

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
JULY 25, 2005 AT 7:00 P.M.
COUNCIL CHAMBERS-NOVI CIVIC CENTER-45175 W. TEN MILE ROAD**

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

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Csordas, Mayor Pro Tem Landry, Council Members Capello, Gatt, Lorenzo, Nagy, Paul, absent Member Paul arrived at 7:05 P.M.

ALSO PRESENT: Richard Helwig, City Manager
Clay Pearson, Assistant City Manager
Tom Schultz, City Attorney
Barbara McBeth, Director of Planning
Benny McCusker, Director of Department of Public Works
Tia Gronlund-Fox, Director of Human Resources
Rob Hayes, Director of Engineering

APPROVAL OF AGENDA

Member Nagy, speaking for Member Paul, asked that under Mayor and Council Issues Item #1 Library Fundraiser be removed.

Member Nagy asked that Item #2, under Mayor and Council Issues, Taubman Parking Standards and Recommendations be moved to Item #1.

Member Nagy added, under Mayor and Council Issues, Item #2 Fifties Festival and Item #3 City Manager Search, and Item #4 Trees on Christina Lane.

Mayor Pro Tem Landry advised Council he was going to address the Fifties Festival during Committee Reports. Member Nagy said that was fine and pulled it from Mayor and Council Issues.

Member Gatt added, under Mayor and Council Issues, Item #4 Special consideration for business owners at Novi and Ten Mile Road.

Member Lorenzo asked that Presentation #1 be removed and was informed that it had been. She also asked that the discussion for the Federal Forfeiture Funds be removed. Mayor Csordas said he was going to ask that be removed also.

Mr. Helwig advised Council that the Presentation off Retiree Benefits Liability would be on the August 22nd agenda and the Federal Forfeiture Funds has been moved to August 1st if Council changes that to a rescheduled regular meeting.

**CM-05-07-240 Moved by Lorenzo, seconded by Nagy; CARRIED UNANIMOUSLY:
To approve the agenda as amended.**

Motion passed by Voice Vote

PRESENTATIONS

1. Retiree Benefits Liability and Reporting – Joe Heffernan and Scott Janssen of Plante and Moran, PLLC – Moved to August 22nd agenda.

PUBLIC HEARING

1. Proposed Amendments to the Adopted Community Recreation Plan 2003-2008

Mr. Auler said the Community Recreation Plan was adopted in 2003. The Park, Recreation and Forestry Commission and departmental staff reviewed the plan, which is done on an annual basis. They identified the need to update the plan in terms of the preservation of natural resource properties with significant natural resources. Mr. Auler noted the process was to follow State guidelines; they amended the plan with proposed amendments, published those for a period of 14 days and then held a public hearing on those items at a special commission meeting. The meeting was held on July 21st to receive public input. Following the public hearing the Commission passed a resolution, 5-0 of those in attendance, to submit to Council for consideration, and public hearing to amend the Community Recreation Plan, and then forward that on to the State.

Mr. Auler said the three items in the plan that were amended were the addition of an action strategy, which states “preserves significant natural resource properties through acquisition, utilization of easements, land donation, lease agreements, public/private partnerships, grant funding and purchases.” This is something that the Commission felt should be done and it is something they have done, although it hasn’t been identified in their plan. They also added language to the plan in regard to future land donation from the project with the Singh trail property, and felt it was important to add, because it helps mitigate the loss of the parkland as part of the Sandstone settlement consent judgment. Mr. Auler said they referred to that during their grant application in the project narrative. The Singh trail property, 253 acres, is part of the core reserve property, which is similar to the Lake Shore Park area. Lastly, was the addition of acquisition of natural resource property in Village Oaks to the Capital Improvement recommendation, and that is based on the public and City Council meetings held recently.

Andrew Mutch, 24740 Taft Road, thanked Council for their time and consideration of these amendments to the recreation plan. These amendments have to be in place to have a successful Michigan Natural Resources Trust Fund Grant. He said these amendments are not a significant change in policy for the City. The City already has a practice of protecting natural resource areas. Tonight the Council will put into place the written policy that will reflect their practice of protecting natural resource areas. It has the benefit of giving the opportunity of protecting the natural area on the east side of the City. In the future, this will allow Council to act proactively when situations like this are encountered, where areas with important natural resources are being challenged by development. No one wants to have to react, with this policy funding can be sought and grants from organizations like The Greenways of south east Michigan, and other funding sources that will allow protection of natural resources in the future in a proactive way.

LuAnne Kozma, 23837 W. LeBost, thanked the Parks, Recreation and Forestry Commission for recommending the plan amendment to Council. She said the Friends of Novi Parks commissioned an environmental study called a Floristic Quality Index. She

showed the botanist's report that was done on both sides of Meadowbrook Road, both the east and west tracks. She said Dr. Klatt found 149 plant species on these two properties, 124 of which are native to Michigan and based on this methodology that gives the two properties combined a score of 38.4. Also, this study was done one day in July at a time when many species are not identifiable; therefore this was a conservative number. In comparison the Southfield property had a number of 40.8 and to find that kind of diversity they went out three times in three seasons. The Roskelly and Rossi property is a highly significant natural resource area. Ms. Kozma showed pictures of the area to the audience.

2. Michigan Natural Resources Trust Fund Grant Application

Mr. Helwig commented that he applauded the amazing effort of residents and staff and the collaboration that has occurred since the last Council meeting. He said the work has been very labor intensive and a labor of love for many. Mr. Auler has lived and breathed this the last two weeks and could not have reached this point without the help of many people and particularly Andrew Mutch.

Mr. Auler echoed Mr. Helwig regarding the collaborative effort that has taken place. He said this has progressed, worked well and they have a competitive application. Their focus has been on the environmental, education, preservation of natural resources and fishing opportunities that would be provided. Some of the things that will have to occur if awarded the grant, an entryway would have to be constructed to the park with park signage, which is a park entry road with a parking area. In the future, some of the things they identified are wildlife observation decks that could be a partnership with Community Scouts to construct. This would be an opportunity to provide an accessible pathway and fishing pier on the pond or lake for physically challenged and able bodied individuals. He said that would also provide opportunities for programming as well. They hope to install interpretive signage on the property for environmental education opportunities for the public and school age children within the schools in close proximity. There are some unresolved issues that Council will take up this evening. Following that, staff will take the direction, work on completing the grant, it will be driven to Lansing and will be in on time.

Alice Cardella, 40777 Village Wood Road, said she has been a Novi resident for 28 years and was drawn to Novi for the green spaces, trees and lakes. While her home was being constructed they lived in a camping trailer and when they came over to see the construction of the home there was a stop sign at 8 Mile and Haggerty. She said she has been around for a while. The little two year old that moved into the house with them didn't even remember living in a house but only remembered living in a camp ground. Now he has devoted his studies to ecology and environmental issues. She read a letter from her son and his friend.

"Prior to European settlement in south western Michigan, including Oakland County, it was covered by a complex of grass lands, oak savannas, streams and rivers and associated low lying wetlands area. This comes from a source dating back to the 1850's. Most of this natural history has been forgotten as most of the land area has been converted to commercial and residential development. The Michigan Department of Natural Resources, however, recognizes that areas of significant natural quality

worthy of protection do still remain and has established a grant program designed to encourage citizens and communities to protect the last remaining areas. We have the opportunity to receive support from the State agency in the protection of the Roskelly and Rossi sites for the purpose of natural areas, education, enjoyment and ecological preservation. From an ecological perspective nature parks and preserves play an important function in maintaining the health of local plant, bird and animal species. The Roskelly and Rossi sites have been determined to harbor significant natural resources, as Ms. Kozma said, including at least 124 species of plants that are native to the State. The plants preserved in their natural areas provide corridors that enable pollen to flow from one natural area to another. If enough preserves are created near to each other, insect pollinators such as butterflies and bees can easily fly from one area to the other having the affect of mixing up the genetics of the pollen across these vegetative patches. This increases the health of the local community by reducing the amount of in breeding that would result from plants all breeding with each other within a single preserve. Similarly, this also increases the health of valuable insect pollinators as nearby natural preserves benefit.” Ms. Cardella said this was submitted by Christa McGuire a PHD candidate in the Department of Ecology and Evolutionary Biology at U of M and her son Matt Pierle, the Environmental Coordinator for the Burt Lake Bend of Ottawa and Chippewa Indians in Brutus, Michigan.

Phil Polny, 41816 Chattman, said the police are doing an excellent job maintaining traffic. He said he didn't know the Rossi property was involved in this park development or grant application. He thought it was just the Roskelly property. He asked if that meant if the grant is awarded there would be two parking spots, one for the Roskelly property and one for the Rossi property. Mr. Polny said a point brought up at the last meeting was that the Roskelly property would be deeded back to the subdivision. Mayor Csordas said there would be significant clarity added to that issue this evening.

Chris Shuffett, 40583 Village Wood, agreed with Mr. Auler that the Scouts could help with the building of fishing piers, etc, on this property. He said his Pack has 60 Cub Scout members and are on Village Oaks Lake in the clubhouse, which doesn't have much area to do projects like this. This would be located across the street from the club house on Village Lake and would provide an excellent opportunity for the boys to do projects, which is part of the Cub Scouting path to do activities like this. There is a large Girl Scout Troop in the Willowbrook Subdivision and they could probably find plenty of opportunities to help out as well. Mr. Shuffett said he is a den leader and could definitely say that the Cub Scouts would be able to help with fishing, planting trees, and educating other boys in the area about how to respect the trails. He said they could do community service cleaning the trails, etc.

Jerry Sacks, 25621 Fountain Park, said he went through this 10 to 20 years ago in the City of Southfield. He said when he went there it was a township and he thought Council knew what they had to go through to have what's good for the people. This is something that is very good for the people and Council should acquire it and just get it done. This is land that, if intruded, will be lost. Mr. Sacks said he went through this in Southfield and won.

Julie Hicks, 23228 Gilbar, commented she has been here for 37 years and came to the last Council meeting. She thought Council should approve this because they have torn up a lot of Novi. There are no more wetlands left, especially around her side. It is a nice area, she used to play back there and dig up plants and has some in her yard from back in that area. She takes her 11 year old daughter there. The way the new sub is coming in is really pathetic. She said her daughter couldn't believe the things she told her before she saw what the sub has done. You need to keep something so that we can bring our children there. Isn't that what Novi's supposed to be about, preserving. You have just developed and developed and you have no more wetlands left to develop. There are hardly any parks by our area, you have destroyed it all. She said they used to have dirt roads, open fields and didn't have factories, congestion of traffic, no Twelve Oaks Mall or Town Center or Farmer Jacks, and it was a nice area to raise a child. She said she'd like to keep raising her child in Novi. She came back from Howell to take care of her elderly parents and she brought her daughter. She plans on buying her parents house but she would like to see that stay, because it is so close to her sub and a nice place to take her daughter. She thought the grant should go through for the sake of Novi, the people in it, the community to come, and the children. It is a good resource for learning, fishing, children and everything else because there are no open spaces for people. She said Meadowbrook Lake is so polluted you can't fish in it. Years ago it smelled so bad from dead fish, the drainage and stuff until you dredged it and reconstructed it. Now it is a lot better in the summer. Years ago when she was a kid, you couldn't go there, so we went in those back woods, and over by Chase Farms and where the factories are along Nine Mile and that's where they played. They would cut through the fields to get to Irwin's apple orchards, because there was nothing else to do in this town. It would be really nice to see the park stay the way it is so people can go out and enjoy it.

Keith Smith, 41158 Village Lake, said he too, is an old time resident of Novi and has lived in Novi for 30 years. He said he sent Council an e-mail and would summarize it for the sake of the record. This lake is a very nice gem for south eastern Novi. There are good size large mouth bass and he was involved 20 or 30 years ago in getting that lake stocked. He said they put 500 in that lake and 1,000 in the other. In addition to the fishing this lake is also a transient spot during the spring and the fall for a variety of wild life besides the coyote and the red fox that are there. He said they get Osprey, which isn't seen too frequently in the area, get Red Tail Hawks, Sharp Shins and Coopers Hawks in addition to Baltimore Orioles, Swallows, Purple Martins and an abundant assortment of wildlife. He hoped Council passed this and said it would be nice to keep it the way it is, and it would add to the value of the immediate area.

Kadria Portuesi, 23658 Valley Starr, Chairperson of the Board of Directors in the VOCAA Subdivision was representing the VOCAA Subdivision and the Executive Council for both. She said the Village Oaks Common Area Association represents approximately 587 homes in their subdivision. As a board and a Council they support the City of Novi's application for Michigan Natural Resource Trust Fund Grant. The MNRTF Grant would enable the City to purchase the Roskelly property, acquire the Rossi property and consequently protect and preserve the sensitive environmental area for the benefit of all Novi residents. We appreciate the effort of the City Council to acquire open green space in the most densely developed part of the City. As City owned properties these wetlands and woodland areas would benefit all residents of Novi

as much as the neighboring subdivisions. We remain committed to working with the City of Novi, City Council, Administration and others in the community who share in this goal. Ms. Portuesi submitted the letter to the City Clerk.

