

# City of Northville

## CITY COUNCIL REGULAR MEETING MINUTES

### July 6, 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, Public Works Director James Gallogly, Parks and Recreation Facilities Superintendent Jason Nezich, reporter from Northville Record, and 16 citizens.

#### **PRESENTATIONS**

##### **A. Citizens Comments**

John Forslund, 350 Lake Street, spoke to the upcoming August 4<sup>th</sup> Road Millage ballot proposal. He questioned how the streets were prioritized and if the prioritization is subject to change should one street deteriorate faster than another higher on the list. Concern was voiced pertaining to infrastructure and if citizen input was requested and the drainage issues affecting Lake Street during storms that contributes to flooded lots and garages. He questioned the City's plan on collecting the millage amount if the State passes a road funding bill.

It was responded that storm sewer would be reviewed and improved if deemed necessary during the design phase of each road and street improvement. The street improvement prioritization would be reviewed by City Council as part of its annual budget review. The plan will be updated if street and road conditions change. Every three to five years, the engineering firm would review the list and make additional prioritization recommendations if needed.

Storm sewer issues on Lake Street are likely resulting from the number of new homes being constructed. During construction, inlets are being covered with silt fences to address soil erosion and may lead to issues with drainage during storm events. The number of homes being built and lack of green space forces residents to deal with additional water. Most of this should resolve when construction projects are completed.

Had State Proposal 1 passed, the City was expected to receive a 25% increase to its roads and street budget. However, more funds are needed to make significant progress to road and street improvements. Should the State pass a road funding bill, many cuts will be likely be made by the State to fund roads.

Historically, State budget cuts affect local government funding. As such, the City is not confident it will see additional road funding from the State. If additional State funding were received, the City Council could adjust the millage rate, or keep the millage rate the same and use the State funds to improve more streets and roads.

John Webster, 413 Larry Drive, questioned if 100% of the road and street millage would go to roads or if the Downtown Development Authority (DDA) would capture part of the millage. It was responded that a small portion would be captured by the DDA and the DDA does spend DDA funds on road and street improvements and improvements to infrastructure. That portion of the millage that goes to the DDA would be restricted to the use limitation of road and street improvements through the ordinance that is adopted by City Council this evening (Chapter 2, Section 2-165 of the Code of Ordinances).

City Council discussion ensued pertaining to the percentage of funds set aside for infrastructure improvements, the amount of tax revenue lost each year due to the Headlee Amendment, the need to educate residents on the Headlee Amendment and how it affects City revenues, Act 51 funding concerns, the importance of funding road improvements to improve roads in poor condition as well as maintenance to stop good roads from deteriorating.

### **APPROVAL OF AGENDA AND CONSENT AGENDA**

**Motion Darga, seconded by Ekong** to adopt the agenda and consent agenda as presented:

Approve City Council Minutes of:

- Regular Meeting of June 1, 2015
- Regular Meeting of June 15, 2015

Receive Bills List: Checks #93892 to #93964, Checks #93965 to #94074, Checks #94075 to #94152, EFT #500207

Receive Board and Commission Minutes:

- Beautification Commission: 5/4/15
- Housing Commission: 5/13/15

Receive Departmental Reports:

- Police: 9/14

Board and Commission Appointments: None

Special Event Request / Bikes on Parade / September 1-21, 2015

Special Event Request / Victorian Festival / September 18-20, 2015

Special Event Request / The Village Workshop / Summer Heat Car Show / August 29, 2015

**Motion carried unanimously.**

### **RESOLUTIONS AND ORDINANCES**

#### **A. Amendment to Chapter 2 Administration / Article V Finance / Division 1 Generally / Street Improvement Millage / Second 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. At its July 6, 2015 regular meeting, City Council introduced the proposed ordinance amendment for first reading.

**Motion McKindles, seconded by Allen** to waive second reading and adopt the 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 as presented. **Motion carried unanimously.**

### **B. Amendment to Chapter 1 General Provisions in the Code of Ordinances / Second 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. At its July 6, 2015 regular meeting, City Council introduced the proposed ordinance amendment for first reading.

