

City of Northville
CITY COUNCIL REGULAR MEETING MINUTES
July 18, 2011

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 and Michele Fecht

Absent: Councilmember Douglas Bingham (excused)

Also Present: City Manager Patrick Sullivan, City Clerk Dianne Massa, Department of Public Works Director James Gallogly, Parks and Recreation Interim Director Joanna Harris, Planning Consultant Don Wortman of Carlisle/Wortman Associates, Planning Commissioner Carol Maise, representatives from NRG Holdings, representatives from Raycen Group, reporter from Patch.com, and 19 citizens

PRESENTATIONS

A. Citizens Comments None

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 June 20, 2011
- Regular Meeting of July 5, 2011

Receive Bills List: Checks #75161 to #75254, #75255 to #75356, EFT's # 500062, Checks #75357 to #75498

Receive Board and Commission Minutes:

- Beautification Commission: 5/2/11

Receive Departmental Reports:

- Fire: 3/11
- Police: 3/11

Board and Commission Appointments:

- Board of Zoning Appeals: Reappoint William Lokey and Patti Mullen, each to three year terms expiring 7/1/14
- Planning Commission: Reappoint Chris Gazlay, Charlie Jerzycke, and Jay Wendt, each to three year terms expiring 6/30/14
- Board of Zoning Appeals: Appoint Carol Maise as the Planning Commission Liaison to the BZA, for the remainder of her term expiring 6/30/12

- Arts Commission: Reappoint Gerry Culpepper and Lisa Meinzinger-Abraham, each to three year terms expiring 6/30/14

Resolution / Senior Alliance Annual Implementation Plan
Special Event Request / NABF World Series / July 27, 2011
Special Event Request / 3rd Grade Victorian / September 16, 2011
Special Event Request / Susan G. Komen 3 Day Walk / August 12, 2011
Special Event Request / Rouge Street Block Party / July 23, 2011
Special Event Request / Victorian Festival / September 16-18, 2011
Special Event Request / NCBA Sidewalk Sale / August 5-7, 2011
Special Event Request / Buy Michigan Now Festival / August 5-7, 2011

Motion carried unanimously.

PUBLIC HEARINGS

A. Final Planned Unit Development and Site Plan Approval / Garage Restaurant / 202 W. Main

In the fall of 2010, NRG Holdings of Plymouth Township submitted an application for a Planned Unit Development (PUD) to renovate the existing building at 202 W. Main (the former Gardenviews location) to establish a restaurant, bar and banquet room. The development, with the working title of “The Garage,” has a gross floor area of 6,403 square feet. The applicant proposes to have a dining room and bar area that seats 124, a banquet room that seats 72, and outdoor seating for 48 people. The establishment would have a total seating capacity of 244. The property is presently zoned GCD – General Commercial District.

Previously, on January 4, 2010, the Northville Planning Commission held a public hearing and granted the project PUD eligibility. On March 7, 2011, the City Council granted preliminary approval. On June 7, 2011, the Planning Commission recommended final PUD approval. Since approval of a PUD requires adoption of an ordinance to change the zoning, the proposed ordinance amendment must have two readings before Council. The first reading was held on July 5, 2011. The PUD Ordinance requires that Council hold an additional public hearing on the proposal which is scheduled for July 18, 2011.

In accordance with Article 20, Section 20.08, a PUD Agreement has been drafted to accompany the site plan. Based on comments at the last Council meeting, the agreement has been amended to reflect modifications to the opening times (8:00 a.m.) and restrictions on noise from outdoor speakers. The modified PUD agreement was provided to City Council for further review.

Second reading and possible adoption of the zoning ordinance map amendment to rezone the property from GCD to PUD would be scheduled for a special Council Meeting on July 25, 2011. As part of this zoning change, the PUD Agreement, and an agreement to sell parking credits, in accordance with section 17.03 of the Zoning Ordinance, would need to be considered for approval.

Public hearing opened at 7:34 p.m.

Carolann Ayers, resident, requested further clarification on procedural questions with the PUD Agreement should the current developer not wish to proceed with the project after the PUD Agreement is approved and the property is rezoned. It was explained that the PUD Agreement is a binding agreement that goes with the property. A new developer would need to comply with the terms of the PUD Agreement. If a new developer would want significant changes to the PUD Agreement, that developer would have to go back to the Planning Commission with an application for a minor/major PUD

Agreement modification. If the PUD defaults or expires, City Council can rezone the property back to its original zoning. Any parking credits purchased would stay with the property.

