

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, MARCH 8, 2021 AT 7:00 P.M.**

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

In accordance with the provisions of the Open Meeting Act this meeting was held remotely.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Casey, Crawford, Fischer, Maday, Mutch

Mayor Gatt, present from City of Novi, Oakland County, State of Michigan
Mayor Pro Tem Staudt, present from the City of Novi, Oakland County, State of Michigan
Member Casey, present from the City of Novi, Oakland County, State of Michigan
Member Crawford, present from City of Franklin, Williamson County, State of Tennessee
Member Fischer, present from City of Novi, Oakland County, State of Michigan
Member Maday, present from City of Novi, Oakland County, State of Michigan
Member Mutch, present from City of Novi, Oakland County, State of Michigan

ALSO PRESENT: Peter Auger, City Manager
Victor Cardenas, Assistant City Manager
Tom Schultz, City Attorney
Carl Johnson, Finance Director/Treasurer/CFO

APPROVAL OF AGENDA:

Mayor Gatt added "Outdoor Gatherings" to Mayor and Council Issues. Member Fischer added "Monthly Attorney Report" to Mayor and Council Issues.

CM 21-03-030 Moved by Fischer, seconded by Staudt; CARRIED UNANIMOUSLY

To approve the Agenda as amended.

Roll call vote on CM 21-02-019 Yeas: Staudt, Casey, Crawford, Fischer, Maday, Mutch, Gatt
Nays: None

PUBLIC HEARINGS:

1. Land and Water Conservation Fund (LWCF) grant application for "Northwest Park Improvements"

Opened at 7:02 p.m. and closed at 7:03 p.m. without public comment.

2. Program Year 2021 Community Development Block Grant (CDBG) Application

Opened at 7:03 p.m. and closed at 7:04 p.m. without public comment.

3. Community Development Block Grant Program Year 2018 Funds - Reprogramming

Opened at 7:04 p.m. and closed at 7:05 p.m. without public comment.

PRESENTATIONS: None

Mayor Gatt announced they had six people that evening for the Boards and Commissions Candidate Presentations. He stated they will be given two minutes each to speak, they are presenting for openings on the Library Board, the Planning Commission, and the Zoning Board of Appeals. He explained that normally the presenters were at one meeting, and nothing would be decided until the next meeting. He said that would be the case for the Zoning Board of Appeals opening. He explained that our Zoning Board of Appeals happens to have an alternate, and therefore that body is whole waiting for us to fill the vacancy. The Library Board, and the Planning Commission both have vacancies due to members on those Boards that are leaving, so they would appoint those openings that evening. He stated that they have their resumes and your history of service to the City of Novi. He said to keep it fair, everybody will only have two minutes.

BOARDS AND COMMISSIONS CANDIDATE PRESENTATIONS:

1. Brian Bartlett

Mr. Bartlett thanked the Mayor and City Council for allowing him to address Council two meetings in a row. He said he has been a resident of Novi for 36 years. His first home was in Meadowbrook Glens. He stated that he has served in various committees, both within the City and within the Novi School District, with the Athletic Boosters and the Band Boosters for several years. He said he was with the Parks Foundation for eight years, and Walkable Novi. He said he has served on various Boards and Committees with many of the folks on City Council today and they are familiar with what he can contribute. He said he was coming off a 40-year career in information technology with marketing technology to various customers around the metro area, and living with the involvement of information technology, which he thought does move towards the Library Board and their needs to keep up with that technology as we deliver to our clients. He looked forward to everyone's support.

2. Jennifer Hoerz

Ms. Hoerz said this is the first time that she was applying for a Board position. She has lived in Novi for six-years and she grew up down river. She has over 17-years of experience in automotive so she could bring a sales, marketing, and operational background from Ford Motor Company, and her current employer Bosch. She said she would like to give something back to the community and get involved in the community. She thought serving on a Board or Commission would be a great place to start. She thought it worked well with her skill set managing cross functional teams, partner management, business plan development, market intelligence and trends. She stated she just wanted to do something that she thought could be valuable and could also use her time. She has a degree from the University of Michigan Dearborn and an MBA from the University of Minnesota. She thanked them for their time.

3. Neil Kane

Mr. Kane thanked Mayor and Council for the opportunity to speak. He said he has lived in Novi for just under 5-years, he moved here from Chicago. He has a background as a businessperson, and he self-identified as an entrepreneur, he has started eight companies. He is currently a faculty member at Michigan State University where he teaches entrepreneurship to undergraduates and he also teaches in the Executive MBA program. He stated he has a background in engineering, and he has an MBA in finance. He stated that he apparently like some of the other applicants, he is more of a generalist than anything else. He did not have a degree in architecture or city planning, or anything that is directly relevant to the Commissions, but like the other people who have already spoken, he was there that evening to give back and get more involved in the community and would like to contribute. He was happy to be considered either for the Planning Commission or the Library Board, wherever you think he could make the most profound contribution. He mentioned that he had two teenage daughters at home, it so happens that neither is in public school. One is a student at the University of Michigan in Ann Arbore. Having teenagers at home, he also has a perspective of some of the other opportunities for the City. He commented in his application, as it relates to the Planning Commission, that he certainly did not want to go on the record and say that he was opposed to development. He said there has been a lot of chatter, on Facebook, over the last couple of years about new developments that get a green lighted in the City, and how a lot of people are either angry about it or scratching their heads because they do not understand the justification for it. He felt that regardless of whether those developments were appropriate or not, he thought there was an obligation that the City Council has a job of explaining the rationale behind some of those decisions. Thank you.

4. Mike Longo

Mr. Longo thanked the Mayor and City Council. He appreciated all of them and he said he knew that they did a lot of stuff behind the scenes, and they were keeping our city beautiful, thank you for what you do. He said he served on the Zoning Board of Appeals for two-years as the alternate. He was ready to be a full-time member of the Board. His main desire was to serve the City and give back to the community. He has done a lot of visiting the various sites where the people appealing our ordinances are to get a good feeling for where they are at and what difficulties the ordinance may be causing them. He felt it was important to have that empathy of what is going on and knowledge. He said they tried to as a Board embody an empathetic posture with the people that are appealing which he thought was helpful. He said we are all Novi, so we are all in the same boat, we just want to keep the boat beautiful. He enjoyed helping the appellant understand the ordinances. He said they spend some time occasionally trying to help them how they would make a different proposal that would keep them within the ordinances or maybe the ordinances with just a slight variant. Thank you for your time.

5. Alexander O'Connor

Mr. O'Connor thanked Mayor Gatt and the City Council Members. He said he has been a resident of Novi for the past 3-years. He worked in project management side of supply

chain logistics and customs compliance. He echoed some of the others giving their presentations and said this was his first time applying for Boards and Commissions. He said he was referred by a friend and he thought his would be a good way to involve himself in the decision-making process in the City by helping things move more smoothly and efficiently. He thought he could bring his project management skill set specifically to the Planning Commission or the Zoning Board of Appeals which is what he applied for, or whatever area that the City could use his skill set to benefit the people of Novi whatever way is possible. He said he has had an interest in local government and just up until this point, he was settling in, but did not know how to get involved. He thanked them for this opportunity and appreciated their time.

