



MOBILITY COMMITTEE AGENDA

CITY OF NOVI

October 17, 2024 | 6:00 PM

Council Conference Room
Novi Civic Center | 45175 Ten Mile Road
(248) 347-0445

CALL TO ORDER

ROLL CALL - Mayor Fischer, Council Member Smith, Council Member Thomas, Gary Becker, Joe Tolkacz, Jay Dooley, and Ed Roney

APPROVAL OF AGENDA

APPROVAL OF MINUTES

[Approval](#) of Minutes from Meeting On 9-5-2024

MATTERS FOR COMMITTEE DISCUSSION

[Sidewalk](#) Maintenance Program

Committee Meeting Schedule

REVIEW OF ACTION ITEMS

PUBLIC COMMENT

ADJOURNMENT

NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk (248) 347-0456 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.



MOBILITY COMMITTEE

Meeting Minutes

**September 5, 2024 at 6:00 p.m.
Novi Special Conference Room
(248) 347-0475**

CALL TO ORDER

The meeting was called to order at 6:00 pm.

ROLL CALL

Present: Brian Smith (Chair), Justin Fischer, Joe Tolkacz, Ed Roney

Absent: Ericka Thomas, Gary Becker, Jay Dooley

Staff Present: Barbara McBeth, City Planner, Community Development
Jeffrey Herczeg, Director, DPW
Rebecca Runkel, Plan Review Engineer, DPW
Aaron Staup, Construction Engineer DPW
Wesley Scallions, Public Works Management Intern, DPW

APPROVAL OF AGENDA

Chair Smith made a motion to approve the agenda. The motion was seconded and passed 4-0.

APPROVAL OF MINUTES

Chair Smith made a motion to approve the minutes from July 18th, 2024. The motion was seconded and passed 4-0.

REMARKS

Director Herczeg introduced City staff present and briefly commented on the purpose and scope of the presentation to be given.

STAFF PRESENTATION

DPW Mngt. Intern Scallions gave a presentation titled 'Sidewalk Program Goalsetting' and answered some of the Committee's clarifying questions throughout.

DISCUSSION

Chair Smith opened the meeting up for questions from the Committee.

Engineer Staup spoke to two specific items that City staff would like direction on. The issue pertaining to ponding water on sidewalks which the City currently does not address and issues regarding residents requesting reimbursement for sidewalk work performed outside of the City's program. Chair Smith inquired as to whether City staff is aware of any details pertaining to why residents did the work themselves, how they did it, etc. Engineer Staup stated that that information is not known and that no inspections have taken place in these instances; there is a lot to consider including care for city owned infrastructure like

water mains and whether the appropriate materials were used. Yes, we would like residents to take it upon themselves but there are some downsides to that. Chair Smith commented that we wouldn't want to be reimbursing just because someone didn't like the color or something like that. Mayor Fischer added that one may be getting a driveway redone and they do all of their sidewalk and then when the City comes through they want reimbursement.

Engineer Staup stated that the right of way permitting process could be used as a way to mitigate this issue in that if the resident never came to the City for a permit, it wasn't verified that the sidewalk was constructed properly. Director Herczeg added that there will probably be people that have called about reactive sidewalk maintenance regarding a deflection of two inches and then we went out and said it's a half inch or three quarters of an inch. Mayor Fischer inquired as to the number of calls regarding reimbursement. Engineer Staup stated that he has received four calls. Mayor Fischer asked if these are people who have logged tickets in the past about this issue. Engineer Staup was not sure; these go to another department. Director Herczeg replied that any calls would be logged in CityWorks.

Engineer Staup stated that, when residents take these issues upon themselves to remedy, they are doing so in small quantities. The contractor hired will be greatly more expensive than what the City would have seen within a program. Mayor Fischer stated that he is not in support of cutting checks for the same amount of money to the penny. Mayor Fischer continued, stating that a program would be looking for certain replacement criteria and that said program would need to be well established, on the internet, and be very transparent. Residents should know who to call and if there was a reason why the city would reimburse. If there was a situation where they could prove that they had called and the deflection was two inches then the City could look at reimbursement of the total minus some factor but he does not want to be in the business of promoting this whatsoever; just his personal opinion. Member Roney added that he would be hesitant; doesn't want to set a precedent where property owners can start requesting reimbursement for everything done on their house. Mayor Fischer pointed out that one could hear that their neighborhood is up for sidewalks the following year so they choose to get it done now and wait for the City to reimburse the work – it is a bad precedent and he is not in favor.

Director Herczeg stated that the answer truly is some residents are caught in the transition and we apologize – but that was the current policy and we are in the process of changing the policy; it may or may not change.

