

City of Northville

CITY COUNCIL REGULAR MEETING MINUTES

December 19, 2016

Mayor Roth called the meeting to order with the Pledge of Allegiance at 7:30 p.m. in Council Chambers at Northville City Hall, 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, Police Chief Michael Carlson, Public Works Director Jim Gallogly, Fire Chief Stephen Ott, Downtown Development Authority Director Lori Ward, Planning Consultant Sally Elmiger, Attorney Steven Schwartz, Deputy City Clerk Michelle Massel, Representatives from Browndog North, LLC and three citizens present.

Mayor Roth read a statement informing those present that the City Council meeting was being recorded for rebroadcast on the City's website. By remaining at the meeting, consent is inferred by those present to have their voice and image recorded and posted on the City's website.

PRESENTATIONS

A. Citizen Comments

Randall Kupfer 551 Carpenter Street asked for an update and a hard time line for resolution on the alley by Grace and Carpenter that was paved without a permit. The Public Works Director responded that the homeowner and contractor have been contacted and directed to retain an engineer to address any drainage issues, then meet with him to review the plan. It was felt that the weather may prohibit any remedy until spring when flooding could become an issue. The Public Works Director was instructed to contact the homeowner and contractor for a hard timeline and follow up with the residents that have expressed concern.

APPROVAL OF AGENDA AND CONSENT AGENDA

Motion Darga, seconded by Ekong to approve the agenda and consent agenda as presented.

City Council Minutes of November 21, 2016 and December 5, 2016

Accounts Payable Week of December 7, 2016

Departmental Report Youth: 12/16

Disposal of Assets / Computer Equipment

Resolution for March Board of Review

Revision of 2017 City Council Meeting Dates

Motion carried unanimously.

NEW BUSINESS

A. Request to Transfer Class C Liquor License / Browndog Creamery and Dessert Bar

Roth disclosed that the attorney representing the applicant had previously represented him in a corporate matter. He asked to be recused from the discussion and vote due to a conflict of interest.

Mayor Pro Tem Allen assumed the Chair.

Browndog North, LLC, D/B/A Browndog Creamery, is currently located at 118 E. Main Street. Browndog is owned by Paul Gabriel and Brian Scherle. Browndog Creamery is currently renovating 120 E. Main Street in preparation to move their business. Browndog Creamery is requesting ownership transfer of an escrowed Class C Liquor License with Sunday Sales (PM) permit from Doja, Inc. (located in Detroit, Business ID 2045), into the City and to add a Specially Designated Merchant (SDM) and Sunday Sales (AM) permit.

The applicants have completed the Liquor License Review Committee Application indicating they intend to operate as a unique small batch homemade ice cream dessert bar specializing in custom cakes, ice cream, and desserts infused with alcohol. In addition, they will be selling carry-out beer and wine. The proposed interior will accommodate 43 patrons, which includes seven seats at the bar area. The ratio of food sales to alcohol sales is 85% food / 15% alcohol.

The hours of operation will be as follows:

- Monday – Thursday 12:00pm – 11:00pm
- Friday & Saturday 11:00am – 12:00am
- Sunday 10:00am – 10:00pm

The applicants have experience at their existing Browndog business in Northville (without liquor sales) and at Browndog in Farmington City with a Class C liquor license.

A background check has been conducted and there have been no negative contacts with the applicants or their business. There are no MLCC violations at the Farmington City Browndog location.

A public hearing with the City of Northville Liquor License Review Committee (LLRC) was held earlier and the LLRC recommends City Council pass a resolution approving the transfer of this license. All fees and costs have been paid by the applicants

Council Comments and Discussion: In response to a question from Council it was responded that carryout referred only to capped and sealed growlers and bottles of wine. It was explained that anyone ordering alcohol or alcohol infused desserts are asked to show ID so minors are not served ice cream containing alcohol.

Motion Darga, seconded by Price to approve the resolution to transfer a Class C and SDM License to Browndog North, LLC with Sunday Sales AM and PM permit into the City to be located at 120 E. Main Street. **Voice vote. Yes: Allen, Darga, Ekong, Price. No: None. Recuse: Roth. Motion carried.**

Mayor Roth resumed the Chair.

