

City of Northville
CITY COUNCIL REGULAR MEETING MINUTES
November 6, 2017

Mayor Roth called the meeting to order with the Pledge of Allegiance at 7:01 p.m. in Council Chambers at Northville City Hall, 215 W. Main Street, Northville, Michigan, 48167.

ROLL CALL

Present: Mayor Ken Roth, Mayor Pro Tem James Allen, Councilmembers Nancy Darga, Sam Ekong and Marilyn Price.

Absent: None

Also Present: City Manager Patrick Sullivan, Public Works Director Jim Gallogly, Fire Chief Stephen Ott, Housing Director Sherry Necelis, Parks & Recreation Director Mark Gasche, Planning Consultant Sally Elmiger, Deputy City Clerk Michelle Massel and one citizen present.

Mayor Roth read a statement informing those present that the City Council meeting was being recorded for rebroadcast on the City's website. By remaining at the meeting, consent is inferred by those present to have their voice and image recorded and posted on the City's website.

APPROVAL OF AGENDA AND CONSENT AGENDA

Motion Allen, seconded by Ekong to approve the agenda and consent agenda as presented.
City Council Minutes of October 2, 2017, October 16, 2017, October 30, 2017
Accounts Payable Week of October 23, 2017
Request to Dispose of Assets / Postage Machine
Amendments to the 2017-18 Budget through 9/30/17 and Investment Report
Request to Solicit / Goodfellows Newspaper Drive / December 9, 2017

Motion carried unanimously.

PUBLIC HEARING

A. Use of Oakland County CDBG Funds – FY 2018

The City of Northville is expected to receive \$8,164 from the Oakland County Community Development Block Grant (CDBG) program for fiscal year 2018. Funds from FY2018 are not available for expenditure prior to July 2018. The CDBG application process requires a public hearing where residents are allowed to provide input on the proposed uses of the funds.

Recommendations for uses of the FY2018 CDBG funds:

Total Estimated Allocation – Oakland County	\$ 8,164
Proposed uses include:	
Public Services- Senior service	\$ 8,164

Council Comments and Discussion: In response to a question from Council it was responded that, in the past, funds have been allocated to ongoing programs, but could be directed to another fund if the need is warranted. It was clarified that the allocation to Public Services – Senior Service is directing the funds to operations at the Community Center. Council asked that the allocation be more descriptive in the future.

The public hearing opened at 7:06 p.m. No public comment. The public hearing was closed at 7:06 p.m.

Motion Price, seconded by Allen to adopt a resolution authorizing the use of fiscal year 2018 Oakland Counties Community Development Block Grant Funds as proposed. **Motion carried unanimously.**

The Mayor acknowledged the well-attended retirement gathering at Allen Terrace. He presented Housing Director Sherry Necelis with a Certificate of Appreciation for her service to the Housing Commission and residents of Allen Terrace, and wished her well on her retirement.

ORDINANCES

A. Proposed Amendment to Chapter 38 Fire & Fire Prevention – 2nd Reading

At its regular meeting on October 16, 2017, City Council introduced for first reading proposed Amendments to Chapter 38 Fire and Fire Prevention in the Code of Ordinances.

Currently, Section 38-4 of the Northville Code of Ordinances adopts the International Fire Code (“IFC”), 2012 edition, promulgated by the International Code Council (“ICC”). The ICC periodically updates and publishes new versions of the IFC, with the most recent version being designated as the 2015 edition.

Adoption of the 2015 edition of the IFC will assist the Fire Department in maintaining currency in our fire protection ordinance, and provide for effective enforcement of appropriate fire prevention measures.

Motion Darga, seconded by Price to waive second reading and adopt the amendments to Chapter 38 Fire and Fire Prevention in the Code of Ordinances as presented. **Motion carried unanimously.**

B. Proposed Amendment to Chapter 94 Vehicles for Hire, Article II / Taxi Cabs – 2nd Reading

At its regular meeting on October 16, 2017, City Council introduced for first reading a proposed amendment to repeal Chapter 94 Vehicles for Hire, Article II Taxicabs in the Code of Ordinances.

