

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JULY 11, 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: Pete Auger, City Manager
Victor Cardenas, Assistant City Manager
Tom Schultz, City Attorney

APPROVAL OF AGENDA:

CM 22-07-079 Moved by Crawford, seconded by Casey; CARRIED UNANIMOUSLY

To approve the Agenda as presented.

Roll call vote on CM 22-07-079 **Yeas: Staudt, Casey, Crawford, Fischer, Smith, Thomas, Gatt**
Nays: None

PUBLIC HEARINGS: None

PRESENTATIONS:

- 1. Parks and Recreation Month Proclamation - Jeff Muck, Director of Parks, Recreation, and Cultural Services**

Mayor Gatt asked PRCS Director Muck to join him at the podium. Mayor Gatt read the Proclamation for Parks and Recreation Month July 2022. Director Muck thanked the Mayor, Mayor Pro Tem Staudt and City Council. He stated that July is a national movement for Parks and Recreation Month. He said we know the value of Parks and Recreation every day here in Novi. He said through the ongoing commitment to our infrastructure in our parks, new parks, new programs, and new services that you and members of City Council before you continually invested in. He thanked everyone and gladly accepted this Proclamation on behalf of our entire team, and all our City Staff. Mayor Gatt thanked him again and asked that he give our thanks to all your team for Council.

MANAGER/STAFF REPORT:

City Manager Auger stated he sent out some early drafts of Home of the Brave, the concept plans placed for us to honor those who choose to serve in our Armed Services to City Council. He said they will either schedule it at the next meeting or Council could give him feedback so we could get some direction on which way to go with it. He was very impressed with the drawings that we received. He said he was also impressed with some of the estimated costs that go along with it. He said if we can get a direction on

which way Council would like us to go, he thought we could plan out the future and be proud of something.

Mayor Gatt pointed out to his colleagues that it is a very expensive endeavor, but it will set Novi apart from any community within hundreds of miles of here. He said let's remember who we are honoring, the brave men and women who serve our country daily. He hoped everybody was positive as we move forward.

ATTORNEY REPORT:

Mayor Gatt noted that as we move through the Agenda, Item 6 and Item 7 were items that were voted on at our last meeting, he said there were only six people at our last meeting. He said the Items did not pass because they were three-to-three votes. He wanted to confirm for everybody watching and for their sake on Council, they can come back, Robert's Rules allows them to come back without a motion being made from the losing side. City Attorney Schultz said that was correct for both items, they can come back. Mayor Gatt asked if it was because it was three-to-three, it was not a failure, it just did not pass. City Attorney Schultz stated that it has more to do with what they are doing. He explained even under Robert's Rule, if you look at it that way, yes.

AUDIENCE COMMENTS:

Brandon Bueter, 21875 Novi Road said he also owned the Self-Storage Facility at 21650 Novi Road. He said looking at this packet, it states a total of 111 parcels that will fit this ordinance and only seven of these sites are abutting residential, we can simplify and get rid of a whole page of this ordinance and leave any self-storage, not just climate control to one single story when adjacent to residential. The I-1 district as stated before, there is a 40-foot height allowed however, in the intent it states the I-1 Light Industrial District is intended to encourage innovations and variety of type design and arrangements of land uses, but always to protect neighboring residents, residential districts from any adverse impacts. He noted on line four It says to protect the most desirable use of land in accordance with a well-considered plan to protect the character and establish pattern of adjacent development, each area to conserve the value of land and buildings, other structures and to protect the City's tax revenue. He stated therefore, not everybody can come in and build a 40-foot-tall building. He said it allows the City to have a say in what is the best for the area. He asked why we are trying to bend and break every rule to allow for one development to go into the parcel that is not a good fit. He stated there are 104 other properties better fit and in compliance with I-1 District setbacks. He said this text amendment has one goal from the beginning to make the Novi Bowl property compliant for a multi-storage self-storage facility. He said from the start, there has never been a proposed change to make this property out of compliance. He said this is what happens when this is solely an applicant driven process. He said the applicant being GHK Development, a Louisiana based strip mall developer and the representative, Mr. Landry. He stated after our last City Council meeting, it was suggested to us to go meet with the Planning Commission, and we did just that. He said they showed up and voiced their concerns weekly with amendments proposed. He asked them who the other developers

were, and they did not have an answer. He said they asked them about why the current setbacks were in place, their response was to make that piece of property compliant, the Novi Bowl parcel. He said please tell him this is not about one development. He said we shared some of our reasoning for changes backed with their research and data, and we are told they would have to speak to Mr. Landry, the applicant's petitioner about it. He stated our information was collected by the City Planners, passed to the applicant's petitioner. He said they use it how they saw fit to align with their agenda, and not in the best interest of the city of Novi, we are willing and able to help provide a pathway to positive city forward solution, pay their \$690 application fee and become a co-applicant on this amendment. He said taking this to a third reading together, we cannot see another process or pathway to make sure our alternative research based, community centered, non-anonymous options end up on your desk. He stated it is up to you to protect us, the residents, the taxpayers, the voter, and existing businesses that have been here for years, not a single developer coming in and try to change our city structure.

