

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, APRIL 22, 2013 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. 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, Fischer, Margolis, Mutch, Wrobel

ALSO PRESENT: Clay Pearson, City Manager
Victor Cardenas, Assistant City Manager
Thomas Schultz, City Attorney

APPROVAL OF AGENDA:

CM-13-04-059 Moved by Casey, seconded by Mutch; CARRIED UNANIMOUSLY:

To approve the Agenda as presented.

Roll call vote on CM-13-04-059

**Yeas: Staudt, Casey, Fischer, Margolis, Mutch,
Wrobel, Gatt**

Nays: None

PUBLIC HEARING - None

PRESENTATIONS

1. Proclamation in Recognition of Arbor Day, Saturday, April 27, 2013 at Lakeshore Park from 10 a.m. to Noon – Jason Mangum, Director of Parks, Recreation and Cultural Services

Mayor Gatt presented the proclamation to Director of Parks, Recreation and Cultural Services, Jason Mangum, in recognition of Arbor Day, April 27, 2013. He encouraged everyone to come to Lakeshore Park on Saturday. He thanked everyone for the recognition.

2. Proclamation in Recognition of Building Safety Month, May 2013 – Charles Boulard and Joe Shelton

Mayor Gatt presented the proclamation to Charles Boulard, Community Development Director. He thanked everyone for the recognition. He noted during the month of May there will be information in the e-Newsletter and every week there will be tips and helpful hints on the City's Facebook page and on CityofNovi.org for green buildings, fire safety, outdoor safety, and emergency preparedness. Fire Marshal, Joe Shelton, appreciated the work that the public safety personnel and building officials do in this Community. It reflects on how beautiful our Community is.

3. Resource Recovery and Recycling Authority of Southwest Oakland County (RRRASOC) 2012 Annual Report – Mike Csapo, RRRASOC General Manager

Mike Csapo, RRRASOC General Manager, presented the 2012 Annual Report. He appreciated the opportunity to present the report. He spoke more specifically about the recycling in Novi for the past year. There were some changes to the Novi Recycle Center off Lee Begole Drive last year. RRRASOC received a \$4.5 million private investment into the public facility over a year ago that gave them more capacity and an opportunity to do things within the communities. We now allow residents to put everything into a single container without having to sort at the facility. It improved the efficiency and capacity of the site. The material tonnage, over time last year, increased by 37% with over 800 tons material recycled. It says a lot about the ethic of residents in the City. The material collected at the Novi Recycle Center is delivered to the processing center in Southfield. The material is a resource that represents continued value and creates jobs, income, revenue, tax dollars, and environmental protection components of recycling. Everyone is welcome to come to the facility to view the operations. The markets are world-wide for the materials. They send materials to Asia, Canada, and nationwide. The environmental impact of recycling saved 8.2 billion BTU's. It is the equivalent to energy saved for 81 houses over the course of the year. It was just from the Novi Recycling Center. Airborne pollution is lowered by 917 tons of material. The recycling prevented materials getting into the water by 3.4 tons. Mining resource savings was 50 tons of material. Nearly, 6,200 trees were saved through the recycling efforts of residents through the Center last year. The Household Hazardous Waste Collection program is an annual collection in Novi. It has been held for ten years. It is important because we don't want the hazardous wastes in our landfills, trash, storage, or waterways. They need to be disposed of properly. He noted they collect expired medications on the Hazardous Waste Day. It is important to get them out of the home and this is a safe way of doing it instead of flushing them down the toilet, putting them in the trash, or improper use. Novi residents do a fantastic job overall in terms of environmental protection.

Member Fischer commented that the Household Hazardous Waste Day is a great event and well received in Novi. He asked if latex paints were included in the collection. Mr. Csapo said it is water based, so there is not a reason to treat something that is not hazardous as if it were hazardous and was not a cost effective way to treat it. We encourage people to take the lid off and let it dry out. Once it is dry, it is safe for the land fill. There is ways to speed up the drying process. They make commercial hardeners or use cat litter.

