

**City of Northville**  
**CITY COUNCIL REGULAR MEETING MINUTES**  
**April 4, 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, Mayor Pro Tem James Allen, Councilmembers Douglas Bingham, Nancy Darga and Michele Fecht

**Absent:** None

**Also Present:** City Manager Patrick Sullivan, City Clerk Dianne Massa, Finance Director/Treasurer Sandi Wiktorowski, reporter from Patch.com, reporter from the Northville Record, members of the Citizens Budget Committee, and 16 citizens

**PRESENTATIONS**

**A. Citizen Comments** None

**B. Tyrone Baharozian / Michigan Parkinson Foundation**

Tyrone Baharozian of the Michigan Parkinson Foundation expressed gratitude to the City Council in recognizing Parkinson's Awareness Month. He spoke of the work done by the Michigan Parkinson Foundation to educate and raise awareness for Parkinson's disease and their upcoming fundraising 5K walk/run to be held at Northville High School.

**APPROVAL OF AGENDA AND CONSENT AGENDA**

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

Approve City Council Minutes of:

- Special Meeting of March 21, 2011
- Regular Meeting of March 21, 2011

Receive Bills List: Checks #73926 to #73992 EFT #500049, Checks #73993 to #74072 EFT #500050

Receive Board and Commission Minutes:

- Election Commission: 10/1/10
- Housing Commission: 2/9/11

Receive Departmental Reports: None

Board and Commission Appointments:

- Senior Advisory Commission: reappoint Lorraine Steimel to a three year term expiring on 3/31/14
- Fire Advisory Committee: Appoint Mayor Johnson

Special Event Request / Independence Day Parade / July 4, 2011

Request to Canvass / Clean Water Action

Proclamation / Parkinson's Awareness Month / April

Proclamation / Fair Housing Month / April

**Motion carried unanimously.**

## **NEW BUSINESS**

### **A. Outdoor Seating Application / Next Chapter Bookstore / 141 E. Main Street**

In 2010, the Next Chapter Bookstore and Bistro was issued a permit for an outdoor seating area that included a fenced area that extended out approximately 13 feet from the face of the building onto the sidewalk. Following the area being set up and fenced, City Administration heard many concerns expressed regarding the obtrusiveness of the fence and the feeling that pedestrian flow was being unduly constricted by the fenced area.

Section 74-174 of the Municipal Code (outdoor seating standards) states that outdoor seating shall not “unduly impede pedestrian traffic.” Given the concerns expressed regarding last year’s setup, City Administration is not comfortable approving the same application this year and has denied the application. In accordance with Section 74-177 of the ordinance, the applicant is appealing the City Manager’s denial to the City Council.

On March 16, 2011, City Administration met with the owners of Next Chapter Bookstore to discuss alternative outdoor seating layouts. Following the meeting, City Staff walked the sidewalk to assess the site and the viability of other alternatives. The City Manager indicated he would be willing to approve a layout for one row of tables extending out four to five feet from the building, inside a fence, with additional tables placed outside the fence, nearer the curb, which would open up the main path of travel on the sidewalk. Mr. Comaianni was present to appeal the City Manager’s denial and seek approval for an alternate layout other than the layout described above.

Applicant Dan Comaianni, addressed City Council noting that he has been working with an architect and was offering an alternate layout. A copy of the alternate layout was included in the Council packet. While Comaianni understood the reason for the 2011 denial, he voiced the belief that the alternate layout would be of benefit to the bookstore and pedestrians.

Comaianni noted the following:

- The alternate layout would extend the fenced in area approximately 9 feet from the building into the sidewalk, leaving approximately 14.6 feet of sidewalk in front of the bookstore that is unobstructed. The layout also included tables/chairs on the outside of the fenced area.
- Pedestrian access between the fencing and planters would be 6 feet for the western planter and 6.8 feet for the eastern planter. The distance between the planters and the fencing exceeds the minimum standards outlined in the ordinance.
- The alternate layout, which places five tables on the outside of the fencing, was designed by Comaianni’s architect based upon comments he received from the Downtown Development Authority Director and Department of Public Works Director during a site visit to view the sidewalk area.
- The distance of the “wings” on Mary Alexander Court, going to Town Square, are less than 6 feet. The minor change to the 2010 layout (Comaianni’s alternate layout) is offering more than that distance between the planters/fencing.
- The fencing is vital to his business as an inventory control measure and to monitor customer traffic. He would prefer to not have a fence but finds it necessary due to the design of his business.

