

REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, APRIL 10, 2017 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 17-04-052 Moved by Wrobel, seconded by Burke; CARRIED UNANIMOUSLY:

Roll call vote on CM 17-04-052 Yeas: Staudt, Burke, Casey, Markham, Mutch, Wrobel, Gatt
Nays: None

PUBLIC HEARING

1. 2017 Community Development Block Grant Program

Opened at 7:01 p.m.

Closed at 7:02 p.m.

PRESENTATIONS:

1. Proclamation in Recognition of National Library Week, April 9 – 15, 2017 – Julie Farkas, Library Director

Library Director Farkas invited up two of her Board Members, Bill Lawler and Melissa Agosta to accept the Proclamation. They thanked the Mayor and Council Members for their continued support. The Library's Mission "Inform, Inspire and Include" was adopted 5 years ago was part of our strategic planning. She said they have worked hard to become something beyond books. On behalf of the board, staff, friends and volunteers we are working together to get the word out about libraries. She thanked everyone for their support and said the Novi Library is doing well.

2. Proclamation in Recognition of Arbor Day, Saturday, April 29 from 9 – 11 a.m. at Rotary Park – Wendy DuVall

Community Outreach & Events Specialist Wendy DuVall accepted the Proclamation and mentioned this their 25th year and they will be having representatives from the DNR with a ceremony to receive a plaque. Their main focus on Arbor Day will be the

removal of invasive plants that have taken over some of the trails. She hoped that everyone would come out for the Arbor Day Event.

3. Villa Barr Art Park Update – David Landry, President – Novi Parks Foundation

Novi Parks Foundation President, David Landry, said he was there to give a brief summary on the development of the Villa Barr Art Park. He recognized his colleagues from the Novi Parks Foundation, Administrative Director Rachel Zagaroli, Treasurer Karen Taracks, Jennifer Degen, and Kim Capello. Mr. Landry explained that David Barr was a resident of Novi from the late 1970's until his passing in September 2015. He was truly a world renowned sculptor and artist. He said they discovered David Barr several years ago. He had approached the City and made a proposal that if the City would purchase his four acres of property along with his home and studio, it would allow him to have a life estate. Since he and his wife were both ill at the time, it would allow the City to develop the property into a passive art park. The City purchased the property in 2011. Along with the purchase, Mr. Barr donated six pieces of his sculpture. The original plan was that the Parks Foundation would seek donations to purchase the other 27 pieces of sculpture. They started to develop the art park and Mr. Barr eventually passed and his estate gave a very generous gift. The estate donated the other 27 pieces of art and the City is now the owner of 33 pieces of art and they are prepared to move forward with the development of Villa Barr Art Park. The vision to develop Villa Barr Art Park will be in three phases. The first phase is to make the grounds more accessible, especially for those that may have a hard time navigating. It is already laid out, the City doesn't have to develop any of the property, and the pieces of art are already displayed around the property. They need the City to develop a small parking lot and some trails. They have had tremendous support from Parks Director, Jeff Muck. He said a design of cinder pathways will allow those in wheelchairs and other accessible needs to access the park. He understood that in the 2017-2018 proposed Budget there is an allocation for the small parking lot and the accessible pathways. He said they would encourage and hope the City Council would pass that. He said he was just at Fox Run and they gave a presentation on Villa Barr and a lot of people asking if it was accessible. The second phase will be to develop the former home and studio into an Artist and Residence Program. The idea is that the house is unique, half of it is a two story sculpture studio and the other half was his residence. They would like to invite an artist, could be local, or from another state, or a foreign artist sponsored from one of our foreign companies to perform their art and live in the home. This should be a center for art, not just sculpture. There was another group called the Michigan Legacy Art Park out of Crystal Mountain, Michigan at the Crystal Mountain Golf Resort. Crystal Mountain has given them 30 acres of property for \$1.00 a year. David Barr actually created their 30 acres walkable art park. They are very impressed with what Novi is doing and they have offered to partner with us in the development of Villa Barr. They are working right now with an Artist and Residence Program. City Council would have to approve any such program. The hope was if the City comes forth with the money to make the grounds accessible, the Novi Parks Foundation would appropriate the funds necessary to make the house livable. He said it was built in the 1970's and it needs egress windows, electrical updating, etc. The Novi Parks Foundation Board has approved the

