

CITY OF BRIGHTON  
CITY COUNCIL MEETING  
CITY HALL  
December 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 November 19, 2009
5. Call to the Public
6. Eagle Scout award presentations
7. **Response to Citizen Inquiries to City Council received prior to this City Council Meeting**
8. Consider approval of the Agenda

**Consent Agenda**

9. Consider reappointments to the City's Election Commission as recommended by the Mayor
10. Consider finalization of appointment of Council Member liaisons to City Boards and Commissions
11. Consider approval of [Act 51 street dedications](#) as recommended by the DPS Director and City Attorney

**Policy Development & Customer Communications' action item**

12. Conduct a public hearing on a proposed [amendment of the District Boundaries of the Downtown Development Authority](#) of the City of Brighton
  - a. Mayor closes regular meeting & opens the public hearing to ask for public input and comment
  - b. Mayor closes public hearing to resume the regular City Council meeting and Council discussion
  - c. Council considers motion to direct staff to continue with next steps of the process for the proposed amendment
13. Conduct a public hearing on a proposed [amendment to the Development Plan and Tax Increment Financing Plan](#) of the Downtown Development Authority of the City of Brighton
  - a. Mayor closes regular meeting & opens the public hearing to ask for public input and comment
  - b. Mayor closes public hearing to resume the regular City Council meeting and Council discussion
  - c. Council considers motion to direct staff to continue with next steps of the process for the proposed amendment
14. Consider [site plan approval for the "205 West"](#) redevelopment project as recommended by the Planning Commission
15. Consider [site plan approval for the Village Cemetery Parking Lot and Streetscape Improvements](#) as recommended by the Planning Commission
16. Consider actions as may be recommended by the City Attorney on City Council-directed work for acceptance of a proposed property donation by a citizen/developer to the City for the future development of a nature preserve park near Orndorf Drive and Karl Greimel Drive intersection as presented at the 11/05/09 and 11/19/09 City Council Meetings
17. Consider report from the City Manager on future projected City Council actions and agenda items for future Council Meetings relating to the Council's recently-adopted Goals

18. Consider requests for City Staff and/or City Council's Planning Commission Liaisons to bring up in future Planning Commission meetings for consideration with respect to the Council's recently established Physical Design and Walkability Goals and the possible need for related amendments to the City's zoning ordinance or other related ordinances and regulations

**Other Business**

19. Information for City Customers
20. Receive updates from Council Member Liaisons to other Boards and Commissions
21. Call to the Public
22. Closed Session for the Williams vs. City of Brighton litigation as recommended by the City Attorney
23. Adjournment

**MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON**  
**HELD ON DECEMBER 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 Bandkau, Councilmembers Muzzin, Cooper, Roblee, Schillinger and Pipoly. The Council reviewed the agenda items.

**REGULAR SESSION**

Mayor Bandkau called the regular meeting to order at 7:35 p.m. Following the Pledge of Allegiance, the roll was called, there being present were Mayor Bandkau, Councilmembers Muzzin, Roblee, Cooper, Schillinger and Pipoly. Also in attendance were Engineer Linda Basista, Attorney Paul Burns and Matt Hagerty, Brighton Area Fire Chief Larry Lane and Staff members Dana Foster, Diana Lowe, Jennifer Piasecki, Matt Modrack, Dave Gajda, Tom Wightman, Matt Schindewolf, Kelly LaLonde and an audience of 26.

It was moved by Roblee, seconded by Muzzin to excuse Councilmember Bohn from the evening's meeting. Motion passed 6-0-1.

**MINUTES APPROVAL**

It was moved by Councilmember Cooper, seconded by Roblee to approve the Regular Meeting minutes of November 19, 2009 as presented. Motion passed 6-0-1.

**CALL TO THE PUBLIC**

Mayor Bandkau gave a Call to the Public at 7:36 p.m. Hearing no comment, the Call to the Public was closed.

