

**MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON**  
**HELD ON JUNE 6, 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, Mayor Pro-Tem Cooper, Councilmembers Bohn, Bandkau, Roblee and Pipoly. The Council reviewed the evening's agenda.

**REGULAR SESSION**

Mayor Muzzin 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 Muzzin, Mayor Pro-Tem Cooper, Councilmembers Bandkau, Pipoly, Roblee and Bohn. Also in attendance were Attorney Paul Burns, Livingston County Building Official Jim Rowell, Staff members Dana Foster, Dave Blackmar, Denise Meier, Jennifer Burke, Diana Lowe, Amy Cyphert and Tom Wightman and an audience of 8. Press and Media included Jim Totten of Livingston County Press & Argus and Tom Tolen of WHMI.

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

**AGENDA APPROVAL**

It was moved Mayor Pro-Tem Cooper, seconded by Pipoly to approve the agenda as amended. Move from Action Agenda to Consent Agenda item #13, Residential Rental Program. Motion passed 6-0-1.

**MINUTES APPROVAL**

It was moved by Councilmember Roblee, seconded by Bandkau to approve the Regular Meeting minutes of May, 16, 2013 as presented. Motion passed 6-0-1.

It was moved by Mayor Pro-Tem Cooper seconded by Bohn to approve the Closed Session minutes of May, 2, 2013 as presented. Motion passed 6-0-1.

**DETROIT INSTITUTE OF ARTS PRESENTATION**

Barbara Hallar, Detroit Institute of Arts discussed the Inside Out Program. She stated the art will be installed in the City of Brighton on June 28<sup>th</sup>. She gave a slide presentation of the art. There will be a walking tour on July 10<sup>th</sup> from 8-9 p.m. Lauri French is the City's contact person and Katherine Diamond; Director of Community Relations will be here for the tour.

Councilmember Roblee invited several artists to paint outside in the downtown on July 20<sup>th</sup>. They will have six to seven hours to paint. All paintings will be moved to Art Ventures where there will be public voting on the art. All paintings will be moved out for the Brighton Art Festival and there will be a monetary prize to the artist that wins the public vote.

### **CITIZEN INQUIRIES**

Mayor Muzzin stated there was an inquiry from Pat Cole regarding the same questions she had regarding Senior Citizens discounts offered by the City. He stated he provided answers to all of these questions on May 2, 2013.

### **CALL TO THE PUBLIC**

Mayor Muzzin opened the Call to the Public at 7:45 p.m. The following comments were heard:

Pat Cole asked for her Citizen Inquiry to be read.

Hearing no further comment, the Call to the Public was closed at 7:47 p.m.

Councilmember Cooper stated he would be willing to take Ms. Cole's ideas for senior recreation to SELCRA.

Mayor Muzzin read the Citizen Inquiry from Pat Cole regarding Senior Citizen discounts available in the City. He stated the answer is the same that he read at the May 2, 2013 City Council meeting. He also stated his personal opinion for citizens who own, purchase or rent in the City of Brighton, we have all services available and there is very little services that the residents need to go out of town for and we have more than just senior citizens in the City of Brighton, we have adults and children also.

### **CONSENT AGENDA**

It was moved by Mayor Pro-Tem Cooper, seconded by Roblee to approve the Consent Agenda as amended. A roll call vote was taken. Yes: Bohn, Cooper, Muzzin, Bandkau, Roblee, Pipoly. No: none. Motion passed 6-0-1.

The following items were approved:

1. Approved a tax collection agreement with LESA (continuation of providing the Tax collection service we have been providing for the LESA school district).
2. Appointed Alicia Urbain as the Zoning Board of Appeals alternate.
3. Appointed Lisa Farquhar to the Election Commission.
4. Approved Resolution 13-10, New Micro Brewer license for the Brauerei microbrewery at 500 W. Main Street.
5. Approved First Reading of the proposed residential rental inspection Ordinance addition to Chapter 18, and set Second Reading and Public Hearing for June 20, 2013.

### **PROPOSED CHANGES TO TEMPORARY LAND USE FIRST READING**

Planning and Zoning Director, Amy Cyphert briefed the Council on the proposed amendments regarding Temporary Land Use. She stated there are two options, which are maintain powers at the City Council level or transfer them to the Zoning Board of Appeals.

It was moved by Councilmember Bandkau, seconded by Cooper to approve First Reading of the proposed amendments to Chapter 98, Article I, In General, Section 98-3, Definitions; Chapter 98, Article XXIV, Boards of Appeal, Section 98-687, Jurisdiction; and Chapter 98, Article XXV, Temporary Land Uses, Section 98-700, Temporary land uses, and set a public hearing for July 18, 2013. Motion passed 6-0-1.

### **DBD ZONING DISTRICT PERMITTED USES**

City Manager, Dana Foster stated the DBD Zoning District permitted uses is on the agenda because of the business called Pawsitively Spoiled and part of the business that was previously occurring at that location appeared to be boarding, which is not allowed in the DBD as it currently exists.

