

City of Northville

CITY COUNCIL REGULAR MEETING MINUTES

February 1, 2016

Mayor Roth 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 Ken Roth, Mayor Pro Tem James Allen, Councilmembers Nancy Darga, Sam Ekong, and Marilyn Price

Absent: None

Also Present: City Manager Patrick Sullivan, City Clerk Dianne Massa, Downtown Authority Director Lori Ward, Housing Director Sherry Necelis, and 14 citizens

PRESENTATIONS

A. Citizens Comments

Several downtown business owners were present to comment on a letter they received from the Police Chief pertaining to the practice of serving complimentary wine by the glass to patrons during the First Friday Art Walk and other events. The Police Chief requested that any business offering complimentary alcohol for consumption on premises, which is not licensed by the MLCC for this practice, to refrain from doing so. The following persons addressed City Council:

Jim Long, 400 Fairbrook Court, requested that City Council revisit this matter and allow the practice during special events, First Friday Art Walks, etc. Provides a festive atmosphere for people to enjoy their shopping experience. While serving wine does bring people into the businesses, making a purchase is not required in order to be served a glass of wine. Downtown retail business is fragile and this practice brings people into the downtown. Restricting this practice is too much government intervention.

Michelle Kelly, 422 E. Main Street/423 Beal Street, noted she is an attorney and has reviewed the Attorney General and Michigan Liquor Control Commission (MLCC) Opinions pertaining to downtown businesses serving a complimentary glass of wine. Seven years ago, the former Police Chief was concerned with this practice and with open intoxication. To comply, businesses use glassware to serve complimentary wine so that open intoxication would not be an issue. Comments from Kelly also noted the MLCC does not have jurisdiction on this matter, the Attorney General and City Attorney Opinions are overly broad, unreasonable, and unconstitutional. The AG Opinion pertains to a barbershop (a service-based business) serving complimentary beer and does not pertain to merchants serving complimentary wine. Concern was voiced that the AG Opinion might also impact home parties such as Tupperware parties where the hostess serves wine, because there is remuneration. Chamber of Commerce "meet and greets" and other fundraiser and charitable events would be prohibited from serving alcohol. She also

questioned the use of Police Department time and resources to address/enforce a non-issue. Kelly also requested a copy of the City Attorney's Opinion.

Barbara Moroski-Browne, 116 High Street, suggested that City Council consider forming a study group to review the Attorney General Opinion. The Opinion is narrowly based on an interpretation of a "fee for service" barbershop providing beer, which is a different practice from what the merchants are doing. The First Friday events are not a "fee for service" event. She referenced the 2008 and 2012 AG Opinions as well as a January 20, 2012 memo from the MLCC pertaining to Alcoholic Beverage Consumption and Sampling in Unlicensed Premises. The Opinions may not be an accurate interpretation of the statute and need to be further reviewed.

City Council comments noted this is a difficult matter that was not a City Council decision. City Council did not go looking for this and no one at the City level or City Council made this decision to implement a policy change. City Council had been informed by the Police Chief that the current practice of merchants serving complimentary wine by the glass in order to attract visitors into their businesses, without the proper licensing, is a violation of State law.

In reviewing this matter, the Police Chief reviewed written opinions of the MLCC, the Michigan Attorney General, and consulted with the City Attorney. The City Attorney reviewed the First Friday promotions, researched the statute and AG Opinions, and found that the only business that may offer a complimentary glass of wine are those licensed by the MLCC for the sale and consumption of alcohol on the premises.

The City Attorney and Police Chief have interpreted the AG Opinion. The AG Opinion and the City Attorney Opinion concur that providing complimentary wine to patrons may only be done with the required license or permission of the MLCC. While City Council may not agree with State law, it does not have the authority to create an ordinance to override said State law. City Council must abide by the current governing statute. This matter has also been discussed with the City Managers and Police Chiefs in other communities. It was noted that in other jurisdictions where businesses are serving complimentary wine, such as Plymouth and Ann Arbor, the Police Departments are writing misdemeanor violations. The fact that a business is giving away alcohol does not protect the business from the legal restrictions for dispensing alcohol. There is consideration for the business providing the alcohol, which is trying to attract business.

Other comments from City Council noted that some businesses in the downtown have expressed appreciation for the City upholding the law as they have concerns with intoxicated people in their stores and buildings.

A separate comment from City Council voiced concern that there is not clarity with the AG interpretation of the statute and that another level of analysis may be warranted. The Police Department should not be making judgement calls on this matter.

Following further discussion, City Council requested the following action:

1. Staff to contact the City Attorney regarding releasing an attorney-client privileged opinion, as it is exempt from disclosure by statute.
2. Staff to ask the City Attorney if they have the ability to further define "private event."
3. Mayor to request the Attorney General to review and issue a clarifying Opinion between the 2008 and 2012 AG opinions and also answer the question of what practices are/are not permissible under the current laws regarding these types of events.

