



# Brighton City Council Meeting

200 N First St • City Hall Council Chambers • Brighton, Michigan 48116  
(810) 227-1911 • [www.brightoncity.org](http://www.brightoncity.org)

This meeting will be conducted electronically.  
Please visit the City website or the notice posted at City Hall for Zoom Meeting login instructions.

## **Regular Meeting September 2, 2021 – 7:30 p.m.**

### **AGENDA**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Consider Approval of the Agenda
5. Consider Approval of Consent Agenda Items

#### **Consent Agenda Items**

- a. Approval of Minutes: [Study Session of August 19, 2021](#)
- b. Approval of Minutes: [Regular Session of August 19, 2021](#)
- c. [Approval of Traffic Control Order #177 in the Hyne St. Parking Lot](#)
- d. [Approval Of Three-Year Contract With Velocity EHS For Hazard Communication Safety Data Sheets](#)
- e. [Approval to Purchase Of Eight \(8\) Automated External Defibrillators \(A.E.D.'S\)](#)
- f. [Acceptance of Quarterly Financial and Investment Report](#)

#### **Correspondence**

6. Call to the Public
7. Staff Updates
8. Updates from Councilmember Liaisons to Various Boards and Commissions

#### **New Business**

9. [Consider Approval of Special Land Use Permit 21-12, Performing Arts Theater, 111 S. West Street](#)

#### **Other Business**

10. Call to the Public
11. Consider Entering Closed Sessions to Receive Written Attorney-Client Privileged Communications Pursuant to MCL 15.268(h) and to Consider the Periodic Personnel Evaluation of the City Manager Pursuant to MCL 15.268(a) as Requested by the City Manager
12. Consider Possible Action Resulting From Closed Sessions
13. Adjournment



# City Council Study Session

555 Brighton Street • Community Center • Brighton, Michigan 48116  
(810) 227-1911 • www.brightoncity.org

## MINUTES OF THE EARLY STUDY SESSION OF THE BRIGHTON CITY COUNCIL HELD ON AUGUST 19, 2021

### 1. Call to Order

Mayor Pipoly called the study session to order at 6:30 p.m.

### 2. Roll Call

Present were Mayor Pipoly, Mayor Pro Tem Gardner, Councilmembers: Bohn, Emaus, Muzzin, Pettengill, and Tobbe.

Staff Present: City Manager Nate Geinzer, City Clerk Tara Brown, Chief Rob Bradford, DPS Director Marcel Goch, Deputy DPS Director Corey Brooks, Attorney Sarah Gabis, and Tetra Tech Engineers Kari Jozwik and Steve Magnan. There were eight persons in the audience.

### 3. Consider Approval of the Agenda

**Motion** by Mayor Pro Tem Gardner, seconded by Councilmember Emaus to approve the agenda as presented. **The motion carried without objection.**

### 4. Call to the Public

Mayor Pipoly opened the Call to the Public at 6:31 p.m. Hearing and seeing no comment, Mayor Pipoly closed the Call to the Public.

### 5. Review and Discussion of Grand River Phase II and Stub Streets Engineering Plans

Director Goch presented a detailed evaluation of Grand River, Liberty, Flint, Beaver, and Dutcher Streets and sought City Council guidance on a number of logistical impediments within the older neighborhood specially highlighting existing sidewalk width, trees, and rights of way.

### 6. Call to the Public

Mayor Pipoly opened the Call to the Public at 7:25 p.m.

Barbara St. Thomas Daren of Brighton Lake Road asked if the new engineering plans would include ADA compliant sidewalks and ramps.

Hearing and seeing no further comment, Mayor Pipoly closed the Call to the Public.

### 7. Adjournment

**Motion** by Councilmember Emaus, seconded by Mayor Pro Tem Gardner to adjourn the meeting at 7:26 p.m. **The motion carried without objection.**

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Tara Brown, City Clerk

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Shawn Pipoly, Mayor



# Brighton City Council Meeting

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## MINUTES OF THE REGULAR MEETING OF THE BRIGHTON CITY COUNCIL HELD ON AUGUST 19, 2021

### 1. Call to Order

### 2. Pledge of Allegiance

### 3. Roll Call

Present were Mayor Pipoly, Mayor Pro Tem Gardner, Councilmembers: Bohn, Emaus, Muzzin, Pettengill, and Tobbe.

