



CITY of NOVI CITY COUNCIL

Agenda Item 7
October 24, 2011

SUBJECT: Approval of a Commercial Rehabilitation Tax Abatement Policy under Public Act 210 of 2005, as recently amended, following recommendation by the Ordinance Review Committee; for certain commercial properties located at the intersection of 10 Mile and Meadowbrook Roads.

SUBMITTING DEPARTMENT: Neighborhood and Business Relations

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

On July 12, 2011 Governor Snyder signed Public Act 82 of 2011 into law amending Public Act 210 of 2005, the Commercial Rehabilitation Act. The original act was an economic development incentive to assist in the rehabilitation of commercial buildings in order to create and/or retrain jobs and increase commercial activities. The incentive comes in the form of abated property taxes. The act offers qualified properties a real (not personal) property tax abatement for a period of 1 to 10 years, as determined by the local community. The abatement "freezes" the taxable value of the building as it was before the rehabilitation improvements. It therefore amounts to a 100% abatement of the taxes that might otherwise have been assessed on the basis of an increased value as a result of the rehabilitation improvements. Only the value of the improvements to the building is affected; the abatement does not apply to the taxable value of the land itself, or the personal property in the building.

The 100% abatement applies to all local taxes **except school taxes**. The property taxes associated with school funding are sent to the state, and then distributed to the individual schools on a per pupil basis. Through a formula set by State's educational fund, all Michigan schools will receive funding per enrolled student regardless of the abatement.

As originally enacted, PA 210 applied primarily to commercial buildings at least 15 years old. The Act was amended in July 2011 to expand that coverage to most commercial parcels that had been used for commercial purposes in the last 15 years, and also to extend the abatement opportunity to a **new** hotel with meeting space that is attached to a convention and trade center. Following the 2011 amendments, the Council asked the Ordinance Review Committee (ORC) to review the new law and make recommendations as to whether the City should have a policy for consideration of applications under the Act, and if so to recommend policy language. The Committee took up the hotel/convention center policy first, and on September 12, 2011 the City Council adopted a policy as recommended by the ORC that frames consideration of applications for that facility. An application is already working its way through the Council review process for the Suburban Collection Showplace.

The ORC then took up the broader question of whether the abatement should be available to other properties throughout the City that might qualify. Before the 2011 amendments, the number of properties that qualified for consideration under Act 210 was limited mostly by virtue of the "age" requirement and the more limited definition of "rehabilitation. With the expansion of

those, the number of parcel possibly qualifying is greatly expanded.

The ORC has now recommended the adoption of two additional **limited** policies that would establish criteria for an abatement within **only two specific areas of the City**: the intersection of 10 mile and Meadowbrook Rd. and the property the former Novi Expo Center resides on. As part of its recommendation, the ORC has included a statement that as a general rule the City should not utilize the Act 210 abatement tool in other parts of the City, and has given specific reasons as to why the City Council should limit its use of Act 210 to these two unique areas.

This policy deals with the intersection of 10 Mile and Meadowbrook Road.

The ORC believed this area to be very under-utilized given the surrounding residential development and determined that the age of the existing uses may contribute to that under-utilization—hence the opportunity for encouraging redevelopment and/or building improvements. The Committee recognized the need to establish a common theme in the area to drive the look and feel any redevelopment. That common theme would need to be developed by a process facilitated by the Master Plan and Zoning committee. The ORC also noted that the abatement tool would not be appropriate to just facilitate minor upgrades to existing buildings on some of the smaller parcels at the intersection—major redevelopment and revitalization would be the intent, not a subsidy for improvements that might be made without the abatement or that wouldn't substantially affect the area. For that reason, it is recommending that only properties that are 2 acres in size or larger qualify for the abatement, which would perhaps be an incentive for assembly of smaller parcels into a larger area.

