



CITY of NOVI CITY COUNCIL

**Agenda Item 1
December 4, 2017**

SUBJECT: Approve resolution to establish the Corridor Improvement Authority (CIA) for Grand River Avenue.

SUBMITTING DEPARTMENT: City Manager's

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

At the City Council's January 2017 Early Input Budget Session, a goal was set to create a Corridor Improvement Authority (CIA) for the stretch of Grand River Avenue from Haggerty to Wixom Road. City Council determined that it was in the best interests of the public to revitalize and encourage redevelopment of commercial corridors in the City to promote economic growth, mixed uses, well-designed and environmentally responsible development, attractive streetscapes and landscapes, and new opportunities for pedestrian and bike access consistent with the City's Master Plan for Future Land Use.

In accordance to the guidelines and procedures established in the legislation that gave life to the CIA program, Public Act 280 of 2005, the proper steps were taken to provide public notice of a hearing the Council's intent to create a district. That public hearing was held on September 25, 2017, and the public included:

- Notices sent to all parcels included in the proposed district
- Notice of Public Hearing posted on the City's website and in the Oakland Press
- No less than 20 signs placed in conspicuous and public places in the proposed development area.

Under the CIA legislation, the city must wait 60 days after the public hearing before considering a resolution to create the district. That resolution is attached. No additional public notices or public hearings are required before its adoption.

If Council adopts the resolution and creates the district, the next step will be to appoint the Board. Appointments are made by the Mayor subject to Council approval. Terms of appointment are 4 years, but the initial terms are staggered, It is anticipated that a slate of candidates will be presented at City Council's December 18th meeting.

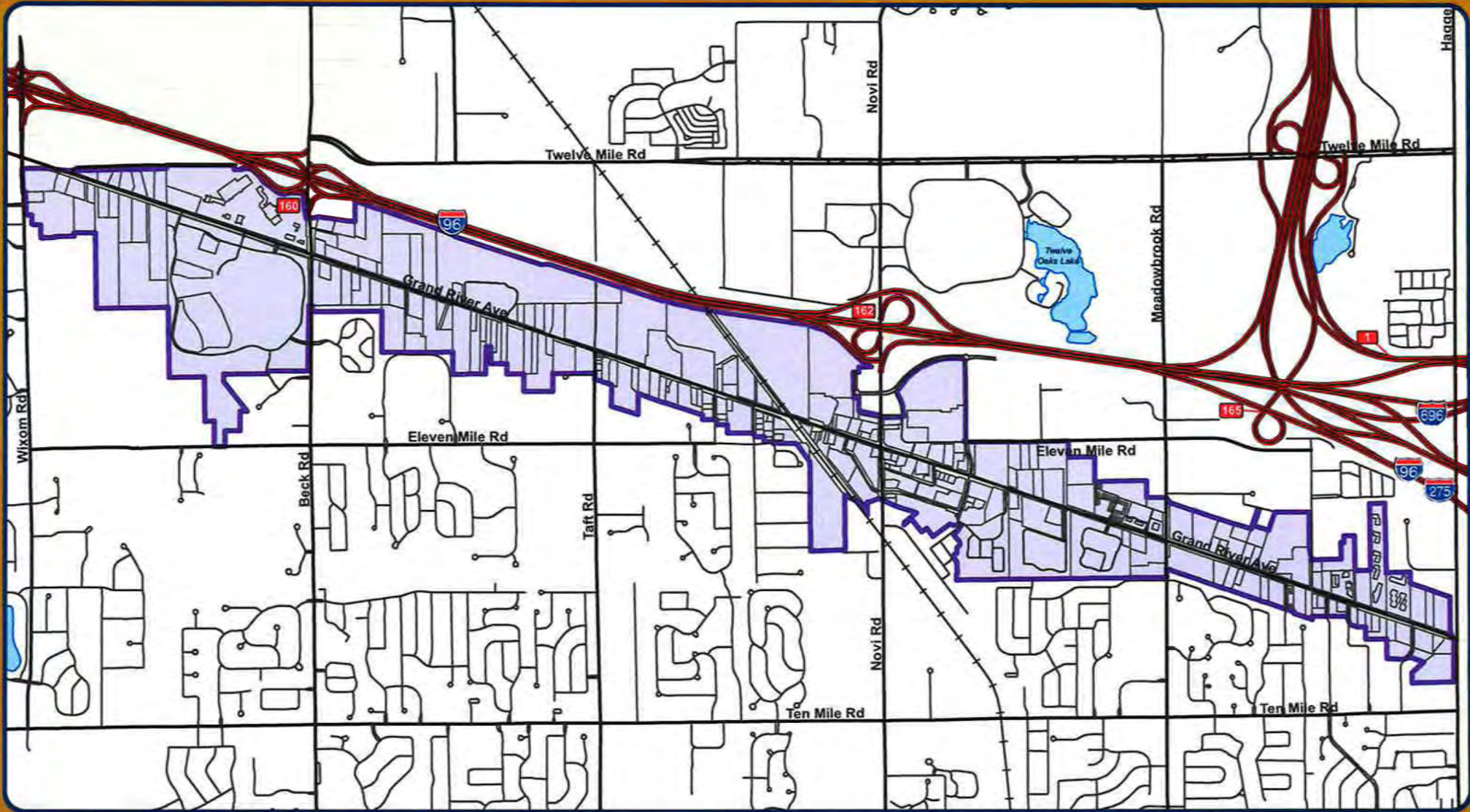
If and when the resolution is approved and the board has been, seated, formal by-laws will be adopted by the Board and approved by the Council, and then a draft Development and Tax Incremental Financing (TIF) Plan will be presented to the CIA Board for their consideration. As currently contemplated, the TIF plan would capture 50% of the taxes on future values of the parcels in the district from all taxing authorities (excluding local schools) that do not exercise their right to opt out, for a 20-year period. Upon the CIA Board's favorable recommendation, it will go before City Council for their final approval. Similar to the process to create the CIA, public notices and hearings will be held specifically related to the Development and TIF plan. Once the Development and TIF

