

**City of Northville**  
**CITY COUNCIL REGULAR MEETING MINUTES**  
**August 20, 2018**

Mayor Roth called the meeting to order with the Pledge of Allegiance at 7:00 p.m. in the City of Northville Municipal Building, City Council Chambers, 215 W. Main Street, Northville, Michigan, 48167.

**ROLL CALL**

**Present:** Mayor Ken Roth, Councilmembers Nancy Darga, Sam Ekong, Patrick Giesa, and Marilyn Price

**Absent:** None

**Also**

**Present:** City Manager Patrick Sullivan, City Clerk Dianne Massa, Housing Director Tracey Emmanuel, Housing Commissioner Roger Schultz, Planning Consultant Sally Elmiger, and six citizens

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.

**PRESENTATIONS**

**A. Citizens Comments** None

**APPROVAL OF AGENDA AND CONSENT AGENDA**

**Motion Ekong , seconded by Price** to approve the agenda and consent agenda as presented.

Approve City Council Minutes of: None

Receive Bills List:

- Accounts Payable Week of July 30, 2018

Receive Board and Commission Minutes: None

Receive Departmental Reports:

- Youth Assistance: 8/18

Board and Commission Appointments:

- Board of Zoning Appeals: Appoint Stephen Calkins as an alternate, term expires 7/1/21

Special Event Request / Heritage Festival / September 14-16, 2018

Special Event Request / 3rd Grade Heritage Festival Activities / September 14, 2018

Special Event Request / The Village Workshop Maker's Auto Faire / September 15, 2018

Proclamation for/Constitution Week / September 17-23, 2018

Oakland County Hazard Mitigation Plan

**Motion carried unanimously.**

## **RESOLUTIONS AND ORDINANCES**

### **A. Zoning Ordinance Amendment / Articles 18, 25, 26 Temporary Uses Second Reading**

At its regular meeting of July 16, 2018, City Council introduced for first reading, proposed text amendments to Articles 18, 25, and 26 in the City of Northville Zoning Ordinance.

The Planning Commission evaluated the temporary uses covered by the City’s existing Special Events Permit (for special events held on publicly-owned property), and the Peddler’s/Solicitor’s Licenses. The proposed language covers a few new uses that were not captured by these existing permits/licenses or in the Zoning Ordinance, and simplifies the approval process for a number of temporary uses already permitted in the Zoning Ordinance. These ordinance revisions include three categories of temporary uses:

- a. Mobile Food Vending (food trucks) not associated with a Council-approved Special Events Permit. This is a “new” temporary use. The language permits food trucks to operate in any zoning district on private property, as long as the vendor and property owner are “registered” with the City. Registration is required annually. This change will necessitate the Building Department to develop a registration and application process.
- b. Temporary uses that will be reviewed and allowed by the Building Official, without any type of “permit.” All of these uses are currently allowed. However, the language was modified to clarify that the Building Official oversees these types of temporary uses. Uses in this category include: portable on-demand storage structures, and dumpster roll-off containers.
- c. Temporary uses that will require a “permit,” which is reviewed and approved by the Building Official. This change also requires the Building Department to develop a permit application and process. The temporary uses that require a permit include:
  - i. Temporary construction building or office (currently allowed)
  - ii. Emergency temporary residence (currently allowed)
  - iii. Seasonal sales of perishable items by non-profit entities on private property (new temporary use)
  - iv. Temporary outdoor special events held on private property where the general public is invited (new temporary use)

All other types of temporary uses will be reviewed by the Board of Zoning Appeals, as is currently required. The Planning Commission is recommending approval of the proposed text amendment. Communication from the Planning Consultant and the proposed ordinance amendment was provided for City Council review.

While considering the proposed text amendments, City Council requested more information on the registration process. The Building Official and Planning Consultant developed the process and provided the same for City Council’s consideration. City Council also questioned how private events using food trucks would be addressed in the new ordinance language. A clarification was added which does not change the original intent of the ordinance amendment, but clarifies that private events do not require food truck registration.

