

**City of Northville**  
**CITY COUNCIL REGULAR MEETING MINUTES**  
**February 6, 2012**

Mayor Johnson called the meeting to order at 7:30 p.m. in the City of Northville Municipal Building, City Council Chambers, 215 W. Main Street, Northville, Michigan, 48167. Members of Boy Scout Troop 777 lead the Pledge of Allegiance.

**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, Downtown Development Authority Executive Director Lori Ward, DDA board member Carolann Ayers, Oakland County Commissioner Kathy Crawford, State Representative Hugh Crawford, State Senator Patrick Colbeck, members of Boy Scout Troop 777, reporter from Northville Record, and three citizens

**PRESENTATIONS**

**A. Citizens Comments**

State Senator Patrick Colbeck (7<sup>th</sup> District) updated the City Council on matters pertaining to personal property tax reform, the Governor's upcoming budget, and efforts to assist municipalities in addressing their post-retirement pension obligation. Many communities, including the City of Northville, have moved from a Defined Benefit to a Defined Contribution pension system. This proactive approach creates a short-term surge in the funds needed to meet the DB pension funding obligation as there are less employees paying into the DB program. Colbeck pledged to continue to explore avenues to assist municipalities in funding their obligation to ensure that their budget is not penalized for taking a proactive approach to convert from a DB to DC pension program. City Council confirmed that alternate avenues for funding the City's pension obligation are a high priority item for the City.

State Representative Hugh Crawford (38<sup>th</sup> District) spoke in support of the update provided by Senator Colbeck. Crawford also spoke about plans to meet with business owners to determine which State rules and regulations are detrimental to job creation. Crawford also spoke of the need for personal property tax reform. The Governor and Legislature is aware that cities rely on personal property tax revenue and hope to find an alternate revenue source so that this change is revenue-neutral.

Discussion ensued pertaining to the proposed changes to personal property tax and the fact that losing this revenue source will be financially devastating to cities. Schools and local government have already made significant cuts to their budgets due to the loss in property taxes and the State is not sharing revenues with local governments. Final comments pertained to the need to find increased revenue to finance rebuilding the transportation infrastructure.

**B. Oakland County Commissioner Kathy Crawford (9<sup>th</sup> District)**

County Commission Kathy Crawford provided the Council with information pertaining to the role of the County Commission, her professional background, and the many amenities and services offered through Oakland County (i.e. senior services, parks, dog parks, etc.).

### **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:

- Regular Meeting of January 17, 2012
- Special Meeting of January 23, 2012

Receive Bills List: Checks #77612 to #77747, EFT's #500079, Checks #77748 to #77836,  
Checks #77837 to #77915

Receive Board and Commission Minutes:

- Housing Commission: 11/9/11; 11/29/11; 12/7/11
- Liquor License Review Committee: 8/1/11

Receive Departmental Reports:

- Police: 7/11; 8/11

Board and Commission Appointments: None

Request to Canvass / Clean Water Action

Proclamation / June as Scleroderma Awareness Month

Special Event Request / Boy Scout Troop 755 / 65<sup>th</sup> Anniversary Campout April 27-29, 2012

Resolution to Establish Guidelines for Hardship Exemption and Approve Hardship Application

Finalization of Fiscal Year 2012-13 Goals, Objectives and Priorities

**Motion carried unanimously.**

### **RESOLUTIONS AND ORDINANCES**

#### **A. Amendment to Zoning Ordinance / Article 29 Conditional Zoning / Second 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. At its January 17, 2012 regular meeting, City Council introduced the proposed ordinance amendment for first reading.

*Council Comments and Discussion:* Further explanation was given pertaining to the Planning Commission review of the requested conditional rezoning request. It was also noted that State law is

clear that the City cannot impose conditions or implement conditions that the property owner does not agree to.

**Motion Allen, seconded by Fecht** to waive second reading and adopt the proposed amendments to Article 29 – Conditional Zoning to the City of Northville Zoning Ordinance as presented. **Motion carried unanimously.**

## **NEW BUSINESS**

### **A. Election Commissioner Appointment for the February 28, 2012 Election**

The Election Commission consists of the City Clerk, City Attorney, and a member of the Council who shall not be a candidate for elective office at the election for which he/she is appointed. The Clerk serves as the chairperson and two members of the Election Commission shall be a quorum. An Election Commissioner is needed for the February 28, 2012 Presidential Primary Election. The Election Commission meeting is scheduled for 8:00 a.m. on February 9, 2012.

