



# Brighton City Council Meeting

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## MINUTES OF THE REGULAR MEETING OF THE BRIGHTON CITY COUNCIL HELD ON DECEMBER 6, 2018

### 1. Call to Order

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

### 2. Pledge of Allegiance

Mayor Muzzin asked all present to stand for a moment of silence in remembrance of President George H.W. Bush.

### 3. Roll Call

Present were Mayor Muzzin, Councilmembers: Bohn, Emaus, Gardner, Pettengill, Pipoly, and Tobbe. Staff: City Manager Nate Geinzer, City Clerk Tara Brown, Community Development Manager Mike Caruso, DPW Director Marcel Goch, Utilities Director Tim Krugh, Deputy Clerk/Assistant to the DPW Director Patty Thomas, Chief of Police Rob Bradford, Engineer Gary Markstrom, and Attorney Paul Burns. There were approximately thirty persons in the audience.

### 4. Consider Approval of the Agenda

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

### Consent Agenda Items

**Motion** by Councilmember Pettengill, seconded by Councilmember Emaus to approve the consent agenda as presented. **The motion carried unanimously.**

### 5. Approval of Minutes: Study Session Meeting of November 15, 2018

### 6. Approval of Minutes: Regular Meeting of November 15, 2018

### 7. Appointments to Various Boards and Commissions

### 8. Set Public Hearing Date for the Adoption of the City of Brighton Recreation Plan as part of the City's Comprehensive Master Plan for January 17, 2019

### Correspondence

### 9. Call to the Public

Rick Bailey, Livingston County Concert Band, stated that their free events operate with volunteers. He noted that no City equipment is used, except one outlet. He also stated that of Howell, Hartland, and Pinckney, only Howell charges a \$35 fee for City services. He said that his organization cannot afford \$300 to rent the amphitheater and would like to see an amendment to allow exemptions in the civic events fee schedule for non-profits.

Pam McConeghy, Brighton Area Chamber of Commerce, wanted to stress the importance of civic events. She stated that civic events can make or break a community.

Dennis Dimoff, Kiwanis Club, agrees with all those who spoke against the fees. He noted that the restaurants downtown Brighton are filled because of the Kiwanis concerts during the summer. He asked if Council has considered a community tax on hotel rooms.

Mayor Muzzin closed the Call to Public at 7:43 p.m.

Manager Geinzer stated that the City has no statutory authority to levy a hotel tax, in response to Dennis Dimoff's question during call to public.

#### **10. Old Village Cemetery Presentation**

Jim Vichich presented a presentation on the restoration work done in the Old Village Cemetery. He noted that May 4, 2019 is next year's kick off for clean up in the Old Village Cemetery, all are welcome to help. Normal clean-up for the cemetery is on the fourth Monday throughout the summer. Mr. Vichich noted that most headstones are a testament to those who were here first, many historically significant names Brighton are in the Old Village Cemetery. He thanked the DPW and Brighton Historical Society for the support.

Councilmember Pettengill asked if there was a headstone repair waiting list. Mr. Vichich indicated that repairs and restorations are being done in phases. Headstones were evaluated and categorized by the severity of work needed.

#### **11. Staff Updates**

Chief Bradford stated that No Shave November has been extended to the end of the year in hopes of generating more funds for the Wigs-4-Kids group.

Director Goch stated that leaf season is over and vacuuming has been completed. Councilmember Bohn asked about an issue he found on Spencer Road, Director Goch will take a look. Mr. Goch also noted that Second Street is open for use, but cautioned all to be careful. Second Street has been winterized and will be completed early next year.

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

Mayor Pro Tem Pipoly stated during the November meeting of the DDA, the Downtown Streetscape Design Project was approved, and the board also approved financial support to the City for DDA related general fund activities for six years at eighteen percent of the DDAs tax revenue beginning in FY 20/21.

Councilmember Bohn stated that during the November 19, 2018 the Planning Commission discussed and approved the DTN site plan for Vista at Uptown.

Councilmember Tobbe met with the PSD on December 4, 2018. SEMCOG meets on December 7, 2018.

