

CITY OF BRIGHTON
CITY COUNCIL MEETING
CITY HALL
September 3, 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 of 08/20/09

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 second review of Council + staff-identified topics for the 2009 Goal-Setting Retreat agenda
9. Consider action to designate the City's voting and alternate voting delegates for the 2009 MML Convention

Policy Development & Customer Communications' action item

10. Receive report & recommendations from staff regarding the Maximus related User fee increase recommendations for Civic related services as recommended by the City Council Budget & Finance Subcommittee
11. Consider actions on recommendations from the City Attorney regarding FOIA related fees as a result of the recently completed Maximus Cost of Service study & related analysis
12. Consider direction to City staff to cease the previous Council-directed moratorium on temporary advertising related sign code enforcement in the downtown which had been issued due to the downtown-related construction projects of earlier in the year and direct City staff and the City Attorneys to develop proposed amendments to the City's sign code to address the following subjects :
 - a. to formally allow staff to issue temporary administrative exemptions for temporary advertising signs including sandwich board signs relating to City Council-approved Civic Events and or Fundraiser Events for Nonprofit Service Clubs and Organizations
 - b. to formally allow staff to issue temporary administrative exemptions for temporary advertising signs including sandwich board signs relating to impacts caused by City-approved or City-directed construction projects
13. Consider acceptance of MDOT bidding results for the federal economic stimulus grant-funded Main Street milling & repaving project
14. Consider first reading on amendments to the Zoning Ordinance as recommended by the Planning Commission
15. Consider site plan amendment approval for the Grand river and Main Street Improvements project as recommended by the Planning Commission and determined to be grant funding eligible by MSHDA
16. Consider approval of a revocable license agreement with the owner of 334 W. Main Street to allow a sign for the "Oh My Lolli" business to projected into the City-owned right of way as recommended by the Zoning Board of Appeals
17. Consider a property owner's request for a renaming of Sisu Court as a condition of granting right of way dedication to the City

Other Business

18. Information for City Customers
19. Receive updates from Council Member Liaisons to other Boards and Commissions
20. Call to the Public
21. Closed Session as may be requested by the City Attorney regarding pending litigation against the City
22. Additional possible closed session regarding property transaction matters as may be requested by the City Attorney

23. Adjournment

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON SEPTEMBER 3, 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 Lawrence, Councilmembers Cooper, Muzzin, Bohn and Roblee. The Council reviewed the agenda items.

REGULAR SESSION

Mayor Lawrence called the regular meeting to order at 7:34 p.m. Following the Pledge of Allegiance, the roll was called, there being present were Mayor Lawrence, Councilmembers Muzzin, Bohn, Roblee and Cooper. Also in attendance were Engineer Linda Basista, Attorney Paul Burns and Staff members Dana Foster, Diana Lowe, Jennifer Piasecki, Matt Modrack, Dave Gajda, Tom Wightman, Matt Schindewolf and an audience of 4.

It was moved by Councilmember Roblee, seconded by Cooper to excuse Councilmember Tunis from the evening's meeting. Motion passed 5-0-2.

MINUTES APPROVAL

It was moved by Councilmember Muzzin, seconded by Cooper to approve the Regular Meeting minutes of August 20, 2009 as presented. Councilmember Roblee abstained. Motion passed 4-0-2-1.

CALL TO THE PUBLIC

Mayor Lawrence gave a Call to the Public at 7:35 p.m. Hearing none, the Call to the Public was closed.

CITIZEN INQUIRY RESPONSE

No inquiries to be read.

AGENDA APPROVAL

It was moved by Councilmember Roblee, seconded by Muzzin to approve the Consent Agenda as amended. Move to Consent Agenda from Action Agenda item #10, Maximus User Fee increase for Civic related services. Motion passed 5-0-2.

The following item was approved:

1. Reviewed the Council and Staff identified topics for the 2009 Goal-Setting Retreat agenda.
2. Designated Mayor Pro-Tem Bandkau as delegate and Councilmember Roblee as alternate for the 2009 MML Convention.

3. Received a report from staff regarding the Maximus related User fee increase recommendations for Civic related services.

It was moved by Councilmember Bohn, seconded by Roblee to approve the Action Agenda as amended. Delete item #21, Pending Litigation Closed Session and item #22, Property Transaction Matters Closed Session. Move from Action Agenda to Consent Agenda item #10, Maximus User Fee increase for Civic related services. Motion passed 5-0-2.

FOIA RELATED FEES

Attorney Paul Burns stated that a deposit can be charged for an unreasonably high cost to comply with a FOIA request. Staff has received some FOIA requests that are voluminous. The proposed policy change before you would not effect a normal FOIA request. If a FOIA request can only be processed by management time, the City will charge a deposit, which will only impact extra ordinary FOIA requests. He recommends adoption of this policy for FOIA's going forward.

Councilmember Bohn asked if the City Attorney rate could be charged in the FOIA fee.

City Attorney, Paul Burns stated his rate has not been calculated in the proposed FOIA policy.

It was moved by Councilmember Bohn, seconded by Muzzin to approve the amendments to the City of Brighton FOIA policy as outlined in the document from the City Attorney. Motion passed 5-0-2.

SIGN CODE ENFORCEMENT

City Manager, Dana Foster discussed sign enforcement, stating there was a non-voted Council action to relax sign enforcement during downtown construction.

Mayor Pro-Tem Bandkau arrived at 7:46 p.m.

