

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, DECEMBER 18, 2023 AT 7:00 P.M.**

Mayor Fischer called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Fischer, Mayor Pro Tem Casey, Council Members Heintz, Smith, Staudt, Thomas

ALSO PRESENT: Victor Cardenas, City Manager
Danielle Mahoney, Assistant City Manager
Thomas Schultz, City Attorney

APPROVAL OF AGENDA:

Mayor Fischer announced Kathy Crawford, Applicant No. 2 for the Library Board was attending to some personal matters this evening and she would not be in attendance to interview this evening.

CM 23-12-153 Moved by Casey, seconded by Thomas; MOTION CARRIED: 6-0

To approve the Agenda as amended.

Roll call vote on CM 23-12-153	Yeas: Casey, Heintz, Smith, Staudt, Thomas, Fischer
	Nays: None

PUBLIC HEARINGS: None

PRESENTATIONS FOR APPLICANTS OF BOARDS AND COMMISSIONS

Mayor Fischer gave a brief explanation on the format for the presentations. He stated as usual, we will have a two-minute intro, we have all the information that was provided in the application and City Council has diligently reviewed all of that, but it is not a question and answer. It is just an opportunity to tell us a little bit about yourself, your background and why you want to continue serving or serve again or are serving in a new capacity if you have not served in the past. He commented that the interviews for the Boards and Commissions that are on the agenda that evening, there will not be appointments. He stated the Boards and Commissions that we are appointing were interviewed last week. Any appointments for Boards and Commissions interviewed this evening will be done at our first meeting in January.

1. Bob Copes - Election Commission

Mr. Copes introduced himself and said he was seeking reappointment to the Novi Election Commission. He commented that Council has already read his detailed application so he will proceed. He stated a rising tide lifts all boats and Novi is the moon. He said remember the anticipation, the excitement, even the anxiety we all had as the days of 1999 were winding down, Y2K was at the front of everyone's mind. Will the lights

go out? Will the nuclear plants melt down? Will life as we know it be forever changed? He said as we passed midnight, and it became apparent that a new century had been born without incident. Then we became filled with the excitement of a brand-new century, a new beginning, a joyous exuberance leading into this past election. He said we were having perhaps our own mini-Y2K experience. He said for the first time in many years there will be a new mayor. What would that mean? What would change? He stated so here we are now with the new mayor and two new council members. He said we have the anticipation, the excitement of filling expired terms on Boards and Commissions. Joyous exuberance, did I go too far? He said Novi is the moon for many of us, a full bright shining moon and the highest tide occurs when the moon is full and closest to the earth. He said with the leadership of the mayor supported by the council and engagement of all Boards and Commission members. How exciting can it be to bring the bright shining full moon of Novi closer to the community to raise the tide to its highest. He stated that is the Novi he wanted to be a contributing member of where all gears mesh and all wheels turn in unison and support each other. He pledged to support you in accomplishing a new level of high tide. He asked Council to please support him by reappointing him to the Election Commission.

2. Kathy Crawford - Library Board (absent)

3. Katherine Dooley - Library Board

Ms. Dooley introduced herself and said to those of you who do not know her, she is Kat Dooley, a Novi resident from 2008, so it has been a while. She said she was a former Novi employee way back when, even before she moved here, with SWOCC Studios and she used to do AV, she taped meetings like this a long time ago. Currently, she works full time as a 25-year marketing and communications professional. She said she is the Marketing Manager for Detroit Regional Partnership, which is a nonprofit that works with the City to bring in businesses to Novi. She said she was married with one son, our whole family is involved in the community with sports, coaching, in her service in Novi Rotary of which she was president for a couple of years.

She said she was there that evening to apply for her third term for the Library Board. She said it has been such a profound privilege to have been able to serve the past two terms, this will be the third term if she is reappointed. She learned so much about what it takes to be a leader in Novi and to help serve the public because she felt that a trustee, she was not there for herself, she was there for all of Novi, in that seat. She stated she has been an officer pretty much the whole time, except recently, this year, she has been president, interim and vice president for a long time and secretary. During her time on Library Board, she was working on four committees at the same time as being an officer, which was crazy. She said she was happy to do that lift, chairing too, now, she was just part of three. She said she was happy to be there, and she hoped that she could continue to be part of it.

4. Karla Halvangis - Library Board

Ms. Halvangis introduced herself and said she appreciated the opportunity to highlight a couple of things that speak to her strengths as a candidate for the Library Board. First, as a retired English teacher, she had a crystal-clear understanding of the impact that literacy has on individual's chances for success. She said she has worked with struggling readers to advanced readers and she recognized the importance of supporting all readers, from beginners to experts, as well as the challenge of providing the most appropriate support for each. Second, she said she was a problem solver. When she recognized that several of her students in her class were significantly behind in their reading, she teamed up with an elementary reading specialist and created a co-taught class that saw students dramatically improve each semester. She stated similarly, when we had an increase in student conflict, a colleague and I brought together a diverse group of students and created a peer mediation class that helped defuse situations before they became disciplinary issues. She said through that class, she learned about things that were happening in our classrooms and hallways that were invisible to staff and administration. She said as a result, another colleague and herself started our anti-racism taskforce that helped inspire a district wide DEI Program. She said she has seen firsthand some of the struggles that students who feel like others or outsiders experience including those of the LGBTQ community. She said she has participated in numerous DEI training programs, and she understood that providing a safe and supportive environment for all our residents is essential. Finally, she said her experiences as student activities director showed her just how important the right programming is in the right situation, whether it be informed, informational, or educational in nature, or just something to bring much needed levity to the stressed out and overworked. The library is the perfect place to bring people together for a sense of community, whatever their interests may be, like our public schools or public libraries have the responsibility and the privilege to support and enrich the lives of all our residents. She thanked them for the opportunity to speak before you that evening. She noted that if she was appointed to the Library Board, she hoped to learn a lot from her fellow board members. She said she would do her best to help the Novi Library continue to serve our community in the most effective way possible.

