

**City of Northville**  
**CITY COUNCIL REGULAR MEETING MINUTES**  
**September 2, 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, Director of Public Works James Gallogly, Finance Director/Treasurer Sandi Wiktorowski, Parks and Recreation Director Jason Spiller, reporter from Northville Record, and 17 citizens

**PRESENTATIONS**

**A. Citizens Comments**

David Marold, 443 Grace Street, spoke of increased traffic in the Grace/Rayson/Lake Street area; parking on both sides of the street that is not conducive to allow for other vehicles to pass, including emergency vehicles; the 70 person occupancy of the micro-brewery, while only 42 parking spaces are required, and if the City had a backup plan should parking in this area worsen.

Jennifer Luikart, 521 W. Cady Street, spoke of her decision to resign from the Northville Historic District Commission. She wanted City Council to be aware of her decision.

Carrie Mowers, 131 Rayson Street, questioned whether it was ethical for Carlisle/Wortman Associates to serve as the City Planning Consultant while also working for 114 Rayson and the owner of 410 N. Center Street. Parking studies performed for the shared parking agreements were unethical as 114 Rayson occupants have been parking on the residential streets in order to show they have available parking. The parking arrangements are not a true representation of available parking. A more honest study is needed. She also questioned if the shared parking agreements address what happens if the building owner leases out the remaining office spaces.

The City Manager responded that Carlisle/Wortman is the City's planning consultant and is not working on behalf of 410 N. Center Street and 114 Rayson Street businesses. Wortman is the City's Planning Consultant and reviews plans. Developers pay the expenses incurred by the City for their plan reviews. Questions regarding the proposed shared parking agreement would be addressed later during the City Council meeting.

Kurt Meinhardt, 483 Grace Street, spoke of the restaurant on N. Center Street, north of Hillers that has been sold and it is possible this restaurant will reopen. He questioned if the City had considered the

impact to residential parking in the area should this business reopen. This warrants further investigation as it will further exacerbate the current parking situation in this area.

The City is not aware of any sale of this building and any plan to reopen the restaurant and has not examined this matter.

Lori Rogala, 465 Grace Street, requested a status update of having Planning Commission meeting packets posted on the City's website. The City Clerk responded that the 8/5/14 and 8/19/14 Planning Commission meeting packets were posted on the City's website. The 9/2/14 Planning Commission meeting was canceled. As directed by City Council, applications, reviews, and plans 11"x17" and smaller would be included in the electronic packet. Larger plans would still be available for public review at the Building Department.

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

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

Approve City Council Minutes: None

Receive Bills List: Checks #89674 to #89748, EFT #500179, Checks #89749 to #89827  
EFT #500180

Receive Board and Commission Minutes:

- Beautification Commission: 6/30/14

- Downtown Development Authority: 4/15/14, 6/10/14, 6/17/14

Receive Departmental Reports: None

Board and Commission Appointments:

Beautification Commission: Reappoint Tomiko Aoki, Nachiko Hirato, Donna Moak,  
Janet Young, to three-year terms expiring 6/30/17

Liquor License Review Committee: Reappoint John Buckland to a two-term expiring 9/1/16  
Street Closure Request / Block Party / Eaton Drive / September 6, 2014

**Motion carried unanimously.**

### **UNFINISHED BUSINESS**

#### **A. Shared Parking Agreement for 410 N. Center**

In August 2013, the Planning Commission approved a site plan for a new, two-story building at 410 N. Center Street. The proposed use for the building was to be office and retail. Based on the proposed office and retail uses, it was determined that the building needed 35 parking spaces. The site plan was approved with a 37-space parking lot.

In November 2013, the City was notified of the building owner's intent to locate a micro-brewery on the first floor of the new building. The City responded that the brewery use would increase the parking requirement and that additional parking would need to be approved prior to occupancy. The building owner subsequently asked for consideration of a shared parking arrangement pursuant to 17.01.13c of the City of Northville Zoning Ordinance.

In May 2014, City Council tabled consideration of the shared parking agreements and encouraged further discussion with the property owner to seek an agreement to deal with future changes in uses, and hours of operations.