appropriation of \$70,000 for the necessary repairs. It is their hope by the end of 2017 they can have accessible grounds and have the renovations to the house done so they can put an Artist in Residence there at the end of 2017. The Artist in Residence Program, they are thinking short term, 6 months at a time. They will come to the City with a proposal for the City's approval in funding. The third phase would be ultimately to build another building adjacent to the home. It could be used as programmable space. He noted it would not be anything that would compete with any local business for wedding receptions. He is thinking only small meetings, lectures and things of that nature. The building would have glass on three sides; it could be used 365 days of the year for classes. He said they are truly looking at this as a collaborative effort between the Novi Schools, the City, The Michigan Legacy Art Park and Novi Businesses. He said he was there to ask City Council if they would approve appropriating the necessary funds for the parking lot and the accessible pathways. He said if anyone had questions, he would be happy to answer them.

Mayor Gatt thanked Mayor Landry for his service and past service to Novi. He said in the proposed budget there is a \$300,000 allocation for the parking lot and pathway at Villa Barr. He said he anticipates no problems and he looked forward to seeing it completed as soon as possible.

Member Wrobel thanked Mayor Landry and the Parks Foundation and said Villa Barr is something that will be unique. He thinks this could attract people to Novi to visit. He expressed he thought it was wonderful that Mr. Barr left the sculptures to the City. He wondered how much it will cost to maintain the artwork. Mayor Landry said that every 5 to 7 years they would need to be sanded and painted. He said the real expense is moving them.

Mayor Pro Tem Staudt stated he had been on the periphery of this since they have started to talk to Michigan Legacy Art Park. David Barr's brother-in-law has also been involved in this. He had a question about the pond which was created in a very specific way and all of the issues they have with invasive species, has there been any talk about how to maintain the pond. Parks, Recreation and Cultural Director, Jeff Muck said they had the DEQ look at that to make sure they were not verging on any regulated wetlands. The intent would be that it would be just like our normal parks maintenance. Mr. Muck said they will have to modify the pond in some ways to dry it up so people can walk back there to see the sculptures. He said he spoke with Mayor Landry last week and with the funding of the ITC Trail pretty much completed under this budget, the Parks Foundation will not need to use many of its funds for that purpose. Mayor Pro Tem Staudt asked if they are going to be looking at naming rights. Mayor Landry said certainly would like to solicit any or all naming rights opportunities with this park.

Member Burke thanked Mayor Landry and said the language in the letter included in the packet gave a hint that they could make a requirement that the chosen artist gives back to the City. He said they can make that a stipulation upon awarding who gets to come in for the 6 month period that they are compelled to being involved in the City.

Mayor Landry confirmed his preference was when the Parks Foundation comes back to the City with an Artist in Residence proposal that one of the stipulations be that the artist must leave one piece of art to add to the growing collection. In that way the collection grows and becomes diverse. They are not limiting this to sculptures; it can be painting, pottery, or any artistic expression.

Member Mutch thanked Mayor Gatt and commented that he was delighted to see how far this has come. This is exactly what he envisioned; he hoped it would have happened a little faster. He also mentioned a partnership that has come about which is key to the long term viability of this legacy. He said they do not have to reinvent the wheel and figure out how to do all of that. There are people we can reach out to that have a lot of experience in this area. At one time they talked to David Barr and he said he had a whole schedule of maintenance for all his pieces. The Parks Foundation has had a tremendous role in some of the unique places in Novi that help market Novi, such as; Pavilion Shore Park, ITC Trail, and now Villa Bar Art Park. This is a real testament to that group. Looking forward to this being a destination location. He hopes the Parks Foundation takes advantage of fundraising; there are a lot of people interested in supporting the cultural arts.

