

CITY OF BRIGHTON
CITY COUNCIL MEETING
CITY HALL
June 18, 2009

Blue Sky - 7:00 PM

Review of Agenda Items for this evening's meeting

REGULAR SESSION - 7:30 P.M.

1. Call to order
2. Pledge of Allegiance
3. Roll Call
4. Approval of minutes: Regular Meeting and Closed Session of 06/04/09
5. Call to the Public

6. Response to Citizen Inquiries to City Council received prior to this City Council Meeting

7. Consider approval of the Agenda

Consent Agenda

8. Consider approval of a plan for the re-use of the Old Town Hall by local non-profit Arts & Culture related organizations as recommended by the City's Arts & Culture Advisory Commission
9. Consider approval of staff's recommended fiscal year-ending Budget amendment
10. Consider approval of a resolution as required by the State Liquor Control Commission to continue to redevelopment liquor license approval process for the Leaf Barley & Vine business
11. Consider approval of staff's report regarding the Orndorf Drive S.A.D. Bond Sale results
12. Consider approval of staff's recommended civic event amendment application for the Hungry Duck run event on July 4

Policy Development & Customer Communications' action item

13. Resume hearing on the appeal from Mr. Leon Bonner in response to City code enforcement staff's determination of unsafe structures
14. Consider approval and related direction to staff on a draft Biennial City Service Survey
15. Consider approval of the City Manager's recommended City of Brighton business & operations' closure program & related public communications plan involving one day per month of City offices being closed for business in addition to being closed for weekends and holidays for 24 months starting July 1, 2009 for budget & cost reduction objectives
16. Consider direction to the City Manager on a request from the Historical Society to implement a plan for reopening the City's Old Village Cemetery for regular public access and visitation

Other Business

17. Information for City Customers
18. Receive updates from Council Member Liaisons to other Boards and Commissions
19. Call to the Public
20. Conduct closed session at the request of the City's Special Legal Counsel for Labor & Personnel matters to receive advice regarding pending labor negotiations
21. Adjournment

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON JUNE 18, 2009 AT THE BRIGHTON CITY HALL
200 N. 1ST STREET, BRIGHTON, MICHIGAN

BLUE SKY SESSION

The Council conducted a Blue Sky Session at 7:00 p.m. Present were Mayor Pro-Tem Bandkau, Councilmembers Muzzin, Bohn and Tunis. The Council reviewed the agenda items.

REGULAR SESSION

Mayor Pro-Tem Bandkau called the regular meeting to order at 7:30 p.m. Following the Pledge of Allegiance, the roll was called, there being present were Mayor Pro-Tem Bandkau, Councilmembers Muzzin, Bohn and Tunis. Also in attendance were Engineer Linda Basista, Attorney Paul Burns and Brad Maynes, Architect Mike Kennedy and Staff members Dana Foster, Diana Lowe, Jennifer Piasecki, Matt Modrack, Dave Gajda, Tom Wightman, Matt Schindewolf, Jim Rowell an audience of 18.

It was moved by Muzzin, seconded by Tunis to excuse Mayor Lawrence and Councilmembers Roblee and Cooper from the evening's meeting. Motion passed 4-0-3.

MINUTES APPROVAL

It was moved by Councilmember Muzzin, seconded by Bohn to approve the Regular Meeting minutes of June 4, 2009 as corrected. Page 4, Leon Bonner Appeal, last paragraph, should read: **Tunis** and Cooper voting "no". Motion passed 4-0-3.

It was moved by Councilmember Tunis, seconded by Bohn to approve the Closed Session minutes of June 6, 2009 as presented. Motion passed 4-0-3.

CALL TO THE PUBLIC

Mayor Pro-Tem Bandkau gave a Call to the Public at 7:31 p.m. Hearing no comments, the Call to the Public was closed.

CITIZEN INQUIRY RESPONSE

No inquiries to be read.

AGENDA APPROVAL

It was moved by Councilmember Tunis, seconded by Muzzin to approve the Consent Agenda as amended. Move from Consent Agenda to Action agenda item #8, Old Town Hall. A roll call vote was taken. Yes: Tunis, Bandkau, Muzzin, Bohn. No: none. Absent: Lawrence, Cooper, Roblee. Motion passed 4-0-3.