The City's Planning Consultant summarized the building owner's proposed shared parking plans and the Planning Commission's recommendations in a memo dated August 29, 2014. Also provided for City Council's review were the micro-brewery Business Plan of Operation, the proposed Shared Parking Agreement to be used with 114 Rayson (4 spaces) and 412 N. Center (4 spaces), and the agreement between the owner of 410 N. Center and the City.

Section 17.01.13c states that the Planning Commission and City Council consider the Shared Parking arrangement and possible reduction on the following factors:

1. Peak hours of operation for each use.
2. Average/Peak parking demand.
3. Impact of the shared parking on adjacent uses.
4. Written legal evidence of a Shared Parking Agreement.

The Planning Commission, as part of their site plan review, examined all the pertinent factors and determined that the site required 44 total spaces. As the sufficient number of parking spaces hinges on the uses which occupy each tenant space, and the hours of operation of each tenant, future parking demand will fluctuate. The City Attorney, City Planning Consultant, and City Manager all recommended some means of dealing with future changes which may affect the demand for parking. The agreement between the building owner and the City provides that, if one or both of the existing parking agreements are terminated, notification will be provided to the City prior to any change in tenants or hours of operation. The agreement also prohibits any new use in the building, which exceeds the approved parking formula of one parking space per every 200 gross square feet of building area, unless sufficient parking spaces are provided as outlined in Section 17.02 of the zoning ordinance.

Discussion, Comments and Questions:

- Staff explained that the parking studies for these agreements were performed by Carlisle/Wortman Associates. The results of those studies were provided to City Council for its review and consideration. The agreements provide for eight spaces in addition to the 37 spaces provided by 410 N. Center. The 45 spaces are for the entire building. The unleased portions would need to be office or retail. A change of use such as restaurant or medical would require the building owner to provide additional parking and would need to notify the City.
- It was explained that the difference in occupancy is based on parking and fire code. Per the Zoning Ordinance, the parking calculations are required to be based on square footage and use and are not tied to the Fire Code. The calculation on how many people are allowed to be in the building is determined by the Fire Code.
- In response to resident concerns about tonight's shared parking approval allowing for the micro-brewery to have an Oktoberfest celebration event this Fall, comments from City Council and Staff explained that the micro-brewery has not yet received liquor license review and approval. The liquor license review will go before the Liquor License Review Committee and City Council on September 15, 2014. The brewery will then need to receive its approvals from the Michigan Liquor Control Commission. It would be unusual for the MLCC to make its determination in time to allow for a 2014 event. An outdoor event would be reviewed as part of the temporary Outdoor Service request submitted to the Police Department.
- Resident questions and concerns regarding the timeframe and obligation of the tenant to provide the required spaces and a new agreement to cover the loss of shared spaces (i.e. 30 days, 60 days, etc.) were voiced.

- Scott Marcus, representing 410 N. Center Street, noted that the property owner will be proactive and has promised the neighbors that any negative parking impact to their neighborhood would be addressed. The building owner will be involved with its tenants. Also, if one parking agreement were to terminate, the building owner has acquired additional property on N. Center Street that could be developed into parking if needed. If 410 N. Center Street loses the share parking agreements and those are not replaced, they would be restricted on the additional tenants that could be brought in. A portion of the building would need to remain vacant until this was resolved.
- Comments from residents voiced concern with a perceived lack of planning on the part of City Council. There is a need to address demand on parking in the area. “Public Parking” is not available to the residents that live on these streets. No study has been performed for the dental and medical offices on N. Center Street to address the current parking concerns. There was doubt the City had considered all avenues and that this agreement is the proper response to an already existing problem in this area of the City. There is also concern with the likelihood of “overlap” in parking as 412 N. Center is a medical building that often is open until 7:00 p.m. If their parking lot is full, this will force brewery patrons to park in the neighborhood.

The need to evaluate what is going on with parking in this area of the City. Representatives from 410 N. Center Street are trying to work with the residents. Current businesses will not work with residents and encourage client and employee parking in the neighborhoods.

City Council responded that the agreement is attempting to address any parking issues related to 410 N. Center Street in order to reduce further parking on the residential streets. What has held up the opening of the micro-brewery is the need for a shared parking agreement. The City has been firm in its position for an agreement that provided some means of dealing with future changes which may affect the demand for parking. If the building is at full occupancy and the shared parking agreements expire, the property owner would be in violation of City ordinance. It is possible that legal action could be taken to address the matter.