- Future plans to seek a liquor license require that the outdoor area be enclosed with fencing. The alternate layout presented this evening would meet this requirement.
- The belief that the lack of an on-street parking stall in front of his business places him at a disadvantage. A parking stall would allow customers to park in front of his building and stop in for coffee (similar to Starbucks) and also allow for the placement of an outdoor dining platform.
- The downtown has other areas where there are areas of sidewalk that require pedestrians to maneuver around obstructions in order to navigate the sidewalk, do not meeting the ordinance for minimum distance from a stationary object, and are not in compliance.
- While the 2010 application was in compliance with the ordinance, it was requested that Council approve the alternate plan as presented. Further comments also voiced the willingness to work with the City to reach agreement on an alternate arrangement.

Council Comments and Discussion:

- Comments spoke in support of outdoor seating, noting that the public wants more outdoor seating, and that outdoor seating adds to the downtown's ambiance. However, sidewalks are for public use. It is necessary to approach any outdoor seating layout with the perspective of sharing the sidewalk with pedestrians as opposed to an exclusive use by a business.
- Comments from Council spoke of the numerous complaints received pertaining to the 2010 outdoor seating layout. That layout gave the perception that the sidewalk was not open and access to businesses appeared to be blocked. The distance between the fencing/planters created a bottleneck area for pedestrians. Instead, pedestrians walked on the other side of Main Street which decreased pedestrian traffic on the north side of Main Street. The loss of potential customers was a disadvantage to the neighboring businesses.
- A separate comment from a Councilmember countered that they personally had not received any complaints and voiced support for the 2010 layout. It was also noted that the 2010 layout forced bicyclists to slow down.
- The 2011 layout needs to have an open feel that invites pedestrians to freely pass through. The alternate plan does not adequately address perception concerns. The alternate layout basically mirrors 2010 layout with the exception of placing 5 tables on the outside of the fencing. This reduces the amount of unobstructed sidewalk between the seating area and curb and between the fencing and planters.
- The bookstore has a front door that helps with inventory control. The belief that moving the outdoor seating to the curb area would not affect the front door and inventory control.
- Suggestions to further revise the outdoor seating layout included angling the fencing to allow for a greater distance between the fencing/planters, reducing and/or removing the number of tables and chairs proposed for outside the fenced area, and segmenting the outdoor seating area away from the building by moving it to the curb area. Segmenting the outdoor seating to the curb would provide straight, unobstructed place to walk down the street.
- Comments noting that the curb area includes a cross walk. This might reduce the number of viable outdoor seating layout options at the curb.
- Comment noting that the sidewalk in front of the bookstore cannot be compared to the "winged" area on Mary Alexander Court going to Town Square as this is two different areas.

- The bookstore is the first business to use fencing to delineate the outdoor seating area for a “non-alcohol” reason. It was recognized that having a liquor license would require a fenced area. The Michigan Liquor Control Commission liquor license approval is a lengthy process of six to nine months from the time of application. As the bookstore has not yet made application for a liquor license, it was suggested that the bookstore remove the liquor license equation from prospective 2011 season layouts.
- The need for any further layouts to be done to scale. The 2010 layout design plan submitted with the application was not to scale. This gave the perception that the fencing did not extending past the top of the planters, when in fact it did.

Following further discussion, comments from Council suggested referring the application back to the applicant. The applicant would meet with the City Manager and present alternate layouts that addressed Council’s concerns. If the concerns are sufficiently addressed, the application could be administratively approved. In response to a question from Staff on an acceptable maximum number of feet the outdoor seating area should be allowed to extend on into the sidewalk, Council stated its belief that the distance is not a finite number until the layout is visually seen. It was also requested that further proposed outdoor seating layouts presented shall be to scale.

The following citizens spoke in support of the bookstore and the 2010 outdoor seating layout.

Suzanne Schimanski-Gross, resident, spoke in support of outdoor seating and the bookstore’s 2010 outdoor seating layout. She did not see a perception of blocked access or the fencing as a barricade to sidewalk access, but rather an area that was welcoming pedestrians to walk, visit the businesses and enjoy the downtown.

Diane Wright, resident, spoke in support of outdoor seating and the bookstore’s 2010 outdoor seating layout. The fencing provides a child control and safety while patronizing the bookstore.

Ken Nelson, resident, spoke in support of outdoor seating, the bookstore’s 2010 outdoor seating layout, and the European atmosphere that outdoor seating creates. Outdoor seating is an attractive addition to the City and the downtown.

Donald Beyer, resident, spoke in support of outdoor seating and the bookstore’s 2010 outdoor seating layout. The layout is unique and helps the bookstore thrive and remain viable and successful.

Ron Harkrader, resident, spoke in support of outdoor seating, the bookstore’s 2010 outdoor seating layout that is a safe environment for children, and the European atmosphere that outdoor seating creates.

Ms. Martin-Dunn, resident, spoke in support of outdoor seating and the business’s 2010 outdoor seating layout.

Resident, spoke in support of outdoor seating and the bookstore’s 2010 outdoor seating layout. She believed the layout adds beauty to the area.