City Council Comments and Discussion: It was noted that fireworks use seemed be less this year than in previous years.

**Motion Ekong, seconded by Allen** to waive second reading and adopt the amendment to Chapter 1 General Provisions, Section 1-26 List of Violations in the City of Northville Code of Ordinances as presented. **Motion carried unanimously.**

### **C. Amendment to Article 13 PR-1 District in the Zoning Ordinance / First Reading**

At its June 2, 2015 meeting, the Planning Commission conducted a public hearing to consider text amendments to Article 13 Performance Related Industrial District (PR-1) in the City of Northville's Zoning Ordinance. The proposed text amendments would modify the district language to allow the current activities at the cider mill as permitted uses in the district. However, it limits the accessory uses of wholesale/retail sales and consumption to the products manufactured on site. Standalone businesses, such as restaurants or bars, which are not accessory to the manufacturing business, are specifically prohibited.

Following the public hearing, the Planning Commission recommended approval of the proposed text amendments to City Council. Communication from the City's Planning Consultant and the proposed zoning ordinance text amendments were provided for City Council review.

City Council Comments and Discussion: It was noted that previously this ordinance was adjusted to accommodate the lumber yard as a permitted use in the PR-1 district.

**Motion Darga, seconded to McKindles** to introduce for first reading the proposed amendments to Article 13 Performance Related Industrial District (PR-1) in the City of Northville Zoning Ordinance pertaining to current activities at the cider mill as presented, with second reading and possible adoption scheduled for July 20, 2015. **Motion carried unanimously.**

## **NEW BUSINESS**

### **A. Amendment to the Fees, Fines, Penalties Schedule / Prohibited Use of Consumer Fireworks**

At its regular meeting on June 1, 2015, City Council adopted revisions to the fireworks ordinance, which restricts the use of consumer fireworks to the day before, day of, and day after a national holiday. At the June 15, 2015 Council meeting, City Council approved the first reading of the proposed amendments to Chapter 1 General Provisions in the Code of Ordinances, which recommended making civil infraction violations of the fireworks ordinance payable at the Northville Violations Bureau. On July 6, 2015, Northville City Council waived the second reading of Chapter 1 General Provisions in the Code of Ordinances, adopting the ordinance.

In determining the fine for violating a municipal infraction of the fireworks ordinance, Staff canvassed the 35th District Court and other police agencies with a violations bureau, asking what their fine is for violating a fireworks municipal civil infraction. Staff found the 35<sup>th</sup> District Court assesses up to \$100 fine and \$100 cost per violation. Staff received only one response from a local municipality with a violations bureau. This municipality allows payment to their violations bureau for a violation of a fireworks municipal civil infraction in the amount of \$100 for a first offense, \$250 for a second offense, and \$500 for a third and subsequent offense.

The proposed civil fine of \$100 paid within 10 days and \$150 if paid with 11-30 days for prohibited use of consumer fireworks (Section 54-233 (a), (b), (c)) was reviewed by the City Attorney.

**Motion McKindles, seconded by Ekong** to adopt the resolution to amend the Fees, Penalties, and Fines Schedule as presented. **Motion carried unanimously.**

### **B. MainCentre Parking Structure Repairs**

During Fall 2014, brick on the east side of the MainCentre Deck began falling off on to the sidewalk along Center Street. City staff contacted the deck architect, Matt Jobin, who arranged to have several contractors look at and assess the damage to the parking structure, and provide repair quotes. The low quote of \$4,700 was submitted by D.C. Byers Company, Inc. who was then directed by Staff to make the repair. Because the amount of the contract did not exceed \$5,000, the contract did not require City Council action. Due to cold weather, the repair work was delayed until Spring 2015.

Once work began, D.C. Byers Company discovered that the brick problem was more than just a surface issue, and that the dislodging of brick was the result of a more serious structural issue. Matt Jobin was contacted and asked to readdress the repair now that the problem area had been opened up for inspection. About five years ago, this same area of the Deck began losing brick and a surface repair was immediately performed. A structural engineer assessed the problem area and designed a long-term repair. This design was presented to D.C. Byers Company, who suggested that the company undertake the added repairs on a time and material basis not to exceed \$7,000. Because the additional work does exceed \$5,000, the issue is being presented to City Council.

