

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JANUARY 11, 2016 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 TEN MILE ROAD**

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

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Burke, Casey, Markham, *Mutch, Wrobel

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

APPROVAL OF AGENDA:

CM 16-01-002 Moved by Wrobel, seconded by Casey; MOTION CARRIED: 6-0

To approve the Agenda as presented.

Roll call vote on CM 16-01-002 **Yeas: Staudt, Burke, Casey, Markham, Wrobel, Gatt**
Nays: None
***Absent: Mutch arrived after the vote**

PUBLIC HEARING - None

PRESENTATIONS:

1. Proclamation in recognition of Barbara Greenberg for 20 years of service on the Beautification Commission

Mayor Gatt presented the proclamation to Barbara Greenberg. Ms. Greenberg thanked everyone for the recognition. She was honored to work on the Commission and hoped the perennial exchange will continue on.

*Member Mutch arrived.

2. Upcoming I-275 Project Work Hours – Courtney DeFauw, Traffic Operations Engineer, and Steve Minton, Michigan Department of Transportation (MDOT)

Steve Minton, MDOT, spoke about the upcoming I-275 project this year. They wish to ask for a waiver of the City's Noise Ordinance so that they can perform work at night and on weekends during the duration of the project. The project starts on I-275 at 5 Mile Road towards the I-696/M-5/I-275/I-96 interchange area. It includes bridge work along I-275 and I-696. It will also include work for the intelligent transportation system. The work will be a concrete inlay and not completely rebuilding the pavement on I-275. There will be a mix of fixes in the interchange area. The bridge work in that area will be

minor replacements. The project will cost \$80 million. A visual map of the project locations was displayed. They looked at a number of options for maintaining traffic. They narrowed their options down to three. They conducted a survey of communities in the area to decide which one to use. 87% of the people chose to get the project done as soon as possible which allows the contractor to work at night and weekends. If MDOT can't get the noise waiver from the City of Novi to work at night, the project will end up lasting for two years instead of one year. They would like to have the waiver to minimize the impacts to the drivers as much as possible.

City Manager Auger said they have been made aware of the project and the City's DPS Department is working with MDOT and the other communities involved. They have some concern of residents that are within a 1/3 of a mile of the expressway being exposed to noise during the summer all night. They are working on a compromise to present to them and be able to still meet the 1 year anticipation rate. They will bring this back once it is uniform.

Member Mutch asked what impact it will have on area roads. Courtney DeFauw, MDOT, answered they expect area roads to carry more traffic. The signed detour route will keep them on MDOT routes. It will take traffic east to M-39 to M-10 to I-696 and around. They will do signal timing changes and they will try to adjust the routes as the traffic flows. It is difficult to predict where the traffic will go. They have done some traffic analysis and know where some of them are. Member Mutch asked what their experience was when they completely shut down I-96 in Livonia. Ms. DeFauw thought the first couple of weeks of construction are the worst until traffic adjusts to other options. The service drives were bogged down sometimes, but after a while it tapered off. He asked what MDOT will be doing to let drivers know about the project and what their alternatives are. Mr. Minton said they held a public meeting in November to introduce the project with press releases for responses to their survey. They have mailed 5,000-6,000 post cards to the residents in the surrounding community. The cards had information about the project and to invite them to the public meeting. They will have another public meeting prior to construction after they find out more specifics. There will be a project website, Facebook page, and list serves for people to sign up their e-mail information to receive notifications. Member Mutch asked what the projected dates were if everything goes according to plan. Mr. Minton said if they are able to get the noise ordinance waivers, they plan April to September or October. They are giving incentives in the contract to the contractor to finish before the completion date. If they go to the longer schedule the incentives may go away because it will go on over two construction seasons. Member Mutch asked about what they learned about the road noise on I-275. Mr. Minton said they longitudinally fine the road and with the new surface, there would be a noise reduction. Member Mutch asked if there were any plans for sound walls for any portion of I-275. Mr. Minton said there were no plans with this project. It is only done if they are increasing capacity. He said because they are only replacing the pavement with no capacity improvement, it wouldn't default to that requirement. Noise walls would be another \$25 million. Member Mutch asked about the hours of operation. Ms. DeFauw said it is difficult to predict how the contractors will stage the project. She said they knew there will be periods where they will need to

work 24/7. It may be at a different location every night because they will be moving down the road. They know if they don't allow them to work all hours, the life of the project will be extended. The bridge work should be at night because the chipping can't be done with traffic. Some lanes need to be shut down and if it is done during the day, traffic would be severely impacted. It is critical to be done at night. She noted when paving, they have to cut the joints at a certain time after the concrete cures. If they are not allowed to do that, it will shorten the time during the day they can do that. Member Mutch appreciated the information and felt most of the residents want to get this done, but everyone is familiar with the impacts of noise at night and must be cognizant of it.