### **New Business**

#### **13. Consider Approval of Site Plan 18-14 Vista at Uptown**

Community Development Manager Caruso introduced the project and noted that the Planning Commission approved the site plans with conditions. He then introduced John Woods from DTN who briefly introduced himself and a bit of background information on DTN and its various properties throughout Michigan. He specifically spoke about the company's 45-year history of building and managing properties. Mr. Woods then spoke about the Vista at Uptown site plan. The target renter is someone around 26-35 years old, perhaps a divorcee, or empty nesters who want to move down into a rental unit. He stated that the rental industry has changed, the new types of renters are those that choose to rent rather than need to rent. He estimates that about 20-25% of the potential renters would work out of their home.

Councilmember Gardner asked about DTN's plans for shoreline restoration. Mr. Woods noted that the plan has not been completed for the restoration but DTN is developing a plan based on the specific needs of the Millpond to address the shoreline and the invasive growth. Councilmember Emaus stated that the Millpond is a valued resource and would like to make sure that DTN constructs a true retaining wall rather than a seawall. Mr. Woods introduced Tom Laland, a wetland and shoreline specialist, stating it is the intent to restore and bring back native species to the Millpond.

Councilmember Bohn asked about the construction timeline, Mr. Woods estimated that shovels in the ground the last half of 2019 or early 2020.

Councilmember Pettengill asked for clarification on the number of parking spaces. Mr. Woods said that there will be 317 total spaces for parking which will comprise of a parking structure hidden within the development and 118 surface parking spaces. Councilmember Pettengill then asked about access to the pool area, she questioned if it would be gated. Mr. Woods stated that there would be a locked gate and not open to the public.

Councilmember Tobbe asked Mr. Woods why DTN chose Brighton. Mr. Woods stated that he lives nearby and loves coming to Brighton to eat and shop. Mr. Tobbe then asked what the draw is for someone in this income bracket for the Vista at Uptown. Mr. Woods said the location, I-96 and US23, is a perfect commuter location. Mr. Tobbe asked about what-ifs, specifically an economic downturn. Mr. Woods stated that DTN is a very conservative company that is well capitalized. The 40-million-dollar project is a large investment in Brighton and DTN has a long history of keeping their promise and being owner/operators of their developments.

**Motion** by Mayor Pro Tem Pipoly, seconded by Councilmember Pettengill to approve site plan 18-14 Vista at Uptown with the conditions outlined by the Planning Commission. **The motion carried unanimously.**

#### **14. Consider Approval for a Request to Change Authorization for the Second Street Project in the amount of \$89,500**

Manager Geinzer stated that Second Street is open and has been winterized. Mr. Geinzer noted that this project has taken longer than expected due to some unforeseen issues during construction therefore he recommends to approve the requested amount for ongoing testing and monitoring by Tetra Tech. Mr. Geinzer noted that Gary Markstrom from Tetra Tech was present to answer questions. Mayor Pro Tem Pipoly clarified that the project was

not done, but the design engineering is complete. This request was for onsite testing and monitoring which has not been completed. Councilmember Emaus discussed the project timeline, budgeted amounts and particulars. He noted that if it were not for the extreme need for this project to be completed for the safety of the community he would not approve this change. Mr. Markstrom stated that he would provide a summary for Council and staff to review.

**Motion** by Councilmember Bohn, seconded by Councilmember Gardner to approve a request to change authorization and associated budget amendments for the Second Street project in the amount not to exceed \$89,500.00. **The motion carried unanimously.**

#### **15. Consider Approval of City of Brighton Civic/Special Event Policy, Application, and Fees**

Manager Geinzer noted that after the Headlee proposal was voted down, a Task Force was assembled to evaluate the fiscal needs. The Task Force advised staff to seek out avenues for new non-millage revenue. One of the items looked at was community reimbursements. Mr. Geinzer referenced the spreadsheet with specific costs the City has had to shoulder in the past. He did note that there was an error in the original spreadsheet categorizing reserve officers incorrectly. Mr. Geinzer noted several local communities with a similar civic event reimbursement.

Mayor Pro Tem Pipoly clarified that this discussion was not scheduled as a tactical move while many merchants were busy with Ladies Night Out. Mr. Pipoly preferred to table the discussion and schedule a study session. Councilmember Pettengill indicated that she was in favor of tabling the discussion and would like total police and DPW hours added back into the spreadsheet. Mr. Geinzer will add hours back into the spreadsheet for Councils review. Mayor Muzzin stated that he believes all members of City Council value civic events and that the fiscal realities of the City are the driving force for discussion of this policy.