Staff recommends that the issue be addressed through a change order to D.C. Byers existing contract, and that City Council waive the bidding process on the grounds that the work is in progress, the work and estimate has been reviewed by the City's architect and found to be reasonable, and the parking deck has a structural problem that needs to be repaired immediately. The parking deck architect and its structural engineer have investigated and provided a solution. The City has added additional shoring to this area of the deck and has barricaded some of the parking spaces near the area.

The DDA budgeted \$20,000 for MainCentre Parking Deck repairs for fiscal year 2014-15. The original contract was for \$4,700. Sufficient funds remain in the budget to complete the additional repairs.

City Council Comments and Discussion: Discussion ensued pertaining to the repairs needed for the parking deck. Questions were raised pertaining to what structural integrity might be missing and if this solution is a true fix. Staff noted that the parking deck architect brought in a construction engineer to inspect and evaluate the parking deck. Staff is satisfied this repair will address the matter and that this repair will be a permanent fix. The deck is more than 20 years old and is no longer under warranty. The DDA plans to seek a comprehensive proposal to address further deck repairs in a four-year repair phase, and parking deck repairs remain a priority in the DDA budget.

**Motion Darga, seconded by Ekong** to approve a Change Order with D.C. Byers for additional repair work to the MainCentre Parking Deck as presented, on a time and material basis, at the not-to-exceed amount of \$7,000, and authorize the Public Works Director to execute the contract. **Motion carried unanimously.**

### **C Reimbursement Agreement / General Oil Site**

Years ago, a site on the east side of the City of Northville was used to process and dispose of used oil from various different companies throughout the State. This site, which is more recently referred to as the “General Oil Site,” became contaminated and is currently undergoing enforcement action under Part 201 of the Michigan Natural Resources and Environmental Protection Act. A group of responsible parties have agreed to cover the cost for the necessary remediation of the contamination on this site. This group is known as the “General Oil Northville Group”.

As part of the General Oil Remedial Action Plan (RAP), a Restrictive Covenant is proposed to be placed on the General Oil Site. This is necessary because the RAP anticipates that this contamination will remain in the ground for years, with the possibility that some of this contamination may never be totally extracted. As such, restrictions on its future use and activities, on, in, or under, will need to be taken.

Since some of the contamination on this site has migrated on to a portion of City owned property (Ford Field East), a portion of this park property is now considered a part of the General Oil Site. The restrictions of the General Oil Site will need to apply to this portion of City owned property as well. As such, a portion of Ford Field East is now a part of the General Oil RAP. In order for the proposed RAP to be approved by the Michigan Department of Environmental Quality (MDEQ), the City of Northville will need to approve the same Restrictive Covenant placing restrictions on a portion of Ford Field East Park. This action is necessary to prevent exposure of contaminants to humans and other living things using the park.

Over the past twenty years, the City of Northville has worked with MDEQ and Environmental Protection Agency (EPA) on the General Oil Site remediation effort. Northville has permitted observation wells to be placed in the park property, allowed the placement of a small ground water treatment facility in the park, and eliminated the Rotary Well (a drinking fountain located at the Old Rotary Well site is now connected to City water).

It is in the City’s best interest to cooperate with the State and Federal Governments in the cleanup efforts for this area of the City. However, by agreeing to a Restrictive Covenant on a portion of the City’s park property, construction and maintenance that the City might want to undertake in the future could become more expensive as special precautions and conditions may have to be written into these future projects to

protect exposure to persons working for the City's contractor, or persons utilizing the park after the improvements have been made.