Mayor Landry said he would like to recognize Mayor Pro Tem Staudt for attending a couple of meetings with the Michigan Legacy Art Park. He appreciated the support and the presence of a Council Member and it shows that Novi is committed to this project.

AUDIENCE COMMENT:

Amarjit Chawney, 32850 Longbow Ct., Beverly Hills, said this is his fourth appearance in front of Council. He said City Attorney, Tom Schultz had sent a letter to City Manager Auger which he believed was full of half-truths and false information. He couldn't let that go. He called it "story telling" that he applied for a site plan approval for a fourth office building because he never did. Mr. Chawney then said Mr. Schultz said all sorts of things which were not true; they were self-serving and his own conclusions. He said then Mr. Boulard wrote on March 19, 2010 that the asphalt was installed, yet 6 years 11 months later that it wasn't installed and that is why they won't release his money. He asked why Mr. Boulard would do that. He thought there has to be an ulterior motive and he believes Mr. Boulard is biased. He said he has no power, he is an ordinary citizen. He made an agreement on May 29, 2002 with the City with a letter and check that the City of Novi cashed. The moment the City cashed the check they never responded to his letter. He felt it was a binding agreement. He said he would not accept it any other way. He has provided copies of all correspondence. He was amazed that City of Novi will not honor its commitment from 2002 for \$10,000. He said Mr. Boulard is biased.

Collen Crossey, 22279 Brockshire St., Novi, stated she understood there is another tax abatement planned. She said revenue will not be coming to Novi and consequently taxpayer's taxes increase to make up difference. She said our taxes were to be used to

fix roads, support the library, police, fire, and park services. She said it was their responsibility to pay taxes, so why don't companies pay their fair share. She tried to file a FOIA to find out how much money was not collected from these past companies due to past abatement decisions. She was told it would cost \$243.77 to find that information. She said it didn't seem right that she should have to pay a fee to get the City to comply with the FOIA. If the loss of tax revenue abatements was documented in the budget, it would be easier to access. That would be true government transparency. There are many things planned like Villa Barr and the Artist in Residence Program. Those things need to be invested in. She asked that they rethink the abatement and all future ones.

CONSENT AGENDA REMOVALS AND APPROVALS:

Member Markham asked that Item C be removed from the Agenda.

CM 17-04-053 Moved by Wrobel, seconded by Mutch; CARRIED UNANIMOUSLY:

To approve the Agenda as amended.

- A. Approve Minutes of:
 - 1. March 27, 2017 – Regular meeting
- B. Enter Executive Session immediately following the regular meeting of April 10, 2017 in the Council Annex for the purpose of discussing property acquisition and privileged correspondence from legal counsel.
- C. Approval of Ordinance Review Committee recommendation to adopt Ordinance No. 17-107.04, amending Chapter 18, "Housing," Article III "Disclosure Requirements for Sale of New Single-Family Residences," of the City of Novi Code, in order to repeal the regulations and provisions. **Second Reading - REMOVED**
- D. Approval of Ordinance Review Committee recommendation to adopt Ordinance No. 17-119.3, amending Chapter 12, "Drainage and Flood Damage Protection," Article VII "Fertilizer Application," of the City of Novi Code, in order to delete the requirements of Section 12-274, "Rates and Application Schedule; Prohibitions" relating to required mailings, delete Section 12-276, "Registration Requirement and Procedure," and renumber the remaining provisions accordingly. **Second Reading**
- E. Approval of Ordinance Review Committee recommendation to adopt Ordinance No. 17-189, amending Chapter 7, "Building and Building Regulations," Article VI, "Business of Renting Buildings," of the City of Novi Code, in order to repeal the regulations and provisions. **Second Reading**
- F. Approve the Amended Program Year 2017 Community Development Block Grant (CDBG) application in the amount of \$100,626.

