

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JANUARY 24, 2022 AT 7:00 P.M.**

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 Casey, Crawford, Fischer, Smith, Thomas

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

APPROVAL OF AGENDA:

CM 22-01-008 Moved by Crawford, seconded by Casey; MOTION CARRIED: 7-0

To approve the Agenda as presented.

Roll call vote on CM 22-01-008 **Yeas: Staudt, Casey, Crawford, Fischer, Smith, Thomas, Gatt**
Nays: None

PUBLIC HEARINGS: None

PRESENTATIONS:

1. 2021 Novi Business Awards Recognition – Mayor with Chamber of Commerce

Director Farah Shammami from the Chamber of Commerce in Novi gave a brief overview of what they were awarding that evening and why. She explained the Chamber of Commerce, in conjunction with the City of Novi, look at the businesses in the community and provide awards on four different criteria for large and small businesses, the small being under 50 employees and the large being over 50 employees. She said this has been something that the Chamber of Commerce has been hosting and putting together for numerous years along with the City of Novi and they are there to recognize those businesses on behalf of the City of Novi. She said they also had Theresa Renault, from State Senator Runestad's office. Ms. Renault stated on behalf of Senator Runestad they were honored to be there that evening celebrating these business award recipients. She said it has been a tough couple of years and she believed that they really deserved it. She said they had a little presentation that they wanted to make and that she was pleased to be able to be part of the celebration. Mayor Gatt asked if they could give them a quick synopsis of what is on the tribute. Theresa Renault explained that they are honoring the individuals, the individual companies, and giving a little bit of the individual background on why and what made them special and why they deserved this award. Mayor Gatt asked that the winners come down one at a time and they could hand them a tile and shake their hand. Mayor Gatt announced they would recognize the "Best Place to Work", the small business is TDA Insurance and Financial, and the large business was Preh Incorporated. He said the road conditions kept Preh Incorporated from coming

out that evening. He said the road conditions kept Preh Incorporated from coming out that evening. Mayor Gatt moved on to the next category "Community Builder", they were not there either, but he said they would call their name, Provident Dentistry, the Mayor said he happened to be a patient there. The Mayor said our large business "Community Builder" is our Novi Public Library. He asked Director Farkas to come down for their award. Mayor Gatt announced the next category "Customer Service Excellence", he said small business is Brookdale Senior Living in Novi, they could not make it that evening due to the roads. He said the large business is CNS Healthcare. Mayor Gatt said the next awards was for "Novi Newcomer", the small business is Sweetwater's Coffee and Teas, and the large business award goes to Pace Industries. He stated the final award is the "Chairman's Choice Award", and they could not be there that evening either for different reasons. He said that award goes to Ascension Providence Hospital in Novi. He thanked and congratulated the winners and thanked the Chamber of Commerce and State Senator Runestad's office.

MANAGER/STAFF REPORT: None

ATTORNEY REPORT: None

AUDIENCE COMMENTS:

Ross Barranco said he lives in the Maples of Novi. He said he knew that in December, the Planning Commission passed the sale of the Maples tennis courts, and that was approved by the City Council on January 10, 2022. He thanked Mayor Gatt for bringing up the question as to where the citizens were in the Maples of Novi. He said the reason that there was no comment from the Maples of Novi is that most people, most of the residents in the Maples had no idea that the issue had been going before the Planning Commission, nor did they know that it was going before the City, we were focused on what we did know about, which was IXL Learning Center. He said they did a zoom meeting, we were getting together and discussing what would transpire at that Zoom meeting, and they were totally oblivious that anything was going before the Planning Commission on the tennis courts or was heading for the City Council. He said that explained why nobody said anything against having the tennis court sold to the parties who want to build a medical building to run out to Beaumont. He said he would like to know the history of that parcel, that was how the PUD gets separated for the rest of the PUD of the Maples and how it changed from what you call it, into the hands of private persons rather than part of the Homeowners Associations there and the committee. He said the Planning Commission mentioned that, but nobody really addressed that. He said the question id arise, just like Mayor Gatt question was regarding where all the comments for the Maples of Novi are. He wanted to express about their disappointment that they were not informed and did not know that it was transpiring and taking place. He said he questioned the people in the neighborhood if anyone knew the history of the Maples tennis courts, he knew they were there, he knew they were abandoned. He said he never had any idea who owned them, and how the property got transferred from one party to the next party. He said he would like to investigate it and make sure that everything was done aboveboard before you make your final approval on it.

Ida Cooper said she was a resident of the Maples of Novi, Maple Hills. She wanted to express her objection as well. She said she was a new tenant there, with the sole purpose of being able to say she lived on the golf course, she has been there for two years. She vehemently objected to having a learning center there. She said she was not against children, she has kids, no grandkids, but she did not think that it fit in with the rest of the community. She stated it is an older community, there are some budding families there but for most, they are older people. She said it is just the traffic and the putt agreement and everything else. She did not think it would be a good idea for this tenant in their building. She wanted to put on record that she vehemently objected and hoped that someone will listen to the tenants there and not let the sale go forward for a means of profit. She said she wanted to hear the voices of the tenants that live in the Maples and hopefully some will listen to them.

