

City of Northville

CITY COUNCIL REGULAR MEETING MINUTES

June 5, 2017

Mayor Roth called the meeting to order with the Pledge of Allegiance at 7:00 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 Sam Ekong, and Marilyn Price

Absent: Councilmember Nancy Darga (excused)

Also Present: City Manager Patrick Sullivan, City Clerk Dianne Massa, Director of Public Works James Gallogly, and approximately 63 citizens

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. Citizens Comments

Approximately 60 citizens were present to address City Council about the Northville Democratic Club (NDC) not being allowed to take part in the Independence Day Parade. The parade is organized by the Northville Community Foundation. Earlier this year, City Council approved the Northville Community Foundation (NCF) special event application to use City streets for the parade.

Lisa Dirado, 17444 Rollingswood Circle (Northville Township). Dirado is president of the Northville Democratic Club. She spoke of the Northville Community Foundation denying the NDC's application to march in the 2017 parade. Dirado wanted City Council to intercede and allow the NDC to march in the parade.

Bob Breslin, 990 Whitegate (Northville). Breslin is the treasurer of the NDC. As a NDC member, he marched in the 2015 and 2016 parades and felt victimized while being in the parade. Other political figures were part of the parade and will march this year as well. Breslin wanted City Council to allow the NDC to march in the parade.

Linda Liedel, 18156 Pinebrook (Northville Township). Liedel is a Democrat, but not a member of the NDC. In Midland, four democratic groups marched in the Memorial Day Parade. The NCF should allow the NDC to march in the Independence Day Parade.

Herb Helzer, 1051 Allen (Northville). Helzer referenced a letter dated 6/5/17 from the ACLU to the NCF. Previously, the NCF stated that IRS rules prohibit 501(c)(3) organizations like NCF from allowing political organizations to march in the parade and doing so would jeopardize their non-profit status. The

ACLU letter disputes this assertion, stating it is permissible to allow political organizations to march in the parade. Helzer wanted the NCF to allow this activity.

Ted Williamson, 300 N. Ely (Northville). Williamson is the founder of Indivisible Northville (IN). This is a non-political group that presents logical and reasonable information on issues, offer voter education to get people involved in the process, and encourage people to run for office. The group represents the values of Independence Day. IN was also advised by the NCF that they could not march in the Independence Day Parade.

Barbara Moroski-Browne, 116 High Street (Northville). Moroski-Brown is a member of the NDC and believes that City Council has the moral authority to allow NDC to march in the parade. She also referenced the ACLU's letter to the NCF noting that the NDC's participation does not violate IRS rules. A survey of 16 parade applications on the internet found that four allow political groups, 11 are silent and do not prohibit political groups, and only the NCF prohibits their participation in a parade. Moroski-Browne served on the NCF Board in the late 1990s and stated the NCF has a history of exclusion.

Patrick Crandell, 15177 Yale (Livonia). The NCF does not allow candidates to march in the parade, yet allows elected officials to march. Some elected officials are incumbents that are up for reelection and the NCF is effectively endorsing candidates for office. Crandell wanted City Council to step in to address the issue of fairness.

Roland Hwang, 1914 Maple Hill Drive (Northville Township). Hwang stated his belief that the City oversees the parade and needs to reexamine its relationship with NCF. If the NCF continues to exclude participation, the City needs to take back the parade or impose conditions on the NCF.

Anil Kumar, 42021 Banbury Ct. (Northville Township). Kumar noted that he has observed incumbent candidates march in the parade. Noted that he has made several attempts to volunteer on various community boards and commissions and his services were not needed. Believed the party in power has all of the rights and takes from those that are not in power, which is dictatorial.

Gary Schlack, 12860 Heritage Drive #203 (Plymouth Township). Member of the NDC and a veteran. He voiced it is his constitutional right to march in the Parade.

Luci Klinkhamer, 430 Lake, (Northville). Klinkhamer voiced that this is not an NCF issue but a City issue. Tax dollars support the parade as City services (Police, Fire, and Department of Public Works) and City property (signs, podiums) are used. The City also allows the NCF to store parade items on City property. The City budgets for this expense and does not seek reimbursement from the NCF. The Special Events Application states the applicant is required to follow all laws and ordinances. City Council should demand that the NCF treat all groups fairly and equally.

Jane Breslin, 990 Whitegate (Northville). Breslin is a NDC member and a Precinct Delegate. In 2015 and 2016, she was proud to march in the Parade and is disappointed that the NCF denied their application to participate in the 2017 Parade. Breslin supports the comments from previous speakers and believes the NDC should be allowed to march in the parade.

Vicki Dwelley, 21237 Summerside (Northville). Dwelley is a member of IN. She has observed changes in the parade; some good and some bad. The country needs to maintain liberty, justice, and civil rights for all. IN stands for exactly what the parade is about and it is irreprehensible that IN cannot march in the Parade.