B. Professional Services - 2017 Street Improvement Program

On December 8, 2016, the City received proposals for professional services needed to design and oversee construction of Northville’s 2017 Street Improvement Program. This project is expected to take place during the summer of 2017.

For 2017, the City is proposing improvements to the following streets:

- Elmsmere Drive (E. Chigwidden to Coldspring): Improvements to concrete road and sidewalk.
- High Street (W. Main to W. Dunlap): Improvements to asphalt roadway included new curb and spot repair of sidewalk.
- E. Cady Street (S. Center Street to S. Main Street): Replace existing 4 inch water main with a new 12 inch line, and reconstruct asphalt road including spot repair to curb and sidewalk.

The City received interest from seven engineering firms wishing to be considered for this work. These professional firms are listed as follows:

• Beckett & Raeder	\$61,000
• Zeimet Wozniak & Associates	\$78,200
• Hennessey Engineers, Inc.	\$95,440
• Midwestern Consulting	\$108,577
• Fleis & Vandenbrink	\$131,000
• OHM	\$148,900
• Rowe Professional Services	\$152,724

Beckett & Raeder, who submitted the lowest fee for this work is a mid-size professional firm out of Ann Arbor, Michigan, with additional offices in Petoskey and Traverse City, Michigan. This firm has undertaken numerous public and private projects in the Detroit Metro area and across the State of Michigan, including projects for Northville’s DDA. They plan on using Applied Geotechnical Services as a sub-consultant for geotechnical and materials testing work, and Civil and Environmental Consultants, Inc. for surveying services while using their own staff for design, and construction inspection/management.

City Staff believes that Beckett & Raeder is capable of undertaking the final design and construction management of these projects for the City of Northville.

The City Attorney and Michigan Municipal Risk Management have reviewed and approved the professional services agreement for this project. With these approvals, City Staff wishes to proceed with this design work.

The current budget lists Elmsmere Drive, High Street, and E. Cady Street as the proposed project for FY2018. However, it will be necessary for a budget amendment to pull funding forward into the FY2017 budget year to cover the design of these projects. Doing this will better assure that these projects will be undertaken and completed during the summer months rather than late in the Fall as was done this past year. These budget amendments will follow at a later date. The engineering fee submitted by Beckett & Raeder is approximately 5.6% of the project budgets for these three streets.

Council Comments and Discussion: Council expressed multiple concerns regarding the East Cady Street portion of this program. It was felt that with developments coming in the near future, the street would be torn up shortly after being improved and that money could be spent on another street in the program. It was felt that the cost of the water main upgrade should be charged to the developer, not taxpayers. It was suggested that a Special Assessment District could be imposed for new developments on the South side of Cady. Council also voiced a concern that the difference between the high and low bidder was too broad and questioned if the chosen contractor could handle the material testing and

surveying of the project to ensure quality at the price bid. Chris Enlow P.E., from Beckett & Raeder addressed Council's concerns regarding the firm's qualifications and prior experience.

It was suggested that only the design portion of East Cady Street be completed during this project, that way the grade would be established, water lines located, sidewalks, curbs and parking would be addressed ahead of construction by future developers. It was felt that it would benefit the City to have a plan in place that developers could build to, instead of the City trying to meet the difference grades of each development. Council requested that the DPW Director revise the proposal to include only the design phase of East Cady, include the street next in line for repair and resubmit the proposal at the next Council meeting. It was understood that the quote would need to be amended for the additional street.

Motion Price, seconded by Allen to table item. Motion carried unanimously.

C. Acceptance of Wing Court Right-of-Way

On August 16, 2016, the City of Northville Planning Commission approved a lot split at 300 Wing Court. As part of this approval, the Planning Commission required that the property owner construct a turnaround at the west end of Wing Court and donate the land for this turn around to the City as public right-of-way. Acting on the Planning Commission's request, the realtor for the property owner has prepared a description for the land necessary to make a proper turnaround as well as a description of land around the donated right-of-way as an easement for snow storage.