PA 345 of 2016, known as the “Limousine, Taxicab, and Transportation Network Company Act” prohibits the City from imposing a tax or fee, requiring a license from a taxicab carrier, or enacting or enforce an ordinance regulating a taxicab carrier. The City Attorney reviewed PA 345 of 2016. Section 15(1) of the act prohibits the City from imposing a tax or fee, require a license from a taxicab carrier, or enforce an ordinance regulating a taxicab carrier. He concurred the City’s taxicab ordinance should be repealed.

Regulations of these entities will now be handled by the State Department of Licensing and Regulatory Affairs. The proposed amendment would repeal Article II in its entirety.

Council Comments and Discussion: The Mayor read a letter from State Representative Kathy Crawford supporting local control of taxi cabs, trash and fireworks. The Mayor noted that the Federal Government took back control of the railways, and since that time, a neighboring community has had problems with trains blocking crossings for up to nine hours at a time.

It was clarified that the City issued permits for taxi cabs until 2016. State law now prohibits the City from imposing a tax or fee.

Motion Allen, seconded by Ekong to waive second reading and repeal Chapter 94 Vehicles For Hire, Article II Taxicabs in the Code of Ordinances as presented. **Motion carried unanimously.**

C. Proposed Zoning Ordinance Amendment, PUD – 1st Reading

On October 3, 2017, the City of Northville Planning Commission conducted a public hearing on the ordinance amendments to the Planned Unit Development (PUD) section of the Zoning Ordinance. These changes are summarized below:

1. The text describing the PUD review and approval process has been re-arranged so that the process is now described in chronological order.
2. Under General Design Standards (Section 20.04(5)), any proposed deviations in the number of required parking spaces must be approved by both the Planning Commission and City Council.
3. The applicant has been given the option of combining review for PUD Eligibility with review of the Preliminary Site Plan. The PUD Eligibility step is available to those who don't want to invest the resources in designing Preliminary Site Plans without input from the Planning Commission. This change will allow a confident developer to present all the information required to determine PUD Eligibility and Preliminary Site Plan approval at the same meeting. Both steps are conducted by the Planning Commission.
4. As one of the possible motions available to the Planning Commission during their review, they may now "Postpone to a Date Certain," which eliminates the need to re-post a notice (for example, for a Public Hearing).
5. The existing language requires that both the Planning Commission and the City Council approve the PUD/Preliminary Site Plan (Section 20.06) as well as the Final Site Plan (Section 20.07). The new language is proposing to eliminate City Council's approval of the Final Site Plan (and a second public hearing), and leave Final Site Plan approval up to the Planning Commission alone. This change is suggested to simplify the PUD review process, and eliminate a meeting from the process.

With a PUD project, the applicant is actually asking that the property be "re-zoned" to PUD. Per the state statute, the legislative body must approve this re-zoning. The new ordinance language provides for this when City Council approves the PUD/Preliminary Site Plan. The new language also specifically states that the City Council's approval constitutes an amendment to the Zoning Map (Section 20.06(3)).

6. Language has been added that allows the Planning Commission to grant one, six-month extension between Preliminary and Final approval. This same provision has been added to allow an extension between Final approval and commencement of construction.

7. If a change to the PUD/Final Site Plan is necessary after Final approval, the Building Official currently has the ability to determine if this change is minor, based on a number of standards. One standard for a minor change (Section 20.11) has been altered. Currently, an increase/decrease of non-residential building size of 5% or 10,000 s.f., whichever is smaller, constitutes a minor change. The new language alters this standard to 5% or 2,500 s.f., whichever is smaller.

The Planning Commission is recommending approval of the proposed text amendments. Communication from the City's Planning Consultant and the proposed zoning ordinance text amendment are attached.

Council Comments and Discussion: City Council requested that a flow chart, illustrating the amended PUD approval process, be added to the ordinance amendment for second reading.

In response to a question from Council, it was responded that requests for PUD zoning were moved to the first preliminary site plan approval with Council since Council will not approve the final plan. If the project failed, the PUD zoning would revert back to the previous zoning.