Councilmember Emaus said that the voters spoke when they said no to the Headlee override and the global response was to find money elsewhere. He stated that he considers civic events to be important, but asked what more can be trimmed from the budget. He noted several complex City projects where issues arise and plans change to repair problems, therefore he stated that he is not willing to sacrifice safety and service for civic events. Councilmember Bohn remarked that public safety, sewer and water are a priority. Mr. Bohn stated that currently, the City is subsidizing the revenue of shops and merchants—for him, the priority is roads above civic events.

Mayor Pro Tem Pipoly stated that \$72,000.00 has a large ripple effect for the financial stability of the community. Councilmember Pettengill agreed with Mr. Pipoly and noted that the contributions from these events is important.

Councilmember Emaus noted that fiscal realities make a clear case for 100% reimbursement, otherwise core services could be lost. Councilmember Pettengill stated that she will not support 100% reimbursement. Councilmember Gardner asked about the possibility of charging for events. She attended almost all events and believed that most attendees would expect to pay some kind of parking fee per car during events. Councilmember Tobbe noted that DTN is investing 40 million dollars into the City and believes that projects like the Vistas will generate the funds needed to support these costs.

**Motion** by Councilmember Tobbe, seconded by Councilmember Emaus to table item 15 to be brought back before the first meeting in March for further discussion. **The motion carried 6-1 with Councilmember Bohn voting no.**

Mayor Pro Tem Pipoly welcomed suggestions and collaboration.

Councilmember Gardner believed that the City is just in a rough patch and projects like DTN will help the City's finances. Mayor Muzzin clarified that developments like DTN were already built into the fiscal projections and cautioned counting on revenue that may not come to fruition.

#### **16. Consider Approval of Amphitheater Policy, Rental Application and Fees**

**Motion** by Mayor Pro Tem Pipoly, seconded by Councilmember Gardner to table item 16 to be brought back before the first meeting in March for further discussion. **The motion carried 5-2, with Councilmembers Bohn and Emaus voting no.**

**Councilmember Tobbe excused himself from the meeting at 9:19 p.m. for a family obligation.**

#### **Other Business**

##### **17. Call to the Public**

Mayor Muzzin opened the Call to Public at 9:19 p.m.

Pam McConeghy stated that notice of fees must be given soon so that sponsors have adequate time to fund the events. A delay on the civic events fee until March is too long.

Thaddeus McGaffey would also appreciate more notice as sponsors and applications will need to reflect any new fees.

Dennis Dimoff stressed that he cannot wait until March as contracts with bands will be going out shortly.

Mark Shay asked if there is a way to talk with Councilmembers.

Jim Vichich asked if the City has easements or right of way on the millpond for future expansion of the tridge as envisioned long ago. He also asked that police be stationed at I-96 and Spencer to catch speeders which could help fund the civic events.

Cal Stone remarked that he cannot wait until March for a revised fee policy.

Tony Palma, President of the Kiwanis Club, thanked Council for all their work and hopes that everything will work out. He noted that civic events give Brighton its good name.

Thaddeus McGaffey stated that he understands the rough spot the City is in but offered to help brainstorm ideas for civic events to move discussions forward.

Manager Geinzer stated that the City will send civic event applications out now with no changes from last year.

Councilmember Emaus asked if the process for the civic event policy could be accelerated so discussion could continue for next meeting. Mayor Muzzin mentioned the possibility of asking the DDA to contribute to civic events, he indicated that he will bring the question to the DDA board at a future meeting. Mayor Pro Tem Pipoly stated that this is not first time the DDA has contributed, noting roughly \$20,000 that was contributed in the past. Councilmember Pettengill asked if the DDA has reviewed the specific dollar amount required for civic events. Mayor Muzzin explained that the DDA has had a cursory review of the numbers.

### **18. Adjournment**

**Motion** by Mayor Pro Tem Pipoly, seconded by Councilmember Gardner to adjourn the meeting at 9:37 p.m. **The motion carried unanimously.**

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Tara Brown, City Clerk

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James Muzzin, Mayor