Jerry Anderson, 127 S. Pontiac Trail, Walled Lake, said he wanted to talk about the purchase of the property at 329 Elm Ct. He said he knew that the City of Novi did not want to hear from an outside resident on how to spend your money, but he as the president of LAHA, the Lake Area Homeowners Association. He said their members live on Shawood Lake and this is just a tremendous opportunity. He said he has two children that live in Novi, and they think this purchase would be wonderful. He said he was coming at it from two points, one being economic, and then what it could do in the future. He thought economically this purchase could stand on it own. He said we currently have the broken window theory; we have the blighted property that everyone that lives on Shawood Lake must stare at every day. He said with the property gone, the land is controlled by the City of Novi. He said this give the people there a clear future that no more is going to happen on that property. He said the building gets removed for the near future, return it to nature, we can figure out if we can do something with it in the future, we have time to do that. He said this eliminates the potential of a legal action to get the current owner to either repair it or fix it, that could drag out forever. He said what you are seeing with this going on, there is some remodeling going on over there, but Elm Court is distressed. He said there is one portion of Novi that needs serious attention, and it is great if it is being addressed. He said he has been out here for 44 years, and we used to laugh that Novi did not care about anything north of 12 Mile, but that has changed. He said if you look at Pavilion Park, the addition to Lakeshore Park these are wonderful things. He thought Shawood is the last piece of that puzzle he believed. He thought if you are going to get tremendous, either remodeling or new homes built now that people have confidence that Novi stands behind this area. He thought the tax revenue and everything else will make this purchase over time, not tomorrow, will make economic sense. He thought as far as the LAHA side of it goes, we just spent a lot of money on Lake Shore Park. He said Shawood Lake goes down the whole side of Lake Shore Park, and it is now a dying Lake, because what happens at the invasive species when they die is what they call biomass. He said it falls to the bottom and the lake is filling in on itself. He said we can do a few minor things to control the invasive species. He thought we could rehabilitate the lake clean out a couple of the canals for kayak traffic, the brand-new decking off the beautiful building at Lakeshore Park. He said if you are overlooking a clogged-up

canal of just years of debris, it is just dead, but that is not tomorrow, buy the property, we can then move forward.

Gary Zack, 359 South Lake Drive said he was also there to speak about 329 Elm Court. He echoed the previous speaker, the existing structure is blighted and probably a nuisance, it is certainly an eyesore and has been for many years. He said in his mind, the purchase of this property is probably the least risky and maybe the least expensive way to rectify this situation, as the previous speaker mentioned earlier, you do not know what you are getting into. He said if you try to start litigation with the owner or something to tear the building down all this could take years and it could be depending on what they want to do, it could drag out. He said this way you get rid of the building and pick up some property that is adjacent to both Lakeshore Park and nearby Pavilion Shore Park, so that brings some opportunities. He said when you are thinking about this both now and after if you decide to do it with what to do with it, he encouraged the City to consider the neighbors, the Novi residents who live next to this they have been looking at this property, which is kind of an eyesore right now and has been for years, and he did not see it going any other way. He said it seems like it is not buildable if it does not have a sewer and water. He said in fact, how they even occupied that in the first place, he could not image a septic on an island. He said he support this. He mentioned also that he noticed the property numbers in the handout, the Exhibit A at the end do not match the map or anything else in the handout. He thought that would be some someone should check out and make sure that is cleared up.

Peter Elliot said he has lived on Austin Drive for the last 19 years. He said you will know from his address that he looks straight across the property, and he was there to support the purchase. He believed with all the development that has been going on in Novi it would be the best use for that purchase would be to put it back into a more nature sort of orientation, and maybe a picnic shelter or something like that, in a responsible way. He said Shawood Lake has always been a nature lake, a no wake lake, and over the last few years he thought with all the developments in the area, there has been a lot of runoff, things like for lawn care. He said we have had a lot more invasive species in the last five to 10 years and all the turtles that we used to have, they are gone, it would be very nice to see Novi put some effort into helping to support the lake to improve the resource for the community and try and rehabilitate what is available.

Mark Adams said he lived at 1721 East Lake Drive, Novi. He said he grew up on Shawood Lake. He said his parents told him they were one of the first three families in the subdivision, so we go way back. He said growing up on Shawood Lake was much different lake, off his parent's property you could look out and there were schools of fish, he had to give up fishing, it was too easy. He supported purchasing the island, he thought it would be a great opportunity for the City of Novi, we cannot have too much recreation. He said one of the canals on Shawood Lake runs right up to the new community building. He said when he was growing up on Shawood Lake, they would water ski around the island near Shawood Dr., they would take power boats back and forth from Shawood into Walled Lake. He said invasive species are a problem, he thought aeration would help. He said he had a contractor who was working at a condo association he was working at, he had

him come out and look at the canals and he threw a number at him. He said he would do 1000 feet of canal, 30 feet wide, five feet deep for \$250,000. He supported purchasing the island. He said he liked to reminisce about growing up and he could swim anywhere he wanted on Walled Lake, but his favorite place to swim was in the middle of Shawood Lake, there was a raft out there, it was the best because it was peaceful, quiet, and beautiful. He thought it was a big opportunity for the City. He mentioned the aeration again, the figure he gave on cleaning the canals. He thought was a good starting point.

