

City of Northville
CITY COUNCIL REGULAR MEETING MINUTES
March 21, 2011

Mayor Johnson called the meeting to order with the Pledge of Allegiance at 7:30 p.m. in the City of Northville Municipal Building, City Council Chambers, 215 W. Main Street, Northville, Michigan, 48167.

ROLL CALL

Present: Mayor Christopher Johnson, Councilmembers Nancy Darga and Michele Fecht

Absent: Mayor Pro Tem James Allen (excused) Councilmembers Douglas Bingham (excused)

Also Present: City Manager Patrick Sullivan, City Clerk Dianne Massa, Director of Public Works James Gallogly, DDA Executive Director Lori Ward, Interim Parks and Recreation Director Joanna Harris, interns from the Parks and Recreation Department, representatives from JJR, Uldis Vitins of Vitins Engineering, reporter from Patch.com, and eight citizens

PRESENTATIONS

A. Citizen Comments

Michelle Aniol, city resident, questioned whether The Next Chapter Bookstore would be allowed to continue providing outdoor seating opportunities to downtown Northville patrons. She compared the sidewalk use to the area used by Poole's Tavern. The response from City Council and City staff explained that the 2010 seating configuration and railing extended approximately 13 feet into the right-of-way, which gave the perception that the sidewalk was closed and that there is no access to businesses beyond the bookstore.

In response to several complaints, the City has conveyed to the applicant that the application could be approved if the bookstore would revise their outdoor seating to provide for one row of tables/chairs in the fenced area next to the building and provide another row of tables/chairs near the curb. This would reduce the amount of fencing and tables/chairs protruding into the sidewalk. If the application is not approved, the applicant can appeal the denial to City Council. It was also noted that the public space occupied by Poole's Tavern does not block access to the sidewalk from E. Main to the Marquis parking lot, nor does it protrude into the sidewalk.

APPROVAL OF AGENDA AND CONSENT AGENDA

Motion Darga, seconded by Fecht to approve the agenda and consent agenda as presented.

Approve City Council Minutes of:

- Regular Meeting of March 7, 2011

Receive Bills List: Checks# 73744 to # 73831 EFT's #500047/48, Checks# 73832 to # 73925

Receive Board and Commission Minutes:

- Board of Zoning Appeals: 11/3/10

- Planning Commission: 1/4/11

Receive Departmental Reports:

- Youth Assistance: 3/11

Board and Commission Appointments:

- Senior Advisory Commission: Appoint Kathleen O'Brien to fill a vacancy, term expiring 3/31/13
- Historic District Commission: Appoint John Argenta to fill the voting member vacancy, term expiring 1/1/13

Proclamation / April as Month of the Young Child

Special Event Request / Flower Sale / May 27-28, 2011

Motion carried unanimously.

RESOLUTIONS AND ORDINANCES

A. Proposed Amendments to Chapter 14 Building and Building Regulations / First Reading

At its regular meeting on March 7, 2011, City Council introduced for first reading a proposed amendment to Chapter 14 Building and Building Regulations. Currently, the City uses the 2006 International Property Code as the property maintenance code for the City of Northville. Recently, the State of Michigan adopted certain sections of the 2009 International Property Maintenance Code (IPMC). The proposed amendment would adopt the 2009 International Property Code by reference as the property maintenance code for the City of Northville.

The following sections of Chapter 14 Buildings and Building Regulations, Article V Property Maintenance are proposed for modification to reference adoption of the 2009 IPMC as follows:

- Section 14-159: Text modification to adopt the 2009 International Property Maintenance Code by reference as the Property Maintenance Code for the City of Northville.
- Section 14-160: Text modification to adopt the revisions of the 2009 International Property Maintenance Code.

There are no other changes proposed for Chapter 14.

Motion Fecht, seconded by Darga to waive second reading and adopt the proposed amendments to Chapter 14 Buildings and Building Regulations, Article V Property Maintenance, Sections 14-159 and 14-160 in the City of Northville Code of Ordinances as presented. **Motion carried unanimously.**

NEW BUSINESS

A. Poole's Tavern / Request for Outdoor Seating

On October 20, 1997, City Council approved a request from Poole's Tavern to use the outdoor patio area adjacent to Poole's Tavern located at 157 E. Main Street. The request was approved subject to the condition of reduced seating for 30-35 people. Subsequent approvals (in 1998, 1999, and 2000) for Poole's to use the outdoor patio area referenced the October 20, 1997 conditions.