Mike Storm, 22126 Beck Road, Northville said he has been a resident of the community for many years, almost his whole life. He said he had a hard time with this. He felt like this gentleman just did a great job explaining a lot of things that he wanted to be able to touch on, but it still seems like it is spot zoning. He thought everything is very targeted to that piece of real estate. He stated he was against it.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 22-07-080 Moved by Casey, seconded by Thomas; CARRIED UNANIMOUSLY

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
 June 20, 2022 - Regular Meeting
- B. Approval to purchase Courts and Law Enforcement Management Information System (CLEMIS) and Fire Records Management System (FRMS) fees and services from Oakland County for the 2022-2023 fiscal year in the amount of \$61,970.
- C. Approval to award bid for towing services to Hadley's Towing, the only bidder, for three (3) years with two (2) renewal options in one-year increments with an effective date of July 12, 2022.
- D. Approval to award bid for the purchase of a drone for the Novi Police Department to NOAR Technologies, the lowest bidder in the amount of \$35,494.
- E. Approval of claims and warrants – Warrant 1111

Roll call vote on CM 22-07-080

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

Nays: None

MATTERS FOR COUNCIL ACTION:

- 1. Consideration of Approval of Change Order No. 1 to Asphalt Specialists, Inc. for the 2022 Neighborhood Road Program – Asphalt Streets in the amount of \$250,972.44.**

CM 22-07-081 Moved by Casey, seconded by Thomas; CARRIED UNANIMOUSLY

Approval of Change Order No. 1 to Asphalt Specialists, Inc. for the 2022 Neighborhood Road Program – Asphalt Streets in the amount of \$250,972.44.

Roll call vote on CM 22-07-081

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

Nays: None

- 2. Consideration of approval to award the construction contract to Pamar Enterprises, Inc., the low bidder, for the 2022 Asbestos Cement Water Main Replacement project, in the amount of \$6,532,828.15, and amend the budget.**

Member Casey stated this is going to be a significant project for the residents once we start to get in and pull out the old pipe and lay the new pipe. She said we really do a great job of communicating with our residents on big projects like this. She thought in this instance, we might even have to take that next step above and make sure that we are giving them advance notice for when we are going to be into their neighborhoods, and then ongoing updates as we continue to go. She was confident that staff would make that happen.

CM 22-07-082 Moved by Casey, seconded by Thomas; CARRIED UNANIMOUSLY

Approval to award the construction contract to Pamar Enterprises, Inc., the low bidder, for the 2022 Asbestos Cement Water Main Replacement project, in the amount of \$6,532,828.15, and amend the budget.

Member Fischer commented that anytime, especially as it relates to water, a lot of stuff is going on in the state of Michigan, and then you throw in the word asbestos. He said as far as communication goes, he thought we needed to make sure that residents really understand what is being done, but he was interested in what protections will be made for the residents in the areas. He asked how we know that is not going to cause any issues. City Manager Auger deferred that question to DPW Director Herczeg for the detailed analysis. He said as far as communication goes, we will probably do like we have with our other large projects and set up a web group for all the residents whose neighborhood we will be in. They can be given weekly or monthly updates on the project and use all our social media as well. Member Fischer thanked him for his response. DPW Director

Herczeg said he believed Member Fischer was wondering what happens with the material and the process is this material is going to stay in place. He said this going to be routed and remain in place, and there will be a parallel pipe, open cut so there is no chance of the material escaping from the ground. Member Fischer assumed that will be part of the communication around the sensitivity with the word asbestos. DPW Director Herczeg said yes.

Roll call vote on CM 22-07-082

**Yeas: Fischer, Smith, Thomas, Gatt, Staudt,
Casey, Crawford
Nays: None**

- 3. Adoption of a Resolution to approve Amendment No. 6 to the Water Service Contract with the Great Lakes Water Authority to renew the contract.**

CM 22-07-083 Moved by Casey, seconded by Thomas; CARRIED UNANIMOUSLY

Adoption of a Resolution to approve Amendment No. 6 to the Water Service Contract with the Great Lakes Water Authority to renew the contract.

Roll call vote on CM 22-07-083

**Yeas: Smith, Thomas, Gatt, Staudt, Casey,
Fischer
Nays: None**

- 4. Consideration of Zoning Ordinance Text Amendment 18.299 to amend Section 2.2, Definitions; Section 4.51, Self-Storage Facilities; and Section 5.2.12, Off-Street Parking Requirements, to provide standards for the development of climate-controlled self-storage facilities, and to amend the standards for drive-up self-storage facilities. SECOND READING**

Mr. Landry stated this is the second reading on the zoning ordinance text amendment that went before the Planning Commission and go unanimous recommendation for approval. He stated it came before you about a month ago, and the first reading got a seven-zip approval recommendation, but you have some questions about the setbacks and the height of the building. He said City staff did two things, we met with the City staff, and they also met with other developers to talk about this and other residents. He stated this is in your packet, their report from other developers that indicate that obviously, the climate controlled self-storage facilities is where the self-storage industry is going. He said all the developers indicated that the property ordinance standards being proposed are consistent with the trends that they have seen in other municipalities. He indicated that one developer and he did not know who they are, they were not identified in the City's report indicating that with respect to your proposal for self-storage adjacent to residential, the recommended text quote appears to be more than substantial from the resident's point of view. He said the quote, these new facilities are low impact, they have less impervious surface. He said they are smaller, quieter, and everything is indoors. He mentioned the setbacks, which was what he wanted to discuss that evening. He stated