There was Council discussion regarding no issues with sandwich board signs and to allow these signs, the Zoning Board of Appeals is working on sign Ordinance updates, fairness and equal treatment to all business owners, tasteful signs and clutter.

It was moved by Councilmember Cooper, seconded by Bohn to direct City staff and the City Attorneys to develop proposed amendments to the City's sign code to address the following subjects:

- a. To formally allow staff to issue temporary administrative exemptions for temporary advertising signs including sandwich board signs relating to City Council-approved Civic Events and or Fundraiser Events for Nonprofit Service Clubs and Organizations.
- b. To formally allow staff to issue temporary administrative exemptions for temporary advertising signs including sandwich board signs relating to impacts caused by City-approved or City-directed construction projects.

Motion passed 6-0-1.

MDOT BIDDING RESULTS FOR MAIN STREET MILLING AND REPAVING PROJECT

Engineer Linda Basista discussed the bid results from MDOT for the Main Street Milling and Repaving Project, stating there were six bidders and bids were approved by MDOT. The next step is to hold a preconstruction meeting. MDOT will execute the contract, with construction starting around October 1st and all work being performed at night.

Department of Public Services Director, Matt Schindewolf stated this is a federally funded project, the DDA is covering the \$40,000 for engineering fees for the project and there will be no road closure during the day.

There was Council discussion regarding signage, parking, hours of construction and restaurants being busy at 9:00 and 10:00 p.m.

ZONING ORDINANCE AMENDMENTS FIRST READING

It was moved by Mayor Pro-Tem Bandkau, seconded by Muzzin to approve First Reading for the proposed amendments to the Adult Use Ordinance and set the public hearing for October 1, 2009. A roll call vote was taken. Yes: Cooper, Bandkau, Lawrence, Muzzin, Roblee, Bohn. No: none. Absent: Tunis. Motion passed 6-0-1.

GRAND RIVER AND MAIN STREET IMPROVEMENT PROJECT SITE PLAN

Community Development/Planning Director, Matt Modrack stated this is an amendment to the Main Four project, as an upgrade with the remaining MSHDA funds available. The amendment to the site plan is from Lu and Carl's corner to the Champ's corner to replace sidewalk, trees and grates. Edison lights will be replaced if budget allows. He hopes to take care of some of the roof drains going into the street and tie into storm sewer.

It was moved by Councilmember Cooper, seconded by Muzzin to approve the site plan amendment for the City of Brighton Main Four Improvements as depicted on the site plan prepared by Lindhout Associates Architects, job #0927, sheets C6, last dated 8/25/09. Motion passed 6-0-1.

OH MY LOLLI REVOCABLE LICENSE AGREEMENT

Community Development/Planning Director, Matt Modrack briefed the Council on the revocable license agreement with the owner of 334 W. Main Street , O My Lolli.

It was moved by Cooper, seconded by Roblee to execute the revocable license agreement for the projecting sign installed at 334 W. Main Street for O My Lolli. Motion passed 6-0-1.

RENAMING OF SISU COURT

City Attorney, Paul Burns introduced Harvey Berman and his client Daryl Hammond and stated in order to resolve the chain of title the deeds need to be cleaned up so it can go on Act 51 road dedication. He also stated the road serves the business of Mr. Hammond, the cul-de-sac is to be renamed as Rita Ann Lane and the dedication will satisfy part of a site plan requirement that the business be on a public road.

It was moved by Councilmember Muzzin, seconded by Bandkau to approve the request for renaming Sisu Court as a condition of granting right-of-way dedication to the city. Motion passed 6-0-1.

INFORMATION FOR CITY CUSTOMER

Department of Public Services Director, Matt Schindewolf stated Orndorf drive is proceeding as planned and are in the final stages of wrapping this project up within the next two weeks.

Engineer Linda Basista stated Orndorf Drive is scheduled to be fully opened on September 15th and the larges trees at the post office were half dead and needed to be removed for sight access and others were removed for a sidewalk.

City Manger, Dana Foster stated earlier this week, with the help of Paul Burns, a meeting was conducted the three new tenants at the COBACH and we now have an executed lease agreement with the Art Guild, Historical Society and Livingston Players. He also stated tomorrow is the third of our City of Brighton furlough days. He related that the Budget and Finance Subcommittee are starting to have regular meetings and he anticipates an agenda item on the updated revenue forecast.

Mayor Pro-Tem Bandkau stated she received a letter from a resident on O'Doherty regarding dogs running around without leashes and we have an ordinance regarding this. She also stated Lawrence Auto body was voted #1 for Collision Shop for the fifth year by the Livingston County Public Choice Awards and she congratulated them.

Councilmember Muzzin stated there was a Budget and Finance Subcommittee meeting in which they discussed the Maximus report and preparation for the retreat.

Councilmember Roblee stated in terms of looking at our Sign Ordinance, she suggested having a Comprehensive Downtown Streetscape Plan that would include sign design elements.

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Councilmember Cooper wished every one a happy Labor Day Holiday.

Mayor Lawrence stated the Smoking Blues and Jazz Festival is next weekend and encouraged residents to shop locally.

CALL TO THE PUBLIC

Mayor Lawrence gave a Call to the Public at 8:49 p.m. Hearing no comment, the Call to the Public was closed.

ADJOURNMENT

It was moved by Councilmember Cooper, seconded by Roblee to adjourn the meeting at 8:49 p.m. Motion passed 6-0-1.

Diana Lowe, City Clerk

Kate Lawrence, Mayor