

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, FEBRUARY 23, 2015 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 TEN MILE ROAD**

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

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Casey, Markham, Mutch, Poupard, Wrobel

ALSO PRESENT: David Molloy, Chief of Police
Thomas Schultz, City Attorney

APPROVAL OF AGENDA:

CM 15-02-018 Moved by Wrobel, seconded by Poupard; CARRIED UNANIMOUSLY:

To approve the Agenda as amended under Interviews for Boards and Commissions to add Paul Funk interviewing for the Library Board.

Roll call vote on CM 15-02-018 **Yeas: Staudt, Casey, Markham, Mutch, Poupard, Wrobel, Gatt**
Nays: None

PUBLIC HEARING - None

PRESENTATIONS:

1. Proclamation in recognition of National Nutrition Month for March and March 11, 2015 as Registered Dietitian Day – Aarti Batavia, Providence Hospital

Mayor Gatt presented the proclamations to Aarti Batavia, Providence Hospital. Ms. Batavia thanked everyone for the proclamations. She is one of the only dietitians in the country to practice functional medicine. She looks at the cause of disease rather than giving it a symptomatic bandage approach.

INTERVIEWS FOR BOARDS AND COMMISSIONS

1. Jonathan Montville – Zoning Board of Appeals (ZBA)

Mr. Montville spoke about his background. He has lived in Michigan for 30 years and currently lives in Novi. He has unique perspectives of the City of Novi. He is interested in the ZBA because he thinks he will add a nice dynamic because he has been in the City for 30 years, has been a previous small business owner, and is a businessman currently. Member Casey asked to explain a time when he had to deliver bad news or a no message and how he handled the situation. Mr. Montville replied that as a small

business owner, he has had to fire people in the past. He thought there are a couple different perspectives to use. The first is non-emotional and the big picture has to be maintained while at the same time it isn't a fight because at the end of the day they are all interested in the same things. It has to be a calculated type of mind set. Member Mutch asked what he was hoping to accomplish by giving back to the City serving on the ZBA. Mr. Montville thought not having much of a zoning background was an advantage because he would come in with a clear view. It was an opportunity for him to learn, grow, and to provide a fresh dynamic. Member Poupard thanked him for staying in Michigan. She asked why he was applying for the ZBA now at this time. Mr. Montville said it was because of a couple of things. It is a balance of being young and being experienced that he could bring some value. He has had different jobs and feels confident enough to take on a government role and add enough value to give back to the City and grow personally. He is comfortable in his job and felt it is time to take the next step of getting involved. Mayor Pro Tem Staudt didn't have any questions and appreciated that he came forward. He asked if he would be interested in the alternate position if it was available. Mr. Montville said he would be interested where ever Council feels he would be the biggest asset. Member Wrobel asked how he would make a decision on ZBA. Mr. Montville said it was a balancing act and before he decided, he would view the business personally, and also, decide based upon the aesthetics Novi maintains. Member Markham asked what he wants to see in Novi for the future. Mr. Montville said he would like to see fewer vacancies. He would like to see growth. Mayor Gatt appreciated his willingness to get involved.

2. Paul Funk – Library Board

Mr. Funk spoke about his background. He has lived in Novi for about 4 years and Oakland County for 30 years. He has many years of community involvement. He has served on numerous activities in Rochester Hills but never on the Library Board because it was an elected position. He sees value in an interactive Community. He has a wealth of experience in a number of areas. He is a strategic financial planner, fundraiser, community builder, and networker. Member Markham asked where he thought we need to be looking forward. Mr. Funk said he has used the library and would explore the services available. He would look to work with the Board to continue their efforts to provide diverse programs. He would look at strategic ways to continue the Library to prosper. He noticed that they had a close to a million book transactions on line. He will offer his skills to enhance what the Library is doing. Member Wrobel asked what his view of the role of a member of the Library Board in the everyday operations of the Library. Mr. Funk thought it is comparable to other kinds of boards where the members serve as a resource for the Library Director and staff. The Board members have an obligation to stay educated on Library activities and trends. Mayor Pro Tem Staudt asked what he felt about outside fundraising for the Library. Mr. Funk felt it was a critical strategic initiative. He has been in that position several times where it was necessary to get the community involved to enhance services or initiatives. Member Poupard asked why he was asking to be on the Library Board now at this time. Mr. Funk said he has worked with Council members and met City staff. He feels comfortable coming forward now. Member Mutch noted he lives north of I-96 and asked what his thoughts were on the ways the Library can better serve that area. Mr.

