

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JUNE 16, 2014 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, Markham, Mutch, Wrobel

ALSO PRESENT: Victor Cardenas, Interim City Manager
Rob Hayes, Director of Public Services
Thomas Schultz, City Attorney

APPROVAL OF AGENDA:

CM 14-06-097 Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the Agenda as presented.

Roll call vote on CM 14-06-097 **Yeas: Staudt, Casey, Fischer, Markham,
Mutch, Wrobel, Gatt**
Nays: None

PUBLIC HEARING – None

PRESENTATIONS:

1. Proclamation in recognition of Parks and Recreation for the month of July – Jeff Muck, Parks, Recreation and Cultural Services Interim Director.

Mayor Gatt presented the proclamation to Jeff Muck, Parks, Recreation and Cultural Services Interim Director. Mr. Muck thanked the Mayor and Council for their continued support.

REPORTS:

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

AUDIENCE COMMENT:

Sandra Mezza, 31059 Merritt, Westland, MI, spoke about the Guardian Angel Animal Rescue. She suggested adopting animals, as there are 43 animal rescue groups within 20 miles. They do home visits and application processing. They are good at matching animals with families. She suggested using adoption as a way to stop puppy mill breeding.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 14-06-098 Moved by Casey, seconded by Mutch; CARRIED UNANIMOUSLY:

To approve the Consent Agenda as amended with removal of item Q. for Council Action.

- A. Approve Minutes of:
 - 1. June 2, 2014 – Regular meeting
- B. Approval to award Agreements for Geotechnical Engineering Services for Public Projects to Soil & Materials Engineers and Testing and Engineering Consultants for a period of three years with the option of two one-year extensions, as recommended by the Consultant Review Committee, with an effective date of June 16, 2014.
- C. Approval to award geotechnical services to Soil and Materials Engineers, Inc. for the Metro Connector Pathway project in the amount of \$15,075.
- D. Approval to award geotechnical services to Soil and Materials Engineers, Inc. for the 11 Mile Road Reconstruction project in the amount of \$18,820.
- E. Acceptance of a warranty deed from Pulte Land Company, LLC for the master planned 60-foot right-of-way along the west side of Wixom Road (Parcel 22-18-200-003 and parcel 22-18-200-025) and the master planned 43-foot right-of-way along the south side of Twelve Mile Road (Parcel 20-18-200-002) as part of the Berkshire Pointe residential development.
- F. Approval of Resolution to close Ten Mile Road from Novi Civic Center to Taft Road and Taft Road to Nine Mile from 11:30 am to 1:30 pm for the International Society for Krishna Consciousness (ISKCON) of Detroit's Festival of Chariots Parade on Saturday, July 19, 2014.
- G. Approval to purchase Courts and Law Enforcement Management Information System (CLEMIS) and Fire Records Management System (FRMS) fees and services from Oakland County for the 2014-15 fiscal year in the amount of \$62,450.
- H. Approval of Proposed Water & Sewer Rate Resolutions for 2014-2015.
- I. Approval of the concession stand food services contract for Lakeshore Park to Guernsey Farms Dairy, 21300 Novi Road, Northville, MI 48167.

- J. Approval of the final payment to Nagle Paving Company for the Police Station West Parking Lot rehabilitation project in the amount of \$2,424.71.
- K. Approval of a request from Interphase Land Development for a variance from the following ordinance sections for the Casa Loma residential development: 1) Section 11-68(a)(1) requiring a minimum of two points of connection for a water main that exceeds 800 feet from a looped source, and 2) Section 11-194(a)(7) regarding the configuration of the proposed cul-de-sac.
- L. Approval to award an amendment to the engineering services agreement with Spalding DeDecker Associates for construction engineering services related to the 2014 Neighborhood Road Program--Contract 1 (Asphalt) project in the amount of \$61,174.
- M. Approval to award an amendment to the engineering services agreement with Spalding DeDecker Associates for construction engineering services related to the 2014 Neighborhood Road Program--Contract 2 (Concrete) project in the amount of \$58,474.
- N. Approval to award an engineering services agreement with Orchard, Hiltz & McCliment for design engineering services related to the Catherine Industrial Road Reconstruction Project in the amount of \$12,242.
- O. Approval to award an engineering services agreement with Orchard, Hiltz & McCliment for the design of a neighborhood connector pathway between East LeBost Drive and Village Wood Road, in the amount of \$13,176.
- P. Approval of a request from Shastco, LLC for a variance from Chapter 5, Section 2.2.4 (B)(7) of the Engineering Design Manual to allow the construction of a permanent storm water pump station to service a limited amount of drainage in the immediate area of the truck dock/service area of 22285 Roethel Drive, subject to the applicant meeting all requirements of said section of the Engineering Design Manual.
- Q. Approval to temporarily raise the load limits on Beck Road south of Ten Mile Road from 13,000 pounds per axle to 16,000 pounds per axle for the duration of the Road Commission for Oakland County's Eight Mile Road (Taft to Beck) project. **REMOVED AND POSTPONED UNTIL SPECIAL MEETING JUNE 23, 2014.**
- R. Approval of Claims and Accounts – Warrant No. 918