Member Mutch spoke of the time spent focusing on the residential side of recycling. He asked what interaction they had or services that are available to commercial and industrial companies in the community. Many have their own recycling contracts. Mr. Csapo answered that for decades commodities have been collected from commercial companies. The equation has been flipped and now, we have a robust residential recycling that is collecting a variety of materials. Many of them are not collected at the commercial level. As more facilities convert to single stream processing, such as their facility, it provides a new opportunity for hauling companies to begin routes that

service these businesses. They are beginning to see the same trucks servicing our neighborhoods servicing the local businesses. It is built on the route density that is available through the residential recycling that is taking place in our neighborhoods. There is an opportunity for businesses to use the drop off centers in Novi or Southfield. There is a growth opportunity that will expand in the future. Member Mutch said he hoped they continued efforts in that direction because it sounded like an area they could still make some progress.

Mayor Gatt asked if they take home computers that no longer work. Mr. Csapo said they don't take them at the drop off center in Novi but there are two locations where they take them. They can take them to Hazardous Waste Day events held by the local communities, to the drop off center in Southfield that is open 24/7, 365 days, to the City of Wixom Department of Public Works yard, 2041 Charms Road, open Monday through Friday during the day. The ones that are dropped off at our drop off centers are stripped down to component parts by Vintage Tech Recycling. The company opened in Canton recently. They expanded their operations in Michigan from Illinois. They de-manufacture them and component parts are recycled. They do not access the data. While the computers are at the drop off center they may be accessible. He advised residents, if they have anything of a sensitive nature on their hard drive, they should remove it themselves physically. If it is brought to the Household Waste Collection event, it is in the possession of our hazardous waste vendor and never leaves their possession until it is stripped down to component parts. It may be a safer way to recycle electronics.

REPORTS:

1. MANAGER/STAFF – None
2. ATTORNEY - None

AUDIENCE COMMENT – A Novi resident spoke regarding the crime happening in the City of Novi. His home was robbed on February 18th. He was concerned because he went on the City website that has a list of crimes that have happened in Novi and there were 55 burglaries in the last six months. He wanted to know what the City was doing to prevent these crimes. The investigation is going on but he would like to know if the number of crimes is normal. He said he felt a burglary is a severe type of crime. Mayor Gatt noted if he left his name and address with the City Clerk, someone from the City will contact him regarding his concerns.

CONSENT AGENDA REMOVALS AND APPROVALS (See items A-J)

CM-13-04-060 Moved by Casey, seconded by Margolis; CARRIED UNANIMOUSLY:

To approve the Consent Agenda as presented.

- A. Approve Minutes of:

1. April 8, 2013 – Regular meeting
- B. Approval of Claims and Accounts – Warrant No. 890.
- C. Approval to award engineering design services to Orchard, Hiltz & McCliment, Inc. for the Willowbrook Drive and Cranbrooke Drive Bridge Repair project to include additional design for drainage improvements, sidewalk and guardrails along the west side of Willowbrook Drive at the bridge for a fee of \$3,500.
- D. Approval to award a contract for the installation of a fuel island canopy at the Field Services Complex to Oscar W. Larson Company, the low bidder, in the amount of \$42,336.
- E. Approval to award contract for fabrication and delivery of mast arms and poles to Farr and Faron Associates, the low bidder, in the amount of \$28,485 as part of the Novi Road/Old Novi Road/Sandstone Drive Signal Replacement Project.
- F. Approval to award an amendment to the engineering services agreement with URS Corporation for construction engineering services related to the 2013 Neighborhood Road Program— Contract 1 (Concrete), in the amount of \$32,617.
- G. Approval of the concession stand food services contract for ITC Community Sports Park (baseball and soccer stands) to Antoine’s Big Dog Hot Dogs, 29243 York St., Inkster, MI 48141.
- H. Approval of the concession stand food services contract for Ella Mae Power Park & Lakeshore Park to Coach’s LLC, 38397 Dodge Park, Sterling Hts., MI 48312.
- I. Approval to award the contract for office supplies to Global Office Solutions, through the Michigan Association of Counties (MAC) CoPro+ shared services program for one year with two renewal options in one year increments for the estimated annual amount of \$61,000.
- J. Approval to reutilize playground equipment at Rotary and Lakeshore Park by providing them to the non-profit organization “Kids Around the World”.

Roll call vote on CM-13-04-060

**Yeas: Casey, Fischer, Margolis, Mutch, Wrobel,
Gatt, Staudt
Nays: None**

MATTERS FOR COUNCIL ACTION

1. Approval of a 5-year agreement with the Resource Recovery and Recycling Authority of Southwest Oakland County (RRASOC) to maintain the regional

recycling drop-off center at the Field Services Complex located on Lee BeGole Drive.