PA 210 is a two-step process: first a district is created, and then an application for an abatement can be made by a property owner for a qualifying facility. The district can be created at either at the request of the affected property owners **or it can be created on the City Council's own initiative**. This is essentially a recommendation by the ORC to the City Council that it create a district in this area on its own initiative. It is a qualified recommendation at this point, because it depends as noted above on there first being a plan for a common look or theme in place. The idea is that, if the policy recognizing this area as a candidate for use of the Act 210 tool is adopted, the issue would then be referred to the Planning Commission and from there to the Master Plan and Zoning Committee. After they have recommended to Council a broader set of criteria for review of qualifying applications, the policy could be updated and a district could then be created if the Council so chose.

Under the policy, all of the same general rules for consideration under Act 210 for a hotel/convention center would apply—the limitation of the abatement to 6 years, the eligibility and application criteria, and the requirement for an agreement are all consistent with the policy recently adopted for the hotel/convention center.

RECOMMENDED ACTION: Approval of a Commercial Rehabilitation Tax Abatement Policy under Public Act 210 of 2005, as recently amended, following recommendation by the Ordinance Review Committee; for certain commercial properties located at the intersection of 10 Mile and Meadowbrook Roads.

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Gatt				
Council Member Fischer				
Council Member Margolis				

	1	2	Y	N
Council Member Mutch				
Council Member Staudt				
Council Member Wrobel				



City of Novi
Tax Abatement Policy
Commercial Rehabilitation Act PA 210
10 Mile and Meadowbrook District

Real Property Tax Abatement Statement of Purpose

The Commercial Rehabilitation Act, PA 210 of 2005, which offers certain qualified properties a real property tax abatement for a period of 1 to 10 years, as determined by the local community, was amended on July 12, 2011 (2011 PA 82) to expand its potential applicability to a broader category of commercial properties, and to add to the definition a qualified building a hotel or motel with meeting space that is attached to a convention and trade center that is over 250,000 square feet in size and in located in a county of a certain size (like Oakland County).

The City of Novi is a vibrant and growing community, with fair *ad valorem* tax millages and regulatory structures. The City is not, therefore, interested in establishing Commercial Rehabilitation Districts or granting tax exemption certificates to most of the commercial properties within the City. However, the City of Novi has adopted a policy for a Commercial Rehabilitation District for a convention and trade center within the City as allowed under the recent amendments to the Act. The Novi City Council has also identified a very limited number of other potential Commercial Rehabilitation Districts within the City that, because of their unique location or history, would benefit from this incentive.

This specific policy document relates to the property located in the area of the Ten Mile and Meadowbrook intersection. The City has identified this limited area as a possible beneficiary of a tax exemption certificate as a means to encourage and facilitate the redevelopment of an area of the City that is zoned and used for business/commercial uses but is, in the City's determination, uniquely under-utilized in terms of its existing zoning classification in part because of the age and/or configuration of the existing centers, buildings, and developments in the area. The City's primary purpose in considering this limited District, then, would be to facilitate, encourage, and incentivize improvements to these existing commercial centers/buildings, from façade improvements to reconstruction or repurposing, accordance with existing City land use plans and standards.

Objectives to be Achieved by Granting a Commercial Rehabilitation Tax Abatement for Ten Mile/Meadowbrook Area

Applications for a Public Act 210 Tax abatement in connection with the Ten Mile and Meadowbrook area will be evaluated in terms of the likelihood that they will achieve some or all of the following objectives of the City of Novi:

- A. To encourage and promote a significant redevelopment of or improvements to the existing commercial buildings/centers in the area, such that the capital investment will serve as a catalyst for other substantial investments within the community, specifically related to the southeast portion of the City.
- B. To create or retain a significant number of employment opportunities that offer competitive wages within the industry.

- C. To judiciously and prudently use all tools available to improve the quality of life in the City of Novi, in a manner that assures that the long-term benefits of such action outweigh the short-term costs and foregone revenue.

