

City of Northville
CITY COUNCIL REGULAR MEETING MINUTES
January 17, 2012

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 Nancy Darga, Michele Fecht, and Ryan McKindles

Absent: None

Also Present: City Manager Patrick Sullivan, City Clerk Dianne Massa, Director of Public Works James Gallogly, Police Chief Gary Goss, Interim Parks and Recreation Director Joanna Vaghy, representatives of Northville Cider Mill and Northville Brewing Company, reporter from Patch.com, reporter from Northville Record, State Representative Kurt Heise, and one citizen

PRESENTATIONS

A. Citizens Comments

(State Representative Heise arrived during the discussion pertaining to the proposed amendments to Article 23 Flood Hazard Zones in the Zoning Ordinance. It was City Council's consensus to reopen Citizen Comments.)

20th District State Representative Kurt Heise spoke of upcoming local and state issues, including Governor Snyder's "State of the State" address, his opposition to repealing personal property tax in its entirety without another identified source to replace the revenue lost to local governments, K-12 reforms pertaining to quality measurement, cyber schools, and economic redevelopment in the Northville Community.

Brief discussion ensued pertaining to the need to identify an alternate formula to fund road improvements and the bill introduced by Representative Heise which would create a regional authority to jointly manage the Detroit Water and Sewer Department.

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Approve City Council Minutes of:

- Regular Meeting of January 3, 2012

Receive Bills List: Checks #77509 to #77539, Checks #77540 to #77611

Receive Board and Commission Minutes:

- Planning Commission: 11/15/11

Receive Departmental Reports:

- Youth Assistance: 1/12
 - Board and Commission Appointments:
 - Youth Assistance: Reappoint John Buckland to a three-year term expiring 12/31/14
 - Resolution / March Board of Review Start Date
 - Proposed Amendments to the 2011-2012 Budget thru 12/31/11 and Investment Report
- Motion carried unanimously.**

RESOLUTIONS AND ORDINANCES

A. Amendment to Zoning Ordinance / Article 23 Flood Hazard Zones / Second Reading

The City of Northville is part of the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP). In August 2011, the City was notified that FEMA had made a "final flood hazard determination" based on preliminary copies of its Flood Insurance Study (FIS) report and Flood Insurance Rate Maps (FIRM) that identify existing flood hazardous areas in our community. This study covered flood hazardous areas of the City that are located in Wayne County. The new Flood Insurance Rate Maps and Flood Insurance Study are set to take effect on February 2, 2012, and this program will continue in the City of Northville provided the City adopts required modifications to Article 23 of its Zoning Ordinance titled "Flood Hazard Zone" by February 2, 2012. At its January 3, 2012 regular meeting, City Council introduced the proposed ordinance for first reading.

The proposed amendments to Article 23 are minor in nature as the City amended Article 23 in 2006 when changes to the Oakland County portion of the City were adopted. Proposed changes are summarized as follows:

- Section 23.02 – Removal of old numbers and references for both Oakland and Wayne counties.
- Section 23.04 – Adds the February 2, 2012 approval date.
- Section 23.05 – Corrects typographic errors.
- Section 23.06 – Corrects typographic errors.
- Section 23.07 – Removes language that is inconsistent with Michigan Department Environmental Quality (MDEQ) practices and corrects typographic errors.
- Section 23.10 - Provides map panel numbers and approval dates for both Oakland and Wayne counties.

Article 29 of the City's Zoning Ordinance requires that the Planning Commission consider the text amendments and hold a public hearing. A scheduled public hearing was held for this matter on January 3, 2012. After receiving no comments, the Northville Planning Commission approved a motion to close the public hearing and recommend approval of the above ordinance changes to City Council.

The proposed ordinance amendment does not have a direct budget impact to the City. However, if City Council does not approve the amendments, Northville would be suspended from the National Flood Insurance Program. Suspension from this program would prohibit construction and development in areas of special flood hazard zones as insurance will no longer be obtainable. In addition, existing property owners whose homes are located in special flood hazard zones would also be unable to obtain/renew their insurance. This would negatively affect property values and result in less tax revenue for the City.