City Manager Pearson added how they talked about the effect of having this recycling cooperation and the positive of environmental action. He also noted that it is another great example of a long-standing partnership between communities. Farmington Hills, Farmington, Wixom and the City of Novi have, for a decade, put together this consortium and produced this positive for the entire area. He commends those who originally put this together and those who have supported the continuance of it.

CM-13-04-061 Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY:

To approve a 5-year agreement with the Resource Recovery and Recycling Authority of Southwest Oakland County (RRASOC) to maintain the regional recycling drop-off center at the Field Services Complex located on Lee BeGole Drive.

Roll call vote on CM-13-04-061

**Yeas: Fischer, Margolis, Mutch, Wrobel, Gatt,
Staudt, Casey**

Nays: None

2. Approval to award a construction contract for the 2013 Neighborhood Road Program – Contract 1 (Concrete) to G.V. Cement Contracting Co., the low bidder, in the amount of \$338,477.

City Manager Pearson explained this item is in the 2012-13 fiscal year budget. Most of the construction will take place through the Summer of 2013. It is the most positive visible thing we can do to put the investment back into our neighborhood roads. We divided the contracts between the concrete reconstruction, asphalt, and a variety other fixes. They had twelve bidders and received a good price. This is a first of the few contracts and money well spent.

Member Mutch asked what the time period was for the street repair. City Manager Pearson said they adjusted the contract terms and require the contractor to do more in a specific area and finish. Director of Public Services Hayes said they will meet with the contractor to see how he will sequence the work. Typically, for this type of project they shouldn't be disturbed for more than a four-week period, not including final restoration of turf. Member Mutch asked about how they will notify the residents about scheduling and timing of the construction. Director Hayes said they will go door to door to leave door hangers with the scheduling. They will also make contact with the Homeowner's Associations to make sure they know what is going on in their neighborhoods. Member Mutch said it is a much needed investment back into our neighborhood roads. He thinks it is one of the most visible and valued programs that there is in the City. He knows residents appreciate it.

CM-13-04-062 Moved by Mutch, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve a construction contract for the 2013 Neighborhood Road Program – Contract 1 (Concrete) to G.V. Cement Contracting Co., the low bidder, in the amount of \$338,477.

Roll call vote on CM-13-04-062

**Yeas: Margolis, Mutch, Wrobel, Gatt, Staudt,
Casey, Fischer**

Nays: None

3. Consideration of a Completion Agreement with Sri Venkateswara Temple and Cultural Center for Site Plan JSP08-0008 located north of 11 Mile Road and west of Taft Road, in accordance with the requirements of Chapter 26.5 without reduction of the required Financial Guarantees.

City Manager Pearson said this is an investment project on Taft Road just south of Grand River Ave. The project has taken a few years. The original permits were October, 2009. It is getting close to completion. There are still some open items. It has taken long enough to enforce some requirements of Chapter 26.5 to protect the City's interest and neighboring properties that there will be enough financial guarantees to finish the project. There is some question if they have taken this long to complete. Mayor Gatt asked if he could tell them how much money is due and when. City Manager Pearson said they are requesting a temporary certificate of occupancy (TCO) which requires this completion agreement. We have been trying to work with them. He noted that whatever the amounts are that the City will continue to work with them as they do with everyone. We are looking for approximately an additional \$141,000. They do have a significant amount posted with the City but it is 200% at this stage of the estimated value.

Anand Gangadharan, applicant for the project, stated that the Sri Venkateswara Temple has been long in coming. It is a significant undertaking by a reasonably young community. Many have been citizens for just a few years. They are spending almost \$10 million on the only all-granite temple in North America. It has taken time because of the economic downturn. They are in their last stages to occupy the building. The TCO would allow them to get in the doors. They expect to get in by June 2nd. They would like to complete a variety of things. The major part of the monies being requested is for the final course of asphalt for the parking lot. The City already has \$250,000 plus. A lot of the requirements are finishing up. At this point, they do not want to go out and find additional monies or line of credit. They are asking for 60 to 90 days after they get in the doors and they will apply the final course. The reason they are not putting the final course in is because of tradition they have to do a few things that punctures the asphalt. We don't want to have to repair afterwards. They are doing a lot of things to meet the City's requirements. They want to do what the community

requires. There is no flight risk. It is a top notch facility with every member wanting to take good care of it. There is not a risk to the City. He felt asking for additional \$140,000 would be inconveniencing them. There was no detrimental impact on health, safety or welfare. He requested Council to consider holding off on the 200% posting of money. Take the money after 90 days but they will be finished by then and it will be returned to us. There is no reason to post money to the City unnecessarily.