There was Council discussion regarding open kennels vs. kennels, Special Land Permit, why a representative from Pawsitively Spoiled not present is and the fact that the kennel issue has been before the Zoning Board of Appeals previously.

It was moved by Mayor Pro-Tem Cooper, seconded by Bohn to table the DBD Zoning Districts permitted uses to the June 20<sup>th</sup> City Council meeting and for the City Attorney to reach out to the Pawsitively Spoiled attorney and an opportunity to provide us with more information. Motion passed 6-0-1.

It was moved by Councilmember Bohn, seconded by Cooper to move item #17 ahead of item #16 on the agenda. Motion passed 6-0-1.

### **COMPLIANCE OF PROPERTY OWNERS WITH CITY ORDINANCES**

City Manager, Dana Foster stated Citation Investment is located at 8589 West Grand River, also known as the Davis Office Building, multiple Code violations have been found and the City has not been able to achieve compliance.

Planning and Zoning Director, Amy Cyphert stated complaints have been received regarding this office center and Building Inspector, Jim Rowell inspected the property to find many building code violations.

Livingston County Building Official, Jim Rowell described some of the violations that need repair. He stated the buildings are still accessible and there is a need to protect the public from accessing the property and Tom Duke, building owner, stated he would prefer to vacate the buildings, as he does not plan on redeveloping the property at this time.

John Porth, Mr. Duke's Associate, stated the tenants have been given notice to vacate the buildings, as his plan is to raze the buildings. He stated he can ask Mr. Duke to provide City Council with a plan.

It was moved by Mayor Pro-Tem Cooper, seconded by Bandkau to authorize the City Attorney to initiate a lawsuit against the property owner, Citation Investments LLC, in the Livingston County Circuit Court to enforce compliance with the Property Maintenance Code and any other Ordinance violations and if the property owner is moving forward, we would consider, after that has been remedied, to work with them about redevelopment opportunities. Motion failed 1-5-1.

It was moved by Councilmember Pipoly, seconded by Bohn to give Citation Investments LLC two weeks for compliance with the Property Maintenance Code and any other Ordinance violations, and if compliance is not achieved, to authorize the City Attorney to initiate a lawsuit in the Livingston County Circuit Court to enforce compliance. Motion passed 5-1-1 with Mayor Pro-Tem Cooper voting "no".

City Manager, Dana Foster discussed the mirrored glass effect windows at Buon Gusto which are in violation of the DBD Zoning District regulations.

Planning and Zoning Director, Amy Cyphert stated the City was notified about the film placed on the windows at Buon Gusto to give it a mirrored glass effect and no resolution has been received for this issue, although half of the film on the windows has been removed.

It was moved by Councilmember Roblee, seconded by Bandkau to give Buon Gusto two weeks to resolve the mirrored glass related zoning ordinance violations and if no plan is in place in 14 days, the City Attorney's office has authorization to institute a lawsuit with the Livingston County Circuit Court to enforce compliance. Motion passed 6-0-1.

### **CITY REVENUE OPTIONS**

City Manager, Dana Foster asked City Council if they want to pursue the proposal for a Headlee Lid Override as presented in his original budget submittal or as proposed by Councilmember Bohn.

City Council directed Staff to provide a menu approach as to what projects/improvements a millage increase would bring to the residents at the June 20, 2013 City Council meeting.

### **CITY CUSTOMER INFORMATION**

City Manager, Dana Foster stated he anticipates a heavy agenda at the next meeting. Saturday June 8<sup>th</sup> will be another Imagination Station Volunteer work day and the next major work day will be in July.

Councilmember Bandkau gave a Veterans Memorial update stating dedication will be the Sunday before Veteran's Day.

Councilmember Roblee stated June 12<sup>th</sup> is the first of the new Jazz Series downtown. There will be a free educational workshop conducted at the CoBACH by musicians at this event, which will occur just prior to the outdoor live music performance.

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Mayor Muzzin gave a DDA update, stating they agreed to pay for the testing for the millpond dredging project. He conducted a learning event with 2<sup>nd</sup> and 3<sup>rd</sup> graders on how we operate our government and he received a thank you from the students.

### **CALL TO THE PUBLIC**

Mayor Muzzin gave a Call to the Public at 9:32 p.m. The following comment was heard:

Pat Cole thanked the Mayor for reading her citizen inquiry. She expressed her concerns regarding Positively Spoiled violating our ordinances and her concerns regarding public safety.

Hearing no further comment, the Call to the Public was closed at 9:36 p.m.

### **ADJOURNMENT**

It was moved by Mayor Pro-Tem Cooper, seconded by Pipoly to adjourn the meeting at 9:36 p.m. Motion passed 6-0-1.

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Diana Lowe, City Clerk

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Jim Muzzin, Mayor