The specific intention of the City in this area is to encourage improvements to the larger existing centers within the District and also the assembly of smaller parcels for redevelopment. The character of any redevelopment proposed for an abatement in this District must comply with the any and all land use plans for the area. The City contemplates redevelopment around a common theme to be established through a planning process led by the City’s Master Plan and Zoning Committee. No certificates under PA 210 will be issued until that planning process has been completed and approved by both the Planning Commission and the City Council.

General or Minimum Requirements for Eligibility

Every applicant must satisfy the following:

- A. The property must be greater than 2 acres in area—small, individual parcels may be assembled to meet this size requirement.
- B. The project must be fully compatible with the City’s zoning ordinance and master plan for land use and other ordinance requirements.
- C. The applicant must clearly and convincingly demonstrate that it would not construct or conduct the improvements in the City if tax abatement was not approved.
- D. Any approved tax abatements will undergo a yearly compliance review.
- E. Rehabilitation/construction value hard costs equal to at least 50% of current real property value. Deferred and normal maintenance costs and hazardous material remediation are ineligible for inclusion in this amount.
- F. The approved site plan for the proposed and final configuration of the property must comply to the fullest extent possible with current Novi zoning ordinance and development standards with regard to:
 - a. Landscaping, including parking islands
 - b. elimination of exterior storage unless allowed in the district
 - c. street trees
 - d. storm water management and treatment
 - e. required/enhanced façade materials
 - f. rooftop equipment screening
 - g. fire lanes and emergency access
 - h. buffering, including parking and adjacent residential uses,
 - i. screening of accessory uses and structure (dumpsters),
 - j. shared parking and interconnected pedestrian access, sidewalks and pathways,
 - k. parking lot and building lighting
 - l. restoration of pavement and curbing, and
 - m. signage to the degree physically possible.

- G. Configuration of rehabilitated or proposed structures must comply with current Novi Fire Code and Michigan Building Codes and also with respect to fire suppression systems, fire alarm/voice alarm communication systems, building height and area limitations and Barrier Free Access.

Review Criteria Specific to Project

The following criteria will be used to evaluate specific requests for a tax abatement in terms of the **net benefit to the City and its residents and businesses**, and to determine the number of years of the abatement. The City Council reserves the right to modify the tax abatement criteria to reflect the changing objectives, priorities, or conditions of the community. The applicant shall provide **sufficient information** to the City to allow it to conduct a full and complete review of the stated criteria.

- A. The value or cost the proposed improvement (i.e., the capital investment)
- B. The quality of the proposed construction (architectural drawings, site plans, etc.)
- C. The expected economic life of the improvement
- D. The aesthetic value of the improvements – façade, materials, workmanship, etc.
- E. The total expected local abatement amount
- F. The amount of real and personal property taxes already paid by the existing development
- G. Any additional costs to the City, direct or indirect (e.g., additional required infrastructure, public safety impacts, traffic concerns, and the like)
- H. The estimated number of jobs added or retained by the proposed facility improvement.
- I. The extent to which the applicant commits to the use of local (City of Novi) vendors, suppliers, and contractors,
- J. The extent to which the project will enhance opportunities for other existing or planned businesses in the City of Novi as part of the overall net economic benefits of the project to the City and its businesses and residents
- K. The environmental impact of the project and improvements—on woodlands, wetlands, storm water, air quality, etc.

Limitations

- A. The maximum time period for an abatement is six (6) years.
- B. The property must be a minimum of 2 acres in area.
- C. Construction of improvements must not have started more than 6 months before an application for abatement was received by the City, and must be located in a Commercial Rehabilitation District established before the commencement of the project.
- D. There must be no outstanding taxes, fines, or liens owed by the applicant or entity with regard to the property at issue.

