

City of Northville
CITY COUNCIL REGULAR MEETING MINUTES
February 17, 2015

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, Ryan McKindles, and Sam Ekong (arrived 7:32 p.m.)

Absent: None

Also Present: City Manager Patrick Sullivan, City Clerk Dianne Massa, Downtown Development Authority (DDA) Executive Director Lori Ward, Housing Director Sherry Necelis, Planning Consultant Don Wortman, reporter from Northville Record, and five 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:
 - Regular Meeting of February 2, 2015
- Receive Bills List: None
- Receive Board and Commission Minutes: None
- Receive Departmental Reports:
 - Youth Assistance: 2/15
- Board and Commission Appointments: None
- Finalization of 2015-16 Goals, Objectives and Project Priorities

Motion carried unanimously.

PUBLIC HEARING

A. Proposed Uses of Wayne County Community Development Block Grant Funds – FY2015

On January 5, 2015, City Council held a public hearing pertaining to the proposed uses of Wayne County Community Development Block Grant Funds (CDBG) for Fiscal Year 2015. As there were no objections or comments at the first public hearing, Wayne County has requested the proposed uses again be brought before City Council.

The City of Northville is expected to receive \$44,629 from the Wayne County Community Development Block Grant (CDBG) program for fiscal year 2015. CDBG funds are used to target low to moderate-income residents or to provide an urgent community need. The City of Northville has no 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 the FY2015 Wayne County CDBG funds are as follows:

| Project Description | Amount |
|--|-----------------|
| <i>Public Services – Senior Services</i> CDBG funds may be used for the operation of Senior Citizen Centers for transportation, staffing, etc. | \$ 6,861 |
| <i>Rehab Public Residential - Allen Terrace</i> CDBG funds may be used to perform improvements such as the replacement for the alarm system, adding greater R-factor to the insulation in the attic, replacing ceiling tiles with drywall to prevent air/heat loss, replacement of electronic doors, changing faucets, etc. | \$33,305 |
| <i>General Program Administration</i> The CDBG program allows a percentage of the annual allocation for program administration. | <u>\$ 4,463</u> |
| Total Estimated Allocation – Wayne County | \$44,629 |

(Councilmember Ekong arrived during the presentation.)

The public hearing was opened at 7:34 p.m. No public comment. The public hearing was closed at 7:34 p.m.

City Council Comments and Discussion: Further clarification was given pertaining to the grant cycle for this allocation, use of multi-year funds for certain improvements at Allen Terrace, the required time frame to utilize funds, and how the program funds are allocated.

Motion McKindles, seconded by Allen to adopt a resolution authorizing the use of fiscal year 2015 Wayne County Community Development Block Grant Funds as proposed. **Motion carried unanimously.**

B. Public Hearing on the Amended and Restate Development and Tax Increment Financing Plan and Second Reading

In 1978, the City of Northville adopted an ordinance to create the Downtown Development Authority (DDA) for the purpose of revitalizing Northville's declining downtown business district. Following the establishment of the DDA, the City Council approved and adopted the original *Development and Tax Increment Financing Plan* to serve as the framework for the revitalization initiative. In subsequent years, the Development Area described in the original plan was expanded, and several times the document was amended in scope.

The DDA is proposing to amend and restate the Development and Tax Increment Financing Plan. The Amended and Restated Plan would accomplish the following objectives:

- Organize and consolidate the original Plan and the five subsequent amendments to the Plan into one clear and concise document.
- Extend the plan for 25 years.
- Identify DDA projects that will be funded by Tax Increment Finance (TIF) revenue and provide estimates and prioritization to these projects.
- Adjust the Development Area boundaries so that the boundaries will be the same as the Downtown District boundaries.
- Establish a new base year of 2015 for the parcels added to DDA's Development Area.

On February 2, 2015, the Northville City Council held a public hearing to consider the adoption of an ordinance approving an amendment to and restatement of the Development and Tax Increment Financing Plan (the "Amended and Restated Plan") for the Northville Downtown Development Authority pursuant to Act 197 of the Public Acts of Michigan of 1975, as amended.

On February 9, 2015 the City of Northville received a memo from Jon McClory, Chairperson of the Citizens District Council (CDC), on behalf of the CDC, expressing support of the Amended and Restated Plan.

The public hearing opened at 7:42 p.m. No comment. The public hearing closed at 7:42 p.m.

City Council Comments and Discussion: In response to a comment from City Council, DDA staff confirmed that updated maps would be included in the final publication.

Motion Allen, seconded by Darga after second reading, to adopt the Ordinance approving the Amended and Restated Development and Tax Increment Financing Plan for the City of Northville. The Ordinance is hereby determined by the City Council to be immediately necessary for the interests of the City and shall be in full force and effect following the publication requirements set forth in the City Charter.

Motion carried unanimously.