Member Casey said she was familiar with the I-96 shut down and noted there was a lot of resident feedback about the night hours. She thought there was a change made to the schedule. Ms. DeFauw said on I-96, they used a concrete crushing plant, but they are not allowing it on this project. They decided they will require them to haul all the concrete off site. It is a noise maker that will not happen with this project. Member Casey said they were large machines and thanked them for clarification. She said the noise is constant on I-275 and appreciated that they will be mitigating the noise.

REPORTS:

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

AUDIENCE COMMENT:

Andrew Sarpolis, 31036 Beachwalk Dr., spoke in relation to Council Action item 1. on the agenda. He wasn't against the action, but he had serious concerns about Council members voting on the item. He stated the amounts of campaign funds that were given to specific members of Council. He said it wasn't illegal, but he felt it was an ethical question and believed there was a conflict of interest. He wondered if the rezoning proposal should be discussed this evening. He felt that when the decision making body is not being impartial, he thinks it should raise concerns.

Colleen Crossey, 22279 Brockshire, stated she was glad that Barbara Greenberg was still present because she wished to say they've enjoyed the friendship, leadership, and expertise of Barbara as a master gardener on the Beautification Commission, They will be sure that the perennial garden exchange will continue as residents have commented how well the program goes each year. The Commission will be looking for new members and will be reaching out to the Community with the Neighborhood Entryway Grant Program and partnering with the schools to create outdoor educational opportunities.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 16-01-003 Moved by Wrobel, seconded by Burke; UNANOMOUSLY CARRIED:

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
 - 1. December 21, 2015 – Regular meeting
- B. Approval of Claims and Accounts – Warrant No. 955
- C. Approval of the final payment to Florence Cement Company for the Beck Road Mid-Block Crossing project in the amount of \$17,018.89, plus interest earned on retainage.
- D. Appoint Adam Wayne as the City of Novi Representative to the Walled Lake Improvement Board.
- E. Approval of the ownership transfer of a 2015 Resort Class C & SDM Licensed Business with Sunday Sales Permit (AM & PM) from Great Lakes Dining, Inc. to Central Florida Restaurants, Inc. (doing business as TGI Friday's), located at 43200 Crescent Blvd., Novi, MI 48375.
- F. Approval of adoption of a Resolution of amended OWI Cost Recovery Fee Schedule.
- G. Approval of the request of the applicant, ACR Investments, for a two-year extension to the termination date provided in the PRO Agreement for Triangle Place, JSP13-53, a 2,575 square foot office or retail development, proposed to be located on a 0.48 acre parcel of land located on the east side of Haggerty Road, north of Eight Mile Road.
- H. Acceptance of a pathway easement as a donation from Kris Krstovski, along the north side of Eleven Mile Road east of Taft Road for a pathway constructed as part of a new single family home at 44780 Eleven Mile Road (parcel 22-15-351-040).
- I. Approval of Community Single Use License with International Transmission Company (ITC) in connection with the City of Novi 5K Emergency Challenge.
- J. Approval of recommendation from the Consultant Review Committee to exercise the renewal options for 2016 and 2017 to extend the term of the contract for General Legal Services to Johnson, Rosati, Schultz and Joppich PC through December 31, 2017 or until notice of termination is provided by either City Council or the Firm; and
 - a) On January 1, 2016 to increase the hourly rate \$5 for Partners from \$130 to \$135; and for Associates from \$125 to \$130; and

- b) On January 1, 2017 to increase the hourly rate \$5 for Partners from \$135 to \$140; and for Associates from \$130 to \$135.

Roll call vote on CM 16-01-003

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

Nays: None

MATTERS FOR COUNCIL ACTION

1. Consideration of tentative approval of the request of Hunter Pasteur Homes for Dunhill Park, JSP 15-13, with Zoning Map Amendment 18.711, to rezone property in Section 32, located at the northwest corner of Beck Road and Eight Mile Road from RA (Residential Acreage) to R-1 (One-Family Residential) with a Planned Rezoning Overlay (PRO), and corresponding concept plan. The property totals 23.76 acres and the applicant is proposing to construct a 31-unit single family residential development in a cluster arrangement with frontage on and access to Eight Mile Road.