Garry Kidd, 22883 Penton Rise Court, said he is across Meadowbrook from this lake and just south of the Rossi property and has lived there for 35 years. He noted he has sat through many meetings with the Planning Commission and the Council on this subject. He thought that concerned citizens should be commended for what they have done on the proposal, and he hoped that what they had done has convinced some of Council to change their attitudes. He thought they were very, very negative before. Mr. Kidd said we have to keep in mind that the City of Novi lost 70 plus acres of park land in this City. This gives us an opportunity to get back about two thirds of that. Mr. Kidd thought it was the wise thing to do and it should be supported.

Curt Hamilton, 24292 Scarlet Ct., noted he did not live near this proposed park land, but did support it because he there should be a balance between passive and active parkland. He said understanding what the differences are has been an education to him. When he thought of the Parks, Recreation and Forestry Department he thought of passive parkland like baseball fields and soccer fields. Mr. Hamilton said going through the Capital Improvement Budget it seemed like a lot of improvements are being done to ball fields and soccer fields. Over a million dollars is being spent on the Power Park softball complex. Over four million dollars is being spent at Community Sports Park to upgrade for baseball fields and soccer fields. However, very few dollars are being spent at Lake Shore Park and Rotary and he thought there needed to be more balance between passive park spending and active park spending.

LuAnne Kozma, 23837 W. Le Bost, said she supported the City's application to the Michigan Natural Resources Trust Fund and believed the acquisition of these two properties would provide Novi residents, especially those in the south east area of the City, with park land that protects some very significant natural features. Features like the Rouge River, Village Wood Lake, Open Space and a woodlands habitat that is of statewide significance. We, as a City, must do our part in the region to protect the head waters of the Rouge. She was also excited about the fishing opportunity that Village Lake provides.

Ms. Kozma said in addition to all the community support tonight; she would like to call Council's attention to several other voices of support from beyond Novi. She said they were happy to assist the City with key letters of support for this project, and letters of support are critical to the success of any Michigan Natural Resources Trust Fund Grant application. She said here are some of them: The Michigan DNR, Fisheries Division, Gary Towns, this key letter states that "should Village Wood Lake become a public access lake the DNR stands ready to assist in the management of that lake and its fishery." She said this letter is going to carry a lot of weight with the Trust Fund Board. She thanked the DNR Fisheries Division for their enthusiasm for the urban fishery potential and for taking the time to actually visit the lake. She also thanked the families and fishers like Keith Williams Smith who provided important evidence to help Mr. Towns make his assessment. Likewise, letters of support from the local residents and those who have personal experience fishing in Village Wood Lake also lend support to the application. Then there is a letter from Project Fish. This is an MSU Fisheries and

Wildlife Department and MSU Extension Program. It is a State wide program for teaching kids and others how to fish and is also through Michigan 4-H. They are all connected. The letters of support from the Project Fish Director, Mark Stevens, and from the Oakland County 4-H staff with promises to help deliver the program here in Novi are very exciting. If all of this should come to pass, these agencies and programs will be able to assist our Parks, Recreation and Forestry Department with fishing derbies for kids and fishing workshops. A third letter from Gander Mountain, an outdoor equipment store here in Novi, also supports establishing the Project Fish program and they have been a corporate sponsor of that program for many years. As you heard earlier there are other ecological and scientific experts lending their name and expertise to letters of support. There is a recent one just in today from a man named Guy Williams who has worked with Michigan United Conservation Clubs and Great Lakes Fisheries Trust and you earlier heard from Matt Pierle, an environmental scientist and botanist, who grew up in Village Oaks Subdivision. People like this are getting very excited about this project and are lending their support to our City. Friends of the Rouge, this most important letter from the organization that works with community groups to help protect the Rouge River is already in your hands. Letters from Novi teachers, it was not possible to communicate with local school districts at this time of the year. However, we were able to contact several Novi School teachers including a biology teacher at Novi High School named Chris De Angelo, who has worked with the frog and toad survey on the Rouge. Also, long time Village Oaks resident and fifth grade teacher, Anna Chin, wrote a letter of support. These two dedicated teachers give the Michigan Natural Resources Trust Fund Board a good idea of how the educational community here in Novi views this opportunity for our young people for both in school and out of school environmental education experiences. Ms. Kozma said she understood there are more letters coming in and Mr. Auler has a short list of who to expect. All of this adds up to quite a lot of enthusiasm and support to move this forward.

Andrew Mutch, 24740 Taft Road, said he was present in support of the effort this evening. He thanked every body who assisted in this effort. It has been a tremendous community project, and has included a ton of work by residents, City staff and particularly Mr. Auler and his staff, who have put in a ton of time on this effort. He thanked every body else, outside experts, consultants and others, who have allowed us to bring forth what we believe is a competitive grant proposal. As Mr. Helwig stated, this really has been a collaborative effort once we all got on the same track, we really worked as a team to make this come forward. He said he wanted to highlight some of the accomplishments and said they brought forth the appraisal for Mr. Roskelly and he has provided a letter of commitment. Mr. Rossi has provided a letter of commitment for the donation of his property, the grant narrative has been written and completed and we are at the point that we have a proposal that is ready for Council's consideration. The big question for some of you this evening is the issue of the value of the Mirage property, and maybe it is the only question this evening. Mr. Mutch said they had discussed this issue with people who have completed successful Michigan Natural Resources Trust Fund Grants and they say this is a very common situation. Most projects do not go forward with appraisals because communities just can't afford to spend the money up front. Often times assessed values seriously understate the value of the property. The Southfield acquisition talked about was assessed at \$76,000. The appraisal value was \$2.3 million.

Mr. Mutch said for those not familiar with the process, there are no financial commitments from the City. If we move forward with this grant application and we don't get the grant it doesn't cost us a cent other than what has been spent so far. If we do get the grant then the question of the Mirage property comes forward and an appraisal has to be completed. The appraisal is a cost that the City normally would bear, and then be reimbursed by the Michigan Natural Resources Trust Fund. To accomplish that appraisal, at no cost to the City, and insure that no financial obligation is undertaken by the City, the Friends of Novi Parks have completed a letter of commitment. He would submit the letter to the City Clerk, which states "in the event that the City of Novi's grant application to the Michigan Natural Resources Trust Fund for the proposed 51 acre Meadowbrook Park is awarded, and an appraisal of the 36.15 acre property offered by Mirage Development for the purpose of completing a grant as required, Friends of Novi Parks commits to securing funding for the appraisal if the City agrees to reimbursement of the amount funded by Friends of Novi Parks upon reimbursement by MDNR of their appraisal costs." Mr. Mutch said if the Mirage parcel comes back at a price that Council feels is too low and doesn't allow us to match the 25% local match, they have no obligation to us. We have stated "if the City declines to accept the grant award on the basis of the appraisal, reimbursement to Friends of Novi Parks would not be expected. The obligation of selecting, hiring and contracting the State Certified MDNR approved appraiser would be at the City of Novi's. It was an interesting process working with an appraiser and he would gladly leave that to City staff next time around.

Mr. Mutch said he hoped this addressed the financial concerns that the City has and that Council could go forward satisfied that there is no future financial obligation up until the point that the appraisal is completed for the Mirage property. If they decide not to go forward, it has not cost the City a dollar.

William Erickson, 40705 Village Wood Road, commented that he returned late last night from a lengthy vacation. He wanted to commend his neighbors and friends for the effort they have put forth. This matter just came to his attention today and hoped that Council would give it their most careful consideration.

REPORTS

SPECIAL/COMMITTEE

Convert the August 1, 2005 Special Council meeting to a Rescheduled Regular meeting and cancel the August 8, 2005 Regular Council meeting – Mayor Csordas

Mayor Csordas commented he would like to convert the August 1, 2005 Special Council meeting to a Rescheduled Regular meeting and cancel the August 8, 2005 Regular Council Meeting. They would have a short Council the night of August 8th, and he would like to have everyone present, so they'd move this to August 1st. Secondly, the representative for Triangle Development said they are no long interested in a DDA and would like to talk to Council about a rescaled planned for the property referred to as Main Street. He wanted to change the August 1, 2005 Special Council meeting to a regularly scheduled meeting.

CM-05-07-241 Moved by Paul, seconded by Lorenzo; CARRIED UNANIMOUSLY: To change the August 1, 2005 Special Meeting to a regularly scheduled meeting.

Motion passed by voice vote

Mayor Csordas asked that Human Resources advise City Council on how Medicare Part D would be addressed at the next meeting or no later than two meetings from now. Medicare Part D is an extremely big issue coming up and we need to send out Certificates of Credible Coverage. Notice also has to be sent out to the retirees that if they elect Medicare Part D they no longer qualify for the City's retirement benefit plan as it relates to prescription drug benefits. He wanted to know what the City's recommendation is on Medicare Part D regarding the subsidy that is going to be available from CMS, Centers for Medicare and Medicaid Services. It is a big issue and he hasn't heard anything about that but he didn't want to go two more meetings without seeing that presentation. He wanted to know what the actuary attestation is for the City's plan vis-à-vis the Medicare Part D Plan and there is available a 28% subsidy from CMS when the City or any entity decides to take the subsidy. The important thing is that Medicare eligible people, retirees of the City, need to know they are going to get bombarded by companies saying Medicare D is here, you have to take it. They need to know if they take it, they are off the City's plan and they can't come back for a year. We need to talk about this because there are some very, very short time frames coming up. He said August 3rd Federal Subsidy Applications are going to be available to employers; September 30th is the Federal Subsidy Application deadline for filing with CMS. Mayor Csordas had a chart that he would forward to Human Resources showing what needed to be done and some of the choices that must be made. It is very important and what he didn't want to hear was that someone elected this and didn't really mean it. There are no second chances on this issue. They need to know the severity of this issue and Council needs to know what their plan is. Mayor Csordas offered to help if needed.

Mayor Pro Tem Landry reported that the Fifties Festival was a rousing success and was probably the best in recent memory. The weather was questionable on Wednesday but the only thing affected was the car show but it was completed, the sun came out and awards were given for the classic cars. The entertainment each night was not affected by the weather, the fire works were beautiful and there were record crowds this year. He thanked everyone on the Fifties Festival Board who worked very long and hard, and special thanks to Mr. McCusker and his crew who did a super job and worked very, very hard and in conjunction with the Fifties Festival. It was on the City's goals to embrace the Fifties Festival and we certainly did that this year.

Mayor Csordas thanked all those involved who made this a tremendous success, you fought all odds and the weather and Council appreciates everybody's efforts to make that happen.

Member Nagy also thanked everyone involved from the City, from the volunteers, the cruisers, the DPW and the Board. She said she attended several nights and had a great time. She thought the added signage really worked and she hoped the sign ordinance would be waived again next year and even more signs would be put out.

CITY MANAGER - None

DEPARTMENTAL - None

ATTORNEY - None

AUDIENCE PARTICIPATION - None

CONSENT AGENDA (Approval/Removals)

Member Nagy removed A. Approval of minutes of July 11, 2005,

Member Gatt removed E. Approval of resolution to authorize the purchase of additional service Credit by a City Employee.

**CM-05-07-242 Moved by Lorenzo, seconded by Paul; CARRIED UNANIMOUSLY:
To approve all items except A. and E.**

Motion passed by a Voice Vote

- B. Approval of Wetland Mitigation (1.06 acres), including development of a conservation easement in favor of the Michigan Department of Environmental Quality, for impact of construction of public trail on City-owned parkland and property being donated to the City of Novi for park space by Singh Development and Mozart Homes – 1.7 miles of trail and boardwalk, when completed, between Ten Mile Road and Nine Mile Road.
- C. Approval to submit grant to Michigan Department of Natural Resources for Community Forestry Grant for tree inventory (\$20,000 grant and \$30,000 City match from Tree Fund).
- D. Approval of Final Pay Estimate No.4 to Star Contracting, Inc. for SAD 170 Phase 1B sanitary sewer in the amount of \$2,126.59.
- F. Approval to award electric services proposal to the low qualified bidder, MTI Lighting Specialists, Inc. based on hourly rates.
- G. Approval of Resolution authorizing the reimbursement of expenses associated with Mosquito Control from the Oakland County West Nile Virus Fund in the amount of \$19,191.92.
- H. Approval of Claims and Accounts – Warrant No. 701

MATTERS FOR COUNCIL ACTION – Part I

1. **Resolution for adoption of the Community Recreation Plan 2003-2008 Amendments.**

**CM-05-07-243 Moved by Nagy, seconded by Capello; CARRIED
UNANIMOUSLY: To approve resolution for adoption
of the Community Recreation Plan 2003-2008 Amendments.**

DISCUSSION

Member Paul thanked Parks and Recreation and the Board for working so hard on this with such a short time frame. There was a lot of discussion and she thought there was a lot of animosity with some of the members on the Board because they were being asked to do something in a short period of time that they agreed or didn't agree with. She appreciated their efforts and hoped that Council could look at it like the Master Plan, and continually look at it as something we have to revolve around and change accordingly.