5. Alexis Hart - Library Board

Ms. Hart introduced herself, she said she was most importantly a mother of a toddler, little Lily, and she loved taking her to the libraries. She thought education and freedom of education was one of the pillars of our community and our country. It is something she cherished very deeply and she, unlike Leslie Knope, she said she was a fan of libraries. She said she would like to contribute to her community in that way. She commented that she is a new resident of Novi, she moved here about two and a half years ago, originally from Florida and then lived in the Grand Rapids area. She had a political and nonprofit background and currently ran two nonprofits in the state of Michigan, that focused on DEI training, professional development, along with candidate recruitment and training. She said some of you may have seen one of our training courses at some point, but she currently manages a team of 10. We have about a million-dollar budget, and she thought maintaining fiscal responsibility through the Library Board is something that she would like to uphold when looking through the 2021-2022 Report through the Library

Board. She believed a lot of people apply for these positions because it is something they want to change. She said there is a lot that she wanted to maintain. She thought the DEI Programs that have been put forward are fantastic. She thought the programs that are going through the Library are wonderful, and it is something that she would like to help with. She stated she trains candidates, she did not want to be one, so this is a way to serve her community, through the Library Board. She said she did apply for the Elections Board, but she thought the libraries are where she would be best suited. She thought managing a budget and having that leadership over the Library Director and overseeing its general function would be her opportunity to shine. She said she was happy to be considered for this position, and it would be an honor if she was able to serve her community.

6. Ariana Kabodian - Library Board

Ms. Kabodian introduced herself, said she was a Novi native and has lived here for about 31 years. She commented that she grew up going to the Novi Public Library since she was young. She was part of the "Battle of the Books", she loved reading, and she loved writing and still does. She said growing up that continued into her adulthood, she mentioned that she was a published author. She said her book is called "Forget Me Not: Armenian Genocide Recollections." She said it is about preserving her family history through doing nonprofit as the author proceeds go to help children in Armenia, because her book is about her Armenian family history. She said it would be kind of full circle moment, if you will, to be part of the Library Board, knowing that she grew up attending the Library so much, but also because she understood a bit of the publishing side of how things work on that end that she wanted to bring to the Board as well. She also mentioned starting next semester she was planning on teaching at Cleary University.

7. Kelly Kasper - Historical Commission

Ms. Kasper introduced herself as a resident of Novi since 1997. She mentioned she was completing her second term, so six years as a commissioner on the Novi Historical Commission. She enjoyed her time serving the community of Novi as a member of the Novi Historical Commission. She thought our Commission works very well together as a team. She wanted to allow that read workflow to continue by remaining in her seat on the Commission. She mentioned a project that she has cofounded with Kim Nice which is Race Across Novi Project, she and Kim have done a lot of work over the past five years to educate the community, especially the youth in Novi on the history of our cemeteries and to partner with local businesses and work together to celebrate this community event that spreads goodwill and honor and decorate cemeteries for the holiday season. She said it also aids in the beautification of the City as well, and to remember and honor the Novi residents who have proudly and historically served our country. She was very proud to say we have just completed our fifth anniversary of this annual Day of Remembrance and with each year we find new and improved ways to share the Novi cemetery history with our local community members. Moving forward, she stated she has recently begun working on digitizing the cemetery files which are currently all in a big giant black binder. She said the data entry job is going to take numerous hours of time to input into a searchable spreadsheet, but it will make it so much easier to archive. She

stated it will make it efficient for our residents to access and locate historical grave site data and information. She said she volunteers and hosts the local history room hours once a month, every Monday that we have local history hours, she didn't want to misrepresent that. So, it is once a month our Monday office hours and in doing so she was able to meet the residents in the City of Novi who are curious about various aspects of Novi history. She said they come in and search for their answers to their questions. This research activity gives her an opportunity to learn ever more about Novi herself and to share that knowledge with others going forward. She enjoyed being on the Historical Commission and she thanked Council for their consideration.

8. Randy VanWagnen - Historical Commission

Mr. VanWagnen thanked the Council for taking the time to review his application. He stated he was a relatively new resident of the City. He was a native of Brooklyn, Michigan, a small town that may be familiar to some present. He said he was excited to see how he could contribute to his new community. He commented that along those lines, a few months ago, he decided to show up at a couple of these meetings to begin volunteering. He said he had a history degree, but he taught in a totally different field. He said he was an animator and a 3-D modeler. He stated it turned out when he walked in, his skill set fit in exactly with a couple of projects that they had been working on. He said we are already off to the races, so stay tuned. He said they are passionate about the importance of local history, aiding in the understanding and enrichment of any community and Novi has a rich history that is worth sharing with its citizens.