6. Edward Roney

Mr. Roney thanked Mayor Gatt and the City Council. He stated that he is a 36-year resident along with his wife, Marianne. They moved here from the east side and back in 1985. He said they raised two kids who went to the Novi School District. They have moved out now, but they remain in the area. Her daughter has a house here in Novi, and his son lives right on the border in Northville. He said professionally, he was a 42-year veteran of the automation industry, and most of it has been spent with machine vision. He said the last 24-years was in vision guidance with robotics. He said he was often mistaken to be an engineer, but he got his bachelor's in economics and his graduate with an MBA. He said volunteer wise, he has done the classic family things, scouting with both his kids, Little League, youth sports as they went through middle school and high school. He said he recently joined the Novi Rotary Club to get more involved in the community. He said he has served a lot of time at St. James in activities and leadership there. He planned on retiring soon and was hopeful that maybe something with the City might be a good move for him. He hoped that the business experience that he has done domestically, and internationally would be of good value. He thanked them for the opportunity and appreciated their consideration.

Mayor Gatt said that concluded their candidate presentations for the evening. He stated that we only have one opening on each Board, and there are several applicants, plus there are several other applicants who are being considered because they have interviewed in the last few weeks. He said not everybody can be appointed, but please stay involved no matter what. If you are not chosen that evening, or two weeks from now, when we choose the Zoning Board of Review, please keep coming out and please keep applying. He said it takes people like you that make Novi such a great place to live, work, and raise a family. He reminded everyone that they will be appointing the Library Board, and the Planning Commission that evening. It will be based upon the presentations that evening, your resume, your application, and frankly based on your years of living in and service to the community of Novi.

MANAGER/STAFF REPORT: None

ATTORNEY REPORT: None

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 21-03-031 Moved by Crawford, seconded by Staudt; CARRIED UNANIMOUSLY

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
 - 1. February 22, 2021 - Regular Meeting
 - 2. February 24, 2021 - Special Meeting
- B. Approve the Program Year 2021 Community Development Block Grant (CDBG) Application in the approximate amount of \$130,530 and authorize the Mayor to sign the Application.
- C. Approval of the reprogramming of Program Year 2018 Community Development Block Grant (CDBG) in the amount of \$4,871.50 and authorize the Mayor to execute all agreements and or contracts which result from the reprogramming.
- D. Approval to award bid to Kiesler Police Supply, Inc. the lowest bidder, for the purchase of twenty-eight (28) new rifles, additional magazines, and the trade-in of existing rifles for a net cost to the City of Novi of \$22,184.54.
- E. Approval of a Storm Drainage Facility Maintenance Easement Agreement from Haggerty Corridor Partners, LLC for Adams North Technology Centre located north of Mackenzie Drive and west of Haggerty Road (parcel 50-22-01-200-049).
- F. Approval of the final payment to Fonson Company, Inc. for the Flint/Bond Street Construction (SW Ring Road) – Phase 1 project in the amount of \$45,704.79, plus interest earned on retainage.
- G. Approval to award a Guardrail Repair and Maintenance Contract to RMD Holdings, Ltd. d/b/a Nationwide Construction Group, the low bidder, for a one-time structure standardization program, at an estimated lump sum cost of \$78,980, and a unit price routine maintenance agreement, in an estimated annual amount of \$10,000. The unit price contract term is for one-year with two one-year renewal options.
- H. Approval of a Storm Drainage Facility Maintenance Easement Agreement from Hexagon Metrology, Inc. for Beck North Unit 57 located north of Hexagon Way and east of Hudson Drive (parcel 50-22-04-151-037).
- I. Approval of claims and warrants – Warrant No. 1079.

Roll call vote on CM 21-03-031 Yeas: Casey, Crawford, Fischer, Maday, Mutch, Gatt, Staudt
Nays: None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: None

MATTERS FOR COUNCIL ACTION

1. Appointments to Boards and Commissions.

Mayor Gatt recommended Brian Bartlett be appointed to the Library Board.

CM 21-03-032 Moved by Staudt, seconded by Fischer; CARRIED UNANIMOUSLY

Approval to appoint Brian Bartlett to the Library Board.

**Roll call vote on CM 21-03-032 Yeas: Crawford, Fischer, Maday, Mutch, Gatt, Staudt, Casey
Nays: None**

Mayor Gatt recommended Edward Roney be appointed to the Planning Commission.

CM 21-03-033 Moved by Crawford, seconded by Staudt; CARRIED UNANIMOUSLY

Approval to appoint Edward Roney to the Planning Commission.

**Roll call vote on CM 21-03-033 Yeas: Fischer, Maday, Mutch, Gatt, Staudt, Casey, Crawford
Nays: None**

City Clerk Hanson read the results of the ballots. Vinit Gupta, Cindy Lang, and Shaun Page were appointed to full terms on the Beautification Commission and Jan Lach was appointed to the partial term ending in 2023 on the Beautification Commission. Swamy Gopalakrishnan was appointed to the Board of Review. William Bluford was reappointed to the Building Authority. Jeffrey Bowdell and John Enkemann were reappointed to the Construction Board of Appeals and Kamran Qadeer was reappointed to the Alternate position on the Construction Board of Appeals. Dan Pierce was appointed to the Historical Commission.

Mayor Gatt congratulated everyone who was appointed that evening, for those who did not get appointed this time, please keep trying.

2. Consideration of Zoning Ordinance Text Amendment 18.295 to include an option for stand-alone, multiple-family residential use in the PD-2, Planned Development Option, subject to conditions. FIRST READING

City Manager Auger said this started way before the pandemic and the shutdown. He stated that staff had reached out to various landowners and managers of our retail properties to see if we could look into the future and what they saw coming, therefore, we could take their suggestions and ideas on how we can be better prepared as we

move forward as a community. He explained that it might seem like we are reacting to COVID-19, but this was started a long time ago.

Member Mutch said he a couple of questions regarding the details related to this proposed zoning ordinance amendment. He asked City Planner McBeth if she were the one that could field the questions on this matter. City Planner McBeth said yes, and she stated that Planner Lindsey Bell had been working on this as well, she may have some of the details that you would be looking for. Member Mutch said the first question pertained to the maps that were provided to Council. He said it showed the areas that are currently Master Planned for the PD-2 option, which would be the areas that could potentially be eligible for development or redevelopment of the property. He stated the information that was provided to them talked about potentially redeveloping or developing certain parcels around 12 Oaks Mall. He said looking at the map that was provided it looked like the PD-2 option also applies to properties on the west side of Novi Road. He wondered if that was correct. City Planner McBeth said yes, that was correct. Member Mutch said specifically it looked like the portion of West Oaks property, or West Oaks 1 and West Oaks 2, although he could not remember what they are going by these days, what was the Sheraton Hotel. He wondered what the Sheraton Hotel on the west side, right there at the interchanges was, what that also PD-2 as well. City Planner McBeth said yes, and if you would like we can share the screen so everybody can see what they were talking about. Member Mutch said yes, that would be helpful. He mentioned that what was on the screen was a little more obvious than the map they were provided. City Planner McBeth highlighted what was on the screen and said this was our Future Land Use Plan, and it shows where the PD-2 option is available. She explained that they were looking at 12 Mile Road along the top and Novi Road on the north and south, and I-96 was to the south. She stated everywhere that it indicates PD-2 would be the areas that would be eligible for the ordinance amendment that they were looking at right now. Member Mutch asked City Planner McBeth to point out on the map what the vacant properties around the mall that are currently not developed. City Planner McBeth said it was primarily the properties at the northeast part of the map, she pointed out the road that leads into the mall and said both sides of it are currently vacant. Member Mutch said as he was reading through the details that were provided, the change is currently the PD-2 option if somebody wanted to do a higher density, multi-family residential development, like apartments, they must have some type of mix-use or non-residential uses along with those, it is not just a single-use of the property. He wondered if that was how it is currently structured. City Planner McBeth said yes, the ordinance currently allows multiple-family in the PD-2 option as a discretionary decision by the City Council, only if it is in a mixed-use building. She said this amendment really allows multiple-family to be a standalone use on any of these parcels, again, subject to the standards in the ordinance and subject to the City Council's approval. Member Mutch stated that he guessed, from the staff perspective, the City Manager shared the 12 Oaks Mall property owners, or whoever the conversations were as part of that. He thought their perspective was that they felt like adding more high-density residential uses around the perimeter of the mall would help them on the long term. City Planner McBeth replied, yes, that was the impression that

