

City of Northville
CITY COUNCIL REGULAR MEETING MINUTES
June 15, 2015

Mayor Christopher 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, Ryan McKindles, and Sam Ekong

Absent: None

Also Present: City Manager Patrick Sullivan, City Clerk Dianne Massa, Police Chief Michael Carlson, Downtown Development Authority Director Lori Ward, and six citizens.

PRESENTATIONS

A. Citizens Comments None

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: None

Receive Bills List: Checks #93800 to #93891

Receive Board and Commission Minutes: None

Receive Departmental Reports:

- Youth Assistance: 6/15

Board and Commission Appointments: None

Amendments to the 2014-15 Budget through May 31, 2015 and Investment Report

Amendment to the Fees, Fines & Penalties Schedule – Annual Review

Revision to the City Investment Policy

Special Event Request / Streets of Treats / October 24, 2015

Special Event Request / Ottawa Long Rifles 18th Century Demonstration / July 4, 2015

Special Event Request / Susan G. Komen 3-Day / August 8, 2015

Street Closure Request / Reed Street Block Party / June 20, 2015

Street Closure Request / Linden Street Block Party / July 4, 2015

Motion carried unanimously.

RESOLUTIONS AND ORDINANCES

A. Amendment to Chapter 2 Administration / Article V Finance / Division 1 Generally / Street Improvement Millage / First Reading

At a special meeting of City Council on May 11, 2015, City Council approved placing a Street Improvement Millage request on the August 4, 2015 ballot. The resolution approved by Council called for the new millage to be used “exclusively to provide funds for road and street improvements.”

The approved ballot language would request a Headlee Override. Under the Headlee Amendment, the City’s charter tax limitation has been reduced from 20 mills to 15.8345 mills. A Headlee Override would allow the City to levy up to 20 mills. However, a Headlee Override cannot specifically designate a purpose for the millage increase. Per Section 9.1 of the City’s Charter, the City Charter authorization is a general authorization for the levy of taxes. As such, the Headlee Override question needs to be a general authorization. To ensure that the 2.25 mills is used for street improvements, City Council should adopt an ordinance amendment, requiring its use be restricted to street improvements.

City Council Comments and Discussion: In response to a question from City Council on how to educate the voters on the proposed millage ballot question, it was explained that Staff has prepared a Frequently Asked Question (FAQ) that explains the millage purpose, and what the millage would and would not do, and explain the Headlee Amendment and Headlee Override. The FAQ will be mailed to residents.

Further discussion focused on the amount of funding that would have been allocated to the City if State Proposal 1 had passed. Had Proposal 1 passed, the City would have received an approximate 25% increase to the street improvement budget. The City waited to see if Proposal 1 would pass before deciding to place a millage proposal before its voters. However, even if Proposal 1 had passed, additional funding to improve City streets would still be necessary. If the City’s Millage Proposal passes and the State also increases road funding to local governments, City Council could use the additional funds received from the State to improve even more streets, or decide to not levy the full 2.25 mills.

Motion McKindles, seconded by Allen to introduce for first reading the proposed amendment to Chapter 2 Administration, Article V Finance, Division 1 Generally to add Section 2-165 Limitation on the Use of Mills Approved by voters in the August 4, 2015 Special Election, with second reading and possible adoption scheduled for July 6, 2015. **Motion carried unanimously.**

B. Amendment to Chapter 1 General Provisions in the Code of Ordinances / First Reading

On June 1, 2015, City Council adopted an ordinance to amend Chapter 54 Offenses and Miscellaneous Provisions, Article VI Offenses Against Public Safety in the Code of Ordinances pertaining to fireworks. Violations of Section 54-233(a), 54-233(b), and 54-233(c) of the amended fireworks ordinance are civil infractions paid at the violations bureau, which requires an amendment to Chapter 1 General Provisions, Section 1-26 Same – List of Violations; Schedule of Fines on the City of Northville Code of Ordinances. The City will retain the fines paid at the violations bureau for violation of civil infractions of the Fireworks Ordinance.

City Council Comments and Discussion: Further explanation was given pertaining to the difference between civil infractions and misdemeanors.