plan has gone through the necessary public notification process and received City Council approval, tax capture to finance projects contained in the Plan will begin.

RECOMMENDED ACTION: Approve resolution to establish the Corridor Improvement Authority (CIA) for Grand River Avenue.

Corridor Improvement Authority - Grand River Avenue

City of Novi, Michigan



Map Author: Ken Blough
 Date: April 27, 2012
 Project: Grand River Corridor
 Version #: 4.2

Amended By:
 Date:
 Department:

MAP INTERPRETATION NOTICE

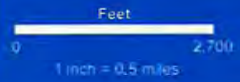
This map is provided as a guide only. It is not intended to be used as a legal document. The City of Novi is not responsible for any errors or omissions on this map. The City of Novi is not responsible for any damages or injuries resulting from the use of this map. The City of Novi is not responsible for any actions taken based on the information provided on this map. The City of Novi is not responsible for any actions taken based on the information provided on this map. The City of Novi is not responsible for any actions taken based on the information provided on this map.

Map Legend

-  Freeway
-  Major Streets
-  Minor Streets
-  Railroad
-  District Boundary
-  Corridor Parcels
-  Lake



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



CITY OF NOVI

COUNTY OF OAKLAND, MICHIGAN

RESOLUTION ESTABLISHING THE CORRIDOR IMPROVEMENT
AUTHORITY FOR GRAND RIVER AVENUE

Minutes of a Meeting of the City Council of the City of Novi, County of Oakland, Michigan, held in the City Hall of said City on December 4, 2017, at 7:00 o'clock P.M. Prevailing Eastern Time.

PRESENT: Councilmembers _____

ABSENT: Councilmembers _____

The following preamble and Resolution were offered by Councilmember _____ and supported by Councilmember _____.