Bill Halvangis lived at 2020 Austin, which is on Shawood Lake. He first bought there in 1985. He said one of the comments earlier was about how did people live there or manage, etc. He mentioned at the time you knew when somebody was living on that island were doing their laundry or dishes, you saw soap suds coming in the water right in front of the island. He said he has watched the building deteriorate and become an eyesore. He said the lake has deteriorated over these years. He said Shawood Lake and Lakeshore Park are indeed gems, they are the closet thing you are going to come to a wilderness, the residents of Novi should have access to that for kayaking, canoeing, and fishing, it used to be much better for fishing, but it is still there. He believed it could be retrieved and turned into something accessible whether it is picnics or fishing. He stated three nights ago he and his wife were woken up about 2:30 am in the morning, it was a coyote, they are in that park, and they made a kill. They were creating a ruckus. He said he has seen coyote these last couple of weeks, so the frozen lake, fox, deer it is really a unique area. He thought the purchasing of that dilapidated eyesore house and the development and presentation he thought would make that the real asset for the residents of Novi.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 22-01-009 Moved by Casey, seconded by Fischer; MOTION CARRIED: 7-0

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
 January 10, 2022 - Regular Meeting
- B. Enter Executive Session immediately following the regular meeting of January 24, 2022 in the Council Annex to discuss privileged attorney correspondence.
- C. Approval of request to transfer membership in Full Throttle Adrenaline Park-Nov, LLC from Aaron Banfield to Full Throttle Adrenaline Parks, LLC (an Ohio Limited Liability Company), whose membership is Anthony Eckrich, Philip Lewis, D. Kenton Noran and Aaron Banfield in conjunction with 2021 Class C licensed company with Sunday Sales Permit (PM), Direct Connection-1, Participation Permit with JD Racing Indoor Karting, LLC and 2 Bars, located at 44225 W. 12 Mile Road, Ste. C-118, Novi, MI 48377, Oakland County.
- D. Approval of claims and warrants – Warrant 1100

Roll call vote on CM 22-01-009

**Yeas: Casey, Crawford, Fischer, Smith, Thomas,
Gatt, Staudt**

Nays: None

MATTERS FOR COUNCIL ACTION:

- 1. Consideration of approval to award engineering design services to Spalding DeDecker for the replacement of nine segments of Asbestos Cement main in the City's water distribution system, in the amount of \$292,284.00, and amend the budget.**

CM 22-01-010 Moved by Casey, seconded by Gatt; CARRIED UNANIMOUSLY

Approval to award engineering design services to Spalding DeDecker for the replacement of nine segments of Asbestos Cement main in the City's water distribution system, in the amount of \$292,284.00 and amend the budget.

Roll call vote on CM 22-01-010

**Yeas: Crawford, Fischer, Smith, Thomas, Gatt,
Staudt, Casey**

Nays: None

- 2. Consideration to approve the purchase agreement and authorize City Administration to proceed with closing for properties located at 329 Elm Court, Parcels 22-03-481-001 and 22-03-477-012, in the amount of \$175,000, subject to final review and approval as to form by the City Manager and City Attorney's office and amend the budget.**

Mayor Pro Tem Staudt commented that he has been for a long time been an unapologetic supporter of the remediation and restoration of Shawood Lake, he has spent a lot of his career as somebody who has worked in watersheds. He said he was a 10-year member of the Clinton River watershed and spend another 10-years as a member of the Marine Environmental Education Foundation and have seen many lakes. He said yes, a lake that are far worse shape, that got tender loving care and turned into the gems of their community. He said this lake is currently about 75% owned by the City of Novi, this purchase, not in addition to the island, this purchase would also include approximately 20% more of the lake, which would give us roughly 95% ownership. He stated the island itself has a home on it that, as you heard from previous speakers, is rundown. He stated we would have absolutely no interest in retaining it, it would be a place that we would clear and prepare for future use. He said the space has a couple of unique features. One is that it abuts the canal, that for hundreds of years ran into Walled Lake. He said at some point, during the last 100 years, people decided that they wanted to stop dredging that canal, it is now shallow. He stated because of new culverts, and in sand being dumped in front of it, it virtually has a trickle of water coming in and out. He said that is one of the things that killed that lake and that was done by the City, he said consciously or unconsciously we do not know. He said at the endo of the day,

