

City of Northville
CITY COUNCIL REGULAR MEETING MINUTES
April 19, 2010

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, Michele Fecht

Absent: None

Also Present: City Manager Patrick Sullivan, Assistant City Manager/Finance Director Nicolette Bateson, DDA Executive Director Lori Ward, City Clerk Dianne Massa, members of Boy Scout Troop #755, reporter from the Northville Record, and ten citizens

PRESENTATIONS

A. Citizen Comments

Chuck Lapham, downtown property owner, urged the City Council to take a more aggressive approach to making the E. Main Street Walkway project a reality. While he could not understand why some merchants do not see the benefit of this project, he voiced the belief that the walkway will amortize the City's investment in Town Square and make it easier for customers to access Main Street businesses. The slower Michigan economy should help the City obtain very competitive and lower cost bids for this project.

In response to a question from City Council, Lapham explained that should the City Council select design Concept Two (full two-story walkway) the Northville Area Development Corporation has pledged approximately \$125,000 to help fund this design concept. He has not pledged funding for design Concept One.

Michelle Aniol, resident, voiced concern with the E. Main Street Walkway project. Comments questioned the funding pledge of \$125,000 from the Northville Area Development Corporation and how she could review the NADC records to determine that the funds actually exist. Additional questions pertained to why the City was resistant to considering use of Great Harvest as a walk-through location as the parking lot was reconfigured to provide a path directly to Great Harvest.

Comments from City Council noted that the pathway through the Marquis Parking Lot is centrally located to bring customers from CVS to the center of the downtown (not to Great Harvest specifically) and does not need to be reconfigured. The walk-through project has been discussed for at least 20 years and never had a specific location until the bank offered its space, or for a sizeable investment, the use of the Great Harvest space. Preliminary analysis found that the offer to use the Great Harvest location as a walkway/alley way rivaled the costs to create a walkway using the bank space.

Comments also noted that the NADC funds are not City funds as the NADC is not a City entity and is instead a private, non-profit corporation. Lapham noted that the NADC was started in 1962 to run for 30 years and is in dissolution since 1992 and is inactive. Persons interested in researching non-profit organizations can use a website known as Guidestar to find information.

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Approve City Council Minutes of: None

Receive Bills List: Checks #69507 to #69667, #69668 to #69706

Receive Board and Commission Minutes:

-Beautification: 11/2/09

Receive Departmental Reports: None

Board and Commission Appointments:

-Beautification Commission: Appoint Karen Bitterle to fill a vacancy with a term expiring 6/30/12

-Arts Commission: Appoint Elizabeth Oliver to fill a vacancy with a term expiring 6/30/11

Proclamation / May as Mental Health Month

Special Event Request / Memorial Day Parade / May 31, 2010

Special Event Request / Parking Lot Closure / Tipping Point Theatre

Motion carried unanimously.

RESOLUTIONS AND ORDINANCES

A. Platform Dining Ordinance / First Reading

At its April 5, 2010 meeting, the DDA presented the Platform Dining concept to City Council. At the meeting several issues were identified and more information was requested. Council moved to table the First Reading of the proposed amendments to the Sidewalk Cafe and Outdoor Dining Ordinance. DDA Staff prepared a comprehensive report to address the issues identified, which are summarized as follows:

- Merchant Input: The proposed ordinance was presented to the NCBA at their April 13th meeting. Of the 14 businesses represented, two businesses opposed the platform dining plan as it would result in loss of parking. One business had no strong feelings either way. Several businesses expressed positive comments and specific concerns. Contact was also made with several area merchants to gauge their support/opposition of this concept.

Standard Railing Detail: The Historic District Commission adopted Design Standards for Platform Dining at their March 31st special meeting. Applicants utilizing one of the three approved railing systems, as well as meeting the other specifications outlined in the Commercial Design Standards and the City's Sidewalk Café, Platform Dining, and Outdoor Seating Ordinance, may receive administrative approval. Other railing types would require submission to the HDC for its review and approval.

- Dedicated Bus Parking Plan: Four bus drop-off locations were identified:
 - A. Drop off area in front of the Marquis Theater
 - B. Mary Alexander Court (walk through Town Square to Main Street)

- C. Marquis Parking Lot loading area – Proposed walk-through to Main Street
- D. Loading area in front of Orin Jewelers – would accommodate a 36 ft bus or a 40 ft coach.

Coning the parking spots in front of Genitti’s was explored, finding that cones would require early morning placement to reserve the spaces and would need to remain during the event for pick up, utilizing two to three parking spaces per event, for a greater portion of the day.