Wing Court runs west off of S. Wing Street. It is a tight little collection of residential properties developed early in Northville's history. Wing Court is a narrow, dead-end street that does not have a way for the public to turn around without going on to private property. Though there is not enough room for the placement of a modern cul-de-sac in this neighborhood, a "hammerhead" turnaround, similar to those placed by the City in Northville Estates was found to be acceptable by the Planning Commission. A description of the land necessary for this turnaround along with a description of additional land around this turnaround requested for snow storage space has been reviewed by Staff. This turn around will provide a needed improvement for this neighborhood. It is proposed that City Council formally accept this parcel of land for the turnaround along with the adjacent easement required for snow plowing.

Upon accepting this land, the realtor will take this land transaction to the Wayne County Register of Deeds to record it for the City. When the new house is constructed in the coming year, as a result of the lot split, the new turnaround will be constructed to City standards.

There is no cost to the City for accepting this right-of-way and adjacent easement, or for the cost of placing the turnaround.

Council Comments and Discussion: In response to a question from Council it was responded that the homeowners agreed to the right-of-way and easement so snow could be plowed properly from the street and turnaround. It was further explained that when the trucks push snow off the street, they need a dedicated place to put it so landscaping is not damaged.

Motion Darga, seconded by Allen to accept a Quit Claim Deed for additional right-of-way, along with an easement for snow storage around the turnaround on the west end of Wing Court, and further, that the Public Works Director be authorized to sign these documents where required on behalf of the City of Northville. Motion carried unanimously.

D. Firehouse Software Contract Renewal

For many years, the Fire Department has used Firehouse Software for fire reports and to meet its reporting obligations to the National Fire Incident Reporting System (NFIRS). In December 2011, in connection with the launch of the Interlocal Agreement with the City of Plymouth, the City Council approved a five year contract with ACS Government Systems, Inc. (now known as Xerox Government Systems, LLC) for the use of the Firehouse Software in a hosted cloud environment. This has facilitated reporting and access to our data from any of our stations. That contract expires December 31, 2016. A new contract, also for five years beginning January 1, 2017, has been proposed.

The Fire Department has been satisfied with the services provided under the current contract. The proposed contract is substantially the same as the existing contract, but does include a price increase. Under the current contract, the City has paid \$2,167 per year. Under the proposed contract, that annual payment would increase by \$363 per year, to a total of \$2,530 per year for each of the five years of the contract. This price increase is in line with expectations and within the Department's budget.

Council Comments and Discussion: In response to a question from Council it was responded that several companies were looked at for competitive pricing and services offered since the software is made to a national standard. It was found that the companies offered the same services with nearly the same fees. It was also explained that data is stored in the cloud so it can be accessed anywhere and software is updated and pushed out regularly to users.

Motion Allen, seconded by Ekong to approve the contract with Xerox Government Systems, LLC, and authorize the Fire Chief to sign the contract on behalf of the City. **Motion carried unanimously.**

The Mayor thanked the Fire Chief for the Department's response to the recent structure fire on Elmsmere.

E. Board of Zoning Appeals By-Laws

The Zoning Enabling Act allows a Board of Zoning Appeals to adopt rules to govern its procedures. At its November 2, 2016 meeting, the Board of Zoning Appeals (BZA) approved bylaws that outline the rules of order and procedures that the BZA is to follow in holding meetings, considering requests, and making decisions. The By-Laws are not an ordinance, but they must be adopted by the BZA and approved by City Council.

Council Comments and Discussion: In response to a question from Council it was clarified that the BZA does not currently have Bylaws, but the adoption of these By-Laws will not change the way the meetings are conducted.

Motion Darga, seconded by Allen to approve the Board of Zoning Appeals By-Laws as presented. **Motion carried unanimously.**

F. Cady Parking Deck Repair

Earlier this summer, a structural beam in the Cady Street Parking Deck was found to be deteriorating and in need of immediate shoring and repair. In June, the Downtown Development Authority authorized the hiring of structural engineer Jay Desai to engineer a repair solution for the beam. The design work was completed in August and the drawings were issued for bid in early September. The contract with Desai Nasr Engineering included assisting the City in the bidding process and providing field observations during construction.