WHEREAS, the City of Novi has determined that it is in the best interests of the public to revitalize and encourage redevelopment of commercial corridors in the City to promote economic growth, mixed uses, well-designed and environmentally responsible development, attractive streetscapes and landscapes, and new opportunities for pedestrian and bike access, consistent with the City's Master Plan for Future Land Use; and

WHEREAS, on December 19, 2005, the State of Michigan enacted Public Act 280 of 2005, known as the Corridor Improvement Authority Act (the "Act"), to provide for the establishment of Corridor Improvement Authorities as a tool to help correct and prevent deterioration in commercial corridor business districts, and promote the economic growth within the districts; and

WHEREAS, the City of Novi has facilitated a series of meetings and discussions about a Corridor Improvement Authority with business owners, key stakeholders, and interested citizens along the Grand River Avenue corridor; and

WHEREAS, the City of Novi recognizes that a corridor improvement authority, in accordance with the provisions of the Act, as amended, is one appropriate way to retain businesses and redevelop the Grand River commercial corridor, and the City desires to consider implementation of this tool within its boundaries; and

WHEREAS, from the above meetings and discussions, a proposed area for the authority has been identified in this corridor as described on the attached exhibit, generally located on both sides of Grand River Avenue between Haggerty Road on the

east and Wixom Road on the west, and this area meets the criteria in Section 5 of the Act for the establishment of what the Act calls a "development area"; and

WHEREAS, on September 25, 2017, a public hearing was held by City Council at which a full and complete opportunity for the receipt of comments was given to citizens, taxpayers, and property owners of the City, and from officials from taxing jurisdictions with a millage that would be subject to capture under the proposed Grand River commercial corridor development area, and comments were received.

NOW, THEREFORE, IT IS HEREBY RESOLVED that:

1. The Grand River Corridor Improvement Authority (referred to in this Resolution as the "Authority") is hereby created and established pursuant to the provisions of Act No. 280 of the Public Acts of 2005, as amended (referred to in this Resolution as the "Act").

2. The Authority shall be under the supervision and control of a board (referred to in this Resolution as the "Authority Board") consisting of the Mayor of the City or his or her assignee and six (6) other members appointed by the Mayor in accordance with the Act, and subject to the approval of the City Council. Not less than one member of the Authority Board shall be a resident of the Grand River Corridor Development Area or an area within one-half mile of any part of said area, and not less than a majority of the members shall be persons having an ownership or business interest in property located within the Grand River Corridor Development Area. The members of the Authority Board shall hold office and the Authority Board shall conduct itself in accordance with the terms and conditions of the Act. Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office. The Authority Board shall elect a chairperson from its members.

3. The City Council hereby designates the boundaries of the corridor improvement authority development area (referred to in this Resolution as the "Grand River Corridor Development Area") as designated on the attached Development Area Description Exhibit, which is hereby incorporated as part of this Resolution by reference. The boundaries of the development area are subject to alteration or amendment as the City Council may deem appropriate in the future, subject to limitations provided by law.

4. The Grand River Corridor Development Area, as described in the attached Exhibit, meets all of the criteria under Section 5 of Public Act 280 of 2005, as amended, for the establishment of a corridor improvement authority, as follows:

- It is centered around and adjacent to Grand River Avenue (M-5), which is a road classified as an arterial or collector road according to the Federal Highway Administration Manual "Highway Functional Classification – Concepts, Criteria and Procedures;"
- It contains more than 10 contiguous parcels and more than 5 contiguous acres;

- More than ½ of the existing ground floor square footage in the proposed Grand River Corridor Development Area is classified as commercial real property under Section 34c of the General Property Tax Act, 1893 PA 206, MCL 211.34c;
- Residential use, commercial use, or industrial use has been allowed and conducted under the zoning ordinance or conducted in the entire proposed Grand River Corridor Development Area, for the immediately preceding 30 years;
- It is zoned in a manner that, pursuant to the City's planned unit development option, allows for potential mixed-use development including high density multiple-family residential use; and
- The City agrees to expedite the local permitting and inspection process in the proposed Grand River Corridor Development Area and to modify its master plan, if necessary, to provide for walkable non-motorized interconnections, including sidewalks and streetscapes throughout the proposed Grand River Corridor Development Area.

5. The Authority shall adopt bylaws governing its procedures and rules regarding the holding of its meetings, all in accordance with Section 8(3) of the Act, and other applicable provisions in the Act and any other applicable statute. The Authority shall immediately forward a copy of its proposed bylaws and rules to the City Council in care of the City Clerk. Such bylaws and rules, and amendments thereof, shall be subject to the approval of the City Council.

6. The Authority shall have the powers and duties as provided by and in accordance with the Act. The Authority shall not have power to: (a) Borrow money and issue bonds or notes without the approval of the City Council; or (b) Condemn private property.