that they are in complete agreement with the recommendations from your Administration. He thought when you look at the setback, you must start from this perspective. He said in an I-1 District, adjacent to residential you can put an office building, a general office building, medical office building, 40 feet from the property line, 40 feet tall, 40 feet from the property line. He said this ordinance is not about this site, but if you want to talk about this site, the Novi Bowl building has an average height of 20 feet. He said it is 20.75 feet, it is 44 feet away from Novi Road. He said Novi Bowl is going away, they are selling it and another bowling alley is not going to come in there, so it is going to come down if we do not build it, you could put a 40-foot building there. He stated the initial proposal from the City Administration, was that where it is adjacent to residential, but separated by a major thoroughfare, that is the key, because it gives you another 120 feet of separation. He said the setback was 250 feet from the nearest residential building. He said the City Administration initially looked at this from let's see where the nearest residential building is. He highlighted for Council and the audience his presentation slide that the current Novi Bowl building which is 20.75 feet is 300 feet from that residential building, 320 feet from that residential building and 500 feet, the back of it is from that residential building. He said City Council indicated that they wanted to take a second look. He stated they did, and the City Administration is proposing that the setback be measured not from the nearest residential building, but from the property line. He stated what was being proposed that evening is a setback that for the first 25 feet in height, the building be 40 feet back from the property line and for every additional one foot in height would require an additional five feet in setback. He said to go to the 40-foot limit, which you can do in I-1 District, you would have the initial 40 feet for 25 feet and an extra 75 feet for the extra 15 feet to get to 40 feet, that would be a set back of 115 feet from the property line. The existing building is 20.75 feet, 44 feet away, there is an additional 200 feet to where the proposed new higher building would go, considerably back further, if you add 120 feet off Novi Road, now you are back 265 feet. He said they were in full support of what the City Administration was suggesting, it is plenty of setback. He said that is what other developers have said, and what the city's research has shown. He stated the City has now given Option A and Option B. He said Option B is what the City has recommended the staff. Option A would be a 75-foot setback for the first 15 feet, plus a 25-foot setback for one-foot additional setback for every one foot in height, that would put a building closer to the road. He said a 40-foot building would be 100-foot setback rather than 115 under Option B. He stated Option A would put a 40-foot building closer to the road than Option B. He said they are in full support of the City's recommendation. He stated this has been vetted to other developers, it has been vetted to people, the City Administration studied this. He said we listened to you when we met with the City Administration, we altered the setbacks to increase it from what it was before. He said they are asking the City to approve the recommendation of the City Administration. Thank you. Mayor Gatt asked Mr. Landry to stand by for questions and opened it up for discussion.

Member Fischer said he had a couple of questions. He asked City Manager Auger if he could have someone from staff just kind of walk high-level through the changes, we made a lot of different requests, each Councilmember had their own take on those

requests between the first and second reading. He thought a high-level executive summary of the changes would be helpful in verbal form here.

Planner McBeth thanked everyone for the opportunity to provide a little bit of background on this, too. She noted there were about five changes that she wanted to highlight for everyone. She explained there were five topics actually and some of those have a couple of options. The first one, and she believed Mr. Landry touched on this as well, had to deal with the building height and the building setback. She stated in the first reading, we had talked about a building-to-building setback. We got a sense that was not as good, and people were not as comfortable with that as it might be with a property line to building setback. She said we proposed two options that had that property line to building setback, we recommended Option B, which was the 40-foot setback from the property line. She explained in that situation, the building could only be 25 feet in height. In height. She said with additional setback further from the property line, the building height could go up to 40 feet, so 25 to 40 feet as it extends back. Option one is a little bit more, you know, greater setback and a shorter building height that it starts with it was 15-foot to start with and then as it moved back, that would get up to 40-feet, I think within about 75-feet of the property line. That was the first one that had two options. She said the next one was straightforward, the hours of operation. She said the question came up at the last Council meeting, about how long would the leasing office be open, how long would the card access be open. She noted that they looked at the industry standards, and they proposed some hours of operation that are included in the motion. She said they talked the last time about limited mixed use standards. She said there was talking about not just having self-storage on the site, but maybe some office uses or may some other conference room use. She said they did clean that up a little bit. She thought that we talked about splitting it into two parts. She thought we have always in the ordinance, had an allowance for buying the equipment that you need, the tape and the boxes, the labels, and other things that you would get there. She stated if someone wanted to say, oh, let's add a mixed use to that, let's add to that, let's add an office space or something, we separated that out. She said we are leaving it to the Planning Commission to determine if the standards are appropriate. She mentioned that we put a few standards in for consideration when the Planning Commission is considering that the next one had to do with the landscape screening. She said we looked at that section one more time. Given the fact that the standards that we proposed the first time were significant, we thought of two options with that. Instead of face brick wall eight feet in height, an opaque fence vinyl or wood, eight feet in height, or landscape berm at least four feet in height with trees on top of it. She said on the side that abuts the street, we suggested as the more straightforward one, just eliminate the opaque fence of vinyl and wood and allow the other types of materials to be the buffer, then we also wondered if the City Council thought that this is really going to be a type of building that will meet the façade ordinance standards, it will not have a loading zone facing the street. She said it could be softened up a little bit in the front to be more consistent with our office building standards, which is just some landscaping in the Greenbelt. That was another standard that we suggested, and that was our preferred standard. She said the site lighting was discussed last time too, just to kind of underline this use would also have to abide by the site lighting. They found in talking to developers no need for extra bright lighting or bright

spots or anything like that. She said they added that in to underline that. Option G was the site lighting, she thought that was it, those five things.

Member Fischer said he wanted to address something with the height. He understood it as Mr. Landry was saying, in I-1 District you can put a 40-foot-tall building, 40-feet from the road, from the setback. He said in this instance, for these types of uses, that is where Option B or Option A come into play, if you go above that 15 or 25 feet, you need to be further off the road. He said this is more restrictive than the I-1 District as it sits. City Planner McBeth said that was correct, that is in the situations where a property is across the street from residential. Member Fischer said he wanted to dive in a little bit to the hours of operation, he asked to be corrected if he was wrong. He commented that the city of Novi allows construction work between 7:00 a.m. and 7:00 p.m., and other noise nuisance is between the hours of not being allowed between 10:00 p.m. and 7:00 a.m., but he said we allow the use of this site for storage between 10:00 p.m. and 6:00 a.m. What is the rationale there, and why wouldn't we align that with either the construction standard or the normal noise ordinance? City Planner McBeth replied that certainly could be the case, we put out what was the industry standard that we found. She said the going in and out of a self-storage facility is not typically as noisy as doing construction at all hours of the night too. She said they thought it seemed reasonable if someone just needed to get in there, they swipe their key card and they go in the building and not making any noise outside. Member Fischer said the use that is currently there goes until 2:30 a.m., with probably much more intense use. He said if this were to go forward, he would like to see that aligned. He said he did not know why we wouldn't just align it necessarily with the construction times, but he would like to see it aligned with the normal noise nuisance ordinance hours 10:00 p.m. to 7:00 a.m. He said he appreciated all of City Planner McBeth's explanations to his questions.