Charles Keys, resident, noted that free parking near his home has become almost non-existent due to Star Manor directing its employees and visitors to use on-street parking. Keys questioned whether the proposed restaurant would have similar parking problems with employee and customer parking, which will ultimately affect the adjacent residential neighborhood. Final comments also voiced concern with possible lack of parking enforcement for the restaurant parking lot exit routes.

Mary Starring, resident and business owner, stated that she was appalled at the number of meetings this developer has attended in order to receive the approvals needed to proceed with this project. Starring commended the developer on its perseverance and voice support for this much needed project in the downtown.

Rick Franks, business owner, commended the developers for their perseverance in pursuing this project. Stated this is a much-needed investment in the downtown and voiced his support for the project.

John Mitchell, resident, noted that the neighborhood perspective was to find balance with the largest restaurant in the City. Mitchell noted that most issues raised by the neighborhood were now included in the draft PUD Agreement. However, parking concerns remain as the neighborhood's unresolved issue with this project.

Jim Long, resident and business owner, noted that these are developers with a good business plan to take a vacant building and turn it into a much-needed restaurant and downtown business. He voiced support for the project.

Mary Beth Widak, 217 W. Dunlap, resident, voiced concern with current neighborhood parking issues and the likelihood of increased parking and traffic in the neighborhood once the restaurant was open. She voiced the need for a more permanent agreement stipulating that parking on neighborhood streets would not continue to be a problem for the residents.

Being no further comments, the public hearing closed at 7:48 p.m.

Council noted that action on the proposed PUD Agreement and the rezoning is scheduled for a special meeting called for July 25, 2011 at 7:00 p.m. at City Hall. No action taken.

RESOLUTIONS AND ORDINANCES

A. Zoning Map Amendment (Rayson and Center Street - lots 649, 650, 651, 652a of Assessor's Plat No. 7) / Rezone from Planned Unit Development to Central Business District – Conditional Zoning / First Reading

In 2008, the property located at the northeast corner of Rayson Street and North Center Street (lots 649, 650, 651, 652a of Assessor's Plat No. 7) was rezoned from Professional and Business Office District (PBO) to Planned Unit Development (PUD) as requested by Meridien Development of Washington, Michigan. The proposed PUD would have constructed a mixed-use commercial/residential complex called Center Street Square and include 2,400 square feet of first floor retail and 17,443 square feet of second and third story residential, including 15 condominium units. There has been no progress on the

development since the original approval. It has been indicated that the approved plan is no longer feasible, and the PUD Agreement and extension has expired.

On June 21, 2011, the Planning Commission held a public hearing on proposed rezoning of this property. A rezoning application submitted by Raycen Group LLC (Jim DeLano – Pizza Cutter) requested that the current zoning of Planned Unit Development be changed to Central Business District / Conditional Zoning. The proposed rezoning would allow for a variety of land uses, including retail, restaurant, or office uses. As a conditional rezoning, the property owner has voluntarily imposed development restrictions on the parcel to be developed which are included in the Conditional Rezoning Agreement. The project conditions note that:

- The project shall contain no building which is to be more than two stores or 30 feet in height;
- All buildings will be built as close to N. Center Street as City codes permit;
- All parking will be located behind the buildings, if looking from N. Center Street;
- 10% of the property will be dedicated for landscape. This includes landscape as a buffer between the lots and the residential lots located to the east side of the property; and
- All buildings or tenant spaces built on the property must share at least one common wall.

The Planning Commission has recommended that the City Council rezone the property as requested. Communication from the City's Planning Consultant and the proposed zoning ordinance map amendment and Conditional Rezoning Agreement were provided for City Council's review.

Council Comments and Discussion: In response to a question from Council to ensure that the architecture will be that of a quality project, it was noted that architecture is not part of the rezoning process. If the rezoning is approved, the applicant will need to submit a site plan to the Planning Commission.

Sue Hooper, resident, questioned if the rezoning addresses on-site parking as the medical office in the same vicinity is directing patients to use neighborhood on-street parking instead of its on-site parking. It was explained that at this time, land use and zoning is the issue. The developer will need to go back to the Planning Commission with its proposed site plan. However, it was noted that at this time, it appears there is sufficient on-site parking to meet the zoning requirements.