The bid opening was held on September 15, 2017 and two bids were received. Desai prepared an engineering estimate of \$50,000. Of the two bids, RAM construction was the low bidder with a bid of

\$52,375 for Option A and \$49,500 for Option B. The difference in the two solutions is purely cosmetic. The less expensive solution places the repair on the outside of the existing beam, which will be slightly more visible than repairing the beam from the inside. Desai has reviewed the estimates and spoken to representatives of RAM and is confident that RAM Construction is qualified to do the work.

As part of the review and engineering of the repair Desai determined that the deterioration of the spandrel beam and subsequent failure, was directly a result of removing the top portion of the spandrel to facilitate access from the pedestrian bridge. In addition, moisture entering the joint would have exacerbated the already structurally deficient condition. Desai recommended that all drainage appurtenances be located such that water is not discharged or pooled on the connection elements/areas and interfaces of the bridge.

Both the City of Northville and the CadyCentre building owners, S4Cady, utilize the beam in question for support. The City for support of the parking deck and S4Cady for support of the pedestrian bridge. Because of this relationship, DDA staff has been in communications throughout the process with the building owners to let them know of the status of the repairs and engineering. The owners have been responsive and willing to work with the DDA to address the safety issues and needed repairs. The building owners have an Easement Agreement with the City to locate and maintain the bridge over the public right-of-way.

The City Manager and DDA Director met with the owners of the CadyCentre Building on November 6th to discuss the project and try to come to an agreement on how to assign the cost of the repairs. The City/DDA requested 50% contribution from the building owners of all of the costs associated with the project to date. The expenses to date, total \$62,760 and include engineering, shoring, and repair. The owner's representative, Aaron Cozart, responded that S4Cady would split the cost of the repairs at amount of 50% of the total costs.

City Attorney, Greg Need prepared an Agreement between the City and S4Cady to formalize the agreement to share the cost of repairing the deteriorating spandrel beam in the Cady Street Parking Deck. Both parties also agreed to review, and amend if necessary, the existing Easement Agreement to clarify the language regarding maintenance and repair responsibilities going forward. The amended Easement Agreement will be presented to the City Council at a future meeting.

The DDA has \$25,000 allocated last year, this current year, and the next three years to address repairs to both the MainCentre and Cady Street Parking Decks. The DDA would need to transfer the balance of the City/DDA's share from Fund Balance. Last year the DDA returned over \$11,000 of unused funds in this line item to Fund Balance.

Council Comments and Discussion: Council expressed their gratitude to S4Cady for their willingness to work with the City to resolve this problem.

Motion Darga, seconded by Allen to accept the bid from RAM Construction in the amount of \$49,500 to construct the repairs to the deteriorating beam at the west end of the Cady Street Parking Deck and enter into the contract for service and that the City Manager sign the Agreement with S4Cady on behalf of the City of Northville. Further, the City Council approves the City/DDA sharing equally in the expense of the beam repairs with S4Cady in an amount not-to-exceed \$35,000. This would allow for a 10% construction contingency for the repairs. The City Council's approval is contingent on the approval of the DDA Board of Directors at their December 20th DDA Board meeting. **Motion carried unanimously.**

G. Closed Session / Strategy in Connection with Collective Bargaining Agreements

The Michigan Open Meeting Act permits City Council to go into closed session to discuss negotiations toward ratification of collective bargaining agreements. Administration requests that Council meet with the City's labor attorney to discuss labor negotiations strategy.

Motion Allen, seconded by Ekong to go into closed session for the purpose of discussing strategy in connection with the City's collective bargaining agreements.

Roll Call Vote. Yes: Allen, Darga, Ekong, Price, Roth. No: None. Motion carried unanimously.

Meeting recessed at 8:20 p.m. Meeting reconvened at 8:59 p.m.

COMMUNICATIONS

A. Mayor and Council Communications

Mayor wished everyone a happy and healthy holiday.

Councilmember Allen suggested Council consider starting Council meetings at 7:00pm in the future. Mayor suggested a trial for a few months to see if the new time works for everyone's schedule.

B. Staff Communications

None

There being no further business to come before Council, the meeting was adjourned.

Adjournment: 9:02 p.m.

Respectfully submitted,

Michelle Massel
Deputy City Clerk

Ken Roth
Mayor

Approved as submitted: 1/17/2017