Motion McKindles, seconded by Darga to introduce for first reading the proposed amendment to Chapter 1 General Provisions, Section 1-26 List of Violations in the City of Northville Code of

Ordinances as presented, with second reading and possible adoption scheduled for July 6, 2015. **Motion carried unanimously.**

NEW BUSINESS

A. Special Event Request / Buy Michigan Now Festival / July 31 – August 2, 2015

The City of Northville received a request from The Catalyst Company, L.L.C. (DBA Buy Michigan Now) to conduct the Annual Buy Michigan Now Festival from July 31- August 2, 2015 at various locations in Downtown Northville. The event will begin on Friday, July 31st at noon and run through Sunday, August 2nd at 5:00 pm. Daily event times are Friday noon – 8:00pm, Saturday 10:00 am – 8:00 pm and Sunday 11:00 – 5:00 pm. The following was noted:

- Beginning Friday morning, July 31st at 6:00 am, Main Street between Hutton and Wing, Center between Dunlap and Mary Alexander Court will be closed.
- The success of the festival has required festival producers to expand the festival area to accommodate more booths; therefore a new street closure will be necessary. Wing between Main and Dunlap will be closed and “No Parking” signs will be posted on Dunlap between Wing and High to accommodate the higher volume of traffic. Affected residents and businesses have been notified of the closure and parking restrictions via hand delivered flyer. All streets will reopen to traffic on Sunday, August 2nd at 8:00 pm.
- Tents and booths will be set up to accommodate Michigan-based vendors. All food vendors, including food trucks, will comply with Wayne County Health Department regulations and pass inspection by the City Fire Department.
- If security is retained by The Catalyst Company to be on-site during the festival, the Northville Police Department will be available to answer any questions relating to the street closure, pedestrian safety, crowd control, etc. The City of Northville assumes no responsibility for items left by vendors overnight. The security that The Catalyst Company retains will provide sole security, crowd control, and pedestrian safety for the duration of the event.
- No anchors are to be used for tents or booths and no vehicles of any kind are allowed in Town Square as it could cause serious damage to the in-ground heating system and paver stones. The Catalyst Company will be on-site to assist with placement of the booths.
- Porta-johns will need to be emptied twice during the festival. The applicant will be invoiced accordingly.
- The Department of Public Works has been contracted by The Catalyst Company to provide trash removal, barricades, and street closures. If DPW provides full trash removal for the event, the cost is estimated at \$1,800. The Catalyst Company can work with DPW to remove trash using volunteers to keep costs to a minimum. The Catalyst Company, LLC will need electrical access at street light poles and in Town Square.
- Vendors/volunteers will use the Cady lot, not the Mary Alexander Parking deck for parking.
- The Catalyst Company will supply the City Clerk with a \$1M Certificate of Insurance for General Liability per occurrence naming the City of Northville, Northville Township and Parks & Recreation as additional insured with an endorsement and will provide a Hold Harmless Agreement indemnifying the same within a week following approval.

City Council Comments and Discussion: Discussion ensued pertaining to the proposed closing of N. Wing Street, between W. Main and Dunlap Streets.

Mel Anderson, 132 W. Dunlap Street, voiced concern with the proposed closure and questioned the detour to be used to shift traffic through the downtown. He did not want the diverted traffic flow to be a burden to businesses and residents. He also noted that the Kona Run race route closed streets without notice to affected residents and businesses. People could not access their businesses or leave their streets until the race was done.

Staff noted that Kona Run was to notify businesses and residents of the street closure and it appears they did not do so. This run has become very large and is disruptive to residents as people were not properly notified as required, people were not aware of the street closures, and thus could not leave their streets. It has become gridlock for the City and the event may need to relocate to another community.

City Council directed Staff to review future requests from the Kona Run to ensure that residents and businesses are properly notified and that the race routes do not limit street access for residents and business owners. The City should have control of the route and Staff should ensure that the race route does not adversely affect residents and businesses.

Mary Starring of Starring The Gallery, and Chris Van Dam of Van Dams, both noted that the Buy Michigan Now Festival weekend is the best weekend for their businesses. It is important that the Buy Michigan Festival stay in downtown Northville. They also stated that their businesses did well during the Kona Run event.

City Council concurred that it would be willing to allow the onetime additional expansion of the Buy Michigan Now festival and allow Wing Street to be closed. It was stressed that this was a onetime approval only, and that future requests will not automatically be allowed the additional street closures, especially if the closure has a negative impact to business access and to residents.

Motion Darga, seconded by Allen to approve the request from The Catalyst Company, L.L.C. to conduct the Annual Buy Michigan Now Festival from July 31st- August 2nd in Downtown Northville as specified above. **Motion carried unanimously.**

B. Freedom of Information Act Policy

New legislation, PA 563 of 2014, approved during the Legislature's final session day of 2014, made significant changes to the Freedom of Information Act (FOIA). It requires public bodies to establish specific written procedures and guidelines for FOIA requests. In summary, the new legislation requires:

- If a public body administers or maintains an internet presence, then it is required to post the FOIA procedures, guidelines, and a written summary on its website.
- Free copies of the procedures, guidelines, and written summary are provided to anyone upon request and a free copy, or a website link to the policies, is required in all FOIA responses.
- The procedures and guidelines must include a standard form to detail the itemization of any fee the public body estimates or charges under FOIA. The itemization must clearly list and explain each of the six fee components authorized under the new legislation, which includes several categories of labor costs associated with producing public records, whether in paper or electronic

form; costs of non-paper physical media used to produce public records (i.e. DVDs, flash drives); copying costs, and postage costs.