Motion Allen, seconded by Fecht to introduce for first reading, the proposed zoning ordinance map amendment to rezone the property located at the northeast corner of Rayson Street and North Center Street (lots 649, 650, 651, 652a of Assessor's Plat No. 7) from Planned Unit Development to Central Business District / Conditional Zoning and Conditional Rezoning Agreement as presented, with second reading and possible adoption scheduled for August 1, 2011. **Motion carried unanimously.**

B. Zoning Ordinance Amendment / Articles 18 and 20 / First Reading

On June 21, 2011, the Planning Commission held a public hearing on proposed text amendments pertaining to Sections 18.09 (fence amendments), 18.12.9/18.12.10 (storage permit fees), and 20.10 (PUD amendments). Following the public hearing, the Planning Commission passed a motion recommending City Council approval of the proposed text amendments.

The proposed amendments to Article 18 General Provisions will allow front yard fences for parcels in excess of two (2) acres in size and with frontage of at least two hundred (200) feet (18.09). It will also modify the current storage fees as listed within the Zoning Ordinance to a schedule established by the Northville City Council (18.12.9/18.12.10).

The proposed amendment to Article 20 Planned Unit Development (PUD) will allow the City to rezone an expired PUD to its previous designation or to a different zoning classification in accordance with amendment procedures (20.10). Communication from the City's Planning Consultant and the proposed zoning ordinance amendment were provided for City Council's review.

Council Comments and Discussion: It was further explained that when a PUD expires, the proposed amendment to Article 20 would provide the City Council with greater flexibility to more appropriately rezone property to conform to the City's Master Plan. The rezoning would require a public hearing.

Motion Darga, seconded by Allen to introduce for first reading, the proposed amendments to Article 18 General Provisions (fences and special storage permits) and Article 20 Planned Unit Development in the City of Northville Zoning Ordinance as presented, with second reading and possible adoption scheduled for August 1, 2011. **Motion carried unanimously.**

NEW BUSINESS

A. Changes to the Historic District Commission Rules and Regulations

In 2003, the Historic District Commission (HDC) Rules and Regulations were created, in part, to facilitate the performance of the HDC's duties as outlined in the City of Northville Historic District Ordinance.

Recently, Carlisle/Wortman Associates, the City's Historic District Commission consultant, was asked to review the conflicting language between the Historic District Demolition Guidelines and language in the HDC Rules and Regulations regarding demolition and/or moving of a building. In its May 9, 2011 memo to the HDC, Carlisle/Wortman noted that Section E of the Historic District Demolition Guidelines describes a two-step process for the HDC to follow in evaluating a proposed building demolition or moving. It also allows the HDC to waive the public hearing requirement, by majority vote, if it determines that the building in question has no historical or architectural significance.

In contrast, Section 3.3 of the HDC Rules and Regulations describes a three-step process for evaluating a demolition or moving request, and requires a unanimous vote to determine whether a building has no historical or architectural significance. The purpose of the HDC Rules and Regulations is to describe selection of officers, procedure for running meetings, etc. As such, Carlisle/Wortman determined that having language in several documents that describes the same procedures could be problematic. As the Historic District Demolition Guidelines exist, there is no reason to have the same language in the HDC Rules and Regulations.

Carlisle/Wortman recommended eliminating most of the language from the Rules and Regulations relating to demolition and moving of structures, and refer the reader to the Historic District Demolition Guidelines. At its June 15, 2011 meeting, the HDC reviewed the proposed changes and concurred with Carlisle/Wortman's recommendation to eliminate most of the language from the HDC Rules and Regulations and refer the reader to the Demolition Guidelines. In addition, the HDC also extended the time frame to begin a project, from six months to one year. That proposed change is found in Section 4.11.

Council Comments and Discussion: Further explanation was given on the conflicting language in the HDC Rules and Regulations and the Historic District Demolition Guidelines.

Motion Fecht, seconded by Allen to concur with the Historic District Commission and approve the proposed amendments to the Historic District Commission Rules and Regulations as presented with an

effective date of August 17, 2011 in accordance with Section 42-21(6) in the Code of Ordinances.

Motion carried unanimously.

B. Request by Poole's Tavern / Hutton Park Circular Area

Recently, Poole's Tavern requested that they be allowed to amend their Outdoor Seating Permit to allow for use of the circular area in Hutton Park to be used seven days per week. They had previously requested use of the area Thursday through Sunday. In previous Council meetings this year, Council has amended the permit to grant discretion to City Staff to approve the number of tables and chairs, and to allow use of the original outdoor seating until 1:00 a.m. At a previous Council meeting, it was discussed that the fee for Poole's, and perhaps all outdoor seating, should be reviewed. Previously, Administration provided information to Council regarding what other communities charge for outdoor seating. Administration also requested that Council discuss the fees charged for this area and give staff direction as to what arrangements should be made for next season.