In 2001, City Council adopted the Sidewalk Café and Outdoor Seating ordinance. Since then, requests for outdoor seating (other than platform dining) have been administratively approved following the ordinance unless the impact of the proposed use warranted City Council review and consideration. In 2009, Poole's submitted a request to expand their outdoor dining area to allow for use of the circular park area known as Hutton Park. City Council approved the use subject to certain conditions. In 2010, Poole's submitted

their outdoor seating application and requested that City Council remove the 2009 use restrictions for the Hutton Park area to modify their schedule of outdoor seating and to allow the tables and chairs to remain in place seven days a week.

The 1997 approval of Poole's original outdoor seating request was prior to City Council adopting the Sidewalk Café/Outdoor Seating ordinance. In addition, in 2009 and 2010, Poole's modified its outdoor seating plan to include use of the circular park area. As there have been several approvals by Council over the last 14 years and with the adoption of the 2001 Sidewalk Café/Outdoor Seating ordinance, it has been questioned whether the 1997 approval conditions are still appropriate. Instead, Staff recommended that City Council approve the use of the public area and allow City Administration and the Fire Department to determine the appropriate number of tables/chairs for the space.

The 2011 Sidewalk Café/Outdoor Seating permit application and supporting documentation was provided to City Council for its review and consideration. The 2011 approval by City Council would supercede previous all approval conditions.

Council Comments and Discussion:

- While there was no objection to the use of Hutton Park, a comment voiced concern that the fee for exclusive use of the public park was insufficient, suggesting the area be treated more as a lease area as the park and its maintenance is subsidized with public funds.
- Comment noting that last year, Poole's was approached with a request to contribute to the cost of the plantings in that area. The cost for planting that area is approximately \$2,000 and Poole's voluntarily contributed \$500 toward that cost.

Jerry Mittman, city resident, noted that he is supportive of outdoor seating and the outdoor seating concept. He voiced concern with Poole's having exclusive use of the public park for approximately eight months of the year and believed the park area should be returned to the public. Mittman also believed that the fee charged for exclusive use of the park area is too low, equating to approximately \$4.00 a day. The Budget Committee (of which he is the chairperson) recommended that the City review its outdoor seating fee schedule and increase fees to a more appropriate amount for the use. He also believed that additional parking requirements should be considered for outdoor seating that uses public property over six months each year. The proposed arrangement clearly favors Poole's and should be balanced to favor the citizens as well.

John Casey, Poole's Tavern, noted that people have expressed appreciation for additional outdoor seating. Prior to the addition of outdoor dining in the circular park area, the area was used as an overflow waiting area for people who were waiting for a table at Poole's. The Downtown Development Authority has previously questioned if the outdoor seating fee was appropriate, although no further action was taken. Poole's applied for its 2011 permit based on the current fee schedule and procedures. Casey also noted that Poole's staff regularly picks up litter, sweeps, etc. to help with upkeep.

Additional Council Comments and Discussion:

- City staff noted that this application was brought before City Council to clarify the conditions of use as the 1997 approval gave different conditions of use. The request before Council tonight is to consider approving the total area to be used and allow City administration to determine the appropriate number of tables and chairs for the area. It was also proposed that review of the fee schedule for outdoor seating should be deferred to the upcoming budget discussion sessions. Staff also suggested providing Council with a separate report on the cost to maintain other public spaces used for private use.
- Discussion of the outdoor seating rates, including the need for any rate adjustment to be equitable for all.

- Concern voiced with the loss of parking and the possible need for adjustment of parking credits. A separate comment voiced caution as Council approved the placement of dining platforms on East Main Street parking stalls, which decreased the overall available parking spaces.
- Comments noting that citizens have been asking for increased outdoor dining opportunities.
- Appreciation to Poole's for voluntarily contributing to the cost of landscape materials and maintenance.
- Council directed City staff to evaluate outdoor dining fees during the budget process, as part of the overall fee schedule review. The fee schedule should be equitable to all businesses that provide outdoor seating.
- The Parking Committee chairperson was requested to have the Parking Committee review and consider the impact that outdoor seating has on parking.
- The City Manager was directed to provide the cost of maintenance for public areas that are being used for outdoor seating.

