

City of Northville
CITY COUNCIL REGULAR MEETING MINUTES
February 18, 2014

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, Sam Ekong, and Ryan McKindles

Absent: None

Also Present: City Manager Patrick Sullivan, City Clerk Dianne Massa, Parks and Recreation Director Jason Spiller, Public Works Director James Gallogly, and Doug Simpson from The Senior Alliance. No citizens were present.

PRESENTATIONS

A. Citizens Comments None

B. The Senior Alliance / Overview of Services and Local Match

Doug Simpson provided a brief update of The Senior Alliance and the programs offered. City Council comments commended The Senior Alliance on regenerating a program that was on the verge on financial collapse. Questions from City Council pertained to the funding mechanisms for The Senior Alliance.

APPROVAL OF AGENDA AND CONSENT AGENDA

Motion Darga, seconded by Allen to adopt the agenda and consent agenda as presented.

Approve City Council Minutes of:

- Regular Meeting of January 22, 2014
- Regular Meeting of February 3, 2014

Receive Bills List: Checks #86787 to #86871, Checks #86872 to #86941, EFT #500160

Receive Board and Commission Minutes: None

Receive Departmental Reports:

- Youth Assistance: 2/14

Board and Commission Appointments: None

Special Event Request / Flower Sale / May 23 – 24, 2014

Special Event Request / 2014 Tunes on Tuesday Children’s Concert Series

Special Event Request / Block Party / Gardenviews 19th Anniversary / May 24, 2014

Resolution / Wayne County Hazard Mitigation

Disposal of Used Equipment / Ford F-450 Dump Truck / Damaged Due to Fire

Motion carried unanimously.

RESOLUTIONS AND ORDINANCES

A. Proposed Zoning Ordinance Amendment / First Reading

At its November 5, 2013 meeting, the Planning Commission conducted a public hearing to consider a text amendment to Article 19 in the City of Northville's Zoning Ordinance. The proposed text amendment would amend the zoning ordinance for the purpose of updating site plan review procedures by adding a new Section 19.04.1. This section would encourage prospective applicants to attend a pre-application meeting in order to review the ordinance requirements. The pre-application meeting may be attended by the City Planner, Building Official, Public Works Director, and other individuals as requested by the City Manager.

Following the public hearing, the Planning Commission recommended City Council adopt the proposed amendments to Article 19.

City Council Comments and Discussion: Responding to a question from City Council, City Staff explained that the Pre-application Fee adopted by City Council should offset the expense to have the Planning Consultant review and facilitate the meeting. The fee may need to be adjusted to further offset the expense for various Staff reviews as well as the expense that would be assessed by the City of Plymouth to have the Building Official attend an additional meeting.

A separate comment spoke of the request by the Board of Zoning Appeals to have the Building Official attend the BZA meetings, and to include this additional meeting expense as part of the budget.

Motion Allen, seconded by Darga to introduce for first reading, the proposed amendments to Article 19 in the City of Northville Zoning Ordinance, pertaining to site plan pre-application meetings as presented, with second reading and possible adoption scheduled for March 17, 2014. **Motion carried unanimously.**

NEW BUSINESS

A. Award of Friday Night Concert Series Production for 2014 Season

Since 2007, the City of Northville has contracted services with professional production companies for entertainment selection, on-site concert production, and contractual agreements with the entertainment for the popular Friday Night Summer Concerts Series. On January 13, 2014, the Parks and Recreation Department solicited bids for the 2014 Summer Concert Series Production Services. One bid was submitted by JAG Entertainment for \$ 22,400 for 13 concerts for the 2014 concert series.

James Gietzen, President of JAG Entertainment, has prior experience providing production services for the Northville Friday Night Concert Series. JAG Entertainment was contacted and agreed to provide additional insurance coverage for the City of Northville. The 2014 contract is the same as the 2013 agreement which has been reviewed by the City Attorney and the City's liability insurance provider MMRMA, and their requirements have been incorporated into the agreement.

The concert series is funded primarily through sponsorships. Confirmed sponsorships for the 2014 Friday Night Summer Concert Series include the Northville Downtown Development Authority (DDA), Tom Holzer Ford, and from individual concert sponsorships sold. There will be no budget impact for the

2013-2014 fiscal years. However, due to an increase in the amounts of concerts and lower projected funding levels by the DDA, a minimal budget impact will occur in future fiscal years.

City Council Comments and Discussion: Discussion ensued pertaining to the Parks and Recreation Department's continued efforts to secure additional sponsorships to help fund the concert series. It was suggested that the Recreation Department consider partnering with an established 501c3 group to assist in obtaining grant funding and to also submit a grant application to the Michigan Council for the Arts to help fund this series.