Funk said he lives in the Walled Lake School district. He feels there is a perception that the area belongs to the City of Walled Lake. He would be willing to explore opportunities to improve outreach initiatives. Member Casey asked what ways he would suggest to enhance the Library's communication. Mr. Funk reflected on prior experiences. Mayor Gatt said he is impressed with his credentials and his desire to serve.

REPORTS:

1. MANAGER/STAFF – None

2. ATTORNEY – None

AUDIENCE COMMENT:

Debbie Stottele, owner of Family Puppy at Fountain Walk, stated they'd been in business for 17 years and had also lived in Novi for 20 years. They took their business seriously. They know their breeders very well and have done everything they've been asked to do, including genetic testing, and selling family friendly breeds. Their customers were invited to speak before Council. She said there are positives things about pet stores selling puppies.

John Stottele, owner of Family Puppy, stated he was concerned about proposals in states to only acquire dogs from shelter or rescues. They were regulated by USDA and inspected by American Kennel Club. He cited statistics for dogs that were euthanized in shelters. They were still working with Fountain Walk and the new owners.

Randy Horowitz, owner of Petland in Novi, introduced himself to Council and invited them to the store to see what they did at the store and to see things contrary to what they've been told. Fifty percent of their business came from previous customers and referrals. They employed 32 employees in Novi.

Karen Irwin, Plymouth, stated she worked at a kennel in Oakland County where they housed over 50 golden retrievers. She tried to have the kennel closed down. A complaint was filed. She felt that removing only a few dogs would continue the cycle. The breeder still actively sold puppies from her laundry room and front yard. Some Oakland County Commissioners visited the kennel and supported a registration bill.

Ron Kingsbury, Northville, didn't have statistics, but noted they own a 4-1/2 year old Australian shepherd and that other family members own pets from Family Puppy. He's been there picking up puppies and bringing them back. They do an excellent job. Both dogs from Family Puppy owned by family members were 10 year-olds, well behaved and are doing very well.

Jason Brown, Simmons Orchard, stated Family Puppy was a family environment. They have a Maltese Bichon that they picked out because of allergies. The employees were very helpful and their dog was doing well after 9 years. His daughter's birthday party

was at the Family Puppy pet store. This was a very good time to focus on the dogs and enjoy them. He supported the business as a family community organization.

Alexa Azzopardi, Dearborn Heights, owned a Schnauzer puppy from the Family Puppy store and stated the Family Puppy had no negatives. They gave her choices, and because of allergies, some people needed a certain type of dog. She's both adopted and purchased dogs. She had the choice to go to Family Puppy and that was very important to her. Going to a shelter wasn't always an option. She stated they wanted or needed a certain type of dog and that's what they got with Family Puppy.

Beth Schwierking, Wixom, noted Family Puppy was very welcoming to them; they have a mini golden doodle that was a perfect puppy for them. Many of their friends wanted to go there to get a puppy from this family-oriented business. They were great people and a great company to deal with.

Greg Brown, resident of Novi since 1994, stated they have a dog from Family Puppy. Their dog, Buster, was a member of their family. He agreed with the abolition of puppy mills, but these 2 stores had proven that they don't participate in those. They gave people an option. Maybe if the situation arises, he might seek a shelter but they wanted a specific breed. He also taught at the Walled Lake Schools and noted the kids liked it as an attraction and visited the puppies often. He'd known John and Debbie Stottele for many years and trusted them.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 15-02-019 Moved by Casey, seconded by Poupard; CARRIED UNANIMOUSLY:

To approve the Consent Agenda as amended to remove items B. and G. for Council Action.

- A. Approve Minutes of:
 - 1. February 9, 2015 – Regular meeting
- B. Approval of resolution to permanently transfer Precincts 20 and 21 currently located at Deerfield Elementary to Oakpointe Church, 50200 W. 10 Mile effective immediately.
- C. Approval of a request by Pulte Land Company, LLC to waive the Maintenance and Guarantee Bond required under Section 26.5-33(1)(d)(12) of the ordinance for water and sewer facilities installed in the Townes at Liberty Park Phases I and II (northeast corner of Twelve Mile Road and Declaration Drive).
- D. Approval to award an amendment to the engineering services agreement with Spalding DeDecker Associates for construction engineering services for the Town Center Reconstruction—Contract 2 (11 Mile to Crescent) project in the amount of \$65,936.