The following item was approved:

1. Approved Resolution 09-14, amending the FY 2008-09 budget appropriations.
2. Approved Resolution 09-15, Leaf, Barley, & Vine, LLC is requesting City Council approval for a new Class-C Liquor License in conjunction with a new Specially Designated Merchant (SDM) License to be held at 139 E. Grand River, Brighton, Michigan.
3. Approved the Orndorf Drive S.A.D. Bond Sale results report.
4. Approved an amendment to the Hungry Duck Run Half Marathon and 5K Run, to be held the morning of July 4th, 2009.

It was moved by Councilmember Tunis, seconded by Muzzin to approve the Action Agenda as amended. Delete item #14, Biennial City Service Survey, item #15, Business & Operations Closure Program and item #20, Pending Labor Negotiations Closed Session. Move to Action Agenda from the Consent Agenda item #8, Old Town Hall. Motion passed 4-0-3.

OLD TOWN HALL

City Manager, Dana Foster stated this is a plan for the re-use of the Old Town Hall by the local non-profit Art Guild, Historical Society and the Livingston Players rent free and no ongoing costs to them that they would have continual activities to bring people into the downtown as the City of Brighton Arts, Culture & Historical Center. He displayed several slides on the proposed changes to the Old Town Hall. He thanked members of the Art Guild, Historical Society and Livingston Players for getting work done on this project in a short amount of time.

It was moved by Tunis, seconded by Bohn to approve the plan for the re-use of the Old Town Hall by local non-profit Arts & Culture related organizations as recommended by the City's Arts & Culture Advisory Commission. Motion passed 4-0-3.

OLD VILLAGE CEMETERY

Jim Vichich, Brighton Historical Society, gave a presentation regarding a plan to reopening the City's Old Village Cemetery for regular public access and visitation.

Police Chief, Tom Wightman related that the security camera does not work in the cemetery. He stated the added lights and cameras would be helpful and we would need to make arrangements to have the gate locked nightly.

Department of Public Services Director, Matt Schindewolf discussed additional fence repair, clean-up in the Spring, walkway, stated there is not any defined walking path in the cemetery and not being able to raise the limestone headstones.

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Council discussion regarding a new gate for the cemetery, walkway being funded by the DDA and funding. They thanked the Historical Society.

It was moved by Councilmember Tunis, seconded by Bohn to approve the request from the Historical Society to implement a plan for the reopening the City's Old Village Cemetery for regular public access and visitation. Motion passed 4-0-3.

LEON BONNER APPEAL

It was moved by Councilmember Muzzin, seconded by Tunis to remove the Mr. Bonner code enforcement item from the table. Motion passed 4-0-3.

Building Official, Jim Rowell, gave a brief slide presentation regarding the unsafe structures of the properties located at 116 & 122 North Street.

Mike Kennedy, Lindhout Associates Architect, licensed Architect for 17 years, discussed the structure at 122 North Street. He displayed slides regarding the erosion at the property and dangerous structural problems. He agrees the structure is unsafe. He estimates the costs for repair at \$66,000, which is one and one half times the true cash value and seven of 10 conditions applied as an unsafe structure.

Mr. Kennedy discussed the garage at 122 North Street stating it is an unsafe structure and would cost \$11,695 to repair, with a true cash value of \$1,000. Eight conditions applied as an unsafe structure.

Mr. Kennedy discussed 116 North Street stating it is an unsafe structure. He stated the foundation and is unsafe, with an estimate for repair of \$80,000 and a true cash value of \$44,689. Seven of the 10 conditions applied as an unsafe structure.

Engineer Linda Basista discussed the expense to perform the structural repairs and surface drainage. She displayed a topography map showing the drainage in the area, stating water drains in the direction of Mr. Bonner's property and there were catch basins installed to collect water traveling towards his property.

There was Council discuss regarding water run off and the flow of water.

Dennis Dubuc, represents Mr. and Mrs. Bonner, suggested having a podium at the microphone. He distributed a handout of repair estimates for 116 North Street. He discussed the run off of water towards Bonners property. He stated there is no contractor estimate to repair the buildings at 116 and 122 North Street. He discussed the City of Brighton Ordinance and the estimates to repair the foundations and grades. He asked Council order Mr. Bonner to bring the homes up to code in a certain amount of time and not to have him tear the homes down. He thinks there is a resolution to this situation and it is not court.