Staff Present: City Manager Nate Geinzer, City Clerk Tara Brown, Chief Rob Bradford, DPS Director Marcel Goch, Deputy DPS Director Corey Brooks, Attorney Sarah Gabis, and Planner Jill Bahm. There were thirty-two persons in the audience.

### 4. Consider Approval of the Agenda

**Motion** by Councilmember Emaus, seconded by Mayor Pro Tem Gardner to approve the agenda as presented. **The motion carried without objection.**

### 5. Consider Approval of Consent Agenda Items

**Motion** by Councilmember Emaus, seconded by Councilmember Pettengill to approve the consent agenda as presented. **The motion carried without objection.**

#### Consent Agenda Items

- a. **Approval of Minutes: Early Study Session of August 5, 2021**
- b. **Approval of Minutes: Regular Session of August 5, 2021**
- c. **Approval of the Veterans Connected Ruck to Live Civic Event Application**
- d. **Approval of Brighton Command Officers Association (POLC) Letter of Agreement**
- e. **Approval of Police Officers Labor Council, Patrol-Detective Unit (POLC) Letter of Agreement**

#### Correspondence

### 6. Call to the Public

Mayor Pipoly opened the Call to the Public at 7:35 p.m.

Susan Bakhaus, Brighton Lake Road, spoke about the growth of arborvitae previously referenced at the last City Council meeting and discussed a letter referenced by SR Jacobson Manny Kianicky regarding the Brighton Area Chamber of Commerce.

Barbara St. Thomas Darren, Brighton Lake Road, relayed her objection and questioned the growth rate of arborvitae and discussed HUD housing.

Brian Klear, N 5<sup>th</sup> Street, summarized the Planning Commission meeting noting most opposed the density of the proposed development at the Lindbom site.

Cheryl Krueger, State Street, spoke regarding potential traffic issues with the new development.

Lisa Spitler, W. Main Street, spoke in opposition of the density and traffic associated with a potential new development.

Cameron Scott, Washington Street, also spoke in opposition of the development with regard to height of the proposed structure and questioned the traffic study.

Cal Stordahl, W. Main Street, questioned several aspects of the proposed development, specifically traffic, dog and

pet waste, access and egress, as well as speaking in opposition to renters versus home owners.

Richard McKinney, 7<sup>th</sup> Street, spoke in opposition of the proposed development due to density, traffic, and renters versus home owners.

### **7. Staff Updates**

Director Goch provided a detailed and lengthy update about upcoming road projects in the City. He advises all to subscribe to the text alerts, reference the City website and Facebook pages for up to date information. Notices to all residences directly impacted to road projects will be notified and sandwich boards have been placed throughout work areas for more information. The Fairview Cemetery driveway replacement has been completed, contractors are focusing on turf restoration during the week of August 24, 2021 and expect to be completed by Monday, August 30, 2021. City lot repair is underway and should be completed quickly pending favorable weather. The Kiwanis Car Show has reduced their foot print to allow for more control and safety after concerns raised by the Brighton Area Fire Authority and the City of Brighton Police Department. Cross connection shut off notices will be sent out to forty-five non-compliant businesses after a series of notices and communications.

Manager Geinzer noted the finance department has begun preparations for the fiscal year 2020-2021 audit.

### **8. Updates from Councilmember Liaisons to Various Boards and Commissions**

Mayor Pro Tem Gardner noted the Brighton Arts and Culture Commission has rescheduled their meeting for August 30, 2021.

Councilmember Bohn stated the Planning Commission met to discuss three items on the agenda. The Commission granted approval for a theatre at 111 S. West Street, a carwash at 9836 E Grand River, and provided clarity to City Council for the proposed development at the former Lindbom site. Further, Mr. Bohn asked that the DTN site be reviewed as the weeds and grass have become overgrown.

Councilmember Tobbe met with the SEMCOG director to discuss projects in Livingston County.

Councilmember Muzzin and the Brighton Area Fire Authority met on August 12, 2021, and was provided a construction update on Station 33 on Weber Road. The 9/11 20<sup>th</sup> Anniversary Memorial Tribute will be on September 11, 2021 at 8:45 a.m. And finally the November 11, 2021 scheduled meeting has been moved to November 10, 2021 due to Veterans Day.