City Council noted that other parking solutions may be considered to address parking concerns in the area. This includes two-to four-hour parking restrictions, no parking allowed during certain times of the day, etc. These could happen regardless of the 410 N. Center shared parking agreements.

- Resident suggestions included implementing permit parking on Grace/Rayson/Lake Streets. Birmingham has resident-only permit parking and it seems to work well. Residents were provided two to three parking permits to put in their vehicle window. Violators were fined and this was effective. Increased parking fines and towing costs would also be effective.
- Mr. Marcus noted that the reality is that the micro-brewery is the only tenant open after 5:00 p.m. The building will not be 100% occupied at all times. The available parking does not factor in customers that will walk, ride bikes, or use parking directly in front of the building. Current parking problems will not be exacerbated because of the micro-brewery. If the micro-brewery were not there, the building could also be used for a medical use which would have an even greater impact to residential street parking.
- Comment from residents voiced the belief that 410 N. Center Street is being held to a higher standard for parking than the current businesses that do not seem to have sufficient parking for their employees and clients. It was explained that existing uses that have not had site plan review have been going on for decades.

- City Council comments suggested the DPW perform parking counts surveys at different times and make note of who is parking in the area. Restrictions to parking in the area might also be considered. Residents requested to have input on any proposed solutions as they will also have to live with the solutions. City Council concurred the residents should be included in reaching a solution. Also, as this area is near a commercial corridor (one block east of N. Center Street), it was suggested that businesses also contributing to the parking issues in this area be invited to review and suggest solutions.
- A comment from City Council voiced concern with the “no left turn” on Rayson restriction and the belief that this restriction will create further gridlock. This restriction was part of the Planning Commission’s site plan approval conditions. Marcus noted that 410 N. Center is not impacted by this restriction and will remove it if the city deems it necessary.

Following further discussion, City Council concurred that a study be done and solutions be proposed to address the current parking issues in the Grace/Rayson/Lake Street area. It was directed that the Department of Public Works perform parking surveys at different times throughout the day. The DPW Director and City Manager would return to City Council to present their findings. The Grace/Rayson/Lake residents and the property owners of the commercial businesses would be invited to an informal study session to review the findings and discuss possible solutions.

**Motion Darga, seconded by Allen** to approve the shared parking agreement between 410 N. Center and 114 Rayson to provide four parking spaces; to approve the shared parking agreement between 410 N. Center and 412 N. Center to provide four parking spaces; and to approve the agreement between the owner of 410 N. Center and the City of Northville, and authorize the City Manager to execute the documents on behalf of the City. **Motion carried unanimously.**

## **NEW BUSINESS**

### **A. General Fund Transfers for Fiscal Year Ended June 30, 2014**

The accounting for the City’s fiscal year ended June 30, 2014 is almost complete and the annual audit will begin on Monday, September 8, 2014. Before the financial accounting is completed, City Council was asked to consider a final year-end fund balance transfer.

City staff has continued to closely monitoring expenditures. The General Fund is expected to end with a surplus of approximately \$228,000 for FY2014. It was budgeted to end with a surplus of approximately \$88,000. The additional \$140,000 is due to the following:

- Revenues were approximately \$4,000 higher than expected.
- Professional service categories are not consistent from year-to-year. The General, Prosecution, Labor, and Tax Appeal Attorney services were \$13,000 under budget and contracted planning and zoning services were \$16,000 under budget.
- Overall, Department of Public Works (DPW) costs for maintenance of property and administration were approximately \$21,000 under budget. DPW services are allocated to the Fund in which they actually worked. Lower than projected DPW services were performed in the General Fund.
- The Police Department was \$20,000 under budget due to an unanticipated extended employee leave in the Department.
- The Fire Department was \$24,000 under budget. \$14,000 of that savings was due to a budgeted contingency that was not needed.

- The change to induction street lighting resulted in a savings of \$10,000.
- Overall administrative cost control measures by City Staff resulted in a savings of \$32,000.

During the fiscal year, the City also contributed an additional \$300,000 out of the General Fund toward unfunded legacy costs. The additional contributions into the pension fund helped keep the funded ratio at 58%. Previous years have decreased 2-3% per year. The additional contributions into the post-retirement health care trust fund increased the funded ratio from 24% to 36%. Staff is being very proactive in contributing additional funds towards the City's legacy costs when funding is available.