City Council Comments: Comments from City Council voiced that the proposed application and registration process did not meet the intent of the proposed ordinance. The purposes was to keep track of food trucks, know who is doing business in the City and why, ensure the food truck is properly licensed and paperwork is in order, and provide insurance when doing business on public property. It was

requested the application and registration procedures be revised to remove the plot plan/scaled drawing requirement, menu requirement (menus change frequently), proof of ownership of the property owner (not needed as the property owner will notify the City if a food truck is operating on private property without permission, and the insurance requirement for private property (it was noted that insurance is not required for brick/mortar businesses on private property).

The Building Official and Planning Consultant were directed to revise the application and registration procedures. This could be added to the Consent Agenda and the Planning Consultant would not be required to attend the meeting.

The Planning Consultant also clarified that the text amendments allow for two PODS if a project has a building permit. This addresses concerns for residents that experience flood and fire issues. The POD holding their possessions may remain on the property while the insurer does a rebuild.

**Motion Price, seconded by Darga** to waive second and adopt the amendments to Article 18 General Provisions, Article 25 Board of Zoning Appeals, and Article 26 Construction of Language and Definitions, pertaining to temporary uses as presented. **Motion carried unanimously.**

### **B. Zoning Ordinance Amendment / Article 21 Electronic Changeable Copy Signs Second Reading**

On June 5, 2018, the City of Northville Planning Commission conducted a public hearing on the proposed text amendments to Article 21 Signs in the City of Northville Zoning Ordinance.

The proposed change pertains to electronic changeable copy signs, to define an electronic changeable copy sign, and prohibits any new such type of sign throughout the City. The Planning Commission made this decision on the belief that electronic changeable copy signs did not reflect the historic character of Northville. Any existing electronic changeable copy signs are grandfathered, and may continue. Other miscellaneous changes were made to the ordinance for clarity.

The Planning Commission is recommending approval of the proposed text amendment. Communication from the Planning Consultant and the proposed ordinance amendment was provided for City Council review.

**Motion Ekong, seconded by Giesa** to waive second reading and adopt the amendments to Article 21 Signs, pertaining to electronic changeable copy signs as presented. **Motion carried unanimously.**

## **NEW BUSINESS**

### **A. Request to Vacate Horton Street Right-of-Way**

In January 2018, local developers approached the Planning Commission to discuss their plan to develop three platted lots on Hill Street, which adjoin Maplewood Park to the south. The plan called for the paving of the undeveloped Horton Street right-of-way, which runs north of Hill Street, on the east edge of Maplewood Park to Maplewood Street. At that time, concern was expressed regarding the effect that extending the street would have on the park and adjoining neighborhood. Developing the street would not only provide access to the three home sites proposed by the developer, but several other existing lots of record could be developed if the road were built for the full length between Hill and Maplewood.

City Council received a memo and map from the City's Planning Consultant dated January 9, 2018. The memo explains the development issues with the proposed road. Several neighbors at the south end of this right-of-way have banded together and signed petitions, which request that the section of Horton Street, which adjoins their lots, be vacated. The undeveloped road goes behind the area that has been used, for the last 100 years, as a park. The neighbors wish to preclude any further residential development behind their existing homes and preserve the access for pedestrians and utility easements in this section of the right of way. They do not want to see Horton Street extended to Maplewood.

Section 7.6 of the City Charter states that "Council action to vacate, discontinue or abolish any highway, street, lane, alley or other public place, or part thereof, shall be by resolution. After the introduction of such resolution and before its final adoption, the Council shall appoint a time when it shall meet and hear objections thereto; and notice of the time, place and purpose of such meeting shall be published either separately or as part of any published proceedings of the Council."

Mark Vernacchia, 965 Novi Street, addressed the Horton Street vacation petitions. Vernacchia noted that the neighbors believed the land behind their houses was designated park land. Recent lot sales and builder activities prompted them to question any potential Horton Street extension behind or adjacent to their lots. The residents worked with the City Manager to develop a petition to request the City vacate the Horton Street extension.

During this effort, it was found that the land was intended to be park land, but was never vacated due to restrictions in State law. It was also discovered that the alley between Novi Street parcels and their second lot was vacated, but not the "park land." The residents that signed the petition want to preserve the land behind their parcels as "park land" and want to maintain the current pathways and access. Vernacchia also noted that Anthony Kontuly Sr. owns the parcels adjacent to the northern third of the Horton Street profile and has not joined this petition request as he wants to explore his options.