we pretty much cut off any limits, it had to Walled Lake itself. If anybody has taken the opportunity to walk out there, it is a picturesque area that would benefit not only the residents that live around it, in the removal of a dilapidated property, but it would also allow with a very short walk from Pavilion Shore Park, a place to go to have some peace on the single largest body of water that would be owned by the City of Novi. He stated Walled Lake is not owned by the City of Novi, we cannot do things on that lake without many approvals. He stated Shawood Lake currently is a big pit of mud, and that is what we have already heard that is a result of a lot of different things. He stated it could be a vibrant useful water area, it could have fishing, we could have launches for canoes and kayaks, it is a place people could recreate. He said this is not, you know, if we do not buy this land today, or whenever we would vote on it, it does not mean that we need to stop looking at the restoration of that lake. He said the bottom line is that we have an opportunity here from an owner that it took him roughly two years to search the owner down, he was not the easiest person to find. Once he found him, and he worked with staff, we were able to come up with a price that is extremely close to the assessed value of the property, and this is roughly five acres of water and a small island. He said this is the kind of purchase that our city long term can be proud of. He remembered roughly 20 years ago when he came up with the crazy idea and proposed it to members of the Council that we take the property, the old Walled Lake Casino, and turn it into a park and at that time, he would suspect the vote was seven to zero against him. He said with over several years and with changing conditions, we have got around to doing it, and it is now one of the finest parks in Oakland County and maybe one of the best Michigan, this has the potential to be the same thing. He thought a lot of the fear is that it will cost millions and millions of dollars to fully remediate that lake, and honestly, if there is ever any money that would be better spent. He did not know hat it is the residents around it, yet they would benefit, but more importantly, the residents of Novi would have an opportunity to go to an area where they could fish and recreate in a way that you just cannot do on Walled Lake as a body of water that frankly the piers go out to four or five feet of water if you are lucky. He strongly supported this. He said he would not make any motions at his time because he thought everybody should have their say, but this is a once in a lifetime opportunity to do something and it's worth saving.

Member Smith supported this purchase. He did go out there and walk it on Sunday afternoon, it was a beautiful winter day. He said if you ignored the dilapidated house behind you looking out over the lake it was very pretty, very picturesque. He said he was looking forward to what we can do with that as a park. He said it was not a far walk from Pavilion Shore, maybe 5 or 10 minutes. He thought it would be a good addition to our City.

Member Thomas said she supported this purchase, she thought anytime we can get rid of blight in our City and be able to create beautiful green spaces that all our residents can enjoy would be a bonus for us. She thought it was a wonderful plan.

Member Casey had a couple of questions directed to City Administration. She said our packet said we do not have any estimate for demolition costs at this point, she asked when we might have an estimate. City Manager Auger said we must have an RFQ to

have a company come out and look at it to see what it would take do an asbestos check on the building because that would obviously drive up the cost., if not, then it will be cheaper. He said we must look at the bridge and see if we can get a vehicle across it and there is a lot of little extra stuff, probably within a couple months, or so. Member Casey asked if we know if there are any wells we have to seal. She wondered about a septic and if we would have to clean it out. City Manager Auger said based on the information we have, he believed it had a well and septic, but we do not know what condition those are in. Member Casey said if we buy the property we would be in possession of a dilapidated building. She wondered if we have any means of blocking off the bridge temporarily, so that people cannot get onto the island. City Manager Auger said we would have to have no trespassing signage until we get that building down. Member Casey said she would go on record; she was also excited to hopefully purchase this property. She personally in the long term would love to see this stay as a passive park or stay in its natural state. She stated what is in front of them right now is simply the purchase and she would be supporting this motion as it goes forward.

Member Fischer looked at some of these things with a much more critical eye he would say. He commended City staff for all the information they have received. He said they have received memos going back to 2019. He said ECT has done studies, but what we are really lacking here is a plan, a viable plan, and an understanding of what we are buying. He understood that we have a dilapidated home that we do not even know how much it will cost to get rid of the home. This is not like taking down the carwash at Grand River. He said if the bridge does not work, we are going to be taking this down on boats or something like that. He thought getting rid of the dilapidated building is an issue itself. He said then we move on to the bridge; he asked if we knew whether the bridge is ADA compliant at this point. City Manager Auger replied that we do not know the condition of the bridge, we would have to look at that if we purchased the property. Member Fischer commented that we do not know if it is a working bridge, and then we must think about ADA compliance if we ever wanted to have people visiting the island. We have no phase one environmental completed at this time. He said the property is in a floodplain, which means that anything we would build would have potentially issues with flooding. He said if we go ahead and get through all those issues and we either want to have a passive park or want to have an active park which has been propose. He wondered is staff has any recommendations for parking and how people would access that site through our hopefully new safe bridge that was ADA compliant. City Manager Auger said staff does not have plans for that area as this was just brought up to see if we would like to purchase it, we do not have any programming plan laid out to where parking would be or if it is just a pedestrian walk down Elm Street to get to this part of the park. Member Fischer said he drove down there earlier this week and earlier today as well. He could not envision where we would put any parking and that would just be for a passive use. He said if we get into adding a building and kayaking and canoes and encouraging people to visit this, he really had no clue. He said we already have a lot of residents in the area, who have shown him concern about the lack of parking when it comes to Pavilion Shore when it is busy, and Lakeshore Park with some of the programming that we have there, he has heard from residents. He said now they are going to complete the triangle of inviting people, basically into people's backyards and

