

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, NOVEMBER 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 Burke, Casey, Markham, Mutch, Wrobel

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

APPROVAL OF AGENDA:

CM 15-11-160 Moved by Wrobel, seconded by Burke; MOTION CARRIED: 6-1

To approve the Agenda as amended to remove Public Hearing 2. Collection and Disposal of Solid Waste: Refuse, Recyclables & Yard Waste & Other Services proposed Request for Proposals and add to Matters for Council Action.

**Roll call vote on CM 15-11-160 Yeas: Staudt, Burke, Casey, Mutch, Wrobel, Gatt,
Nays: Markham**

PUBLIC HEARINGS:

1. 2016 Community Development Block Grant Program

Public hearing opened at 7:02 p.m. No audience comment, closed at 7:03 p.m.

2. Collection and Disposal of Solid Waste: Refuse, Recyclables & Yard Waste & Other Services proposed Request for Proposals **MOVED TO MATTERS FOR COUNCIL ACTION.**

PRESENTATIONS – None

REPORTS:

1. MANAGER/STAFF – Ten Mile & Napier Road Intersection

Assistant City Manager Cardenas spoke about the Ten Mile and Napier Road intersection. His comments were outlined as follows:

- For the benefit of the new Council members and for the viewing public, City Council and Administration have been working on this matter since 2013. In April

2014 Council directed City Administration to identify a short-term solution, which materialized into the flashing yellow signal currently in place.

The facts of that matter are as such:

- Both roads fall under the jurisdiction of the Road Commission for Oakland County (RCOC).
- This intersection has a low crash rate (i.e., low frequency of crashes) when compared to the other major intersections in Novi; but it has the highest casualty rate in the City (i.e., when a crash does occur, there is property damage coupled varying degrees of personal injury).
- In order to make this intersection safer, the following work must be done:
 - Widen all 4 quadrants of the intersection
 - Reduce the grade of the hill west of the intersection to improve safe sight distances
 - Install a modern traffic control signal
 - Pave Napier south of Ten Mile
- An estimated \$4.2 million project that includes all of these work components is in line to receive Federal construction funding in FY16/17 and FY17/18 (equal installments in each fiscal year).
- Once a preliminary design is prepared (likely in 2016), right-of-way acquisition for the widened intersection would need to be completed (probably sometime in 2017).
- The earliest that Federal funding could be obligated is October 2017 (when all Federal funding is available), which means bidding would likely occur in late 2017 to early 2018, with construction starting in the 2018 construction season and possibly being completed that same year.
- Depending on how long right-of-way acquisition takes, there's a chance that construction may not commence until as late as fall 2018.
- A meeting with RCOC officials, Lyon Township and Novi is slated to take place within the next couple of weeks. We should learn more details in regard to the project and can report back at that time.
- We recently discussed the project with RCOC's Highway Engineer/Deputy Managing Director. He said even if we were able to start the project today, it would take at least a full year to get it designed and right-of-way acquired.

3. ATTORNEY – None

AUDIENCE COMMENT:

James Cavicchioli, 25806 Island Lake, President of the Island Lake of Novi Community Association and President of the North Bay Condominium Association, explained they have been successful in negotiating with a trash hauler for all nine subdivisions. Their major problem is that the residents in condos and some homes do not have enough space in their garages to hold large garbage and recycling bins and still park two cars in the garage. They currently pay a low fee and were concerned about price increases. He said they do not have any problem with their current trash hauler.

Doraswamy Morasa, 24330 Thatcher Court, brought six 5th grade students representing Rapid Robots Youth Organization who spoke about encouraging recycling by placing a large picture on the recycling bin explaining what items could be recycled and asked if it could be made a requirement in the RFP.

The current president of the Orchard Hills HOA said they use Duncan currently and feel they are a good, reliable company. He thought they were a large enough company to handle the City of Novi and asked Council to consider them.

Angie Galicki, 43515 McLean Court, President of Weston Estates Condominium Association, said she has seen conflicting information from the City about the draft RFP. She also questioned how the City would bill the fees, whether it would be on the tax bill or water bill.

Phil Galicki, 43515 McLean Court, noted there should have been a public meeting to determine how the homeowners felt about one trash hauler city wide. He felt many are satisfied with their current trash hauler and shouldn't be forced to change. He thinks the City was interfering with the resident's choices.

Jasper Catanzaro, 43468 McLean Court, said, from his experience, competition is why their trash fees are low. The City was getting rid of competition by going to a single refuse hauler. He said Council did not listen to the residents and instead just passed the ordinance allowing them to go to a single hauler.

Karen Zyczynski, 22125 York Mills Cr., said that certain candidate's received donations from a refuse company. She felt that those who benefitted should have to reveal that financial contribution and thought they should recuse themselves from future discussions on the topic.

Colleen Crossey, 22279 Brockshire, said she has run for office in the past and understood that campaign contributions were illegal if they came from corporate organizations. She disclosed those who received contributions from Rizzo Environmental Services. She felt there should have been an open forum prior to the ordinance being passed. She

suggested dividing the City up into 5 sections so that each trash hauler could service a section and it would encourage competitive pricing.