Member Lorenzo commented she also wanted to recognize and commend the Parks and Recreation Commission for responding so rapidly to this emergency situation. She also wanted to recognize and did appreciate the efforts of Mr. Auler and his staff as well as members of the Friends of Novi Parks and others who contributed to the amendments. She said everyone has put in a lot of effort in this and she hoped it could be moved forward.

Mayor Csordas read a memo dated July 22nd from Glenn Lemmon, stating "since the restrictions of the Mirage Conservation Easements were in effect December 31, 2004, the Assessing Department intends to petition the December Board of Review for a value change." Mayor Csordas said the bottom line is "it is his opinion that upon consideration of the Conservation Easements the encumbered area should have been valued at zero. The change will be retroactive to the beginning of 2005 and will result in a refund for any overpayment of 2005 taxes."

Mr. Helwig asked that this be responded to under Matters for Council Action II. Mayor Csordas said that could be done.

Roll call vote on CM-05-07-243

**Yeas: Csordas, Landry, Capello, Gatt,
Lorenzo, Nagy, Paul**
Nays: None

2. Authorizing Resolution to submit a Michigan Natural Resources Trust Fund (MNRTF) grant application.

Mr. Helwig began by stating this Council teamed with the administration has an outstanding winning record when we set our minds to something, we get there. We may not get there because of forces beyond our control on this grant, but there has been a huge commitment to put that attitude in place and couple it with the same feelings on the part of the citizenry. We are trying to win this grant. One of the critical issues is how to fund the local match of the grant. Mr. Rossi stated he would donate/deed this property, 36.15 acres, on the other side of Meadowbrook Road over if the grant is awarded. He thought the intent all along has been to use that value as the local match and have the local total match be non-cash.

Mr. Helwig said that is where it starts to twist and Council has a policy call to make tonight, and when our Mayor signs this we are attesting to the accuracy and validity of everything we are saying. Be it the arborist conclusions that Friends of Novi Parks contracted with, that we believe the appraisal done on the Roskelly property was done properly, gives the State something to hang their hat on in terms of the truth of what we are submitting and the same

with the local participation. A year ago, Mr. Lemmon committed to Chairing a group of State wide assessors in northern Michigan for several meetings. Mr. Rick Kugler will be speaking in his absence.

Mr. Helwig said that land is assessed at \$3,000 an acre and that was done, as indicated by Mr. Lemmon, without the knowledge of the MDEQ Conservation Easement. Mr. Lemmon fully intends to go through the process this December and make retroactive for this tax year a reduction to zero in keeping with all but one of the Conservation Easements on the books. He said fair market value is a whole other story and that is where a judgment call needs to be made tonight, and that falls on Council's shoulders. He said they have tried to give Council all the information they can. Mr. Rossi's attorney letter puts a fair market value at \$13,000 per acre. Council has the assessed valuation information and it has been highlighted for Council to make a call. Mr. Helwig said, based on experience, that the grant processes are all different. Mr. Helwig noted that they had to make sure Council had all the information possible in making the choice they are about to make tonight to keep us in the game.

Member Paul noted there were several questions from the audience and she wanted to address first how Claudio Rossi's property, the Mirage property on the west side of Meadowbrook was acquired. She met with Mr. Rossi and asked him if he would be willing to donate the property since he has 36 acres with a conservation easement on it, and he was willing to donate it. She said Mr. Rossi was extremely generous in bringing that offer forward, because besides making this a 51.15 acre parcel; it now makes it a higher point value for the grant. To go along with conservation easements, there isn't much experience in this City or around the State as to how to value that land, and that's our biggest discussion tonight. She said property in Novi is approximately \$80,000 to \$100,000 per acre and the value depends on the zoning. This can not be rezoned in regard to having a higher density as it is already at R-4, which is the highest density on both of these properties. However, there is a portion of this land on Malott Drive that is developable even though there is a conservation easement tag, which had been provided by our staff, whether it is a part of the conservation easement or not, there are three tax ID parcels here. We have our clarification, but we also have another kind of a loop hole. On the southern portion of Mr. Rossi's property, Mirage, there is a sewer easement and it is public right-of-way. It is 60 feet wide and on the southern portion of this, and is not in the State Conservation Easement. In actuality it abuts to Balcombe Drive and Meadowbrook Lake. So we have the ability to show there could be right-of-way there. There is also a public right-of-way on Malott Dr. plus a sidewalk. There is also a new sidewalk under construction on the west side of Meadowbrook Road. All of those are in the narrative, but spoke with Mr. Auler saying there had to be a drawn site plan to show the Roskelly property on the east side of Meadowbrook Road and the Claudio Rossi property as one, and showing the Middle Rouge and the wetlands around it. Plus we have to show Malott Dr. and the sidewalk that is under construction and the overlooks that we discussed. Member Paul said she was thrilled about the offer of help from the Boy Scouts. It is a great idea and would really help the boys in our community, as well as Girl Scouts, become participants in a big project that they can feel very proud of. Also, the educational opportunities that would be there in the future.

Member Paul said we have to look at this valuable donation of land as something that is fair market value. It's being assessed at zero dollars because of the conservation easement. However, we have a legal description from Mr. Rossi saying that it's at a discounted rate. It is not \$80,000 to \$100,000 it is at \$13,000. She would like to look at coming up with some type

of a motion that would include the 25% match is this land acquisition. We have on record \$11,000 per acre in Oakland County, which is Westmont Village, and our tax appraiser put an actual value on it of \$11,000 per acre. Member Paul said that would more than cover the 25% match.

**CM-05-07-245 Moved by Paul, seconded by Nagy; MOTION FAILED:
To approve the resolution for the submission of a Michigan
Natural Resources Trust Fund application totaling 51.15 acres
for the total project cost of \$1,509,030.00 with a 75% grant
of \$1,131,773.00 and a 25% local match as \$539,950.00,
which will be provided by donation of land value.**

DISCUSSION

Member Nagy stated she was in total agreement with what the motion stated. She said one of the things she discovered in meetings with various people is that the assessed value is not that important on the grant. She thought the process called for an estimate, which would yield estimation with regard to the grant, and this is only an application for proposed land acquisition project for public use. This area is very valuable, there is a school in the area and the positives have been stated. She is concerned with regard to the actual site plan or concept plan that needs to be drawn by hand and wanted to make sure that Mr. Auler got that. She also wanted to be sure Mr. Auler knew she totally appreciated all the work he and his staff has done, and everyone else, especially in light of the time constraints. Member Nagy thought this was a grant application that has the potential of being given to the City of Novi. She said it seemed that the appraisal for the land with the Roskelly property would come in more than what had been alluded to, and with all due respect to Mr. Lemmon, she didn't think they had to necessarily put that in the grant application. She stated she was in total support of the motion.

Member Lorenzo commended and appreciated all the extraordinary efforts of Mr. Auler and his staff, the administration, the Friends of Novi parks, citizens, Council members, and everyone who enthusiastically provided information that got us here tonight. She thanked Mr. Rossi for his land donation for all the intrinsic values that exist on this magnificent piece of property that is already in an MDEQ Conservation Easement. Those values exist and give us many points on the application. In terms of cash value, fair market value, with all due respect and with no offense to Mr. Rossi, she can't take the value of the property he has provided and place it on the application, because we have to certify it is accurate, valid and creditable. The only value she could place on the Rossi Mirage property is the only creditable, documented value, which is the Assessor's valuation of today, which is \$108,450. Member Lorenzo said that is documented and tangible. She would not expect Mr. Rossi to accept a statement that wasn't documented at face value either.

Member Lorenzo said she could not support the motion as stated, but could support a motion that has the value of the Mirage parcel at \$108,450, which still leaves us short of a 25% match. She recognized this on Friday and called Mr. Mutch and explained her position to him. She advised him that she would need a letter of intent from the Friends of Novi Parks or another organization or combinations of organizations, whoever wanted to participate in this, stating that the letter of intent would be to commit to organize and coordinate fund raising efforts to come up with the difference between \$108,450 and what is needed for the grant application to match the 25%. Also, that after an appraisal is done and we receive the grant, and the amount

comes in less than \$108,450, there would be continuing fund raising efforts and that money would be applied toward the property acquisition. However, if the fund raising efforts were not successful then there's recognition on the part of the letter of intent that the City would not be able to accept the grant. Member Lorenzo said that was the only way she could move forward tonight. She said setting up an expectation of the Mirage land donation as being the be all and end all of this application sets up unrealistic expectations.

Mayor Csordas asked if she was offering a friendly amendment. Member Lorenzo said yes. Member Paul did not accept the amendment. She preferred to have a vote on the motion as it stands.

Mayor Pro Tem Landry commented he could support submitting the application, but could not support the use of the Mirage property for the grant. He said when this process started the City was told by Mr. Auler, after considering this grant, that he did not support submitting it because he didn't believe Novi would qualify. Discussion continued to submit the grant application and it was agreed to go forward with the grant as long as there was no harm, and he still agreed with that. However, the one harm Council needs to be concerned about is the reputation of the City. In applying for this grant, Mr. Helwig said the City Council must attest to the figures in the grant application. The City applies for a lot of grants so Council has to be cognizant of the reputation of the City with respect to the State of Michigan, and all the other grants not just this one. He noted he could support applying for the grant, but when the City Assessor tells the Council the Mirage Rossi property is worth zero, he asked how he could sign an application that says it's worth \$180,000 or \$300,000 plus. It has been said that property in the City has been assessed at \$11,000 and the very same assessor, Glenn Lemmon, says this property is worth zero. He cannot be right in one instance and wrong in another. Mr. Lemmon looked at it and he says the property has a conservation easement. The other interesting thing about the property is that with the conservation easement right now, no one can go on it. So the City is in a position of applying for a grant to acquire property to preserve that is already preserved on an MDEQ. However, if we want to include it great, but he could not look at a zero assessment of this property and then tell the State of Michigan it is worth anything more than zero. He will support submitting the grant application consistent with what the original decision of the Council was, that any grant must be made up by private donation from wherever people can raise private dollars, but would not support it with the Mirage property.

Member Gatt said he would support the motion and thanked everyone for all their hard work. He was as concerned with the reputation of the City as anyone, but could not believe there is property in Novi worth nothing. We do have a tangible history with the Westmont Village property a few years ago. He respected Mr. Lemmon, but felt the Assessor may be incorrect this time. Member Gatt didn't see any problem with valuing the property at \$13,000 per acre and submitting that to the State. Member Gatt said he would support the motion.

Member Capello said he knew a lot of work had been put into this from citizens and administration, and he had supported this project all along. However, he could not support the motion as it stands because of the Mirage property. He understood the intent to use the Mirage property to establish the 25% equity, and it was a good idea. However, this Council adopted and accepted the restrictive easement over that Mirage property. Member Capello thought that restrictive easement brought the property value down from approximately \$13,000 to zero. He said with the location of the property, the wetlands and the two restrictive

easements, he doesn't see the property as being worth anything. He did believe that the Mirage developer probably had an appraisal that said it was worth \$13,000 prior to getting approval of the development with the understanding that it was mostly a wetland area. However, there was some development potential in regard to obtaining density on the upland property and that's all gone now. Member Capello said he would like to see this move forward just using the Roskelly parcel, because he thought it would harm the City reputation and the grant application try to sneak in this other parcel that is worth zero, in his opinion. The State that is supposedly giving us the money to acquire the property already has a restrictive easement over the property and effectively 100% control of it. So why should they buy it. He said his problem is not going forward with the Roskelly piece, but he didn't think it made any sense to include the Mirage piece. He hoped another motion would be made that didn't include the Mirage piece.

Mayor Csordas asked Mr. Schultz how he would defend the Mayor's signature on a document that is supported by the tax assessor's memo that says zero and we place a number on that of \$13,000 per acre.

Mr. Schultz responded that from their perspective for the reasons that Mr. Helwig and Council members stated the application allows the Council to designate whoever they want to sign it, but whoever that person is they are stating to the State of Michigan that the application is true, complete and accurate to the best of that person's knowledge. He said the only issue he saw was that Mr. Lemmon's opinion has been reduced to writing, and we have to deal with that somehow. One, in terms of a policy decision, what representation are you going to make to the State about what you think as a Council. Mr. Schultz said, in addition to that, as part of the motion if it were to pass, whoever signs the document has to make sure that in addition to being true, which is what we are talking about here, the information going to the State is complete and accurate. At the very least, if you want to try to defend the decision to use the \$13,000 figure, disclose absolutely everything you know about what Mr. Lemmon has said the value of the property is and the existence of the conservation easements in a way that isn't just a line item on the application, but is clear so that whoever signs it can say they have given the State a complete picture and all of the accurate information the City has. If the application uses the higher figure, Council had to be upfront about it and that's the tough policy question Council has tonight.