9. Jeffrey Wainwright - Corridor Improvement Authority

Mr. Wainwright introduced himself as a resident and a business owner in Novi for the last 20 years as well as the landowner and his background is both engineering, business and he has done his graduate work in business and clinical psych, and he also did some studies in Japan. He said he was proud to be part of Novi. He said he was also proud to have been on the Corridor Improvement Authority (CIA) since we really put it together and got this thing kicked off. He said we have done some incredible things in the last many years, many of the things' people don't know about, but the CIA is responsible for the Grand River Corridor basically between Haggerty Road and Wixom Road most of the work that is going to be done probably in the next many years will be from Novi Road towards Beck Road. He stated the goal is economic development. He explained our idea is to recapture tax money that has been paid, this is not a new tax, and it does not include school taxes. He stated these funds can be deployed in a multitude of different ways, primarily as streetscapes, lighting, park structures, sidewalks, roadway improvements, public transportation infrastructure that would be in compliance with the new transit tax that was put in place, pedestrian overpasses, and various EDC programs that are going to be coming to light in the next many months.

He stated some of the projects that they have worked on in the last recent time has been, we played a key role in the development of the Sakura Project that is at 11 Mile and Grand River. He said there was some land there that was so heavily contaminated that no developer would have bought that land, it would never had been developed. He

mentioned they were able to provide funding to do some offset to allow that land to be mitigated and to be developed and this core project will probably open, he guessed around June of this coming year. He spoke about the other programs in the past that there was a loan program we put in place that would allow some funds to be used for the Ring Road that was to bypass Grand River and Novi Road. He said those advanced funds allowed that project to kick off sooner than it probably would have otherwise. He said that has made a huge improvement to the driving in Novi and he thought we are all grateful for that improvement. He stated there is a lot of work to be done in the future and he would like to be part of this, especially in compliance with the new zoning that is going in place between Beck Road and Taft Road. He believed the CIA could play a key role in that and he was eager to be involved and to be a contributor.

10. Debbie Wrobel - Historical Commission

Ms. Wrobel introduced herself as a resident of Novi since 2001. She said she was finishing up her first three-year term on the Historical Commission and was asking for reappointment to the Commission. She stated the history of Novi is rich and she enjoyed the collection, preservation, and presentation of our history to the community. She has worked on the Spring Palooza Superheroes Event that brings the residents together and informs them about city services. She said the Library talks when we bring in speakers to talk about local history for the community to attend, The Wreaths Across Novi to honor the beloved veterans at our local cemeteries. She helped post the USO Style Canteen at the Library and put on by the Library with music and lunch for the residents and community. She looked forward to working on future historical projects for the City. She mentioned that currently they were working on a project that Randy has helped us with, it is the General Store to show the community what It might have looked like and how it had served a community back in the 1990s that was part of the four corners of Novi. She stated she was passionate about the past and future of Novi. She said we as a Commission are a team to share these stories and projects for the benefit of education and enjoyment of the residents in our great City of Novi.

11. Rachel Yamakura - Library Board

Ms. Yamakura introduced herself to Mayor Fischer, Mayor Pro Tem Casey, and the City Council. She stood before them that evening enriched by a journey deeply rooted in community engagement, equity, and education. Her volunteer roles both with the Novi Educational Foundation and as a member of the Michigan Department of Civil Rights as counsel for government and education have profoundly shaped her perspective. She noted that at SEMCOG, her leadership and regional planning and policy advocacy established an inclusive approach to community service, reflecting our Library's commitment to cultivating learning, inspiring creativity, and fostering inclusivity. Her experiences ensure robust financial stewardship, which is pivotal for our Library's integrity and strategic success. She stated at Lansing Community College where she served as the Director of Equity and Inclusion, she devised strategies that coupled managing a departmental budget of 500,000, which demonstrates her aptitude for adapting resources, services, and facilities to effectively meet the evolving needs of our community. She said currently at Guidehouse, she was leading DEI and Health Equity

Initiatives for the CDC Injury Prevention Center. She said she has refined her skills in strategic planning, leading climate assessments and program development. She said this role underlines the significance of investing in staff and retention aligning perfectly with the Library's ethos of community centered service and collaborative growth. She was very much committed to this community. She said she has been here for about nine years or so. She looked forward to contributing to the Library on a more personal note, her seven-year-old son, her husband and herself spent a lot of time at the Library and looked forward to contributing.

Mayor Fischer thanked everyone for coming out that evening. He said that concluded the Interviews for Boards and Commissions that we need to have. He reminded everyone that these decisions will not be made that evening for the Boards and Commissions. He announced they will be made at the next regularly scheduled meeting, January 8, the first regular scheduled meeting in 2024.