Motion Darga, seconded by Fecht to approve Poole's 2011 request for use of public property for use as a sidewalk café/outdoor seating as follows:

1. Use of the patio area adjacent to Poole's and the circular area known as Hutton Park is not to exceed 1,330 square feet;
2. Use is subject to City Administration review, including but not limited to the Fire Chief's review of the Fire Code, to determine maximum occupancy (including number of tables and chairs) for each area;
3. Placement of rails, etc. shall allow for pedestrian access to the Marquis parking lot and the sidewalk on E. Main Street (between the two outdoor seating areas);
4. Tables and chairs may be left in place seven days a week in the circular area known as Hutton Park;
5. Normal hours of operation for the circular park area to be Thursday-Saturday 11:00 a.m. to 12:00 a.m. and Sunday from 12:00 p.m. to 9:00 p.m.;
6. Prior to March 15th and after November 7th, daily removal of all outdoor seating furnishings is required per ordinance;
7. All other provisions of the Sidewalk Café / Outdoor seating ordinance to be adhered to.

Motion carried unanimously.

B. Changes to the Downtown Streetscape Project Recommendation

In August 2010, construction began for the Downtown Streetscape Improvement Project and the first phase was completed in November 2010. During the project's seasonal suspension, the construction team met to discuss issues that arose during Phase I construction.

Following numerous construction team meetings, on March 2, 2011, the Downtown Development Authority's Design Committee met to review the project and to discuss several design modifications. The Design Committee's modifications include the following recommendations:

- Replace all of the concrete in the project with the dark grey that was previously reserved for the corners.
- Change the saw cut joints for hand trowled joints with a window pane finish in the remaining project along Main and North Center Street. This is consistent with the improvements made during the Town Square construction and is what the Design Committee understood was part of the streetscape design.
- Remove the saw cut border next to the buildings and continue the pattern all the way to the buildings. This is consistent with the improvements made during the Town Square construction.
- Remove the objective of reconstructing of the corners and ramps at the northeast and southeast corner of the Main and Hutton intersection from the project. The corners and ramps were

improved as part of the East Main Street resurfacing project and do not need to be addressed. The decorative brick pedestrian walkways item was removed from the project for budgetary reasons, and therefore the corners and ramps do not need to be improved.

- Retain the existing curb radius at the southwest corner of Main and Center Streets.

The DDA approved the proposed changes at their March 15, 2011 regular meeting. The proposed changes were scheduled for review at the March 16, 2011 Historic District Commission. However, this meeting was cancelled due to a lack of quorum and the project will be on the HDC's next available agenda. If the proposed changes are approved and if the cost estimates provided by Rauhorn Electrical are acceptable, JJR (the architectural firm) will revise the project construction documents and special provisions to reflect the changes. Work on the project is scheduled to resume on April 11, 2011.

Cost estimates for the design changes have been requested from Rauhorn Electrical and Albanelli Concrete. DDA staff has strongly urged the contractors to give special review to the estimate in exchange for accepting some design flaws on the South Center Street sidewalk pours. The contractor did not follow the construction documents and did not accurately saw cut the pattern along South Center Street and West Main Street. The proposed changes are contingent on receiving a favorable cost estimate. A project contingency in the amount of \$167,820 was established for the project. To date less than 6% of the contingency has been utilized.

Council Comments and Discussion:

- It was noted that the concrete layout at the southwest corner of Main and Center Streets is a quality issue as the concrete design layout was not done according to the construction documents. There are areas that the City will accept with a discount and areas that will not be accepted. JJR is addressing this and a "remove and replace," at the contractor's cost, has been processed and documented.
- Discussion ensued on the type of mesh material to be used in the concrete due to the change from saw cut to hand trowled joint finishing technique in order to control cracking with the finishing technique.
- A comment voiced concern with using colored concrete throughout the project, citing the problem with fading and matching the color should areas of concrete need to be replaced.
- Staff noted that the DDA Design Committee was in favor of using the dark colored concrete and replacing regular colored concrete with the dark color to avoid a "checkerboard" pattern. Comments from Council voiced concern with the areas that will not be replaced due to existing heat melt systems placed under the concrete. A suggestion to stain the existing concrete that will not be replaced was given. Comments from Staff noted that the building at 120 W. Main Street has a different look, with curbs with steps and other edging that does distinguish it from other areas in the downtown.
- Comments voiced agreement with the proposed designed changes and commended the DDA Design Committee for recognizing that design changes were needed early in the project and supported spending a little more money in order to have the project done right.