It was clarified that the option of combining the review for PUD eligibility with the review of the preliminary site plan removed one public hearing and one Council meeting from the approval process to expedite applications for confident developers. Council expressed concern for deviations with the removal of a public hearing and Council meeting from the process. It was responded that any deviations from the approved plan would be found by the Planning Commission.

In response to a concern by Council, it was responded that any parking disputes or deviations are approved by Planning and Council. Council retains the authority to approve or reject the proposal.

Motion Darga, seconded by Ekong to introduce for first reading the proposed amendments to Article 20 Planned Unit Development as presented, with second reading and possible adoption scheduled for November 20, 2017. **Motion carried unanimously.**

NEW BUSINESS

A. Proposed Amendments to Historic District Commission Rules and Regulations

On September 20, 2017, the Historic District Commission (HDC) approved revisions to its rules and regulations.

Currently, the Mayor or the City Council liaison serves as the HDC Chairperson. The proposed amendment would allow the Mayor or the alternate selected by the Mayor and confirmed by City Council to serve as the HDC Chairperson. The HDC Chairperson is not eligible to be the vice-chairperson.

This change is consistent with the amendments to Chapter 42 Historic Preservation, Article II Historic District Commission in the Code of Ordinances as adopted by Council on October 30, 2017. Per Section 42-21(6) in the City of Northville Code of Ordinances, the amendments to the HDC Rules and Regulations are effective 30 days after City Council approval. However, City Council may modify the effective date through formal action.

Council Comments and Discussion: It was clarified that the appointee does not need to be a Councilmember.

Motion Allen, seconded by Price to approve and adopt the proposed amendments to the Historic District Commission Rules and Regulations as presented, effective November 7, 2017. **Motion carried unanimously.**

B. Proposed Master Plan Text Amendments

In February 2017, City Council asked the Planning Commission to review the prohibition of first floor residential uses in the Master Plan and Cady Street Overlay District. Because the prohibition of first floor residential is specifically included in the Master Plan, the master Plan need to be amended before a change to the Zoning Ordinance can be made. The Planning Commission reviewed the Master Plan, and proposed amendments to remove the first floor residential prohibition, and added language which recognized increased residential density as a goal in the downtown core.

The attached memo from the Planning Consultant detailed the Planning Commission recommendations and the proposed text amendments. The Michigan Planning Enabling Act provides that the governing body must review any proposed changes to the Master Plan and approve distribution of the changes to surrounding communities. The communities have 42 days to provide comment on the changes.

Council Comments and Discussion: Council clarified that this amendment only effects property east of Griswold.

In the future, Council asked that the description of districts be bolded on Council Communications so they stand out.

In response to a question from Council it was answered that the first floor residential restriction is in place to encourage retail in the downtown. But that restriction does not make sense for this property. The commercial square footage is so large that it would rival the downtown, and make it cost prohibitive to developers after extensive environmental cleaning up was completed. The current market would not support all commercial or residential, which is why a mixed use is preferred.

A separate comment from a Councilmember voiced concern that the downtown has too many offices, and would like to see more retail uses.

Motion Ekong, seconded by Allen to approve distribution of the proposed changes to the City of Northville Master Plan to our surrounding communities. **Motion carried unanimously.**

C. Proposed Replacement/Repair of Community Center HVAC System

For several months, Staff has been experiencing difficulties with the heating, ventilation, and air conditioning (HVAC) system at the Northville Community Center. The company that installed the system has not responded to calls for assistance. As such, Staff requested four contractors to come in to diagnose the problems and provide repair options. The consistent response was that while work was needed on some of the mechanical parts of the system, the overriding issue was the software control system. However, only the company the company installed it could do the work. During this time, Staff received many complaints about the building being too hot or too cold, and several people left scheduled activities at the Community Center because of these problems. Some groups and classes cancelled their scheduled activities because the temperature could not be controlled in the building.