Council Comments and Discussion: Comments from Council pertained to the MDEQ request to remove language in section 23.07 that is inconsistent with MDEQ practices. Concern was voiced that this adds

further restrictions and regulation and may require property owners and developers the burden of obtaining permits from the MDEQ.

Motion Allen, seconded by Fecht to waive second reading of the proposed amendments to Article 23 – Flood Hazard Zones in the City of Northville Zoning Ordinance, and approve a resolution adopting the ordinance amendments as presented. **Motion carried unanimously.**

B. Amendment to Zoning Ordinance / Article 29 Conditional Zoning / First Reading

During a recent request to rezone property on N. Center Street, it was determined that the City of Northville's Zoning Ordinance does not provide for conditional zoning. At its regular meeting on January 3, 2012, the Planning Commission conducted a public hearing to consider new text amendments which would add procedures and application requirements consistent with Public Act 110 of 2006. The proposed text amendments to Article 29 include:

- Requirements for conditional zoning and zoning amendments.
- Criteria by which the Planning Commission can evaluate a proposed zoning map amendment.
- Establish specific application requirements and review procedures for evaluating a conditional zoning request.

The Planning Commission recommended that the City Council approve the proposed text amendments.

Motion Allen, seconded by Fecht to introduce for first reading the proposed amendments to the City of Northville Zoning Ordinance, Article 29, to provide for conditional zoning, with second reading, and possible adoption scheduled for February 6, 2012. **Motion carried unanimously.**

NEW BUSINESS

A. Request to Add Location and Outdoor Service / Northville Cider Mill

On August 3, 2009, City Council adopted a resolution to recommend the transfer of ownership of the Northville Cider Mill from the parents to their son and his wife, Robert and Carina Nelson.

On August 1, 2011, the Liquor License Review Committee (LLRC) considered a request from the Northville Brewing Company, LLC, owned by Robert and Carina Nelson, to transfer ownership from the Northville Cider Mill, Inc., add an additional location for the tasting room located at 714 Baseline by including the building at 630 Baseline, and the addition of two outdoor service areas. Following the public hearing, the LLRC recommended that City Council table the matter as the request was believed to be an expansion of a non-conforming use. City Council tabled the request until it could be reviewed by the Board of Zoning Appeals. At its December 7, 2011 meeting, the BZA reviewed the request and determined that the request would not be an expansion of a non-conforming use.

Staff contacted the Michigan Liquor Control Commission (MLCC) to determine the reason for a second resolution regarding the change of ownership. It was explained that the Northville Cider Mill was incorporated and the applicants want to change Northville Brewing Company to a Limited Liability Company (LLC). Per the MLCC, this represents a change of ownership.

The applicants request to operate two locations as listed above for full service wine tasting bars serving wine made on their premises. Previously, they requested three outdoor service areas, one located adjacent

to the 630 Baseline address (primary tasting room approx. 2,500 sq. ft.), and the second adjacent to the seasonal tasting room at the 714 address (483 sq. ft.). Both addresses are located on the Northville Cider Mill property. A third outdoor service area was proposed adjacent to Baseline on the north lawn of the property and in between the primary and seasonal tasting rooms. This area would be circular in shape and approximately 10,000 sq. ft. The applicants intended that this much larger area be used for special events for off-season (spring and summer) months.

The applicants amended their request to eliminate the third 10,000 sq. ft. outdoor service area and are no longer requesting an entertainment permit. They plan a limited food menu and patrons may sample wine or purchase wine by the glass. Bottled wine will be available for consumption off-premises. The applicants plan to provide acoustic entertainment (i.e. guitar or piano) and an entertainment permit is not necessary for this type of entertainment. The hours of operation will be Monday through Thursday from 10:00 a.m. until 8:00 p.m., Friday and Saturday from 10:00 a.m. to Midnight and on Sunday from Noon until 5:00 p.m. The Police Department has conducted a thorough background investigation on both owners and found no reason to object to the request.

It was noted that the January 17, 20112 Liquor License Review Committee meeting, the applicant noted that amplified music is not proposed and the Cider Mill will still be in operation. There were no public comments during the LLRC public hearing.

