



# Brighton City Council Minutes

City Hall Council Chambers • 200 N First St. • Brighton, Michigan 48116  
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## MINUTES OF THE REGULAR MEETING OF THE BRIGHTON CITY COUNCIL HELD ON MARCH 15, 2018

### 1. Call to Order

Mayor Muzzin called the Regular Meeting to order at 7:30 pm.

### 2. The Pledge of Allegiance was recited

### 3. Roll Call

Present were Mayor Muzzin, Mayor Pro-Tem Pipoly, Councilmembers: Bohn, Emaus, Gardner, Pettengill, and Tobbe. Staff: City Manager Nate Geinzer, Attorney Paul Burns, Assistant to the DPW Director/Deputy City Clerk Patty Thomas, City Clerk Tara Brown, DPW Director Marcel Goch, Police Chief Rob Bradford, Utilities Director Tim Krugh, Assistant to the City Manager/DDA Coordinator Brandon Skopek, Senior Community Development Associate Mike Caruso, Finance Director Gretchen Gomolka, Human Resources Director Michelle Miller, and Gary Markstrom from TTMPs. There were approximately 50 persons in the audience.

### 4. Consider Approval of the Agenda

**Motion** by Councilmember Emaus, seconded by Councilmember Tobbe, to approve the Agenda as presented. **The motion carried unanimously.**

### CONSENT AGENDA

**Motion** by Councilmember Tobbe, seconded by Councilmember Emaus, to approve the Consent Agenda as amended. **The motion carried unanimously with a roll-call vote.**

The following items were approved:

5. Approval of Minutes: Study Session of March 1, 2018
6. Approval of Minutes: Closed Session of March 1, 2018
7. Approval of Minutes: Regular Meeting of March 1, 2018
8. Mayoral Proclamation for Brighton District Library Board Member Kathryn Poppy

Mayor Muzzin presented Kathryn Poppy with a Mayoral Proclamation thanking her for her dedication to service as the Brighton District Library President. Ms. Poppy thanked the Council, family, and fellow library educators.

10. Award of Bid of the Orndorf Pump Station Rehabilitation #7 to Reliance Building Company in the Amount of \$323,000

11. Approval of Phase 2 Construction Engineering for the Orndorf Pump Station Rehabilitation #7 to Tetra Tech in the Amount of \$57,000

12. Resolution #18-04 to Set a Public Hearing for Regarding the Vacation of City Rights-of-Way

**Correspondence**

**13. Officer of the Year Presentation**

Chief Bradford explained the commendation nominating process and that the 2017 Officer of the Year Award would be presented to Officer Kristi Pace.

Sergeant Brent Pirochta read the nomination letter he submitted. He spoke about what led him to nominate Officer Kristi Pace and all the accomplishments that she had made as a City of Brighton Police Officer. He presented the Officer of the Year award to Officer Kristi Pace.

Chief Bradford presented Officer Kristi Pace with a Citation of Bravery and a Community Service Award.

Officer Kristi Pace expressed that it was an honor and privilege to serve the City of Brighton.

**14. Call to the Public**

Mayor Muzzin opened the Call to the Public at 7:45 p.m.

Gail Sherman, Impulse and the Barber Shop, asked the City Council not approve of the SAD for the PSD.

Linda Botka, CW Interiors, asked the City Council to vote no on the SAD. Ms. Botka doesn't see the SAD a necessity because it doesn't bring people into the City. The City is branded.

Judy Parsons, Parsons Building 409 Main, believed there was no need to continue the SAD.

Dave Norman, Lu&Carl's and Stout, believed things are going well, perhaps a maintenance plan would be effective but not more tax. He stated that based on lack of availability of buildings the City is doing well.

Hana Filipovic, Bourbon's, would like City Council to vote no on the SAD.

Brian Bradford, Bradford Financial Advisors, stated that the PSD did a great job under Matt Modrack, and the City is very busy now which is evident by the lack of buildings available. He would like the City Council to vote no stating that there was no viable data for an investment return on marketing.

Matt Becker, Brewery Becker, would like to see the SAD continue and he felt that the PSD is beneficial. He has seen a great return on investment during downtown events and marketing.