Mary Ann Schmeltzer, 21790 Sunflower Road, has been a resident since 1983. The complaints she heard had been from a subdivision where the association contracted a hauler that didn't do a good job. They still have the right to choose and pick a different hauler. She commented they should have the freedom to choose and the government shouldn't get involved.

Tally Patel, 43467 McLean Court, felt the City was creating a monopoly by having a single hauler. She felt competition improves services. She said they pay taxes and Council decides what should be done for the City but felt it was not always good for the residents.

Robert Moreillon, 21671 Welch Road, said he thought the RFP considers having the homeowner purchase their own receptacles for trash and recyclables. He said it would be a downgrade to their present service. The people who leave for the winter should be allowed to opt-out of service for the duration of the time they are not home. He suggested the hearing should be on the City's website but said Council has decided to withdraw from a multi-community website. He thought there are a lot of people unable to come to the meetings that should be able to see what is being discussed.

Mayor Gatt assured everyone that the meetings will continue to be televised.

John Kuenzel, 23819 Heartwood, President of the Echo Valley HOA, said he has lived in Novi for 43 years and has always contracted with a trash collection company successfully without the City being involved. He felt that if the City takes over, they lose control over performance and quality of service. He urges Council to reconsider this issue and stop investing City employee time on an issue already successfully handled by the citizens.

Bradley Gibbons, 41065 S. McMahon Circle, felt that the discussion should have already occurred months ago. The Council should let the citizens decide for themselves. He thought maybe there should be three options for residents to choose from, instead of just one.

Edward Guttman, 28765 Summit Dr., said he had an issue with a trash hauler years ago and simply contracted with a different company. That wouldn't happen if the City moves forward with a single hauler. He would like to have a choice.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 15-11-161 Moved by Casey, seconded by Markham; CARRIED UNANIMOUSLY:

**To approve Consent Agenda as amended to remove items B. & K.
and add to Consent Agenda Removals for Council Action.**

- A. Approve Minutes of:
 - 1. November 9, 2015 – Regular meeting
- B. Approve the Program Year 2016 Community Development Block Grant (CDBG) Application in the approximate amount of \$98,481 and authorize the Mayor to sign the Application and Sub-recipient Agreement. **REMOVED and later approved.**
- C. Approval of bid award to administer the 2015 Program Year for the Community Development Block Grant (CDBG) Minor Home Repair Program to Oakland Livingston Human Services Agency (OLHSA) in the amount of \$16,893.80.
- D. Approval to award the outdoor adult exercise equipment purchase at Meadowbrook Commons to GameTime, in the amount of \$17,923.57 using U.S. Communities cooperative purchasing contract and amend the budget.
- E. Approval of request for Fireworks Display Permit by City of Novi Parks, Recreation and Cultural Services, to be operated by ACE Pyro, on Friday, December 4, 2015 for the community event, Light Up The Night, subject to final approval as to form by City Manager and City Attorney.
- F. Approval of the grant acceptance from Michigan Council of Art and Cultural Affairs in the amount of \$3,949, requiring a city match of \$3,949 and to amend the budget.
- G. Approval to adopt Oakland County Courts and Law Enforcement Management Information Systems (CLEMIS) IT Services Interlocal Agreement.
- H. Approval to award an amendment to the engineering services agreement with Spalding DeDecker Associates for construction engineering services for the 14 Mile Road Water Main and Pathway (Haverhill to Maples) project in the amount of \$34,365.
- I. Approval of an Encroachment on Easement Agreement with AT&T Michigan to facilitate the construction of the 14 Mile Road Water Main and Pathway (Haverhill to Maples) project within an existing AT&T Easement.
- J. Approval to award engineering design services to Spalding DeDecker Associates for the Meadowbrook Road Rehabilitation (I-96 to 12 Mile Road) project in the amount of \$65,179.
- K. Approval to award engineering design services to URS Corporation (AECOM) for the Beck Road Rehabilitation (8 Mile Road to 9 Mile road) project in the amount of \$89,063. **REMOVED and later approved.**

- L. Approval of a Storm Drainage Facility Maintenance Easement Agreement from Novi Crescent 2, LLC, for the Novi Crescent II development located north of Crescent Boulevard and west of Novi Road (parcel 22-15-476-048).
- M. Approval of Traffic Control Order 15-19 requiring eastbound Sedra Court to stop at Danyas Way in Taft Knolls II.
- N. Approval of Traffic Control Orders 15-20 and 15-21 for new traffic control in Bradford of Novi.
- O. Approval of Resolution Regarding Colocation/Sublease on Ice Arena Wireless Communications Tower subject to conditions.
- P. Approval to expand the scope of the Master Plan for Land Use Contract to include a study of entire Grand River Avenue corridor, including the area west of the Novi Road intersection to Twelve Mile Road/Wixom Road in an amount not to exceed \$23,250.
- Q. Approval of Claims and Accounts – Warrant No. 952

Roll call vote on CM 15-11-161

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

MATTERS FOR COUNCIL ACTION

- 1. Approval to purchase four (4) Ford Police Interceptor Utility vehicles for the Novi Police Department in the amount of \$106,204 from Signature Ford, Owosso, MI through the Macomb County cooperative purchasing contract.