they got so the idea is that the more people that they have, that would be potential shoppers or users of the 12 Oaks Mall, traffic to the mall would be helpful to them. Member Mutch said he understood that logic in one regard, but one of the things when he was looking at these properties, and the kind of proximity to the 12 Oaks Mall, the mall is not really set up for people to access it other than driving, there are no sidewalks into the 12 Oaks Mall. He said it did not connect to any of the perimeter areas. He noted that even the existing development there, the Enclave, which is practically in the backyard of the 12 Oaks Mall, there are no sidewalks or pathways. He asked if they are thinking that somebody is going to get in their car and drive over to Macy's or one of these other stores in the mall. City Planner McBeth said that would be one option. The other option would be something that we would be able to talk about in terms of any site plans that come in for development, under the option, we could certainly request a sidewalk at least along that frontage. Member Mutch said he had another question regarding the properties on the west side of Novi Road, the West Oaks property, that is well developed. He said a lot of those uses are still active, we do not have a lot of vacancy in that center, at least the last time he drove past most of those stores. He believed one of those larger units is vacant. He said looking at a property like Art Van, that is a property that is a low intensity land use there. He wondered if the staff has any concerns about redevelopment of a property like that with a higher density, higher intensity land use. City Planner McBeth replied that was not a major concern from staff. She said they did talk with the property managers of West Oaks Mall wanting to see if they would object to the possibility that the use would be there. She said they talked to the people that felt more up to the west as well, and they did not seem to object to that idea. She stated the question was whether somebody would want to come in and redevelop a commercial use for multiple-family use which she thought was something that the City Council should consider. She explained the ordinance also allows a lot of discretion. She said once the plan comes in, whether the City wants to see it approved, whether it meets the standards of the Planning Commission, they would hold the public hearing, and the City Council could consider it for approval. Member Mutch said his final point was that the City indicated they are going to be doing a Master Plan update in this upcoming year, the upcoming budget year, he wondered is that was an accurate assumption. City Planner McBeth replied, yes, that was the intent. Member Mutch voiced his concerns which were that he was not necessarily opposed to having some higher intensity uses around this area, even though he knew the first reaction for folks is going to be things like traffic. He said that 12 Mile Road and Novi Road in this stretch, of any place in the City that could support some additional traffic, they probably could. His concern was that it felt a little piecemeal, in terms of implementing this kind of change. He said knowing that we are looking at doing a Master Plan update, he assumed this area is going to be an area of focus. He wondered if the Planning Commission and the staff will be looking at that area. City Planner McBeth said yes, the staff thought that this would be an important area of focus. Member Mutch said one of the things he looks at is that the 12 Oaks Mall is doing better than a lot of other malls. He thought West Oaks was doing well, but retail is changing significantly. He said 12 Oaks Mall has two major

anchors that are vacant or will be vacant at this time, the reality of retail is not what it was 25 years ago, and he did not see somebody the size of Sears or Lord and Taylor coming in and filling those spaces. He said they had this conversation a couple of years ago, City Council was talking to the City Administration saying, we really need to get ahead of this because 12 Oaks Mall over the next 25-years is going to evolve into something very different, hopefully better. It must change because the whole nature of retail has changed significantly. Places like this need to adapt or they die, so he was hoping it will adapt. He wanted to see more of a plan before we start. He said one of the changes like this, we could end up with some developments on the perimeter that maybe do not really work and tie into the long-term plan of 12 Oaks Mall or West Oaks Mall. He thought if we were going to approve this, he would rather see it just limited to around 12 Oaks Mall for now because there are some existing residential uses. He had no interest in seeing that go west of Novi Road now. He said until somebody sits down and shows him how that will all work together. He thought that would be something we could get at the second reading. He encouraged his fellow Council Members to consider if we are going to move this forward, limit it, because he did not see the need right now for more residential high density west of Novi Road in that area. He thought we had plenty. He stated that it is not even all built out, to the north, we have got a large apartment development that is proposed north of Novi Road. He thought that this is a good place to kind of hold that line for right now.

Mayor Gatt asked City Planner McBeth if her staff had talked to the 12 Oaks Mall management about this, did he hear her say earlier that they were in favor of residential. City Planner McBeth said yes, that had two opportunities to talk with them, once before COVID-19 shut things down, and again more recently, and there were no objections. She thought that they realized that the ordinance currently allows multiple-family at the perimeter, but it is only multiple-family that would be included in a mixed-use kind of building. She stated that several years ago, they saw Uptown Place, which was proposed in the eastern, northeastern part that we are looking at. That was a mixed-use development, but it never happened. Mayor Gatt agreed with Member Mutch, caution is always prudent, and he also agreed that the mall is changing. It would behoove us as a City Council to work with the mall management. They have multi-millions of dollars invested, they know what they want, they believe they know what will work. He said it is possible that they have a crystal ball that we do not have as to what the future holds. He thought that if we are working alongside both malls, owners, and operators, he did not have a problem with moving forward.

Mayor Pro Tem Staudt asked City Planner McBeth if this was driven by staff or driven by the mall owners. City Planner McBeth replied that we had started talking about it in 2019 before the COVID-19 shutdown. They were looking at different types of land uses that may be appropriate in this area, so these were some ideas that staff had come up with, and then they talked with developers about some of those ideas. She added that City Manager Auger may also be able to contribute to that question as well. City Manager Auger said a lot of it was driven by conversations, not only with the property owners, but

City Council's back in 2018 and 2019. They were very concerned on what was happening as some of the big boxes not only in our area, but around the country, were being abandoned in the uses. He said it was challenging to find uses to fill that much space. He explained that they had the conversations at goals workshops, and they had to let Council know at the meetings what was going on about the conversations and that we needed to be involved with that. He said that drove staff to reach out and start looking at different options, not only for the vacant property. He said the obsolete property that might have been perfect 5-years ago might be obsolete for future uses. He said they want to be able to backfill those as well. Mayor Pro Tem Staudt said he would support the first reading, but clearly there was more going on in the background. He was not feeling it. He thought there must be something more, why is the undeveloped property on the west portion of this lot also not being considered for this zoning. He said he was talking about the big lot that is just south of Chick-Fil-A. City Planner McBeth replied that parcel was not currently in the Master Plan for the PD-2 option although that could be something that the Planning Commission will look at moving forward when we look at the Master Plan again. As it currently stands, that is not part of the PD-2 option. Mayor Pro Tem Staudt said the real question is, at what point do we address the Regional Center District zoning, especially those abandoned buildings. Is that something that we are anticipating down the line so that they have greater options for those buildings. City Planner McBeth said this is something that we talked with the representatives about when they came in, we had some ideas that we discussed with them, and they seemed open to a variety of ideas. It also seems like something that the Planning Commission might really want to delve into and talk about what is going on at different shopping malls, either locally or across the nation to see what reuses they have seen there and come up with a comprehensive plan for the Regional Center District. Mayor Pro Tem Staudt said he thought at some point there must be a lot more transparency in what they are planning to do. He said it is hard to rezone things without knowing what the use is going to be. He recalled that we had that at the Kroger and in the 10 Mile property over at Novi Road where they were going to build a Kroger, but they wanted to rezone for something that nobody knows what was going to go in there. He was hesitant again, he said he would support the first reading, but there will be a lot more convincing that there is going to be something going in there that we really want to see. He said he was opposed to just general rezoning for something maybe, he will support the first reading, but with some trepidation.