Council Comments and Discussion: Comments from City Council concurred that the Administration is in need of definite discussion and direction from Council pertaining to the fee for outdoor seating. Comments also noted that while this circular area is not a designated park, it is a public space that is no longer available for public use.

Carolann Ayers, resident, noted that the area is not available for public use. However, it is in an excellent location, in great shape for its current use, and could be a revenue source. Ayers suggested that entering into discussions to consider selling the property to Poole's might be appropriate. Renting the property for use might not have the value that the City is looking for.

Motion Allen, seconded by Fecht to approve Poole's request to use the circular area in Hutton Park seven days per week for the remainder of this year. **Motion carried unanimously.**

C. Purchase of F-150 Truck for the Parks and Recreation Department

The Parks and Recreation Department FY2012 budget includes the purchase of a 2011 F-150 truck. The truck will replace a 2000 pickup truck that has in excess of 100,000 miles, and in need of major repairs. The 2011 F-150 truck is one of several vehicles available through the Macomb County Cooperative Purchasing program.

The Macomb County Cooperative Purchasing program allows government agencies to take advantage of joint purchasing opportunities. The City of Northville Purchasing Ordinance, (Section 2-182c3) allows the City to participate in governmental and cooperative purchase agreements. City staff believes the pricing provided through this cooperative program is the best available value for the vehicle and there would be no additional savings gained by competitively bidding the purchase.

There is \$31,000 appropriated in the FY2012 budget for equipment purchases including this vehicle. The price of the vehicle through the Macomb County Cooperative Purchasing program is \$23,973.

Motion Fecht, seconded by Darga to approve the purchase of a 2011 F-150 Truck for the Parks and Recreation Department totaling \$23,973 with the Macomb County Cooperative Purchasing program. **Motion carried unanimously.**

D. Contract Award for Improvements to the Marquis Parking Lot (Private Property)

The City of Northville has been approached by business and property owners in downtown Northville requesting improvements to the southwest portion of the Marquis Parking. This area of the parking lot is privately owned and was not improved in 2008 when the public portion of the parking lot was reconstructed by the City. Acting on this request, City/DDA staff contacted all the property owners who abut this private parking area and invited them to a meeting to discuss parking improvement possibilities. The meeting, which was attended by most of the impacted property owners, resulted in a plan to have the City improve this private area for public parking in exchange for a long term easement from each of them for public parking use.

On June 29, 2011 the City received bids to reconstruct the private portion of the Marquis Parking Lot as follows:

Nagle Paving Company	\$54,129.25
Cadillac Asphalt, LLC	\$87,610.00
Al’s Asphalt Paving Co.	\$83,986.75

During discussions with the property owners, City staff suggested that, subject to City Council approval, the City could improve the private parking area if they were willing to grant the City long-term easement rights for control, regulation, operation and maintenance of the parking area. In a meeting with the property owners, it was agreed that 20 years should be used as the time period, and that the easement could continue after 20 years on a year-by-year basis, unless terminated by either side.

Over the past year the City has secured agreements for 20-year parking easements from all of the affected property owners. This project has been designed and bid, and accurate costs are now known for this project. Vitins Engineering, the designer of the 2008 Marquis Parking Lot, was asked to perform the preliminary and final design for this parking lot improvement. The design optimizes the amount of parking in this area and provides a safe sidewalk directly behind the buildings for shoppers to go door to door as they do in front of the stores on Main and Center streets.

The construction bids have been checked and analyzed by the project consultant, Vitins Engineering, and based on this review it has been determined that the low bid submitted by Nagle Paving Company meets the requirements of the contract documents. The contract has also been reviewed by the City Attorney and Michigan Municipal Risk Management Authority, and it is recommended by Staff that City Council award this contract to Nagle Paving Company of Novi, Michigan.

The cost incurred / estimated for this project is as follows:

Construction Cost (Based on Nagel bid)	\$54,129.25
Construction Contingencies (10%)	\$ 5,520.75
Field Surveying (Vitins)	\$ 800.00
Engineering Plans (Vitins)	\$ 1,200.00
Contract Admin and Public Relations (Vitins)	\$ 750.00
Construction Layout (Vitins)	\$ 500.00
Construction Observation/Inspection (Vitins)	\$ 4,600.00
Property Survey and Legal Work (McNeely & Lincoln)	<u>\$ 3,000.00</u>
TOTAL:	\$70,500.00

Funding for this improvement project (\$90,000) was included in the FY2012 budget. The funding source for this project is the City’s “Parking Fund.” The proposed cost for construction, including engineering, surveying, and contingencies is well below the approved budget for this project.