Mayor Csordas said he could not support the motion in its current state. He said the Council can designate whoever they would like to sign the application, but it would not be him. He said he is looking at the letter, contrary to hearsay about the value of that property, and that doesn't make sense. He thought they should go forward with the grant application, but be truthful. He asked that someone expand on the local match, where there are issues with the numbers. He wanted to know precisely what the local match would be to the best of our knowledge as this grant sets now.

Mr. Helwig thought all parties working on the grant application reviewed the numbers including Linda Hegstrom from the State. She indicated in her e-mail that these numbers and project costs were appropriate given the information that has been conveyed over the last few weeks. Mr. Helwig displayed the numbers and said Schedule A – Mr. Roskelly's fair market value has been documented by the Friends of Novi Parks appraisal at \$970,000. Mr. Roskelly requires \$900,000, so there is \$70,000 "over and above" the \$900,000 that is available to go toward the local match. He said the City reimbursable costs, which is another unresolved issue and may

e a little low, so the maximum grant amount, 75% of the total project cost, would be \$746,250. The 25% match then is \$248,750.

Mr. Helwig said now we are starting to zero in on our problem solving. \$70,000 non cash, the excess over the \$900,000 that Mr. Roskelly is requiring, is available to go towards that 25% match. He said that leaves the local match, this is what is being debated, at \$178,750. He said that is what we are trying to solve right now. Where does that come from, can some or all of it or more come from the value placed on the Rossi property? Schedule B shows a value of \$108,450, but for discussions sake that puts a per acre value of \$3,000 on the Rossi property, and this is documented now by Mr. Lemmon but would change at the end of the year. Mr. Helwig said that could go towards the local match under the scenario Member Lorenzo was advocating, and would bring the unresolved local match down to \$97,350. If you go with the motion and \$13,000, we would be providing more than a 25% local match, under that scenario, the motion on the floor.

Mayor Csordas said there was a question earlier about parking and access on both sides of Meadowbrook and asked what the answer to that was. Mr. Auler said they didn't propose parking or an entry road on the Rossi Mirage Development property. What they hoped to do, and it is included in the narrative for the grant application, is if successful with the grant application, we would like to speak with DEQ about how we might approach building nature trails on the property with their approval and determination as to the location.

Mayor Csordas asked if there would be a trail head or parking to that. Mr. Auler said no, what they are proposing would be parking on the eastern property, of the Roskelly property. They would access the property through the trail system where they would have to cross Meadowbrook Road, and then enter the trails on the other side. Mayor Csordas asked if the parking would be on the conservation easement. Mr. Auler said no, on the design that we have ours would not be as long, coming off the stub street and then providing the parking at that location.

Mayor Csordas stated he would support moving the grant forward except for the fact that he can't support it when he knows he has factually incorrect information in the motion, which is documented by a written document that would come up later on in this process. He would not support the motion in its current state.

Member Lorenzo stated she could use the \$108,450 now because that is what the number is today, and because that is what Mr. Rossi paid in taxes this year. So we are holding his taxes on that amount of money. She said that might change in December and he might get reimbursed those taxes, but as of now we have his tax dollars for \$108,450 worth of assessment. She said that is how she could legitimize using that number in this application. Mayor Csordas asked how many other conservation easements in the City are taxes being collected on.

Mr. Helwig said Mr. Lemmon distributed a report last week of the conservation easements and respective assessed valuations. He said they grilled him on this last Friday and he was unaware, and staff had not seen the State MDEQ Conservation Easement until this year that was entered into effective September of 2004. When Mr. Lemmon went through the tax year preparation in December he didn't have that information. He is now aware he has to have that information in the future.

Rick Kugler, Commercial Industrial Appraiser for Novi, noted the actual MDEQ was registered at the Register of Deeds on December 16, 2004. It was received by the City in June or July of this year and that is why it was not taken care of, otherwise it would have been. These are rare in the assessing world and are not seen often. Mr. Kugler said they plan to re-evaluate the easements when Mr. Lemmon returns tomorrow. At this time he didn't know how many there are.

Member Nagy felt Mr. Lemmon was new at conservation easements, assessing and taxes. She believed that the assessed values are not what the marketplace value of the property is. She asked Mr. Auler if the assessed value is put at zero dollars and looking through the grant applications for Southfield, their assessed figures were low and yet their appraisal figures were high. She asked what would happen when the appraisal comes in if the assessed value was put at zero, and how would it affect the grant application. Mr. Auler stated he didn't know what the value of the property was and that is the challenge being faced with this grant application. We are trying to prepare the numbers without having an appraisal on that property. So we are trying to figure what is the best number to place there based on the letter received from Mr. Rossi and on what the assessed value is. He thought there was a difference between the assessed value and fair market value. She asked how that would affect our application. Mr. Auler said in terms of if zero is placed on the application this evening, we have to indicate the source, percent and what the amount of the match is.

Member Nagy said she didn't understand why a letter from Mirage Development, Claudio Rossi, who had his property appraised, and their appraisal was such a low figure. She asked why that letter could not be used as the figure. She asked if Mr. Schultz was saying that a 100 page document appraisal like a regular appraisal, or Rossi, should be doing an appraisal.

Mr. Schultz responded said no with regard to the need for a long appraisal; he thought the rest of the process showed that it is permissible to wait for the formal appraisal until after our grant has been approved. He thought the appraisal for the Roskelly property, assisted the City, because we needed to know a general ball park figure for that and didn't have the background or history to do that. So that was helpful. He said regarding the Rossi property, we have a letter that is signed but not binding on the Mirage property. What we do have, Mr. Lemmon is the City Assessor, a position that is a part of the City Charter and his job is to try to value for the City, and put a value on property for tax purposes. He has training and does do these evaluations and he has reduced that to writing. Also, just so we are clear, the true cash value that Mr. Lemmon is attempting to approximate in his value is intended to be essentially fair market value. It is the price that a private party would pay. Mr. Schultz said when we defend those in the MTT we like to talk about it as being an arms length transaction. He is attempting to get to fair market value and while there might be disparity at times and an argument that is what he is trying to do. He said the question is why can't we rely on just the Rossi letter and the answer is back to the certification. We are not just signing a signature line. We are saying it is true and accurate.

Member Nagy commented that with all due respect to Mr. Lemmon, she totally disagreed. She couldn't imagine a zero value for any piece of property in Novi. In speaking to the grant writer in Southfield, they get all the grants, and Member Nagy felt the assessed value wasn't that important. She asked Mr. Auler if there was any way he knew of to alleviate the situation in this grant process. She asked if an appraisal could be done between now and when the grant has to go in.

Mr. Auler said no, the appraisal has to be in this week. She asked if he had asked Mr. Rossi if he had an appraisal on that property, something in writing from an appraiser. Mr. Auler had not asked him and didn't know. Member Nagy asked if there was a way to find out whether Mr. Rossi has a written appraisal on that property between now and Friday. Mr. Auler said he would ask and if so see if he would be willing to share that number with the City. Member Nagy said she had spoken with Mr. Roskelly today and he is willing to donate the \$70,000. She said even if we get down to 25% and owe \$97,000, she could not tell the residents they should fund raise. She thought that was absurd and pointed out that they paid for the first appraisal. Secondly, now you have a group of people who are willing to cough up the money and raise funds to pay for another appraisal down the road. How much more are we going to ask from these people? She felt it was absurd and petty to ask these taxpayers to cough up the 25%. Member Nagy said we have funds for a lot of things money is spent on that no one in this audience uses. She said their tax dollars go into a kitty and the money is disseminated. She stated she would not support anything where the residents are asked to pay the 25% difference and never would.

Member Nagy believed they should find a way to do this, and believed that someone should have had the foresight to ask Mr. Rossi if he had a written appraisal on that property and whether or not he would share that information with the City.

Mayor Csordas stated Mr. Lemmon is a professional and does a great job, applies his tasks and skills to the best of his ability, and has done a great job on this. Mayor Csordas said he trusts and believes his statement and has no reason to believe he is inexperienced at this.

Member Lorenzo spoke with Mr. Lemmon and that was when she recognized he didn't have the easements. So she called Ms. Cornelius, City Clerk, and asked her to forward the easements to Glenn Lemmon when they are received in her office, because apparently there has been no process by which Mr. Lemmon receives not only the MDEQ easements but also the City easements. Mr. Lemmon does not receive Council packets either so anything that Council approves, he doesn't know it exists. Member Lorenzo said with regard to how to address the 25%, she said she approaches things consistently and when talking about City finances she approached them practically with accountability and discipline. She said during budget time she searched for \$1,000 here and there to be able to give the Fire Department the resources to keep the City safe. She noted a budget amendment has been approved because the City has spent \$800,000 more than it took in. She noted she must detach herself from the situation and she purposely didn't go on the property, because she didn't want to become attached to it so she could maintain her objectivity. Looking out for the City's resources is not being petty. She said buying any property any where in the City is not a priority, and was not even on the radar screen for the City. What is on the radar screen is Police Officers, Fire Protection Officers, snow plow equipment, roads, Library, and parks maintenance are all the priorities she must look at to fulfill her duties. She would not support this motion, but would make another to include the \$108,450 with a letter of intent if this failed.

Member Capello noted he had the memo from Mr. Lemmon in regard to what he has inventoried as conservation easements and most are assessed at zero dollars per acre and 6 are assessed at \$3,000 per acre. His memo says that "generally these easements are assessed at zero dollars per acre, but if for some reason the wetland area is used by the development to retain or hold runoff storm water, then it has some benefit to the developed parcel and is assigned a value of \$3,000. Member Capello recalled that the Mirage property

had no other use so it was valued at zero dollars. Member Capello said Mr. Lemmon has assessed all of the easements consistently. He also assessed the Westmont Development at zero dollars per acre. Member Paul said the Westmont site was valued at \$10,080 per acre and it is now at zero, because now it is City park land that homeowners purchased with their hard earned money. Member Capello said that is consistent with what he has been saying. If it was able to be developed, then it would have a value to it. Once it became the City property and it was restricted, the value would drop down to zero.

Mayor Csordas asked the Clerk to restate the motion. Ms. Cornelius said the motion is to:

To approve the resolution for the submission of a Michigan Natural Resources Trust Fund application totaling 51.15 acres for the total project cost of \$1,509,030.00 with a 75% grant of \$1,131,773.00 and a 25% local match as \$539,950.00, which will be provided by donation of land value.

Mayor Csordas thought the land value should be described.

Mr. Schultz said he was assuming that the maker of the motion was referring generally to the resolution that was in the packet and that that \$539,950 was the \$70,000 extra from the Roskelly parcel and then the full value of the Mirage parcel.

**Roll call on 05-07-245 Yeas: Gatt, Nagy, Paul
 Nays: Landry, Capello, Lorenzo, Csordas**

Motion failed

Member Capello said it appears that we might need the Mirage parcel for the points that are necessary to obtain the grant, forget trying to use the property for the 25% contribution of the City, and just utilize it for the points. He asked if they could put a dollar per acre value on the Mirage piece. He thought it was much more palatable and could be used for the additional points needed to qualify for the other areas of the grant.

Member Lorenzo said they didn't need to put a dollar value on it for that. Member Capello said you can purchase it for zero.

Member Paul commented that she didn't think this grant would be approachable if the Mirage property was not used for the point system. We have to include that. She shared information learned from Linda Hegstrom and Mary at Southfield. She is a landscape architect who has received over 16 of these grants. Member Paul said she had to go with her expertise, as the City has never acquired one of these grants. If we don't put money into this grant, even if it comes back from an appraiser that we're going to have to have appraisals for all 51 acres, we will not be able to increase that value. So, she said even though there was a conservation easement tagged on it, a fair market value can be put on this piece of property and you will not be dinged at a later time as a city. She's had the opportunity to have grants rejected, had a chance to look at the information, why it was rejected and go back and fix it. We don't have that luxury. Let's take that expertise and actually use it. To go back and look at one property that actually is valued at \$11,000 per acre, that's what we had on Westmont. If we go to even \$7,000 per acre, these residents won't have to put out one dime, and neither will we. That's what they could enclose in the grant without having a whole lot of extra, that would hit the

amount and they could have basically a pretty fair market value on this property. She thought from \$80,000 to \$100,000, which was what Claudia Rossi spent at Mirage on the entire parcel; to have it at \$7,000 would cover the whole 25 percent match and do exactly what they needed to do to acquire the land for these people. She really felt they would have their point system, their money and be able to match this.

Member Paul said another point was the City reimbursable costs; they touched on that a little bit, and she just wanted to go over that with Mr. Helwig. She said initially on our sheet, we had \$25,000 from our department. One of the tax appraisers that Southfield had, that they had been very successful with was \$9,500 for the 16-acre parcel. So she had several discussions with Mr. Helwig and Mr. Auler. When they went over expenses, the first thing they did was look at two appraisers for the entire 51 acres, and often we don't have any appraisals that go with any of the property that goes in for the grant. They give an estimation and they move forward. The only letter that actually had to go forward with this was Mirage Development's letter. Our tax assessor was just that; he was not an appraiser. He was more than \$500,000 off on the Roskelly's property; he valued it at \$450,000 or \$460,000, and it came in at \$970,000.