Mr. Randy Werthiemer, Hunter Pasteur Homes, spoke about building a 31 lot community at 8 Mile and Beck and will be consistent with the homes in the area. The price range will be \$700,000 - \$1 million with homes of 3,500 square feet and larger. They are taking a site that is a gateway to Novi. It is an environmentally challenged site. It is not a pristine site and they are expecting to spend millions to clean up the environmental issues prior to developing it into a single-family home residential neighborhood.

Member Mutch asked for information about Brownfield process that will go through the County. Mr. Andy Millia, Hunter Pasteur Homes, answered they are working through the Brownfield Tax Credit Authority in conjunction with the County and the City. There are a few benefits. Eventually, the community will capture the property taxes once the Brownfield is exhausted and also through a negotiation, the City can recapture a portion of the Brownfield tax credit that would normally go back to the developer. Member Mutch clarified that the Brownfield Authority would be established by the County and asked him to explain how it would operate. Mr. Millia said there is a specific plan put in place and the amount of dollars that goes towards the remediation are captured and their costs reimbursed. They are working with the City administration to remediate a portion of it and then the reimbursement will go back to the City during the process. Member Mutch asked how long it will last. Mr. Millia gave an analogy if the taxes are \$10,000 per unit per year for 31 units equals \$310,000. He explained a certain portion of it wouldn't get reimbursed. If there were \$900,000 worth of remediation costs, the Brownfield tax credit would be used up in 3 years. After the 3 year time period, the City, County and schools would start to collect taxes. In this case, because the tax amount is very high, the Brownfield reimbursement period will be short. They anticipate between 3 to 5 years. Member Mutch asked what costs can be reimbursed. Mr. Millia said there are two forms of remediation on the property. There is some arsenic associated with the property and some contaminated debris buried on the property. Anything that is removed and taken to a class II land fill would be

considered contamination and those costs would be reimbursed. Also, the costs associated with testing and certain soft costs. It is not the costs for general infrastructure and the normal costs associated with development of the property. It is only the costs associated with remediating contaminated materials. Member Mutch asked whether the costs to remove the woodlands and wetlands in certain areas because of arsenic would be reimbursed. Mr. Millia said he is not an expert to answer that. He said it would be anything associated with the removal of contamination. He said those costs would be very minor compared with the bulk of the costs to remove the contaminated soil and any contaminated debris. Some of the ancillary costs, he was not positive if they would be reimbursed, but would be minor compared to the major cost associated with it. Member Mutch said he had a concern about them collecting money from the Authority for reimbursement and not have to pay fees to the City. He said it seemed like it was in the developer's favor. Mr. Millia said the trees and the environmental cleanup are not related to each other. The reason they are asking not to commit to the woodland replacement fund is because they are taking a dilapidated site and are replacing it with an unbelievable landscape entrance and planting trees 50% to 100% larger than the ordinance requires. He noted it because they are spending more money than the minimum requirements. They want the site to look mature. They want the corner of 8 Mile and Beck Road to look exceptional. The request for a waiver of the tree ordinance has nothing to do with the environmental cleanup. Member Mutch thought he would have to see something more structured. Mr. Millia said they did present the information to staff. Member Mutch said he didn't see anything that said they shouldn't have to replace the trees that would otherwise have to be replaced by the ordinance because of their new plan to plant bigger trees. Mr. Millia said they were in front of the Planning Commission and heard the same discussion. They said it was something the Council should decide. They are looking to plant mature large trees that exceed the minimum requirement after the cleanup of contamination. Member Mutch said they would want to discuss something that states they are putting the approximately \$100,000 into landscaping above and beyond what it required by the ordinance. Member Mutch felt he had a better understanding about the Brownfield Authority and how it will work. He would be interested if there are opportunities to do environmental improvements to the site above and beyond what is required and it would be financed through the Authority. City Manager Auger said after it goes through the County, there will be a Brownfield plan developed to specify what will be reimbursed. Member Mutch confirmed they will see the plan in the future. Member Mutch noted the rezoning will go from R-A with 18 home sites to 1.3 units per acre. He said the properties to the east are about a half-acre lot. He asked why staff thought it was a transition of 13,000 square acre lots to larger lots with lower density. Barb McBeth, Deputy Community Development Director, explained the consultant studied the proposed density of the project. He excluded the property to the south because it is not developed as a residential project and looked at the developments to the west, north and east and found 0.8 units to the acre, 1 unit to the acre, and 3.63 to the acre respectively. Member Mutch said they were half acre lots to the east. He is concerned because everyone else has built half acre lots or larger and density that is less than this proposed plan. He said this plan is a higher density. He asked how the 31 units were determined. Ms. McBeth said there were a series of discussions with the applicant

