

CITY OF BRIGHTON
CITY COUNCIL MEETING
CITY HALL
September 19, 2013

EARLY Blue Sky: 6:30 PM: Review of proposed Stormwater & Sanitary Sewer Asset Management Grant Program

Regular Blue Sky: 7:00 p.m.: 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. Consider approval of the Agenda
5. Approval of [minutes: Regular Meeting of September 5, 2013](#)
6. Mayor's Reading of Citizen Inquiries received since the last City Council Meeting
7. Call to the Public

Consent Agenda

8. Consider approval of Mayor's recommended appointment to fill the City resident-at-large vacancy on the SELCRA Board
9. Consider approval of a [liquor license transfer related resolution for the 440 Main restaurant](#) as recommended by staff
10. Consider action per advice from the City Attorney regarding the scheduling of the biennial City Council Election Meeting

Policy Development & Customer Communications' action item

11. Receive report & presentation from the City Manager and City Engineer regarding the recently completed Mill Pond Dredging & Cleanup Improvement Project sedimentation analysis & testing study
12. Receive, discuss, and give further direction to the City Manager on a staff report regarding [proposed projects for the infrastructure, public facilities/public parks, and public safety equipment/law enforcement technology related Headlee Millage Lid Override election ballot proposals](#)
13. Consider approval of an updated City Manager Employment Agreement as recommended by the City Council City Manager Employment Agreement Subcommittee

Other Business

14. Information for City Customers
15. Receive updates from Council Member Liaisons to other Boards and Commissions
16. Call to the Public
17. Consider closed session as may be requested by the City Attorney
18. Adjournment

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON SEPTEMBER 5, 2013 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 Muzzin, Councilmembers Bohn, Bandkau, Roblee, Cooper and Pipoly. The Council reviewed the agenda items.

REGULAR SESSION

Mayor Muzzin called the regular meeting to order at 7:34 p.m. Following the Pledge of Allegiance, the roll was called. Present were Mayor Muzzin, Councilmembers Bandkau, Pipoly, Cooper, Roblee and Bohn. Also in attendance were Attorney Paul Burns, Staff members Dana Foster, Dave Blackmar, Amy Cyphert, Jennifer Burke and Tom Wightman and an audience of 9. Press and Media included Tom Tolen of WHMI.

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

AGENDA APPROVAL

It was moved by Councilmember Pipoly, seconded by Roblee to approve the agenda as amended. Delete item #9, SELCRA Board Appointment and #19, Closed Session. Add item #15a. Direction regarding a citizen meeting request involving City Manager, Council Member Bohn and Greg Gray regarding senior citizen funding. Motion passed 6-0-1.

EAGLE SCOUT AWARD AND GIRL SCOUT GOLD AWARD PRESENTATIONS

Mayor Muzzin read and presented an Eagle Scout Proclamation to Michael Bonomo.

Michael Bonomo stated his Eagle Scout Project was performed at the Livingston Land Conservancy next to the Brighton District Library where he cleared out invasive plantings and three bird houses and two benches were installed.

Mayor Muzzin read and presented a Girl Scout Gold Award to the parents of Andrea Bonomo.

MINUTE APPROVAL

It was moved by Councilmember Cooper, seconded by Roblee to approve the Regular Meeting minutes of August 15, 2013 with the following changes, page 1, under Minute Approval, should state Mayor Pro-Tem Cooper. Motion passed 6-0-1.

It was moved by Councilmember Roblee, seconded by Cooper to approve the Closed Session minutes of August 15, 2013 as presented. Motion passed 6-0-1.

CITIZEN INQUIRIES

Mayor Muzzin read a Citizen's Inquiry from Pat Cole: Why are Blue Sky Meetings, prior to the 7:30 p.m. Council Meeting, Not televised?

City Attorney, Paul Burns stated Council can vote to televise Blue Sky Sessions.

Mayor Muzzin read a Citizens Inquiry from Susan Walters-Steinacker: Why is the City of Brighton charging Genoa Township, for Pine Creek subdivision, the exact same water and sewer REU rates as Brighton city residents pay, per Genoa Townships legal notice of 8-19-13?

City Manager, Dana Foster stated the rates are what they are pursuant to the Contractual Agreement between Genoa Township and the City of Brighton and to defer this inquiry until the next City Council meeting.

Mayor Muzzin read a Citizens Inquiry from Susan Walters-Steinacker: What is the loss in city taxes with the removal of the Barton homes? What was the cost to remove? What is the loss in city taxes with the removal of the chamber house? What was the cost to remove? What is the loss in city taxes with the removal of the Johnson building? What was the cost to remove? What was the total dollar loss in the sale of the Mexican Jones building?

City Manager, Dana Foster stated that Staff does not have the requested numbers this evening and we will report at next City Council meeting.

CALL TO THE PUBLIC

Mayor Muzzin opened the Call to the Public at 7:57 p.m.