Heidi Scott, Bountiful Harvest, stated that she would like to see the Council approve the lease for the Community Center and for free if possible. Bountiful Harvest needs to move out of their current location at St. Georges Church because the church is expanding.

Cheryl Mayday, Alterations Unlimited, clarified that the Chamber of Commerce does most of the events downtown. Taste of Brighton and Ladies Night Out are organized by the PSD.

Brian Bradford, Bradford Financial Advisors, would like to reiterate that \$12,500.00 collected by the SAD was money collected to advertise to the participants that were paying into the SAD.

Matt Becker, Brewery Becker, clarified that monies collected by the SAD was done to cut the costs to PSD festival participants.

The call to the public was closed at 8:05 p.m.

#### **15. Staff Updates**

Chief Bradford highlighted the Reunification Drill with Emergency Management and Brighton High School that was attended by 230 people from as far as Hillsdale and other surrounding counties. He thanked Officer Chris Parks who brought the Raptor program to the City which reunites people more quickly. In past reunification drills, it would take up to several hours but with Raptor, it took 25 minutes to reunite students with family members. Coffee with a Cop is scheduled for April 24, 2018 from 9am-11am at Starbucks. National Drug Take Back Day is scheduled for April 28, 2018 from 10am-2pm. Manager Geinzer thanked the third grade classes from Hilton Elementary along with Ms. Beane and Ms. Constantine for their visit to the City on Wednesday, March 14. Manager Geinzer spoke to the students about the City's functions and day to day operations. Registration is open for the Brighton Rotary Top of the Mountain Dash or Crash fundraiser event on May 19, 2018. The Rotary hopes to host 1,000 runners this year. Manager Geinzer would like to remind residents that City offices would close early Friday, March 16, 2018 for a staff in-service which would not affect police patrol.

#### **16. Updates from Councilmember Liaisons to various Boards and Commissions**

Mayor Pro-Tem Pipoly received an email from Amy Vandermarginel stating that her two older daughters were best friends with Darian Locklear, the young woman who passed away in a recent car accident. Ms. Vandermarginel would like to dedicate a plaque in honor of Ms. Locklear. Mayor Muzzin spoke with Ms. Vandermarginel several times and has organized with Manager Geinzer to plant a tree on Arbor Day April 21, 2018. And at the expense of Ms. Vandermarginel, install a plaque dedicated to Ms. Locklear. Scheduling will be arranged with DPW. The dedication may be done at a separate time to accommodate Ms. Locklear's family and friends.

Councilmember Tobbe met with the Arts and Cultural Commission; many interesting things are in the works, more information to come later.

Councilmember Gardner provided an update on Livingston County. The Wall That Heals, which is the traveling Vietnam Memorial Wall, will be at the Spencer Hardy Airport from August 23, 2018 to August

28, 2018. It is a complete replica with all names and the Howell stop is the only one in the State of Michigan. This event will be very busy.

Councilmember Pettengill was contacted by a mother with a child with congenital limb deficiency and a foster parent to disabled children to talk about the accessibility of our parks. Councilmember Pettengill would like to talk more with council about making our parks more inclusive.

Mayor Muzzin met with the Fire Board on March 8, 2018. He asked that Council be prepared to have a discussion about the possibility of donating the fire station to the Fire Authority similar to Genoa Township.

### **Public Hearing**

#### **17. Conduct a Public Hearing and Consider Approval of Revised Cemetery Rules**

Patty Thomas from DPW spoke about the changes to the Cemetery Rules and provided a listing of all changes. Dave Dillard, Cemetery Sexton; Marcel Goch, DPW Director, worked with Ms. Thomas to revise the rules. One of the largest changes was to require a two inch foundation border to allow for lawn maintenance without damage to the monument.

Mayor Muzzin opened the Public Hearing at 8:19 p.m.

Susan Bakhaus wanted to remind Council of the origins to revisiting the Cemetery Rules every year. Ms. Bakhaus also listed the problems she encountered with the Cemetery and asked that Council hire someone to oversee the upkeep and maintenance. She further recommended an outside landscaping company to take care of the Cemetery.