Member Paul stated she was not trying to fault him; he said he was not an appraiser. He said this was developable land and he put his number on this parcel. So let's just look at two appraisers to be at \$20,000; she went on the high side because they could not take money and say it was more for our appraisers. This was what the City had to put in, so if they didn't want to acquire any money, what they had to do was look at the expenses and look at what they had and put it in actuality. So \$20,000 was what Mr. Auler and she discussed as possibly being a good fit. The closing costs were \$150; the title insurance, depending on what our numbers were for Claudia Rossi's property, would sway, so that was the number that was going to be flexible, and they were going to have to fine-tune that with whatever number they came up with tonight. So the title insurance for the whole 51 acres was \$3,650; if they looked at the prorated taxes, it was \$27.50 for the property per day, so that was approximately \$5,000 for the whole parcel. Recording fees were \$50; the transfer tax was over \$10,000. They had \$5,000 for environmental assessments and the plats were \$130 because they were going to do it on both sides of the road. So they were at about \$49,300, and so that was the information that they looked at. Now they couldn't have an exact number there until they came up with the exact number of what they were going to put on Mirage's property, so they had to be a little bit flexible there. But she also wanted to go over, just for your information, Southfield, their 16 acres that they talked about and that was what was in this packet, they had one-third that was able to be developed. Two-thirds were on a flood plain, a very similar scenario of what we have here. Eighteen single dwelling units of condos is what was going on in Southfield; they put \$146,000 per acre on their conservation easement. They already had a conservation easement on theirs; they were not even near that. They were talking about a small amount. She didn't want these residents to have to pay out of their pocket, and they had the ability to just put the exact amount in, so they didn't have to put anything out. So, if you want to, they could put it at \$7,000 per acre, and she was willing to make a motion to that effect but she would like to hear conversation about that. That would cover the entire 25 percent, and she could give the statistics, she would need a little help from our tax assessor to get the exact numbers plugged in, but they could really have this be a win-win and not cost residents or us any expenses. So she really felt they needed to address that and move forward with this whole property and just share that information. Fair market value was not something our assessors were really educated at; they were very good in a lot of things they

were doing. This was difficult for them, and conservation easements were very, very difficult, because they had nothing to base it on in this state. So she would turn that over to Council, and if they would be willing, she would like to hear comments on the \$7,000 per acre and move forward.

Member Lorenzo said the conservation easement is on it, the site plan that came in was for a cluster that originally proposed 21 units; they brought it down to 17, and that was the information that the Director of Planning gave her from Southfield. She could not support anything more than what the City Assessor had currently assessed the property at, and so she would make a motion to approve the grant application, utilizing both the Roskelly and Mirage property with the Mirage value donation at \$108,450, which was the current assessment according to our Assessor, Glenn Lemmon, with the condition that they receive a letter or letters of intent from either a community organization, such a Friends of Novi Parks and/or homeowners' associations, that committed to organizing and coordinating fundraising efforts to target an initial donation of \$97,350 and that fundraising efforts would continue in the event that the Rossi parcel, if they received the grant, was appraised at less than \$108,450, the additional monies would have to come forward from those organizations, and if those organizations were unsuccessful, that the letter of intent should state they recognized that the City would not accept the grant.

CM-05-07-246 **Moved by Lorenzo; seconded by Capello; MOTION CARRIED: To approve the grant application, utilizing both the Roskelly and Mirage property with the Mirage value donation at \$108,450, which is the current assessment according to our Assessor, Glenn Lemmon, with the condition that we receive a letter or letters of intent from either a community organization, such a Friends of Novi Parks and/or homeowners' associations, that commit to organizing and coordinating fundraising efforts to target an initial donation of \$97,350 and that fundraising efforts will continue in the event that the Rossi parcel, if we receive the grant, is appraised at less than \$108,450, the additional monies would have to come forward from these organizations, and if these organizations are unsuccessful, that the letter of intent shall state they recognize that the City will not accept the grant. Also, if the residents submit an appraisal approved by Administration on the Mirage piece prior to submission of the application, they could utilize that land value as opposed to the \$3,000 that was set forth in the motion.**

DISCUSSION

Member Capello said he knew Mr. Auler had talked about in a two-page memo, the effect if the true appraisal came in different than what we applied for the grant, and he thought the result was that we would still be capped at whatever our grant application was.

Mr. Auler stated that was correct.

Member Capello asked what the effect would be if our appraisal, such as for the Mirage piece, actually came in higher than what we certified it to be when we submitted the application. He asked if that would benefit us, and could it be used towards the 25 percent contribution.

Mr. Auler stated that was his understanding from speaking with the DNR.

Member Capello stated they would not be capped at what the property was certified; they were going to rely upon the actual appraisals that come in if it was granted.

Mr. Auler answered that at the end of the process, when they make the recommendations the board does in December, and then from December through June is when the City would contract or somebody would contract to have two appraisals done on the properties. Once the State Legislature provides funding, the project agreement is signed and that's when the commitment comes into play, and that's when you know the actual dollar amounts based upon our appraisal and they are also then submitted to DNR, which are reviewed by the DNR appraiser. That individual uses that information to determine the value of the properties they will be proceeding forward with for the project agreement.

Member Capello stated that it seems that it doesn't matter what value we put on these properties; it's what the appraisal comes up with. However, our concern is that we're certifying something to the State that is legitimate. I can support \$3,000, because that is the last appraisal that Mr. Lemmon had on the property. He said it looked to him that there was some conservation easement north of the road, and if in that easement there's some right-of-way or some storm sewer easement, there may be some value to that, which might justify a higher value than zero. He would like Mr. Lemmon to look at that when he comes back, but that was the reason he could support Member Lorenzo's motion, because right now he felt comfortable with \$3,000. He said we have also got the potential that even though we can't do it on reconsideration, they could bring it back on a new issue, look at that conservation easement, and allow some passive activity in that area.

Member Paul asked Ms. McBeth if she or someone from Tilton Associates could answer the question about the Mirage site. She asked if there was some feeding into this wetland because of the development to the north of it.

Ms. McBeth stated that she brought in a couple of plans, the earlier version she put on the overhead which was the tentative preliminary plat, which showed an area to the south of the Malott Drive extension as part of the storm water retention area. However, she wanted to point out that later on she believed it changed and hoped the City Engineer could confirm that the section was actually removed, and they used the swirl concentrators for that location. She said the other area where the storm water detention took place was over on the west side of the site. If you laid the conservation easement document next to that, you could see the area was actually excluded from the conservation easement.

Member Paul asked if the swirl concentrator south of Malott Drive was within the conservation easement.

Ms. McBeth replied she believed it would be within the road right-of-way and hoped the City Engineer could also confirm that for us.

Member Paul asked if someone was present from Tilton Associates.

Ms. McBeth answered that John Freeland was present from Tilton Associates.

Member Paul commented she knew it was a site that Mr. Freeland and JCK did some work on. She wasn't sure if he had taken over that portion of the development or not. She knew the swirl concentrators were Dr. Tilton's favorite.

John Freeland answered he couldn't say for sure but generally they liked to keep the utilities out of the conservation easement, so he doubted that the swirl concentrator, which was a mechanism for filtering storm water, would be in that.

Member Paul stated that they really didn't have accurate information, but no matter what we have, we had to feed into that wetland or it would die. So there was some mechanism to have the water feed back into the wetland system, no matter how it went through the swirl concentration, etc. She said the stream did go through there, but you also had to look at the actual Malott Drive that swings north of it. There was a large portion of development that was never in that area and she knew they took extreme caution to cleanse the water and have it feed into it. She said usually in a retention basin there was some feed off after it was filtered, so she would be very surprised if there wasn't some feed off. If she was wrong, she would like to hear Mr. Freeman's comments if there was any correction there. However, usually we had either swirl concentrators that took the actual sedimentation and removed it, and then the water fed downstream. She said also what happened with a retention basin there was a feeding system that it was cleansed though, a peat bog or some other system, and then fed into the wetland.

Member Paul said they couldn't take it and put it directly in there because of the wash off from salt, etc., from our roads. She appreciated the comments, but wanted clarification from Mr. Auler. She asked if the appraisals came in for the 51 acres at a higher number could it be changed on the documentation.

Mr. Auler answered that once they submitted the grant application, that number was the number they would proceed with.

Member Paul stated that was the disadvantage of doing this in August instead of April when there would have been time to go back. Mr. Auler answered that was correct. Member Paul asked what happens if the Mirage site came in at a higher value, and we had it at \$3,000 per acre.

Mr. Auler responded that the \$3,000 was what we would use for the local match on the application; what they were submitting was what they based the information on. If it came in higher following the submittal, we would not be able to use that.

Member Paul stated that the residents would have to pay that number unnecessarily, because if our number was lower and it came in higher because it was wrongly assessed, the residents would be in jeopardy having to pay out a lot of money.

Mr. Auler said he was trying to figure out the options to give recommendations on how to do that, so the issue that Mr. Schultz brought up and Council has been discussing this evening was the true and accurate number to put on the application. He didn't have a recommendation yet.

Member Paul asked if he had any thoughts in that regard.

Mr. Auler answered no, because the City Assessor weighed in at \$3,000 and there was a letter from the owner at a value of \$13,000, and they didn't have the advantage of having an appraisal of what the fair market value would be.

Member Paul thanked him for his candor. She really wanted to see if they could do the \$7,000. We have \$13,000 from the landowner, the MDEQ and the trustees did not appreciate us lowballing a landowner, and they took great offense to it. She said that was shared by Southfield, and they had to up their numbers because they were very angry that they lowballed a landowner. She said she had a feeling they were going to put themselves in jeopardy with just that. Secondly, she felt if it was unnecessary to put the lowest number down then they really should be thinking of the residents, they've paid taxes for a very long time. She said there was no park area on the east side of the City. She thought that to put the number in at what our fair market value was was accurate. She said if they looked at the appraisal that Glenn Lemmon did on just the Roskelly property alone, he put it at \$450,000; the appraisal came in at \$970,000. His percentage was off by double. If they took the \$3,000 and put it at a number that they could actually work for the residents, they could come a lot closer and they wouldn't have to put as much money out. She said they could even do \$6,000 or \$7,000. She thought it was fair to say \$7,000 per acre for fair market value, and then they came between half of what the tax appraiser had and what the landowner said it was worth. She stated that the landowner was a key ingredient here. If they lowballed them, it would be against us more than being at the \$3,000 per acre. She shared her thoughts on how they could work this. She said she wanted to see if they could come to some terms on that number being in the middle instead of separating those two so far. She wanted to hear Council's comment on that.

Mayor Pro Tem Landry wanted to remind everybody that when Council first discussed this, Mr. Auler said if you want to do it right, get an appraisal. Now, Council is here tonight without an appraisal trying to pick a number out of the sky when Mr. Auler said they really had to do an appraisal. The proponents said no, it could be submitted without an appraisal and Council said they would submit it without an appraisal, as long as they didn't spend money on it and any match would be done by private source; so they had moved on from June until now under the premise they would proceed without an appraisal, but that any match would have to come from private sources. He said they now had information, since the Mirage property had been thrown into the mix that it is worth zero and they had to attest to it. He would support the application; he would support using the Mirage property and if it added points, great. He would not give a dollar amount to the Mirage property because he couldn't ignore Mr. Lemmon's letter.

Member Nagy stated that if she recalled correctly, they started out with the Roskelly property and that was what they were required to get an appraisal for. She stated that she was not going to be supporting the motion. She thought it was ludicrous to make a motion and ask an organization to be responsible for 25 percent. She asked how they could make a motion and say that Organization A, B or C must be responsible for the match; she didn't think they could obligate them or ask them to obligate themselves without further discussion. She believed that, with all due respect, the Assessor had the Roskelly property at a different value than the amount that came in for the appraisal. She stated that the previous speakers had talked about the budget, and like other people, she worked very hard on the budget and found ways to accomplish her ultimate goal of setting up a management plan for the Fire Department. However, they did fund their rainy day fund even more. She said they were actually a percentage above. She stated that she wouldn't be upset or responsible either, considering all

the things they spent money on, to take it out of the rainy day fund; she thought that was what it was there for. She stated that as one of the audience members said, they had all kinds of baseball fields, all kinds of soccer fields and they were making various improvements in a lot of things. She said that would come under the heading of using some money for parks or a passive recreation park. She commented that she would like to be out of that dilemma and she would like to see if they could find a resolution, but she would not vote for something that would obligate people they didn't even know. She basically thought it was very generous of all these people to already contribute; it was very generous of Andrew Mutch to offer to pay for the future appraisal. Maybe the grant application process was a learning lesson, because it seemed to her it was not something that Novi had done. Maybe due to the time constraints, there were some things, like appraisals, that nobody thought to get on the Rossi property. She thought that \$7000 was fair and that there wasn't any property in Novi that was valued at zero, no matter what.