Member Casey thanked City Planner McBeth for the work that she had done to get us to this point. She wondered why we are out of sync. She thought if we are going to be doing a Master Plan this summer, she wondered why this was not part of that conversation, and that visioning. City Planner McBeth said they had talked about it. She stated that there were several things that really needed to be delved into by the Planning Commission as a whole. She said they indicated in the packet, and she was sure that people saw that we have a potential development opportunity for one of the parcels near the northeast corner that we were looking at on the map, so there is potentially a request that will be coming forward. She said they think quickly, and we did not want to

delay something to be considered. Member Casey echoed what some of the previous speakers have commented on in terms of looking at the side of the road. She said she was hesitant as well because she was starting to feel a disjointed in terms of changing an ordinance when we might have one that one developer that pops up, but we are changing an ordinance when we have planning the Master Plan in the summer. She felt like we were getting out of sync in terms of understanding what the vision is going to be on what the Planning Commission comes up with for the vision for that area. She said she echoed Mayor Pro Tem Staudt and said she would approve the first reading with trepidation. She was not sure where she will be comfortable on the second reading.

Member Fischer understood this to be strictly about the parcels around and surrounding the mall, and it did not have a redevelopment aspect to it in the mall, was that correct? City Planner McBeth said that was correct. It is about the parcels around the mall that have got the PD-2 option available to them. There could be redevelopment on one of those parcels, such as a bank building or something or combination of a bank building and another building might want to come in and seek the PD-2 option. She thought primarily it would be for the vacant parcels around the mall at this time. Member Fischer confirmed it would not be about Sears redeveloping into using this option. City Planner McBeth said no, it would not because the Master Plan does not show the option available to the Sears store. Member Fischer said in general when you talk about those parcels on the outside, it typically is under the PD-2 option that would require mixed-use, and this would just allow for not requiring them a mixed-use anymore. He echoed the trepidation comments as well. He was hesitantly comfortable to approve the first reading. He asked City Attorney Schultz when you think about the spectrum of the authority that Council has, as far as the ability to change plans, and request things from petitioners, he thought of it like the PRO process. He felt like they have a lot of discretion to negotiate and ask for things and give the thumbs up or thumbs down, kind of a very vanilla proposal in a zoning district where it meets all the requirements, there is not much we can do. He wondered from a PD perspective, where would you put that on the spectrum, how much discretion do we have to negotiate if you will. City Attorney Schultz replied that it is generally in the same category, it is a form of a PUD, like the PRO's. It does not have an agreement that goes along with it, but you do have the right to impose conditions, it is a discretionary review and approval, it has to meet the standards in the sense that you the Council have to find that the standards are met. It maybe a notch below a PRO which is about, as carefully written as we can get, but still in the optional form of development, PUD, there is a fair amount of discretion. Member Fischer thanked City Attorney Schultz for the clarification, as he contemplated approving this because PRO's are his favorite, because he felt like they have a seat at the table as opposed to some of the other discussions we have as far as approval. He said he would approve the first reading at this time, but he asked staff to think about some of the comments made that evening and help ease some of those concerns. Thank you.

Member Maday echoed everything that the previous speakers have said. She thought it was important, that we are starting to look at these properties in a different way to use

commercial properties, she thought were incredibly important. She liked that the developments in this option would have to go through a special land use because like Member Fischer said it gives us a more comfortable feeling about it. She believed it was important to get this process rolling and at least pass the first reading, then have staff look at what has been said this evening and see if they can come up with anything else to satisfy all our needs. She said she was willing to support this.

Mayor Pro Tem Staudt said he would make a motion, but he had a question for the City Manager Auger first. He wondered if we anticipate having a deep and clearly defined discussion on the Regional Center District sometime soon. Clearly there are going to be major changes at the mall that are going to require some level of rezoning. Do we plan on doing this in advance, or are we going to wait for them to come to us? City Manager Auger said that is what is driving this here, trying to get out ahead of other areas, other regions that have malls. There are a lot of studies out there that we have been following on a lot of mall owners saying that a reduction of the malls could be down to four or five malls in southeastern Michigan from the many malls we have now. We are trying to get out ahead of it. He explained the larger picture that was brought up like the Sears store, the big box stores. He said hopefully those changes will happen or any changes in the larger Master Plan that is coming through next. He said this is the first step and the easy step if you would with mostly the open fields there is still a couple left. He said there are a couple sites that building might be better use as something else, that is why they met with the mall management teams at the mall to find out what they are looking at and where their vision is, so that we can marry it up. Mayor Pro Tem Staudt thought this process is far more piecemeal that he would like it to be. He understood that nobody has the answers yet as to how they are going redevelop pieces of the mall, but he did not get the warm and fuzzies with this. He said he would recommend approval and made a motion.

CM 21-03-034 Moved by Staudt, seconded by Casey; CARRIED UNANIMOUSLY

Approval of Zoning Ordinance Text Amendment 18.295 to include an option for stand-alone multiple-family residential use in the PD-2, Planned Development Option, subject to conditions. FIRST READING

Member Mutch said he was concerned about the area looking south of the freeway, we have several major projects, one of which the City has a direct involvement in with the Grand River property as well as the bond development. He stated there has been a lot of discussion over the years about bringing more residential development to the Main Street area. He wanted to make sure that we are not getting in a situation where we are cannibalizing various areas of this kind of economic engine of the City by approving more residential or new kinds of residential development north of I-96 when we are trying to capture that south of I-96. He said one of the criticisms of Fountain Walk over the years was that it was too much for what our region could support. He said back in the day, when we were the only mall for 15 miles, we could get away with having this much area zoned for retail. He commented that we were never able to fully build out all the retail

that we thought we could do. He said the questions he would have was can this area support the amount of residential that potentially could come in if we approve these changes. If so, what is the impact of that along with what we already have planned south of the freeway. He understood there is potentially development in the offing. He stated that at the same time, he did not want us to get in a situation where we are under cutting what we already have in the pipeline what we have already approved as a City Council and a city. He wondered how much residential we could support in this area, and he has not seen that question answered. He felt that it was an area where the City probably really needs to do some more, do some more legwork to figure out what is realistically possible in that area, versus just opening new properties. He understood that we were previously allowed that kind of use, but it clearly has not happened in that area. He thought we were potentially opening it up for a lot more residential with this change.

Roll call vote on CM 21-03-034

**Yeas: Maday, Mutch, Gatt, Staudt, Casey,
Crawford, Fischer**

Nays: None

3. Approval of a resolution authorizing submission of a Land and Water Conservation Fund (LWCF) grant application for the development of Northwest Park. Total estimated development cost, including \$284,721 grant, is \$569,442.