**GFOA BUDGET PRESENTATION**

City Manager, Dana Foster gave a GFOA Budget Award presentation. He announced that due to the efforts of Dave Gajda and Kelly LaLonde the City of Brighton has received another GFOA Distinguished Budget Presentation Award.

Finance Director, Dave Gajda stated that this is the fourth consecutive year the City of Brighton has received this award, it is a Council and Department effort and without the assistance of Kelly LaLonde this award would not be possible.

Assistant Finance Director, Kelly LaLonde stated this award takes a group effort and she thanked the Council.

Mayor Bandkau thanked the Finance Department for their work on this award.

### **CITIZEN INQUIRY RESPONSE**

Mayor Bandkau read a Citizen Inquiry from Chris Miller expressing her concerns regarding leaf pick up in her neighborhood and the burden to senior residents.

Department of Public Services Director, Matt Schindewolf stated all of the streets have been vacuumed twice, those areas were done on the initial run and the problem has been addressed.

### **AGENDA APPROVAL**

It was moved by Councilmember Cooper, seconded by Muzzin to approve the Consent Agenda as amended. Move from Consent Agenda to Action Agenda item #11, Act 51 Street Dedications. Move to Consent Agenda from Action Agenda item # 12, Village Cemetery-related parking lot. Motion passed 7-0.

The following items were approved:

1. Reappointed Kelly McIntyre and David Swink to the Election Commission.
2. Appointed the following Councilmember liaisons:

Budget and Finance Subcommittee – Councilmembers Muzzin and Bohn  
Brighton Area Fire Authority – Councilmembers Schillinger and Muzzin  
Principal Shopping District – Councilmember Roblee  
DDA – Mayor Bandkau and Councilmember Pipoly  
SELCRA – Councilmember Cooper  
Planning Commission – Councilmember Schillinger  
Zoning Board of Appeals – Councilmember Cooper  
Regional Cooperation Group – Mayor Bandkau and Councilmember Cooper  
Traffic Safety Advisory Board – Councilmember Bohn  
Cable TV Advisory Committee – Councilmember Pipoly  
Arts and Culture Commission – Councilmember Roblee

It was moved by Councilmember Roblee, seconded by Cooper to approve the Action Agenda as amended. Delete item #16, Nature Preserve Park and item #22, Williams vs. City of Brighton. Move to Action Agenda from Consent Agenda item #11, Act 51 Street Dedications. Add item #18a, Schedule a notice for a Public Hearing for the Downtown Parking and Streetscape Project. Motion passed 7-0.

### **AMENDMENT TO THE DDA DISTRICT BOUNDARIES**

City Manager, Dana Foster addressed both of the evening's Public Hearings. He displayed a map showing the projected Downtown Development Authority expansion area, stating the Tax Increment Financing Plan will remain the same as it is in the district. The proposed expansion of the district and amendments does not make an increase in the City's tax millage rate. It will increase the amount of

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Redevelopment Liquor Licenses available in the district. He stated the purpose of the amendments is to expand the eligible expenditures in the Downtown Development Authority District and we can utilize existing captured DDA funds to make street and sidewalk improvements in the DDA District.

Finance Director, Dave Gajda stated taxes would not be increased for any property owner in the district. He stated the tax dollars are redirected for projects within the district and the DDA does not get any additional funds.

Community Development/Planning Director, Matt Modrack stated this amendment would not change property zoning.

There was Council discussion regarding expanding the boundaries and any expansion in the District would have to come back to the City Council for approval in the same process.

Mayor Bandkau opened the Public Hearing on the proposed amendment of the District Boundaries of the Downtown Development Authority at 8:06 p.m. The following comments were heard:

Al Wirth, 230 N 1<sup>st</sup> Street, stated he is a resident of the DDA District and asked how residential zoned areas can be incorporated into the District.

City Attorney, Paul Burns stated residential properties are being added to the DDA District and he will look to see that it is legally permissible.