Agreement Required

The City will require a written agreement with the applicant that will include, as a minimum:

- (1) The term of the abatement;
- (2) Any conditions required by the City Council in connection with the grant of the abatement, as to which the City reserves all rights to determine in the interests of the City;

(3) Any reporting requirements established by the City with respect to the information stated above and/or provided by the applicant, whether required and described under PA 210 itself or established by the City as appropriate to the project and the agreement;

(4) Events of default that will automatically terminate the agreement, including (by way of example only):

- (a) Closure/abandonment/sale of building
- (b) Change of use
- (c) Failure to use local vendors.
- (d) Failure to create new jobs as represented to the City.
- (e) Failure to complete construction in a timely manner.
- (f) Failure to meet any reporting requirements.
- (g) Delinquency with regard to property taxes and/or to timely and properly follow legal procedures for contest.
- (h) Failure to comply with local ordinances.
- (i) Assignment without approval of the City

(5) Any “claw back” or restitution provisions determined by the City to be necessary as appropriate to a specific project, under which the City will be paid back the amount of the abatement in the event of certain kinds of defaults

Procedures

The applicant must submit a submittal form prepared by the City and an application provided by the State of Michigan. The documents and the submission will be judged on its own individual merits, on a case-by-case basis, with respect to the achievement of the economic development goals of the City and satisfaction of the criteria outlined in this policy.

Applicants bear the burden of proof and must substantially satisfy conditions of the policy at initial application in order to be considered for abatement.

Review of applications shall be as required by statute. The City may approve, deny, or approve the proposal with conditions within the time specified by statute.

All procedures, rights, and obligations concerning such exemptions are subject to Act 210. The City reserves the sole discretion, to the fullest extent available under the law, to review each application and determine whether the project meets the City’s goals and the review criteria, and to determine whether the project would be beneficial to the City, whether the applicant merits consideration, and whether any other conditions exist that affect the City determination to grant or deny an application.

Ten Mile and Meadowbrook

Potential Development for PA210 Policy



Map Legend

- Potential Redevelopment Properties
- Tax Parcels

**Approx.
2 Acres**



City of Novi

Dept. of Community Development
City Hall / Civic Center
45175 W Ten Mile Rd
Novi, MI 48375
cityofnovi.org

Map Author: David Campbell
Date: Oct. 10, 2011
Project: PA 210 Policy
Version #: 1.0

Amended By:
Date:
Department:

MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

ORDINANCE REVIEW COMMITTEE
September 29, 2011 | 7:30 a.m.
Mayor's Conference Room | Novi Civic Center | 45175 W. Ten Mile Road

Mayor Landry called the meeting to order at 7:30 a.m.

ROLL CALL: Mayor Landry, Council Members Margolis, Mutch

ALSO PRESENT: Victor Cardenas, Assistant City Manager
Charles Boulard, Community Development Director
Rob Hayes, Public Services Director
Thomas Schultz, City Attorney
Ara Topouzian, Economic Development Director

APPROVAL OF AGENDA: Agenda was unanimously approved as presented.

AUDIENCE COMMENT: None

MATTERS FOR DISCUSSION:

1. Sidewalks clearance by the City

Mayor Landry began the discussion by stating they had to discuss whether the City would plow non-motorized pathways and whether to designate certain streets as snow routes. Mr. Schultz said he modified the proposed wording for the ordinance on sidewalk snow clearing to include language about what areas a residential homeowner is responsible for clearing. Mr. Hayes said he was concerned about people who live on corner lots and have a segment of a major pathway on the side of the property. He said the proposed wording did not require them to clear the portion of pathway on the side of the property, which would leave portions of pathways not cleared. Mayor Landry asked how often that happened. Mr. Hayes responded that it was not common, but could become an issue. Member Mutch asked about commercial properties and whether they should be included as well because they could also have a portion on the side of the property that contains a major pathway.

Mayor Landry said that the packet material showed it would cost approximately \$50,000 to contract out the service of clearing snow from 12.5 miles of bike paths that do not front City of school property and are not on walk-to-school routes. He added that it would take away 5.7 miles that the DPS has historically cleared.