Roll call vote on CM 14-06-098

Yeas: Casey, Fischer, Markham, Mutch,
Wrobel, Gatt, Staudt
Nays: None

MATTERS FOR COUNCIL ACTION:

1. Approval of the Parks, Recreation & Cultural Services Department donation acknowledgment and acceptance of the naming rights with ITC Holdings Corp. for a five (5) year period from 2014 through 2018 in the amount of \$250,000 payable in equal installments of \$50,000 per year, subject to final review and approval of any minor, non-substantive revisions by the City Manager and City Attorney offices.

Interim City Manager Cardenas said this is the second attempt to bring this to Council after it was recommended by the Parks Foundation. The initial agreement was in 2005 and expired in 2013. The new agreement is for a five year period for \$250,000 from ITC Holdings Corp. for our Community Sports Park with a new provision to include signage.

Member Fischer asked about their intention of the signs along the future trail. Mr. Cardenas answered it will be to delineate where the trail enters into ITC Corridor property. There is a right-of-way that heads north they donated and this includes recognition. Member Fischer asked how many signs will be installed and if it is the City's obligation. As far as he was aware, the agreement with the Parks Foundation does usually fund any signs and was looking for clarification. City Attorney Schultz said the motion clarifies that it is the Parks Foundation. The agreement between ITC and the City does not specify it, but the motion as proposed states that and he thought there wouldn't be any problem implementing that. The City will determine the location of the signs and how many. There will be a sign indicating the portion of property that is identified as ITC property. Mr. Fischer said he is asking because he knows the signs can be very costly. David Landry, Parks Foundation President, said there will be a small sign on the ITC right-of-way that says this portion of the trail is a result of the generosity of ITC. He felt the City determines who pays for the sign. The cost of the sign should not be in addition to the donation. Jeff Muck, Parks, Recreation and Cultural Services Interim Director, said it would be small way-faring signs to direct traffic similar to the bike path signs. Member Fischer didn't want to see the entire donation spent on signs.

CM 14-06-099 Moved by Fischer, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the Parks, Recreation & Cultural Services Department donation acknowledgment and acceptance of the naming rights with ITC Holdings Corp. for a five (5) year period from 2014 through 2018 in the amount of \$250,000 payable in equal installments of \$50,000 per year, subject to final review and approval of any minor, non-substantive revisions by the City Manager and City Attorney offices.

Roll call vote on CM 14-06-099

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

Nays: None

2. Approval to award a construction contract for the 2014 Neighborhood Road Program--Contract 1 (Asphalt) to Pavex Corporation, the low bidder, in the amount of \$1,166,945, subject to final review and approval of form of agreement by the City Manager's office and City Attorney.

Interim City Manager Cardenas said this item and the next involves neighborhood roads rehab program. He asked Mr. Hayes to describe the different mix of fixes that the City utilizes to rehabilitate our roads, mainly in the subdivisions. Member Hayes spoke about their Asset Management strategy for roads. He said the current level of funding is \$5 million per year. He described the different techniques of fixes and their cost. Mayor Pro Tem Staudt asked how the slurry held up over the winter on the roads. Mr. Hayes said it has turned out fairly well. The one thing they would do differently would be to use a smaller stone size. The stone size they used was more appropriate for a major road and there is a bit of a rough texture. But overall, he was pleased. Mr. Hayes said there was nothing planned for slurry this year. Member Fischer said his concern was that the concrete streets joint patching and spray patching does not look good and asked if there was anything that can be done to make it look better. Mr. Hayes said unfortunately no. There is some proprietary material that is not as dark but they have not had good results with it. They have heard negative things from other municipalities. Member Fischer asked what would be the impact if we didn't use those two techniques, but focused more on intermediate fixes and more towards full reconstruction. Mr. Hayes said they haven't looked into that, but if they were to eliminate those from the program they would instead have to do routine maintenance in-house just throwing patch in those voids until they could get to the point to where they could do a joint replacement or full reconstruction. He said they will still have the dark material in the joints. Member Fischer wanted clarify whether it needs to deteriorate to a certain point before a joint replacement is done funding wise. Mr. Hayes said funding wise, because it didn't make sense to let it deteriorate to a certain extent. Member Fischer said he wasn't sure where to go with this because he appreciates the concerns he hears and sees from residents on a continuous basis. He would like to see continued investigation of other materials and any other options Mr. Hayes could provide. He has seen the chart of PASER ratings many times and the response from Council was to put it to the voters and to get more money to make sure the roads are taken care of. He would like to think Council is very open to doing whatever it takes to help him to make the roads what they need to be. If it is a funding thing, he is willing to do it. He considers it to be a deterrent when people are looking to buy a home in Novi. He didn't think this discussion was going anywhere because he has brought it up before and it will probably come up again. He thinks it requires doing things outside the box and to do something to provide additional options. He will support the motions to advance them, but he still maintains his concern about the overall program and where it is headed.