After trying to get a response for two months, the company technician who installed the system responded and made repairs. The repair lasted for one day. Simultaneously, Staff solicited proposals

from several companies to replace the controls and any necessary mechanical components of the system to get it up to date and running. While some contractors were not interested in providing proposals, three contractors did provide proposals as follows:

Fontanesi and Kann Company, Ferndale, MI	\$23,557
Master Temperature Controls, Livonia, MI	\$27,830
Automated Energy Systems, Madison Heights, MI	\$37,742

Staff believes that the proposals received represent the best type of solution to the immediate and long term performance of the HVAC system at the Community Center. These proposals provide the automated aspect of balancing the heating and cooling in various rooms in the building, with the capability of regulating the air circulation and temperature control from room-to-room. It will also allow Staff to override the system and regulate a specific room temperature when needed. In addition, proposals provide standard equipment that can be serviced by most HVAC technicians.

Staff recommends accepting the proposal from Fontanesi and Kann. The difference in the cost is primarily due to the fact that they are proposing to utilize the main control panel for the system located at the Township Hall building, which is already in place. This company installed and services the HVAC system that the Township buildings have, including the Police Building and the Fire Station. Both run through the main control system at the Township Hall. Because this contractor already has this system in place, they are the only company able to offer this option. Another benefit of going with this contractor/system is that the Township has a person on staff that specializes in HVAC systems and will be able to provide support in training staff to use the system, as well as provide oversight of the system and assistance as needed.

The proposed agreement has been prepared by the City Attorney and reviewed and approved by the City's MMRMA representative.

Council Comments and Discussion: In response to a question from Council it was responded that this is a web-based controller, but the system can be overridden manually in the building should the Wi-Fi be inoperable.

It was clarified that the Parks & Recreation Commission has approved this purchase using fund balance and that the Township does not need to approve this request.

In response to a question from Council it was responded that the system was installed in 2004 and the panel was installed in 2012. The controller was likely damaged by a power surge or lightning strike. Council directed the Parks & Recreation Director to ensure the new controller is on a surge protector.

Motion Darga, seconded by Ekong to waive the formal bid process and approve the purchase and installation of HVAC system components for the Northville Community Center, incorporating the system with the Northville Township Hall system, from Fontanesi and Kann Company in the amount of \$23,557, with funds allocated from the Fund 266 Fund Balance for Community Center Building Improvements. Further move that the City Manager be authorized to sign the proposed agreement. **Motion carried unanimously.**

D. Proposed Lease Agreement for SMART Buses

Transportation services are provided for Northville City and Township residents age 60+, and residents of all ages who have a documented disability (Physician certified). Funding for the transportation program is provided by SMART, Wayne County, Oakland County, Northville Township and the City of Northville. The curb-to-curb service provides bus transportation to medical

appointments, shopping and other destinations, including day trips within Wayne, Oakland, Monroe and Macomb Counties.

The City received two new 14 passenger buses in 2016, with the understanding that a 19 and a 24 passenger bus would be available in the fall of 2017. The City was notified that the 19 and 24 passenger buses are now available and will allow us to increase our revenue on day trips, as more seniors will be able to participate. New buses will decrease maintenance expenses and larger buses will increase revenue by allowing more seniors to participate.

Council Comments and Discussion: In response to a question from Council, it was responded that the buses being replaced have 58,000-74,000 miles on them, with an expected life span of seven years or 100,000 miles. It was added that this lease will not cost the City more since the maintenance on new buses is less. They will also generate more revenue with the ability to carry more passengers. The Parks and Recreation Director noted that the plan to replace these buses was put into motion about five years ago.

Motion Allen, seconded by Ekong to approve the Vehicle Lease Agreement between Suburban Mobility Authority for Regional Transportation (SMART) and the City of Northville, and further, to authorize the Mayor to sign said agreement. **Motion carried unanimously.**

COMMUNICATIONS

A. Mayor and Council Communications

Mayor reminded everyone to vote tomorrow and noted that a ceremony will be held at 11am at the VFW Hall for Veterans Day on November 11th.

Councilmember Allen expressed gratitude for being able to serve 12 years on Council and the support he received from Staff.

Councilmember Darga thanked Councilmember Allen for continuing to serve on the Historic District Commission and Planning Commission after he leaves Council and for his calm approach on the more contentious items over the years.

B. Staff Communications None

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

Adjournment: 7:57 p.m.

Respectfully submitted,

Michelle Massel
Deputy City Clerk

Ken Roth
Mayor

Approved as submitted: 12/18/17