that concerned him greatly if we were to move down any sort of active use of the property. Above and beyond that, what concerned him was how people would get to and use this property, he did have major concerns as far as potential costs. He said when we are up here Council is representing 60,000 residents around the City. He wished he could understand the dilapidated building. He said if he lived in that area, he could see the point of views of many of the impassioned people today, but he also knew as a City Councilmember he could not go out and buy every dilapidated building in the City. He said if that is the only reason we are buying this, or one of the major reasons, then that is not fair to some of the other residents to use money just to do this. He said he would support every effort of our City Attorney and our Code Compliance to whatever we can to get his building taken care of, but he did not think that throwing money at a problem like this is the right solution for all the taxpayers of Novi. He said then we get into if we want to have an active use with canoes and stuff, dredging the lake. The latest estimate he saw in some of these reports, was around \$1.4 million for the first year of dredging, and that was for one foot of sediment being removed. City Manager Auger said that sounded correct. Member Fischer asked how often we would have to dredge, what was the process. City Manager Auger said he was not sure of the process of dredging, he did know once you start dredging, you must continue it if you want the lake to stay in that condition. Member Fischer said, so were \$1.4 million after the purchase and the demolition of the building and the bridge, and then we have continuous dredging. He said we have a lot of competing priorities in the City when it comes to Parks and Recreation dollars, we just had our CIP meeting the other day, we have another presentation after this or after this topic about another property in the park system. He said we do not have unlimited resources to develop a park. He said when he thinks of how we should be spending money, if we get into a position, we are spending several millions of dollars, this would be on a very limited basis and supporting a very limited timeframe, basically summertime, and a small amount of recreation. He stated if we were to take that same, he was adding it up now to two and a half millions of dollars and invest that, you know, in Bosco if we were to potentially pursue that. He thought that the number of residents that we could touch over a lifetime, those dollars would be invested with a much higher return. He said when you have limited resources, he thought that you must do that kind of cost and benefit analysis. He had one more question regarding a precarious note in one of our packets that talked about we have not done any review at this point about what rights even come along with the purchase of this island or what rights come along with the fact that we would own 95% of the lake. He guessed he would like a little more context from the City Manager or the City Attorney about what kind of concerns, what liabilities, and what kind of rights we might have if we were to purchase this parcel, because that comment was a little precarious to him. City Attorney Schultz replied that he read that and commented on it when they reviewed the packet, and he said his office has not touched Shawood Lake more than a couple of times on some minor stuff and his office does not know much about the legal history of it. He was sure somebody here at the City does. He explained he did not know, sitting there that evening, all that much about the history of it, and the ownership, the rights that some along with it. He said there is in this contract, a 90-day contingency that we do not put in every contract, you know, we usually do an appraisal contingency, we do not have that here because we have the appraisal. He said we have got the survey contingency and

the environmental contingency that usually we see, but we added here a 90-day contingency to look at suitability for purpose. He said the questions that Member Fischer raised about what comes with this, what can we do with it? What is the condition of the bridge? Some of the questions that have come up with here, that 90-day contingency is for the City to look into those kinds of things and at the end of that period, report to you, the City Council. He said if we have found anything that is concerning, or answered some of those questions, is 90 days enough? Member Fischer guessed if we have not done it over the past 100 years, or whatever we heard earlier, he did not know that 90 days would be enough. He thought that is kind of a flaw in the contract that in and of itself. He said those are some of the many questions he had just going into this, you know, getting to this point, and having a final form purchase agreement and asking the Mayor to sign that pretty much. He understood there is a couple of clauses, but there is not a lot of wiggle room, if we decide that this is not suitable. He said he did not know that the end investment plays out compared to the competing priorities that we have in the City at this point. He was not in favor of this purchase that evening.

Mayor Gatt said he was going to put his comments on the record. He asked City Attorney Schultz that we have heard the word lake tossed around very quickly this evening, he wondered if Shawood Lake is a lake and in the eyes of the state of Michigan. City Attorney Schultz replied that the same answer applies to his questions as it did with Member Fischer, he said we have never answered that questions, we have not investigated that. Mayor Gatt said he was sure that we do not own Walled Lake. It was his understanding that nobody in the State of Michigan can own a lake, the state owns the lakes, you can own up to the lake and maybe a few feet into it, he did not know. He said the way he understood it is that Shawood Lake or better known as Mud Lake, when he was a police officer, there is not a lake in the State of Michigan considers it a pond or water retention area. City Manager Auger believed the last time we spoke with EGLE about it, it was a watershed. He said in this property, it is unlike a lake where you have riparian rights, that property does cover where the water is. He said that is part of the issue we must do research on is what is allowed because that body of water is, as he understood it, governed by the State of Michigan as far as EGLE and the legal things we can do with that were small, very small portions of water within the City, we would have oversight of he believed this one falls under the State jurisdiction. He said if we were going to do something to the lake we would have to go through the State's process. Mayor Gatt said he was not going to repeat everything said that evening. He commented that it is very rare when he did not agree with the man sitting to his left on this issue. He said he struggled with it. He drove to the area twice in the last couple of weeks to look at the area and everything that Member Fischer said is correct. He said there is no place to park, there is no place for a crowd to gather, and it is confusing to him. He said over the last couple of years, when we were improving Lakeshore Park, the residents came in mass and it almost demanded that we do not building anything too big. They said they do not want a lot of people up there, we want this calm, we want peace, we want quiet. He said suddenly, he heard the same residents saying well, you can do canoes, and we can do this, and we can do that. He said it is confusing, at the least now, some of the people who spoke that evening he considered personal friends, and twice struggle with this issue. He said it all comes down to this in the end, if you follow, he has been on City Council for