7. The Clerk of the City is hereby directed to file a certified copy of this Resolution with the Secretary of State promptly after its adoption and to publish this Resolution in a newspaper of general circulation in the City.

AYES:

NAYS:

ABSENT:

ABSTENTIONS:

THE RESOLUTION WAS DECLARED ADOPTED.

STATE OF MICHIGAN)
)ss
COUNTY OF OAKLAND)

I, the undersigned, the duly qualified and acting City Clerk of the City of Novi, County of Oakland, State of Michigan, do hereby certify that the foregoing is a true and complete

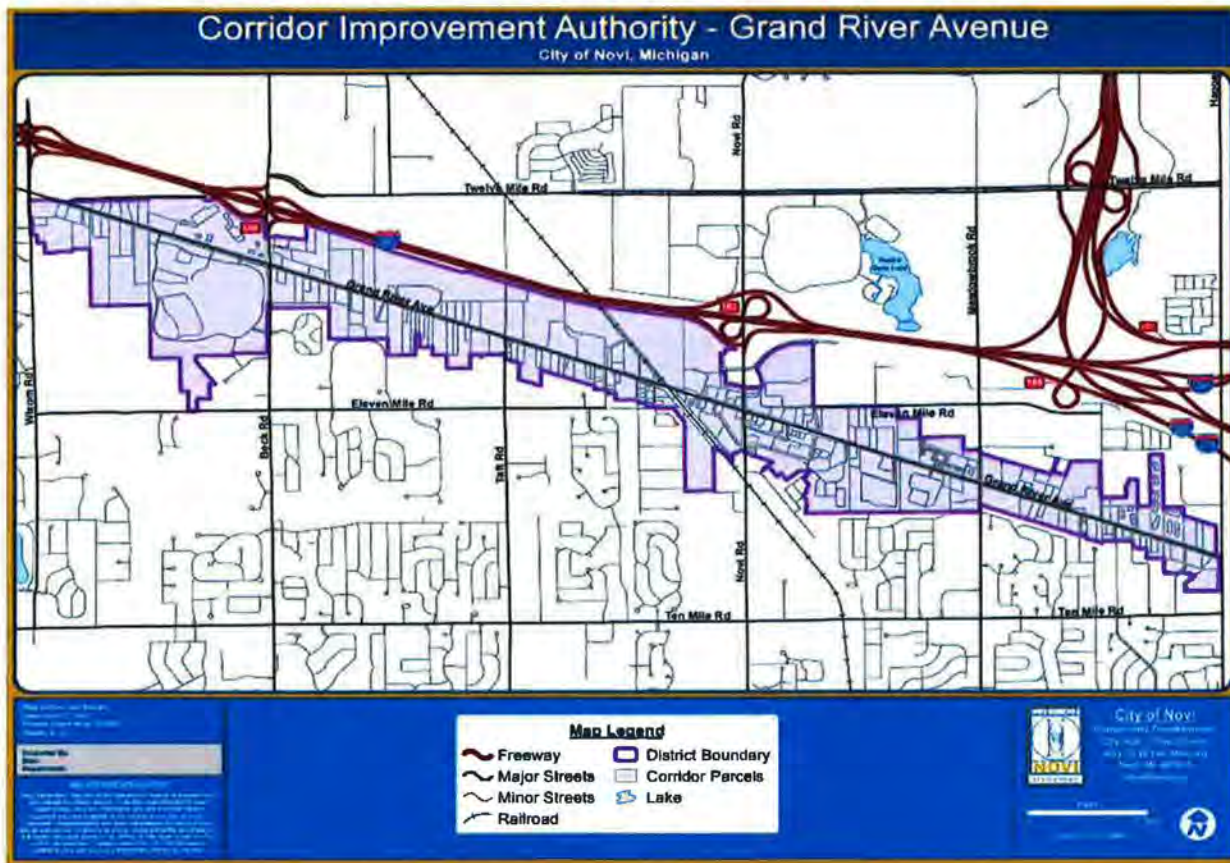
copy of a resolution adopted by the City Council of the City of Novi at a regular meeting held on December 4, 2017, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereunto set my official signature, this 4th day of December, 2017.