Council Comments and Discussion: It was noted that the easements improve the cohesiveness of the area by adding sidewalk that connects to the walkway. It was further explained that this project is funded by the Parking Fund, which includes parking credits previously purchased by these property owners.

Motion Darga, seconded by Fecht to authorize City Staff to secure 20 year parking easements from property owners adjacent to the Marquis Parking Lot and agree to improve, operate and maintain a private area in the Marquis Parking Lot as a public parking lot for this time period. **Motion carried unanimously.**

Motion Darga, seconded by Allen to approve a change order to Vitins Engineering’s professional services contract with the City to be made in the amount of \$7,350 for Marquis Parking Lot engineering, award a construction contract to Nagel Paving Company in the amount of \$54,129.25, and authorize the Public Works Director to sign said contract for the recommended improvements to the Marquis Parking Lot. **Motion carried unanimously.**

Motion carried unanimously.

E. Contract Award – Northville Square Parking Lot Improvements

On June 29, 2011, the City of Northville accepted bids for the reconstruction of the Northville Square Parking Lot in downtown Northville as follows:

Nagle Paving Company	\$262,903.30
Cadillac Asphalt, LLC	\$334,217.00
Al’s Asphalt Paving Company	\$380,691.75

Vitins Engineering, the project consultant, has checked and analyzed the bids and based on this review, determined that the low bid submitted by Nagle Paving Company meets the requirements of the contract documents. The contract was reviewed by the City Attorney and Michigan Municipal Risk Management Authority, and it is recommended that City Council award this contract to Nagle Paving Company of Novi, Michigan.

As the contractor’s bid is well below the engineer’s estimate and the City’s approved budget for this project, it is recommended that the full replacement of the sidewalk on the west side of the parking lot be added. Based on unit prices in the bid, the cost for this extra work is \$7,448.25. Funding for this improvement project is included in the FY2012 budget as part of the City’s “Parking Fund.” The proposed cost for construction, including the above noted addition, is \$270,351.55 and is well below the \$380,000 budget approved for this project.

Council Comments and Discussion: In response to a question, it was noted that Nagle Paving Company is not the contractor used for the Taft Road and E. Main Street paving projects.

Motion Fecht, seconded by Allen to approve and award an agreement and change order in the not-to-exceed amount of \$270,351.55 to Nagle Paving Company of Novi, Michigan for the Northville Square Parking Lot Improvements Project, and authorize the Public Works Director to sign this agreement and

change order on behalf of the City of Northville. **Motion carried unanimously.**

F. Contract Award for the Annual Sidewalk Program

The City's Capital Improvement Plan for streets, drainage, and sidewalks proposes a small amount of improvements to the City's sidewalk system each year. In addition to sidewalk improvements performed with each street improvement project, the City annually undertakes a small program of sidewalk improvements throughout the City of Northville. The scope of work for this annual project includes the spot repair of sidewalks at various locations throughout the City.

For 2011, the selected locations are based on concerns raised by residents throughout the past year, as well as replacements based on inspections made by Staff. The purpose of this annual program is to improve the walkability of the City's sidewalk system and reduce the likelihood of trip and fall incidents. On July 14, 2011 the City received bids from four contractors for replacement of sidewalk as follows:

Hartwell Cement Company	\$32,425.00
R. L. Sheredan	\$30,500.00
Goretski Construction Company	\$29,999.98
McCarthy Construction Company	\$41,050.00

Following bid review and analysis, it was recommended that Goretski Construction Company be awarded this project. The contract documents were reviewed and approved by the City Attorney and Michigan Municipal Risk Management Authority. Consistent with previous years, the funds for sidewalk replacement are proposed annually in the Local Streets Program. This funding comes from a dedicated millage for streets, drainage, and sidewalks approved by voters in 1997. It is recommended that the entire budgeted amount of \$35,000 be allocated and approved for the 2011 sidewalk replacement program.

Motion Darga, seconded by Fecht to approve and award a contract in the not-to-exceed amount of \$35,000 to Goretski Construction Company, using the current Michigan Department of Transportation standards, and authorize the Public Works Director to sign this contract on behalf of the City. **Motion carried unanimously.**

COMMUNICATIONS

A. Mayor and Council Communications

Darga spoke about the Chamber of Commerce Car Tunes Festival and the Concours d'Elegance of America, which is an annual world-class competition of significant and rare cars being held at St. John's for the first time on July 31, 2011.

B. Staff Communications None

Adjournment: 8:38 p.m.

Respectfully submitted,

Dianne Massa, CMC
City Clerk

Approved as submitted: 8/15/11

Christopher J. Johnson
Mayor