Mr. Wirth asked who has final say regarding eminent domain and is it controlled by the DDA or the City Council.

Attorney Paul Burns stated eminent domain rests with the City Council thru the charter.

Karen Wirth, 230 N. 1<sup>st</sup> Street, stated it needs to be remembered there are single-family residences in this district and we should be able to keep that status and should not have to worry about eminent domain.

Jeffrey Boyd, Director of the Livingston County EMS, has investigated DDA's and TIFA's and stated he has been assured there will be no tax increases, but he sees no language there will not be an increase to the TIFA.

City Manager, Dana Foster stated there would be no increase to the TIFA.

Finance Director, Dave Gajda stated specific language would be in the proposed Ordinance on February 3<sup>rd</sup> and that there will not be additional TIFA captured.

Mr. Boyd stated amendments #4 & #6 are inappropriate expenditures and suggested they be removed from the amendment.

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William Ackavoy, 1212 Lakeside Drive, Howell, representing Pi Asian Cuisine, asked how this amendment would affect the Liquor License they have been trying to obtain.

Community Development/Planning Director, Matt Modrack stated Redevelopment Liquor Licenses have to come from a property within the district, the addition of the expanded areas will make Pi Asian within the district. The process will be completed in February and then the Redevelopment Liquor License application will take three and six months to be completed.

City Manager, Dana Foster stated this amendment does not change any zoning regulations. The DDA Board is appointed by the City Council, which provides the oversight of their expenditures. The DDA's budget is subject to the City Council's annual review and approval. The DDA is part of the City and City Staff provides the staff support on an ongoing basis.

There was discussion the DDA expanding their territory, which allows for additional Redevelopment Liquor Licenses and allows them to do improvements to that area, property values can continue to go up and those funds go to the City, not the DDA.

Susan Walters-Steinacker, 907 Brighton Lake Road, referenced the East Grand River TIFA funds and a millage increase.

Councilmember Cooper stated the City is unable to predict what our future finance plans will be.

Councilmember Muzzin stated to capture the TIFA funds would be the same plan we are doing now, which is not on the agenda and there is no hidden agenda. We are investigating a way to perform some Capital Improvements that we have been unable to do because we are unable to bond at this time. He informed that our Street Millage falls off in 2013.

Hearing no further comment, Mayor Bandkau closed the Call to the Public at 8:37 p.m.

There was Council discussion regarding residential areas in our downtown, creating a better residential area and Walkable Community.

It was moved by Councilmember Muzzin, seconded by Cooper to direct Staff to continue with the next steps of the amendment to the amendment of the District Boundaries of the Downtown Development Authority. Motion passed 6-0-1.

#### **AMENDMENT TO THE DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN**

Mayor Bandkau opened the Public Hearing of the proposed amendment to the Development Plan and Tax Increment Financing Plan of the Downtown Development Authority at 7:43 p.m.

Jeff Boyd, Livingston County EMS read some of the DDA bylaws and objects to spending funds on operational issues.

Councilmember Roblee stated as a precautionary measure, she would rather be able to go to the DDA to make sure services continue in the DDA district, than to lay off City Staff. Those services are need for economic development to continue.

Jeff Boyd stated the County is faced with the same situations and he supports public safety.

City Manager, Dana Foster stated part of what drove us to recommending the DDA amendment list is our General Fund revenues are plummeting, the only part of our tax base that is growing is within the DDA District.

Councilmember Pipoly stated the DDA is more than willing to help and when the economy gets better, the DDA will not have to contribute.

Lloyd Generoux, A & H Transmission, stated the DDA has the authority to say we are done funding.

Hearing no further comment, Mayor Bandkau closed the 9:54 p.m.

It was moved by Councilmember Roblee, seconded by Pipoly to direct Staff to continue with next steps of the process for the proposed amendment to the Development Plan and Tax Increment Financing Plan of the Downtown Development Authority of the City of Brighton. Motion passed 6-0-1.