Jim Vichich, President of the Brighton Historical Society, asked Council to have a discussion with seasonal help during the summer to ensure gentle care is taken with monuments. He also thanked DPW for all their help throughout past summers, DPW has always helped the Historical Society with grounds keeping. Mr. Vichich would like to add that Saturday May 5, 2018 is the Village Cemetery Spring Cleanup with a luncheon to follow at St Paul's Community Center.

Mayor Muzzin closed the Public Hearing at 8:25 p.m.

Councilmember Bohn clarified that Council had discussed outsourcing the entire Cemetery management, ground and sales, to a company to get the City out of the Cemetery business altogether. He stated that grounds keeping alone was not the only focus.

Manager Geinzer asked that DPW Director Goch to discuss the many new ground maintenance plans.

Councilmember Tobbe asked if a three inch wide foundation to extend past the monument should be considered rather than the recommended two inches.

DPW Director Goch indicated that he is comfortable with a two inch foundation extension to insure monument safety.

**Motion** by Councilmember Bohn, seconded by Mayor Pro-Tem Pipoly, to adopt the revised cemetery rules. **The motion carried unanimously.**

### **Old Business**

- 18.** Consider Adoption of Ordinance Number 581: Amendment to the City's Zoning Map Described in Section 98-3.24 of the City's Zoning Ordinance

**Motion** by Councilmember Emaus, seconded by Councilmember Pipoly, to remove from the table to Consider Adoption of Ordinance Number 581: Amendment to the City's Zoning Map Described in Section 98-3.24 of the City's Zoning Ordinance. **The motion carried unanimously.**

City Attorney Paul Burns gave a brief overview and recommends approving with the amended legal description.

**Motion** by Councilmember Emaus, seconded by Mayor Pro-Tem Pipoly, to Adopt Ordinance Number 581: Amendment to the City's Zoning Map Described in Section 98-3.24 of the City's Zoning Ordinance. **The motion passed unanimously with a roll call vote.**

- 19.** Consider Approval of Site Plan #18-02 – Second Street Flats – 293, 295, 301 and 303 N. Second Street

**Motion** by Councilmember Tobbe, seconded by Councilmember Gardner, to remove from the table Consider Approval of Site Plan #18-02 – Second Street Flats – 293, 295, 301 and 303 N. Second Street. **The motion carried unanimously.**

**Motion** by Mayor Pro-Tem Pipoly, seconded by Councilmember Emaus, to Approve the Site Plan #18-02 – Second Street Flats – 293, 295, 301 and 303 N. Second Street. **The motion carried unanimously.**

- 20.** Consider Approval of Planned Unit Development (PUD) Agreement Between Power Play Development, LLC and the City of Brighton for the Development of Second Street Flats

**Motion** by Mayor Pro-Tem Pipoly, seconded by Councilmember Emaus, to remove from the table Consider Approval of Planned Unit Development (PUD) Agreement between Power Play Development, LLC and the City of Brighton for the Development of Second Street Flats. **The motion carried unanimously.**

**Motion** by Councilmember Gardner, seconded by Mayor Pro-Tem Pipoly, to approve the Planned Unit Development (PUD) Agreement between Power Play Development, LLC and the City of Brighton for the Development of Second Street Flats. **The motion passed unanimously with a roll call vote.**

### **New Business**

21. Consider Approval of a Lease with Bountiful Harvest for the Temporary Use of the Community Center Thursday – Saturday for the Period of Twelve Months with Possible Extension.

Manager Geinzer gave a brief overview of the services provided by Bountiful Harvest. He also stated that both the Boy Scouts and Rotary were consulted when making the lease for the Community Center and Bountiful Harvest.

Terry Simpson, Bountiful Harvest, addressed Council and gave a summary of the work Bountiful Harvest provides to those in need and their long-term goal of building permanent facility.

Mayor Pro-Tem Pipoly asked if Bountiful Harvest is agreeable to the conditions outlined in the agreement. Mr. Simpson is agreeable to the conditions outlined in the lease and will provide insurance.

Council and Staff discussed the rent and how the amount came to be. Working together, City Attorney Burns and Manager Geinzer agreed to the fair market value for the use of the building which came to \$150.00 a month plus consideration for the services provided.