PRESENTATIONS: None

MANAGER/STAFF REPORT: None

ATTORNEY REPORT: None

AUDIENCE COMMENTS:

Andy Meisner said he was the former Oakland County Treasurer, and he sent regards from his mom, Marion McClellan, mayor of Oak Park and came here this evening to reintroduce himself and a new role. He said he had the honor of representing Oakland County as treasurer for 12 years and appreciated the partnership that he enjoyed with many of you in Novi and representing such a fine community as Novi is. He stated that in his new role he is CEO of a new community bank called Community Unity Bank or the CUB. He stated their focus is on small business lending. He said they are the second new bank in Michigan in the last 12 years, and only the third nationally this year. He brought a top five list of safe banking practices that he wanted people to follow in 2024 for good financial health. He said number five on his list, make sure that the place you place your deposits is FDIC insured or insured by the Credit Union Administration. Number four, he stated according to the local FBI office, gel pens are harder to get off a check by the bad guys. He said there is an active check fraud ring that is going on in Oakland County, so if you are writing a check, use a gel pen. Number three, he suggested always using the multi part authentication, it is worth it to protect your cybersecurity and your identity. He said these days, everything is very much password enabled. Two, make a good password, you should have a number, letters upper and lower as well as symbols in your password. Number one on the list, for sound financial wellness in 2024, do not click on a link in a text or email that you do not recognize or that is off by one letter. He commented that the second largest amount of fraud in the country comes from business email compromise, somebody clicked on the wrong thing. Be careful where you click. He appreciated the opportunity to be with you this evening and he thanked the Council and municipal team for their public service.

Bob Copes, 40571 Ladene Lane, Novi mentioned that the City Council received his application and have read through it may recognize that he was a former member of the Oakland County Board of Canvassers. He said he used to joke with former Mayor Gatt that when he sat in your chair Mayor that he was not the mayor until he signed the document to certify he was the mayor. He stated that while on the Board of Canvassers, it was rare, there were times when the Board was challenged to try to determine the will of the voter. He said there is a determination that goes back to a Supreme Cour decision in December 2000, where the Supreme Court ruled on a Florida Supreme Court decision, in essence stating that the will of the voter cannot be determined. He said there have been arguments made before this Council stating that the fourth-place finisher should be granted to the open City Council seat. He said this is tantamount to the Council determining the will of the voter. In closing he wanted to share with you the will of this voter. He stated the ballot said vote for three, he voted for three, he did not vote for four, so his will to fill the open seat on City Council cannot be determined. Had the ballot directed to vote for four of them by choice for the candidates and they have increased the vote tally for someone finishing lower down the ballot than our current fourth place finisher. He wondered how can it be determined that the fourth-place finisher does in fact reflect the will of the voter when the voter did not know or understand that they might potentially be voting for a fourth person to be seated on the Council.

Becky Staab, 41887 Cherry Hill, Novi introduced herself and said she has been a voter for 42 years. She said on November 7, she went to the ballot box knowing that she had three votes for City Council, and she had one vote for mayor. She said if she knew that if Mr. Martinez was elected to the mayor's position, Mr. Fischer would stay on the City Council. She knew that if Mr. Fischer was elected, that would leave an empty seat on the City Council. She also knew that the City Charter said that either City Council would fill that seat, or there would be a special election. She said she did a little research and found out that a special election would cost somewhere around \$70,000. She said that would be money that could not be used for parks or roads, police, and fire. She thanked Council for voting to interview people last week and saving \$70,000. She said she went a little farther because she watched the interviews last week, and there were 15 people who were interviewed, and for the most part, their answers were great. She said they understood we have a City Charter; we have a system, and we are following the system. She said she looked at the election results, and she could see that 12,650 people voted, and 50 ballots were thrown out for some reason. So, 12,565 people had a chance to vote for any of the six people who were running for election, the top three were elected, the bottom three were not elected. She said when she looked at the numbers, it looks like there were 7001 to 9909 people who choose not to vote for those three people who did not come up higher on the ballot, so you have a decision to make that evening. She said it did not have to do with age, gender, or ethnic background or who ran and did not win, or who is going to run and may or may not win, you must pick a person who will sit on this Council and when you have a vote and it was said so well last week, if you have a vote that goes six, one or four, three, the person you sit with on the Council has to be able to accept if they are the number one, or if they are in the three or if they are in the four and move forward, because you need to move forward and not keep looking

backwards. She thanked Council for their time, for listening, but most of all thanks for saving the City \$70,000.

Ginger Barrons, 24777 Glenda, Novi said she has been a lifelong resident of Novi. She stated she is also a lifetime realtor, and she was concerned about our Home Occupation Ordinance. She said rather than go into specifics that evening, because you have not chosen them yet, it is only in the first reading that evening. She will save that comment for later, but she wanted to say be careful, property rights are very important to people and what they do in their homes is very important to them. She said in this new era, we have a lot of people whose employers have sent them home to work. She commented that some of the things that she read in the proposed ordinance concerned her. She thought there are ordinances that we currently have on the books that addressed a lot of the concerns that you have. She noted the first one that she would start with was noise in the first place, she thought you need to enforce that as with our trash hauler, because at 6:15 a.m. on Halloween morning was not fun, and it is not fun at 7:00 am on every other Tuesday either. She said there are ordinances in the books, she was concerned about the things that you speak to have the number of children perhaps, that someone may have in their home for instruction, for reading at one time, you have got it limited to four. She thought there are a lot of teachers that would tell you a group study is sometimes important, so she was concerned about the limitations. She understood that home businesses can be disruptive and she sympathized with the people that are, but what she saw in our ordinance is that we put ourselves in a position where we have to spend more money to enforce ordinances, or attempt to enforce an ordinance because of a complaint that wasn't valid, because the new restrictions are coming in so restrict, that she could have the youth group at her house on Sunday morning for a couple of hours, and her neighbors are going to call and complain about the car traffic or whatever, thinking she is running a business. She said some ordinance officers are going to have to investigate that, and they are not going to have to come to her. She was really concerned about what we are doing with this ordinance. She wanted to say you are on a slippery slope. Please be careful. Thank you.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 23-12-154 Moved by Casey, seconded by Thomas; MOTION CARRIED: 6-0

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
 December 11, 2023 - Regular Meeting
- B. Approval of a Michigan Department of Transportation Performance Resolution that authorizes the City of Novi to use state highway right of way for installation of Flock license plate reader cameras within the State right-of-way.