Jerry Mittman, city resident, questioned if the cross walks near the clock tower would be more defined as part of this project. It was responded that changes to the crosswalk have been discussed and will be addressed separately as this is outside the scope of the MDOT project

Michelle Aniol, city resident, questioned if the pocking concrete near the area by the Marquis Theatre will be repaired or replaced. It was responded that the project is three years old and is out of warranty. The contractor will review the area and see what can be done to correct this.

City staff noted that any materials warranty for the Downtown Streetscape project is a one year warranty, which is the MDOT warranty requirement. The contract is with MDOT and not with the City.

Motion Fecht, seconded by Darga to approve the design changes to the Downtown Streetscape Enhancement Program as presented and as reflected on the revised streetscape plans dated March 2011, subject to approval by the Historic District Commission. **Motion carried unanimously.**

C. Agreement With Signature Professional Group / Friday Night Concert Production

Since 2007, the Friday Night Summer Concerts have become a popular event for the Town Square area. In 2010, it is estimated that attendance at each concert was between 500 and 2,000 people. Much of the success of the concert series is the quality of the entertainment and the professional production of the concerts. Since 2007, the City of Northville has contracted with Signature Professional Group (SPG, formerly known as Signature Audio Services) for concert production services. These services include: entertainment selection, on-site concert production, and contractual agreements with the entertainment. Based on the success of the past four seasons, it is proposed that SPG be contracted to provide the concert production services for the 2011 concert series as outlined in their agreement. The revenue received from confirmed sponsorships will allow for eight concerts in 2011, plus the Northville High School Jazz Band.

SPG agreed to provide additional insurance coverage for the City of Northville. The proposed agreement has been reviewed by the City Attorney and Liability Insurance Provider MMRMA and their requirements have been incorporated into the agreement.

The concert series is funded entirely through sponsorships. Confirmed sponsorships for the 2011 Friday Night Summer Concert Series include the Northville Downtown Development Authority, Tom Holzer Ford, and from individual concert sponsorships sold. SPG has agreed to hold their 2010 average concert price for the 2011 season.

Council Comments and Discussion: Discussion ensued pertaining to the band 50 Amp Fuse, which brings a significant number of people to the downtown. It was noted that their booking cost has doubled and would take a significant donation to book them. A comment from the owner of Poole's Tavern noted that they will communicate with other downtown businesses to see if a sponsorship could be secured.

Terry Mittman, city resident, voiced her belief that the concerts are too loud and requested that the City consider booking more of the community bands that are quieter and can be enjoyed by everyone.

Motion Darga, seconded by Fecht to approve the 2011 Summer Concert Production agreement as submitted with Signature Professional Group of Wixom, Michigan in the amount of \$15,000 and authorize the City Manager to sign the agreement on behalf of the City. **Motion carried unanimously.**

D. Business Assistance Program – Cycle 5

On December 8, 2010, merchants and property owners were notified of the current Business Assistance Program (BAP) cycle. The deadline for grant applications was February 4, 2011. The BAP Advisory Group met on March 3, 2011 to review the grant applications and determine which applications should receive funding, and the extent of the funding. Below are the BAP Committee's recommendations for grant awards.

Technical Assistance Grants

The current budget for Technical Assistance Grants as approved as part of the 2010-2011 budget is \$2,500.00. One application was received and was eligible to receive funds as follows:

Applicant	Business Name	Business Address	Grant Amount	Funds Approved
Maria Vasseliou, Laura McQueen	Simply Wine	109 N. Center St.	\$ 500.00	\$ 500.00
Total Funds			\$ 500.00	\$ 500.00

Commercial Improvement Grant Applications

The current budget for Commercial Improvement Grants is \$46,545.75. Applications received, requested a funding total of \$12, 408.56. The grant application submitted by 118 E. Main (Chocolates by Renee/Baby Bliss) was denied as the project is for an interior store project and is not eligible for BAP funding. They were encouraged to come back for the next grant cycle with their storefront project. Grants totaling \$10,925.13 are recommended for approval as follows:

