

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, AUGUST 28, 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 (absent, excused) Mayor Pro Tem Staudt, Council Members Casey, Crawford (absent, excused) Fischer, Smith, Thomas (absent, excused)

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

APPROVAL OF AGENDA:

Mayor Pro Tem Staudt removed from the Item No. 2 from Matters for Council Action Agenda because it requires five votes.

CM 23-08-108 Moved by Staudt, seconded by Fischer; MOTION CARRIED: 4-0

To approve the Agenda as amended.

**Roll call vote on CM 23-08-108 Yeas: Staudt, Casey, Fischer, Smith
Nays: None
Absent: Crawford, Thomas, Gatt**

PUBLIC HEARINGS: None

PRESENTATIONS: None

MANAGER/STAFF REPORT: None

ATTORNEY REPORT: None

AUDIENCE COMMENTS: None

CONSENT AGENDA REMOVALS AND APPROVALS:

Member Casey removed Consent Agenda Item E for further discussion.

CM 23-08-109 Moved by Fischer, seconded by Casey; MOTION CARRIED: 4-0

To approve the Consent Agenda as amended.

- A. Approve Minutes of:
August 14, 2023 - Regular Meeting
- B. Approval of participating in the National Opioid Litigation settlements with Walgreens, agreeing to the terms of the settlements and the release of claims

against the company named in the litigation, agreeing that the funds will be used for opioid remediation and authorizing the City Manager to take such further action as is necessary to receive the settlement funds.

- C. Approval of a resolution consolidating precincts for the November 7, 2023, election.
- D. Approval of request by E & M, Inc. (Society Hill) for one-year extension, to October 9, 2024, of site plan approval for a 312-unit apartment project developed as a PD-1 Option in a multi-family (RM-1) district, located at the southwest corner of Novi Road and 12 ½ Mile Road, previously extended under a consent judgment and subject to annual extension reviews.
- E. Consideration of approval for the 2024 City Council meeting dates calendar.
REMOVED
- F. Approval of claims and warrants – Warrant 1138

Roll call vote on CM 23-08-109

Yeas: Casey, Fischer, Smith, Staudt

Nays: None

Absent: Gatt, Crawford, Thomas

MATTERS FOR COUNCIL ACTION:

1. Consideration of request for Fireworks Permit by Eddie's Barrel of Wine to be operated by Great Lakes Fireworks, LLC, on Saturday, September 2, 2023, on Walled Lake.

City Manager Cardenas said we have a request for fireworks show, but we are kind of befuddled at this point because the show is going to take place in Walled Lake. He said we were under the impression there was going to be near where the last location was. He stated after speaking with the fireworks operator is going to be in Walled Lake and we did not have any authorizations or communications or correspondence from Walled Lake to confirm all of this. He said they are confirming they are launching on the Walled Lake side in the water, and they are only loading in the City of Novi on East Lake Drive. He said at this point, we are unsure if an approval is warranted or necessary, but he could leave that up for Council for further deliberation, but at this point, we really have no further confirmations.

Mayor Pro Tem Staudt asked City Attorney Schultz if he saw any reason that a permit would be necessary for the purpose of loading. City Attorney Schultz explained the state statute says you need a permit from a municipality for the use of fireworks within the municipality. He said he did not know whether loading falls within a definition, he looked and he did not see anything to that effect. He said if he were Council, he would look at it as a request to approve the fireworks and if they need your approval for the loading, he did not know that you have ever done that before. He thought it should be treated as whether you are being asked for the use and display. Mayor Pro Tem Staudt asked if

the applicant could come down to the podium and explain why you filled out this application and why we are even discussing this. The applicant, Eddie Hesano, 1359 East Lake Drive, Novi said the fireworks show was for his mother who had passed away a few years ago, which he dearly loved. He said this is our fourth annual Labor Day show and this is our eighth show on the lake. He explained that they sent the wrong paper, we sent the Walled Lake location where we were going to set off the fireworks. He stated you will be getting an email, right after he leaves this evening saying it will be on the Novi side where we did the Christmas in July show which is in Novi. He said Walled Lake had nothing to do with this. He said it was on the Novi side of Walled Lake. He said they were doing a dedication for the deceased, for Adam, who passed away in the lake last week, we are also dedicating the show offered to him and his family.