Susan Nichols, 44099 Deep Hollow Circle (Northville Township). Commented that NCF promotes the 2017 parade as an "all-star" salute. NDC members are active in many other organizations and celebrate

what makes America great. NCF agreed to comply with all ordinances and laws, and City Council should follow through with the compliance requirement.

Richard Kern, 124 High Street (Northville). Kern spoke of the NDC Facebook page with IN from March 2017 to join IN to stand up against Trump and the agenda of “hate.” The groups coordinate efforts to contact elected officials to deliver their message. The Facebook posts contradicts IN’s claim that they are a non-political group. This offers a fuller picture of NDC and IN’s principles and values and what is behind tonight’s effort to participate in the parade.

Chris Roosen, 44584 Spring Hill (Northville Township). The parade is his favorite event and he volunteered with NCF to work on the parade committee this year. They have brought back the pet parade and are strengthening bike parade to make the parade more about things that people and kids like. Roosen has spoken to many members of the community and the message from the community is no politics for one day. They do not want politics to be part of the parade.

Sandra Larson, 17315 Lake View Circle (Northville Township). Larson is a member of NDC and on the NCF Board. The parade is entertainment and should not be political. Larson questioned why NCD and IN are focusing on this parade and did not ask to march in the Memorial Day Parade. NCF has a long-standing tradition of allowing elected officials to march, basically thanking them for serving the community. NCF does not allow political groups to march in the parade. NCF does a lot of good for the Northville community and they should be allowed to put on a fun and entertaining parade.

Joan Wadsworth, 317 W. Dunlap (Northville). Wadsworth noted that in this year of very strong political views, one of the concerns is that political groups might cause the parade to be confrontational and unpleasant. While that might be a reasonable thing to consider, instead of using it as a reason to deny the request to march, show the community that we can be civil and march together. Both sides have brought up valid points. City Council could consider having the groups come together to share views and listen to each other and find a way to march together. The country stands for speaking your mind and listening to other views.

Jason Blankenship, 16744 Bradner (Northville Township). Blankenship is a member of the NDC. He believed there is no day more political than July 4th as the forefathers’ risked death and treason for free speech. Allowing all groups to march in the parade honors free speech and the principles the country was founded on.

Peggy McMichael, 47255 S. Chigwidden (Northville). McMichael has marched in many parades. She agrees that everyone should be able to express their community and political connections. The NDC should be allowed to march in the parade.

Penny Crider, In-District Manager for Senator Colbeck. Crider stated that Senator Colbeck will walk in the parade as he has done every year since he was elected. Colbeck will follow the parade guidelines and will not campaign while walking in the parade. The parade is not about Colbeck’s political future. It is about celebrating with the community and people he serves.

John Keenan, 17444 Rolling Woods Cir (Northville Township). The NDC has previously marched in the parade. The club carries a banner just as the elected officials do to identify the group as Democrats in Northville. Elected officials should not deny anyone their free speech rights to walk and march. City Council should do the right thing and allow the NDC to march in the parade. Northville is not a community that discriminates.

Jennifer Luikart, 521 W. Cady (Northville). Luikart’s house is on the parade route. The parade is sponsored by St. Mary Hospital. Different charities march in the parade every year and she questioned if there were IRS rules for charities. July 4th is a political day and it is good for the community to know

what organizations exist. People should look at the IN mission statement and not what is written on Facebook. The parade has gone downhill and she is happy it can come back to what it once was. Everyone should be given the right to march in the parade.

Jessica Streigle, Northville Community Foundation Executive Director.

Colleen McDonald, Northville Community Foundation Chairperson.

Streigle spoke of the NCF's mission to enhance and enrich life in the community through the operation of Maybury Farm and providing grants to non-profit organizations that make Northville a better place. For 19 years, the NCF has organized and executed the Independence Day Parade for the Northville community. The parade has grown to include 100 entries and an estimated 20,000 spectators. The parade is a favorite tradition that people look forward to. NCF staff and volunteers put in hundreds of hours and thousands of dollars to produce a festive, fun, entertaining, and celebratory parade no matter which side of the aisle you are on. The NCF has maintained its policy of allowing elected officials to participate in the parade, provided they refrain from campaigning. The NCF cannot control who is elected into office and the party they represent. Due to its tax-exempt status, the NCF is prohibited by the IRS from directly or indirectly promoting any political organization. On the day of the parade, the NCF does its best to ensure the rules are followed by all that participate. The NCF intends to stand by its policy and does not plan to coordinate a parade that is political in nature and it does not want the parade to become a political battlefield. The NCF looks forward to continuing its mission of enhancing and enriching life in the community through Maybury Farm, grants, and the Independence Day Parade.