Member Tolkacz stated that he had no questions at this time.

Chair Smith stated that there are just too many variables – even with a formal reimbursement program it would be tough for staff considering inspections – we shouldn't be promoting that kind of stuff. Engineer Staup replied that he can stick with a hard line on this.

Mayor Fischer stated that the pooling water issue is a little different; he stated that, based on what other communities have done, there may be some type of criteria that he could get behind. Director Herczeg clarified that there are two different kinds of pooling: pooling that is caused by an overgrowth of sod where panels are not deflected – the

water just has nowhere to drain. Then there's pooling which is caused by a settled sidewalk panel. Director Herczeg continued, stating that these can be differentiated in a written policy once all of the details have been figured out.

Member Tolkacz asked whether the City has policies on how people drain their sump pumps. He stated he has seen some situations where sump pump drainage practices have contributed to pooling water in the area of a sidewalk. Engineer Staup responded, stating that this has grown over the years. It depends on the community and how they're set up. If they have rear yard storm sewer facilities, that's where it is taken. They sometimes have lowland or wetland area they can send it to. Some older neighborhoods took it upon themselves to do any number of things. Engineer Staup continued, clarifying that tying this into edge drains and daylighting at the back of the curb are both prohibited. Engineer Staup provided further information regarding City regulations for sump pump drainage.

Mayor Fischer requested that the presentation recording be distributed to the Committee. City staff stated that this should be possible.

Mayor Fischer stated that the meeting was very helpful and recapped some of his thoughts. He recommended that from here the Committee should look to answer some of the major questions regarding sidewalks that have emerged like what kind of cycle there will be, what kind of criterion are established, is cost-sharing going to be implemented, how do we get to an agreeable funding level. The exact questions need to be laid out for the next discussion.

Chair Smith mentioned that a Microsoft Teams space can be set up and he will look into it. He also mentioned that any materials or discussion shared on Teams must not violate the Open Meetings Act.

Director Herczeg recommended that the next Committee meeting be focused on discussion of the sidewalk program. Mayor Fischer agreed and stated that City staff should hone in on questions to include on the next agenda which will drive direction setting.

The Committee collectively made comments on the quality of the presentation given by City staff, stating that it provided good information and helpful benchmarking.

Mayor Fischer mentioned that there was some information displayed regarding communities having full-time personnel dedicated to a sidewalk program. He inquired if staff thought that, if the Committee and City Council saw value in it, they would recommend the addition of any staff for the program. Director Herczeg responded that he would have to think about what the position was because the City wouldn't be able to get away from using consultants under the current model. City staff spoke to the organization of staff in other cities where full-time personnel inspect the sidewalks themselves and experience some frustrations as to the level and type of work put on City staff via a sidewalk program. Director Herczeg concluded, stating that he thinks there is a model where an employee could be added as long as responsibilities beyond sidewalks are clearly defined. He stated that City staff could come back with a recommendation if it was included moving forward.

Engineer Staup spoke to how sidewalks are much more difficult to design and layout than roads because there's so much more movement. Six months down the line, the sidewalks in a neighborhood may have changed considerably and this leads to higher rates of inspection – probably why some communities bring in full-time staff. Director Herczeg added that consultants can staff up with more bodies for this kind of work. He continued, stating that roads are like painting a big wall whereas sidewalks are like painting in a closet – you're in a cramped space and constantly turning around and rolling things in in small sections. He said this is why a lot of communities don't have a program – the effort outweighs the value which is something to consider.

Chair Smith stated that there is the question of boardwalks and shared use paths. Mayor Fischer stated that he would like to get through one thing at a time – those are a bigger CIP thing. City staff confirmed that boardwalks were addressed via the CIP Millage last time. Mayor Fischer concluded by stating that the City has been trying to get sidewalks in a good direction for so long he would like to keep the current momentum going – the other issues can be addressed at another time.

Director Herczeg reiterated the importance of having a policy in place. City staff needs something that they can point to. He acknowledged that this would not be an overnight thing, but the goal is to have direction on a policy.

REVIEW OF ACTION ITEMS

Chair Smith indicated that this was sufficiently covered throughout the meeting.

PUBLIC COMMENT

P. Cantalamisa briefly spoke on the quality of the presentation given by City staff.

ADJOURNMENT

Chair Smith made a motion to adjourn. The motion was seconded.

The meeting was adjourned at 7:11 pm.