City Manager Pearson said that he was concerned that the 60 – 90 days seemed like a long time. The City's leverage is the Temporary Certificate of Occupancy (TCO). We have been working with this project and try to tell them to complete them on a timely basis. We usually do not get cooperation until they need a TCO. It is concerning to extend it beyond that date. It is at Council's discretion. If they want to be in by June 2nd we could evaluate what needs to be done then and lowering the amount but posting the required amount would be more appropriate. 60 to 90 days beyond the TCO would not be consistent with all the other projects in the City.

Member Margolis said she appreciates the difficulty they have gone through as she has gone through the same difficulties. The ordinance is used to protect our community. The standard ordinances are not a comment on a particular citizen or organization but it is our way of protecting our citizens. She is glad they are coming to our City. She felt the reasons did not meet the standards of granting a variance. Most specifically, the reason we have the guarantees is to make sure these projects move forward in a timely manner. It makes sure that if the project doesn't move forward, it makes sure we can take care of the things that are not done. As a neighbor to this property, we have to make sure the project is completed. She would support the completion agreement but not support reducing the guarantees that are required.

Mayor Pro Tem Staudt said he would allow them until May 24, 2013, as recommended by the City Manager. He thinks it is an adequate period of time. City Manager Pearson said they could approve the agreement subject to inspection on May 24, 2013. The items necessary to complete could be identified and could give them a number at that point. Hopefully, it would give them more time to work on it. It would complicate things if the completion agreement is not approved subject to those terms.

CM-13-04-063 Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve a Completion Agreement with Sri Venkateswara Temple and Cultural Center for Site Plan JSP08-0008 located north of 11 Mile Road and west of Taft Road, in accordance with the requirements of Chapter 26.5 subject to the May 24, 2013 inspection for calculation of the financial guarantees required.

Member Margolis clarified that we are approving this completion agreement and the inspection would take place on May 24, 2013. Once the inspection is done, there will be a new list of incomplete items. The financial guarantees of 200% would still be in place for those incomplete items. City Manager Pearson confirmed that it would be

the same formula but just a new work product to evaluate. City Attorney Schultz said that our expectation would be taking the Council's comments, if the motion is passed, and put the time frame and dollar amounts into the agreement. The property owner applicant would sign that agreement with the Council's clause added. So the applicant knows, if this is approved, there would be an amendment to those provisions effected and the property owner would have to sign.

Mr. Gangadharan was asked if he would agree. He said he does not know what he is signing to at this point as we will look at a new number and we will work with the City. The City has been very nice in working with us. Mayor Gatt said we are trying very hard to make it work for both sides to protect our citizens.

Member Wrobel thought this was a good compromise. This project is long in coming. It was actually introduced when he was on the Planning Commission years ago. He also agrees that we have to protect the citizens and felt the additional time would cover that.

Member Fischer agreed with the comments made about the ordinances in place for a reason. The reason he likes this amendment and counter proposal is because looking through many of the guarantee amounts that we are asking to have completed, the applicant said they would be done by May 15th. He estimated it may reduce the fees by approximately \$100,000 off the guarantee amount. The amount then would be closer to what the applicant already has posted in guarantees. He thought the Attorney and City Administration could work together to finalize this agreement. He appreciated the compromise that was made.

Mayor Gatt agreed with everyone and thought it was a fair compromise that will give the applicant the opportunity to complete all the items thereby reducing the fees. They are very appreciative of their investment in the community. He said it looks beautiful and looks forward to the June 2nd opening.

Roll call vote on CM-13-04-063

**Yeas: Mutch, Wrobel, Gatt, Staudt, Casey,
Fischer, Margolis
Nays: None**

AUDIENCE COMMENT - None

COMMITTEE REPORTS - None

MAYOR AND COUNCIL ISSUES - None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION - None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:45 P.M.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Jane Keller

Date approved: May 6, 2013