Council Comments and Discussion: Discussion ensued pertaining to the river bank erosion and efforts taken by the applicant to preserve the natural habitat at the river. The applicant noted that when financially feasible, plantings and rock are added to the river bank to curb erosion. A comment from Council suggested the applicant consider a moratorium near the river bank, which would block off the area from public use in order to give the riverbank a rest for the season. It was also suggested that the Rouge Remedial Action group review the riverbank and offer recommendations to prevent further erosion.

Motion Fecht, seconded by Allen that the consensus of this legislative body is that the application made by Northville Brewing Company LLC to transfer ownership of 2011 Small Wine Maker license from Northville Cider Mill, Inc. be recommended for issuance. Additionally, the request that the Small Wine Maker license include the building located at 630 Baseline, Northville, MI and two adjacent outdoor seating areas is approved. **Motion carried unanimously.**

B. Agreement for SMART Specialized Services FY2012

The Senior Adult Services program receives funding from the Suburban Mobility Authority for Regional Transportation (SMART) program for transportation services for handicapped individuals and residents over the age of 65. The funding available this year from SMART for Specialized Services is \$2,488. In order to receive the funds, a contractual agreement between the City of Northville and SMART must be approved. The proposed agreement has been reviewed by the City Attorney and MMRMA, the City's Liability Provider.

Motion Allen, seconded by Fecht to approve the contact with Suburban Mobility Authority for Regional Transportation for Specialized Services FY2012 and to authorize the City Manager to sign the agreement on behalf of the City of Northville. **Motion carried unanimously.**

C. Balancing Change Order / City Hall HVAC System Improvements

In 2008 the City of Northville had an energy audit performed on City Hall. The study pointed out that the City Hall building was highly inefficient and in need of significant HVAC upgrades. Following this study, City Council awarded a professional services agreement to Sellinger Associates, Incorporated, which specializes in heating and cooling system design. In March 2011, a project to upgrade the City's HVAC system was advertised for bids with a contract in the amount of \$218,000 being awarded to Long Mechanical. The project is now substantially complete with only minor control issues, system modifications, and Staff training remaining. As such, the contract with Long Mechanical should be modified to address and cover the changes made during the course of the project that addressed unknowns, as well as some items inaccurately shown on the 1998 as-built drawings of City Hall's HVAC system. The changes are presented as follows:

Work Order #1 Add VAV Box #17 & condenser control wiring	\$ 8,072.00
Work Order #2 Add VAV Box #18	\$ 5,549.00
Work Order #3 Repair existing exhaust fans	\$ 1,116.83
Deduct #1 Eliminate Duct Cleaning	(\$ 5,000.00)
Work Order #4 Misc. Control Work & Fin Tube modifications	<u>\$ 5,534.00</u>
Total Change:	\$15,271.83

The Public Improvement Fund is funding the design and construction of HVAC system improvements. The current contract amount of \$218,000 is well below the \$360,000 project budget, leaving sufficient funds to cover the \$15,271.83 increase.

It was noted that one of the key reasons the City Council approved this project was to make City Hall more energy efficient. Early analysis of the building's energy use for FY2012, based on the first five months of this year, found that electrical costs are down approximate 60% for a savings of \$21,510, and gas costs are down approximately 80% for a savings of \$7,930. Though there may be other reasons that contribute to these significant reductions in energy use (milder year, system down during installation, etc.), it is expected that the City will see significant savings to its General Fund as a result of this project.

Motion Darga, seconded by Allen to approve an increase to its contract with Long Mechanical in the amount of \$15,271.83 for needed modifications to the City Hall HVAC Upgrade project. **Motion carried unanimously.**

MAYOR AND COUNCIL COMMUNICATIONS

A. Mayor and Council Communications

Darga spoke of the plans to celebrate Mill Race Village's 40th anniversary during the Northville Historical Society's annual meeting on January 19, 2012.

B. Staff Communications None

Being no further business, the meeting was adjourned.

Adjournment: 8:07 p.m.

Respectfully submitted,

Dianne Massa, CMC
City Clerk

Approved as submitted: 02/06/2012

Christopher J. Johnson
Mayor