The legislation also:

- Allows FOIA requestors to require that the public body provide records on non-paper physical media, by email, or otherwise electronically provided, so long as the public body has the technological capability necessary to provide records on the particular media stipulated by the requestor.
- Prohibits a public body from charging more than \$0.10/sheet for paper copies of public records. This must be the actual incremental cost and cannot include a labor charge.
- Allows a public body to charge for contractual services required to perform separation and redaction of exempt information from nonexempt information if the public body does not employ a person capable of such activity. The public body may not charge more than an amount equal to six times the State minimum hourly wage rate for such contractual services.
- Allows a public body to add up to 50% to the applicable labor charge to cover or partially cover the cost of employee fringe benefits.
- Requires that the portion of labor costs still cannot be more than the hourly wage of the lowest paid employee capable of search, locating, examining, separating, redacting, and copying the public records whether or not that person is used to actually perform the service. All labor costs must be charged in “increments of 15 minutes” with all partial time increments rounded down.
- Allows a public body to inform a FOIA requestor that requested information is available on the public body’s website, in lieu of providing the public records, as long as the records were available on the website at the time of the request. Requires public employees receiving verbal requests for information that is available on the public body’s website, to inform the requestor of the pertinent website address.
- Requires a public body to outline the appeals process, including appeals of a denial, redaction, and an appeals option for FOIA fees charged.
- Increases mandatory punitive damages to be awarded to a plaintiff from \$500 to \$1,000, and mandates a new \$1,000 civil fine which a court must award if it finds the public body has arbitrarily and capriciously violated the Act. Requires a court to impose an additional civil fine of \$2,500 to \$7,500 if it finds the public body willfully and intentionally failed to comply with the Act or otherwise acted in bad faith.

To comply with the new legislation, a new FOIA policy, written summary, and detailed itemization form were created. All documents were reviewed by the City Attorney for compliance with the recent changes to FOIA. To comply with the new FOIA legislation, the new policy must be adopted and in effect by July 1, 2015. Once adopted by City Council, the FOIA policy and corresponding documents will be made available on the City’s website, at City Hall, and at all City offices.

There will be some impact to the budget as per copy costs will be reduced from \$.55/first sheet and \$.25 each additional sheet (or \$.20/sheet if a labor rate is assessed) to \$.01 (black/white copies) to \$.08 per sheet (color copies). Set fees for public documents in the fee schedule, for which the FOIA cost is less, could be challenged. Therefore, fees for certain records in the fee schedule should be adjusted. The 50% cap on adding fringe benefit costs to labor charges is also a reduction as the City cannot recoup 100% of the fringe benefit cost for labor (current practice). Also, the cost of contracted labor (i.e. City Attorney

cost for separating and redacting of exempt information) cannot exceed six times the State minimum hourly wage, currently \$8.16/hour. This amount is less than the hourly City Attorney rate.

City Council Comments and Discussion: Discussion ensued pertaining to the five-day response timeframe, concern that many FOIA requests are not specific and require Staff to spend significant time searching for documents, the need for the Michigan Municipal League to do a study on how the new legislation will increase costs to local government, the fact that the new FOIA legislation does not apply to the Governor's office or the State Legislature, the City's State Legislators supported these changes but could not provide a good reason even though the City of Northville has always been responsive to FOIA requests, and the need for responsible legislation that would protect local government from over-abuse from FOIA requests.

Motion McKindles, seconded by Allen to adopt the Freedom of Information Act Policy as presented.
Motion carried unanimously.

MAYOR AND COUNCIL COMMUNICATIONS

A. Mayor and Council Communications

Councilmember Darga spoke of the investments in arts and culture and community development coming to Detroit and the Detroit area through the Ford Foundation, Knight Foundation, and Kresge Foundation. Michigan has been a "donor state" for decades and it is good to see funds come back to Detroit. Darga also spoke about the upcoming Harley Davidson event at the Ford Piquette Avenue Plant.

B. Staff Communications None

Being no further business, the meeting was adjourned.

Adjournment: 8:07 p.m.

Respectfully submitted,

Dianne Massa, CMC
City Clerk

Christopher J. Johnson
Mayor

Approved as submitted: 7/6/15