In the event the City incurs some costs in the future, some of which could be significant, a "Reimbursement Agreement" has been negotiated with the General Oil Northville Group, whereby the City of Northville will be reimbursed for any costs that it incurs as a result of having to comply with site restrictions due to the RAP. This agreement has the approval of the City Attorney, who was involved with the creation of the document. This agreement sets up a process and identifies what types of costs can be recovered. It includes a dispute resolution process, and in the case the General Oil Northville Group ceases to exist, the City will be able to recover its costs from any of the individual companies (members) of the group. In addition, it agrees to reimburse the City for its legal fees up to \$4,000 for review and negotiations necessary to obtain an acceptable document for the City. This agreement also includes a "Declaration of Restrictive Covenant" document which the City will need to approve. Approval of the "Reimbursement Agreement" will provide the City a process in which to secure reimbursement of expenditures for increased construction efforts necessary to comply with the General Oil RAP as it applies to a segment of land within Ford Field East.

City Council Comment and Discussion: Discussion ensued pertaining to the RAP, Reimbursement Agreement, and Restrictive Covenant, which included:

- It was further explained that the site is only being cleaned to a standard that would allow it to be used as a park. The Restrictive Covenant restricts the land to a park use. The land is not useful for more than a park.
- The City insisted on the Reimbursement Agreement to ensure costs are recovered.
- The Reimbursement Agreement outlines the procedure for recovering costs from any of the individual companies (members) of the group, should the General Oil Northville Group cease to exist.
- The MDEQ is requiring the Restrictive Covenant because General Oil has cleaned the site to a standard that allows it to be used as a park. General Oil does not have to clean it to a higher standard if the City agrees to the Covenant. The City continues to cooperate with the MDEQ on this matter. MDEQ has been and will continue to monitor the site.
- Discussion regarding the migration of the contamination to City property, how the oil was historically stored on the General Oil site, and the purpose of the treatment facility on City property.

Ken Roth, 21222 E. Chigwidden, questioned if there was an attempt to have the agreement include an escrow or dedicated account to secure funds for possible future costs. It was responded that the City did not attempt to secure an escrow account as General Oil has been very cooperative in the cleanup process and there have not been any adversarial issues. The Agreement does provide for a process for the City to recover its costs from the Group and from the individual members of the Group, should the group cease to exist.

**Motion Darga, seconded by Allen** to approve the General Oil Remedial Action Plan. It is further moved that City Council approve a Reimbursement Agreement with the General Oil Northville Site Group, and authorize the City Manager to sign the Reimbursement Agreement and the Declaration of Restrictive Covenant on behalf of the City of Northville. **Motion carried unanimously.**

#### **D. Professional Service Agreement / Water System Improvement Study and Report**

On June 17, 2015, the City received proposals for professional services needed to study and prepare a report on Northville's water system. This study is expected to take place during the summer of 2015 with

results expected before the end of the year. Advertised through the Michigan Intergovernmental Trade Network, the City received interest from three engineering firms as follows:

Huron Consultants Northville, MI	\$18,900
Rowe Professional Services, Inc. Farmington Hills, MI	\$32,725
Civil Engineering Services New Hudson, MI	\$59,960

The purpose of this project is to perform an engineering review of Northville's water system in an effort to identify system deficiencies. In addition, the consultant is expected to propose appropriate and economically feasible solutions to meet the City's water system needs over the next twenty years. This study will identify pressure problems, determine fire flows, and address meter replacement and backflow prevention efforts. It will propose water distribution and water storage improvements along with estimating the cost of said improvements. Finally, it will look at and critique the City's water system operation and maintenance efforts, and review the rate structure as it compares with neighboring communities.

Huron Consultants' main office is at Fort Gratiot, Michigan, but they have a local office at 200 N. Center Street in downtown Northville. They propose to use this office as their base for this project to minimize expenses. Huron Consultants is a full-service engineering firm that has carried out numerous public and private projects in the metro-Detroit area. Staff has reviewed the proposal, conducted interviews with the owner and project manager for this project, checked references, and is comfortable in recommending this firm for this project.

The City Attorney and Michigan Municipal Risk Management Authority have reviewed and approved the professional services agreement for this project. The budget approved for this study is \$20,000 and the fee submitted by Huron Consultants is within this budget.