- E. Acceptance of warranty deeds from each of the individual property owners in Evergreen Estates for the master planned 43-foot right-of-way along the north side of Nine Mile Road as part of the Evergreen Estates development.
- F. Approval of Assistance to Firefighter (AFG) – Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program.
- G. Approval of Resolution Appointing Economic Development Corporation Board of Directors Members.
- H. Approval of Claims and Accounts – Warrant No. 934

Roll call vote on CM 15-02-019

**Yeas: Casey, Markham, Mutch, Poupard,
Wrobel, Gatt, Staudt**
Nays: None

MATTERS FOR COUNCIL ACTION:

1. Approval of Text Amendment 15-57.02, as recommended by the Ordinance Review Committee, to amend Chapter 34, Utilities, of the City of Novi Code to update the City’s Cross Connection Ordinance for consistency with the requirements of the Michigan Safe Drinking Water Act (Public Act 399, as amended). **FIRST READING**

Member Wrobel explained he was in attendance at the Ordinance Review Committee when this was approved to send to Council for consideration. He was told this was mandated by the MDEQ. This would require a cross connection control program which includes testing backflow devices. The MDEQ requires that they are tested every three years by a licensed and approved plumber. He inquired about the costs for the testing. He asked if they have had any backflow device failures that have affected the City of Novi water system. Mr. Hayes, Director of Public Services, said that there has not been any. Mr. Wrobel noted a new position filled will be working with the cross connection program at a cost of about \$70,000 per year. He was concerned about the cost to homeowners when we don’t have problems in the City. If there are any violations of residents not corrected, he wanted to know if they will be fined. Mr. Hayes said they will work with the residents to develop a plan to bring them into compliance and if it can’t be achieved there is a prerogative for a civil infraction. Mr. Wrobel asked what will MDEQ’s response if the City chose not to adopt this ordinance. Mr. Schultz, City Attorney, answered he didn’t know what the actual response would be but this is a Safe Drinking Water Act and a directive. The MDEQ has control of the public supply and the City is required to comply. He believed it could be a civil fine up to \$5,000 per day to a potential criminal violation. Mr. Wrobel asked if this requirement could be challenged by the City. Mr. Schultz said, technically, there is an appeal process and didn’t know of anyone who has done it. Mr. Wrobel asked if he knew of any waivers regarding the implementation of such a program. Mr. Schultz said he wasn’t aware of any. Mr. Wrobel said he thinks this is an overreach by the State in the daily operation of

policies of local communities. He felt this was an economic burden on the residents of Novi. Member Casey asked about section 34.39 explaining the right of inspection and right of refusal. City Attorney Schultz explained that it would be used if there is a program in place. The ordinance amendment applies to residential as well as commercial customers. At the end of the ordinance, there is a change to the penalty provision that takes it from a misdemeanor to a civil infraction. The abusers can be taken to court. The section allows us to have the ability to enter to determine if a cross-connection exist. The real change in the section is identifying which department is going to do the inspections. Mayor Pro Tem Staudt asked what percentage of residential properties would be compliant under the current state laws. Mr. Hayes said it is difficult to say because the devices need to be inspected to see if they are in compliance. It is a mechanical device for backflow prevention. The device tends to break down over the years. Mr. Hayes noted an article said the commercial side is around 10% and residential is approximately 20-30%. Mayor Pro Tem Staudt asked how long this has been required. Mr. Hayes said it has been in place since 2006 and inspections are now every 3 years. He stated the expense for commercial buildings was very expensive. Mayor Gatt explained the need for talking to a business regarding this safeguard for the City.

CM 15-02-020 Moved by Staudt, seconded by Casey; CARRIED UNANIMOUSLY:

To approve Text Amendment 15-57.02, as recommended by the Ordinance Review Committee, to amend Chapter 34, Utilities, of the City of Novi Code to update the City's Cross Connection Ordinance for consistency with the requirements of the Michigan Safe Drinking Water Act (Public Act 399, as amended). FIRST READING

Roll call vote on CM 15-02-020

**Yeas: Markham, Mutch, Poupard, Wrobel,
Gatt, Staudt, Casey
Nays: None**

2. Approval to award a construction contract for Town Center Reconstruction—Contract 2 (11 Mile to Crescent) project to Fonson Company, Inc., the lowest responsible bidder, in the amount of \$630,245, subject to final review and approval of form of agreement by City Manager's office and the City Attorney.