CM 15-11-162

Moved by Wrobel, seconded by Mutch; CARRIED UNANIMOUSLY:

To approve purchase of four (4) Ford Police Interceptor Utility vehicles for the Novi Police Department in the amount of \$106,204 from Signature Ford, Owosso, MI through the Macomb County cooperative purchasing contract.

Roll call vote on CM 15-11-162

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

2. Approval to purchase new vehicles as follows: one (1) 2016 Dodge Grand Caravan from Bill Snethcamp's Lansing Dodge in the amount of \$21,436 using the State of Michigan MiDeal cooperative purchasing contract; two (2) 2016 Chevrolet Colorado pickup trucks in the amount of \$51,694 and one (1) 2016 Chevrolet Suburban in the amount of \$43,312.50 from Berger Chevrolet using the Oakland County cooperative purchasing contract; three (3) 2016 Ford F350 pickup trucks with plows from Gorno Ford in the amount of \$101,028 using the State of Michigan MiDeal cooperative purchasing contract, and amend the budget in the amount of \$14,100.

Assistant City Manager Cardenas said the vehicles will service the Departments of Older Adult Services, Police, Community Development, Public Safety and Parks & Recreation.

CM 15-11-163 Moved by Burke, seconded by Staudt; CARRIED UNANIMOUSLY:

To approve purchase of new vehicles as follows: one (1) 2016 Dodge Grand Caravan from Bill Snethcamp's Lansing Dodge in the amount of \$21,436 using the State of Michigan MiDeal cooperative purchasing contract; two (2) 2016 Chevrolet Colorado pickup trucks in the amount of \$51,694 and one (1) 2016 Chevrolet Suburban in the amount of \$43,312.50 from Berger Chevrolet using the Oakland County cooperative purchasing contract; three (3) 2016 Ford F350 pickup trucks with plows from Gorno Ford in the amount of \$101,028 using the State of Michigan MiDeal cooperative purchasing contract, and amend the budget in the amount of \$14,100.

Roll call vote on CM 15-11-163

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

Nays: None

3. Approval to award a construction contract for the 14 Mile Road Water Main and Pathway (Haverhill to Maples) project to Springline Excavating, the low bidder, in the amount of \$282,543, subject to final review and approval of form of agreement by City Manager's office and the City Attorney.

CM 15-11-164 Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the award of a construction contract for the 14 Mile Road Water Main and Pathway (Haverhill to Maples) project to Springline Excavating, the low bidder, in the amount of \$282,543, subject to final review and approval of form of agreement by City Manager's office and the City Attorney.

Roll call vote on CM 15-11-164

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

Nays: None

4. Consideration for tentative approval of the request of Learning Care Academy, JSP15-57, for a Planned Suburban Low-Rise (PSLR) Overlay Development Agreement application and Concept Plan. The subject property is 4.15 acres of vacant land located on the west side of Beck Road, north of Eleven Mile Road, in Section 17. The applicant is proposing a child care facility to serve up to 170 children.

Assistant City Manager Cardenas said there is a need for child care in the City from his own experience.

Member Casey noted the applicant said there was no need to do a traffic study but now saw a letter that the study would be done as part of the preliminary process. She asked the applicant if that was correct. Matt Klawon, AECOM, said that it was correct. Because of the small amount of traffic it was initially not recommended, however they are considering a potential expansion at a future date and with that the Planning Commission decided to have it done because of concerns.

Member Mutch had concerns about how the proposed site is laid out. The things that were flagged in the report revolved around some of the variances requested from the Suburban Low-Rise Zoning District requirements. He noted an issue with the dumpster located in the front yard of the site and asked the applicant where it would be located. The applicant described where it would be located. The concern of putting the dumpster in the rear yard would be the safety of the children. Code requires they have access to the play area directly from all child care rooms inside the facility. Having the dumpster in the rear area would cause traffic to go inside that area by opening and closing the enclosure. Member Mutch asked if the opening of the dumpster faced Beck Road. The applicant said yes. Member Mutch said it was a small thing but would like them to look at alternative locations. He mentioned issues with the fencing. The applicant said the fence will be a six foot semi-private fence. The only chain link fence will be interior separations in the play yard between the different age groups. Member Mutch commented that the City has high standards and it is important to match those. He was concerned with another item on the site plan, a potential extension to the north, and asked how the traffic would function. The applicant answered when working with staff on several different iterations for the preliminary layout, one of the strong emphases was cross traffic with the other surrounding parcels that are also in the PSLR Overlay. The small parcel to the north is part of the Overlay. An emphases in the Overlay is access and traffic flow off of section line roads. What drove them was having a potential small access point to the property to the north and also, pushing a roadway south to be a connection access the two parcels to the south and west. They worked hard with staff to incorporate those two things. Given the size of the parcel to the north, they don't anticipate it being a large facility and also, the zoning will limit what is