19 years now, and in 19 years, every decision he ever made, and every vote he ever cast was what was best for the 65,000 residents who live in the City, or how many people lived in the City at that time. He said some of them were very controversial such as residents did not want a subdivision in their backyard. He guessed the 60,000 residents or so, we are all going to benefit from those tax dollars, everything was good, that is how he decided on things. He said in this case, his decision is based on who he thought it is going to help. He said it would help some residents in this room, there is no question about it. He said if the City owns this, and we are going to dredge it, we are going to make it beautiful, he thought that was great, but it is not going to help the other 60,000 residents in the City. It is not going to make a lox of tax dollars come in or more people come in, it is going to benefit a few people. He said it will cost everybody a lot of money and how much money they do not know. He asked if we do not buy this tonight, are we making a mistake? He said he didn't have the answer, but in his mind the answer is no, and maybe he will be proven wrong over the years, he did not know. He said he was not in favor of this for those reasons. He did not think it was a benefit to the people who live elsewhere in the City, and he thought it would cause some issues with people who want to come in and walk in that property. He said the property, Member Fischer touched on it, there is a bridge going across to the that home. He said we do not even know if the bridge will carry a vehicle. He said years ago when he was a patrolman, he drove his police car over that bridge, but he didn't think you could do that now. He asked how are we going to demo that house? He said there are a lot of issues that we have not had answers to. He said it is a nice thought, and it is something that maybe a Homeowner's Association can tackle and buy the house and buy the property and they own it, but to tell 65,000 people in Novi that we are going to spend an unknown amount of money and not something he could do. He hoped everyone understood his feelings, but that is where he was coming from.

Mayor Pro Tem Staudt said he heard some of these things, but he has heard all these things on various projects that he supported over the years. He stated the \$6 million we spent on the ITC trail; he will guarantee you that most of the 65,000 residents don't use it. He said the idea that we are going to spend millions of dollars to dredge the lake and the pond or the wetlands, that is not even being considered at this moment. He said this is a first step for us to acquire the balance of the like, that we currently do not own. He said we own 80%, we are not going to get more liability by having 80% or 95%. He said it is the same level of liability, and you know, those are just arguments that circumvent the real issue. He asked if we are willing to spend money to invest in a resource that will not have immediate need? He said one providing an immediate return to anybody who sits in this room or perhaps any resident in the city of Novi, what we are looking at is investing in the long-term future of our city. He said this is a piece of property that we own, and yes, we can, he has been looking at this for a long time. He said we have a lot of studies; we can argue about who owns what are there riparian rights. He said that is not what this is about. He said this is about doing something in a part of our city that gets probably the least frequent investment of any, even though yes, we built Pavilion Shore, but we built Pavilion Shore to bring people from the rest of the city into a great area. He stated we built Lakeshore Park, it is a great benefit to the residents, there is a great benefit to the other residents in our community. He said this is a benefit to both and anybody who has

walked from Pavilion Shore Park to the island, it is not a long walk, you can bike, you can walk, you do not have to have cars. He said he has read many instances where that bridge was built very solid, we can get an engineering study. He said people drove cars over it for many years. He said all these things that we are going to throw out as excuses to not do it. He asked City Attorney Schultz if this required five votes. City Attorney Schultz confirmed that it needed five votes. Mayor Pro Tem Staudt said he would like to get additional information available and bring this up during the budget and hopefully by that time we would have the information the Councilmember Casey requested, and perhaps some of the other questions answered that maybe other Councilmembers would consider reconsideration. He thought that would probably be the most appropriate way to handle this and then move it to the budget, let it be a budget discussion item, if it fails, it fails, if it passes, then great. He said he did not have any motion at this point to make.

CM 22-01-011 Moved by Casey, seconded by Staudt; CARRIED UNANIMOUSLY

To postpone the purchase agreement for properties located at 329 Elm Court, Parcels 22-03-481-001 and 22- 03-477-012 to a future date.