### **New Business**

**Motion** by Councilmember Muzzin, seconded by Councilmember Tobbe to un-table the West Village Final Site Plan and PUD agreement. **The motion carried without objection.**

Councilmember Pettengill read a prepared passionate statement thanking residents for their voice and to a developer who has chosen Brighton as a potential development location. Ms. Pettengill then spoke directly about the density of the development and the density being her main point of opposition. She challenged the developer to bring a less dense development to comply with the Master Plan and blend into the surrounding neighborhoods.

Councilmember Tobbe thanked residents who spoke up and voiced concern. He relayed the main issue for him lies with the density of the proposed planned unit development while noting the developer has several other developments within their portfolio that have lower density but are still financially viable. Mr. Tobbe noted the Master Plan is a plan to grow the community from and guide for the City to follow on that path that was crafted by professionals in their field.

Councilmember Bohn cited pages 12-15 within the Master Plan noting future land use descriptions, specifically density. He then noted pages 74-75 which describe and display a map of proposed future land uses within the Downtown with specific definitions of housing within the Downtown area. He then stated the entire document

should be viewed in totality as a guide for the City. After much discussion he stated that the proposed development does not fit within the City of Brighton's Master Plan due to density.

Mayor Pro Tem Gardner spoke in support of the development noting the changing world of intentional renters is a missing middle housing that would benefit the community and businesses within the City of Brighton. Ms. Gardner stated that the Lindbom site is a blighted property that has attracted Police activity and the City now has an opportunity to see a development built that will provide housing and bring revenue.

Councilmember Muzzin questioned the procedures associated with a super majority vote and asked City Attorney Gabis for clarification. He then spoke in support of the development, although not absolutely in love with the development, as an opportunity to clean up a site that has attracted Police issues with a development that will bring housing into the City. Mr. Muzzin cautioned that several developers have tried and failed to develop the Lindbom site with the same residents against each and every project. He relayed his concern that the property may never be developed. Mr. Muzzin then cautioned those who call his character and integrity to question as he has always recused himself from agenda items when necessary and acted in the best interest of the City and its residents.

Councilmember Emaus spoke at length about the merits of this development over leaving the abandoned building and continuing to have excessive amounts of calls to the Police Department over activity at the site. Mr. Emaus is concerned that the negative activity at the site will lead to more dangerous situations. Further he expressed his concern over being threatened over this agenda topic and stated that his vote will be from a place that benefits the entire City and will not be bullied by a few City or township residents. Mr. Emaus directed attendees to review page 74 of the Master Plan which specifically called out Lindbom Elementary as adjacent to downtown "where higher density residential uses are desired and warranted to support downtown businesses and activities". Mr. Emaus also described that the purpose of a planned unit development (PUD) is to rezone an area with regulatory process.

Mayor Pipoly echoed much of the same sentiments that other Councilmembers, noting that what he hears from residents and board members is to follow the Master Plan. He stated his concern over density for this property as it is described for this property in the Master Plan, as a point of opposition for him.

#### **9. Consider Possible Action for the Proposed Planned Unit Development, Site Plan # 21-06, West Village and Related PUD Agreement**

**Motion** by Councilmember Emaus, seconded by Mayor Pro Tem Gardner to approve with condition, the final site plan #21-06 and rezoning of the property legally described on the final site plan from R1 to PUD, those conditions being that: condition 1: approval of the gabled roof as recommended by the Planning Commission, condition 2: approval of the driveway and increased green belt buffer as recommended by the Planning Commission, condition 3: approval of the parking plan as modified by the developer and approved by the Planning Commission, and condition 4: approval of the PUD as originally proposed; such approval being on the basis that, upon compliance with the conditions, the proposed multi-family residential use is compatible with surrounding land uses and, upon compliance with the conditions, the proposed development would meet the necessary criteria and project design standards of Section 98-3.22, the PUD provisions of the City's Zoning Ordinance, and the proposed development overall promotes the public health, safety and welfare of the City; such approval being subject to the submission to the City Manager of a modified site plan that depicts incorporation of the conditions, and subject to the approval by City Council of a related Planned Unit Development Agreement that incorporates the conditions of approval; and to direct the City Attorney to prepare the related Planned Unit Development Agreement for Planning Commission review and recommendation, and final approval by City Council. **The motion failed. Gardner-yes, Muzzin-yes, Pettengill-no, Pipoly-no, Tobbe-no, Bohn-no, and Emaus-yes.**