Member Fischer directed his next question to City Manager Auger. He commented that there was one thing that he gets frustrated with as he talks to people, or he hears from people. He said the City did not go in and ask Novi Bowl to leave or shut down Novi Bowl, it is a completely private investment decision by the owners. He asked if he was correct, that the City had absolutely nothing to do with Novi Bowl going anywhere. City Manager Auger said that is a true statement. Member Fischer said that was something he wanted to put on the record because oftentimes, there is a lot of confusion out there that the City is trying to shut down one type of business and bring in the other. He believed we must be open to it in this instance as a city. He mentioned we are an older city, we are getting older and land uses do develop, they do change, we have more of an entertainment aspect and our city on the north side and north of the freeway and in the Town Center area. He said to see some entertainment leave areas like this, he was not surprised. He stated we can either sit by and let those types of uses dilapidate or come in with a more intense use, like a 40-foot medical office, or we can look to where the future may lie in some of these other industries. He said he was in support of the first reading with some of these changes, he would be in support of the staff recommendation, including Option B for the height. He said he would like to see Option C changed to align with the noise ordinance to state that the facility access hours should be limited between the hours of 7 a.m. and 10 p.m. Thank you.

Mayor Pro Tem Staudt asked City Planner McBeth to come up to the podium. He said he was in general support of the ordinance as it is written, but he did have a concern. He wondered if the business that is next to it eligible to build the same type of high type building? If not, he wanted to know why. City Planner McBeth asked if he could clarify the question. Mayor Pro Tem Staudt commented that he thought it was fundamentally unfair. He said he really did not have an issue, but it seemed like that we have isolated this situation to one business, and the business that has been here for a long time, how come we cannot figure out a degree of fairness for a long-standing business in our community. He said that was his real concern about this. He said it was not the ordinance, it was the way we were doing this. City Planner McBeth thanked him for the clarification. She explained we did add a section in the ordinance, it was there at the first reading, and it was through some of the discussions with the gentleman behind us, that included the option to have both the traditional garage style and the climate controlled on the same property if they chose to do so. She said that would be a consideration. She asked if there was anything else he could recall if there was a concern. Mayor Pro Tem Staudt said no, frankly, if the business owner next door came to us, and asked for some type of variation to do the same thing, he would be supportive of it. He stated sometimes fairness and business is as important as having, you know, ordinances and bringing an outside business come into our community. He said they are moving a business next to a business that is, in essence, an identical business, but they do not have the same opportunity. He said frankly, if that person came, he would be supportive of them having the same opportunities as this business. He reiterated that he supported the ordinance, but he also would support a long-standing business to be able to do something similar. Thank you.

Member Crawford wanted clarification on the proposed hours of operation. City Planner McBeth reported the proposed hours of operation would be for the leasing office between 8:00 a.m. and 6:00 p.m., Monday through Saturday, but the facility access with a key card would be available the hours of 6:00 a.m. to 10:00 p.m., Monday through Sunday. Member Crawford said between 10:00 p.m. and 6:00 a.m., someone that has something stored in that facility cannot access it, is that correct? He wondered why? He said he thought in her presentation that there is not any unusual noise. He said it is inside for the most part. He wondered what was prevailing in the industry as far as hours of operation. City Planner McBeth stated that we did not hear the exact reason for it other than it is probably very less likely that people would want to get into their facility at those hours, there is less surveillance to supervision that they would need to provide for the building. She said during those hours, maybe only a few people wanted to enter the building to access their things. Member Crawford agreed there are probably only a few that would want to access it at 2:00 a.m. He said if you were that person that would like to get into your facility and get something for whatever reason you may have, he thought you ought to be able to do it. He said it will not be many people, very few would probably be there in those excluded hours, but he thought it ought to be pretty much 24/7 days a week.

Mayor Gatt wanted to put his comment on the record. He stated this is an indoor facility where you drive your car or truck inside, is that correct. He said the reason he would not

go along with changing the hours is because it would be like telling your neighbor, he can open his garage door and unload or load his truck or his car at 2:00 a.m., of course they can do that, that is in a subdivision 20 feet way from your home. He said the whole purpose of the indoor facility is to abate any noise or any action, if you will, that would disrupt the public or disrupt the people living many feet away from this facility. He understood where we are coming from. He said if we are going to stop people from opening this garage and driving in and taking the elevator up to whatever floor they are on, then he thought we should consider an ordinance to stop people from opening their garage doors in the subdivision, because that is very noisy. He said if you, are loading your car, because you are going on a trip at 3:00 a.m., you shouldn't you be able to do that. He stated that is what he was hearing, and I know it is being absurd, and maybe to the extreme, but he did not understand why we would be limiting this business. He echoed what Member Crawford said earlier, if you have something you want to get out of that storage unit at 3:00 a.m., and you cannot access it, he did not understand the reason.