Mayor Muzzin asked if the facility would be left the way it was found, Mr. Simpson agreed that it would be cleaned and left the way it was found.

Council discussed the rental fee and if the fee could be changed.

**Motion** by Councilmember Gardner, seconded by Councilmember Pettengill, to approve a lease with Bountiful Harvest for the temporary use of the Community Center Thursday – Saturday for the period of twelve months with possible extension for fifty dollars per month. **The motion passed unanimously.**

22. Consider Approval of a Recommendation from the Principal Shopping District (PSD) Board of Directors for the City Council to Adopt a Resolution Determining the Tentative Necessity for a New PSD Special Assessment District and to set a Date for a Public Hearing for the Determination of Necessity

Lisa Nelson, Vice Chair of the PSD, gave a brief summary of services. She highlighted the benefits of having an SAD for the PSD.

Councilmember Emaus asked is there was a necessity to legislate a tax for the PSD, does a tentative necessity exist? If members are not seeing a benefit to support the PSD should it be done with the law? Where was the information of measurable benefit? And finally why legislate marketing?

Council and staff spoke about the necessity and that legislation allows for an SAD for a PSD.

Council asked what would become of the PSD if it was not funded by the SAD. Staff answered that the PSD is able to continue should the PSD board prefer.

**Motion** by Councilmember Tobbe to approve a recommendation from the Principal Shopping District (PSD) Board of Directors for the City Council to adopt a Resolution Determining the Tentative Necessity for a New PSD Special Assessment District and to set a date for a public hearing for the determination of necessity. **The motion failed due to lack of support.**

9. Award of Bid #ITB-COBDPS-18-03 "City Hall Roof Replacement" to KJP Roofing in an Amount not to Exceed \$180,000

Councilmember Pettengill stated that she was uncomfortable approving the entire amount for the City Hall roof and that she would like to authorize the minimum then ask staff to come back to Council for more if needed.

Council and Staff had a discussion about the scope of the project and an estimate of how much roofing material or insulation would be needed.

DPW Director Goch stated that a complete tear off would not be necessary although there are areas that he was unable to review. He also advised that going back to council for additional funding would be problematic.

Councilmember Bohn reviewed the break-even point with the list of bids and felt more comfortable awarding the bid to Royal West.

Manager Geinzer was comfortable with either contractor, both had good references.

**Motion** by Councilmember Pettengill, seconded by Councilmember Pipoly, to award Bid #ITB-COBDPS-18-03 "City Hall Roof Replacement" to Royal West Roofing & Sheet Metal in an amount not to exceed \$126,000. **The motion carried unanimously.**

### **Other Business**

#### **23. Call to the Public**

Mayor Muzzin opened the Call to the Public at 9:40 p.m.

Gail Sherman, Impulse and the Barber Shop, thanked Council for recognizing the business owners. She hoped to continue collaborating with other merchants.

Linda Botka, CW Interiors, thanked Council and stated that Brighton had many great stores and the store owners work hard. The restaurants and businesses work hard to make Brighton a great City.

Brian Bradford, Bradford Financial Advisors, thanked City Council for Bountiful Harvest and listening to merchants. He would like to create a private/public venture to have a golf cart valet system. Downtown

patrons could park at at the BECC Building and be shuttled downtown. Mr. Bradford had been in contact with Green Oak Golf Cart and the Brighton Superintendent of Schools.

Dave Norman, Lu & Carls and Stout, hoped that the festivals are continued. He thanked Lisa Nelson, Matt Becker, and Kris Tobbe.

The call to the public was closed at 9:47 p.m.

Mayor Muzzin thanked residents and businesses and hoped they continue work together.

Mayor Pro-Tem Pipoly added although SAD was not renewed; the PSD can continue but needs to find funding.

Councilmember Gardner asked merchants to educate their customers and fellow residents about the Headlee Override and explain its importance.

#### **24. Adjournment**

**Moved** by Councilmember Emaus, seconded by Councilmember Tobbe, to adjourn the meeting at 9:49 p.m. **The motion carried unanimously.**

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Tara Brown, City Clerk

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James Muzzin, Mayor