- C. Approval of a Storm Drainage Facility Maintenance Easement Agreement from Pulte Homes of Michigan LLC for Ballantyne Development located north of Eight Mile Road and west of Garfield Road (parcel 50-22-31-400-007).
- D. Approval of a Storm Drainage Facility Maintenance Easement Agreement from Eight-Haggerty Venture LLC for Tappers Fine Jewelry located on the east side of Haggerty Road, north of Eight Mile Road (parcel 50-22-36-476-003).
- E. Approval of a Storm Drainage Facility Maintenance Easement Agreement for Vibe Credit Union located on the south side of 12 Mile Road and west of Cabaret Drive (parcel 50-22-15-126-023).
- F. Approval to accept the residential streets as part of Dixon Meadows Phase 1 and 2 and adoption of Act 51 New Street Resolution accepting Sedgwick Boulevard, Verona Drive, Billings Drive and Hanover Drive as public. Adding 0.65 miles of roadway to the City's public street system.
- G. Acceptance of a sidewalk easement for completion of sidewalk improvements at 27100 Wixom Road in the amount of \$13,200.
- H. Enter Executive Session immediately following the regular meeting of December 18, 2023, in the Council Annex for confidential written communication for legal counsel and to discuss pending litigation, Novi v Malles.
- I. Approval of claims and warrants – Warrant 1146

Roll call vote on CM 23-12-154

Yeas: Heintz, Smith, Staudt, Thomas, Fischer, Casey

Nays: None

MATTERS FOR COUNCIL ACTION:

- 1. Consideration of approval to award our currently contracted vendor, American Generator Sales and Service, LLC, the City of Novi Fire Station #2 and Fire Station #3 generator replacement project in the amount of \$163,311.09.**

City Manager Cardenas explained that unfortunately the way our teams have dealt with power outages and our fire stations have run their course through the unfair, and unfortunate frequency that outages we have been experiencing in the community. He stated these generators will provide continuous heat or air year-round. He said as we look to improve our Fire Facilities in the future, we hope that these generators can be repurposed into our Park's Facilities around the City.

Mayor Pro Tem Casey said she was going to ask that very same questions, so thank you for preempting that with this.

CM 23-12-155

Moved by Casey, seconded by Smith: MOTION CARRIED: 6-0

Approval to award our currently contracted vendor, American Generator Sales and Service, LLC, the City of Novi Fire Station #2 and Fire Station #3 generator replacement project in the amount of \$163,311.09

Roll call vote on CM 23-12-155

Yeas: Smith, Staudt, Thomas, Fischer, Casey, Heintz

Nays: None

- 2. Consideration of approval to purchase a Toro Groundsmaster 4700 Wide Area Mower through Spartan Distributors in the amount of \$104,995.02 utilizing a cooperative purchasing agreement with Omnia Partners.**

City Manager Cardenas said this mower will increase the efficiency by mowing areas in a third of the time that are in various locations. He said with the addition of Bosco Park, Northwest Park and Beacon Hill, we are looking at ways to take on these properties quicker, and we believe the mower will do that and will be replacing some older ones we have in the fleet.

CM 23-12-156

Moved by Smith, seconded by Casey: MOTION CARRIED: 6-0

Approval to purchase a Toro Groundsmaster 4700 Wide Area Mower through Spartan Distributors in the amount of \$104,995.02 utilizing a cooperative purchasing agreement with Omnia Partners.

Roll call vote on CM 23-12-156

Yeas: Staudt, Thomas, Fischer, Casey, Heintz, Smith

Nays: None

- 3. Consideration of Text Amendment 18.303 to amend Section 7.1, Nonconformities, of the Zoning Ordinance to provide the option for expanding a nonconforming use through a Special Land Use to be considered and potentially approved by Planning Commission after a public hearing. FIRST READING**

City Manager Cardenas explained that this is our first of two text amendments that are just for first reading only. Currently, if a property in a residential home is in a business district, they are considered a non-conforming use. He noted if that owner would like to expand, improve, or otherwise make significant changes to that property, they will be prohibited to do so under the ordinance. He stated the proposed ordinance amendment provides the option through Special Land Use to be considered and potentially approved by the Planning Commission.

Member Staudt thought that this Text Amendment rights a lot of wrongs. He said he has had a lot of residents at least two very significant cases where things were changed a long time ago that did not reflect future and 20 to 40 years later, they wanted to expand

their business or do something at their home and were not able to. He thought this was a big improvement.