permitted. There is the intention to incorporate all the parcels. Member Mutch asked if the roadway to the south of the site would be dedicated to the City in the future. The applicant said that it was requested by the Engineering Department that it becomes a dedicated road once completed. Member Mutch was concerned about the traffic flow along Beck Road because of the timing for the daycare center. The center will be busiest during morning and evening rush hours. He noted one of the goals of the Overlay zoning was to minimize the number of curb cuts on to Beck Road and Eleven Mile. It would have a road network that would service all the parcels so that there would not be potential conflicts. He was concerned about the second access road on Beck Road. The applicant said there is a center turn lane on Beck to provide for those movements. Member Mutch asked what kind additional traffic during the peak hours would be generated by the site. The applicant said the capacity as proposed is approximately 130 students and maximum capacity with the expansion it would increase to 170 students. If it goes above a hundred cars during peak hours, that triggers the typical traffic study for the City based on the comments made by the City's traffic engineer. The current study he provided was a study from the 800 facilities across the country. They saw an increase in traffic of about 48 cars in peak hours between 7am and 8am. It was not a significant amount. 130 students do not show up between 6am and 8 am and leave between 4pm and 6pm. This facility will focus on 6 week olds to 12 years olds students. There will be a lot of after school programs, before school programs and mid-day programs. So there will never be at one point 130 students in the facility at once. It will be spread out. In reality, it is the maximum capacity. True functional capacity will be less than that. He does not feel the amount of traffic that it's going to create will cause an issue of increased traffic flow to Beck Road. The coverage is significantly small on the property. They have 4 ½ acres with a proposed 11,000 square feet. Significantly smaller than a lot of other developments that could potentially go on the site. The expectation is the "to be" dedicated road will probably will be the southernmost access point that will be allowed on to Beck Road. That will provide access to the southern parcel when it is developed which will eliminate a need for another access road closer to 11 Mile Road. He would anticipate that northerly property having limited access. That was why they were trying to incorporate it into the parcel to try to eliminate as many access points on Beck as possible. Member Mutch noted Providence Park owns most of the property in that area with their own internal network that they have built. Member Mutch asked Deputy Community Development Director McBeth about the private network developing and whether there were any discussions with the property owners about making that happen. He knew one of the issues discussed by the Planning Commission was the timeline on the road and whether certain improvements should be required because there was no information on the rest of the properties. He would like to see more information on what will potentially happen with the other properties and how the road network will be built out and servicing the other properties at the corner. Ms. McBeth explained the possibilities of the surrounding properties. They looked at different road locations as possibilities. Initially, the applicant had just looked at the north part of the property but due to the site constraints and other concerns the property was expanded. The road as proposed would go along the south and potentially turn south to serve another parcel with points of access off Eleven Mile or Beck Roads. They considered it a good location. There is

concern about the exact stint of the right of way that would be dedicated. In discussing with the applicant it would have to be adjusted a little bit and keep the right of way at the very south of the property line so there is no problem providing access to the additional piece of property. Member Mutch asked where the road would network in the Providence property. Ms. McBeth explained using the projector to indicate where the road would go. Member Mutch asked if there was a road from Providence going south to Eleven Mile. Ms. McBeth said yes there was an early plan that showed a secondary access on the south but she hasn't seen a plan that would confirm that location. There has been some wetland mitigation off of Eleven Mile. Member Mutch confirmed that they have kept all the roads private. He didn't think it should hold up this project but he thought it was an element where City staff needs to sit down and talk to the various property owners in the area to determine what would be the appropriate route. He didn't want to see a lot of curb cuts on Eleven Mile and Beck Road or a road that goes nowhere because property owners decided they wanted a road going a different location with no way to connect them. He thought they should have some conversations with property owners in advance. For instance, meet with Providence to ask if they plan to go to Eleven Mile and if so, would there be an opportunity to connect into their roadway or not. Member Mutch asked the traffic consultant because of the property's proximity to Beck and Eleven Mile Roads will this function well as proposed with this daycare center. Also, he mentioned that this could service multiple parcels in the future. The consultant said that now the service drive would serve well for the development and for the potential future development. The proposed roadway is along the southern end of the road and would allow access to future development in the northwestern quadrant of the intersection versus if it was pushed further towards the northern end of the development because it would limit access to that section. He didn't have details of future developments so it is difficult to say what impact they would have. Once there is information for the developments the peak hours should be studied to see if there is any kind of restrictions but with one development there is no concern. Member Mutch asked if there were any improvements planned for Beck Road. The consultant said there is a left turn lane in the center to provide access for the left turn coming north on Beck Road. Member Mutch asked if the access would ever be signalized. The consultant said he couldn't say presently. Member Mutch confirmed it was unlikely they would put a signal there. The consultant said the first thought would be to restricting left out. Member Mutch noted that they didn't know what Beck would look like in the future. It was his primary concern. Over the long term, the area will be built out and the traffic would increase there. It may be a hazardous situation. He knows there are things that the staff and applicant are working on. He would like to see the traffic issues fully explored because he was concerned how the access would function over the long term.