Streigle also explained that in 2015 the NDC was permitted to participate in the parade as she was new and misinterpreted NCF policy. In 2016, the NDC parade application was denied and the NDC was advised of this decision verbally and in writing. Despite the denial, the NDC showed up on July 4th to march. To keep peace, the NCF allowed them to march.

City Council Comments and Discussion: Comments from City Council acknowledged that this was a passionate issue. The exclusive role of the City is to issue or not issue a special events permit. The City does not have sufficient staff to administer the parade, inspect parade applications, and arbitrate who is allowed to participate. There is a difference of opinion between attorneys on the law. The special events permit was already granted as it has been for the last 19 years, and the parade will proceed. The parade is a great Northville event and City Council did not agree that the parade has gone downhill as 20,000 people show up annually to see a great parade. The City is not in a position to determine who is or is not complying with First Amendment rights. The NCF is a private foundation and is not a City entity. City Council is looking for the NDC and NCF to work together to reach an amicable solution.

A separate comment from City Council voiced that that City Council should show courage and resolve the issue. The matter of the NDC not being allowed to march was brought to the attention of the City before the special events application was approved. The NDC's parade application was approved in previous years without a problem; now there is a problem. When other permits have conflicts, City Council helps both parties work out problems. The parade is not meant to be solely entertainment. This issue will not go away until the City Council sits down with all parties to help resolve the matter.

Comments from City Council countered that in the past, City Council has stepped in to resolve staging and logistics for special events. City Council has not made decisions on who could or could not be a part of a special event. If the City acts as the judge of what will and will not occur in the Independence Day Parade, does it become the judge for all other parades?

Additional comments from City Council pointed out that it is difficult to fix a permit after it has been issued. Northville is one community and one people. The NCF was urged to revisit the issue and meet with the NDC to work out a solution to set guidelines to allow everyone to march in the parade.

The Mayor recessed the meeting at 8:07pm. to allow attendees to leave if they did not wish to stay for the rest of the City Council meeting. The meeting reconvened at 8:09pm.

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Approve City Council Minutes of:

- Regular Meeting of May 15, 2017

Receive Bills List:

- Accounts Payable Week of May 24, 2017

Receive Board and Commission Minutes: None

Receive Departmental Reports: None

Board and Commission Appointments:

- Downtown Development Authority: Reappoint James Long, term expires September 30, 2020

Policy for Payment Over/Under \$5.00

Special Event Request / Susan G. Komen 3-Day / August 5, 2017

Resolution in Opposition to SB 305-310 / Amendments to Tax Increment Finance Authority Statutes

Motion carried unanimously.

RESOLUTIONS AND ORDINANCES

A. Ordinance Amendment / First Reading

Chapter 74 Streets, Sidewalks and Other Public Places, Article VI Sidewalk Cafes and Outdoor Seating

In 2001, the City adopted the Sidewalk Café and Outdoor Seating Ordinance. At that time, the Michigan Liquor Code did not allow Sunday morning alcohol sales before 12:00pm (noon). As such, the operating restrictions for Sidewalk Cafes did not allow Sunday morning alcohol sales before 12:00pm (noon).

In 2010, the Michigan Liquor Code was amended to allow Sunday morning alcohol sales to begin at 7:00am. Since that time, the City has received requests to consider amending the ordinance to allow Sunday morning alcohol sales before 12:00pm noon for sidewalk cafes.

The proposed ordinance amendment would amend Section 74-175 Operating Restrictions to allow Sunday morning alcohol sales to begin at 10:00am, which is consistent with the sidewalk café operating hours start time Monday through Saturday.

Motion Allen, seconded by Price to introduce for first reading the proposed amendment to Chapter 74 Streets, Sidewalks and Other Public Places, Article VI Sidewalk Cafes and Outdoor Seating in the Code of Ordinances as presented, with second reading and possible adoption scheduled for June 19, 2017.

Motion carried unanimously.

NEW BUSINESS

A. Appointment of Election Commissioner November 7, 2017 City Election

An Election Commissioner is needed for the November 7, 2017 City Election. The Election Commission will meet on July 31, 2017 at 8:15 a.m. at City Hall to certify the list of candidates. Additional Election

Commission meetings will be held as needed to review and approve the ballot proof, appoint election inspectors and receiving board members, and conduct the public accuracy test.