Applicant	Property Address	Total Estimated Cost	Total Estimated Eligible Reimbursement	Total Funds Approved
Lee Holland & Associates	115 E. Dunlap	\$ 11,000.00	\$ 5,500.00	\$ 5,500.00
William Richardson/ Gardenviews	117 E. Main	\$ 6,123.05	\$ 3,061.52	\$ 3,061.58
Urban Optiques Vision & Eyewear/ Michelle Calder	105 MainCentre	\$ 1,995.60	\$ 997.80	\$ 997.80
Bikram Yoga/Melissa Curnett	122 MainCentre	\$ 2,731.50	\$ 1,365.75	\$ 1,365.75
Chocolates by Renee/Baby Bliss/Gregory St. James	118 E. Main	\$ 2,966.98	\$ 1,483.49	\$ 0
Total		\$25,817.13	\$12,408.56	\$10,925.13

Council Comments and Discussion: A comment from Council voiced concern that the grant improvements are beginning to mirror maintenance and not a capital improvement that is of public benefit. Signage was cited as an example of an improvement that is not permanent in nature as it likely cannot be used by a new business owner. Staff responded that the BAP requirements have been tightened and only projecting signs are being considered for grant awards. This is part of the effort to reduce the significant number of A-frame signs placed on the sidewalk.

Motion Fecht, seconded by Darga to approve the BAP Advisory Committee and DDA Board of Directors’ recommendations of \$500 for Technical Assistance Grants and \$10,925.13 for Commercial Improvement Grants and authorize the DDA to roll the remaining funds into their 2011 -12 Budget for Cycle 6 awards. **Motion carried unanimously.**

E. Parks and Recreation Mowing and Fertilizing Contract

In 2008, the Parks and Recreation Department solicited competitive bids for lawn mowing/fertilizer services for a three year period ending in March 2011. The contract was awarded to Davey Sports Turf of Auburn Hills. Quotes from Maple Ridge Landscaping and Davey Sports Turf indicate an increase of at least 15% to the current cost for this service. This is due to the increase cost of gas and oil. Davey Sports Turf has agreed to hold their original rates with an annual amount not to exceed \$81,390. Staff is satisfied that the company can fulfill the requirements with a one year extension for 2011-2012.

Motion Fecht, seconded by Darga to extend the 2008-2010 Parks and Recreation mowing and fertilizer contract for one year (2011-2012) to Davey Sports Turf of Auburn Hills in an annual amount not to exceed \$81,390. **Motion carried unanimously.**

F. Professional Services / Northville Square Parking Lot Resurfacing Project

On February 16, 2011 the City received proposals for professional services for the final design and construction management of improvements planned for the Northville Square Parking Lot. The goals of this project is to improve the pavement surface of the parking lot to minimizing slip and fall liability, to improve ADA accessibility, and to maximize the amount of parking spaces in the parking lot.

Proposals received were as follows:

Vitins Engineering	\$14,700
Zeimet Wozniak & Associates	\$24,840
Soil and Materials Engineers, Inc.	\$25,700
Spalding DeDecker & Associates	\$29,350
Anderson, Eckstein and Westrick, Inc.	\$31,675
Nowak & Fraus Engineers	\$42,692
Rowe Professional Services	\$51,301
Midwestern Consulting	\$77,000
Hubbell Roth & Clark	\$97,840

Vitins Engineering is a small firm which has been in existence for over 12 years. Sub-consultants will be used for surveying and geotechnical and materials testing work, with Vitins Engineering doing the design and construction management. The firm has designed numerous projects in the Detroit Metro area including the Marquis Parking Lot which was constructed and successfully completed for the City of Northville in 2009. The City Attorney and Michigan Municipal Risk Management has reviewed and approved the professional services agreement for this project.

The City is currently in the FY 2011/12 budget process which includes proposed funding for the Northville Square Parking Lot Improvement Project. The estimated budget amount for this project is \$380,000. The engineering fee submitted by Vitins Engineering is approximately 4% of the project budget. To meet summer construction dates, a budget amendment is necessary to pull funding forward to undertake the engineering on this project. As this project is included in the City's five year capital improvement program, the budget for the next year will be reduced by this same amount.