Member Margolis said she thought \$50,000 was a reasonable cost to provide that service. She said it would help promote walking year-round and would also be a benefit for residents when more pathways are added.

Member Mutch agreed and said he contacted other cities that provide similar services. He said the City of Holland plows most residential streets using the Parks and Recreation staff at a cost of \$55,000. He said \$50,000 was reasonable and would also save staff time and money. He said it would differentiate Novi from other communities and encourage walking.

Mayor Landry said he hoped staff could find a way to work with the contractor to do other portions as well so DPS staff and the contractor aren't working in the same areas.

Moved by Margolis, Seconded by Mutch: Carried Unanimously

To present to Council the plan to budget \$50,000 to contract snow clearing services for 12.5 miles of bike paths that do not front City or school property and are not on walk-to-school routes.

Mayor Landry said the next topic was on the proposed wording regarding the ordinance on sidewalk snow clearing. Member Margolis said she was ok with the proposed wording, but wanted to clarify it to say "single-family residential".

Moved by Mutch, Seconded by Margolis: Carried Unanimously

To present to Council the proposed ordinance change in Section 21-126.

Mayor Landry addressed the issue of designating snow routes. Member Margolis said the proposed ordinance didn't list the specific streets they pointed out in Cedar Springs and Meadowbrook Glens. Mayor Landry asked if those streets should become permanently designated snow routes and how the City would notify residents. Mr. Hayes said they had initially planned to use the reverse 911 system, but decided Nixle would work better. Mayor Landry said that if it were passed by Council, staff should have something delivered to each homeowner on the snow route to notify them of the change.

Member Margolis asked if it would be a policy decision to designate streets as snow routes, or if it should be added into the ordinance. Mayor Landry said that the streets should be specifically called out in the ordinance. Member Mutch added that street signs be put up along the route as well to ensure everyone understands when they park on the street that it is a snow route.

Moved by Margolis, Seconded by Mutch: Carried Unanimously

To present to Council the proposed ordinance changes in Sections 33-681 through 33-683 with suggested changes.

2. Public Act 210 – Commercial Rehabilitation Tax Abatement Policy as it relates to shopping centers and other commercial areas.

Mayor Landry said they received examples of areas to designate as districts and potential criteria for a potential policy on commercial rehabilitation tax abatement.

Member Margolis said the policy should designate those specific areas and what the City wanted to see as a result of granting the abatement. She said by setting the district ahead of time, the applicant wouldn't have to go through that step of the process. Mr. Schultz said if they set the district before the applicant applied, they wouldn't have much of an argument

for denying an abatement if they chose to. He added there was no appeal process through the State Tax Commission though. Member Margolis said she liked the idea of setting the districts in the policy. Mr. Cardenas said they would have to have specific criteria and each district they set to create a level of expectation.

Member Mutch said the district approach made the most sense because they would be limiting the amount of people who would qualify to apply for an abatement. He said each district would have to have specific thoughts on what the City wants it to become.

Mayor Landry said he was ok with not creating a policy at all, but was open to hearing all opinions. He said they should not create a district at Old Novi Road and Thirteen Mile because the area was too small. He added they should not create the district for Main Street either because there are already plans to move forward without the abatement. Mr. Topouzian said the Novi Expo Center and Novi 10 Shopping Center would be great to have redeveloped as a result of this policy.

Mr. Topouzian said he wasn't sure if having this policy in place would make people want to redevelop those two areas. He said he has heard from the Novi 10 Shopping Center and it is a variety of factors that keep them from redeveloping.

Member Mutch said it was a state law and whether or if we do not have a policy in place, people can still apply for it.

Member Margolis said she was more open to creating a policy with only the Expo Center and Novi 10 Shopping Center as districts. She said they are better redevelopment options. She added she liked the list of potential criteria laid out in the packet. It would become an asset for those properties, whether or not they took advantage of it.