- G. Approval of a request from Ryan Wright for a variance from Section 11-256(f) of the Design and Construction Standards and Chapter 7 of the Engineering Design Manual to install brick pavers on the sidewalk and driveway at a home at 20850 Turnberry Boulevard (parcel 22-36-451-004).
- H. Approval to award geotechnical services to Soil and Materials Engineers, Inc. for the Beck Road Rehabilitation (8 Mile Road to 9 Mile Road) in the amount of \$32,000.
- I. Approval of the final payment to Mattioli Cement Company, LLC for the 2016 Neighborhood Road Program-Contract 1 (Dunbarton Pines Subdivision streets) project in the amount of \$26,506.02, plus interest earned on retainage.
- J. Approval to award an amendment to the engineering services agreement with Spalding DeDecker for design engineering services associated with the 2017 Neighborhood Concrete Panel Replacement Program (NCPRP) in the amount of \$31,000.00.
- K. Approval of Claims and Accounts – Warrant No. 985

Roll call vote on CM 17-04-053

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

Nays: None

MATTERS FOR COUNCIL ACTION

- 1. Approval of Resolution to establish an Industrial Development District for C&S Twelve Mile Center, LLC. for parcel 55-22-14-200-025 on Twelve Mile Road east of Taft Road.

Member Casey made the same comment for Items 1 and 2. She said the Applicant is a supplier to GM. She is an employee of GM but her role doesn't involve working with suppliers. She stated she can be objective to any questions.

CM 17-04-054

Moved by Staudt, seconded by Wrobel; MOTION CARRIED 6-1

To approve the Resolution to establish an Industrial Development District for C&S Twelve Mile Center, LLC. for parcel 55-22-14-200-025 on Twelve Mile Road east of Taft Road.

Roll call vote on CM 17-04-054

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

Nays: Markham

2. Approval of Resolution authorizing application from Yanfeng US Automotive Interior Systems I LLC. for an Industrial Facilities Tax Exemption Certificate for an approximately 67,364 square foot facility to be located at 41935 Twelve Mile Road and related Agreement concerning Industrial Facilities Tax Abatement.

Mayor Pro Tem Staudt asked that the representative of the company come up to answer some questions. He expressed that Novi is very happy that they have chosen Novi. He also stated he believed these would be all new jobs and confirmed that they currently do not have a facility here. He also wanted the representative to give us a little background about what this company will do.

Debbie Ortiz, Executive Director of Communications of Yanfeng Automotive Interiors said they are the world's largest automotive interior supplier. They provide everything except seats and electronics in an automobile. They are a joint venture between Yanfeng Automotive Trim Systems and the former Johnson Controls which is Adient Seating Supplier. They were formed in July 2015 and are an \$8.5 billion company. They've been in Plymouth and will be consolidating 60 employees from another location in Harrison Township. They are happy to be in Novi. She explained this will be a state of the art facility. She listed some of the jobs that will be coming to the community such as; engineering, finance, accounting, purchasing, functional jobs, corporate jobs, and testing.

Another representative mentioned that in addition to the jobs that exist in Plymouth and Harrison Township, they will have an engineering facility at this location. That will include 60 additional high tech jobs in engineering testing instrument panel. It will also be Administrative Headquarters. Ms. Ortiz also mentioned they are investing in autonomous vehicles.

Mayor Pro Tem Staudt noted that Novi is the new home of autonomous vehicles in Oakland County. He said he understands tax abatements are a dividing issue because some feel it is corporate welfare. Others see as way to diversify the tax base and bring many well-paying jobs into Novi. He appreciates that very much. He expressed above and beyond anything else, they are happy to have them in the community.

Mike Ramansky said he was the Executive Director of Advanced Manufacturing and Engineering for North America. He is the executive sponsor for the building itself. He said it will be an inspiring space. This is a 90,000 square foot building if you include the lower level.