MEMORANDUM



TO: JEFFREY HERCZEG, DIRECTOR OF PUBLIC WORKS
FROM: WESLEY SCALLIONS, PUBLIC WORKS MNGT. INTERN
SUBJECT: CITYWIDE SIDEWALK MAINTENANCE PROGRAM
RECOMMENDATIONS
DATE: OCTOBER 7, 2024

Overview

On September 5, 2024, the Mobility Committee met to view a presentation given by City Staff, ask questions regarding a new citywide sidewalk maintenance program, and provide direction on a couple of sidewalk related items. City staff were directed to identify remaining issues for the Committee and provide direction for discussion. Staff has provided a brief outline below detailing what one potential program would include, followed by discussion points.

Recommendation

Based upon discussions, the recommendations of our engineering consultant, and the benchmark comparisons gathered, a program featuring the following would be feasible:

- Annual expenditure of \$650,000 (increase of \$250,000 annually) within a program spanning 10 years and utilizing a two-year bid package for cost-savings and contractor feasibility;
- Change program criterion to include sidewalks with deflections 1-inch or greater rather than the current practice of addressing sidewalks with deflections ¾-inch or greater;
- District-based program to aid in communicating to residents when the program will be in their neighborhood;
- No cost-share with residents – fully funded by the City; and
- Implement the program alongside a comprehensive sidewalk repair policy detailing program criterion, reactive maintenance practices, tree-removal procedures, and other clarifying information for residents.

Staff would ask the Committee to discuss, per request at the last meeting, additional internal staff to accommodate administering a comprehensive sidewalk maintenance program. This would likely involve hiring for an additional administrative position within the Engineering Division. The total full-time employee cost sheet is attached.

Committee Discussion Items

Staff is recommending the Mobility Committee discuss and provide direction on the following items, in preparation for a draft policy:

- Program Criterion and Reactive Maintenance Practices
 - Continue reactive maintenance on >2" deflections
- Program Organization and Length
 - Districts based on funding
 - Two year contractor award for economies of scale
- Program Funding Level and Funding Mechanisms
 - General Fund, Local Roads Fund, Municipal Road Fund
- Trees and Approach Taken
 - Hold Harmless Agreements
 - Tree Fund
- Internal Staffing
 - Non-motorized Engineering Technician

Also included in the packet for discussion are items regarding drafted language for a new webpage about the pilot program per the request of the Committee and the drafted Hold Harmless Agreement that was discussed during the presentation at the last meeting.

Staff is prepared to answer questions, provide further clarification, and facilitate discussion regarding the above items at the next Mobility Committee meeting.



CITY OF NOVI
2025-26 BUDGET
Budget Request Support Doc
(Personnel - HR INFO)

POSITION TITLE:	Engineering Technician
GL ACCOUNT NUMBER:	101-441.10-704.000
UNION/GROUP:	Administrative

Personnel Services (Temporary Part-time, Seasonal, Building Attendant, Board of Review, etc.)				
	Hourly Rate	Hrs/Wk	Hrs/Yr	Annual Rate
Earnings	\$0.00	0.00	0.00	-
Payroll Taxes				-
TOTAL ESTIMATED PERSONNEL SERVICES				-

Personnel Services (Full-Time, Admin Position)		
Salary	704.000	\$66,950.00
Other earnings	XXX.xxx	\$0.00
Insurance*	716.000	\$21,422.88
Insurance - Employee Reimbursement	716.999	-\$3,213.43
Retirement	718.200	\$6,695.00
Retiree Health Savings	718.450	\$2,600.00
Payroll Taxes	715.000	\$5,121.68
Workers' Compensation	717.000	\$1,339.00
TOTAL ESTIMATED PERSONNEL SERVICES		\$100,915.12

* - includes health, dental, life & disability, assumes family coverage with HAP

Raise Marzao
Completed by (HR Department)

10-04-2024

Date

Shirley Henderson
Approved by (HR Director)

10-04-2024

Date

Director requesting position

Date

NOTE:

The purpose of this form and the above information is to provide estimated total costs of a position during the budget process and should be submitted as support documentation to a budget request. This form does NOT represent approval to hire. A position requires formal approval from both the City Manager's Office and Human Resources before beginning the hiring process.