Member Lorenzo wanted to address the reimbursable costs. From her perspective, she would hope that the administration and Mr. Auler could work those numbers out, obviously to our advantage. She said they did not want to undercut ourselves by not putting enough money in there, so she wasn't going to necessarily address it in this motion, but from per perspective, they had the ability to administratively to deal with that. She said in terms of low balling the property owner, the property owner had been paying taxes on \$3,000 an acre and she didn't think they were lowballing him. She said, on the other hand, that if the appraisal came in higher, he was donating the property but he hadn't been paying taxes on the higher value, so that was as high as she could go, the \$108,450. She said that was the motion, and unfortunately she couldn't change her position.

Member Capello stated that he had a real hard time with the comments of the previous speaker. He said that she would think nothing of spending \$180,000 of City money to help out a small group of residents, yet last winter when a handful of residents paying taxes wanted to have the streets plowed, she was wholly against plowing the streets because the streets were still private. He said the logic there just overcame him. He asked how much tax the City was getting on the Roskelly piece now.

Mr. Helwig answered he was not sure that Administration had that answer handy right now; he was not sure they could put it out right now, either.

Member Capello thought somebody had already commented on that earlier today. He asked if they knew what the Roskelly piece was assessed at.

Member Lorenzo said that she thought it was \$474,000; something to that effect. She said she had a pretty good memory for numbers. Member Capello asked if that was market or assessed.

Member Lorenzo stated that it was assessed. She stated that what Mr. Lemmon said was in the 3 what ever acres he was only looking at the developable property. He was basically saying that the rest of the property from a market value was kind of zero again; they were back to that. She said the big difference between Roskelly and Rossi's property was the developable property, and the fact that he had an approved site plan to go. She said it was applied to oranges, not apples to apples in terms of Rossi's property or Roskelly's property.

Member Gatt stated that he was going to support the motion, only because he thought it was the best deal they were going to offer the residents. He thought what was seen tonight was just another demonstration of seven diverse minds and seven people trying to help residents in the best way they know how. In a perfect world, they would get another appraisal of the Rossi property, if they had the time and opportunity and the problem would be solved. Apparently they didn't have the time or the opportunity, so he would support the motion and hope the residents knew they were all behind them 100 percent. He said he didn't know how they were going to come up with the money that would be needed if indeed the grant was awarded for the 25 percent match, but he thought they would see that they were trying to do the best they could.

Member Capello stated that he wanted to make a friendly amendment to the motion. The amendment would be that if the residents submitted an appraisal approved by Administration on the Mirage piece prior to submission, they could utilize that land value as opposed to the \$3,000 that was set forth in the motion. He said to give them the opportunity to go out and get an appraisal before they submitted it.

Member Lorenzo stated she was talking about that as opposed to using something from Rossi. Member Capello stated otherwise, they used the \$3,000 like in her motion, if they could come up with an appraisal before they submit. Member Lorenzo asked how they could possibly do that by the end of the week. She stated that it was being driven up there on Friday.

Member Capello stated that it gave them until Friday to do it. He was trying to give them the opportunity to do it.

Member Lorenzo stated she didn't have a problem with the friendly amendment, but she thought it was impossible. She said she would do it. She wanted to make a qualifier that it couldn't be Rossi's original appraisal. Member Capello stated that administration had to accept it as legitimate.

Member Lorenzo stated that she didn't know if Rossi took a federal tax break on the MDEQ easement. If he had done that, she believed he would have needed to do an appraisal and that appraisal might have given the before and after; that's what she had learned about the appraisals. She said that would have given them the information; if he didn't do that, then he didn't have one available.

Mayor Pro Tem Landry stated that most agreed that the \$13,000 assessment of Rossi isn't substantial; they needed something better than that. He would not assume that they would just submit Rossi's appraisal. Mayor Pro Tem Landry was the seconder of the original motion.

Member Lorenzo stated that was fine with her.

Mayor Csordas stated that in December when they needed the two additional appraisals that had to come through, he guaranteed they would be different from the numbers Council was looking at. He said they knew that, and that had to be set. He said they had dealt with appraisals many times before, so that number was out there. It was by the advocates' vendor, and that was fine. He couldn't get by the document in front of him that said that in December it was going down to zero. For that reason, and in his opinion, it had to be factually correct even though he understood and appreciated Member Lorenzo's logic. It was logical; he had to go

back to the information Council had sitting in front of them. He said for that reason, he couldn't support this, they could have somebody else sign it, but he wouldn't vote for it.

Roll Call Vote on CM-05-07-246

Yeas: Capello, Gatt, Lorenzo, Paul

Nays: Nagy, Csordas, Landry

- 3. Consideration of Zoning Map Amendment 18.605 with Planned Rezoning Overlay (PRO) from Singh IV Limited Partnership for Uptown Park to rezone property located west of Meadowbrook Road and south of Twelve Mile Road from RM-1 (Low-Density, Low-Rise Multiple-Family Residential) and OST (Office Service Technology) to RM-2 (High-Density, Mid-Rise Multiple-Family Residential) and consideration of PRO Concept Plan and PRO Agreement. The subject property is 38.621 acres.**

The petitioner stated he would rest on the previous presentations and if there were any questions, he would be happy to answer them. He believed that the PRO agreement was before Council and had been drafted; it was basically reflective of the development agreement, which has been "morphed" into the PRO agreement. He stated they were here a short while ago and followed the direction of Council and were back before Council this evening to hopefully have the agreement approved. He said he would be happy to answer any questions; the drawings and the documents were before Council.

DISCUSSION

Member Capello stated that all that he saw in the packet with the agreement was a one-page site plan, which didn't look complete. He asked if the entire conceptual site plan could be attached as part of the agreement, so Council would know the exact layouts of the roads and the units.

Mr. Schultz stated that the intention was for the entire concept plan to be attached; he thought Ms. McBeth might have some additional information.

Member Capello stated if Council approved this tonight, it would know where every road was going to go and where every unit was going to go, correct?

Mr. Schultz answered Ms. McBeth was planning on showing that plan, it would be attached, and there would be a site plan approval down the road.

Member Capello stated that they would approve the site plan that Council would approve tonight.

Mr. Schultz answered yes, based on that concept plan.

CM-05-07-247

Moved by Capello, seconded by Landry; MOTION CARRIED: To approve the Zoning Map Amendment 18.605 with Planned Rezoning Overlay (PRO) from Singh IV Limited Partnership for Uptown Park to rezone property located west of Meadowbrook Road and south of Twelve Mile Road from RM-1 (Low-Density, Low-Rise Multiple-Family

Residential) and OST (Office Service Technology) to RM-2 (High-Density, Mid-Rise Multiple-Family Residential) and consideration of PRO Concept Plan and PRO Agreement, and to include a conservation easement on the natural features to serve in lieu of the berm, either in the agreement or in the plans. The subject property is 38.621 acres.

DISCUSSION

Mayor Pro Tem Landry asked if the PRO that was before Council included a waiver of the 45-degree angle and a waiver of the berm issue, or was that something to be decided later.

Mr. Schultz answered that the two deviations that the applicant was asking for were the waiver of the 45-degree angle and the berming issue; they were the highlighted language in paragraph six and seven on page four of the draft agreement; that was included.

Mayor Pro Tem Landry stated that, as he understood it, the 45-degree angle was a visual requirement so that people, from the road as they were driving by a multi-residential unit, didn't actually see a certain configuration, and he asked the applicant if they would be visible from any road.

The applicant answered only from internal roads; they were well away from Meadowbrook Road and Twelve Mile Road. He actually tried to look at the various configurations to try to establish the angles and found it very difficult, but he was correct. No one could see it from Meadowbrook Road or from Twelve Mile Road.

Mayor Pro Tem Landry stated that for that reason, he had no problem supporting it. With respect to the berming, his understanding was that the City ordinance required that if Council were going to waive a berm, there had to be a conservation easement established on the natural features that were to serve in lieu of the berm. He asked if a conservation easement existed currently or was it called for in the PRO.

Mr. Schultz answered not currently; he thought it probably should be called out if Council's intention was to do that; they would follow that process in the ordinance.

Mayor Pro Tem Landry stated that he would be happy to support it if Member Capello would accept a friendly amendment that it should simply include a conservation easement on the natural features that were to serve in lieu of the berm.

Member Capello stated either in the agreement itself or on the plans.

Mayor Pro Tem Landry stated one of the two; then he could support it.

Member Lorenzo stated that in the Planning Commission minutes it stated there was no usable open space identified, but the ordinance required a minimum of 200 square feet per unit and asked if that was ever addressed.

Mr. Schultz stated that he understood that it was Singh's intention, if it was not expressly waived tonight, to meet that requirement to find that open space on the site plan.

Member Lorenzo stated that it was not defined as part of the waiver as necessary.

Mr. Schultz answered that it was not in the waivers that Council was granting tonight if the motion was approved.

Member Lorenzo stated that she just wanted to get that out there. She stated she was not going to support that; it was all about the money. She went back and looked at the revenue impact and, again, property tax for the proposed development, \$71,413; for an alternate development under OST \$89,038; property tax for our debt service for the proposed development, \$18,791; for the alternate development, \$23,429. She noted that they did some other creative additions in terms of State Revenue Sharing, which the City had been losing year after year, and which she didn't see coming in the foreseeable future, given the State's budget crisis. Member Lorenzo noted that even the Act 51 monies the City received now did not cover the actual inflationary costs that it took the City to repair and maintain roads; water and sewer billings, \$58,221 that would be used to maintain the water and sewer system, but the City still didn't get anything in its General Fund, which was where it was needed. That was the biggest issue she had. She stated for clarification, since school taxes were included in the whole equation, the cost of community services in Michigan by the Scio Township-Washtenaw County study actually saw that if you included the school taxes, it actually cost for every local dollar raised, residential property required \$1.40 in local government services expenditures, as opposed to 26 cents for commercial and industrial property. That was why she could not support that; it was all about the money.

Member Paul agreed with the previous speaker in regard to the money, but she really had a bigger problem with the whole site. She stated that it was proposed two years prior to receiving it; there were letters stating that attorneys were questioning if there was going to be litigation. She stated there was no way it would have held in court. She stated that the City had a one-year document and the City's law stated that the site plan would be expired at one year. At two years, there was not even a question that it would stand. She said that the tricks and conniving that went on with the site plan were very regretfully done, and she would not support it in any way. She stated that the same group of people that was saying that the citizens had to hold their agreement was now saying it was not withheld for this developer; she really thought that was disrespectful. She thought that people here were supposed to represent all of the people, not just a few.

Member Capello stated that he had two quick comments: Council only had one page of the site plan and he thought member Lorenzo had the question in regard to open space. He stated that it looked to him like there was a substantial amount of open space and asked if they met the open space requirement.

The applicant answered that he believed they exceeded it.

Member Capello stated that the other comment, only as to the tax benefits, he supposed if Council removed the for sale to private individuals and allowed them to lease, then the taxable value would go up and the City would probably receive more money from it. It was one way they could increase the taxes generated, but he didn't know if anyone wanted to go there.

Mayor Pro Tem Landry stated that some members of the City Council were not on the City Council in 2002. He stated that when this City Council made a commitment that if this

developer came back with owner-occupied 201 units, this City Council would approve it; that was being consistent.

Roll Call Vote on CM-05-07-247

Yeas: Gatt, Csordas, Landry, Capello

Nays: Lorenzo, Nagy, Paul

Mayor Csordas recessed the meeting at 9:36 p.m.

Mayor Csordas called the meeting back to order at 9:56 p.m.

- 4. Consideration of Zoning Map Amendment 18.651 from Dr. Robert Rybicki for rezoning of property in Section 27, south of Ten Mile Road, west of Novi Road from R-4 (One Family Residential) to OS-1 (Office Service District). The subject property is 1.0 acre.**

CM-05-07-248 Moved by Landry, seconded by Nagy; MOTION CARRIED: To approve Consideration of Zoning Map Amendment 18.651 from Dr. Robert Rybicki for rezoning of property in Section 27, south of Ten Mile Road, west of Novi Road from R-4 (One Family Residential) to OS-1 (Office Service District). The subject property is 1.0 acre.

DISCUSSION

Mayor Pro Tem Landry moved to approve the rezoning for the reason that it was consistent with the Master Plan; the Planning Commission recommended it; the staff recommended it, and reasons for the staff's recommendation, in addition to its consistency with the Master Plan, was that the OS-1 zoning would provide an appropriate transition between Novi Road and a portion of Arrowon Pines Condominiums consistent with the intent of the OS-1 zoning district,

and the subject property was a natural break between existing and planned office development to the north and existing residential development to the south.

Mayor Csordas asked if the seconder of the motion would accept and Member Nagy answered of course.

Terry Sever, representing the petitioner, stated that Council received a letter from the condominium association; if that could be included in the motion, they met with them after the

Planning Commission meeting and agreed to the things they wanted. If Council would include that and refer it to the Planning Commission when it went through the site plan process, that would be his commitment to the residents that it was part of the record. He stated that the letter dealt with a couple of site plan issues.