Member Wrobel thanked them for choosing Novi and he said he is happy they are re-using a building.

CM 17-04-055 Moved by Wrobel, seconded by Staudt; MOTION CARRIED 4-3

To approve the Resolution authorizing application from Yanfeng US Automotive Interior Systems I LLC. for an Industrial Facilities Tax

Exemption Certificate for an approximately 67,364 square foot facility to be located at 41935 Twelve Mile Road and related Agreement concerning Industrial Facilities Tax Abatement.

Member Mutch echoed the previous speakers and thanked them for coming to Novi. He can't support the abatement request, and said he consistently doesn't support them. He thought longer about this one than others though. He commented that it was particularly due to the nature of improvements. That's an older building and a large building. He noted it would've been a challenge to fill. He thought from a tax abatement policy, if they are trying to incentivize redevelopment, is more compelling than building new sites. There are lots of potential sites in Southeast Michigan. No one looked at that as modern office space. He thinks they've gone a long way in accomplishing what he likes to see happen with abatements. He doesn't see anything that jumps out compared to other abatements. This didn't get to the level that would have satisfied his concerns. He thanked them for making the investment. He thought this was a lot closer to where he wanted to see the City moving. If they continue to see developments and redevelopments of this nature he thought it would be better uses of our tax dollars.

Member Burke thanked them for choosing Novi. He felt certain there was probably an easier building to look at but perhaps it was the exact location that they found attractive. He could only imagine that they exhausted all of the big players that would've been interested in a 65,000 square foot medical building. They had to bring in another economic tool for someone that would be interested in spending that much time and money to repurpose a building like that. He had a conversation with Mr. Johnson and he understood that on the existing parcel the City is collecting around \$98,000 in taxes. He said the City will collect \$117,000 for the next 8 years. Between now and then we can tax personal property as well until that is rolled back sometime in 2020 or 2021. He didn't think they were losing any money. He said he would support this.

Member Markham thanked Yanfeng US for bringing their company to Novi. She remarked that this was the kind of company that meets the profile that they want in that part of town. Member Markham expressed her concern and it is the same as Member Mutch. She stated she is not in favor of tax abatements in general. She is happy to see that the building is being redeveloped. It is more in the direction she wants to go. The numbers just are not there with the proposals they are seeing. She isn't convinced by the proposals and the conjecture that they wouldn't come here without the abatement. She didn't like the idea of picking winners and losers. They hand them out to some companies, but not others. She said she was not in favor of the tax abatement, but looks forward to them being in Novi.

Member Casey echoed the other speakers and welcomed them to the City of Novi. She said every time tax abatements came before them, there are colleagues that vote on both sides. She explained that she looks at the policy for tax abatements and the key word that strikes her is "exceptional". She appreciates they are using an old building and giving it new life. Her threshold is significant and she felt that they didn't

quite meet it in terms of investment in City. She welcomed them, but she could not support the abatement.

Mayor Gatt asked City Assessor, Micheal Lohmeier to come up to the podium for a few questions. Mayor Gatt asked if it was true that if they approve a tax abatement that other people's taxes will go up. City Assessor Lohmeier said no, that was not true. The whole incentive of having tax abatements is to raise the tax base for the community. If there is a vacant parcel of land which might be blight on the area will now be utilized at its highest or best uses and it needs that capital investment to get there. This is increasing the tax base for their parcel and surrounding parcels and will revitalize those tax bases. Mayor Gatt wondered if it was true that the City has reduced taxes a couple of times in the last 5 or 6 years and weren't Novi taxes one of the lowest in Oakland County. They are collecting about \$98,000 in property tax on the vacant building and after this tax abatement is passed, assuming it does, the tax collection will go up to \$117,000. Assessor Lohmeier said they will not only see that as tax increase but an annuity. They should be able to collect the entire inflation rate on that property rather than continuing to reduce the tax base. He confirmed that the tax abatement was good for 8 years and the state education tax is not waived.