Council Comments and Discussion: A comment voiced concern with the range of proposal fees received, uncertainty with the lowest proposal that is 4% of the proposed project cost, proposed testing and inspection plans, overall responsibility for the project, parking space design in the Marquis parking lot, and concern with the failure of the storm sewer in the Marquis parking lot. It was responded that Vitins Engineering has 30 years of engineering experience, including his work at larger firms. Vitins Engineering was the firm that successfully designed and oversaw the Marquis Lot, which was reconstructed per the City's design standards. The storm sewer failure was not a design failure, but rather a failure of materials and work performed by Nagle Paving. Nagle Paving corrected the problem at their cost.

Motion Fecht, seconded by Johnson to approve an Agreement for Professional Services with Vitins Engineering in the not-to-exceed amount of \$14,700 for the design and construction management of the Northville Square Parking Lot Improvement Project, that the City Manager be authorized to sign the agreement on behalf of the City of Northville, and that a budget amendment in the amount of \$14,700 in the Parking Lot Fund be approved to cover this cost. **Motion carried unanimously.**

G. Waiver of Interest on Water and Sewer Assessment / Northville Estates

In the late 1980's sanitary sewer and watermain were placed in Northville Estates. At that time, some residents opposed the improvements and their associated assessments. As a result, City Council decided not to require mandatory connection, but when connections were made the property owners would then be required to pay their assessments and any interest incurred by the City. Since that time most residents have paid their assessments and have connected to City utilities. Currently there are 12 property owners who have not paid their water and/or sewer assessments. These assessments total \$104,820 in principle and approximately \$57,000 in interest.

In 2002, upon receiving a grant from the Rouge Program Office to assist in paying sanitary sewer connection costs for property owners with septic systems in Northville Estates, approximately six property owners took advantage of this program. To encourage City residents to take advantage of the grant and to get more properties to abandon their septic tanks and connect to City sewer, in 2004, City Council agreed to waive all interest charges for a five-year period on sewer and water assessments in Northville Estates. The five year window expired in October 2009.

Recently the City received a letter from Lorrie and William Fick, property owners of a vacant lot (lot #130 on Stanstead Street) in Northville Estates. The property owners are interested in selling this lot and believe that the assessment charges along with the incurred interest cost are negatively impacting their proceeds from this sale. They are respectfully requesting relief from the City on the interest cost. The Fick's property was on the list that had not paid the sewer and water assessment, and they should have received a form letter from the City informing them of the sewer connection program. However, the Ficks do not believe they received this letter and claim they did not know about the five year window for waiving interest. Staff believes that they were sent a letter regarding the 5-year interest waiver, but cannot verify it.

Except for those residents who took advantage of the five year window, all other property owners in Northville Estates either paid their assessments immediately, or they paid their assessments plus any accumulated interest. The City's previous effort of waiving the interest charges on utility assessments did not encourage residents to pay off their utility assessments as anticipated. Continuing the practice of waiving interest charges prohibits the City from recovering costs it has already incurred with the installation of these utilities.

Waiving the interest for the Fick's property totals \$5,723.30. If the City were to waive the interest for all the property owners who have not paid their assessments, the overall impact to the City will be approximately \$57,000. Waiving interest costs, which are costs the City incurred when paying off the bond issues for sewer and water improvements, negatively impacts the Sewer and Water Fund at a time when City finances are already declining.

Council Comments and Discussion: Brief explanation was given pertaining to the history of the Northville Estates sanitary sewer and water main assessments, the grant program offered in 2002, and the five-year window the City offered to waive interest in the hope of eliminating septic systems. At that time, the City was able to take advantage of a grant to help offset these costs, although this grant did not encourage paying off the utility assessments as hoped. Waiving the interest now would have a negative impact to the Water and Sewer Fund as explained by Staff.

Motion Ficht, seconded by Darga to deny the request made by Lorie and William Fick of Columbia, Tennessee to waive interest charges for sanitary sewer and water assessments to Lot #130 on Stanstead Street in Northville Estates. **Motion carried unanimously.**

COMMUNICATIONS

A. Mayor and Council Communications None

B. Staff Communications None

There being no further business to come before Council, the meeting was adjourned.

Adjournment: 9:12 p.m.

Respectfully submitted,

Dianne Massa, CMC
City Clerk

Approved as submitted: 04/04/11

Christopher J. Johnson
Mayor