Mayor Csordas stated that Council had not seen it, to his knowledge.

Mr. Sever suggested that he give it to Council to be read into the record.

Mayor Csordas asked Mr. Sever if he referred to a site plan document; we're talking about rezoning tonight.

Mr. Sever stated that it was from the president of the homeowners' association at the Pines; basically, what they were asking was that the access drive that was now there. . . .

Mayor Csordas stated that it was not from a consultant but from a homeowners' association.

Mr. Sever answered that it was from the president of the homeowners' association.

Mayor Csordas stated that it could not be read into the record; that had nothing to do with this and advised him to take it to the Planning Commission.

Roll Call Vote on CM-05-07-248 **Yeas: Lorenzo, Nagy, Csordas, Landry, Capello, Gatt**
Nays: None
Absent: Paul

5. **Consideration of Zoning Map Amendment 18.652 from Dr. Arvind Gulati for rezoning of property in Section 27, south of Ten Mile Road, west of Novi Road, from R-4 (One Family Residential) to OS-1 (Office Service District). The subject property is 1.89 acres.**

CM-05-07-249 **Moved by Nagy, seconded by Landry; MOTION CARRIED: To approve Consideration of Zoning Map Amendment 18.652 from Dr. Arvind Gulati for rezoning of property in Section 27, south of Ten Mile Road, west of Novi Road, from R-4 (One Family Residential) to OS-1 (Office Service District). The subject property is 1.89 acres**

DISCUSSION

Member Nagy stated that the reasons to approve were: "(1) The requested zoning is in compliance with the Master Plan for Land Use, which calls for office uses on the property. This designation was recently changed in the Master Plan for Land Use review, indicating a desire to see redevelopment of low-density office uses in this area; (2) The OS-1 zoning will provide an appropriate transition between Novi Road, which is heavily traveled, and a portion of the Arrowon Pine Condominiums to the west, consistent with the intent of the OS-1 zoning district; and (3) The parcel to the south is also under consideration for rezoning (18.651), which would allow for coordinated development of the subject properties and the parcel to the south."

Roll Call Vote on CM-05-07-249 **Yeas: Nagy, Csordas, Landry, Capello, Gatt, Lorenzo**
Nays: None
Absent: Paul

6. **Consideration of request from BOCO Enterprises, Inc. to transfer ownership of 2005 Class C Liquor License with Dance-Entertainment Permit located at 43700 Expo Center, Suite 101, Novi, MI 48375, Oakland County, to the new Exposition and Conference Center, 46100 Grand River.**

CM-05-07-250 Moved by Nagy, seconded by Lorenzo; **MOTION CARRIED:** To approve Consideration of request from BOCO Enterprises, Inc. to transfer ownership of 2005 Class C Liquor License with Dance-Entertainment Permit located at 43700 Expo Center, Suite 101, Novi, MI 48375, Oakland County, to the new Exposition and Conference Center, 46100 Grand River.

Roll Call Vote on 05-07-250 Yeas: Csordas, Landry, Capello, Gatt,
Lorenzo, Nagy
Nays: None
Absent: Paul

7. Appointments to the Planning Commission and Economic Development Corporation.

Mayor Csordas stated that he would like to recommend reappointment of Victor Cassis to the Planning Commission to a three-year term expiring 6/30/08.

CM-05-07-251 Moved by Gatt, seconded by Capello; **MOTION CARRIED:** To reappoint Victor Cassis to the Planning Commission to a three-year term expiring 6/30/08.

Roll Call Vote on CM-05-07-251 Yeas: Landry, Capello, Gatt, Lorenzo,
Nagy, Csordas
Nays: None
Absent: Paul

Mayor Csordas stated that he would like to recommend reappointment of John Avdoulous to the Planning Commission for a three-year term expiring 6/30/08.

CM-05-07-252 Moved by Landry, seconded by Capello; **CARRIED UNANIMOUSLY:** To reappoint John Avdoulos to the Planning Commission to a three-year term expiring 6/30/08.

Roll Call Vote on CM-05-07-252 Yeas: Capello, Gatt, Lorenzo, Nagy, Paul,
Csordas, Landry
Nays: None

Mayor Csordas stated that he would like to recommend appointment of Michael Meyer for the seat occupied by Lowell Sprague to the Planning Commission expiring 6/30/08.

CM-05-07-253 Moved by Capello, seconded by Landry; **MOTION CARRIED:** To appoint Michael Meyer to the Planning Commission to a three-year term expiring 6/30/08 for the seat occupied by Lowell Sprague.

Roll Call Vote on CM-05-07-253 Yeas: Capello, Gatt, Lorenzo, Csordas,
Landry
Nays: Nagy, Paul

Mayor Csordas stated that left one seat open for the Planning Commission, which he did not choose to fill this evening; he stated Council could interview for that in the future.

Mayor Csordas asked Mr. Helwig if the Economic Development Corporation had done anything; he asked because he didn't want them to waste their time.

Mr. Helwig stated they needed to meet at least once a year; there was a role that they performed and asked Mr. Pearson to explain their role.

Mr. Pearson answered that they had an obligation to review and approve the audit; there was about \$33,000 in Fund Balance that they have to review and audit for each year. He stated that for the last three years, that has been their only meeting.

Mayor Csordas stated that there were three vacancies for five-year terms; he would like To recommend Robert Fisher, Ryan Doll and Daniel Dailey.

**CM-05-07-254 Moved by Capello, seconded by Landry; MOTION CARRIED:
To appoint Robert Fisher and Ryan Doll to the Economic
Development Corp five-year terms expiring 3/01/10.**

**Roll Call Vote on CM-05-07-254 Yeas: Capello, Gatt, Lorenzo, Nagy,
Csordas, Landry
Nays: Paul**

**CM-05-07-255 Moved by Capello, seconded by Landry; CARRIED
UNANIMOUSLY: To appoint Daniel Dailey to the term expiring
3/01/06 to the Economic Development Corp.**

**Roll Call Vote on CM-05-07-255 Yeas: Lorenzo, Nagy, Paul, Csordas,
Landry, Capello, Gatt
Nays: None**

AUDIENCE PARTICIPATION – None

Council recessed at 9:36 P.M.
Council reconvened at 9:56 P.M.

MATTERS FOR COUNCIL ACTION – Part II

- 8. Consideration of Policy for Federal Forfeiture Funds and Recommendation of First Priorities for Use of Funds. Moved to another meeting.**
- 9. Approval to award a construction contract for the 2005 Additional Neighborhood Streets Project (including Arcadia Lane, Venetian Court, Sunrise Boulevard and Center Street) to Six-S, Inc. of Waterford, MI in the amount of \$951,327.**

**CM-05-07-256 Moved by Lorenzo, seconded by Capello; CARRIED
UNANIMOUSLY: To award a construction contract for the 2005**

Additional Neighborhood Streets Project (including Arcadia Lane, Venetian Court, Sunrise Boulevard and Center Street) to Six-S, Inc. of Waterford, MI in the amount of \$951,327.

Roll Call Vote on CM-05-07-256 **Yeas: Nagy, Paul, Csordas, Landry, Capello, Gatt, Lorenzo**
Nays: None

- 10. Approval to award bid for vehicles to the low bidders as follows: (a) one Senior Van to Tesco in the amount of \$33,996; (b) one pick-up truck to Jorgensen Ford in the amount of \$17,970; (c) four Jeep Libertys to Telegraph Chrysler Jeep in the amount of \$76,600 and (d) four pick-up trucks to Royal Oak Ford in the amount of \$93,648.**

CM-05-07-257 **Moved by Nagy, seconded by Gatt; CARRIED UNANIMOUSLY: To award bid for vehicles to the low bidders as follows: (a) one Senior Van to Tesco in the amount of \$33,996; (b) one pick-up truck to Jorgensen Ford in the amount of \$17,970; (c) four Jeep Libertys to Telegraph Chrysler Jeep in the amount of \$76,600 and (d) four pick-up trucks to Royal Oak Ford in the amount of \$93,648.**

Roll Call Vote on CM-05-07-257 **Yeas: Paul, Csordas, Landry, Capello, Gatt, Lorenzo, Nagy**
Nays: None

- 11. Approval of Change Order No. 1 to the contract with Jack Anglin Civil Contractors, Ltd. in the amount of \$611,018 for contaminated soil remediation at the Haggerty Regional Storm Water Detention Basin project site (source of funds – Drain Fund).**

CM-05-07-258 **Moved by Nagy, seconded by Paul; CARRIED UNANIMOUSLY: To approve Change Order No. 1 to the contract with Jack Anglin Civil Contractors, Ltd. in the amount of \$611,018 for contaminated soil remediation at the Haggerty Regional Storm Water Detention Basin project site (source of funds – Drain Fund).**

DISCUSSION

Mayor Pro Tem Landry asked if Council had to choose an alternative.

Member Lorenzo stated that the alternative was on there.

Mr. Helwig stated that the alternative matched with the amount that had been recommended.

Mayor Pro Tem Landry stated that it was basically Alternative Three; that was what Council was keeping and it was remediating appropriating the extra money and we're going to get the north basin.

Mr. Hayes, City Engineer, answered yes.

Mayor Csordas asked if that wasn't the only option.

Member Lorenzo answered no.

Mayor Csordas stated that the City had other options, but he meant feasible options.

Mayor Pro Tem Landry stated that it was the only one that made sense.

Member Lorenzo stated that she and Mr. Hayes had talked this afternoon and asked if he had gotten information regarding the agreement.

Mr. Hayes answered that the agreement that was referenced in the January 11, 2000, Plan Review letter by JCK was meant for the condition under which the Regency Centre would assist in the construction of this system; they would build the portion of it that they would use and then turn over that portion to the City.

Member Lorenzo asked if they did that.

Mr. Hayes answered that they did not do that; apparently, in reviewing letters from Mr. Quinn, the attorney representing Regency, it was decided because the City wasn't far enough along with their plans with the full system; they decided to go on their own and build a temporary system on their own property. He stated that was what existed today.

Member Lorenzo stated that the City didn't then have any legal obligation to them.

Mr. Hayes answered that there was no agreement that he had been able to find other than the implied agreement through the City's final site plan approval that the City gave.

Member Lorenzo stated that it was subject to that agreement, so the City didn't have any obligation to that applicant. The second question was regarding the Rouge Program Office; would they be amenable to changing the scope of the project.

Mr. Hayes stated that he spoke to Mr. Rzek Alsay, with the Rouge Project Office; he actually works for Wayne County Department of Environment. Mr. Alsay would not commit one way or the other, although he indicated that in order for the City to build something other than what had been approved by his office under which the grant was based, there would have to be a significant amount of engineering upfront to show what the revised system would look like before they would even consider it. Given the fact that the City's deadline ended on June 30th, and the City was waiting to get an extension from him, he indicated that he would prefer to press on with the project as designed.

Member Lorenzo stated that he would prefer, but he wouldn't say no.

Mr. Hayes stated that he couldn't get a yes or no answer out of him.

Member Lorenzo stated that she didn't think he would; she could not support this because she didn't think there was enough benefit, given the amount of money the City

was spending. It was twice the amount of money that the City thought it would be. She said they thought it was going to be a \$544,000 project, with \$250,000 coming from the Rouge Program Office; now it was a \$1,106,995 project, twice the price. She didn't think the City was getting enough benefit to spend that kind of money when other priorities were identified in the City's new Storm Water Master Plan. She said what her alternative would be to do Alternative Two. She said that right now Mr. Hayes had zero in for the grant for the Rouge Program Office, but she thought through negotiations that, given this unusual circumstance, there was some gray area there that they would be amenable to the City's doing this. She said if the project cost of that was, let's say, the remaining three basins was \$301,000. She asked if they paid for the engineering out of the grant as well.

Mr. Hayes answered that he believed it was just for construction.

Member Lorenzo stated that maybe the City would get \$150,000 out of the grant application instead of \$250,000; still she thought the City was better off not pouring as much money into it. She would not support Alternative Three, because the City did not have an obligation to the applicant, and there's a possibility the Rouge Program Office would still fund Alternative Two.

Mr. Helwig stated he wanted to put into the record Mr. McCusker's comments after the Saturday storm, a week ago. His comment was that the only remaining flooding in our City would have been contained if this project were online; we're now down to that, and he can speak in greater detail to that. He realized they were moving away from regional detention solutions. The City had upgraded the Dunbarton two basins and this is the last one on the books. Regarding soils, perhaps the consultant engineer could add information here. However, experience has been that it is very hard to detect where the arsenic is, and here it is even more complicated with other minerals present. Mr. Kapelczak is present tonight, and their letter of June 30th attested to the fact that the northwesterly pond provided for most of the storm water storage designed for this site. The City had looked at the option of deleting it, and the letter said that during a two-year storm it accounted for 54% of storage volume, and when there is a 100-year storm, like there was a couple of weekends ago, it accounted for 44% of the storage volume. Mr. Helwig said those are very significant numbers if we are really trying to solve the problem in that part of our community.