CORTNEY HANSON
City Clerk, City of Novi

Development Area Description Exhibit

The City of Novi "Grand River Development Area" represented in the Resolution to which this exhibit is attached is described as including all the properties within the boundaries depicted on the map below which consists of all the properties whose Property Identification Numbers are listed further below:



Parcel Identification Numbers

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2215351013	2215476051	2216426005	2217226016	2223176016	2223227031
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Parcel Identification Numbers

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Parcel Identification Numbers

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Parcel Identification Numbers

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SUMMARY OF BASIC STEPS
FOR A CORRIDOR IMPROVEMENT AUTHORITY
(Public Act 280 of 2005)

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Below is the basic step-by-step process that the City must follow under the Act to first establish a Corridor Improvement Authority and its boundaries (Part I, below), and second to implement and use tax increment financing in the designated area (Part II, below). Please note that there are other funding mechanisms and financing tools under the Act, which are not addressed below and would require other/additional procedural steps. Also, please keep in mind that this is a very basic summary of the steps, and the Act itself must be consulted for specific details concerning each step.

PART I: ESTABLISHING THE AUTHORITY

1. **DECLARATION OF INTENT:** City Council adopts a resolution declaring its intent to establish the CIA, describing the proposed CIA development area boundaries, making findings that the proposed development area meets the statutory criteria, and setting a public hearing.
2. **PUBLISH, POST, AND MAIL NOTICES OF PUBLIC HEARING:** This must be completed in accordance with the statute, which requires publishing twice in a newspaper of general circulation not less than 20 days and not more than 40 days before the date set for the public hearing. Notice must also be posted and mailed to all property taxpayers of record in the development area.
3. **PUBLIC HEARING:** City Council holds a public hearing regarding the establishment of the authority and the boundaries of the proposed development area.
4. **RESOLUTION TO ESTABLISH AUTHORITY:** Not less than 60 days after the public hearing, the City Council adopts a resolution establishing the authority and designating the boundaries of the proposed development area.
5. **FILING AND PUBLICATION OF RESOLUTION:** Promptly after adoption, the resolution must be filed with the Secretary of State and published in a newspaper of general circulation.
6. **APPOINT MEMBERS TO THE AUTHORITY:** Chief Executive Officer (Mayor) appoints the Authority Board members (5-9) for staggered terms of four years (after the initial staggering), subject to City Council approval. Mayor or designee serves on the Board.
7. **OPTION TO HIRE A DIRECTOR:** Authority may employ a Director (not a member of Board).

****THE CIA IS NOW ESTABLISHED AND CAN MEET AND CONDUCT BUSINESS****
(See attachment for description of CIA Board powers)

PART II: ESTABLISHING A TIF AND DEVELOPMENT PLAN

1. **DETERMINATION OF NECESSITY AND PREPARE TIF PLAN:** The Authority Board makes a determination that a Tax Increment Financing (TIF) plan is necessary for the achievement of the purposes of the Act, and prepares and submits a plan for the development area in accordance with the Act to the City Council. Among other things required by the Act, the TIF Plan *must* include the Development Plan described in Step 2, below.
2. **PREPARE A DEVELOPMENT PLAN:** If the Authority desires to finance a project in the development area using the TIF funds (or revenue bonds), the Authority must create a Development Plan, including, among other things: a description of existing geographic features, development area improvements and objectives, disposition of municipal property, description of zoning and Infrastructure changes, cost estimates, the ability of the authority to finance, and effects on existing residents.
3. **PUBLISH, POST, AND MAIL NOTICES OF PUBLIC HEARING:** Notice of a City Council public hearing regarding the TIF Plan and Development Plan must be published twice in accordance with the statute, the first of which shall be not less than 20 days before the date set for the public hearing. Posting in conspicuous places is also required.
4. **MEETING WITH TAXING JURISDICTIONS:** *Before the public hearing* described in Step 3, above, the taxing jurisdictions levying taxes subject to capture under the proposed TIF Plan must be provided a "reasonable opportunity" to meet with the City Council.
5. **PUBLIC HEARING:** City Council holds a public hearing regarding the TIF Plan and Development Plan in accordance with the Act.
6. **OPT-OUT PERIOD:** Not more than 60 days after the public hearing, the governing body of any of the taxing jurisdictions subject to capture under the proposed TIF Plan may exempt its taxes from capture by adopting a resolution to that effect and filing a copy with the City Clerk. Any such resolution remains effective until a resolution rescinding it is filed with the Clerk. **Note:** Oakland County has a rigorous review process for its "opt out" decision. Several meetings with County administration have been required for other communities, along with an agreement with the County. Additional information will be provided on the County's process as the Council's review proceeds.
7. **ADOPTION OF PLAN BY RESOLUTION:** The City Council determines whether the Development Plan and TIF Plan constitute a public purpose, and if so, adopts a resolution approving, rejecting, or approving with modification the Plans, based on considerations set forth in the Act. Note that there is not requirement under the Act to wait the 60-day period in Step 6 above, before proceeding with adopting the ordinance, but it may be advisable to do so.