Roll call vote on CM 22-01-011

**Yeas: Fischer, Smith, Thomas, Gatt, Staudt,
Casey, Crawford**

Nays: None

- 3. Authorization for City Administration to begin negotiations toward a property exchange agreement with Novi Community Schools to exchange approximately 70 acres of land located at the Novi Middle School, Bosco Fields, and the High School/Fuerst Park/Ella Mae Power Park.**

City Manager Auger said there was a slight change in the intro paragraph and the motion as well. He said it say to begin negotiations and that word is kind of a misnomer because we have been working with the schools on this project for about three years. He thought the better term there would be do our due diligence towards the property closure where the attorney and he would work with the school superintendent. He said he had a short PowerPoint presentation to let the millions of people who are watching online follow us here. He said they have been working on this exchange with the schools, like he stated earlier for several years. He said they have had a great partnership with the schools, they have done many programs with them. He stated this proposal is just an exchange of some properties that benefit both the Novi School District and the Novi Community. He said the slide on the exchange if to put a definition of exchange because it is important in his mind and that both parties are receiving something of the same, that benefits both parties would have deals with approximately 140 acres, all within the City of Novi limits and the Novi Community School District boundaries. He said it looks like at the end and this is part of the due diligence that we will be doing, it will be give or take a 70 acres swap between both of us, by the time we get the metes and bounds all done. He said pictures are worth a thousand words, he highlighted the property that they are

talking about. He explained the Novi Community School District property was in the orange shade on the map and the City of Novi property was in the blue shade on the map. He pointed out the facility over on Wixom Road and 11 Mile. He said we will give up some of the parkland there and over to the Novi Community School District. He stated Bosco Fields, which we currently have a lease agreement with the Novi Community School District for about 40 acres of those 80 acres where we built soccer fields, playing fields that will be opening this season. He said in return we will get the back 40 acres as well, and we will have that property in total. He said the current arrangement does not allow us to put up any permanent structures on that property. He said this is the same area where we own the property there the Bosco house was, where the Splash Pad is proposed to go so it will allow us to better plan for future use of that. He said around the Civic Center some of this property is already under use of the school. He explained the blue area on the maps represents the City of Novi owned current, going, and flipping to the proposed currently the cross-country team uses the back treed area of the map for their cross-country trail. He said that would put it in Novi Community School District ownership all together, and then clean up a section by Fuerst Park on the corner of 10 Mile and Taft, there is a small portion that is owned currently by the Novi Community Schools, which square off Fuerst Park, he said it is maintained by the City and it is for the park usage. He said this cleans up a lot of property and puts it in better use with the City being able to increase our recreation footprint, including the Bosco Fields are, and build some permanent structures there and allow the schools to square up and program property around their main campus by the High School. He said he was open to any questions on this process. He said the Novi Community School District have been working with the City for several years on this trying to get it across the finish line. He said the last portion of the PowerPoint was when the Novi Community School District did their Land Use Master Plan to ensure that they would not need any of the property that we are talking about right now into the future that are based on subdivisions, any future subdivision coming in or any future plans based on. He said this works for them as well as us.

Mayor Gatt thanked the staff, the school staff, and their School Board. He said Mayor Pro Tem Staudt, himself, and other members of Council have been very much involved in this over the years now and that is a lot of hard work to have come to fruition.

Mayor Pro Tem Staudt mentioned the two primary people who made this happen was City Manager Auger and Superintendent Matthews. He said this is something that we tried to do a partnership on several years ago through the Signature Park that did not work out at the time of tough economic conditions. He said this is a huge benefit for the children in our community because the biggest part of this is going to be the Bosco Fields, which will provide several soccer fields, ball fields and the back 40 has areas to put pavilions and other things. He said this is a big win for both the Novi Community School District and the City. He said he would like to make a motion authorizing City Administration to complete negotiations towards a property exchange agreement with Novi Community Schools to exchange approximately 70 acres of land located at the Novi Middle School, Bosco Fields, the High School/ Fuerst Park/ Ella Mae Power Park.

CM 22-01-012 Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY

Authorization for City Administration to begin negotiations toward a property exchange agreement with Novi Community Schools to exchange approximately 70 acres of land located at the Novi Middle School, Bosco Fields, and the High School/Fuerst Park/Ella Mae Power Park.

Member Fischer echoed both comments of the Mayor and the Mayor Pro Tem on everyone's hard work. Obviously, a good partnership and a lot of legwork has gone into it. He thanked City Manager Auger and his team, as well, as Dr. Matthews. Member Fischer said he had a couple of little technical questions on this swap, he just wanted to make sure we are very clear on the Bosco piece. He stated currently we own the small section we are currently leasing the top 40 acres or surrounding that, even though that is shown as Novi Community School District property, it is Novi Community School District property with our leasing it. He said all of that converts to full ownership by the City, correct, the back 40, and the lease turns into ownership. The other question he had was regarding the high school campus. He said smart squaring off the Fuerst Property, the parking lot will remain as part of the Novi Community School District, he said we still have our Library parking lot clearly. He wondered if there was a need to be some sort of negotiation over parking rights. How do we handle that now? If there is no answer currently, it is just something to consider as you continue these negotiations. He said it is one thing that stuck out as we want to protect some rights for our people to park in it and go and visit that park. City Manager Auger said that did come up in their discussions in part of their school's master planning for their property. He stated they would like a Councilmember and some of City staff to sit on a committee with them as they develop their Master Plan for their school property with the bond that was passed in the last few years to look at those issues and how do we get those arrangements through. Member Fischer said perfect, that sounds like more work to be done. He thanked them again for their great work. He said he will support this motion and was excited to see what we could do with that property. He said we have some great ideas.