CM 23-12-157 Moved by Staudt, seconded by Casey: MOTION CARRIED: 6-0

Approval of Text Amendment 18.303 to amend Section 7.1, Nonconformities, of the Zoning Ordinance to provide the option for expanding a nonconforming use through a Special Land Use to be considered and potentially approved by Planning Commission after a public hearing, subject to further modifications as determined necessary by the City Manager's Office or City Attorney's Office. This motion is made because the ordinance amendment helps existing homeowners and business owners wishing to make renovations or limited expansions without having to seek a rezoning. FIRST READING

Roll call vote on CM 23-12-157

**Yeas: Thomas, Fischer, Casey, Heintz, Smith, Staudt
Nays: None**

4. Consideration of Text Amendment 18.304 to amend Section 4.4, Home Occupations, of the Zoning Ordinance to update and clarify language pertaining to home occupations in the City. FIRST READING

City Manager Cardenas explained this proposed ordinance amendment builds in the current ordinance regarding home-based businesses, we use the government term Home Occupations, the government the amendment provides additional language for specific negative effects such as outdoor storage or products or equipment or selling equipment, vehicles, landscape equipment or machinery, among others. He said a summary of the new sections that have been included in this amendment is included in your motion sheet with specific changes provided again.

Member Staudt commented that as the person who is most frequently accused of proposing this originally, we had a lot of discussions about it in the Ordinance Review Committee last year. He said he never got a sense that we got our arms around exactly what our intent was. He said it has far reaching implications. Sometimes when you ask the interpretations is one thing. He suggested that we go back to the drawing board a little bit, return this to the new Ordinance Review Committee when it is named, sit down and he thought provide more clarity to the residents about what we are attempting to do. He said there is a lot of angst out there about us stopping Girl Scout cookies and having Tupperware parties and none of these things have even been anything that we have discussed. He thought that we needed to do a better job of communicating what our intention is and describe what the scope of that is and we also need to make sure residents could provide input so that we are not missing something that has unintended consequences. He said he moved to move this back to the Ordinance Review Committee for review and bring it back at a future date.

CM 23-12-158 Moved by Staudt, seconded by Casey: MOTION CARRIED: 6-0

Approval to send Text Amendment 18.304 to the Ordinance Review Committee for review and a future recommendation to Council.

**Roll call vote on CM 23-12-158 Yeas: Fischer, Casey, Heintz, Smith, Staudt, Thomas
Nays: None**

5. Appointments to Board of Review & Zoning Board of Appeals

City Clerk Hanson provided the results of balloting: Board of Review, Margaret Beller was reappointed for the full term, and Joseph Samona was appointed to the partial term and the Zoning Board of Appeals, Michael Thompson, Cliff Montague, Joe Peddiboyina, were reappointed to the full terms, and Larry Butler was appointed as alternate.

6. Appointment of City Council Member

Mayor Fischer commented that the next item on the Agenda was the appointment of a city council member to fill the remaining spot, two years from his term. He asked City Manager Cardenas if he had anything to add that evening. Mr. Cardenas replied, no. Mayor Fischer said as we all know, a couple of weeks ago, we went ahead and interviewed last week, and interviewed about 16 or 17 different people. He explained in the past, they typically have done it by ballot, sometimes they have one it by roll call vote as well. He said given the number of candidates, he suggested that we go down the path of a roll call vote that evening. He also said given the number of candidates and the interest in this as well he was trying to maintain a transparent process. He said he was going to propose and move forward with a roundtable, initial thoughts, discussion. He said he would start to his left with Member Staudt. He said he would give everybody an opportunity to give their thoughts or specific on their candidates, what they are looking for and some thoughts moving forward. He noted that he was not looking for any motions during this first round, just initial thoughts, and ideas. When we get to everyone and they have a chance to put some comments on the record, then we will open it up and call on people if there is a motion to potentially move forward with anybody.

Member Staudt mentioned last week, we had another great example of the excellent number of residents interested in our community and participating in the process, in his case it is very simple. He said he was looking for somebody with prior Boards and Commissions experience, somebody who has proven through a number of years of attending meetings, being on committees, being involved with the City on a day to day basis. He said that is really his top priority. He said there are other things that he was interested in seeing and he thought that we will have some very difficult decisions, because there are some very exceptional people available for this position.

Member Smith mentioned that over the last six weeks, he has heard a lot about and has thought a lot about doing the right thing. He said anyone who has watched the City

Council meetings has seen and an example of that is tonight, most of our votes are unanimous because it is clear what the right thing to do is in those cases, pay the bills, fix the infrastructure, provide public safety. He said where things get interesting for him, it is when we must wait for several potential right things and decide how to balance those. He believed in this case, or in these cases, we have each must answer for ourselves the questions that Member Heintz asked during the interviews last week, which he thought was a great question. How do you balance your personal beliefs against what is best for the City as a whole? We are also a deliberative body, it takes four votes up here to make a decision, so in addition to answering those questions individually, we also must find an answer collectively as a group. He said in the last years, compromises have been taken, and what he felt is a very undeserved negative connotation. He said it really is the fundamental basis of the democratic system. He asked, is it the right thing to do to appoint Ms. Raman because she was the next highest vote getter in the recent election, yes, he thought that would be the right thing. He asked if it is the right thing to do to be able to come to a decision that evening that avoids a special election, yes, he also thought that is the right thing to do. He said time and money are both limited resources, we would be spending at least three months in a six-person Council, which he did not feel would be a good thing for the city. He said as we saw during the chickens at large debate a few weeks ago, there is a reason for having an odd number of members on Council. He said in the upcoming weeks we will be deciding things like our goal setting and the budget for the following year, we need to have a full Council on board for that. He said as it was mentioned earlier, \$70,000 for a special election would have to come out of some other parts of the budget. He said now that we have gone down the path of interviews, we have yet another great thing to do, which is listen to each person who applied with an open mind. He said anyone who has ever stood at that podium to address Council knows that coming up there and then speaking to us is not easy. He said it is even harder when you do not know what the questions are going to be, and he wanted to thank everyone who came out to interview, we can only appoint one person, but he hoped that everyone who came out stays involved with the City. He said there are a lot of good ideas, good people, that would be valuable additions for our City, and City functions. He stated regardless of what decision he makes here, there are going to be people that are not happy. He said we can talk now, and he was totally fine with that, but he thought the real test would be in four or five months. He said let's see what happens when we find a new member and what we have accomplished as the Council in that time, and then we can talk about have we made a good decision.