RESOLUTIONS AND ORDINANCES

A. Amendment to Zoning Ordinance / Article 18 General Provisions – Air Conditioner Condensers and Emergency Generators / Second Reading

At its November 4, 2014 meeting, the Planning Commission held a public hearing to consider text amendments to Article 18 General Provisions in the City of Northville's Zoning Ordinance. The proposed text amendments would amend Article 18 by adding Section 18.24 pertaining to air conditioner (AC) condensers and emergency electrical generators. The definition of air conditioning condenser and emergency electrical generator would be added to the Zoning Ordinance as well.

At its meeting, the Planning Commission discussed possible regulations regarding the placement of AC units and generators. They also reviewed screening and sound attenuation methods to ensure minimal impact to surrounding properties. The Planning Commission recommended the current regulations in the Code of Ordinances pertaining to the location and placement of AC condensers be deleted and, instead, the regulations be included within the Zoning Ordinance. 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 and consideration. At its January 20, 2015 regular meeting, City Council introduced the proposed ordinance amendment for first reading.

City Council Comments and Discussion: In response to a question from City Council it was explained that recourse outside of the ordinance is an appeal to the Board of Zoning Appeals.

Motion McKindles, seconded by Allen to waive second reading and adopt the proposed amendments to Article 18 General Provisions and Article 26 Construction of Language and Definitions in the City of Northville Zoning Ordinance pertaining to Air Conditioning units and Electrical Emergency Generators as presented. **Motion carried unanimously.**

B. Amendment to Chapter 14 Building and Building Regulations, Article IV Mechanical Code / Second Reading

At its November 4, 2014 meeting, the Planning Commission held a public hearing to consider text amendments to Article 18 General Provisions in the City of Northville’s Zoning Ordinance. The proposed text amendments would amend Article 18, by adding Section 18.24 pertaining to air conditioner (A/C) condensers and emergency electrical generators. The definition of air conditioning condenser and emergency electrical generator would be added to the Zoning Ordinance as well.

Possible regulations regarding the placement of AC units and generators were also discussed. The Planning Commission reviewed screening and sound attenuation methods to ensure minimal impacts to surrounding properties. The Planning Commission also reviewed Chapter 14 Building and Building Regulations, Article IV Mechanical Code in the Code of Ordinances and recommended that Section 14-82 Location of Condensers be deleted. Instead, the regulations would be included within the Zoning Ordinance.

As the Mechanical Code is part of the City Code of Ordinances, the Planning Commission was merely transmitting the recommended amendment to City Council for further action. Communication from the City’s Planning Consultant and the proposed amendment to the Code of Ordinances was provided to City Council for its review and consideration. At its January 20, 2015 regular meeting, City Council introduced the proposed ordinance amendment for first reading.

Motion Darga, seconded by Ekong to waive second reading and adopt the proposed amendments to Chapter 14 Building and Building Regulations, Article IV Mechanical Code as presented. **Motion carried unanimously.**

C. Amendment to Zoning Ordinance / Article 18 General Provisions – Medical Marihuana / First Reading

At its January 20, 2015 meeting, the Planning Commission conducted a public hearing to consider text amendments to Article 2 Zoning Districts and Mapping Interpretation, Article 18 General Provisions, and Article 26 Definitions in the City of Northville’s Zoning Ordinance pertaining to Medical Marihuana. The proposed regulations were developed with guidance from the City Attorney and reflect the findings of recent Michigan Supreme Court cases. In summary, the proposed text amendments would:

- Add Section 2.07 Compliance With Law.

- Add Section 18.25 Medical Marihuana Activities. This section prohibits dispensaries or provisioning centers, but at the same time allows possession, growth, and cultivation of marihuana as permitted by State Law. Medical Marijuana activities would be allowed within residential zoning districts; however, medical marihuana dispensaries, provisioning centers, or other commercial facilities are expressly prohibited.
- Modify Article 26 Definitions: to include definitions pertaining to marihuana and medical marihuana activities.

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 was provided to City Council for its review and consideration.

City Council Comments and Discussion: The Planning Consultant provided additional explanation pertaining to dispensaries or provisioning centers. It was also explained that the proposed text amendments would prohibit commercial sales. Medical marihuana is not dispensed or regulated through pharmacies. Medical marihuana activity would be allowed in residential zoning districts.

It was also explained that according to the Michigan Supreme Court, any conflict between Federal and State regulations has been resolved. During the 2014 legislative session, proposed legislation discussed pertained to what regulations local government could have. So far, no decisions have been made at the state level during the current 2015 legislative session. A comment from City Council questioned whether it was appropriate for Council to enact text amendments prohibiting commercial sales without knowing what the legislature might enact. It was explained that the statute provides avenues for care givers to legally obtain medical marihuana, with the need to obtain it commercially. The proposed text amendments are appropriate as a commercial operation would attract a different crime opportunity.