**Motion Darga, seconded by Fecht** to appoint Mayor Pro Tem Allen to serve as the Election Commissioner for the February 28, 2012 Presidential Primary Election. **Motion carried unanimously.**

### **B. Comerica Community Connection / Contract for Inspection Services, Project Budget, and Establishment of Project Contingency**

On November 7, 2011 the Northville City Council approved the selection of Bernco Inc., as the preferred contractor for the Comerica Community Connection and on December 21, 2011 the contract was approved by City Council.

Cooper Design, the project architect will provide some of the construction administration on the project along with City staff. Cooper's contracted responsibilities include:

- Conduct a pre-construction meeting with the general contractor and sub contractors to establish project procedures, inform the contractor of the project and City requirements, and review the goals and objectives of the project.
- Conduct periodic construction progress meetings and prepare and distribute official meeting minutes.
- Review shop drawings and submittals.
- Process any necessary changes to the work.
- Provide technical and architectural assistance as needed during the construction period.
- Prepare preliminary and final punch lists and assist the City with the official close out the construction contract.

Additional inspection services for the project are necessary to guarantee that the owner's interest in the project is met. Staff discussed various options to provide inspection services and recommends that Dominic Maltese be retained to provide inspection services. Maltese is currently part of the project team, having provided estimating and value engineering services throughout the project as a sub-consultant to Cooper Design. In addition, Maltese played a large role in the bid process assisting the DDA and City in the interview, vetting, and selection of the contractor. He has over 25 years providing building inspection and project management to a variety of clients. In addition, Maltese has worked closely with the project architect and the City's Building Inspector and has a good working relationship with each.

Following discussions with the City Attorney, it is proposed that the best way to contract with Maltese for Inspection Services would be to amend the Professional Services Contract with Cooper Design Inc. to provide the following additional services:

- Oversee the completion of the construction work.
- Monitor quality workmanship and trade performance.
- Complete weekly observations of onsite progress which includes eight to ten hours of onsite time, weekly.
- Review contractors request for changes and associated costs.
- Review any claims or disputes.
- Complete regular project reports and make recommendations as necessary.
- Review payment applications from contractor for payment.

The Downtown Development Authority budgeted \$675,000 and the Northville Area Development Corporation pledged approximately \$126,377 to help fund the project. A first quarter budget amendment was previously made to the DDA's budget to increase the Inspection Services from \$6,605 to \$21,000. In addition to the proposed project budget, Staff is recommending that a project contingency be established in the amount of \$100,000, which is approximately 12.5% of construction. This would be utilized for change orders throughout the project, including the acceptance of Alternate 1 – the heat melt system for the project. The funds for the project contingency would come from the original project budget (\$30,000) and unutilized project contingency funds established previously for the Downtown Streetscape Project (\$70,000).

*Council Comments and Discussion:* Discussion ensued pertaining to funding the contingency for this project. Comments voiced concern with utilizing contingency funds remaining from the Downtown Streetscape Project until that project is satisfactorily completed and closed out. Staff noted that the Downtown Streetscape Project contract has a sizable retainer that has not been paid. The payment is being withheld as leverage to ensure the contractor satisfactorily corrects all deficiencies. As such, Staff was comfortable with reallocating unused Streetscape project contingency funds to the Walkway Project contingency.

Further discussion pertained to the project contingency percentage. As approximately \$20,000 of contingency items has already been identified, Staff believed that a 12% contingency (rather than 10%) would be more appropriate for the Walkway Project. Staff will negotiate any changes with the contractor within the contingency budget and any change orders would come to City Council for final approval. Formal action to transfer funds from one project's contingency to the other would be done during the budget amendment process.

Additional comments requested that any approval to amend the professional service contract be contingent upon confirmation that Dominic Maltese is a named insured under the umbrella of Cooper Design's insurance policy. The DDA was commended in finding a project inspector that is already connected with the project.

**Motion Fecht, seconded by McKindles** to approve the Amendment to the Professional Service Contract with Cooper Design Inc, for the Downtown Walkway Project in the amount of \$21,000 to provide Inspection Services, subject to confirming that the inspector, Dominic Maltese, is named as an insured on Cooper Design's insurance certificate. Further, to approve the budget established for the Downtown Walkway project and to approve a project contingency in the amount of \$100,000. **Motion carried unanimously.**

**MAYOR AND COUNCIL COMMUNICATIONS**

**A. Mayor and Council Communications**

Mayor Johnson thanked the Boy Scouts for attending the City Council meeting and leading the Pledge of Allegiance.

**B. Staff Communications** None

Being no further business, the meeting was adjourned.

**Adjournment: 8:28 p.m.**

Respectfully submitted,

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Dianne Massa, CMC  
City Clerk

Approved as submitted: 02/21/2012

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Christopher J. Johnson  
Mayor