Motion Allen, seconded by Ekong to appoint Marilyn Price to serve as the Election Commissioner for the November 7, 2017 City Election. **Motion carried unanimously.**

B. Agreement

Commercial Natural Gas Supply

This spring, the City solicited a Request for Proposals (RFP) to alternative gas supply companies licensed to provide natural gas in the Consumers Energy supply area. The proposals/bids received are as follows:

Realgy Energy Services	Guaranteed savings of 2.5% / no fixed price
My Choice Energy LLC	Set price of \$3.49 per MCF of gas

Currently, the City uses My Choice Energy as its energy supplier and its cost (established by bid in 2015) is \$4.09 per MCF. In the past 18 months there has not been a month where this price was lower than what the City would have paid for gas received directly from Consumers Energy. Consumers Energy prices ranged from as low as \$2.53 to as high as \$3.45. The general trend for NYMEX over the past several years has been down. The sentiment in the natural gas industry is that natural gas prices will remain stable over the next several years as supply is growing in the country. Annually, the City of Northville purchases approximately 7,500 MCF of natural gas. While not a heavy use, any reduction to the cost of this commodity will save the City's General Fund dollars needed for other critical items.

The bid submitted by My Choice energy LLC at \$3.49 per MCF is not expected to be a savings to the City based on the recent history of Consumers Energy's costs. The proposal submitted by Realgy Energy, which is a guaranteed savings of 2.5% over Consumers Energy's costs, could offer the City some savings. If the City's natural gas use this year is similar to last year, this could save the City approximately \$2,000 per year.

Though not a substantial amount, the proposal provided by Realgy Energy offers a savings for the City. While it is a floating number, the trend for the cost of natural gas is down, and could lead to additional savings. However, if the NYMEX number goes up and the trend shifts up, the City would have the opportunity to negotiate with Realgy Energy for a set number, or the City could solicit bids from other companies.

Staff proposed that the City enter into a two-year agreement with Realgy Energy. This agreement may be canceled at any time without penalty or fees. The contract prepared by the City was reviewed and approved by the City Attorney with insurance requirements as stipulated by Michigan Municipal Risk Management Authority. There is no cost or additional charges from Realgy Energy or Consumers Energy for the City to make this change for natural gas supply, and there is no cost to the City to switch back to Consumers Energy in the future.

City Council Comments and Discussion: Staff explained that it contacted Constellation, which is the natural gas supplier for Northville Public Schools to get another opinion on the bids received. Constellation did not bid and did not offer why. Constellation noted that it would not have offered the City the guarantee offered by Realgy Energy. While this guarantee will save the City money, Realgy Energy would not make a profit. However, Constellation did suggest the City consider the bid submitted by Realgy Energy as it would provide the City with lower gas prices.

Motion Allen, seconded by Ekong to approve an agreement with Realgy Energy Services of West Hartford, CT. to supply natural gas to the City of Northville. Further, the Public Works Director is authorized to sign said agreement on behalf of the City. **Motion carried unanimously.**

C. Lease Agreement

AT&T Cell Tower Lease at City Yards

The City has been working with representatives from Crown Castle, a company retained by AT&T, to renegotiate communications tower leases throughout the country. This company wants to extend AT&T's lease for its cell tower site located at the City Yards facility, 650 Doheny Drive. The current lease with AT&T for this site recently expired in March 2017.

The proposed contract extension would provide the City with a 20% increase in rent for the first year, along with a 3% annual increase for subsequent years. The agreement allows other communication companies to co-locate on their tower at this location with the condition that the City will get 20% of the revenues received from the rent charged these companies. The proposed contract extension is for 25 years. It restricts us from selling the property or the lease over this property without giving AT&T the first right of refusal.

AT&T has been on this location for the past 20 years without any problems. This contract extension will assure the continuation of revenue for an additional 25 years. Currently, this revenue is placed in the General Fund where it can be transferred to other funds at City Council's discretion. The lease agreement was reviewed and accepted by the City Attorney. The current revenue of \$26,400 will initially increase by 20% to \$31,680. This amount will then increase annually by 3% with payments at the beginning of each contract year.

City Council Comments and Discussion: This lease is different from the leases on the water tower. The City owns the water tower and has more control. AT&T built their tower and has the control on allowing other providers to use it.

Motion Price, seconded by Ekong to approve the Third Amendment to Option and Site Lease Agreement with Crown Castle to continue the lease of a cell tower site at City Yards to Crown Castle through CCATT, and to authorize the Public Works Director to sign this agreement on behalf of the City. **Motion carried unanimously.**

MAYOR AND COUNCIL COMMUNICATIONS

A. Mayor and Council Communications

Ekong noted that he received communication from Wayne County CDBG and should begin receiving agendas and emails for future meetings.

Roth noted the he received a letter from Wayne County CDBG pertaining to the 2016 funds.

B. Staff Communications None

Being no further business, the meeting was adjourned.

Adjournment: 8:27 p.m.

Respectfully submitted,

Dianne Massa, CMC
City Clerk

Ken Roth
Mayor

Approved as submitted: 6/19/17