Mayor Pro Tem Staudt said this was something that he believed came out of our Grant Committee. It was suggested by PRCS Director Muck who he thought is on the Zoom call. He said it certainly fills a need. He explained that we purchased this property several years ago and have let it basically stand dormant until development came up around it and now it is a great opportunity to put in a park that is going to be accessible by many people walking in from neighborhoods. He stated the Committee strongly supported it. He asked PRCS Director Muck to further expand a little bit on that.

PRCS Director Muck said they were excited about this potential project. He stated that we kept with the very nature base theme to this. He said the Grants Committee has also taken into the Parks and Recreation Commission, and then we also had a virtual public meeting on this a couple of weeks ago and they had over 30 of the neighboring residents attend, and for the most part, they were in support of that. He said this is something unique to Novi by nature trails, a nature-based play area, restoring the prairie at the southernmost part of the property. He said he go through a presentation if they would like, or answer questions if they had any.

CM 21-03-035

Moved by Staudt, seconded by Maday; CARRIED UNANIMOUSLY

Approval of a resolution authorizing submission of a Land and Water Conservation Fund (LWCF) grant application for the development of Northwest Park. Total estimated development cost, including \$284,721 grant, is \$569,442.

Member Casey commended PRCS Director Muck for all the work he did to pull this together. She said they had 30 residents attend the public meeting, and she hoped they

had some conversation about how the park will be designed. She did mention for those individuals who were part of that public meeting that might be watching that evening, we are just doing the grant submission that evening. She hoped we will win the grant.

Roll call vote on CM 21-03-035 **Yeas: Mutch, Gatt, Staudt, Casey, Crawford, Fischer, Maday**
Nays: None

- 4. Consideration of approval to award a unit price contract to Scodeller Construction, Inc., for a Concrete Joint Repair Program, in an estimated annual amount of \$183,340, for a term of one-year with two one-year renewal options.**

CM 21-03-036 **Moved by Staudt, seconded by Fischer; CARRIED UNANIMOUSLY**

Approval to award a unit price contract to Scodeller Construction, Inc., for a Concrete Joint Repair Program, in an estimated annual amount of \$183,340, for a term of one-year with two one-year renewal options.

Roll call vote on CM 21-03-036 **Yeas: Gatt, Staudt, Casey, Crawford, Fischer, Maday, Mutch**
Nays: None

- 5. Consideration of approval of Change Order No. 4 to Pipeline Management Company for the 2020 Sanitary Pipe and Manhole Rehabilitation – Phase 2 project, in the amount of \$985,120.00 and amend the budget.**

CM 21-03-037 **Moved by Staudt, seconded by Maday; CARRIED UNANIMOUSLY**

Approval of Change Order No. 4 to Pipeline Management Company for the 2020 Sanitary Pipe and Manhole Rehabilitation – Phase 2 project, in the amount of \$985,120.00 and amend the budget.

Roll call vote on CM 21-03-037 **Yeas: Staudt, Casey, Crawford, Fischer, Maday, Mutch, Gatt**
Nays: None

- 6. Approval of the contract for Collection of Solid Waste, Recycling & Yard Waste, and Other Services to GFL Environmental USA, Inc for a period of eight (8) years beginning July 1, 2021, and expiring on June 30, 2029. The first-year cost would be \$138.00. Subject to final review and approval of the form of agreement by the City Manager's office and the City Attorney, including changes determined to be consistent with Request for Proposals.**

City Manager Auger stated this was a team effort which Assistant City Manager Cardenas lead the team, he asked him if he had anything to add to the memo before Council comments.

Assistant City Manager Cardenas thought the packet was comprehensive. He said the residents will be saving a significant amount of money in terms of what GFL has proposed. He said we have representatives from GFL on the line if you have any questions.

Mayor Gatt said before he opened it up to Council, he wanted to make a few comments and commend the Consultant Review Committee. He said thinking back 5-years ago, this was a big deal that we moved to a single hauler because prior to 5-years ago, every subdivision had two or three, sometimes four different waste haulers. We had trucks moving around the City, five days a week, it was a mess. He stated when it was proposed to move to a single hauler, and he gave Mayor Pro Tem Staudt a lot of credit for that, and himself included, and Wayne Wrobel, God rest his soul. It was controversial, but it has turned out to be he thought one of the best things that happened to the City. He said 5-years went by quick, the company that we contracted with and still have until he believed June 30 seemed to want to raise your prices in an exorbitant amount percentage wise. He said that forced our Consultant Review Committee to hear other proposals and the new company came in and they are offering the same service. He understood it is going to be the same pickup day as people have now. It is going to be everything that we are used to only it is going to be a little bit cheaper. He said on behalf of the Council, thank you to the Consultant Review Committee. He thanked the staff that worked so hard on this.

Mayor Pro Tem Staudt agreed with the Mayor, that this was a much more difficult process 5-years ago through your leadership and support. He said the Consultant Review Committee at that point worked through the single hauler issues working with Assistant City Manager Cardenas. He thought we came up with a great solution 5-years later, residents barely know that there was a major change and everything that has happened has been for the good. He said unfortunately, you come to the end of contracts, and in this circumstance, some of the conditions that were being imposed on us were excessive in our mind. He said they suggested that we go out to bid which City Council supported and the Consultant Review Committee then they met a few weeks ago and looked at the bids. The low bidder was GFL and they supported that bid unanimously. He said their contract offer not only is as good as what we currently have, but perhaps better. He said more importantly, it is a large reduction in cost through the entire term which is going to be a 9-year contract. In the ninth year, it is less than what we are currently paying. He thought this was an outstanding value for our residents and they were happy to bring this forward. He said he would have his colleagues on the Consultant Review Committee have an opportunity to talk if they would like to, and after that he would make a motion.

Member Fischer said he is currently on the Consultant Review Committee. He thought that Mayor Pro Tem Staudt did a wonderful job of explaining this. He commended

everyone who was on Council 5-years ago that was involved, he was not at the time. He understood that City staff had a lot of work on their hands, rolling this out, they took the brunt of this. He thought that when we saw what was being proposed, as far as the costs, it was just not something that was fair to residents. He said we did give the current provider the opportunity to extend the contract, that was part of the deal. He said they came back with a price again, that was just not going to work for the residents. He said they went to bid, and he thanked City staff for their efforts, and doing the review of the bids. He thought this was a great win for the residents. He said it will be less expensive, the same pickup days, two weeks expanded yard waste, we still get more access to bulk pickup. He thought it was going to be a win, win. He was excited about the relationship that we are about to forge. He thanked Council for supporting the Consultant Review Committee and getting this out. He wished the staff the best, he was sure that this will go as smooth as it did the last time because of the leadership that they can offer.

Member Casey said she was also on the Consultant Review Committee. She thanked her colleagues on City Council and her colleagues on the Consultant Review Committee, especially Mayor Pro Tem Staudt. She said she was very happy to be at this point. She thought the residents will be very pleased as this starts to roll out. She thanked Assistant City Manager Cardenas and his team in advance for making this a very smooth process.

Mayor Pro Tem Staudt said before making the motion he would like to invite the representatives from GFL to speak. Mayor Gatt said he was going to invite them to speak after Mayor Pro Tem Staudt made the motion.