### **ACT 51 STREET DEDICATIONS**

City Manager, Dana Foster handed out information and gave a presentation on the Act 51 Street dedications. He stated a street must meet our development and engineering standards and be dedicated to qualify for Act 51 funding.

It was moved by Councilmember Cooper, seconded by Muzzin to adopt Resolution 09-27, Welles Court as prepared by the City Attorneys Office, for inclusion in the Michigan Transportation Funds Act 51 funding from the State of Michigan to the City of Brighton. A roll call vote was taken. Yes: Schillinger, Cooper, Bandkau, Muzzin, Roblee, Pipoly. No: none. Absent: Bohn. Motion passed 6-0-1.

It was moved by Councilmember Cooper, seconded by Roblee to adopt Resolution 09-28, Seward Drive as prepared by the City Attorneys Office, for inclusion in the Michigan Transportation Funds Act 51 funding from the State of Michigan to the City of Brighton. A roll call vote was taken. Yes: Schillinger, Cooper, Bandkau, Muzzin, Roblee, Pipoly. No: none. Absent: Bohn. Motion passed 6-0-1.

It was moved by Councilmember Muzzin, seconded by Roblee to adopt Resolution 09-29, Long Leaf Court as prepared by the City Attorneys Office, for inclusion in the Michigan Transportation Funds Act 51 funding from the State of Michigan to the City of Brighton. A roll call vote was taken. Yes: Schillinger, Cooper, Bandkau, Muzzin, Roblee, Pipoly. No: none. Absent: Bohn. Motion passed 6-0-1.

It was moved by Councilmember Roblee, seconded by Muzzin to adopt Resolution 09-30, Welles Court as prepared by the City Attorneys Office, for inclusion in the Michigan Transportation Funds Act 51 funding from the State of Michigan to the City of Brighton. A roll call vote was taken. Yes: Schillinger, Cooper, Bandkau, Muzzin, Roblee, Pipoly. No: none. Absent: Bohn. Motion passed 6-0-1.

It was moved by Councilmember Cooper, seconded by Pipoly to adopt Resolution 09-31, Library Drive as prepared by the City Attorneys Office, for inclusion in the Michigan Transportation Funds Act 51 funding from the State of Michigan to the City of Brighton. A roll call vote was taken. Yes: Schillinger, Cooper, Bandkau, Muzzin, Roblee, Pipoly. No: none. Absent: Bohn. Motion passed 6-0-1.

It was moved by Councilmember Cooper, seconded by Muzzin to adopt Resolution 09-32, Deeside Drive as prepared by the City Attorneys Office, for inclusion in the Michigan Transportation Funds Act 51 funding from the State of Michigan to the City of Brighton. A roll call vote was taken. Yes: Schillinger, Cooper, Bandkau, Muzzin, Roblee, Pipoly. No: none. Absent: Bohn. Motion passed 6-0-1.

### **205 WEST SITE PLAN**

Community Development/Planning Director, Matt Modrack briefed the Council on the contingencies of the 205 West site plan.

Engineer Linda Basista discussed the stormwater drainage on the project.

Jim Barnas, Contracting Resources, 403 E. Grand River, discussed the 205 West site plan and displayed the materials to be used in the project.

Piet Lindhout, Lindhout Associates discussed the Village Cemetery Parking Lot and Streetscape Improvements site plan he stated Matt Modrack married this project with the 205 West site plan and commended him for that. He highlighted the walkway and pocket park improvements.