Mayor Gatt invited the representatives back up to the podium for comments. He said that they have heard from a couple of Council Members that they are against tax abatements, but they welcomed them to the City of Novi. He wondered if they were in the decision making process of the company as to where they would locate. Was there any reason why you didn't go to Plymouth, or maybe Auburn Hills? The representative said they liked the central location. They also have a Holland, Michigan location also. It is kind of a gateway to the customer, Nissan, GM, Ford and Chrysler. This would be a landing spot for their west side transient employees when they come to visit these customers. Mayor Gatt wondered if the tax abatement wasn't on the table would Yanfeng US be coming to Novi? He replied that it was hard to say, they have other communities. Their current Landlord in Plymouth was trying to be very persuasive. He said it would be cheaper to stay in Plymouth than to come to Novi. That landlord was highly motivated to take a building that needed a lot of renovation and work with us to renovate it. We could have gone further east towards YF USA and we felt that we would put some of our employees at risk due to where they live; we want to retain our employees. What happens if after a few years of this abatement being passed, the company decides to move? The representative replied saying they have a long commitment to the State. If you are going to do automotive, this is the place to be. Mayor Gatt asked City Attorney, Tom Schultz if we had a claw back agreement in the agreement. City Attorney Schultz said essentially that means if the scenario happens what he just described where they don't meet their commitment they would have to pay the taxes they would have without the abatement. Mayor Gatt said he understands the concerns of the other Council Members, but he does not consider this corporate welfare. He said it is the game we have to play. He mentioned that Novi is better off today than we were 5 or 6-years ago and it is because the corporations that have decided to come into Novi and pay a fair substantial amount of taxes. Mayor Gatt also said on the internet someone said that these companies are going to use up

the services and only pay half the taxes that they should. Assessor Lohmeier said in his prior position he was the head of tax abatements. He mentioned the question regarding community services had come up. He said he talked to other communities and they said the largest drain on public services including protection, was not industrial, it is retail. Mayor Gatt wondered if it is true if a building is being renovated, the City will gain more in taxes. City Assessor Lohmeier said it was not true that residents will pay more in taxes due to tax abatements. Mayor Gatt expressed we will always have difference in opinions about tax abatements, but he said he is for them.

Mayor Pro Tem Staudt asked Finance Director, Carl Johnson to come to the podium for a simple question. He wondered how many checks have been written for tax abatements by the City since he began working for the City. Finance Director Johnson replied and said it was zero, they don't write checks for abatements. Mayor Pro Tem Staudt asked if it was a complete fallacy that checks are written back to these companies for tax abatements. Finance Director confirmed that it was a fallacy.

Roll call vote on CM 17-04-055

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

3. Approval to award an amendment to the engineering services agreement with URS Corporation – Great Lakes for construction engineering services for the Beck Road Rehabilitation project (from 8 to 9 Mile Roads) in the amount of \$131,084.15.

CM 17-04-056

Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the award of an amendment to the engineering services agreement with URS Corporation – Great Lakes for construction engineering services for the Beck Road Rehabilitation project (from 8 to 9 Mile Roads) in the amount of \$131,084.15.

Member Mutch asked City Manager Auger what the timeline was for the project. He mentioned this is one of the busiest roads during commuting hours on the west side of City. He said the work will have significant impact on the residents in that area. City Manager Auger said it would take approximately two months for this project. They are going to keep one lane open with a flag person out there at all times. He said it was going to be a very busy construction season; they are aware of that and have moved other projects because this needs to be done. Member Mutch wondered when it would start. Assistant City Manager Cardenas said within a month or two. He added that it will be similar to what happened as far as the M-5 Corridor. They will be getting information out to those in that area, and use social media also.