CM 15-11-165

Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY:

Tentative approval of the Planned Suburban Low-Rise (PSLR) Overlay Development Agreement Application and Concept Plan

based on the following findings, City Council deviations, and conditions, with the direction that the applicant shall work with the City Attorney's Office to prepare the required Planned Suburban Low-Rise Overlay Agreement and return to the City Council for Final Approval:

- a. The PSLR Overlay Development Agreement and PSLR Overlay Concept Plan will result in a recognizable and substantial benefit to the ultimate users of the project and to the community. The proposed development and site design provide a reasonable transition from the higher intensity hospital uses and lower intensity single-family residential uses thereby meeting the intent of the PSLR Overlay District. The site itself includes provisions for future vehicular and pedestrian connections along the proposed Public drive and a proposed pathway along Beck Road that will benefit the community as a whole.
- b. In relation to the underlying zoning or the potential uses contemplated in the City of Novi Master Plan, the proposed type and density of use(s) will not result in an unreasonable increase in the use of public services, facilities and utilities, and will not place an unreasonable burden upon the subject property, surrounding land, nearby property owners and occupants, or the natural environment. Given that the size of the site is less than 10 acres, a community impact statement is not required. The current site plan is not proposing any impacts to natural features and has minimal impacts on the use of public services, facilities and utilities.
- c. In relation to the underlying zoning or the potential uses contemplated in the City of Novi Master Plan, the proposed development will not cause a negative impact upon surrounding properties. The proposed building has been substantially buffered by proposed landscape and should minimally impact the surrounding properties.
- d. The proposed development will be consistent with the goals and objectives of the City of Novi Master Plan, and will be consistent with the requirements of this Article [Article 3.1 .27]. The proposed development meets the stated intent of the PSLR Overlay District to encourage transitional uses between higher intensity office and retail uses and lower intensity residential uses while maintaining the residential character of the area as outlined in the attached staff and consultant review letters.
- e. City Council deviations for the following, as the Concept Plan provides substitute safeguards for each of the regulations and there are specific, identified features or planning mechanisms deemed beneficial to the City by the City Council which are

designed into the project for the purpose of achieving the objectives for the District, as stated in the planning review letter:

1. Deviation from ordinance standard to exceed the maximum allowed front building setback (75 feet allowed; approximately 114 feet provided);
 2. Deviation from ordinance standard to allow parking in the front yard (approximately 20 parking spaces are provided);
 3. Deviation from ordinance standard to exceed the maximum allowed accessory structures on the site (2 allowed, 3 provided);
 4. Deviation from ordinance standard to allow proposed dumpster in the required front yard;
 5. Deviation from ordinance standard to allow proposed fence in the required front yard;
 6. Deviation from ordinance standard to allow absence of landscape screening along south and west property lines;
 7. Deviation from ordinance standard to allow absence of required berm adjacent to public Right of Way along the proposed public drive and along the Southern property line;
 8. Deviation from parking lot landscape ordinance standard to not provide the minimum required parking lot trees (21 required, 12 provided);
 9. Further, the Planning Commission did not recommend deviations of the following ordinance standards, as requested by the applicant, but instead offered the following:
 - i. The applicant shall provide sidewalk around both sides of the proposed cul-de-sac at the time of Preliminary Site Plan;
 - ii. The applicant shall provide street trees around the proposed cul-de-sac at the time of Preliminary Site Plan;
 - iii. The applicant shall provide the Traffic Impact Study prior to the PSLR Agreement and Plan returning to the City Council for Final Approval;
- f. The applicant shall update the PSLR concept plan submittal to include the proposed phase lines and revised building elevations to include the future expansion as part of the PSLR concept plan, that were provided in electronic format for staff review;
- g. The applicant shall work with the City Engineer to determine the limits of future Right of Way around the proposed turn around;
- h. The applicant shall revise the plan to redesign the turnaround to meet the Fire department standards;

- i. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Preliminary Site Plan.

This motion is made because the plan is otherwise in compliance with Article 3, Article 4 and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance.

Roll call vote on CM 15-11-165

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

5. Approval to award the Community Development Suite Renovation, Furniture Replacement Project to ISCG Inc., the lowest bidder, in the amount of \$109,714 plus alternate number (1) Millwork in the amount of \$11,500.

CM 15-11-166

Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the award of the Community Development Suite Renovation, Furniture Replacement Project to ISCG Inc., the lowest bidder, in the amount of \$109,714 plus alternate number (1) Millwork in the amount of \$11,500.