about the lot size that was needed, the arrangement of the lots and preservation of the open space as much as possible to do. When the plan first went to the Planning Commission there were 32 lots proposed. The Planning Commission had a few issues with the plan and requested additional information be provided. The plan that came back had 31 lots and preserved additional space. Ms. McBeth said that the plan went to the Master Plan and Zoning Committee for discussion also. Member Mutch noted the public benefits outlined and confirmed that it hasn't changed. He appreciated what the developer is doing to the site. The applicant is also recapturing a portion of the costs through the Brownfield Authority. He felt it changes the financial consideration of some of their requests. He felt the City is forgoing a significant amount of money. He didn't see anything different than if they just rezoned the property to R-1. He is looking for more specifics of what benefit it generates for the City above and beyond what is standard.

Member Casey asked about why staff supported not requiring a stub street to the west. Ms. McBeth responded that there should be an emergency access at that location and they are asking for a deviation. The Engineering and Fire Marshall are satisfied with the deviation and felt it was minor. Member Casey asked how the deviation relates to the distance from the emergency access and 8 Mile. Ms. McBeth said along the west side, there is an emergency access that is proposed to Beck Road and it was acceptable.

Member Wrobel asked what percentage of the whole site is arsenic located in it now. Mr. Millia said the arsenic was in a small area. The majority of the remediation is from the former trucking company. Member Wrobel asked if he knew how deep they had to go to remove the arsenic. Mr. Wertheimer said there are two areas of arsenic remediation and are within a couple of feet of the topsoil. The balance of the site has spotty areas of fill. They can't determine the exact amount or cost until they begin the work. There will be a testing engineer on site during the remediation. The contamination and debris will be taken off site to a land fill. Member Wrobel commented that development there has been a problem for this site because of the contamination and was pleased to have someone presenting a project to make it a useful site.

Mayor Pro Tem Staudt asked if the language in the recommended motion was correct. City Attorney Schultz explained he could make the motion to read the introductory paragraph and then recite the subsections while incorporating the subsections by reference. Mayor Pro Tem Staudt asked if the developer was involved with the Knightsbridge Gate Development. Mr. Wertheimer said they were the builder and not the developer. He explained they will be the developer and the builder on this project. He only bought developed lots from Grand Sakwa and built the homes. He was aware of the issues the residents are having, but they didn't have anything to do with its development.

CM 16-01-004

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

Tentative indication that Council may approve the request of Hunter Pasteur Homes for Dunhill Park, JSP 15-13 with Zoning Map Amendment 18.711 to rezone the subject property from RA (Residential Acreage) to R-1 (One-Family Residential) with a Planned Rezoning Overlay (PRO) Concept Plan and direction to the City Attorney to prepare a proposed PRO Agreement with the following ordinance deviations:

- a. Deviation in the minimum Ordinance standards to allow reduction in the required minimum lot size and minimum lot width for one-family detached dwellings reviewed against R-1 Zoning standards to allow for smaller lots (21 ,780 square feet and 120 feet required, 13,860 square feet and 90 feet provided);
- b. Deviation in the minimum Ordinance standards to allow reduction in minimum side yard setback and aggregate side yard setback for one-family detached dwellings reviewed against R-1 Zoning standards (15 feet with 40 feet aggregate required, 1 0 feet with 30 feet minimum aggregate provided);
- c. Landscape deviation from Section 5.5.3.B.ii and iii for absence of required berm and required greenbelt landscaping along the entire frontage of Beck Road Right of Way due to existing natural features (coverage along entire frontage required; approximately 40 percent coverage proposed);
- d. Landscape deviation from Section 5.5.3.B. iii for absence of required street trees within the right-of-way along Beck Road;
- e. Landscape deviation from Section 5.5.3.B.ii and iii for not meeting the minimum requirements of canopy and sub canopy trees in greenbelt along both Public Rights-of-way;
- f. Landscape deviation from Section 5.5.3.E.i.c for not meeting the street tree requirements along Eight Mile Road if the Road Commission for Oakland County does not allow some or all of the required street trees along Eight Mile Road;
- g. Landscape deviation from Section 5.5.3.E.iv for not meeting the minimum requirements for Storm Basin Landscape (Shrubs required; Canopy trees proposed);
- h. Landscape deviation from Landscape Design Manual Section l.d.(1) (d) for not meeting the required diversity of tree species for a single family residential subdivision; i. Applicant shall provide modelling data showing sufficient fire flows at the water main dead end or applicant shall provide a loop connection approved by the City Engineer during Preliminary Site Plan. An offsite easement may be required for the loop connection;