Member Thomas said she had questions related to hours of operation. One of the questions was related to the leasing office, would we be restricting that leasing office that they can only operate between 8:00 a.m. and 6:00 p.m., Monday through Saturday. She believed if the facility itself is open, following the noise ordinance makes sense. She said as someone who has used storage facilities a lot moving, eventually you are getting thing from indoors, but it is coming out, you might be loading a significant amount of stuff, and you may have people helping, it can be loud, and it can be messy. She said it is a different scenario when you are in your own garage. She said she would be supportive of a change like that, to put it in line with the noise ordinance. She said she did not understand why we will limit the leasing hours of the property of the business. She thought if the facility was open from 7:00 a.m. to 10:00 p.m. why wouldn't we allow that, why wouldn't we allow them to sell boxes at 7:00 p.m., and why would we exclude Sundays, and just let the business make their decisions on when they are going to be open. She said those were her points. She noted that she felt like you have addressed the concerns that Council had. She was concerned that in the future when we are doing these types of projects that we make sure that we have input from a variety of the businesses. She felt like this was very heavy, and she appreciated the work that you put into working on this ordinance, but she would like to be able to see us going out and getting more input. She appreciated that there were further developers on there also. She concluded her concern was that she would want to limit the hours that the leasing office could be open if it was within the same noise ordinance times and she agreed with Member Fischer, of the timeframe.

Mayor Gatt asked Mr. Landry to come up to the podium, he said he saw him shaking his head a few times when Mayor Pro Tem was speaking, and he wanted to hear his viewpoint on changing these hours.

Mr. Landry stated the property owner to the south can build this exact building, there is nothing that prevents them Mayor Pro Tem from building exactly what we are building. He said anytime they want. He said they can build the exact building if they choose to

do so. He said they are not held back at all by this ordinance. He stated, in fact, they exist pursuant to a variance, which they got in the mid 1980's, and that is fine. He thought the fact that they have existed there proves that this type of use is not objectionable when it is separated by a major throughfare from residential. He said that proves his point, they have been there for 30 years, so they can build it if they choose, they are not held back. He explained the hours of operation, he said the Administration suggested this and our business, this is the way our business operates, the office is open from 8:00 a.m. to 6:00 p.m., and the people can get in from 6:00 a.m. to 10 p.m. He said they did not go industry wide, the Administration did. He said they did not have an objection to those hours. He said if Council chooses to do those hours, they did not have any objection to it. He said if Council wants to open it up afterwards, that is fine too. He said he would leave that to Councils wisdom. Thank you.

Member Casey asked City Planner to come up to the podium for questions. She said going back to generally the I-1 District standard, we have two areas in the City broadly, where I-1 District abuts up against residential up to the north, and then on Novi Road. She stated up to the north, the residential is across the street, across Twelve Mile Road, more specifically. She said on Novi Road, there is residential across Novi Road, but there is also residential behind. She said we keep talking about the setback from the road, and she would like to make sure that we are clear on the setback to the properties behind us. She said I-1 District, according to our ordinance standards, the front setback is 40 feet, the minimum for the rear setback and the minimum for the side is each 20 feet. She said the max height is 40 feet, except when it abuts residential, which she believed the definition of the property to the rear on Novi Road will be considered abutting residential, abutting the I-1 District, it is Chase Farms behind it. She said her understanding is that in that instance, the height of the building, the max height of the building is 25 feet. She said if we are talking about the Option B, we were talking about, max height, 25 feet, but then for ever five feet of setback from the property line, greater than 40 feet, the max building height may be increase one additional foot up to 40 feet in height. She said we keep talking about that coming in from Novi Road. She wondered what the setback was. One the rear? Is it minimum 20 feet is going to be 115 feet, if she remembered the number that the applicant said directly, what is that rear setback look like? City Planner McBeth said she believed the railroad tracks are right behind this property. She stated the railroad tracks are usually something that is considered like the major throughfare so there is that issue with the distance, that would be the same as the front yard in this situation as far as she could tell at this point. Member Casey said that is what she thought she was hoping to hear from you on that point. She appreciated the clarification. She said obviously, you are double checking when we are done with this. City Planner McBeth replied yes. Member Casey thanked her for her response. Member Casey said she would just add an Option C, she concurred, because the hours of operation are applying only to site to abutting residential. It is not for sites that I-1 District that do not abut residential, so those can be 24/7 365, have at it, but if are having a storage facility that abuts residential, she believed there should be hours of operation. She agreed that they should be aligned with our noise ordinance. She said between 7:00 a.m. and 10:00 p.m. is great at night, but between 10:00 p.m. and 7:00 a.m., the building should be closed, not accessible. Thank you.

Member Crawford wondered if we restrict other businesses with their hours of operation like this proposal is. City Planner McBeth said we generally do not restrict the hours of operation for businesses. Member Crawford asked what the rationale was to do that with this business. City Planner McBeth said she thought it was brought up at the last meeting. She said they researched what other facilities do in the industry and they found that they are not typically open 24 hours a day. She said they thought it did not hurt to include that in the ordinance. She said obviously, it does not have to be included if that is not the wish of the City Council. She thought it is unusual for the City to limit the hours for businesses. Member Crawford said if that is in the motion, he was going to vote no, he was not against the project, he thought it is a great project, it ought to be there, but he thought it should be 24/7.

Mayor Gatt asked if there was further discussion and indicated that we did not have a motion yet on the floor.

Mayor Pro Tem Staudt asked City Attorney Schultz what motion they need to make and do they have to include an option of it. City Attorney Schultz said staff was trying to lay out in the recommended motion the options that you are adding to the language, so yes, you would pick an option.

CM 22-07-084 Moved by Staudt, seconded by Gatt; MOTION DENIED: 3-4

Approval of Zoning Ordinance Text Amendment 18.299 to amend Section 2.2, Definitions; Section 4.51, Self-Storage Facilities; and Section 5.2.12, Off-Street Parking Requirements, to provide standards for the development of climate-controlled self-storage facilities, and to amend the standards for drive-up self-storage facilities, with the following options as determined by the City Council to be added to the ordinance, and any modifications as determined necessary by the City Manager and City Attorney's office: SECOND READING

Option B: Revise Section 4.51.2.B.ii to read:

Any building or portion of building shall be setback a minimum of 40 feet from the property line abutting a residential district and shall have a maximum height of 25 feet; provided, however, that for every additional 5 feet of building setback from the property line greater than 40 feet, the maximum building height may be increased 1 additional foot, up to 40 feet in height.