GENERAL POWERS OF A CIA
(MCL 125.2881)

- (1) The board may do any of the following:
 - (a) Prepare an analysis of economic changes taking place in the development area.
 - (b) Study and analyze the impact of metropolitan growth upon the development area.
 - (c) Plan and propose the construction, renovation, repair, remodeling, rehabilitation, restoration, preservation, or reconstruction of a public facility, an existing building, or a multiple-family dwelling unit which may be necessary or appropriate to the execution of a plan which, in the opinion of the board, aids in the economic growth of the development area.
 - (d) Plan, propose, and implement an improvement to a public facility within the development area to comply with the barrier free design requirements of the state construction code promulgated under the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.
 - (e) Develop long-range plans, in cooperation with the agency that is chiefly responsible for planning in the municipality, designed to halt the deterioration of property values in the development area and to promote the economic growth of the development area, and take steps as may be necessary to persuade property owners to implement the plans to the fullest extent possible.
 - (f) Implement any plan of development in the development area necessary to achieve the purposes of this act in accordance with the powers of the authority granted by this act.
 - (g) Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties.
 - (h) On terms and conditions and in a manner and for consideration the authority considers proper or for no consideration, acquire by purchase or otherwise, or own, convey, or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights or interests in the property, that the authority determines is reasonably necessary to achieve the purposes of this act, and to grant or acquire licenses, easements, and options.
 - (i) Improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair, and operate any building, including multiple-family dwellings, and any necessary or desirable appurtenances to those buildings, within the development area for the use, in whole or in part, of any public or private person or corporation, or a combination thereof.
 - (j) Fix, charge, and collect fees, rents, and charges for the use of any facility, building, or property under its control or any part of the facility, building, or property, and

pledge the fees, rents, and charges for the payment of revenue bonds issued by the authority.

- (k) Lease, in whole or in part, any facility, building, or property under its control.
 - (l) Accept grants and donations of property, labor, or other things of value from a public or private source.
 - (m) Acquire and construct public facilities.
 - (n) Conduct market research and public relations campaigns, develop, coordinate, and conduct retail and institutional promotions, and sponsor special events and related activities.
 - (o) Contract for broadband service and wireless technology service in a development area.
- (2) Notwithstanding any other provision of this act, in a qualified development area the board may, in addition to the powers enumerated in subsection (1), do 1 or more of the following:
- (a) Perform any necessary or desirable site improvements to the land, including, but not limited to, installation of temporary or permanent utilities, temporary or permanent roads and driveways, silt fences, perimeter construction fences, curbs and gutters, sidewalks, pavement markings, water systems, gas distribution lines, concrete, including, but not limited to, building pads, storm drainage systems, sanitary sewer systems, parking lot paving and light fixtures, electrical service, communications systems, including broadband and high-speed internet, site signage, and excavation, backfill, grading of site, landscaping and irrigation, within the development area for the use, in whole or in part, of any public or private person or business entity, or a combination of these.
 - (b) Incur expenses and expend funds to pay or reimburse a public or private person for costs associated with any of the improvements described in subdivision (a).
 - (c) Make and enter into financing arrangements with a public or private person for the purposes of implementing the board's powers described in this section, including, but not limited to, lease purchase agreements, land contracts, installment sales agreements, sale leaseback agreements, and loan agreements.