- j. City Council variance from Appendix C Section 4.04(A) (1) of Novi City Code for not providing a stub street to the subdivision boundary along subdivision perimeter; and**
- k. City Council variance from Section 11-194(a) (7) of the Novi City Code for exceeding the maximum distance between Eight Mile Road and the proposed emergency access.**

If the City Council approves the rezoning, the Planning Commission recommends the following conditions be requirements of the Planned Rezoning Overlay Agreement:

- a. Acceptance of applicant's offer of Public benefits as proposed:
 - i. Tax benefits for the City including significant property taxes and potential Brownfield benefits from Oakland County.**
 - ii. Significant Brownfield environmental cleanup.**
 - iii. Installation of a "Welcome to Novi" landmark feature.**
 - iv. \$25,000 donation to the Parks, Recreation and Cultural Services Department to be applied toward the construction of the nearby ITC Community Sports Park Trail.**
 - v. High-end landscaping (i.e., exceeding ordinance requirements, as determined at the time of site plan approval).**
 - vi. The developer's financial contribution to complete the construction of the sidewalk along the Eight Mile Road frontage. The applicant has offered \$75,000.****
- b. Applicant complying with the conditions listed in the staff and consultant review letters, including satisfying the concerns in Wetlands and Woodlands review letters.**
- c. The applicant shall not conform with the City's Code requirements for the required woodland replacement trees, with an appropriate number of replacement trees being planted on site, (as determined at the time of Preliminary Site Plan), or the applicant shall pay into the City's tree fund, per the recommendation of the Planning Commission at the Public Hearing.**

This motion is made for the following reasons:

- a. The applicant has presented a reasonable alternative to the proposed Master Plan designation of a maximum of 0.8 units/acre to an actual 1.32 units/acre, and which supports several objectives of the Master Plan for Land Use as noted in this review letter.**
- b. The proposed density of 1.32 units/acre provides a reasonable transitional use between the lower density developments to the north and west, and the existing higher density developments to the east, in the City of Northville, and Maybury State Park on the**

south side of Eight Mile Road.

- c. The site will be adequately served by public utilities.**
- d. The proposed zoning and proposed use represents only a nominal increase in expected site generated traffic relative to development permitted under existing zoning.**
- e. Submittal of a concept plan, and any resulting PRO Agreement, provides assurances to the Planning Commission and to the City Council of the manner in which the property will be developed.**
- f. The proposed concept plan shows the intent of the applicant to remediate environmental contamination of the site as a part of the development plan, which will improve the land through the removal of potential environmental hazards.**

Member Markham liked the development, but did not approve of the loss of the requirement to contribute to the tree fund.

Member Gatt spoke about the history of that area. He explained there were negative comments made about him, but believes he has been transparent and has always acted in an ethical manner. He has always supported new development for the past 12 years. He believed this development will go a long way toward making Novi a premier City. It is an investment that will bring millions of dollars into the City. He will support it.

Member Mutch asked if there ever had been a waiver of the woodland ordinance in the past. City Attorney Schultz didn't know. He explained that it will be a provision in the PRO agreement that will exercise the option that Council has under the woodlands ordinance to grant variances. Member Mutch has not recalled ever granting a variance to the woodlands replacement requirements. He thinks it sets a bad precedent. Unfortunately, he understood the waiver for the woodlands requirement was based on environmental costs related to the site and that was being addressed through the Brownfield Authority reimbursement process. Then he was told it was due to the upsizing of the landscaping. The landscaping report didn't indicate in a way he felt comfortable with. He said if trees are cut down, they have to be replaced. He hasn't seen justification for waiving it in this case. He has an issue with the City investing \$175,000 to put into sidewalks for this project and the costs are not being recouped. It benefits the residents, but it is a cost savings for the developer. He will not support it as it is currently presented.