Option C: To add Section 4.51.2.B.iii to read:

Leasing office hours shall be limited to the hours between 8:00 a.m. to 6:00 p.m. Monday through Saturday. Facility access hours shall be limited to the hours between 6:00 a.m. to 10:00 p.m. Monday through Sunday.

Option D: To modify Section 4.51.2.H.ii to read as follows and to add Section 4.51.2.H.iii:

ii. If such uses are not associated with the self-storage use of the site, the Planning Commission may require additional amenities with such use(s), and taking into consideration the compatibility of the proposed use with the existing uses of the site and surrounding sites, whether there is adequate parking for the combination of uses, and adequate pedestrian connectivity of the use to other uses on the site.

iii. Limited retail sales to tenants of products and supplies incidental to the principal use, such as packing materials, packing labels, tape, rope, protective covers, and locks and chains shall be permitted within a building on the site devoted to this use.

Option E: Remove Section 4.51.2.I and replace it with the following:

At a minimum, a 25 foot wide landscaped greenbelt is required where the site abuts a residential zoning district or office zoning district. In addition, at least 2 of the required canopy or evergreen trees must be planted between the road right-of-way and building to soften the effects of the building on the abutting residential areas. The Planning Commission may require additional screening measures as necessary.

Option G: Add Section 4.51.2.P to read as the following:

Any proposed site lighting shall comply with the requirements of Section 5.7. In particular, the standards of Section 5.7.3.L shall apply when a site abutting a residential district or use.

This motion is made for the following reasons:

This ordinance amendments help to achieve certain aspects of the Master Plan for Land Use:

- a. Objective 10: Maintain Quality Architecture & Design throughout the City by requiring enhanced building facades that are visible from a public right-of-way or nonindustrial district, and**
- b. Objective 17: Retain and Support the Growth of Existing Businesses and attract new businesses to the City of Novi, by providing an opportunity to provide climate-controlled self-storage facilities in the direction that the self-storage industry is headed, and**
- c. Objective 18: Ensure compatibility between residential and non-residential developments, by ensuring that additional buffering and landscaping is required when climate-controlled self-storage facilities are proposed abutting residential districts.**

Member Casey asked if we accept the change that in Option C, the hours of operations are 7:00 a.m. to 10:00 p.m. She wondered if we need that clarification in the motion. City Attorney Schultz said yes. He explained the motion is as laid out by the staff. So currently it is 6:00 a.m. to 10:00 p.m., so you would need an affirmative statement that it would

change to 7:00 a.m. Member Casey asked the maker of the motion if he would change the hours to 7:00 a.m. to 10:00 p.m.

Mayor Pro Tem Staudt said these kinds of motions at the table without having any discussion or input from staff, he found to be last-minute replanning. He noted the Planning Department went through this and the Planning Commission, now here we are at City Council, and we are determining regulations and hours for a business. He said he was not going to accept it. He stated they will need to vote it down and come back with something different.

Roll call vote on CM 22-07-084

Yeas: Gatt, Staudt, Fischer

Nays: Thomas, Casey, Crawford, Smith

Mayor Gatt asked what we do now. City Attorney Schultz said you can keep having motions, this is an ordinance.

Member Crawford said he did not know if this was a proper motion, but he would move that we accept the proposal, but eliminate Option C from what is in front of us. Mayor Gatt asked if that would be not putting anything in. Member Crawford said no, he believed a business ought to have their own hours, so that we do not deal with anybody else that was mentioned. He said anybody else can be 24/7.

CM 22-07-085 Moved by Crawford, seconded by Staudt; MOTION DENIED: 3-4

Approval of Zoning Ordinance Text Amendment 18.299 to amend Section 2.2, Definitions; Section 4.51, Self-Storage Facilities; and Section 5.2.12, Off-Street Parking Requirements, to provide standards for the development of climate-controlled self-storage facilities, and to amend the standards for drive-up self-storage facilities, with the following options as determined by the City Council to be added to the ordinance, and any modifications as determined necessary by the City Manager and City Attorney's office: SECOND READING

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- c. Objective 18: Ensure compatibility between residential and non-residential developments, by ensuring that additional buffering and landscaping is required when climate-controlled self-storage facilities are proposed abutting residential districts.**

Roll call vote on CM 22-07-085

Yeas: Gatt, Staudt, Crawford

Nays: Casey, Fischer, Smith, Thomas

Member Fischer asked City Attorney Schultz if it was possible to tie this knot in dealing with hours but to the actual Chapter 21 Noise Ordinance, so if that were to change, this would change as well. City Attorney Schultz said the noise ordinance does not set hours of operation at 7:00 a.m. Member Fischer stated it does set certain things are not allowed after 10:00 p.m. until 7:00 a.m., correct? City Attorney Schultz said yes, as far as noise. Member Fischer said if he wanted to tie this to those times, so we are not arbitrarily picking

times, his rationale is that we have, in the City, rules about when you can be loud and when you cannot, it is in Chapter 21, and if he wanted to tie this specific ordinance to that, would that be allowable. City Attorney Schultz thought it would be allowable, he thought it was easier just to say 7:00 a.m. if that is the standard, and he believed it was. He said rather than refer to the noise ordinance, he thought pick the timeframe, and we change the noise ordinance, we can change this. Member Fischer agreed with that recommendation.