Member Mutch asked how many streets needing repair were outstanding because of funding issues and if there were any. Mr. Hayes answered after this year's program streets of PASER level 6 and below will be done. On the concrete side, there is

approximately 30 center lane miles remaining that are around PASER 5 or 6. There is quite a backlog. The motion tonight will reduce some of it. Member Mutch asked to translate it into dollars with a rough estimate. Mr. Hayes said assuming the streets will be repaired instead of reconstructed; he would say \$12-\$15 million. Member Mutch said it was a huge number for neighborhood roads and asked where they are located in the City or the age of the streets. Mr. Hayes said they are neighborhood streets in subdivisions that were constructed prior to 2000 with no provision for drainage. Member Mutch asked how long the City will be able to address the issue. Mr. Hayes said it will take 8-10 years to get caught up. Member Mutch said it was daunting in its scope, but important for Council to know those numbers. He echoed Member Fischer's concerns of the repair techniques. Mr. Hayes noted the numbers he gave for joint and slab replacement assumes that in any segment of street only 50% of the panels or joints need to be replaced. He said that is why the cost is lower than the reconstruction cost or \$80 per square yard versus \$30 for slab replacement. Member Mutch thinks Council needs to understand that many decisions were made decades ago and have hundreds of miles of neighborhood roads to maintain. He noted \$5 million dollars doesn't go that far in the scope of overall costs. The tax money from new development doesn't pay to the degree to repair the roads. He questioned how many streets would the \$400,000 left after the spring 2015 repair? Mr. Hayes said it would equate to about a half of a mile of concrete streets rehabilitation. Member Mutch asked how much are we spending on road maintenance above the street reconstruction. Mr. Hayes said it varies by fund and didn't have exact numbers. Member Mutch suggested after the audit, Council might discuss supplementing the spring contract with some money. Member Mutch mentioned it is up to the City to address our infrastructure because Federal and State funding is not available.

CM 14-06-100 Moved by Mutch, seconded by Casey; CARRIED UNANIMOUSLY:

To approve an award of a construction contract for the 2014 Neighborhood Road Program--Contract 1 (Asphalt) to Pavex Corporation, the low bidder, in the amount of \$1,166,945, subject to final review and approval of form of agreement by the City Manager's office and City Attorney.

Mayor Gatt agreed with all the previous comments on the issue and the citizens want aesthetically pleasing fixes.

Roll call vote on CM 14-06-100 Yeas: Markham, Mutch, Wrobel, Gatt, Staudt, Casey, Fischer
Nays: None

3. Approval to award a construction contract for the 2014 Neighborhood Road Program – Contract 2 (Concrete) to Fiore Enterprises, LLC, the low bidder, in the amount of \$661,859.

CM 14-06-101 Moved by Staudt, seconded by Fischer; CARRIED UNANIMOUSLY:

To approve an award of a construction contract for the 2014 Neighborhood Road Program – Contract 2 (Concrete) to Fiore Enterprises, LLC, the low bidder, in the amount of \$661,859.

**Roll call vote on CM 14-06-101 Yeas: Mutch, Wrobel, Gatt, Staudt, Casey,
 Fischer, Markham
 Nays: None**

4. Approval of resolution to authorize Budget Amendment #2014-4.

CM 14-06-102 Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the resolution to authorize Budget Amendment #2014-4.

**Roll call vote on CM 14-06-102 Yeas: Wrobel, Gatt, Staudt, Casey, Fischer,
 Markham, Mutch
 Nays: None**

5. Appointments to Boards and Commissions.

The Mayor nominated Tony Anthony for the Planning Commission.

CM 14-06-103 Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the appointment of Tony Anthony to the Planning Commission.