- Fee Structure: Staff provided a fee comparison chart as well as a chart analyzing the cost of purchasing a parking credit for platform dining.
- Insurance Requirements: The City’s Municipal Risk Manager reviewed the draft ordinance and advised the City on the appropriate coverage levels, which are required as part of the permit process. This is a standard requirement for outdoor dining, sidewalk cafes, and the proposed dining platforms.
- Explore Limiting the Number of Platform Dining Permits: Following DDA staff review of current restaurant locations and drinking establishments, as well as the proposed streetscape design, it was found that three existing restaurants would be eligible to utilize platform dining. Staff recommended that the two restaurants currently seeking a dining platform permit be issued a one-year trial basis permit. The Ordinance also provides that permits are reviewed and granted on an annual basis.
- Parking Loss: The Parking Committee voted to support the dining platform concept; however, one member expressed safety concerns. In addition, the Parking Committee suggested shorter permit time periods with a trial basis to evaluate the program and the end of the trial period.
- Impact of Adjacent Property Owners in Birmingham: Birmingham’s City Planner noted they have not received any complaints from surrounding businesses. Surrounding businesses noted an increase in foot traffic that out-weighed any loss of parking.
- Use of Dining Platforms During Special Events: In Birmingham, the restaurants require users to be paying customers. DDA staff recommends that restaurants allow the public to use the platforms for parade viewing.
- Safety Issues: The City of Birmingham has not had any accidents or safety events associated with platform dining. Staff is waiting for a review of proposed dining platforms being done by the Building Official.

Council Comments and Discussion: Comments and questions included:

- Discussion ensued pertaining to designated bus loading zones. Most complaints have been directed to the busses stacking in front of the Marquis Theatre, which block traffic. The E. Main Street Walkway will assist the Marquis with this problem. Comments from Council did support coning the parking spaces in front of Genitti’s to provide for a temporary bus loading zone as this was viewed as a good use of the parking spaces in front of this business.
- A comment voiced the need to be cognizant of where the City allows the placement of platform dining so that businesses that rely on having a bus loading area are not negatively impacted.

- Suggestion from Staff to issue temporary right-of-way permits to the restaurants interested in providing platform dining. City Council could adopt rules for platform dining, which would include design standards and limit the time and locations. These rules would give the City more flexibility, and changes to the guidelines could be done without the cumbersome process required to amend the ordinance.
- Comments from City Council suggested that the current outdoor seating and sidewalk café ordinance be changed to guidelines with a right-of-way permit. The guidelines and ROW permit give the City more control over what can be done in the right-of-way. The request would come before City Council for approval. Approvals for a renewal for outdoor seating, sidewalk cafes, and platform dining could be placed on the consent agenda.
- The proposed ordinance is currently directed to businesses on Main Street or Center Street. Modifications should be made to allow for platform dining on Mary Alexander Court, which has angled parking. Having guidelines would allow flexibility to address the unique circumstances for certain businesses.
- Further modification to the proposed platform dining ordinance were requested:
 - Section 74-174 (b): Modify the text to remove the word “abutting” and modify text to clarify that the dining platform cannot protrude more than six feet from the curb.
 - Section 74-174(h): Add light poles, street furniture, street planters to this section. Fixtures that are removed to accommodate a dining platform should be replaced when the dining platform is removed for the season.
- Comments voiced concern with Section 74-174(g) in which the dining platform owner assumes full responsibility for damage to public property caused by the placement and operation of a dining platform, including repairing any damage to public property at their own expense. As Main Street will have a new asphalt street in 2011 (which is more susceptible to pressure), there was concern that the platform will leave indentations that will be costly for the dining platform owner to repair. The platform needs to be built in a manner that spreads the weight load to avoid damage to the street and sidewalk.
- Comments voicing the belief that dining platforms should be open for lunch. If the restaurant is not open for lunch, the dining platform should be allowed for use during non-business hours. As with Poole’s Tavern using the circular area of Hutton Park for its sidewalk café, if the restaurant is not open, the public should have the right to use the dining platform. The owner of Table 5 voiced that she would not have a problem with allowing public use of the dining platform during non-operating hours.
- Should the City Council choose to adopt dining platform guidelines, DDA staff would like to make further modifications to the Outdoor Seating and Sidewalk Café ordinance, including the possibility of repealing the ordinance and adopting outdoor seating/sidewalk café guidelines that would require a ROW permit. This would be brought to City Council at a future meeting.
- DDA staff was directed to remove the platform dining rules from the proposed ordinance amendment as modified and insert those into a schedule of rules that include the design standards approved by the HDC. The schedule of rules for platform dining could be provided to City Council for review. If needed, the guidelines could come back to City Council for further review.

- Following discussion on guidelines pertaining to the size of a dining platform and to what amount the platform will be allowed to overlap the sidewalk, it was decided that the standards found in Section 74-174 (b) of the proposed ordinance amendment were sufficient.