Roll call vote on CM 15-11-166

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

Public Hearing:

2. Collection and Disposal of Solid Waste: Refuse, Recyclables & Yard Waste & Other Services proposed Request for Proposals

Mayor Gatt wanted to clarify what the public hearing was about: He explained it was not about the City's right or authority to adopt the single waste hauler ordinance back in August of this year, or the merits of the Council's decision to do so. He explained it has been settled law in the United States for over a century that garbage collection and disposal is a core function of government, and that municipalities have the right to either regulate the private collection of garbage and refuse or to choose to undertake that service itself, either directly or through a private contractor. In fact, the United States Supreme Court case, in 1905, that affirmed the right of a city to give a single firm the contract to collect and dispose of garbage involved the City of Detroit. That case said, in no uncertain terms, that garbage and refuse are nuisances, and that it is up to the local municipality how to deal with them. Countless cases have also held since

then. The State's Home Rule Cities Act also gives the City that right, as does the Charter of the City of Novi.

This City Council unanimously directed the City Administration to prepare a single hauler ordinance for Council's consideration back in May. That ordinance was reviewed initially by the Council's Ordinance Review Committee and unanimously recommended to the full Council. The Council adopted it unanimously on August 10 of this year. The ordinance directs the City Manager's office to prepare a Request for Proposals by waste haulers. Council will not respond to any audience comments. Questions may be followed up on by the Manager's office. He explained the chance to speak should be in relation to the RFP only; if the audience wanted to comment on whether the Council should have adopted the ordinance that it has, then asked that they hold their comments until the regular first audience comment time.

The Mayor then spoke about some specifics in the proposed RFP. He said the chosen contractor will be expected to provide collection and disposal services for refuse, recyclables, bulky items, and yard waste for all single-family residential housing units. Proposals will be evaluated based on the following main criteria:

- Experience, including the Vendor's related experience in other communities and strength of operations
- Technical details, including the Vendor's work plan for completing the scope of services
- Financial considerations, including the Vendor's financial stability and pricing.

The term of the contract is expected to be for five years, with the City having one option to renew the contract for an additional three years. The RFP is currently organized for bidders to submit pricing for either (a) only providing a 64 gallon recycling container, or (b) providing 96 gallon garbage container along with a 64 gallon container. Recycling containers will only be provided to individuals who want to recycle. If residents have no interest in doing so, then they do not have to accept the container. They will provide ample time for consideration of the RFP: one month for companies to review the RFP before a bid meeting and another month to prepare to submit a comprehensive plan. They are trying for Spring 2016, specifically April, May at the latest. The City and the contractor will determine the day of the week for collection in any given part of the City. Written notice of the route schedule will be provided to all customers prior to the time that the contractor begins collection and disposal service. The contractor will be required to have a field supervisor in Novi on collection days to respond to and address all calls for service pertaining to refuse collection. In addition, for the first six months of the contract, the contractor will have a customer service representative at City offices to answer any questions or help resolve any complaints.

Public hearing opened at 7:58 p.m.

Member Mutch clarified that there would not be taking any Council action taken on the issue at the meeting and that it is just a public hearing.

Dennis Fitzgerald, 29084 Eastman Trail, asked how the service would be measured. He would like the quality of service evaluated.

James Cavicchioli, 25806 Island Lake, requested the Council reconsider the sizes of the containers since residents wouldn't be able to fit large containers in their garages.

Linda Catanzaro, 43468 McLean Court, suggested the Council have performance guarantees and recommended having a resident satisfaction survey. She would like them to consider local trash hauler companies within Michigan.

John Kuenzel, 23819 Heartwood, had concerns that there was no definitive start date. They were all approximate dates. They wanted to know so they can accurately bill the homeowners as well as notify their current company. He suggested phasing some subdivisions in because the transition is creating problems that Council was not aware of.

Phil Galicki, 43515 McLean Court, said he wanted to know how the rates would be determined since the draft proposal includes trash collection for City businesses and homeowners. He asked if they are going to break it down because he wanted to know what it is going to be.

Doraswamy Morasa, 24330 Thatcher Court, requested Council ask the single trash hauler for a smaller trash container and a larger recycling container with pictures on it to encourage recycling.

Tally Patel, 43467 McLean Court, said that Plymouth recently went to a single hauler and allowed residents the option to opt-out. She thought Council should consider adding an opt-out feature as well.

Pat Karevich, 25904 Clark St., said their current contract goes through 2017 and said they need to know the start date in advance. She also wanted to know how the RFP dealt with white goods and bulk items. She wanted to know if it would be weekly or one day a month. She questioned if the RFP comes back with prices higher than expected, would the Council still move forward. She wanted to know if there will be administrative fees on top of the garbage collection fees the City is going to collect.

Tom Harvey, 1195 West Lake Dr., said the RFP needed to address the unique needs of the residents. He lives on Walled Lake at the point and explained how a previous garbage truck damaged his private road. He wants service that would duplicate the kind of service they have now to ensure that wouldn't happen in the future. He wanted cooperation to try to address the needs of the customers.

