas, Gatt
Nays: None**

5. **Consideration of approval to authorize additional design services to Spalding DeDecker for the next three phases of water main replacement in the City's water distribution system, in the amount of \$280,790.76.**

Interim City Manager Cardenas stated that we have a couple of phases already in progress. He said it was prudent to add the final phases to make this a complete project, so we know what we are getting ourselves into before we initiate it.

CM 23-05-064 Moved by Casey, seconded by Smith; CARRIED UNANIMOUSLY

Approval to authorize additional engineering design services to Spalding DeDecker for the next three phases of water main replacement in the City's water distribution system, in the amount of \$280,790.76.

**Roll call vote on CM 23-04-064 Yeas: Casey, Crawford, Fischer, Smith,
Thomas, Gatt, Staudt
Nays: None**

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: None

AUDIENCE COMMENT:

Joseph Bertera, 130 Rexton, Novi said he was back to continue talking about Laurie McLean although it does not seem to be having any kind of impact. He still objected that you met with her, and you are refusing to meet with him. He wanted to get into the history of the ordinance. In 1983, the City of Novi was trying to pass this ordinance and wanted Walled Lake to participate. There were many notes where the City of Novi was complaining that Walled Lake was not participating in passing this ordinance. He believed Member Johnson in 1985 stated she thought there was a problem with Walled Lake feeling that Novi was trying to push things down their throat, regarding the City of

Walled Lake, so they decided let's just pass the ordinance, throw the ordinance in Walled Lake's face and force them to pass the same ordinance. He said again, more bullying, just like Laurie McLean is doing now and the City is doing to his neighborhood. He commented that this seems to be an ongoing theme with the city of Novi, they are just going to bully to get what they want, and if they do not get it, watch out. He moved on to an email from the current City Council, City Attorney Beth Saarela, there are no docks, none bigger than four or five boats on Walled Lake just for your information. He said the current city attorney doesn't work he guessed works for Mr. Schultz. He claimed his firm made a false statement, bullying to a certain extent, you know, narrative control. He said let's look at Lily Pond, there are 10 boats on that dock that subdivision was built in 1999. He wondered why they have a dock and the City is not pursuing it, and more than four or five boats here is Harbor Cove. He stated they have five docks, one had 17 boats on it, but your city attorney says there is not a dock with more than four or five boats. He said let's look at South Pointe Condos, they had an approval for a dock that was 120 feet and there has been two times that the City Council approved. He said that the dock could be extended from 120 feet to 130 feet to 170 feet. He said none of these place's pass the Lakefront Protection Ordinance that Lakefront Protection Ordinance was written in a way that nobody would ever pass that you would need a lot that is 200 feet wide and 200 feet deep on the lake. He said the City has upgraded variances to three different condo complexes, and this ordinance was never meant for existing subdivisions. He said he had the documentation to back it up and he will bring that in at some point when he does not run out of time. He said this could get very messy for the city of Novi. He said he will bring in all the subdivisions you have prosecuted in the past and this could get uglier than Sandstone was 20 years ago. He said he would like to meet with the City's leaders, he has lived here for 23 years. Mayor Gatt asked him to wrap it up. Mr. Bertera said he has requested a meeting and you are denying it, and he is not involved in any pending litigation with the City, he wondered why Laurie McLean has a right to meet with you. Mayor Gatt said he was well past his three minutes, and it was time to wrap it up. Mr. Bertera thought he was being discriminated against and he wanted that on the record.

Chris Martin, 140 N. Haven, Novi agreed with Mayor Gatt out of the gate here, Novi is one of the best cities if not the best city in the state. He commented that is why a lot of the issue in our neighborhood with the boat dock and what Joe has been talking about is very concerning. He said that is why he was there that evening. That is why we are discussing or at least, not so much discussing it, but communicating to the rest of Novi what is going on. He felt information is power, let's just tell everyone what is going on. He said it is like it has been one sided up to this point. He was not sure whose fault it had been to that point where we will figure that out in court if possible. He did not think the 1986 ordinance applies to their situation; he thought this has been a one-sided narrative. He stated initially we will get this process started. He thought that it was in everybody's best interest to figure this out outside the court and come up with a solution.

COMMITTEE REPORTS: None

MAYOR AND COUNCIL ISSUES:

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:28 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: May 8, 2023