**Motion Allen, seconded by Darga** to refer the application for outdoor seating at 141 E. Main Street back to the applicant. **Motion carried unanimously.**

## **B. City Hall HVAC Upgrade Project**

In 2008, an energy audit was performed on City Hall. The study found that the City Hall building was highly inefficient and in need of significant HVAC upgrades. Following the study, City Council awarded a professional services agreement to Sellinger Associates, Incorporated, which is a firm that specializes in heating and cooling system design. Sellinger Associates designed improvements and on March 23, 2011, the City received bids for the City Hall HVAC improvements as follows:

<u>Contractor</u>	<u>Base Bid</u>	<u>Alt. #1</u>	<u>Alt. #2</u>
Allied Mechanical Services	\$210,400	\$ 5,561	\$ 4,450
Long Mechanical	\$204,000	No Charge	\$14,000
ECS	\$239,000	\$ 6,900	\$ 7,800
Delta Temp	\$286,000	\$ 2,200	\$ 600
RW Meade & Sons	\$263,700	\$18,850	\$ 7,500

Sellinger Associates has reviewed the bids and based on their review and analysis, recommends the City award the contract to Long Mechanical. The project will consist of major HVAC upgrades including the replacement of a 50 ton air cooled condensing unit and evaporator coil, a new high efficiency condensing type boiler, along with new digital web-based controls. This project would begin immediately with the air conditioning system completed before June 1<sup>st</sup> and the heating system completed before September 1<sup>st</sup>. This schedule allows for the full benefit of annual energy savings to be realized in the FY2012 budget year. The construction agreement was reviewed by the City Attorney and Michigan Municipal Risk Management Authority.

Funding for the design and construction of HVAC improvements would come from funds set aside for this project in the Public Improvement Fund. However, this project will result in substantial energy savings which will annually provide a positive impact on the City’s General Fund. The recommended award of \$218,000.00 is less than the \$360,000 budgeted for this project.

**Motion Darga, seconded by Fecht** to approve and award a contract to Long Mechanical of Northville, Michigan, in the not-to-exceed amount of \$218,000 for the City Hall HVAC Upgrade project, and further that the Public Works Director be authorized to sign the agreement on behalf of the City. **Motion carried unanimously.**

**C. Proposed Fiscal Year 2011-2012 Budget and Five Year Plan (2011-2015)**

In accordance with the City Charter, the City Manager must submit a proposed fiscal year budget at the first meeting in April. The proposed fiscal year 2011-2012 budget and five year plan was submitted for Council consideration. The proposed budget is part of a five year plan which projects the current year budget and forecasts future revenues and expenditures three years beyond the proposed fiscal year.

The Northville City Council is being presented with a balanced budget that proposes a slight change in the General Operating Millage rate from 13.3000 to 13.4289. The FY2012 Annual Budget and Five Year Plan (2011 – 2015) study session meetings are scheduled for the following dates at 7:00 p.m. at the Northville City Council Chambers: April 7, 2011; April 11, 2011; and April 25, 2011.

At the April 7, 2011 budget session, the City Manager will review the annual budget message which begins at page I-1 of the budget notebook. Subsequently, the Department Heads will present their respective budgets at the three study sessions. At the meeting on Monday, April 25, 2011, the City Council will be asked for additional direction and/or revisions to the budget before publication of the proposed budget on Thursday, May 5, 2011.

Council Comments and Discussion: In preparation for the budget discussion sessions, a comment from Council requested formation on:

- Whether the proposed budget agrees with or exceeds the Budget Committee recommendations.

- With the amount of funds spent by the City to make improvements to reduce peak flow and reduce usage and costs, why is Detroit Water and Sewer imposing a significant percentage increase to the City?
- The proposed budget assumes the City will qualify for and receive statutory state-shared revenue based on the Governor's new criteria. It was questioned how the City budgeted for and projected the amount of funding that is assumed and included in the proposed budget. It was responded that it is believed that the City has met the minimum requirements and qualifies for its portion of state-shared revenue. However, after the City's adopts its budget in May, the State has a different fiscal year, which might require the City to make additional budget amendments after the State has completed the adoption of its budget.
- The Federal government is proposing to reduce Community Development Block Grant funds by 70%. The proposed impact to the Allen Terrace budget and contingency plan should be discussed.

## **COMMUNICATIONS**

### **A. Mayor and Council Communications**

Allen expressed appreciation to the Council for their support during his work-related leave of absence from the community.

Bingham noted that Beautification Commission had an enthusiastic first meeting for the 2011 season.

### **B. Staff Communications** None

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

**Adjournment: 8:55 p.m.**

Respectfully submitted,

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Dianne Massa, CMC  
City Clerk

Approved as submitted: 04/18/11

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Christopher J. Johnson  
Mayor