Member Heintz thanked Mayor Fischer and everyone that applied for the Council candidate position. He said during his orientation from City staff last week, he was walked through the organizational chart, as was referenced during the interview. He said it was impressive to him to see the citizens probably on top of the City Councilmembers. He said this is an important reminder to him that our position here is to listen to the voters, and that is our role to serve the voters. He said it was made through make clear through that raining as well that our position is as a fiduciary, that simply setting our own personal needs to decide and prioritize the needs of the residents themselves. He said the foundation of the democratic process is based on using votes of the citizens to elect government officials in being that elections were recently occurred, he felt that the moral responsibility

of the Council is to recognize the votes from nearby residents and select the fourth highest vote getter. He wanted to make it perfectly clear, this is not about the individual, it is about the principle to him, whether we have any of the other candidates, if they were to have received the fourth highest votes, his position truly and genuinely would be the same as it is today. He felt that by ignoring the voice of the voters, we are potentially losing the trust of the voters, and that we hire her to serve. He said that was his concern, but he was willing to move in the best possible way he could.

Member Thomas started by thanking everyone who came out that evening. She said it is so impressive to see the residents that we have, who are so engaged and so qualified that they would step forward to do their part for our community. She commented if you have seen the last few Council meetings, you know that she was not a fan of this interview process, she did not think that it was the right way to go. She mentioned in most cases, everything that comes before us is either clear, or there are pros and cons that you can weigh, there are shades of gray. She said it is rare that she was so certain about a topic as she was that evening. She felt she would be remiss if she did not share her fervent belief in this prior to the completion of this process this evening. She stated for those of you who do not know, running for office is the worst job interview process you can do, you have to go through and convince so many people that you are the right person for the job, a lot of people who do not want to talk to you, that you are the right person for the job. She said it takes a commitment to this position that she did not think that there is an easy way to get it other than going through the election process, putting your name in the hat. She said once you do go through that and you get in the spot, every moment that you work up here, you spend it wanting to do your best because of all the people who believed in you, you have all of the people who are willing to mark your name on a ballot and there are people that don't even know you exist. She said she has spoken to many people, and they say, "You are on Council". She guessed that they did not vote for her, but that is okay. She said you serve all of them. She said we have four people who are sitting in their spots because of the results of an election, and that is the same election that placed them in their seats that created the open seat, and we have the results of that exact same election. She thought the option that made the most sense is to listen to the voice of the voters and appoint the next highest vote getter. She said it seemed very clear to her that is the right way to go. She stated our job is as servants of the community, and as the voice of the community that should drive their decisions. She said she could not think of a voice that is louder than those election results. She believed the right thing to do is to appoint the next highest vote getter, the right person to have the seat was Sujata Raman. She said unfortunately, though, as much as she truly believed that she was right about this, she had the opportunity to vote on it, and she lost. She said we have already had the vote; she has already lost that vote. She said the interview process has already been decided, and therefore she must be ready to work within that process to allow our city to move forward. She said whoever the next council member is, sometimes you are going to fight, and you are going to win, and sometimes you are going to lose. Please make sure that you can do both things well, we have a whole city counting on us.

Mayor Pro Tem Casey commented that she liked that they all prepared their remarks well in advance. She thanked the applicants for being willing to share their time and their talent with the City. She was overwhelmed, but in a good way, when we saw the total number of people who stepped forward. She said you know what she thought we all know, and what she has learned over 23 years of being in the city that in Novi when a call for help is made people step up, they come to help. She said we have a pool of amazing candidates that we must choose from. They all have wonderful skills and experiences that would be a benefit to the City and would be a compliment to those of us up here. She commented that unfortunately, we can only pick one of those amazing candidates. She wanted to say to all those candidates that she sought appointment first in 2010, so she understood what it is like if you are not the one who is appointed. She asked them to not let this deter you from continuing to be engaged and involved, we can absolutely use your talent in this City. We have a lot in front of us as a city and a council, you have heard it already. She said in this first week of January, on January 6, we start our budgeting process with our Goal Setting Session, it will be at least a half a day, and it will be a wonderful conversation, but we are starting right away again. She said that is the first step in the process of setting the budget. She mentioned as a City and a Council we also need to start thinking through some of the big issues that we face as a city, and she was going to rattle off a bunch you have probably heard them once or twice in the last handful of months. She listed some of the items they need to talk about, library funding, CIP millage renewal, older adult needs, including the possibility of potentially a senior center, police and fire stations, we know we have some building work to do there, Beck Road and other major road improvements. She said she could go on, but she would stop there. She felt that we needed someone who could come in and hit the ground running to keep the goal of the city and the work of the city moving forward. She said it is for this reason and keeping in line with how she has made her decision and previous appointments, she will weigh the information in the application. She weighed the conversation during the interview process, and she placed a strong emphasis on applicants with prior Board and Commission experience. She stated she had made that move herself and came from a Board on to Council and she knew how much having the type of experience on a Board helped her understand how the City operates, how to handle herself on a Board as a Board member, and how to work with City staff and leadership and that made a huge difference in the learning curve that come to all council members. She concluded her remarks by saying thank you again to all the applicants, you did a tough thing coming that evening and standing in front of your fellow residents, putting your heart and soul on the line and being willing to stand forward to help the City. She was grateful to those of you who stepped forward and she looked forward to seeing you, hopefully finding another role in the City if you are not chosen this evening.