**Roll call vote on CM 14-06-103 Yeas: Gatt, Staudt, Casey, Fischer, Markham,
 Mutch, Wrobel
 Nays: None**

City Clerk Cornelius provided the results of balloting: Kelly Sexton was appointed to the Historical Commission, Keith Mixer was appointed to the Housing and Community Development Advisory Committee, Scott Pratt and Harry Torimoto were reappointed to the Parks, Recreation and Cultural Services Commission.

AUDIENCE COMMENT – None

COMMITTEE REPORTS – None

MAYOR AND COUNCIL ISSUES - None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION:

- Q. Approval to temporarily raise the load limits on Beck Road south of Ten Mile Road from 13,000 pounds per axle to 16,000 pounds per axle for the duration of the Road Commission for Oakland County's Eight Mile Road (Taft to Beck) project.

Member Fischer said this was a timely request from the Road Commission having to do with the detour in allowing heavier trucks than anticipated on City roads. It concerned him because there are City roads that are deteriorating and we have to fix them but yet are allowing trucks that are over our load limit. He asked Mr. Hayes what our risk of allowing 40% higher load limits was and what the options are in denying this request. Mr. Hayes, Director of Public Services, just found out about the detour last week. The Road Commission was apologetic for not coordinating it with us and indicated Taft, Nine Mile, and Beck Roads were the only viable routes for passenger traffic and Novi, Ten Mile, and Beck Roads for truck traffic. He explained there were no viable options for the County short of routing traffic to Pontiac Trail. Member Fischer asked what are they asking for and what if Council refused. Mr. Hayes said they would work with the Road Commission to identify an alternate route. Mayor Gatt explained the project would cause damage to the roads. He would hope Council postpones voting on this item until Mr. Hayes can talk to the Road Commission about viable alternatives. He asked why would a truck have to go to Pontiac Trail and why not Novi Road. Mr. Hayes said in order to get around the closures which were put in place today. The closure is between Taft and Beck on Eight Mile. Mayor Gatt asked how far down Eight Mile are the warning signs for the trucks. Mr. Hayes said the eastbound side has signs that are located between Napier and Beck. Mayor Gatt asked if most trucks traveling on Eight Mile Road would originate further west in the South Lyon area. If they were detoured on Pontiac Trail near that area, it would not be as big a detour. Mr. Hayes said there are a lot of trucks that enter Eight Mile Road from Currie and Chubb Roads and they could not be rerouted down Napier Road because it is not paved. Mayor Gatt suggested trucks coming from Currie and Chubb onto Eight Mile be routed to Pontiac Trail wouldn't be a problem if notified in advance. He said Beck Road is a City road and hopes this will be tabled until Mr. Hayes contacted Oakland County. Mayor Gatt said Oakland County didn't give us much time to prepare for the repair.

Member Mutch commented if Beck Road wasn't an alternative it may send more truck traffic down Ten Mile. He is also concerned Napier Road would be used whether or not it is allowed as an alternative, unless it was enforced. He asked what type of truck. Mr. Hayes included a table that shows the weight classification and determination table based on the spacing between axles. They would be rear tandem axle trucks that are spaced nine feet or more apart. Member Mutch noted it could be a fair amount of

traffic with the heavy duty construction trucks. He didn't have an answer. It was a question of what part of the City will suffer the detour truck traffic and which alternative would be the best.

Member Wrobel asked what the projected duration of the closure was. Mr. Hayes said it will go through mid-August. He said his number one role is to protect the City. He understands the issue and would like to see if there are any other alternatives that are less evasive to the City roads.

Member Fischer said there is a special meeting in one week for City Manager recruitment, but it may be possible to discuss this issue to take a vote since they have already started construction.

Mayor Pro Tem Staudt noted the road is already closed and asked what they will do in the meantime. He said they will not wait for us to vote on something because they have to direct people somewhere. He asked if they will use the current detour until Council makes a formal position on it. Mr. Hayes said he would have to find out what their plan would be. Member Staudt said he didn't think traffic on Beck could get any worse but has realized it now. He would be interested to see what they say. Frankly, he thought they will go somewhere to find relief because the alternatives are impossible.

Member Markham said she lives in the area and it is for only two months. People will take the easiest detour that is nearby. She agreed there is not a good solution but postponing it is not going to make it any better and will cause more confusion.

CM 14-06-104 Moved by Wrobel, seconded by Gatt; MOTION CARRIED: 6-1

To postpone to temporarily raise the load limits on Beck Road south of Ten Mile Road from 13,000 pounds per axle to 16,000 pounds per axle for the duration of the Road Commission for Oakland County's Eight Mile Road (Taft to Beck) project until the June 23rd Special Meeting.

Roll call vote on CM 14-06-104

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

Nays: Markham

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:57 P.M.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Jane Keller

Date approved: July 7, 2014