Motion Darga, seconded by McKindles to approve the 2014 Summer Concert Production agreement as submitted with JAG Entertainment of Wixom, Michigan in the amount of \$ 22,400 and authorize the City Manager to sign the agreement on behalf of the City. **Motion carried unanimously.**

B. Approval of Intergovernmental Agreement / Seven Mile Road and Hines Drive

The City received a standard Intergovernmental Agreement from Wayne County Department of Corporation Counsel for the rehabilitation of Seven Mile Road and Hines Drive in the City of Northville. This project is being administered by the Engineering Division of the Wayne County Department of Public Services under an agreement with the Michigan Department of Transportation (MDOT) utilizing federal program dollars.

It is necessary for the City to enter into this Intergovernmental Agreement to share local costs in order to proceed with this improvement. Seven Mile Road, through the City of Northville, has been on Wayne County's priority list for street improvements for several years. Design has progressed with community input in an effort to make this improvement meet the needs of Wayne County and the City of Northville. It is anticipated that this project will begin in early spring and be completed by the end of Summer 2014.

The City Attorney has reviewed this agreement on behalf of the City and had no objections to this agreement. Wayne County received federal funding totaling \$885,617 for this project. As standard practice, they share the local cost of the project with the cities that the projects are in. In the case of Northville, the City would pay 50% of the local cost which totals \$98,192. The City has budgeted sufficient funds in its Major Street Fund to cover this expenditure.

City Council Comments and Discussion: City Staff further explained how the City's local share amount was determined. It was also noted that the completed project will include crosswalks and electronic signals and paved shoulders (where shoulders can be placed). City Council requested that Wayne County consider striping for four lanes on the bridge portion that goes over Johnson Creek.

Motion Darga, seconded by McKindles to approve a resolution approving an Intergovernmental Agreement for the rehabilitation of Seven Mile Road and Hines Drive with Wayne County at a cost of \$98,192 and authorizing the Mayor and City Clerk to sign said agreement on behalf of the City. **Motion carried unanimously.**

C. MDEQ Headlee Case / Change in Legal Counsel

In December 2013, the City of Northville learned that Charles Dunn was stepping down as the legal counsel for the MDEQ Headlee Case with regard to the storm water general permitting litigation. Mr. Dunn has worked on this case for over five years and represents 11 different communities along with Wayne County and Oakland County.

The City was informed that Mr. Dunn had accepted a position as an in-house General Counsel and recommended his clients use the services of Patrick McCauley of Gasiorek, Morgan, Greco and McCauley. Mr. McCauley, along with Mr. Dunn, has worked on this case for the past five years, however with his own list of clients. Given where this case currently stands, and its history and complexity, Mr. Dunn believes that retaining Mr. McCauley would be the least costly and most effective way for the City to move forward.

Mr. McCauley has worked closely with Mr. Dunn and has attended and participated in all of the administrative proceedings, significant motion practice, and court hearings for this case. There would be no learning curve as he is fully knowledgeable of all the proceedings of this case which is now pending in the Michigan Supreme Court. Mr. McCauley is the lead counsel representing nine other cities and townships. Adding Mr. Dunn's 13 clients with Mr. McCauley's nine clients should reduce the cost of all involved. Both Wayne County and Oakland County have indicated an intention to transfer the project files to Mr. McCauley. In addition Plymouth, Rochester, Redford Township, Lincoln Park, Southgate, Romulus, Clinton Township, Dearborn and Roseville have indicated that they are agreeable as well.

To proceed with this transfer of legal counsel, Mr. McCauley has submitted a retainer letter agreement for City approval. This letter has been reviewed by Northville's City Attorney, who recommended that this contract be approved by City Council. The hourly rate for Mr. McCauley will be the same rate as it was for Mr. Dunn (\$200 per hour). However, because there is a larger community base sharing this fee, it should result in less expenditure for the City. Though it cannot be determined with any certainty, with this case now with the Michigan Supreme Court, it is conceivable that this case could wrap up quickly.

City Council Comments and Discussion: As this case has been going on for several years, the City Manager provided City Council with a brief synopsis to familiarize those members without knowledge of this case. Brief discussion ensued pertaining to the legal challenge on the storm water permit mandate.

Motion Darga, seconded by McKindles to approve and award an agreement with Gasiorek, Morgan, Greco and McCauley, P.C. to represent the City of Northville in the ongoing MDEQ Headlee Case and authorize the City Manager to sign this agreement. **Motion carried unanimously.**

MAYOR AND COUNCIL COMMUNICATIONS

A. Mayor and Council Communications None

B. Staff Communications None

Being no further business, the meeting was adjourned.

Adjournment: 8:05 p.m.

Respectfully submitted,

Dianne Massa, CMC
City Clerk

Christopher J. Johnson
Mayor

Approved as submitted: 3/3/14