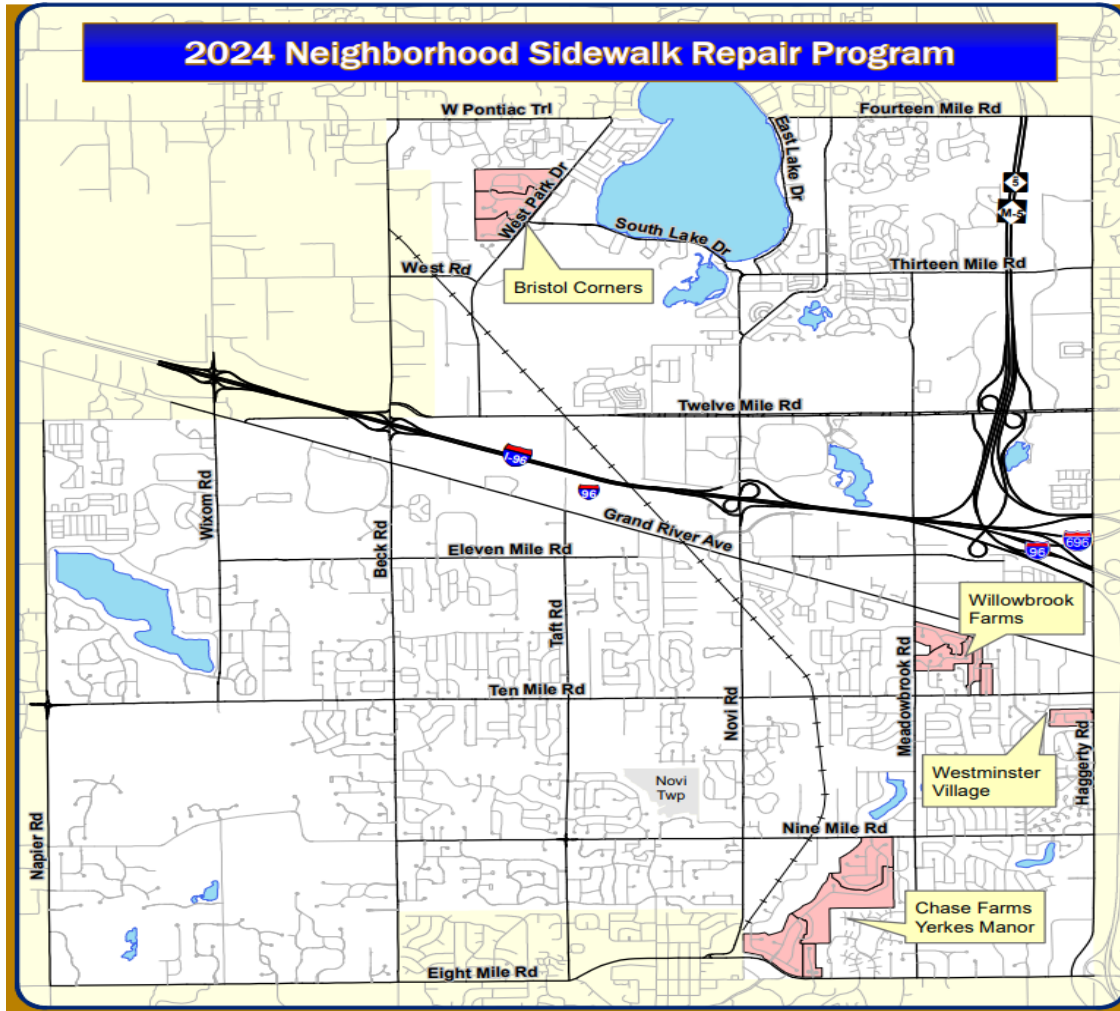
NSRP Language for New Webpage

The City of Novi has a high quality non-motorized network of roughly 311 miles of sidewalks and pathways. These facilities ensure that residents can move freely throughout the City utilizing various modes of transportation – walking, biking, or driving. Providing and maintaining the safety and accessibility of these facilities requires extensive maintenance programs.

Currently, reported sidewalk issues are addressed by the City in accordance with state law indicating; ***sidewalk panels must not (1) be displaced by a measure of 2 inches or greater and (2) must not feature a dangerous condition in the sidewalk itself of a particular character other than solely displacement*** ([MCL – Section 691.1402a](#)).

Maintaining sidewalks is a complex issue as trees, weather, pre-existing site conditions and right-of-way responsibilities are all contributing factors. To better address these issues, the City launched an annual Neighborhood Sidewalk Repair Program (NSRP). This initiative began as a ***Pilot Program*** in the Meadowbrook Glens Subdivision in 2022/23 and is currently in year/phase two with the following neighborhoods:

- Bristol Corners
- Willowbrook Farms
- Westminster Village
- Chase Farms
- Yerkes Manor



The program focuses on inspecting sidewalk panels, marking panels for replacement, and having a qualified contractor carry out the replacements. The **Pilot Program** addresses the following criteria: (1) a vertical discontinuity (deflection) of $\frac{3}{4}$ inch or more and (2) the sidewalk itself falling into a state of 25% or more rubblization (broken apart). City staff is working with [The Mobility Committee](#) to determine best practices and funding options as the program continues into phase two.