CM 21-03-038 Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY

Approval of the contract for Collection of Solid Waste, Recycling & Yard Waste, and Other Services to GFL Environmental USA, Inc for a period of eight (8) years beginning July 1, 2021, and expiring on June 30, 2029. The first-year cost would be \$138.00. Subject to final review and approval of the form of agreement by the City Manager's office and the City Attorney, including changes determined to be consistent with Request for Proposals.

Mayor Gatt said they would open it up to Council after the representatives from GFL went on the record and let us know why they want to work for the City of Novi.

Mr. Don Baretta and Mr. Jeff Gomez were also in the virtual meeting. Mr. Baretta said they were very excited when the City of Novi went out to bid, we have several communities that surround Novi. He said their hauling company is right down the road and they have a new landfill that is very close to Novi. He thought they could provide the City with some additional services, the expanded fall collection, rewards for recycling program, and they felt the price they gave the City was a very good price for both the GFL Environmental. They looked forward to starting on July 1st. Mayor Gatt asked Mr.

Gomez if he would like to speak. Mr. Gomez said they just want to thank the Mayor, and City Council, and he gave thanks to Assistant City Manager Cardenas for taking on a large task, putting a contract of this size, this magnitude out to bid and they appreciated the opportunity, and he also looked forward to the relationship starting July 1st.

Mayor Gatt said they are Council members, but they are residents also and he can speak for the other neighbors. They are looking for good service, prompt service and service as promised. He said if they can do all that, he thought you will really like it here and we will really like you being here.

Member Mutch thanked his fellow Council Members and the City staff for the work that they did on this. He said when these numbers came to us, it was almost jaw dropping, because it is hard to believe that we could get this kind of price reduction in this area. He was really pleased to see this. He asked Assistant City Manager Cardenas if he could highlight a couple of the improvements just so residents are aware that even though the price is coming down, we are not cutting the services in any way. He said in fact, we are improving them in some areas. He also asked how the residents are going to be informed of this change. He said even though it should be seamless sometimes it causes consternation for folks. Assistant City Manager Cardenas said residents should see no big disruption in their service whatsoever. We are not changing their day of service; they will be seeing a two-week expansion of their yard waste at the end of the season. He said the second week of December will be their last pickup for yard waste. That has been an issue that our residents have contacted City Council on, so that is a new add on, bulk collection will remain the same, there will be no additional fee, no charges. He said they will pick that up no matter if it is scheduled or not scheduled, their service delivery or service date will not change whatsoever. We are currently working through the carts right now to see that we will be able to swap carts out or relieve carts in circulation. He said residents can use their cart or use a bag of garbage, something that will not weigh more than 35 gallons, some other container of some sort. It should be as seamless as possible. He said hopefully there will be no disruption in their current service, just an expansion of their yard waste collection. He said that is what they are striving for, and we were able to achieve that with our new partners in GFL. Member Mutch said every fall the residents always commented that the leaves had not fallen yet, he thought a lot of residents would appreciate the extension. He asked if everything was the same for recycling, and our partnership with RRRASOC. Assistant City Manager Cardenas said he was correct, recycling remains the same, everything will go to the RRRASOC facility over in Southfield at Eight Mile Road, and the textile collection that is run through will not change. The same services will be in place. Member Mutch said five-years ago there were some subdivisions that did not participate because they were under existing contracts and we granted them to continue to do that until their contracts had expired, so we still have any floating out there that will not be part of this contract if so, how many and for how long. Assistant City Manager Cardenas said that was a great question, he thought we a very small amount. He said some might already be GFL customers. He said we work with our partners, our new partners, and GFL in terms of swapping them out to their day to day to make sure to streamline with our current allotment right now. He did not think it will be an issue whatsoever. He believed it was only three to four outstanding ones, and a couple of them are expiring right now, and he thought they were GFL

customers as it is, such as Bellagio, will be just encapsulating them into our new contract with the. Member Mutch said for years anybody who even suggested doing anything in this area, they were told it was like the third rail of Novi politics and you would get fired if you did it. He thought it has been one of our great success stories over the last five-years getting everybody on to the system. He said the Mayor had mentioned, having three or four trucks going through a subdivision every week was tearing up our roads, and disrupting things. He said this is a higher quality of service for less money. He thought the City should get some praise, because we have done a really good job making this happen.

Roll call vote on CM 21-03-038

**Yeas: Casey, Crawford, Fischer, Maday,
Mutch, Gatt, Staudt**

Nays: None

Mayor Gatt welcomed GFL to the City of Novi.

7. Review and discussion of the General, Tree, and Capital Improvement Program (CIP) Funds financial summaries to be included in the fiscal year (FY) 2021-22 Budget Document.

City Manager Auger said this is a change of how we have been doing it. We changed up our budget process this year following City Council's direction. He said this is basically the 30,000-foot view draft. It has not been fully flyspecked, but you get the general opinion of where everything is. He said they wanted to throw it out there for Council to look at and see if there is anything that raised any flags, or you need any answers to track down. He stated the Finance Director Johnson was on the call and was able to answer any of the questions. City Manager Auger said that we did not need a motion that evening unless we want to change something. He said he just wanted to get this to Council before he presented the budget to Council.

Member Fischer appreciated the new process to get these high-level number in front of us, he thought it was a wise decision. He thought it was a good process in general, but especially everything we are seeing with COVID. He stated in general, a lot of the numbers seem in line with what we have been going through with the budget amendments. He thought that is an important alignment that he has been striving for which he thought the message was heard. He had a question regarding comments made about the new proposed sidewalk replacement program. He stated that was a goal that was approved by Council, and it was discussed at Walkable Novi, and at the CIP. He said he was looking for clarification because the packet talks about the current estimate being \$200,000 with another \$200,000 from the Municipal Street Fund. He wanted help understanding where the first \$200,000 was coming from if the other \$200,000 was coming from the Municipal Street Fund. Finance Director Johnson said the program itself was estimated, it is just a rough estimate of \$400,000 dollars a year. He explained that the \$200,000 and \$200,000 is an estimate as far as how much of the sidewalk replacement will be directly street related or tree related. If there is a tree that is buckled up, the roots have buckled up the sidewalk, then those are the costs that would be charged towards the Tree Fund. He said the way it is structured; this \$400,000

program could be \$50,000 for the Tree Fund and the rest going to the Municipal Street Fund. He said that is where all our new sidewalks and sidewalk gaps are paid for out of the Municipal Street Fund. He stated that is where the other \$200,000 would be budgeted. Member Fischer said he did not completely follow the explanation. He wondered if the \$200,000 was scheduled to come from the Tree Fund as well. Finance Director Johnson replied yes, it is \$400,000 total, \$200,000 from the Municipal Tree Fund and \$200,000 from the Tree Fund. Member Fischer said he brought this up because another Member had brought this up during one of the committees, he is on both the Walkable Novi Committee and the CIP, and they were concerned about the Tree Fund being used for this. He said he tried to have an open mind and he understood where they were coming from, the visual of using the Tree Fund to put cement down, even if it is caused because of the trees concerned him. He said he would like the City staff to go back and try to figure out if we can have the General Fund, our operating fund that we have, and potentially look at using that at least for the first year. He thought for the first year we can see some sort of study from the staff, how much we would have billed to the Tree Fund because of this. He said staff and City Council can make a policy decision as to whether the amounts and what is being proposed warrant being billed to the Tree Fund, but the first year and right off the bat, he was not comfortable with funding this through the Tree Fund. He said it was a big priority of his, and he thought it was important to invest in the maintenance of the sidewalk network that we have. He said that was the one main thing he would like to see changed from what was being proposed that evening. City Manager Auger said one of the Councilmembers was asking when the packets went out, was how are we going to monitor what is caused by trees, but that the staff at the DPW was very insistent on the \$200,000. That was just a drop in the bucket. He reminded everyone that this is just a pilot program, as Member Fischer said, just the first year to try to kick it off, and then see how well it is received and how much we can do in a year, and then try to extrapolate that into a full-blown program. He said we can change where we get the \$200,00 from, we can take it from the Fund balance or the Street Funds itself and go the whole \$400,000. He stated we just thought we would place it where it made sense. He understood what Member Fischer was saying, if we come back with the data, reinforcing that these are issues with the trees, and some of it is replacing trees when we replace sidewalks the tree needs to be replaced. He said we can bring that data back if that is what Council wants. Member Fischer said he thought that would be his personal preference, he will let his other colleagues speak. He said for the pilot program, he thought we should fund it elsewhere and have a grander discussion on what aspect of the Tree Fund participates in future years.