Member Casey also could not support it without the change to Item C. where the motion would require them to make the contribution to either replant the trees or make a contribution to the tree fund. She felt it was important to keep the City's ordinance in place. She didn't see any argument for the developer to overturn the ordinance.

Member Markham echoed what the previous speakers said. She said there are a lot of good features of the development. She said it is probably the best proposal that she

has seen for the property but didn't see a reason to deviate from the City's ordinances in this case.

Roll call vote on CM 16-01-004

Yeas: Wrobel, Gatt, Staudt, Burke

Nays: Casey, Markham, Mutch

2. Consideration of a request from Mirabella Estates Condominium Association for a variance from: 1) Section 2-210 of the Ordinance to waive the required legal review escrow deposit, in the amount of \$2,039 associated with the review of legal document exhibits for the dedication of the road and utilities in the condominium; and 2) Section 11-301 of the Ordinance to waive the required fees in the amount of \$8,900 for the City to prepare the record drawings showing the completed utility locations on the project.

Member Mutch asked if there was anyone present from the Association. Mayor Gatt noted no one was present from the Association. Member Mutch felt it was unfortunate because he had questions related to the request and it would be difficult to get additional information. He was inclined to deny the request because he thought it would present a problematic precedence for the City to waive the requirements in this case. He had some concerns of how this process unfolded. He said it was another example of how homeowners and property tax payers are left with costs they should have never had to pay for if the developer had done what they were supposed to do. He said some of the details of the information provided raise concerns about the development process. The Association needed to do their due diligence but he wondered about how the developer was allowed to get away with not fulfilling their obligations. He said there have been problems with other projects. It is an unfortunate situation for the residents.

Member Markham exited the meeting due to a family emergency.

CM 16-01-005

Moved by Mutch, seconded by Burke; MOTION CARRIED: 6-0

Denial of a request from Mirabella Estates Condominium Association for a variance from:

- 1) **Section 2-210 of the Ordinance to waive the required legal review escrow deposit, in the amount of \$2,039 associated with the dedication of the road and utilities in the condominium; and**
- 2) **Section 11-301 of the Ordinance to waive the required fees in the amount of \$8,900 for the City to prepare the record drawings showing the completed utility locations on the project for the following reasons:**
 - The fees are necessary to pay a City consultant to complete the documentation that is required in Sections 11-301 and Section 26.5-33, prior to the acceptance of streets and utilities**

and does not result in an exceptional, practical difficulty to the applicant.

- The alternate proposed by the applicant is for the City to waive the fees, but since outside expertise is required to complete the necessary paperwork this request would require the use of City Funds and substantially deviate from the strict enforcement of the ordinance.
- The original developer failed to meet requirements of the ordinance to provide approved record drawings and to dedicate the utilities to the City prior to constructing homes and the applicant, as the successor developer, is now fully responsible for compliance with the ordinance requirements regarding dedication of streets and utilities.
- The applicant's request does not address or demonstrate a financial hardship which would be the only exception permitted under the Ordinance.
- There are other developments in a similar situation in which the Developer or Association could request a waiver of fees. If this request is granted, it could encourage others to seek similar relief, which would put at issue the allocation of an unknown amount of City funds to cover outside consultants for other private development projects in the future.

Roll call vote on CM 16-01-005

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

Nays: None

Absent: Markham

AUDIENCE COMMENT:

Andrew Sarpolis, 31036 Beachwalk Dr., clarified he didn't oppose item number 1 on the agenda and only raised questions. He said he was not an expert and could not make judgment without a detailed review of the process. He also specifically said Hunter Pasteur Homes didn't have direct responsibility in the Sakwa debacle with the roads there and alluded to the fact that Council needs to apply scrutiny to developments going forward in a proper manner so that there are no problems in the future.

COMMITTEE REPORTS - None

MAYOR AND COUNCIL ISSUES - None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION – None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 8:19 P.M.

Maryanne Cornelius, City Clerk

Robert J. Gatt, Mayor

Transcribed by Jane Keller

Date approved January 25, 2016