CM 22-07-086 Moved by Fischer, seconded by Staudt; MOTION CARRIED: 5-2

Approval of Zoning Ordinance Text Amendment 18.299 to amend Section 2.2, Definitions; Section 4.51, Self-Storage Facilities; and Section 5.2.12, Off-Street Parking Requirements, to provide standards for the development of climate-controlled self-storage facilities, and to amend the standards for drive-up self-storage facilities, with the following options as determined by the City Council to be added to the ordinance, and any modifications as determined necessary by the City Manager and City Attorney's office: SECOND READING

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- a. Objective 10: Maintain Quality Architecture & Design throughout the City by requiring enhanced building facades that are visible from a public right-of-way or nonindustrial district, and**
- b. Objective 17: Retain and Support the Growth of Existing Businesses and attract new businesses to the City of Novi, by providing an opportunity to provide climate-controlled self-storage facilities in the direction that the self-storage industry is headed, and**
- c. Objective 18: Ensure compatibility between residential and non-residential developments, by ensuring that additional buffering and landscaping is required when climate-controlled self-storage facilities are proposed abutting residential districts.**

Member Thomas asked if we could include not limiting the leasing office hours in that motion. Member Fischer said at this point, he thought we have consensus for something, and he was going to allow the motion to be voted on as it is right now to avoid any further conflict.

Roll call vote on CM 22-07-086

Yeas: Staudt, Casey, Fischer, Smith, Gatt

Nays: Crawford, Thomas

- 5. Approval of a contract to reface, repair and update the existing 17 entryway signs adding cultured stone side columns to Universal Sign Systems, for \$159,782.**

CM 22-07-087

Moved by Crawford, seconded by Casey; CARRIED UNANIMOUSLY

Approval of a contract to reface, repair and update the existing 17 entryway signs adding cultured stone side columns to Universal Sign Systems, for \$159,782.

Roll call vote on CM 22-07-087

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

Nays: None

- 6. Consideration of the adoption of a resolution authorizing cost participation, and approval of a cost share agreement with the Michigan Department of Transportation for Taft Road and Taft Road at Nine Mile, with an estimated \$3,025,434 paid by federal grant funds and \$1,668,511 by the City of Novi.**

CM 22-07-088

Moved by Fischer, seconded by Casey; MOTION CARRIED: 4-3

Adoption of a resolution authorizing cost participation, and approval of a cost share agreement with the Michigan Department of Transportation for Taft Road and Taft Road at Nine Mile Road, with an estimated \$3,025,434 paid by federal grant funds and \$1,668,511 by the City of Novi.

Member Smith stated he wanted to clarify it was \$600,000 from the federal government for the roundabout. He said if we turn that down we would put at risk further safety money grants that we could be applying for from the federal government for a certain number of years, is that correct? City Manager Auger said that was correct.

Mayor Gatt asked City Manager Auger if it was true that one time the City Council turned down a federal grant to widen the sidewalk on Nine Mile Road between Meadowbrook and Haggerty Roads and we said to the federal government, you can keep your money, our residents did not want that. He said we were going to make it shorter. He stated here we are a few years later, we are still getting federal money, is that true? City Manager Auger said he was correct. He said he was not here during the sidewalk deal. He did know now the federal government put it in writing that for the next two years he believe we would be unable to apply for federal grants.

Roll call vote on CM 22-07-088

Yeas: Fischer, Smith, Thomas, Casey

Nays: Crawford, Gatt, Staudt

- 7. Discussion of the open City Assessor position.**

Mayor Gatt stated the next discussion was for the City Assessor position. He said this is a matter where the City Council is responsible for hiring several different positions in the city. One of them is the City Assessor. He explained that through the City, advertised for this position, several applications came in and the City Council narrowed it down to three candidates. He stated they interviewed at the last City Council meeting, only two candidates showed up. He said one person did not show, and did not call until the next day, he understood. There was a motion at the last Council meeting to offer a contract or to enter negotiations anyway with one of those candidates. He said two of the candidates interviewed, the motion failed three to three. He presented three options for consideration that evening that he had written down. He said we can revote on the interview candidates one and two, we can go back out and see if we get some more

candidates, and we can hire an outside firm MML to help the process, or we can hire a consultant to be the Assessor of Record for a year. He mentioned another option he did not write down; we could hire Oakland County to be our Assessor as many CBTs do. He said unless somebody can tell me a different option, he will put it to City Council for discussion and/or a motion.

Member Fischer commented that he was one of the Councilmembers that wanted to think on this, and he was glad he did. He appreciated the Mayor bringing it up and laying out those options pretty eloquently, the surveyor and driving the discussion. He said he thought a lot about the candidates that participated in the interview process. In his opinion, he thought that as he thought through an interview process and what it is meant to be, it is really about the fit and whether each person would fit within the organization that we have and whether it would be a good fit for them. He said as he thought through the two interviews, and he said he would not go into detail on either one, he did not believe that at this time, either of the candidates would be a very good fit for Novi. He said they were both very well educated, they have been in different aspects of the field for a very long time. He said it was nothing against them or their expertise. He indicated it was more about what Novi needs and the skill set that Novi deserves, and whether those candidates felt that. It certainly nothing against them, and he appreciated them coming forward. He said from his perspective, he would like to see City Manager Auger provide City Council with some information on those other options that the Mayor had outlined, notably the Oakland County or the third party, short term, contract Assessor position, at which point City Council can always go out and re-interview or recast the net, if you will. He brought up a situation, and said he was sorry to bring this up Mr. Auger, but several years ago, we had a very similar situation where we had a round one of interviews for the City Manager position. He said there were some thoughts that we had a person, but they ended up going out for round two. He said Mr. Auger is here now, and he did not think he was in round one. He said He was one of the people who wanted to go to that round two, it felt very similar that no one in that first round had the right fit for Novi. He wanted to put his comments out that is where he stood, he will not be able to support either candidate that evening. He said he appreciated and would support some of the other options you brought up or at least having the City Manager Auger communicate with us how that would work.