Mayor Fischer thanked Mayor Pro Tem Casey and said he will have to find a way to start commenting before her because often, she takes pretty much all the words out of his mouth. He said we have 16 or 17 great candidates, that all came before us and put their name in the hat and were willing to give of their time. He said he has been through the appointment process, both as an applicant and as someone appointing someone to Council. He said this group with their amazing backgrounds, their diverse personal and

professional experiences, was probably the most capable whole group of people that had stepped up to serve in this capacity. He said there were so many different candidates who brought different backgrounds, they showed their grasp and understanding of city issues. They understood the city process, the role of the City Council. He commented that they were amazing questions by his colleagues, and he thought that bar was set high, a lot of the candidates rose to the occasion. He said like some of the other people who have commented, one of his primary goals is to have someone with experience on a Board and Commission, etc. He thought that is of utmost importance to him, because the relationship that any board has with the staff liaison, whether it is the City Council with the City Manager, the Library Board with the Library Director, you understand the role very quickly, and given to this as a short term. He stated that given all the projects that Mayor Pro Tem Casey mentioned, we do need someone to hit the ground running. He said looking through the applicants and thinking through the interview process, there are easily five to seven candidates that he would easily support if their name was thrown out that evening. He said easily and he would be honored to sit with them up here on City Council. He hoped that we would get to a point that evening where we can do what he thought the voters truly want and overall, that is avoid the expenditure of a special election, and choose one of the many very qualified candidates and do so in a unified manner. The reason that he called your name wrong, as he was writing down something, Member Smith said, that was very profound to him, that compromise has really grown a negative connotation in much of politics. He thought that Novi does a great job of rising about that and he hoped that we can, hopefully do that, find a candidate, find an applicant that we can all work with, and welcome them with open arms.

Mayor Fischer concluded that we will hopefully get to one person and there will be 15 or 16 people who do not make it, many of them that he has known for quite a while and again that he would have voted for himself, but we must choose one. He said to all those who did not make it, he wanted to say thank you as well, again, he was an applicant twice. He stated some of his colleagues on City Council passed over him one of those years, he will remind them he will not hold a grudge, though. His point being that even if you get passed over and do not make it that evening, because we can only choose one, you may still end up in the mayor seat someday. He thanked his colleagues for such a deliberative process. He knew a lot of effort had gone into this and he wanted to commend each one of you as well. He said that will conclude his round one comments, and he will now open it up for further discussion and or a motion to fill the vacant Council seat.

aCM 23-12-159 Moved by Casey, seconded by Staudt: MOTION CARRIED: 6-0

Approval to appoint Priya Gurusurthy to City Council for a term ending in November 2025.

**Roll call vote on CM 23-12-159 Yeas: Casey, Heintz, Smith, Staudt, Thomas, Fischer
Nays: None**

AUDIENCE COMMENT:

Sujata Raman said she lives on Chesapeake Drive in Novi. She wanted to preface her comments this evening with the knowledge no matter what she does, or what she says, there will be people that will view her words as those of a sore loser, and that is fine. She said if that is what you must tell yourself to make yourself feel better, go right ahead. Her point is lost on you anyway. She said for everyone else, for everyone else that is listening, she was there to tell you that she was not a sore loser. She said she is a Novi resident, and one of 5614 voters whose voice was ignored and whose vote was invalidated in favor of the votes and voices of the six of you tonight. She said technically, you followed the City Charter, however, you did so in a way that suited your purposes, not those of the residents of the city you were elected to serve. She believed what you can do and what you should do are not always the same thing. She mentioned Mayor Fischer, you and I had a brief conversation after last week's meeting, during which she referenced Troy City Council's decision, in the same situation to respect the will of the voters. She said you told her that the situation in Troy was different than ours in Novi. She asked you then how it was different, but you were not willing to answer her question at the time. So, she asked again, how is it different? Tonight? She said she was angry, but more than that, she was sad. She commented not that she will not be sitting at the table with all of you, but because this Council failed to uphold one of the, if not the most, basic tenant of our system of government, if we as residents and voters cannot count on our elected officials to respect our voices, by way of our votes, what can we count on?

COMMITTEE REPORTS: None

MAYOR AND COUNCIL ISSUES: None

Mayor Fischer said they were entering into Executive Session at 8:08 P.M. and they did not expect to return to Regular Session that evening.

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 8:08 P.M.

Cortney Hanson, City Clerk

Justin Fischer, Mayor

Transcribed by Deborah S. Aubry

Date approved: January 8, 2024