City Manager, Dana Foster stated there are no records of complaints from the Bonner's regarding water drainage issues.

Attorney Brad Maynes stated the issue is the unsafe structure ordinance is correct. He discussed nuisance, neglect of the property, the City of Brighton code, cause of inadequate maintenance. He encouraged Council to seriously consider the Ordinance.

It was moved by Councilmember Muzzin to support the findings of facts that this body affirms the structures located at 116 and 122 North Street, including the garage, are unsafe and unreasonable to repair, are correct under Section 1846, 47 and 59 of our Ordinance, that as a findings of fact of all materials presented by all parties over the three meetings held be submitted as findings of fact, Jim Rowell our Building Inspector, Mike Kennedy of Lindhout and Associates, John Marr the City's Mechanical and Plumbing Inspector, the letter submitted by Ted Dombrowski Constructional Engineer for Tetra Tech, the presentation by Linda Basista and her documentation, Greg Combs Electrical Inspector letter, all of the information presented at the three meetings of April 2nd, June 4th and June 18th, all the letters as part of the presentation on May 26th, Tetra Tech's letter dated May 27th, Lindhout and Associates letter dated May 27th, also the findings of fact that it is unreasonable to repair according to Section 1859 of the Ordinance since it would be over 100% of the real cash value of the assessed property to repair and uphold Mr. Rowels original letters of January 29th and 30th of this year, all supporting documentation, including Jim Rowell's report of March 11th of an unsafe building structure.

Paul Burns stated each of the elements in the Ordinance have been violated Sections 1 through 10, suggested because of the complexity of the matter it will go to court and be tabled and bring back a refined motion assuming the direction of the Council is to affirm Mr. Rowell.

It was moved by Councilmember Muzzin, seconded by Tunis to table the matter and refine the motion to include all of the mentioned points and any additional points to affirm the decision of Mr. Rowell on the Leon Bonner appeal.

Councilmember Muzzin stated if you can get water to run upstairs and cause the damage to the first and second floors and the roof, we need the second coming of Christ.

Motion passed 4-0-3.

INFORMATION FOR CITY CUSTOMER

Councilmember Muzzin gave a Planning Commission report. He referenced a foreclosed homes ordinance.

Councilmember Tunis commended all citizens and business owners for their redevelopment efforts. He stated we need to focus on the many things we have happening in Brighton, such as the new business openings in the down town area and there is much going on in Brighton. He referenced the new Tim Horton's, Country Lane Florist, 4-Seasons Florist, Main Street Cheese Store, O My Lolley, the former Soccer World has a lease commitment, Caldwell Banker is expanding their business, a new full service salon is coming to Main Street, a new retail store is going into the former Ore Creek Jewelers and a bakery that will have a massive presence inside another business on Main Street, a possible Indian restaurant for downtown and the Sagano project and the huge deck that was invested in the back of Stout.

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Councilmember Muzzin added the Leaf, Barley and Wine business and the reconstructed BP gas station.

Mayor Pro-Tem Bandkau thanked businesses on Main Street for their patience during construction. We will not have a meeting July 2nd and the next meeting is July 16th.

CALL TO THE PUBLIC

Mayor Pro-Tem Bandkau gave a Call to the Public at 9:42 p.m. The following comment was heard:

Mike McManus, 210 East Street, adjacent to the Bonner property, stated he moved to Brighton in 2003 and have seen no improvement to the Bonner properties. Mr. Bonner told him he had a personal vendetta against the City of Brighton. He stated they would like to see something better there.

Jane McManus, 210 S. East Street, suggested to give Mr. Bonner a timeline and hold him to task so he will invest his money into the property.

Hearing no further comment, Mayor Pro-Tem Bandkau closed the Call to the Public at 9:45 p.m.

ADJOURNMENT

It was moved by Councilmember Muzzin, seconded by Bohn to adjourn the meeting at 9:45 p.m. Motion passed 4-0-3.

Diana Lowe, Acting City Clerk

Mayor Pro-Tem Bandkau