Motion Darga, seconded by McKindles to introduce for first reading, the proposed amendments to Article 2 Zoning Districts and Mapping Interpretation, Article 18 General Provisions, and Article 26 Construction of Language and Definitions in the City of Northville Zoning Ordinance, pertaining to Medical Marihuana, as presented, with second reading and possible adoption scheduled for March 16, 2015. **Motion carried unanimously.**

D. Amendment to Zoning Ordinance / Articles 2 and 10 to Establish the Cady Overlay Districts / First Reading

At its September 16, 2014 meeting, the Planning Commission conducted a public hearing to consider text amendments to the City of Northville's Zoning Ordinance. The proposed text amendments would amend Article 2 Zoning and Map Interpretation and Article 10 Central Business District, in order to establish the Cady Street Overlay District. During the public hearing, minor changes were suggested by the Downtown Development Authority. The Planning Commission reviewed these modifications at their October 7, 2014 meeting and recommended approval of the proposed amendments to City Council.

At its November 3 and November 17, 2014 meetings, City Council reviewed the proposed text amendments and requested further modifications. Since the original public hearing held by the Planning Commission on September 16, 2014, a number of changes were made to the Cady Street Overlay Ordinance. First floor residential uses were restricted as suggested by the Downtown Development Authority and the Planning Commission created two separate Cady Street Overlay Districts (CSO-1, CSO-2). In addition, minor changes to the permitted heights were made as well as setback adjustments. The Planning Commission also responded to comments received at the joint meeting of the City Council

and Planning Commission held on November 17, 2014. As a result of that meeting, first floor residential uses are prohibited in the PR-1 portion.

On January 20, 2015, the Planning Commission conducted a second public hearing on the Cady Street Overlay. After this public hearing, the Planning Commission recommended approval of the draft zoning ordinance amendments and zoning map to City Council. Communication from the City's Planning Consultant and the proposed zoning ordinance text amendments were provided for City Council's review and consideration.

City Council Comments and Discussion: Discussion ensued pertaining to the Planning Commission limiting building stories to three stories for certain parcels on the south side of Cady Street and for two parcels fronting S. Center Street. The Planning Consultant noted that the Planning Commission was sensitive to the Beal Street residential area and recommended that certain parcels allow a maximum of three stories. The Planning Commission wanted four-story buildings to be closer to the west end of Cady Street. It was noted that the Planning Commission held a second public hearing to discuss the changes. Property owners and occupants were notified and there was little public comment at the Planning Commission meeting.

Comments from City Council voiced concern with the recommendation of a lower number of stories. This restriction would possibly hinder a developer's ability to recoup the expenses incurred in revitalizing an industrial area. Limitations would not attract a quality developer. Comments from City Council voiced reluctance to support the three-story restriction for certain parcels. Other comments pointed out that a solid Planned Unit Development (PUD) plan would be the mechanism for more height as an appeal to the Board of Zoning Appeals would not likely prevail. While there are extra steps involved in a PUD, including two public hearings (Planning and City Council), a PUD might offer a developer more flexibility.

City Council concurred that the two parcels fronting S. Center Street (Lots 164 and 165) should have the four-story building height allowance designation. The four-story building height allowance designation should also be permitted for certain parcels in a selected area on the south side of E. Cady Street (Lots 72, 73, 74, 75, 76, 77, 78, 79 [that is part of tax parcel # 0073-000], 80, 81, 82, 180, 181). City Council also requested the addition of language that permitted building height adjustments to be considered as part of a Planned Unit Development. The Planning Consultant did not believe another Planning Commission public hearing was necessary as the proposed change from three to four stories for these parcels would be less restrictive.

Motion McKindles, seconded by Darga to introduce for first reading the proposed amendments to Article 2 Zoning and Map Interpretation and Article 10 Central Business District in the City of Northville Zoning Ordinance, establishing the Cady Street Overlay Districts (CSO-1, CSO-2) as amended, with second reading and possible adoption scheduled for March 16, 2015. **Motion carried unanimously.**

NEW BUSINESS

A. Appointment of Election Commissioner

The Election Commission consists of the City Clerk, City Attorney, and a member of the Council who shall not be a candidate for elective office at the election for which he is appointed. The Clerk serves as the chairperson and two members of the Election Commission shall be a quorum. An Election Commissioner is needed for the May 5, 2015 Statewide Special Election.

The Election Commission will meet at 8:00 a.m. at City Hall on the following dates: April 1, 2015 and April 27, 2015. Additional meetings may be scheduled if needed.

Motion McKindles, seconded by Darga to appoint Mayor Pro Tem Allen to serve as the Election Commissioner for the May 5, 2015 Statewide Special Election. **Motion carried unanimously.**

MAYOR AND COUNCIL COMMUNICATIONS

A. Mayor and Council Communications

Due to a work commitment, Allen may not be able to attend the March 2nd City Council meeting.

B. Staff Communications

Being no further business, the meeting was adjourned.

Adjournment: 8:17 p.m.

Respectfully submitted,

Dianne Massa, CMC
City Clerk

Christopher J. Johnson
Mayor

Approved as submitted: 03/02/2015