Brian DeNeen, 48745 Delmont Dr., asked how residents would be billed for the service, if it would be on the tax bill or the water bill. He understood it was a unanimous decision

of City Council to invoke their right to do this and he questioned whether it was worthwhile.

Chester Roaden, 22903 Talford St., represented Lakewood Condominiums. He requested they place the fees on the taxes and not the water bill since the condominium pays the water bills. He added that the City should educate residents about their responsibilities when the change happens because they have never had to separate trash before.

Pam Peper, 47730 Florence, was asking if Bellagio was going to be included, since it wasn't clear in the RFP. She requested a firm start date if they are included. She explained they are not happy with their current provider, but when they attempted to contract with a new company, they were told they wouldn't be able to get a contract until the City made a decision. She asked how it would be billed. She wants the RFP to include bulk pick-up and the option to opt-out to be considered.

Marcia Goffney, 21958 York Mills Cir., said the RFP should set the contract for three years, with a five year extension instead of the other way around. She suggested it because of the number of questions being asked and said there will be issues that arise no matter how well thought out.

Bradley Gibbons, 41065 S. McMahon Circle, explained from his experience, he suggested the contract should be for two years with a one-year extension and an opt-out option after a year because there may be penalties and many issues.

Pete Winter, 21999 Bedford, felt a lot of citizens didn't understand the ordinance when it was passed. A lot of people think there are still options and unless the ordinance is repealed there are none. He thought there should be a shorter time period in the inception and a longer period with an option. He said there were contradictions in the RFP that should be addressed. He wanted to know if additional comments would be accepted in writing. He found a contradiction that late proposals will not be considered but, in the later part of the RFP, it states they may be considered. He thought they should look at the trash container sizes in the RFP. He requested another public hearing meeting once the RFP is amended.

Tom Duncan, South Lyon, said the RFP should be removed. He commented it is a 33-page document and it should be simplistic. The RFP restricts competition. The RFP was not the problem but it is the ordinance and the Mayor turned down a public hearing for the ordinance. He noted local firms could suggest ways to save money. He said the residents should have the right to choose for themselves.

Public Hearing closed at 8:29 p.m.

AUDIENCE COMMENT:

Becky Staub, Cherry Hill, said in the fall of 2015 in the Novi Today Magazine published that each homeowner and subdivision was forced to negotiate their own deal with the different trash hauling company. That led to higher prices and inconsistent levels of service, which caused City Council to ask City Administration to look into building the ordinance based on wrong information. A blanket contract was negotiated for a large group of homeowner's associationa with the help of RRRSOC and the City and has been in standing for quite some time. Any homeowner's association that didn't want to participate at the time, there was a question as to why they didn't. They pay \$155.00 per year for their trash with an additional \$40.00 for membership. The membership is used to maintain their common areas and for activities in their subdivision. They don't have other ways to obtain the monies for the extra activities. They are happy with their trash hauler. She commented that a representative from the trash company in City Hall for six months to handle problems was not long enough. She feels the RFP was a wish list. She explained there were a lot of unanswered questions. She spoke about the different issues Council has put on a ballot. She spoke against the ordinance and asked that it be repealed.

COMMITTEE REPORTS – None

MAYOR AND COUNCIL ISSUES – None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION:

- B. Approve the Program Year 2016 Community Development Block Grant (CDBG) Application in the approximate amount of \$98,481 and authorize the Mayor to sign the Application and Sub-recipient Agreement.

Member Mutch was concerned that the minor home repair program was underfunded. The CDBG Committee recommended an allocation of \$15,000 going to the Older Adult Transportation Service and in order to fund that, there was a reduction to the Residential Repair Program for Novi residents by approximately \$10,000. He noted this was the only funding source available for the City to assist low income, elderly, and disabled residents with minor home repairs. When the money is taken from the fund, there will not be enough available for home repairs. Council was informed that there was a waiting list of residents waiting for repairs. The older adult transportation program has numerous funding sources and Council has committed to fully funding the Senior Adult transportation service through other funding sources. In this case, the reduction in funding was because there was a grant program that expired. There was enough time for City Administration to seek out supplemental funding for the transportation services through another grant or other funding source. Also, the \$10,000 allocation can be done through the budget. He couldn't support the current allocation as it was recommended. He understood what the committee was trying to accomplish but they aren't able to see the variety of funding sources. They were only looking at one fund.

CM 15-11-167

Moved by Mutch, seconded by Markham; MOTION DENIED: 4-3

To approve the Program Year 2016 Community Development Block Grant (CDBG) Application in the approximate amount of \$98,481 and authorize the Mayor to sign the Application and Sub-recipient Agreement with a change to fund the Minor Home Repair Program at \$81,981 and zero dollars from CDBG Fund for the Older Adult Transportation Program.

Roll call vote on CM 15-11-167

Yeas: Casey, Markham, Mutch

Nays: Staudt, Burke, Wrobel, Gatt

CM 15-11-168

Moved by Staudt, seconded by Wrobel; MOTION CARRIED: 4-3

To approve the Program Year 2016 Community Development Block Grant (CDBG) Application in the approximate amount of \$98,481 and authorize the Mayor to sign the Application and Sub-recipient Agreement.