About a year ago, the City began setting aside funds for City Hall building improvements (\$869,583). A transfer of \$140,000 from the General Fund to the Public Improvement Fund was requested to be committed for future City Hall building improvements. The remaining surplus of approximately \$88,000 would stay in the General Fund.

City Council Questions, Comments, and Discussion: Comments voiced appreciation to the Finance Director and Department Heads for continued fiscal responsibility. In response to a question from City Council, it was explained that Public Improvement Funds may be reallocated to different projects if needed.

**Motion McKindles, seconded by Ekong** to authorize City Staff to transfer \$140,000 from the General Fund to the Public Improvement Fund as of June 30, 2014 for future City Hall building improvements. **Motion carried unanimously.**

#### **B. Letter of Understanding / Northville Schools and Northville Recreation Commission**

On June 2, 2014, City Council tentatively approved the Northville Community Center Roof Restoration and Replacement project. The approval was contingent upon a Letter of Understanding between the Northville Schools and the Northville Recreation Commission regarding the current leasing agreement. The current lease expires in July 2019 and City Council recommended a letter of understanding to extend the terms of the lease in the event no lease extension is presented after July 2019.

The Northville Recreation Commission recently received a Letter of Understanding from Northville Public Schools. The letter was reviewed and approved by the City Attorney. The Letter of Understanding addresses the lease terms and allows for future lease extensions.

**Motion McKindles, seconded by Darga** to accept the Letter of Understanding between the Northville Schools and the Northville Recreation Commission regarding the lease of the Northville Community Center (303 W. Main Street). **Motion carried unanimously.**

#### **C. Yerkes Pond Dam Rehabilitation**

In June 2014, City Council awarded a construction contract for the rehabilitation of the Yerkes Pond Dam to Birkenstock Construction Company of Southfield, Michigan. The project is underway with most of the work to date being concentrated on the spillway of the dam. The design for the headwalls involved chipping off approximately three inches of the concrete and pouring a concrete cap over the exposed areas of the walls. As work progressed to the headwalls of the structure it became clear that the existing concrete walls were too soft for the proposed cap to adhere. A design change was made by the project engineers, Rowe Professional Services Company. The design change calls for chipping out approximately half of the old walls and connecting new reinforced concrete walls to the existing structure.

The proposed change in design called for additional effort by the contractor at additional cost for the City. However, the current work on the spillway had resulted in savings, as the spillway work involved less effort than expected. In balancing out the savings in cost on the first part of this project (-\$8,500) with the expected increase cost of the headwall design change (\$17,211.50), there is still a need for \$8,711.50 to cover the expected cost of the project. The necessary contract change order to this project will increase the cost of the original bid (\$126,662.50) by \$8,711.50 making the new contract amount \$135,374.

The project budget amount is \$170,000. The bid submitted by Birkenstock Construction, LLC (\$126,662.50) and the engineering cost (\$33,104) is within this budget. This leaves \$10,233.50, which is sufficient to cover this project change order

**Motion Darga, seconded by McKindles** to approve Change Order #1 for the Northville Yerkes Pond Dam Improvement Project to Birkenstock Construction, LLC of Southfield, Michigan in the amount of \$8,711.50 increasing the contract amount to \$135,374. Further, the Public Works Director is authorized to sign this Change Order on behalf of the City of Northville. **Motion carried unanimously.**

## **MAYOR AND COUNCIL COMMUNICATIONS**

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

McKindles spoke of the Food Truck Rally held in Ford Field. The event was so successful that the food trucks ran out of food. It was noted that the downtown was busy due to the success of this event. This prompted discussion on future events in Ford Field that would have a positive impact on the downtown businesses and the need for improvements to Ford Field (stairs, drainage, etc.) that may need to be addressed to allow for an increase in events in Ford Field. The Food Truck Rally was evidence that people will go to the downtown if there is an event in Ford Field.

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

Being no further business, the meeting was adjourned.

**Adjournment: 8:53 p.m.**

Respectfully submitted,

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Dianne Massa, CMC  
City Clerk

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Christopher J. Johnson  
Mayor

Approved as submitted: 9/15/2014