Member Casey echoed all the things that have been shared with both City Manager Auger, our team here at the City, Dr. Matthews and the team at the Novi Community School District. She thought this was a great long-term plan that we are going to be putting into place. She thanked everyone for all their hard work, and she looked forward to supporting this motion.

Mayor Gatt commented that he hoped that as we move forward with this, we erect something permanent that gives honor to Paul Bosco, because Paul Bosco who recently passed away was truly an anchor of this community for many years. He owned that property, for no fees, he let the kids play baseball there for he did not know, decades and decades, using his own money, he brought in special sand and special grass and special everything for those kids. He said it is something that over time will probably people will under ask why we call it Bosco Field. He hoped we could put something up somewhere that tells a small story about who Paul Bosco was.

Roll call vote on CM 22-01-012

**Yeas: Smith, Thomas, Gatt, Staudt, Casey,
Crawford, Fischer**

Nays: None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: None

AUDIENCE COMMENT:

Carolyn Upton said she was there to discuss on the topics of north of 12 Mile and 12.5 Mile Road is a natural beauty road. She said just recently, the trailhead for the bike trails was moved, and that is wonderful. She said thank you, that was a huge improvement, because there is a blind curve on that road, 12.5 Mile turns into Dixon and then it hits 12 Mile Road, and it runs off into Novi Road. She said it is a L-shaped road, but it does have a blind corner there and that is where the trailhead was, so it is moved down closer to Novi Road. She thought that was a huge improvement. She mentioned one of the issues on that road has been pedestrians walking, and there is no sidewalk. She said there is only a small portion of sidewalk that runs off Novi Road, and there is no sidewalk all the way up around the blind corner. She said the sidewalk starts again on Dixon on the east side, but there are a lot of residential communities off that road, and she walks that road a lot because she goes into the trails. She sees groups of pedestrians, typically three abreast, and they are coming around that blind corner, the cars travel fast. She wanted to make sure that the City is aware that it is a potentially dangerous situation. She was concerned that one day the headline is going to say someone has been hit there because the cars travel fast. She stated when they come around that corner, and they cannot see the pedestrians in the road, they are always in the road because there is nowhere else for them to go. She would like to see in the not-too-distant future some sidewalk accommodation put in so that we do not have a resident being hit by a vehicle. She knew the police are trying to enforce the speed on that road, she has seen that improvement also, but it is not enough. She just wanted to make the City aware of the issue. She would appreciate anything that can be done. Mayor Gatt asked her if she was talking about the cars that are going north on Dixon and then turning onto 12.5 Mile Road. She replied, yes, that is the blind corner she was referring to. Mayor Gatt asked City Manager Auger to have the police investigate that.

Ross Barranco said he was there to talk about the Maples of Novi. He spoke with the Planning Commission, and they said that this time around, that they have notified all the residents in the Maples, and they are going to have a hearing this Wednesday. He said they mentioned since some of the units in Walden Pond across 14 Mile Road from the Maples, they are in a three-mile notice zone. He said they notified all the people in Walden Pond, however, people in the Maples were telling him that they never received the notice. He said they want to know how they can vote. He told them to call the Planning Commission and ask them for a ballot to vote since they have not received notification. He said in Walden Pond, the members of the Homeowners Association said that none of them received the notice even though they have been said to have been served notice in all the Walden Pond area. He said they have not received notice and

the meeting is coming up on Wednesday. He thought something needed to be done, he did not think the Planning Commission is getting the notices out or is the Post Office not delivering the notices that they are supposed to be delivering. He thought there was some sort of problem there. He thought the problem should be investigated and addressed.

Theresa Renault said she was a property-owner in the Maples of Novi, and she wanted to reinforce what Ross said was true. She said she had no idea that this situation is continuing. She said if it was not for Ross and the communication that he has done in terms of trying to reach out to all three of the different associations. She said she wanted to talk about the lack of communication, which seemed like a surprise to you. She echoed the previous speaker and said she too had not received anything, and she reached out to several neighbors, and they have not received anything either. Mayor Gatt said that was concerning if a couple of the members have not received a notice, the meeting is Wednesday night, correct? Mayor Gatt suggested maybe putting something on social media to make sure everyone in the Maples knew what was going on.

COMMITTEE REPORTS: None

MAYOR AND COUNCIL ISSUES: None

Mayor Gatt said City Council would enter Executive Session and that they did not intend on returning to Open Session.

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 8:15 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: February 7, 2022