City Manager Auger said this is just a continuation of construction that was started last summer.

CM 15-02-021 Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the award of a construction contract for Town Center Reconstruction—Contract 2 (11 Mile to Crescent) project to Fonson Company, Inc., the lowest responsible bidder, in the amount of

**\$630,245, subject to final review and approval of form of agreement
by City Manager's office and the City Attorney.**

Roll call vote on CM 15-02-021 **Yeas: Mutch, Poupard, Wrobel, Gatt, Staudt,
Casey, Markham**
Nays: None

3. **Appointments to Boards and Commissions**

Mayor Gatt submitted for consideration William Lawler, Craig Messerknecht, and Paul Funk to the Library Board.

CM 15-02-022 **Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY:**

**To approve William Lawler, Craig Messerknecht, and Paul Funk to
the Library Board.**

Roll call vote on CM 15-02-022 **Yeas: Poupard, Wrobel, Gatt, Staudt, Casey,
Markham, Mutch**
Nays: None

City Clerk Cornelius provided the results of balloting: Colleen Crossey was elected to the Beautification Commission, Ramesh Verma was elected to the Building Authority, David Byrwa and David Stec were elected to the Construction Board of Appeals, David Byrwa and Jason Richert were elected to the Zoning Board of Appeals, and Jonathan Montville was elected to the Zoning Board of Appeals, Alternate term.

AUDIENCE COMMENT – None

COMMITTEE REPORTS – None

MAYOR AND COUNCIL ISSUES – None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION:

- B. Approval of resolution to permanently transfer Precincts 20 and 21 currently located at Deerfield Elementary to Oakpointe Church, 50200 W. 10 Mile effective immediately.

Member Markham mentioned the reason for the move is to move the precincts out of the schools. City Clerk Cornelius said over a period of time, their goal is whenever possible, to get the general population out of the schools. Schools do not have a scheduled in-service day during the month of May when there is a Special Election scheduled. Member Markham asked why there was voting done in churches when there is a separation of church and state. She explained that it is a service that

churches provide and felt it was a neutral voting location. She will support moving the voting location. She mentioned two other schools that are used as precinct. She wanted the Election Commission to look over the long term at Precincts 12 and 13. The reason was because she thought Precinct 12 was consistently the lowest voter turnout. Most of the residents Precinct 12 live near Pontiac Trail and Beck and their voting location is a distance away. The problem she saw with Precinct 13 was it was located south of I-96 and the residents live north of I-96. City Clerk Cornelius explained the boundaries follow the school districts. In order to find a nonprofit location where a precinct could hold a polling location, a nonprofit building is utilized. There were other locations on Pontiac Trail, but they no longer wished to be a precinct. Member Mutch confirmed that Oakpointe Church will be a permanent voting location. City Clerk Cornelius said they will notify the State and anticipated the notices to residents to go out in the middle of March, 2015 to tell them about the permanent change. Member Mutch said Member Markham had valid concerns about Precincts 12 and 13.

CM 15-02-023 Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the resolution to permanently transfer Precincts 20 and 21 currently located at Deerfield Elementary to Oakpointe Church, 50200 W. 10 Mile effective immediately.

Roll call vote on CM 15-02-023

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

Nays: None

G. Approval of Resolution Appointing Economic Development Corporation Board of Directors Members.

Mayor Pro Tem Staudt asked why there were appointments being made for 2020 for the Economic Development Corporation. City Attorney said they still have assets and it is a live body still. Even if the Corporation is to be dissolved, there needs to be a Board to dissolve it. All the bonds are done. Mayor Pro Tem Staudt wanted to recognize the residents who are being appointed, Fred Camp, Cynthia Grubbs, Todd Kuma, Eleanor Repack, and Michael Watza.

CM 15-02-024 Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the Resolution Appointing Economic Development Corporation Board of Directors Members.

Roll call vote on CM 15-02-024

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

Nays: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 8:16 P.M.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Jane Keller

Date approved: March 9, 2015