Motion Darga, seconded by Allen to adopt the design and operational guidelines for platform dining and authorize the City Manager to issue right-of-way permits. **Motion carried unanimously.**

Following brief discussion, at this time, it was the consensus of the City Council to keep the fee schedule the same.

NEW BUSINESS

A. Request for Outdoor Seating – Poole’s Tavern, 157 E. Main Street

In February 2010, Poole’s Tavern submitted an application for the 2010 outdoor seating/sidewalk café season. The application was consistent with previous year’s use of the adjacent City property, including the circular area known as Hutton Park. Per City policy, the application was forwarded to the various Departments for review and comment. The application was supported by the Department Heads and subsequently approved by the City Manager.

Since the initial application was approved, Poole’s Tavern has submitted a letter requesting the tables be left in place seven days a week in the Hutton Park circular area. The hours of operation are proposed to be Thursday-Saturday 11:00 am to 12:00 am and Sunday from 12:00 pm to 9:00 pm. Further, Poole’s requested that the benches be removed. As the request will impact use of the adjacent public park, the application and supporting documentation was provided to City Council for consideration.

John Lamerato of Poole’s Tavern further explained that Poole’s would actually prefer to leave the furnishings in the area throughout the outdoor dining season, remove the benches that are in disrepair and not used, add three tables to replace the benches, and allow service in the circular area during lunch and/or dinner hours when the weather permits and when the other outdoor seating area is full.

Council Comments and Discussion: A comment voiced concern with the loss of the benches, which are currently used to accommodate the overflow customers waiting for a table. Poole’s Tavern believed that the number of overflow customers will be eliminated as Poole’s will gain additional seating by removing the benches to accommodate more tables/chairs. It was also suggested that the benches from the circular area be relocated to N. Center Street.

Motion Fecht, seconded by Darga to consider Poole’s request to modify their schedule of outdoor seating in the circular park area (as presented this evening) and direct administration accordingly. **Motion carried unanimously.**

B. Buy Michigan Now Festival / Co-Sponsor Agreement

In 2009, the DDA cosponsored the first annual Buy Michigan Now Festival. Buy Michigan Now is a statewide initiative to inform, educate, and encourage Michiganders, organization and consumer alike, to support the local economy by purchasing products and services made in Michigan and from Michigan-based companies. The festival included various Michigan entertainment, educational seminars, and

products. The print, radio, and television coverage of the event gave incredible exposure to the community and to the businesses who participated in the event.

Buy Michigan Now has approached the DDA to return the festival to downtown Northville. This year the event will be a three-day festival held August 6-8 and will coincide with the NCBA's Sidewalk Sale. The event will provide musical entertainment throughout the downtown, on-street vendor opportunities showcasing Michigan products, and educational programs and demonstrations.

The DDA was asked to cosponsor the event for a second year. The DDA's Marketing Committee reviewed the proposal and voted unanimously to support the festival in an amount not to exceed \$5,000. In addition, the Marketing Committee requested that DDA staff solicit additional sponsors to defray the DDA expenses, if possible.

The Marketing Committee's recommendation will be considered by the DDA Board at its April 20, 2010 meeting. An email was sent to the DDA Board advising that the Council would be considering the sponsorship in advance of the DDA Board, and asked for Board members to contact Staff with any questions or concerns.

The contract was submitted to the City Attorney for review and approval, and to MMRMA to provide guidance on the amount and types of coverage required as part of the contract. The City Attorney approved the contract language, and the MMRMA insurance recommendations were included. The DDA has budgeted \$8,000 for sponsorship opportunities in its 2010–11 budget. The marketing budget line item Downtown Programming & Promotions has sufficient funds to sponsor the Buy Michigan Now Festival.

Motion Allen, seconded by Darga to approve the attached contract between the Catalyst Company, LLC d/b/a Buy Michigan Now and the Northville DDA in the amount of \$5,000 for the DDA to cosponsor the second annual Buy Michigan Now festival August 6-8, 2010, with City Council approval subject to the DDA approving said contract at its April 20, 2010 meeting. **Motion carried unanimously.**

COMMUNICATIONS

A. Mayor and Council Communications

Bingham commended the NADC in its pledge of funds for the E. Main Street Walkway project. However, he was concerned with the fact that the NADC has one remaining member and suggested that appropriate steps be taken to assure that the agreement to provide these funds ensures that the City will be able to receive them should something happen to the remaining member of the NADC.

Darga noted that the Art House will be hosting the annual Student Art Fair.

B. Staff Communications None

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

Adjournment: 8:58 p.m.

Respectfully submitted,

Dianne Massa, CMC
City Clerk

Approved as submitted: 5/3/10

Christopher J. Johnson
Mayor