Member Maday agreed with Member Fisher, she felt the perception is not going to go over well, even though those trees are creating some of the damage. She said because it is a pilot program, we can just see how it goes and adjust next years. She wondered, we have a huge Tree Fund, it serves a purpose. She did not know how many more years we were going to have that amount of money in the Tree Fund as we continue to develop. Will the money eventually dry out? She thought eventually we will not continue to add as much into it every year. Finance Director Johnson said they have looked out over the years and tried to project, because it is difficult to project how much development and how much will go in. He said as we sit here today, it would last at least another 15 years. He agreed that development at some point will stop and it will dry up

at some point. City Manager Auger disagreed with Finance Director Johnson, he believed development will not stop, it will change, it will be different. Finance Director Johnson said sorry, that was his mistake, it will not be as robust as it has been. Member Maday said she would like to see the \$200,000 which is not a huge amount come from somewhere else, at least initially this year.

Member Casey echoed the comments from the previous speakers.

Member Mutch thanked Member Fischer for addressing this issue. He said it was one of his concerns he had when they talked about it at Walkable Novi Committee. He thought the City Manager made the point there are going to be times when we are going to be able to directly point to a cost that is appropriate for the Tree Fund. He said for instance, replacement of the tree or where it needs that funding source which is an appropriate use. He thought member Fischer, it is a good idea that this is a pilot project, it is going to be a learning process for City staff, and for residents to see how this works out. He stated that this is something new that we are undertaking this year, and he felt it was important. He shared at the committee level, he had a family member who unfortunately tripped and fell on a City sidewalk where the sidewalk had been heaved up by a tree, and they suffered an injury because of that. He said that is something we do need to address as a city. He also thought maybe taking that step back for the first year, let us see what the cost looks like, where it would be appropriate. We may know more in about six-months. He said at some point later in the next budget year, City Administration come back and say, it really is a significant portion and we really want to address that through the Tree Fund. There can always be a budget amendment. He said at this point we are just setting the framework for this. He said he would support what has been said so far. He also said if you look at the Capital Improvement Program Fund, in terms of what is being proposed, he thought it was something, it is a challenging time, because we are in this COVID environment. Although things are getting better, he felt hesitant to bite off too much. He said at the same time, we do have this dedicated millage, we do have some outstanding needs, some of which have been addressed in the out years. He said they had a lengthy conversation about his not too long ago, in terms of that Deficit Improvement Program. He did not think that we wanted to get into all the details, but he was giving a heads up to his fellow Councilmembers. He thought at budget time that they might want to have some more discussion about that the future projects that come out of that fun, there are still needs that need to be met. If we look at the CIP plan, he thought there are some projects in the out years that we could probably do sooner rather than later. He said at the same time, we also need to be cognizant of the long-term trends and not get too far ahead of ourselves. He said at budget time, he would be looking for some more guidance from City Administration about what are some potential needs. What can we safely spend out of that fund? He said that is creating a situation for a future Council, they will have to tray and make up a gap that is created because of property tax revenue shortfall due to the whole conversation we have about 12 Oaks Mall, that could potentially have an impact. His said he appreciated Member Maday bringing up the question about the long-term viability of the Tree Fund. He echoed her concern as well. He stated what the City Manager said, and Mr. Johnson said, we are going to continue to have development in Novi, that is not going away. We are going to have a lot of redevelopment; the difference will be on properties that do not have a bunch of mature

trees on them. He said the point that Member Maday was making is that the money is just not going to flow in like it has, the fact that we have had a lot of development and somewhere down the road, Mr. Johnson is saying it is going to be 15 years, but at some point, some future Council is going to have to figure out how we find revenue to plant more trees. He said our community and our residents are always going to want more trees. He did not think we will ever reach the point that they are going to say, do less with trees. He said at the same time, he also thought we have some potential opportunities to secure and protect some properties. He said they do have a lot of mature trees on that he thought the Tree Fund might be the source to do that, we could be proactive, we talked about that. He stated that it is a Council goal to protect more property and the City long term as parkland, as open space, residents really value it. The Northwest Novi Park is going to be a nice protected in perpetuity area of the City, so let us add that into that where there are opportunities to do so.

Mayor Pro Tem Staudt stated this is exactly the kind of document he liked to work with. He said he had a few questions and a few comments. He said he wanted to make it crystal clear \$4.5 million out of the CIP millage for improvements to the ITC Park, a Community Sports Park is a non-starter for him. He hoped we have a lot of discussion down the road on this. He said he was not looking for that we have so many other projects that are coming down the pike that he thought we have to have deep discussion, as Member Mutch talked out. He found it interesting that this year we are budgeting \$315,000 for receipts from courts, fees, and fines. He said next year, we are proposing \$370,000. He asked if they could have an update as to why the big swing. Finance Director Jonson said certainly there is a lag of two to three months, usually in the ticket revenues. He stated the first quarter of the current fiscal year, we were still feeling the effects of COVID, so our ticket revenues have rebounded. Our first quarter of the current fiscal year was extremely light, because the tickets we got in July, August and September were the tickets they were supposed to be written in April, May, and June, and that is when pretty much everything was shut down, there were not a whole lot of tickets written. Mayor Pro Tem Staudt said that in COVID we went from \$303,000 and in a non-COVID year to \$315,000, which is an increase. He wondered where we are expecting to get \$55,000 more. Finance Director Johnson replied that was the current trend that we are on pace for right now. Mayor Pro Tem Staudt said on another issue we have several police contracts that are coming up soon. He wondered if those reflected in the budget numbers for the upcoming year. Finance Director Johnson said yes, without going into specific details, we historically anticipate an amount related to all our open contracts. He said we have incorporated an amount in there for all our open contracts. Mayor Pro Tem Staudt asked if we are not anticipating any increase in personnel for public safety at this point. Finance Director Johnson said the current budget, right, that is correct, there are no additional increase from the authorized positions. Mayor Pro Tem Staudt commented that looking through the personnel costs it was very clear that our City Administration followed our direction, pre-COVID in last year's budget, and it looked like we are really holding the line, which is something that is good. He appreciated that the budget reflects that. His final comment was that he liked the format that we have been provided, he would very much like this exact document to be part of our budget message, even it is an informal part of our budget, with any red lining any changes that happen between now and budget time, but it is a nice, clean way to

look at things. He said he knew it is already in the budget book, very similar to this. He did not think that it would take much to provide that between now and in budget time, it would be nice to have that document. He wholeheartedly agreed with Member Fischer, let us take the \$200,000 out of the Fund Balance. He said we need to figure out what our long-term plan is with Tree Fund. He said he has been around the Tree Fund since the year 2000 when he was on the Parks and Recreation Commission and it was \$400,000. He said now we are \$4.5 million. He agreed that it will go away largely someday but he thought it was important that we look at uses sooner than later. He did not think we needed to pass this entire fund down to future generations of City Council's. He thought a lot of this development happened during our time in office. He would like to see us utilize it for additional trees, land acquisition, and other things that would be appropriate.