It was moved by Councilmember Roblee, seconded by Muzzin to recommend conditional site plan approval for 205 West as depicted on the plans prepared by Desine, Inc., Sheets EX1, SP1, PK1, UT1, UT2, GR1, WS1, SE1, LS1, LS2, DT1, DT2, Project #91600, last dated November 20, 2009 and plans prepared by Pucci & Vollmar Architects PC, Sheets A1 through A4, Project #0928, last dated November 5 & 18, 2009, conditioned upon the following:

1. The applicant will work with City staff to develop an appropriate landscape plan for the pocket park and any changes to the streetscape/pocket park are not required to be reviewed by the Planning Commission.
2. An adjustment to the transparency requirements of the DBD Ordinance for the building is granted by the City Council.
3. A right-of-way permit be obtained from the Department of Public Services for the use of public property during construction.
4. A cut sheet for the building lighting is submitted with the building permit application for review and approval by the Community Development Department.

5. The items raised by Tetra Tech in their letter dated November 12, 2009 be addressed.
6. The issues raised by the Brighton Area Fire Authority in their letter dated November 2, 2009 are addressed.
7. The contractor shall secure all necessary easements for the parking, rain gardens, driveway access, etc.

Motion passed 6-0-1.

### **VILLAGE CEMETERY PARKING LOT SITE PLAN**

It was moved by Councilmember Muzzin, seconded by Pipoly to recommend conditional site plan approval for the City of Brighton Cemetery Parking Lot and Streetscape Improvements as depicted on the site plan prepared by Lindhout Associates Architects, Job #0845, Sheet P1, last dated October 9, 2009 and the site plan by Desine, Inc., conditioned upon the following:

1. The final design of the streetscape, parking lot, and pocket park will be done by the Community Development Department, Consultants and other interested parties and the site plan will not be required to be reviewed by the Planning Commission and City Council again.
2. The City Engineer and Fire Department and any other Department Directors will review the plans once they have reached their final design stages.
3. That the DDA approves the design.

Motion passed 6-0-1.

### **FUTURE PROJECTED COUNCIL ACTIONS AND AGENDA ITEMS**

City Manager, Dana Foster discussed future projected city Council actions and agenda items for future Council meetings related to the Council's recently adopted Goals.

### **PHYSICAL DESIGN AND WALKABILITY GOALS**

City Manager, Dana Foster briefed the Council on the Physical Design and Walkability goals and the possible need for related amendments to the City's zoning ordinance and regulations.

Councilmember Roblee stated she would like to see some kind of change in the Ordinance with density and residential.

Community Development/Planning Director, Matt Modrack stated the height issue was deliberated on three years ago. He discussed minimum square footage, parking requirements and overnight parking. Density.

The Council then gave general consensus direction to Staff to pursue possible amendments to City Ordinances governing off-street parking and overnight parking in order to facilitate increased density with future downtown redevelopments.

**NOTICE OF PUBLIC HEARING FOR POCKET PARK**

It was moved by Councilmember Muzzin, seconded by Roblee to direct Staff to schedule and publish a notice for a Public Hearing regarding the City of Brighton's intention to utilize U.S. Department of Housing and Urban Development Community Development Block Grant Funds for Downtown Parking and Streetscape Project. Motion passed 6-0-1.

**INFORMATION FOR CITY CUSTOMER**

Department of Public Services Director, Matt Schindewolf gave a Main Four reconstruction update. He stated special leaf pick-ups can be arranged for residents.

Councilmember Roblee stated she would like a Stimulus Package update.

Councilmember Cooper stated Leaf, Barley and Vine recently opened.

Councilmember Pipoly stated the matrix of the projects for the DDA has changed so that projects are more prioritized.

Mayor Bandkau stated Leaf, Barley and Vine is open.

**CALL TO THE PUBLIC**

Mayor Bandkau gave a Call to the Public at 10:27 p.m. The following comments were heard:

Brighton Area Fire Authority Chief, Larry Lane stated a piece of the World Trade Center artwork will be placed in front of the Fire Station.

Hearing no further comment, Mayor Bandkau closed the Call to the Public at 10:28 p.m.

**ADJOURNMENT**

It was moved by Councilmember Muzzin, seconded by Roblee to adjourn the meeting at 10:28 p.m. Motion passed 6-0-1.

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Diana Lowe, City Clerk

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Ricci Bandkau, Mayor