Member Casey thought the previous speaker was extremely eloquent in his remarks and she said ditto, for lack of a better word. She thanked the candidates, you both are well qualified, both of you have many years of experience within your field, and you both work to educate others, which she appreciated. She echoed the previous speaker; she did not know that there is a natural fit right now with either the candidates. She stated she would like to see the City look at a third party, whether it be the County or whether it be a contractor and bring them in for a set period of time to allow us to go back out and maybe expand the search, maybe go a little broader, if we can go out of Michigan and be more targeted, geographically getting outside of the state. She thought we needed to look at going out for round two. She said we may need to fill the gap with a third party to fill the role of Assessor until we can hire somebody. Thank you.

CM 22-07-089 Moved by Casey, seconded by Smith; MOTION CARRIED: 5-2

To direct administration to provide City Council with a recommendation of hiring a third party for a set period of time while concurrently trying to find additional candidates for City Assessor.

Mayor Gatt said he appreciated the comments of both speakers. He said he did not agree. He said it was just a matter of opinion, we have seven people up here, there are probably three or four different opinions. He said we had two very qualified candidates last week and one gave a better interview than the other. He said as far as qualifications, both were pretty darn good. He said the person he supported last week during the motion process was a person who has dedicated their whole life to assessing, managed a business much larger than anybody up here has ever managed at Oakland County, and has done so with esteem and accolades that are too numerous to mention. He mentioned L. Brooks Patterson counted on him when the going got rough, when we had problems, he came through with flying colors. He thought we are making a mistake, but that is his two cents, that was his opinion. He said that is why there are seven people up here. He said he will support the motion because we must do something, we must move forward. He said he wanted to make our City look as good as we can.

Mayor Pro Tem Staudt echoed the Mayor's comments. He commented in his 15 years on City Council he has never presumed to understand how anybody is going to fit into any position. He said usually you go for the most qualified individual at the time that it mostly has been our City Managers. He said they have don't done another Assessor that he could remember, but he thought both candidates were very qualified. He felt this was kind of a black eye to us, because now we are going to go out and we are going to ask people to apply for a position where they probably are already working for somebody. He said we have already proven that we are willing to let people who were exposed publicly to basically apply for a job, and we say, oh, you are not qualified because you do not fit. He didn't think we are going to get extremely qualified candidates for this, he was opposed to the motion. He said he understood it. He was disappointed because he thought both would have done a good job and Mr. Hieber far better than anybody else that we could hire. So, again, he opposed this motion and he thought it was not a good precedent for us. Thank you.

Roll call vote on CM 22-07-089

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

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: None

AUDIENCE COMMENT:

Roger Wilfong, 24380 Hampton Hill, Novi stated he was a member of Faith Community Church across the street. He said he wanted to take exception to a comment that Member Casey made about how the City communicates with the residents, businesses, and other entities in the City, you did not do a good job. He said the Faith Community

Church did not know that there was any work going to be done on Maiden Lane until construction equipment started appearing and doing some preliminary work to the curbs and other things. He said we did not know the extent of that work. He understood that the construction contractor and engineers did not know that until they got to it. He stated they came in one day and there was no road there, they had no notification of it, until they could not get into the building. He said they had two people who were trying to contact the City to find out what was going on. They had to call multiple people before they got sort of an answer, that yes, there was a problem, they were going to make access to the church available on Sunday. He said this is an operation that runs 7 days a week. He said it is like saying, oh, we can cut off access to the City Council, not to City Council, but to the Civic Center, except when City Council meets every two weeks, because that is the only time Council works. He said after even after that, they received poor communications back, and incorrect communications because things that were promised to them did not happen. He said what finally happened to him actually made things worse was the fire marshal came in and said, we cannot get a fire truck in here in case you have an emergency, and suddenly, the City started listening. He said it took a couple of people calling, he began working down the directory, because he did not know who to call. He said finally, he got somebody who responded. He thought the City needed to improve communications before you claim that the City is doing a good job.

Brandon Bueter, 21875 Novi Road, Northville said he was not sure if the second reading got approved or if the motion went through, he was not sure what happened there. He wanted to get this on the record. He said the text amendment the way it was written, it is not consistent with industry standard. He said he had a lot of information that he would love to provide and help with. He stated that nobody seemed to want to listen to it. He said climate-controlled storage is not industry standard. He said the multi-level is industry standard. He said in the southern districts such as Orlando, Florida it is huge, they run out of land, and the only place to go is up, when you have anything with a high humidity, that is a big concern, so they must go climate control, but this is not the industry standard. He said they attended a Self-Storage Knowledge Summit, and he ran it by everybody there and they said this is not the industry standard. He said we do not want to invest in this. He stated this is your big developers, you know that own 20% of the market, they are coming in to do this. He said this is not the wave of the future, as they call it. He said there is nothing in there that speaks to retrofits, a lot of people are going with, such as the K-Mart's that are going out of business, the shopping malls are going out of business. He said that is what they are doing more of the way of the future is to retrofit, there is nothing in there that resolves that issue. He said he wanted to pursue joining the application to protect the City from any future problems. He said this amendment if going through, it is a mistake and say we must fix this. It doesn't make sense and he wanted this on the record. He said he had knowledge, he has been in the business a long time and he wanted to work with people. He has access to friend that are developers that own, manage, operate, over 180 facilities in the Midwest. He said he had the data, but he did not want to give it to somebody that would just say we'll take your data for our own business, but we are not going to pass it through. He said he would like a platform to be able to say he has the data and that it is backed up by facts. He said it is backed up by multiple developers that are not anonymous. He stated the anonymous developers that

are in here, how do you do that? How do you know who they are? He said he could provide data backup, fact for everything he has said. He wanted to pursue joining this application if he can get the platform to do it, he just wanted to let you know that. Thank you.

COMMITTEE REPORTS:

MAYOR AND COUNCIL ISSUES: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 8:10 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: July 25, 2022