Pat Cole, Brighton City, stated that Mayor Muzzin juried Councilmembers and they did make a vote at last Blue Sky session.

Hugh & Becky Munce, 125 N. 3rd Street, commented on proposal 13-01, stating they have the worst streets and they are supportive of the proposal, namely 13-01. The streets need to be improved with sidewalks, drainage, curb and gutter. They submitted a petition from neighborhood supporting this Proposal.

Dana Foster, City Manager stated Council will finalize a list of streets to be improved and stated the Northwest neighborhood curb and gutter projects need to be a high priority.

Mayor Muzzin thanked Mr. & Mrs. Munce for their work and support.

Hearing no further comment, the Call to the Public was closed at 8:12 p.m.

CONSENT AGENDA

It was moved by Councilmember Bohn, seconded by Roblee to approve the Consent Agenda as presented. Motion passed 6-0-1.

The following item was approved:

1. Appointed Claudia Roblee to fill the DDA District Resident vacancy on the DDA Board.
2. Approved Resolution 13-18, Amendment to the fee schedule for a residential rental registration fee, and Resolution 13-19, Liquor license fee required by a new related state law for future possible civic events that want to include wine vendors with on-site wine tasting.
3. Approved an extension of the existing building inspection services contract with the Livingston County Building Department.

NORTHRIDGE PONDS ZONING VIOLATIONS

City Manager, Dana Foster stated the Northridge Ponds developer is in violation of the zoning ordinance, which requires ZBA approval of hauling dirt/soil away from site if not used for the development itself. Mr. Davis is also in violation for the use of a temporary construction trailer being used as a sales office, which is not permitted by zoning ordinance and that he submitted an application for the October Zoning Board of Appeals if he wanted to pursue the removal of topsoil on his Northridge Ponds site.

Councilmember Bohn expressed his concerns regarding dust control, noise and safety with the current operation. He stated he would send an email to the City Manager with his concerns for the ZBA Board to consider.

Mayor Pro-Tem Cooper requested that Mr. Davis submit information prior to the ZBA meeting and that Council be informed of a plan prior to going to ZBA.

Council asked the City Manager to send a follow-up letter to developer following the Council Meeting and if violations occur between now and the ZBA Meeting, the issue will be discussed at City Council for further action.

Mayor Pro-Cooper asked Planning & Zoning Director, Amy Cyphert to obtain a copy of requirements for gravel pit operations.

HEADLEE MILLAGE LID OVERRIDE ELECTION BALLOT PROPOSALS

City Manager, Dana Foster discussed the proposed ballot language and street, storm and sidewalk projects, which are being proposed as part of the millage. He gave a slide presentation and an updated listing on Street and Storm work projects including the Northwest neighborhood as well as a list of all Police related equipment and costs.

CITY MANAGER EMPLOYMENT AGREEMENT

There was Council discussion regarding the City Manager's Contract language changes, length of the contract, current economic situation, taking voluntary pay cuts, keeping him where he should be with wages and reviewing on an annual basis.

City Attorney, Paul Burns stated he will have a written agreement for the next City Council agenda with the proposed recommendations by the Subcommittee.

Dana Foster thanked the Subcommittee for their work on his employment agreement updates.

FUNDING FOR SENIOR CITIZEN PROGRAM

Councilmember Bohn suggested we allocate \$7-8,000 to the Brighton Senior Center, similar to the SELCRA funding of \$30,000, provided there is an offset in the budget.

Pat Cole introduced Nikki Greenhouse, who manages the Brighton Senior Center.

There was discuss regarding the existing school district funding for the Senior Center, a meeting is needed for more information regarding funding for the Senior Center and to make this an agenda item on the next City Council meeting.

CITY CUSTOMER INFORMATION

City Manager, Dana Foster stated that volunteers are needed for the Smokin' Jazz & Barbeque Blues Festival. He also stated the Biennial City Council Meeting is scheduled for the Monday following the November Election, which is Veterans Day.

City Attorney, Paul Burns stated he will review to determine if meeting can be changed due to the Veteran's Day Holiday.

City Manager, Dana Foster stated construction will begin September 16th on the Veteran's memorial.

Mayor Pro-Tem Cooper stated SELCRA met to discuss strategic planning,

Councilmember Bandkau gave an update on the Veteran's Memorial Project, stating there will be a booth at the Farmer's Market on Saturday's.

Councilmember Roblee discussed the Farm to Table Experience.

Mayor Muzzin discussed the due care plan for the Veteran's Memorial \$2500 contribution from the DDA, Creamery parking lot surfacing and lighting to be installed, 9/11 Memorial Walk/Run this weekend, Alzheimer's Walk on Sunday and the 9/11 Memorial on Wednesday at 7:30 p.m.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 10:08 p.m. The following comments were heard:

Pat Cole stated the purpose of the Senior Center meeting was to discuss Brighton City giving funds to the Senior Center. She thanked Council for placing it on the next City Council meeting.