Vernacchia also requested the residents be advised of any potential tax implications before final approval of the vacation request. They did not want the vacation request to uncap the taxes for these parcels.

Comments from Staff explained that the City's Assessor stated that, while the value of the vacant land will be reduced, it will have some value assigned. It will not be a "zero" value as, theoretically, there is some value because the property line has moved. The City will keep an easement of 50 feet for utilities and to keep the area open to pedestrian access to the park area. The taxes for the existing homes and vacant land will remain "capped."

City Council comments voiced support for this request. The portion of land is integral to this wooded area and a road would dramatically change the feel of the area. In response to questions from Council, Staff explained that the part to the north still has the potential for a drive to go through.

Discussion ensued pertaining to the alley between Carpenter and Horton that runs through the park area. It was explained that development cannot occur off an alley, so this alley would not impact the future of the park land area. It was also noted that there are two platted lots that touch the Carpenter side that could be developed. Those property owners have not been approached. Comments from Council noted that while this is not a perfect solution, it helps maintain the integrity of this area for future generations to enjoy. In response to a question about illegal dumping, Staff explained that once vacated, any responsibility for illegal dumping would fall to the property owner.

**Motion Price, seconded by Ekong** to introduce the resolution to vacate the southern portion of Horton Street, between Hill and Maplewood, and to set a public hearing to consider said resolution for September 17, 2018. **Motion carried unanimously.**

**B. Allen Terrace Roof Replacement Project  
Change Order**

At its June 18, 2018 regular meeting, City Council approved the bid and awarded the contract for the Allen Terrace roof replacement to Garland/DBS, Inc. and their sub-contractor T. F. Beck Company, in the amount of \$313,129. This amount included: Alternate #1 Gutters (\$12,654), and Alternate #2 Roof Hatches (\$7,353).

The project is underway, and it was found that the original plywood decking was not properly secured to the joists as required by the Building Code. As a result, the plywood is buckling and separating from the structure, which could not have been known when the specifications were written.

Garland /DBS, Inc. requested a Change Order #1 Refasten Existing Plywood on Entire Building not to exceed \$8,453.50, to cover the added costs associated with the additional work. This is an estimated maximum cost based on the entire building. Should it be discovered that only a portion of the building requires re-fastening, only that portion of the building will be billed.

Capital Funds in the amount of \$350,000 were budgeted for the roof replacement project. The original contract amount plus Change Order #1 brings the total contract amount to \$321,582.50. To keep the project moving forward, Staff requested the remaining budget amount of \$28,417.50 be approved for contingencies.

**Motion Price, seconded by Darga**, to approve a Change Order with Garland/DBS, Inc. in the amount of \$8,453.50 for additional work on the Allen Terrace roof replacement and authorize the Director of Housing to execute the Change Order document on behalf of the City. Further, up to an additional \$28,417.50 is approved as a contingency in the event of other unforeseen change orders. **Motion carried unanimously.**

**MAYOR AND COUNCIL COMMUNICATIONS**

**A. Mayor and Council Communications**

Roth noted that the Conference of Western Wayne (CWW) received notice of an upcoming Assessing Forum in Novi. This pertains to the Treasury Department’s proposed changes to assessing laws. The changes would consolidate assessing functions with other municipalities for cities with a population less than 10,000. The “cookie cutter” solution proposed may not be a good fit for Northville. The City Manager noted that Staff has been monitoring the proposed changes. City staff will attend the meeting in Novi. The City Manager also received a packet of information from the State Treasurer’s office, which explains the rationale for the proposed assessment function changes. This will be forwarded to Council.

Roth also spoke about communication received from the Michigan Housing Development Authority regarding the City’s historic district being submitted for consideration by the National Registry. The City Manager explained nomination is one of the elements of the Historic Survey project.

**B. Staff Communications** None

Being no further business, the meeting was adjourned.

**Adjournment: 7:39p.m.**

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Dianne Massa, CMC  
City Clerk

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Ken Roth  
Mayor

Approved as submitted 9/5/18