Member Mutch said he was in favor of having a policy. Mayor Landry said they would refer it to staff to create a specific policy on those two properties (no vacant land) and that it contains specifics on what the City expects to see as an end result for each property.

The meeting was adjourned at 8:21 a.m.

Recorded by: Cortney Hanson
Deputy City Clerk

ORDINANCE REVIEW COMMITTEE
October 13, 2011 | 7:30 a.m.
Mayor's Conference Room | Novi Civic Center | 45175 W. Ten Mile Road

Mayor Landry called the meeting to order at 7:30 a.m.

ROLL CALL: Mayor Landry, Council Members Margolis, Mutch

ALSO PRESENT: Victor Cardenas, Assistant City Manager
Rob Hayes, Public Services Director
Thomas Schultz, City Attorney

APPROVAL OF AGENDA: Agenda was unanimously approved as presented.

AUDIENCE COMMENT: None

MATTERS FOR DISCUSSION:

1. Public Act 210 - Commercial Rehabilitation Tax Abatement Policy as it relates to shopping centers and other commercial locations

Mayor Landry began the discussion on Public Act 210. He said they received policy recommendations on two proposed locations: Meadowbrook Road and Ten Mile intersection and the old Novi Expo Center property. Mr. Cardenas said there was a question on whether the senior living center on Meadowbrook Road should be included. It was included because it is zoned to be office use.

Member Margolis said she thought they had indicated they wanted more of a vision of what the locations should become if granted the abatement under the policy. She said maybe they needed to be more specific in the policy on what exactly they were looking for as a result of potential redevelopment. Mr. Schultz said that could be added to the "Statement of Purpose" portion of the policy.

Member Mutch said there was specific information in the Master Plan on what they wanted the old Expo Center property to become, but they hadn't done the same for the Meadowbrook Road and Ten Mile intersection. He said it may be wise to go through the same process to discuss what the ideal outcome of the property would be.

Mayor Landry said the northwest corner of Meadowbrook Road and Ten Mile was the main area they wanted to rehabilitate. He said the northeast corner concerned him because it appeared each individual parcel could apply separately for an abatement. He said they should add a minimum square footage requirement or require an entire specified area to be redeveloped as one piece.

Member Margolis liked the thought of going through the Master Plan process for the Meadowbrook Road and Ten Mile intersection. Mr. Schultz asked if they wanted to go through that step before including it in the policy. Member Mutch said they should just keep the process moving forward and reference the future change to the Master Plan in the policy.

Member Margolis said they would do a Master Plan review of that area and put into the policy that there will be no abatements for the area until the vision is developed in the Master Plan.

Member Mutch said he thought the northeast corner should have to be assembled into one piece in order to qualify for the abatement. Mr. Cardenas said they needed to look at the entire intersection at Meadowbrook Road and Ten Mile to decide if they want to include it in the policy or indicate each section has to have a common theme. Member Mutch said they should have common elements if they were done separately so that they conform.

Mayor Landry said they should include all four corners at the intersection of Meadowbrook Road and Ten Mile. He added they should indicate a minimum acreage of maybe two acres to qualify for the abatement. He said he wanted to encourage someone to buy up several parcels and redevelop them as one piece. He also said he wanted there to be commonality between all four corners of the intersection, if redeveloped. Member Margolis said she would like to see what the minimum of two acres would include.

Mayor Landry said the policy should include language stating the redevelopment must be completed according to the Planning Commission or Master Plan which was adopted by City Council. He said it should be consistent with the vision created by the Planning Commission and approved by City Council.

Member Margolis mentioned the section of the policy regarding jobs and said she didn't feel it was necessary to include because it was commercial redevelopment. Member Mutch said that was actually part of the statute and had to be included.

Member Mutch referenced the policy for the old Novi Expo Center and said item E under General Requirements should say "The approved site plan for the proposed and final configuration of the property must be in compliance with current Novi zoning ordinance and development standards *to the degree physically possible...*" He added that he felt they had enough of a concept to take both policies to City Council.