Nikki Greathouse, Brighton City Resident, New Supervisor at Senior Center, stated the Senior Center is self-funded to provide travel trips, special events and bingo to seniors on fixed income and they are not able to afford pricing on certain activities.

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Hearing no further comment, the Call to the Public was closed at 10:15 p.m.

ADJOURNMENT

It was moved by Mayor Pro-Tem Cooper, seconded by Bandkau to adjourn the meeting at 10:15 p.m. Motion passed 6-0-1.

Diana Lowe, City Clerk

Jim Muzzin, Mayor

**POLICY REPORT NO. BPD 13-09
REQUEST FOR TRANSFER OF LIQUOR LICENSE
440 W. MAIN STREET, BRIGHTON
SEPTEMBER 19, 2013**

Prepared by:

Thomas Wightman
Chief of Police

Reviewed by:

Dana W. Foster
City Manager

ISSUE:

440 Main, Inc. is requesting transfer of ownership the liquor license currently held by Gen Jan, LLC at 440 W. Main Street.

BACKGROUND:

440 Main, Inc. is owned by Fred & Kimberly Feldmann of Genoa Township, Michigan. They are currently leasing the building at 440 W. Main Street from Stan Schaffer who is also a partner in Gen Jan, LLC that holds the liquor license for that business. Fred & Kim and operating the restaurant with liquor license under a management agreement with Gen Jan, LLC. They are purchasing the liquor license from Gen Jan, LLC and have applied for transfer from the Michigan Liquor Control Commission (MLCC).

This will be the first liquor license held by Fred or Kimberly Feldman, so they have no previous history record with the MLCC. A criminal record check reveals no criminal arrests or convictions of any type.

BUDGET IMPACT:

None.

COUNCIL ACTION:

Brighton Ordinance 6-32, requires the express approval of the Brighton City Council for a liquor license operation in the City.

STAFF RECOMMENDATION:

The Police Department has determined that the applicants meet the requirements of the City's liquor ordinances (6-31 to 6-41) and therefore recommends approval of the request.

Attachments: Recommended Council Resolution

RESOLUTION

A RESOLUTION APPROVING THE SALE OF ALCOHOLIC LIQUOR

WHEREAS, pertinent sections of the Brighton Municipal Code require that the Brighton City Council expressly approve the sale of alcoholic liquor by any person or persons within the City of Brighton; and

WHEREAS, the applicants have applied to the Michigan Liquor Control Commission for the transfer of a state issued liquor license to be used within the City of Brighton; and

WHEREAS, the Brighton Police Department has conducted an investigation of the applicants and found said applicants to be in compliance with the Brighton Municipal Code; and therefore

BE IT RESOLVED, that Fred and Kimberly Feldmann are approved to sell alcoholic liquor at 440 W. Main Street in the City of Brighton in accordance with the Brighton Municipal Code.

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

This Resolution was adopted this ____ day of _____, 2013.

Diana Lowe, City Clerk

I, Diana Lowe, City Clerk for the City of Brighton, do hereby certify that the foregoing is true and complete copy of a Resolution adopted by City Council at the Regular Meeting held on _____, 2013.

Diana Lowe, City Clerk

PROPOSAL 13-01

Shall the City of Brighton, for the purpose of improvement, repair and maintenance of public streets, public sidewalks and public storm drainage facilities, levy up to 1.2500 mills (\$1.2500 per thousand dollars of taxable value on all real and personal property) for a period of ten (10) years, 2014-2023, inclusive? If this new millage is approved and levied in December 2013, the estimated amount of revenue that would be collected in the first year would be approximately \$487,061.21.

PROPOSAL 13-02

Shall the City of Brighton, for the purpose of purchasing and maintaining public safety equipment, which may include patrol vehicles, body armor, weapons and law enforcement-related technology, levy up to 0.3800 mills (\$0.3800 per thousand dollars of taxable value on all real and personal property) for a period of ten (10) years, 2014-2023, inclusive? If this new millage is approved and levied in December 2013, the estimated amount of revenue that would be collected in the first year would be approximately \$148,066.61.

PROPOSAL 13-03

Shall the City of Brighton, for the purpose of improvement, repair and maintenance of public buildings and public parks, levy up to 0.3700 mills (\$0.3700 per thousand dollars of taxable value on all real and personal property) for a period of ten (10) years, 2014-2023, inclusive? If this new millage is approved and levied in December 2013, the estimated amount of revenue that would be collected in the first year would be approximately \$144,170.12.

PROPOSAL 13-04

Shall the City of Brighton, for the purpose of replacing the existing residential rubbish collection fee, levy up to 1.1580 mills (\$1.1580 per thousand dollars of taxable value on all real and personal property) for a period of ten (10) years, 2014-2023, inclusive? If this new millage is approved and levied in December 2013, the estimated amount of revenue that would be collected in the first year would be approximately \$451,213.51.