Roll call vote on CM 15-11-168

Yeas: Burke, Wrobel, Gatt, Staudt

Nays: Casey, Markham, Mutch

K. Approval to award engineering design services to URS Corporation (AECOM) for the Beck Road Rehabilitation (8 Mile Road to 9 Mile road) project in the amount of \$89,063.

Member Mutch said the reason he asked to discuss this item was the cost associated with it. It was estimated to be \$1.4 million for the one mile roadway. Also, construction is not anticipated until spring of 2017. He asked City Administration how long the improvements were anticipated to last. He was told it would be about 10-15 years. He felt the problem was that Beck Road needs something more than just being repaved. He didn't know what level of improvements it needs as far as capacity and safety improvements. He didn't think the \$1.4 million should be spent today for something that they will have to revisit in 5 years or are the improvements being put off for another 10-15 years. He thinks with all the development on the west side of the City and surrounding communities the City can live with the current roadway for the next 10-15 years. Those who drive Beck every day have to be frustrated especially at rush hour. He wanted to bring up possible options for the grant money long term.

Assistant City Manager Cardenas believed that if it was not approved the Grant the City would have to forfeit the \$1.4 million unless they reapply for the funding through the Tri-County group.

City Engineer Hayes said the Federal Grant secured is approximately \$225,000 on the \$1.4 million in construction. They have to obligate the funds through MDOT since they administer the local agency program in 2017. He said there is some time but definitely not past the end of 2016.

Mayor Pro Tem Staudt said he drives it every day. Beck does need a lot of work. Council should start talking about it. He thought the commitment of time will be 5 to 10 years when that stretch of road will be preserved with the overlay. He could see not wanting to commit a lot of money now. He could not imagine what Beck Road would cost eventually. This is a small investment for a short period of time in a high traffic area. He would support this.

CM 15-11-169 Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the award engineering design services to URS Corporation (AECOM) for the Beck Road Rehabilitation (8 Mile Road to 9 Mile road) project in the amount of \$89,063.

Member Casey asked if this item were to be delayed for a month to start the conversation to respect the points of view of the previous speakers, if it would be a detrimental impact to the City's ability to obligate the funds and be ready for construction season. City Engineer Hayes said he didn't think a month or two would interrupt their schedule but beyond that they need to get the survey work done and the engineering started. Member Casey asked if reasonable progress in the next month or two in a detailed or thorough conversation about what Beck Road should look like in the future. She agreed money shouldn't be put into something that will be redone. The problem will be solved for the short term but what will have to be done in the long term. She thought a month or two is a reasonable amount of time for them to have a conversation. Since the thorough fare is plan will come up the 10th. City Engineer Hayes said a comprehensive answer of what Beck Road should look like would require more than two months. He said there is a lot that goes into the decision. There is a lot of modeling to be done. There would be stockholder input they would want to solicit. Right-of-way acquisition is a huge feature of a widening project. There are a lot various size sections and for a four lane boulevard they would need 120 feet. It would be a lot of work to identify the right-of-way needs. Member Casey asked if the conversation could be started and wasn't looking for a comprehensive answer. Mr. Hayes said they could initiate the discussion.

Member Wrobel said they all agree that something needs to be done. The plans that they have talked about would not be inexpensive. Council wouldn't know if they could get the money to do it without bankrupting the City. In the meantime, while Council talks about it, Beck Road is deteriorating. He agrees with Member Mutch but something needs to be done now until Council decides what needs to be done. He suggested making it a priority at the budget goal setting meeting.

Member Markham asked if Beck Road was a feature in the upcoming Thorough Fare Master Plan event taking place. City Engineer Hayes said all the major thorough fares in the City will be included.

Mayor Pro Tem Staudt asked City Engineer Hayes how long it would take to get Beck Road done. Mr. Hayes said the biggest unknown is right-of-way acquisition. He mentioned that Novi Road took 5 or 6 years to acquire the pieces of property. Mayor Pro Tem Staudt asked if assuming they acquire them in 5 or 6 years would be likely it would start north to south. Mr. Hayes said for 3 plus miles, he would want to stage it over 2 or 3 years to minimize the disruption to the residents. Mayor Pro Tem Staudt said approximately 7 – 9 years exclusive of the right-of-ways.

Member Mutch asked Mr. Hayes if they would need a detailed study since a scoping study was done a few years again. Mr. Hayes said they need to look at the study that was done in 2009-2010. He added with the economy getting better they are seeing average daily travel counts going up. They need to look at the study with the new data.

Member Mutch said he will support the motion. He wanted to start the conversation and looked forward to the Thorough Fare Plan because he thought it will bring up other issues.

Roll call vote on CM 15-11-169

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

Nays: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 8:55 P.M.

Courtney Hanson, Deputy City Clerk

Robert J. Gatt, Mayor

Transcribed by Jane Keller

Date approved December 7, 2015