Mayor Pro Tem Staudt wondered if that made it clearer for anybody. City Attorney Schultz said he would just offer again, if it is occurring in the City of Novi, they need a display permit from you. He said the state statute is discretionary, it says you may approve them, and if you do approve them, they are entitled to do whatever they need to the commercial display. He said you have discretion. He thought, second requested 90 days or so that you might want to think about having some discussion at the Ordinance Review level about what the City's Firework's Ordinance to see if it could provide some standards for these, but he believed you have discretion about whether/or not to permit the display.

Member Fischer said as we are looking at the application, as we talk about the location of the proposed display offshore of Eddie's Barrels of Wine in Walled Lake that is inaccurate, he wondered if that was what was inaccurate. Mr. Hesano said yes, we are shooting exactly where we shot the last show, where Novi approved. Member Fischer said obviously the maps that are in the packet information are incorrect. Mr. Hassan said yes, they are incorrect, they are prior maps. Member Fischer asked what information was provided for the liability insurance, as far as location. Mr. Hesano said he believed that was provided in the packet. Member Fischer asked if they were aware where the actual show is taking place, in which city. Mr. Hassan said yes, the City of Novi. Member Fischer asked if the City of Novi as listed as an additional insured. Mr. Hesano said yes. Member Fischer said he was hesitant to go ahead and approve a second show. He stated in 90 days, as was alluded to, you said this is your eighth show, why suddenly is Novi being asked to do all these permits. Mr. Hassan said both were permitted, we must get permission from Walled Lake because the actual show used to be in Walled Lake, and we must get permission from Novi because that is where the loading of the fireworks must be. He said initially, we did not need any permission further from Walled Lake since everything, if we were to shoot off in Novi, so we could launch a Novi and we could shoot Novi, we would not need any permission from Walled Lake. He said Walled Lake was at the time telling me that they did not have any officer, or they did not have enough staff to do the show. He said that is the reason why he came to Novi.

Member Fischer echoed some of the same sentiments that Walled Lake would have meant, this takes City Clerk's staff time, our Police Department, our Fire Department reviewing this, if he was correct, the Fire Department does site visits as part of this as well. He said he did not know that Novi wants to be in the business of being the fireworks

capital of the world. He said he thought it is nice that Walled Lake has their show, and you had a July show that we did support as a City Council. But two commercial shows by one applicant was not something he was comfortable with at this point. He said he would look for us to hold off on this and any future firework approvals and refer this to Ordinance Review Committee. He wanted to put one other comment on the record. He said there should be a decent amount of waiting time between an application and the show as well, like submitting the application at least 30 days in advance. He did not think it was good to be in a position where they were reviewing an application and the show was supposed to take place in several days. He wanted these comments on record so that can be referred to the Ordinance Review Committee. He said at this point, given where we are at, there is no public benefit to the City of Novi and in fact, it is a cost to the City to continue to do these types of fireworks shows.

CM 23-08-110 Moved by Fischer, seconded by Casey; MOTION CARRIED: 4-0

To deny the request for Fireworks Permit by Eddie's Barrel of Wine to be operated by Gen-X Pyrotechnics, on Saturday, September 2, 2023, on Walled Lake and to refer this matter to the Ordinance Review Committee for review and referral back to City Council.

Member Casey was concerned with this documentation because it does not match what you are telling us. She understood that there was an error, but she was being asked to approve something, and she was approving off of a document that does not tell her what is happening in her city. It is telling her that you are expecting to launch on Walled Lake, and that it is not even talking about where it is going to be displayed in Novi, where it is being loaded from in Novi, it is all related to Walled Lake. She said she had a real hard time being able to approve something that she did not have documentation to understand what she was approving. Mr. Hesano said they made an error and shipped over last year's because it is a different firework company. He said they still had the last projected shoot off destination, so that is why the error occurred. Member Casey said she could appreciate that and unfortunately, errors happen. She understood that, yes, but she said the previous speakers point about timing is very well taken, because we do not have time to allow you to correct this before your show. She realized that he had publicized his show. Mr. Hesano said it was for his dear mother, this was very near and dear to him, this is her birthday. He said this would devastate parties, kids, and not to mention, what occurred last week, they are celebrating a life you know, he pleaded with the Councilmembers, we will fix the error, it is just a small show.