Mayor Gatt thanked everyone for their discussion. He said the City staff heard Council's views.

AUDIENCE COMMENT: None

COMMITTEE REPORTS: None

MAYOR AND COUNCIL ISSUES:

Mayor Gatt said the first item is "Outdoor Gatherings" which he added to Mayor and Council Issues. He said Council may recall that we allowed outdoor gathering, it was supposed to terminate on March 31, 2021. He said this is not a time normally when we make motions or move on something like this. He asked City Manager Auger to explain where we stand on the City gatherings. He proposed that we extend it to October 31, 2021. He said COVID is still here. It seemed to be heading in the right direction, but it is still here. He said the ability to move around outdoor is something that we have allowed. He thought that we should continue to allow. City Manager Auger said it is set to expire soon and he wanted to bring everyone up to speed on the demand that have followed this as closely as the City Council has. The City Council used the outdoor gathering permit to help the local businesses expand the area that they could sell their goods and wares, particularly like restaurants eating outdoors and things of that nature so they could cope with all the shutdowns that were occurring. He said this worked well and we could very well with Council's approval to extend this out to October, just as the Mayor mentioned. He stated if we did that, he would just let Council know what we will probably do, is work with the legal team and see if we should tweak ordinances moving forward if this were to roll into another year because of the changes in the length of time, or we could extend the temporary use to help our local businesses out. Mayor Gatt asked City Manager to talk to the staff and attorneys and put this on our next agenda as an action item. He said they can discuss it further, but that way we can vote on it and it will still be in March and will be fine. City Manager Auger said the only thing that came to mind was some of these folks gearing back up now that the governor is loosening some restrictions. There is a lead time on ordering some of this equipment, some of the tents and things of that nature. Mayor Gatt said he understood, and asked Mayor Pro Tem Staudt if he would

make a motion. He explained that normally they do not make motions and vote under Mayor and Council Issues. He thought this should be an exception.

Mayor Pro Tem Staudt said we certainly need to support our local businesses and restaurants.

CM 21-03-039 Moved by Staudt, seconded by Crawford; CARRIED UNANIMOUSLY

To extend the Temporary Outdoor Gathering Resolution expiration date from March 31, 2021 to October 31, 2021 with the direction of our City Attorney and our City Manager and to direct the City Clerk to make amendments to the resolution.

Mayor Gatt asked City Clerk Hanson to prepare the required amendments to the resolution to reflect that extension. Mayor Gatt said we absolutely must support our businesses; we are not going to stop now. The restaurants now have 50% capacity inside. That is enough to maybe make a living for some of them. We must do more, and we must let them do whatever we can.

Roll call vote on CM 21-03-039

Yeas: Crawford, Fischer, Maday, Mutch, Gatt, Staudt, Casey

Nays: None

Member Mutch asked on a related topic if the temporary signage changes that we allowed, are they still in effect. City Attorney Schultz replied that he thought they were in effect until the same period, March 31, 2021. Member Mutch asked Mayor Gatt if we would be looking at the same extension. Mayor Gatt agreed with Member Mutch and said if we are going to extend the outdoor gatherings, we should extend the outdoor signage waivers that we have allowed.

CM 21-03-040 Moved by Mutch, seconded by Gatt; CARRIED UNANIMOUSLY

To extend the Temporary Outdoor Signage Resolution expiration date from March 31, 2021 to October 31, 2021 with the direction of our City Attorney and our City Manager and to direct the City Clerk to make amendments to the resolution.

Member Fischer asked if there was anything else that we were missing. He said whatever we had intact; he thought the last motion was to just extend everything. He said that was his goal unless you want us to know if there is anything else. Director Boulard said the concern is what the City Manager mentioned is that some of our businesses was that as the weather gets warmer, and hopefully even as the lift restrictions back off, there is still a lot of folks who are not comfortable going indoors for dining at restaurants and so on. Secondly, as you mentioned, a lot of these tents require advance planning and payment, and a commitment for several months at a time. He believed the sooner we

act, he thought it would give the businesses a little bit of an advantage in terms of trying to get things in place. He stated when the weather warms up, they have their tents in place, and feeling secure that their commitment, their multimode commitment is going to be useful as opposed to, not happening. He thought the intention was to bring before you the next meeting the signage, just because that is less of a long-term commitment and shorter lead time, but certainly it works fine. He said they will explain to Nate and he was sure he would appreciate it. Member Fisher said wonderful, if there is anything else that he can make as part of the motion. He said the last motion talked about the City Clerk bringing any other amendments if anything else needed to be done. Let us get this done at the next meeting so our business has some sort of something they can march toward. City Attorney Schultz said he knew that October 31 seems a ways out there, but if for some reason it appears that we do not need to be doing this in August, Council will have the opportunity to revisit those resolutions at any time.

Mayor Gatt said they do have a motion on the floor to extend the signage through October 31, 2021 and direct the City Clerk to repair the required amendments to the resolution to reflect that extension.

Roll call vote on CM 21-03-040

**Yeas: Fischer, Maday, Mutch, Gatt, Staudt,
Casey, Crawford**

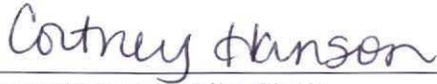
Nays: None

Mayor Gatt said next "Monthly Attorney Report" was added to Mayor and Council Issues by Member Fischer.

Member Fischer said he would keep it brief, and he will look at Mr. Schultz, as he was saying this to make sure he did not see anything wrong. He stated that we recently received an update from the City Attorney of privileged communication. He said this City Council has done an excellent job of making sure that the City has stayed out of trouble as far as lawsuits and legal things. He said obviously, City Manager Auger, you have a big part in that as well. It was good to see the communication aspect of that report, and he thought it is a very important part of what we do as Councilmembers. He said what he would like was some support from Council is to ensure that the City Manager going forward provides and this through the City Attorney, a monthly report on any legal issues that may be percolating, even an affirmation of nothing going on, is data that we need to know as Councilmembers. He would ask that they see that the City Attorney provides that monthly going forward.

Mayor Gatt said he did not think that any of the Councilmembers would object to that. He thought they could never have too much information and that is something very important. He said we used to have a Monthly Attorney Report, and it went by the wayside somehow over the years, but he thought it was appropriate. He thanked Member Fischer for bringing up the issue. He asked City Attorney Auger to make sure that happens.

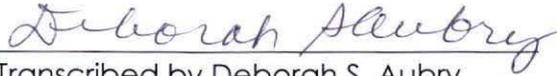
ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 8:46 P.M.



Cortney Hanson, City Clerk



Robert J. Gatt, Mayor



Transcribed by Deborah S. Aubry

Date approved: March 22, 2021