Mr. Hayes noted that the \$611,000 remediation cost is a conservative number. He said they wanted to give Council a larger number in hopes of reducing it. He stated this could be done by controlling the contractor, requiring certified weight tickets from the landfill for every load and a signed manifest from the contractor for every load. Then we will know exactly every ton that we are paying for and hopefully will be able to keep the actual cost much farther below the \$611,000 and the engineering costs would be proportionate to that. If the level of effort is less, then the extra engineering effort would be less as well. The benefit, if Option II is used by just building the other three down stream basins, it would only provide for about 20% of the regional storage capacity that we would normally have under alternative three.

Member Nagy asked Mr. McCusker to tell Council about the need again. Mr. McCusker commented that everyone remembered last Saturday when we had a torrential down

pour. He said with that flush, with almost an inch and a half of rain in a very short period of time, the work that was being done around Meadowbrook Lake and the sudden flush from the north to the south in that area, caused water to come within 25 feet of the homes on Chattman. He said they went down there with a contractor and took care of it. If the water had been contained in those upper basins they wouldn't have gotten that sudden flush and it would have helped greatly. Mr. McCusker said that was one area of town that was relatively new and so we get the sudden flush from those two areas where it comes back through the two basins. The Dunbarton Basin has helped us greatly in the general scope of the center of town. Mr. McCusker said there have been some major rains in the last couple of years and there has been no flooding in or around homes like there was in 2000 and 2001. He said that everything Council has been a part of in storm water has helped immensely in controlling the water and sending it to where it is supposed to go or containing it, and letting it release at a slow rate so as not to impact homes or properties.

Member Lorenzo said she would support this reluctantly.

Roll Call Vote on CM-05-07-258 **Yeas: Csordas, Landry, Capello, Gatt,
Lorenzo, Nagy, Paul**
Nays: None

- 12. Approval of an amendment to the agreement with JCK & Associates, Inc. in the amount of \$64,990 for additional construction engineering services associated with environmental remediation at the Haggerty Regional Detention Basin project site (source of funds – Drain Fund).**

CM-05-07-259 **Moved by Paul, seconded by Nagy; CARRIED UNANIMOUSLY:
To approve amendment to the agreement with JCK & Associates,
Inc. in the amount of \$64,990 for additional construction engineering
services associated with environmental remediation at the Haggerty
Regional Detention Basin project site (source of funds – Drain Fund).**

Roll call vote on CM-05-07-259 **Yeas: Landry, Capello, Gatt Lorenzo, Nagy, Paul,
Csordas**
Nays: None

- 13. Approval of resolution to authorize Budget Amendment #2006-01.**

CM-05-07-260 **Moved by Landry, seconded by Lorenzo; CARRIED
UNANIMOUSLY: To approve resolution to authorize
Budget Amendment #2006-01.**

Roll call vote on CM-05-07-260 **Yeas: Capello, Gatt, Lorenzo, Nagy, Paul,
Csordas, Landry**
Nays: None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION

- A. Approval of Minutes of July 11, 2005, Regular Meeting – Member Nagy**

Member Nagy said regarding Mr. Schafer and the Wizinsky property, that she specifically asked him and he specifically agreed that the roads would be private and maintained by the homeowners association. Member Nagy wanted to include that in the minutes.

**CM-05-07-261 Moved by Nagy, seconded by Lorenzo; CARRIED UNANIMOUSLY:
To approve the minutes of July 11, 2005 with the changes
Indicated.**

Motion passed by Voice vote

**E. Approval of resolution to authorize the purchase of additional service credit by a
City employee – Member Gatt**

Member Gatt advised that he spoke with Kathy Smith-Roy and his questions had been answered.

**CM-05-07-262 Moved by Gatt, seconded by Lorenzo; CARRIED UNANIMOUSLY:
To approve resolution to authorize the purchase of additional service
credit by City employee.**

Motion passed by Voice vote.

MAYOR AND COUNCIL ISSUES

1. Taubman Parking Standards and Recommendations – Member Paul

Member Paul said they had received a letter and information from Mr. Taubman. She said the main thing she was looking for is they had a decrease in the amount of parking and the new standards are across the country. She wanted administrative comments regarding this and wanted to know what Council had to do to make that happen for them. She spoke with other people in administration, and this was something they would agree with and would like to see Taubman have a successful project here and move this along.

Mr. Helwig apologized to Member Paul for not connecting with her when Taubman made their announcement a few months ago. He tried to talk with everyone that evening. Mr. Helwig said this was the one thing on their mind, and they said they would work with the City and provide data for complexes with more than a million square feet of retail space. He said City administration is supportive of this and have been encouraging it, and thought it was in sync with what Council has said time and time again, have necessary parking but do not go overboard. They do plan to move the south ring road a little to the south on other property they own to add some parking and eventually a parking deck near the Sears facility. The Planning Commission is moving this right along; they have a public hearing and a petition for their rezoning actions on August 10th. It is moving quite well through the system. Member Paul said then we don't have to help in any way to change an ordinance, etc. Mr. Helwig said it will come before Council after the Planning Commission reviews it.

2. City Manager's search – Member Nagy

Member Nagy wanted to address HR Director, Ms. Gronlund-Fox's, letter to Council indicating the varieties of search options. She didn't think Council ever gave Ms. Gronlund-Fox any direction as to what they wanted her to do. Member Nagy wanted someone of Mr. Helwig's quality and caliber and thought that all the search options should be used.

Ms. Gronlund-Fox commented that she discussed the traditional methods of recruitment, newspapers, Internet ads in several different places, publications such as I.C.M.A., the Michigan Municipal League, etc. She also suggested using a professional recruiter to assist Council with the search. Member Nagy asked how many responses were received, without the recruiter, when Mr. Helwig was hired. Ms. Gronlund-Fox didn't know off hand. Member Nagy asked if she would like to see a recruiting firm employed at this time for the City Manager's position. Ms. Gronlund-Fox replied she would.

**CM-05-07-263 Moved by Nagy, seconded by Lorenzo; WITHDRAWN:
Direct Tia Gronlund-Fox to employ all the traditional methods
as well as a recruiting firm in search of a new City Manager.**

DISCUSSION

Mayor Pro Tem Landry commented he was in favor of a recruiting firm because he felt a firm might tap into people who are not looking for jobs, and we might get a better applicant. He said in his own mind he always assumed that the task of selecting a new City Manager would fall on the next City Council. He asked if Council had to set forth some sort of criteria or profile of the kind of candidate they are looking for. Mayor Pro Tem Landry would support a recruiter, but thought it would be more appropriate for the next City Council to do this.

Member Nagy said a motion was made to begin the search. Ms. Gronlund-Fox stated she recalled that Council had brought up that the options brought forth needed to be discussed.

Member Nagy commented she specifically recalled that her motion was to begin the search now. Her reason was the new Council would be able to do the interviews.

Member Capello wished that a call had been made to the administration or the Mayor so that Council had some information in front of them. He thought something needed to begin to move the process forward, more information is needed, guidelines need to be established and then Council can talk about it and give Ms. Gronlund-Fox some direction on what to do and who to look for as a recruiter. It can't be done tonight without information.

Member Gatt concurred with statements of his colleagues tonight. He commented that he spoke with Member Paul today about this subject and agreed this is a matter for the next Council. He believed that any information that comes in should be reviewed by the next Council. He didn't think any information should be gathered until after the November election.

Member Paul said when looking for a Planning Director it took a while to put the information in advance into the Michigan Municipal League Directory and she thought there was another journal of just City Manager's that takes a month or two months in advance to post it. Her understanding during the previous discussion was that Council would post that information to start gathering applications. She said they were not going to start looking for someone until after the December time frame because Mr. Helwig was not leaving until February. She said

that was what she intended and in December with the new Council, they would have three months to look at the information. She asked how long it would take to put the information in the Michigan Municipal League Directory.

Ms. Gronlund-Fox said they usually need the information 4 to 6 weeks a head of time to get it in their publication for the next month. Member Paul asked if it had to be specific information or just general information. Ms. Gronlund-Fox replied whatever Council desired and that it depended on how long they wanted. She said she saw them at 2 or 3 lines and she had seen them in paragraphs; it just depended on what Council wanted. The longer it is, the more costly it is going to be.

Member Paul asked if just taking in applications would sway the Council or just gathering any information so Council has a 6 month time frame to look for someone the caliber of Mr. Helwig. Ms. Gronlund-Fox said, in her opinion, if Council wanted to begin looking at applications or recommendations from a recruiter, the sooner they figure out what they are looking for, she receives it and disseminates it, the better off they would be.

Member Paul said so you're looking for the whole package tonight and if we can get support on that great. However, if we can't, at least let us move forward by putting it into the Michigan

Municipal Leagues information because if it takes six weeks, it is better to have it in advance to start and then gather the curriculum. Ms. Gronlund-Fox suggested Council think about what they would be looking for, what they want the publications and ads to say and she would work with them if they would like. Then a deadline could be set as to when Council wants it in and when they would hope to get those responses back. At least then we would have a time line.

Mayor Csordas asked Ms. Gronlund-Fox to put together a job specification and distribute it to Council for their comments. This would be a good starting point and then the input would come back from Council to build a job specification.

Member Nagy withdrew her motion.

Mr. Helwig said the key decision for Council is whether they want to use a recruiting firm or not. All the focus is on that decision now, if they wished to do that. Mayor Csordas said he thought there was consensus on that. Mr. Helwig said that will involve, by the time you select an interview, proposals go out to hire a recruiting firm; no job description is needed for that. Mr. Helwig said hire a recruiting firm, get request for proposals and interview them and decide who you wished to work with and hear all their process alternatives. To select a firm can easily be a 65-70 day process. Then you start the work. They will interview you or whatever you agree to set up a profile. This is where it gets tricky with Council's changing because the new Council will want all the prerogatives of this Council in terms of setting a profile and what they're looking for. The key is if you feel confident that the world will go forward after November and a recruiting firm is going to be helpful and you can do all that work now, that would be good for your time frame.

Mayor Csordas asked if it was consensus of Council to have a recruiter and it was.

3. Christina Lane Trees – Member Nagy

Member Nagy stated she was going down Christina Lane because she had received a lot of complaints from residents about the types of trees the City was putting in. She said, for example, a Locust tree, which is not a good street tree and it is also a high maintenance tree. She asked the forester to reconsider using those kinds of trees as street trees.

Member Paul said she agreed as she has locust and almost every one of them are half dead along her entire street. She said on Karim Blvd there are double Ash trees all along the road that are dead. She said her understanding is that the City has been looking at going after those areas and removing the street trees or if on private property having the owner remove the trees, because they are spreading the Ash borer even further. She asked Council to address that.

4. Ten Mile and Novi Road – Member Gatt

Member Gatt said there were signs on the west side of Novi Road indicating “do not block drive” into the Pine Ridge Center. Those signs have been removed because of the construction and per Oakland County, it is up to the City to put them back. He asked that Council look into that.

Member Gatt said everyone knows the devastation to the businesses in that area over the last year and a half. He said he had the occasion to have lunch at the Novi Pizza Co. on Saturday where he was met by four of the business owners in the Pine Ridge Center. They are very happy the intersection is open and traffic is moving. Member Gatt said they were wondering if Council would make an effort to relax the ordinances for a week sometime in the coming month. They have suffered great financial loss, some near bankruptcy and would like to be allowed something that would attract customers such as signs, spotlights or a carnival ride. Member Gatt asked that Council look into this to see if there was anything they could do for these business people for one week to get their business moving again.

Mayor Csordas asked if administration could assign someone to meet with the business people there. Member Gatt thought that would be fine.

Mr. Helwig said in the spirit of that they would work with the businesses with a community special event that he could authorize and it would not have to come back to Council. Everyone understands what they have been through.

AUDIENCE PARTICIPATION

Ron Braun, Contract Administrator for the Novi Homeowner’s Council, said they have been in discussions with Mr. Printz and Mr. Auler about a tree replacement program that the homeowner’s associations are willing to get involved with, a co-op replacement program. He was sure something would come before Council regarding this in the next month or so, but every time they have a meeting it just keeps getting delayed. He spoke with Mr. Printz this past week and asked him where they stood and he replied they were still there and they were still working on it. Mr. Braun said time is running out and these homeowners keep contacting him letting him know they want a program. Mr. Auler knows it and they were at Fall for Novi and everyone knew they all really wanted this, but they are waiting for the funding and who

ever has to put this all together. He asked if Council could fast track this when it came before them almost to the point of the passion that was held for the subdivision and the land they want to preserve that is here tonight. This would benefit our whole City. He said Ms. Uglow had a couple of them go out one Saturday to inventory the bad trees. That information was sent back to Ms. Uglow.

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned 10:42 p.m.

Lou Csordas, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Charlene Mc Lean

Date approved: August 22, 2005