The goal of the **Mobility Committee** and **Pilot Program** are to develop a formal policy recommendation for **City Council** on sidewalk replacement/repair eligibility and how City sidewalk repair programs will be conducted in the future.

For the duration of the Pilot Program, the City will not provide reimbursement for sidewalk repair/replacement work performed outside of the NSRP; in other words, work completed privately by a homeowner or Homeowners Association). Additionally, the City will not consider repair/replacement of sidewalk panels due to ponding or pooling water, assuming the two previously mentioned conditions per state law do not exist.

HOLD HARMLESS AGREEMENT

This Agreement, between the City of Novi, a municipal corporation ("the City"), whose address is 45175 Ten Mile Road, Novi, Michigan 48375, and _____, a _____ corporation, ("Property Owner") whose address is _____.

R E C I T A L S:

- A. The City of Novi has proposed removal of a tree located within the City's public right-of-way along the frontage of the property described in the attached and incorporated Exhibit A (the "Property"), in connection with sidewalk replacement to be completed on the Property in connection with the City's 2024 Neighborhood Sidewalk Replacement Program.
- B. The City's inspection shows that the tree shown on Exhibit B (the "Tree") is likely to impact the newly installed sidewalk and should be removed.
- C. The owner of the Property has requested that the City leave the tree in place and cut back the roots to limit the impact on the sidewalk.
- D. The City has placed the owner on notice that impacting the roots is likely to damage the health of the tree and with the likelihood that the tree may need to be removed.
- E. Furthermore, impacting the roots of the tree is likely to cause damage to the tree and may lead to instability of the tree, and a higher risk of falling tree or limbs.
- F. The Owner has acknowledged the possibility of damage to the tree, and to surrounding persons or property, and has agreed to take responsibility for maintaining and removing the tree in the future, and any and all liability arising out of the impacted root system of the tree.
- G. Unless and until the tree is removed, the Owner will be required to hold harmless and indemnify the City from any and all damages resulting from leaving the tree in place after impacting its root system.
- H. The City has agreed to construct sidewalk, cut back the roots of the tree leaving it in place, subject to the conditions set forth in this Agreement.

IT IS AGREED between the parties to this Agreement as follows:

1. Unless and until the tree is removed, the Owner and its successors, assigns, and transferees shall be responsible to the City for any and all liabilities incurred by the City, arising out of the cutting or removal of a portion of the roots of the Tree described and depicted in the attached and incorporated Exhibit B. The Property Owners shall hold harmless and indemnify the City and the City's, elected officials, agents and employees, from any and all

costs, claims, suits, actions, losses, damages, or demands, including court costs and attorneys' fees, relating in any way to the ongoing maintenance of the tree and/or removal of a portion of the roots of the Tree.

2. Property Owner shall maintain insurance, including contractual liability coverage, at their sole cost and expense, with respect to injuries and damages arising out of the modification and on-going maintenance of the Tree in a form acceptable to the City. Such policies shall name the City, its elected officials, agents and employees, as an additional insured and shall provide the City with a certificate of insurance or other written evidence of its coverage, including an endorsement which states that such insurance may not be cancelled except upon ten (10) days prior written notice to the City.
3. This Agreement and the rights and responsibilities set forth herein are intended to bind the parties hereto, their heirs, successors and assigns, and shall run with the land and succeeding interests therein and shall be recorded with the Oakland County Register of Deeds. This Agreement may be terminated by the City at the time the Sidewalk Area is replaced with a sidewalk that is compliant with all applicable City Ordinances.

THE CITY

The City of Novi, a Michigan municipal corporation

By: Jeffrey Herczeg, Public Works
Director

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me ____day of_____, 20__ by _____, the _____ of a Michigan _____ on its behalf.

Notary Public
Acting in _____ County, Michigan
My commission expires: _____

PROPERTY OWNER

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me ____ day of _____, 20__ by
_____ the of _____, a _____
corporation, on its behalf.

Notary Public
Acting in _____ County, Michigan
My commission expires: _____

Drafted By:
Elizabeth K. Saarela
27555 Executive Drive, Suite 250
Farmington Hills, MI 48331

When recorded, return to:
Cortney Hanson, Clerk
CITY OF NOVI
45175 Ten Mile Road
Novi, MI 48375-3024

EXHIBIT A
OWNER'S PROPERTY

EXHIBIT B
TREE LOCATION DESCRIPTION