City Council Comment and Discussion: A comment from Council voiced concern with the low proposal and if the proposal was lacking critical components. A representative from Huron Consultants responded that they were surprised at the higher proposals submitted by other firms. Unless the City makes changes in the project's scope, the price quoted will not exceed \$18,900. It was noted that the study will integrate with the City's GIS system. Also, the 1997 Wade-Trim report will be of assistance to Huron Consultants.

**Motion Allen, seconded by McKindles** to approve and award an Agreement for Professional Services to Huron Consultants in the not-to-exceed amount of \$18,900 for the City's Municipal Water System Study. Further, the Public Works Director is authorized to sign this agreement on behalf of the City of Northville. **Motion carried unanimously.**

#### **E. Purchase of F-250 Truck / Parks and Recreation**

The Department of Parks and Recreation proposes to purchase a Ford F-250 pickup truck with snowplow and salt spreader. The truck would be used in the winter for snow removal and throughout the warmer months in the parks system and will replace a 2000 Ford F-250 pickup truck. The Department of Parks and Recreation will follow City policies in disposing of the 2000 F-250 pick-up truck by accepting bids through the Michigan Intergovernmental Trade Network system for its sale.

In the past, the Parks and Recreation Department has advertised and accepted bids from local auto dealers when making a new vehicle/truck purchase. However, Macomb County has already done this work for this annual purchase of vehicles, and routinely offers their pricing to communities in the State of Michigan who wish to take advantage of prices based on much larger purchases. With the prices already set by Macomb County's bid, the City would order this truck from Signature Ford of Owosso, Michigan

who was awarded the Macomb County's bid for 2015. The cost of the new Ford F-250 pickup truck is calculated to be \$ 26,552. As the Macomb County Bidding system does not cover snow plows and salt spreaders, this will be publicly bid out at a future time.

Funds have been budgeted for this purchase in the City's FY 2015/16 Capitol Improvement Fund budget (\$40,000). The snow plow and salt spreader are estimated to cost approximately \$12,000. This purchase, based on the additions needed, is within the budgeted amount for the vehicle

**Motion McKindles, seconded by Darga** to approve the purchase of a Ford F-250 pickup truck in the amount of \$26,552 from Signature Ford of Owosso, Michigan, and further authorize the sale of the Ford 2000 F-250 Pick-up Truck through competitive bids on Michigan Intergovernmental Trade Network.  
**Motion carried unanimously.**

#### **F. Extension of Community Center Lease**

The Northville Community Center, 303 W. Main Street, is currently owned by Northville Public Schools and has been leased by the Northville Parks and Recreation Commission since 1979. The current lease contract is set to expire on July 9, 2019.

Recently, the Parks and Recreation Commission and Northville School Board agreed upon a first amendment of the current building lease. The first amendment will provide for two five-year extensions with an option to purchase the facility at a price to be determined by the Northville School Board.

There is no immediate budget impact as the financial terms of the first amendment have not changed from the current lease.

City Council Comment and Discussion: A comment from City Council questioned if it would be less costly to purchase the Community Center as opposed to leasing the building from Northville Public Schools (NPS). It was responded that it is less costly to lease the building as there is no cost to the Parks and Recreation Commission to lease the building from NPS.

Additional comments from Staff noted that NPS would like for the Parks and Recreation Commission to purchase the building. NPS does not plan to use the building. Proposed purchase of the building is in the beginning stages and NPS has had a building appraisal completed.

**Motion McKindles, seconded by Darga** to ratify the Northville Parks and Recreation Commissions approval of the first amendment to building lease between the Northville Parks and Recreation Commission and the Northville School Board. **Motion carried unanimously.**

### **MAYOR AND COUNCIL COMMUNICATIONS**

#### **A. Mayor and Council Communications**

Allen noted that crews were doing utility relocation at Eight Mile and Beck Roads as part of the new Maybury bike path project.

#### **B. Staff Communications** None



Being no further business, the meeting was adjourned.

**Adjournment: 8:41 p.m.**

Respectfully submitted,

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Dianne Massa, CMC  
City Clerk

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Christopher J. Johnson  
Mayor

Approved as submitted: 8/3/15