Roll call vote on CM 17-04-056

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

4. Adoption of Resolution authorizing cost participation under a Federal Surface Transportation Program grant, and approval of a cost share agreement with the Michigan Department of Transportation (with an estimated allocation of \$231,189 paid by Federal grant funds and \$776,311 to be paid by the City of Novi) for the Meadowbrook Road (I-96 to Twelve Mile Road) Rehabilitation project.

CM 17-04-057 Moved by Staudt, seconded by Wrobel ; CARRIED UNANIMOUSLY

To adopt a Resolution authorizing cost participation under a Federal Surface Transportation Program grant, and approval of a cost share agreement with the Michigan Department of Transportation (with an estimated allocation of \$231,189 paid by Federal grant funds and \$776,311 to be paid by the City of Novi) for the Meadowbrook Road (I-96 to Twelve Mile Road) Rehabilitation project.

Member Markham asked if they could have all of the road construction projects put on one map. She believed that having more information out there was better.

Assistant City Manager Cardenas said they can do it in addition to a prior slide that was shared with the M-5 presentation which had the MDOT projects. They have a website section with all of that information.

Roll call vote on CM 17-04-057 Yeas: Wrobel, Gatt, Staudt, Burke, Casey, Markham, Mutch
Nays: None

5. Approval of First Amendment to Open Space Preservation Easement from Toll MI II Limited Partnership for amendment to open space preservation areas as part of the Preserves at Island Lake Phase 8, JSP 13-69, located at the northeast corner of Ten Mile Road and Napier Road in Section 19 of the City.

Member Mutch commented that he doesn't want to see open space areas developed after an easement is placed on it. He said they all knew when this project came forward that there was potential for impact at this intersection with the improvements for 10 Mile and Napier. He believed the Road Commission made an effort to minimize the impact at this corner so what they are asking for is the bare minimum. They will also be rerouting the pathway to get it out of the way of the roundabout.

CM 17-04-058 Moved by Mutch, seconded by Wrobel; CARRIED UNANIMOUSLY

To approve the First Amendment to Open Space Preservation Easement from Toll MI II Limited Partnership for amendment to open space preservation areas as part of the Preserves at Island Lake

Phase 8, JSP 13-69, located at the northeast corner of Ten Mile Road and Napier Road in Section 19 of the City.

Roll call vote on CM 17-04-058

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

Nays: None

AUDIENCE COMMENT - None

MAYOR AND COUNCIL ISSUES - None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: Consent Agenda items which have been removed for discussion and/or action.

Mayor Gatt mentioned that Item C from the Consent Agenda was pulled by Member Markham.

Member Markham stated Item C is referencing an Ordinance Amendment No. 17-107.04, amending Chapter 18. This amendment is to take out a series of requirements for new single family residences. She said she received a letter from a resident questioning this and she would like to discuss it. She asked why they are no longer going to require this and where it came from. She asked if it has been an issue. City Manager Auger said Building Director, Charles Boulard could address her questions. City Manager Auger said the Ordinance Review Committee asked staff to locate unused ordinances. Building Director Boulard said that was correct. In looking through the ordinances they have been trying to identify ordinances that may no longer be as pertinent as they once were. He said in the 9 years he has been working for the City, he has yet to see information in the disclosure statement that actually provided a material impact on any disagreement between builder and homebuyer. They see issues that arise, but they are dealt with through other methods such as the licensing boards and state complaint process if there is a warranty issue with a home. They work with the homeowners and developers to resolve those issues. He said the information is now available on the website.

Member Markham said if she understood him correctly the information that was once required by this ordinance is communicated somewhere else. She said the concern from the resident, and she concurs, is how people who are new to town know about pitfalls around their home. She said this was one way that it was handled, the information was supposed to be provided to them. Building Director Boulard explained that information is available from other sources. Most of the new homes are site condominiums which have restrictions, and other conditions in excess of what the City requires as far as rules and regulations.

Mayor Pro Tem Staudt said he sent an email to Mr. Kuenzel and his comments were that the Ordinance Review Committee and city staff could identify the ordinances minimally

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 8:53 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: April 24, 2017