Final comments from Council voiced appreciation to those that came to address City Council. It is the goal of City Council for its residents and citizens to be comfortable in approaching and addressing Council with their concerns.

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:

- Special Meeting: January 11, 2016
- Regular Meeting: January 19, 2016

Receive Bills List:

- Checks #97061 to #97184
- Checks #97185 to #97258, EFT #500224
- Checks #97259 to #97363, EFT #500225

Receive Board and Commission Minutes:

- Housing Commission: 11/12/15, 12/16/15

Receive Departmental Reports: None

Board and Commission Appointments: None

Proclamation / Kids to Parks Day / May 21, 2016

Request to Dispose of Assets / Bus / Parks and Recreation

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

Special Event Request / OLV Victory Run / June 4, 2016

Motion carried unanimously.

PUBLIC HEARINGS

A. Proposed Uses of Wayne County CDBG Funds – FY2016

The City of Northville is expected to receive \$25,471 from the Wayne County Community Development Block Grant (CDBG) program for fiscal year 2016. CDBG funds are used to target low to moderate-income residents or to provide an urgent community need. The City of Northville does not have low/moderate income census tracts for project eligibility; however, the category of senior citizens qualifies as a presumed benefit group eligible for CDBG expenditures.

The CDBG application process requires a public hearing where residents are allowed to provide input on the proposed uses of the funds. Recommendations for uses of FY2016 CDBG funds are as follows:

<u>Project Description</u>	<u>Amount</u>
<i>Public Services – Senior services</i> CDBG funds may be used for the operation of Senior Citizen Centers for transportation, staffing, etc,	\$ 3,821
<i>Rehab Public Residential - Allen Terrace</i> CDBG funds may be used to perform improvements, parking lot repairs, circuit breakers, lintels, attic ventilation and retaining wall, etc,	\$19,103
<i>General Program Administration - The CDBG program allows a percentage of the annual allocation for program Administration.</i>	\$ 2,547
Total Estimated Allocation – Wayne County	\$25,471

Public Hearing opened at 8:13 p.m.

Comments from City Council voiced appreciation to the Housing Director for the work she does for Allen Terrace, the fact that Northville uses its CDBG funds where other communities do not, and the possibility of using CDBG funds for adjustments to the Allen Terrace stairway project. A separate comment stated that Northville does have low to moderate income residents that might benefit from funding. It was explained that the low to moderate income residents must be part of a census tract. The City does not have an eligible low to moderate income census tract. Discussion ensued pertaining to the annual income verification program at Allen Terrace. More than 51% of those residents meet the program requirements.

There were no public comments.

Being no further comments, the public hearing was closed at 8:18 p.m. It was noted that a second public hearing would be held on February 16, 2016.

Motion Darga, seconded by Ekong to receive public input for the use of the fiscal year 2016 Wayne County Community Development Block Grant Funds as proposed. **Motion carried unanimously.**

NEW BUSINESS

A. Professional Service Contract /Downtown Planting Project 2016-2017

In March 2015, the Downtown Development Authority (DDA) received Requests for Qualifications (RFQ) for Downtown Landscaping Services. The RFQ contained a list of two dozen common plants, shrubs, and trees as well as labor and design services. The selection of a preferred vendor, based on personnel, qualifications, similar work, and unit prices was awarded for the entire calendar year to Commercial Grounds Services (CGS). The contract was approved by both the DDA Board of Directors and City Council.

CGS has successfully completed DDA planting and maintenance projects under the contract executed in 2015. In addition to this specific contract work, the DDA has had the opportunity to work with CGS for the past three years on projects, including hardscape repair, tree and landscape material replacement, brick repair, and installation of seasonal décor, and general maintenance and care of the downtown. CGS staff is attentive, efficient, and has filled all requests with quality work and exceptional customer service. DDA staff recommends extending the existing contract for an additional year and forgo the bidding process.

The DDA budget for landscape services in FY2016 is \$39,750. The unit prices for plant material provided by CGS will be utilized for individual project budgets. The amount spent on annuals and labor for seasonal plantings in the 2014-2015 fiscal year totaled \$13,238. This cost was augmented by additional fees of \$4,470, which included periodic maintenance, repair, and seasonal décor. The DDA has sufficient funds allocated to fund the project.

Motion Allen, seconded by Ekong to approve the extension of the current landscaping contract with Commercial Grounds Services to provide professional landscape services as needed for an additional year (2016-2017). **Motion carried unanimously.**

MAYOR AND COUNCIL COMMUNICATIONS

A. Mayor and Council Communications

Darga noted that on Presidents Day, Mill Race Village will have a special presentation on the Kennedys.

B. Staff Communications None

C. Citizen Comments None

Being no further business, the meeting was adjourned.

Adjournment: 8:24 p.m.

Respectfully submitted,

Dianne Massa, CMC
City Clerk

Ken Roth
Mayor

Approved as submitted: 2/16/2016