Member Smith echoed the previous two speakers, they had the same concerns, he understood mistakes happen but there is such a short amount of time between now and with the wrong paperwork and September 2nd that he would have a hard time supporting this.

Mayor Pro Tem Staudt asked the applicant why he waited so long. Mr. Hesano said they submitted right after the show that they did in July, which he thought was sufficient, but we got pushed over to the August 28th meeting, he guessed that is just how it landed.

Mayor Pro Tem Staudt said unfortunately, it looked like City Council was not in a position at this point, he did not see that we are going to have support. He agreed with the previous speakers that this needs to go to Ordinance Review Committee. He thought that we needed to set ordinances that really help us to understand this, and he agreed 100% that we need to have a minimum 30-day period prior to this. He mentioned that if this was an annual show, you knew long ago that this was going to come up and for it to get to us a weekend before probably was not a good idea.

Roll call vote on CM 23-08-109

Yeas: Fischer, Smith, Staudt, Casey

Nays: None

Absent: Gatt, Crawford, Thomas

- 2. Consideration of approval of the Purchase Agreement for two vacant properties on Novi Road, north of 12 Mile Road, approximately 2.54 acres and 0.28 acres in area, respectively, Parcel I.D. Nos. 22-11-107-002 and 22-11-127-015, for \$135,000 plus closing and other related costs, to amend the budget accordingly, and to direct the City Manager and City Attorney to take such action as is required to close on such purchase.**

Item 2 was removed from the agenda.

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION:

Member Casey said she removed Consent Agenda Item E, Consideration of approval for the 2024 City Council Meeting Dates Calendar. She thanked the staff first, and said it was not easy putting together a Council schedule, because there are dates that we know we need to work around, make sure we are not sitting on holidays and all of that. She mentioned one thing caught her eye which was the Early Budget Input Goal Setting scheduled for the 22nd of January. She said we are going to have a new situation where we are going to have a new incoming Mayor, we are going to have an election in November. She thought it would be incumbent upon us to allow the new Mayor and future City Council to decide how they want to do the goal setting. She commented that in the past, we have done it on Saturdays, and she believed we have done it on a Wednesday. She said recently, the last couple of years, she thought we have done it on Monday in advance of the City Council meetings. She felt like if we are going to publish a calendar, we should allow the future City Council to have the chance to determine how they want to set goal setting before we put a date out there on their behalf.

- E. Consideration of approval for the 2024 City Council meeting dates calendar.

CM 23-08-110

Moved by Casey, seconded by Smith; MOTION CARRIED: 4-0

To remove the scheduled Early Budget and Goal Setting on January 22, 2024, and to approve the 2024 City Council meeting dates calendar as amended.

Roll call vote on CM 23-08-110

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

AUDIENCE COMMENT: None

COMMITTEE REPORTS:

Member Casey wanted to give her colleagues an update on the Older Adult Needs Committee, you may have seen from your packet earlier, technically late last week, or even on social media that we are holding a couple of focus groups, you are holding four focus groups, we are holding them on September 12th and 13th, the first is from 4:00 P.M. until 6:00 P.M. both days, the second is from 6:30 P.M. until 8:30 P.M., both days. She stated those will be small group sessions grouped by age because we are trying to understand older adults needs, also looking at how different ages and generations what their needs look like. She said then they will be bringing all four focus group attendees in on September 19th for a full group session. She said we will hear the feedback from these four focus groups, and then bring them all together to talk about what they heard and get any further insight. She was excited to see these carrying forward. She stated our committee has really been working hard to pull together some insights what we are looking forward to sharing with City Council. She said the focus groups are rather limited in seats, you do not tend to get around eight to 10 attendees, and we already had 30 people who have responded and called the Parks and Recreation Department to volunteer for focus groups. She said it was a fast response rate from our community. She was grateful to those who have already volunteered to share their insights and look forward to filling out the rest of those seats, hopefully, in the very near future.

MAYOR AND COUNCIL ISSUES: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:19 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: September 11, 2023