Member Margolis said the Ordinance Review Committee should have the opportunity to review it before it goes to Council so they can see the revised language.

Moved by Margolis, Seconded by Mutch: Carried Unanimously

To present to Council the Commercial Rehabilitation Act Tax Abatement Policies for the Ten Mile and Meadowbrook Road District and the former Novi Expo Center with revised language as discussed and to include a two acre minimum area and to specify the character of buildings and façade be in compartment with a plan to be initiated by the Planning Commission and approved by City Council.

2. Policy regarding the acceptance of existing private residential streets

Mayor Landry wanted to verify that the reason the issue arose was because Briarwood of Novi Condominium had asked the City to create a Special Assessment District in order to pay for the reconstruction of their private streets. He added there were 38 miles of private streets that were built in the late 1990's and early 2000's with the knowledge they would have to maintain those streets. He said he didn't want to create a policy that allowed private streets to be reconstructed through a SAD.

Member Margolis said she brought it to Ordinance Review because the issue kept coming up. She said there was not a clear answer and it would continue to be an issue.

Mr. Schultz said the City does not have to maintain private roads through a SAD because it wouldn't qualify as a public improvement. He said the City has never done a SAD to fix private roads. He said there was a section in the Charter that said the City could do a SAD if it was a nuisance, but it is not.

Mayor Landry said they would have to fund it themselves by raising the money or getting a bank loan. He said they could do something similar to the City SAD process themselves.

Member Margolis said she felt it was beyond reasonable for the association to be able to get a loan and do it themselves. She wanted to find a way for the City to offer some type of assistance even if it wasn't doing a SAD. Mayor Landry said the issue was that the condominium association knew when they built that it was up to them to maintain the roads. Member Mutch agreed and said they should have been saving money from the very beginning because they knew they would have to maintain the road themselves.

Member Margolis said she was not in favor of doing a SAD or making the roads public for the City to maintain, but wanted to find a way to offer some type of assistance. Member Mutch asked if the City could perform the maintenance and then make them pay for it without making it a SAD or making the streets public. He thought that could be a solution because the association is actually willing to pay in this situation.

Mayor Landry said he didn't know what the City could offer as assistance and didn't want to take over the streets as public. Member Margolis said she didn't want to take over the streets either, but wanted to offer some type of help because they can't do it on their own.

Member Mutch said he agreed with the Mayor but was sympathetic with Briarwood of Novi Condominiums. He was hoping they could find a way to help them without doing something as drastic as a Charter Amendment.

Mayor Landry said they need to put a policy in place so there is a clear answer for when this arises in the future. Member Margolis asked if there was anything we could do to help them. Mr. Cardenas said the policy could state that the City could advise and assist with expertise in the process.

It was recommended that a policy be created for presentation to City Council on October 24th that the City will not accept private streets or create a SAD for the reconstruction of private streets, but the City can offer assistance and provide expertise.

3. Snow Emergency Declaration Clarification

Mr. Cardenas said there was some adjusted wording in the ordinance because it currently states that a snow emergency would be automatically declared any time there was a snowfall of more than 4 inches. The changes would make it clear that a snow emergency could be declared at the discretion of the director of public services and also on the proposed "snow routes" only.

The Committee agreed to send the proposed ordinance change to City Council on October 24th.

The Committee then discussed the status of old subdivisions awaiting the completion of various site improvements that are eventually intended to be dedicated. Mr. Hayes said the issue arose because they get several calls each week from citizens who want repairs done to their streets but the City has no authority over them. Mr. Schultz said the developer holds the obligation to complete the roads. He said the City could take the developer to circuit court and have it enforced. Mayor Landry said the item should be sent to Executive Session because it was a litigation matter.

The meeting was adjourned at 8:28 a.m.

Recorded by: Cortney Hanson
Deputy City Clerk