#### **10. Consider Approval of Giffels Webster Sidewalk Due Diligence Scope of Work in the Amount of \$10,600**

**Motion** by Mayor Pro Tem Gardner, seconded by Councilmember Tobbe to approve Giffels Webster sidewalk due

diligence scope of work in the amount of \$10,600. **The motion carried without objection.**

**11. Consider Approval of Date and Draft Agenda for City Council Marijuana Related Retreat and Any Further Staff Direction**

**Motion** by Councilmember Emaus, seconded by Councilmember Tobbe to approve of the date and draft agenda for City Council Marijuana, relating to the retreat. **The motion carried without objection.**

**Other Business**

**12. Call to the Public**

Mayor Pipoly opened the Call to the Public at 9:36 p.m.

Susan Bakhaus, Brighton Lake Road, spoke regarding the rescheduled August 30, 2021 Brighton Arts and Culture Commission meeting.

Melanie Moses, Holly Street, asked that chairs and tables at the Community Center be moved back into place after the meeting.

Jordan Genso, Woodlake Circle, asked that traffic from Rickett Road be routed through Oakridge.

Hearing and seeing no further comment, Mayor Pipoly closed the Call to the Public at 9:38 p.m.

Director Goch noted that the intent for the detour from Rickett Road construction not be routed through residential roads.

**13. Adjournment**

**Motion** by Councilmember Emaus, seconded by Councilmember Muzzin to adjourn the meeting at 9:39 p.m. **The motion carried without objection.**

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Tara Brown, City Clerk

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Shawn Pipoly, Mayor



# City of Brighton

## REPORT FROM THE CITY MANAGER TO CITY COUNCIL

September 2, 2021

**SUBJECT: REQUEST TO APPROVE TRAFFIC CONTROL ORDER 177 IN THE HYNE ST. PARKING LOT**

### **BACKGROUND**

- Some of the businesses that are on the South Side of Main St., between Hyne St. and the railroad tracks, have their deliveries done from the rear which means using the Hyne St parking lot.
- There is one parking spot designated as a Loading Zone and a sign has been there for years but no traffic control order in place.

### **ADMINISTRATIVE SUMMARY**

- After review, PD recommends making this loading zone 15 minutes which is consistent with other loading zones in the Main St. area.
- This will require changing the current sign from Loading Zone to 15 Minute Loading Zone.

### **RECOMMENDATION**

Approve Traffic Control Order (TCO) 177 for 15 minute Loading Zone in the Hyne St. Parking lot.

Prepared by: Rob Bradford, Chief of Police

Reviewed &

Approved by: Nate Geinzer, City Manager

TEMP. T.C.O. FILED \_\_\_\_\_  
CONTROLS INSTALLED \_\_\_\_\_  
APPROVED BY COUNCIL \_\_\_\_\_  
RESCINDED \_\_\_\_\_

**CITY OF BRIGHTON**  
**TRAFFIC CONTROL ORDER NO. \_\_\_\_\_**

In accordance with the Brighton City Code, as amended, and Ordinance #348, Section 86-26 though 86-28, we have made an investigation of traffic conditions on:

and as a result of said investigation do hereby direct that:

This order shall not expire until rescinded by the City Council. If this is a temporary traffic control order that has been placed by the Traffic Engineer, this order shall expire 90 days from the date of filing with the City Clerk.

\_\_\_\_\_  
Traffic Engineer (City Manager)

\_\_\_\_\_  
Date of Filing with City Clerk  
(if temporary)

\_\_\_\_\_  
Received for filing (date) by

\_\_\_\_\_  
Tara Brown, City Clerk

Approved by the City Council on: \_\_\_\_\_

I hereby certify that the foregoing is a true copy prepared from the record on file in my office, as attested to by the Seal of the City Clerk of the City of Brighton, embossed hereto.

Signed \_\_\_\_\_  
Tara Brown, City Clerk

Date: \_\_\_\_\_





# City of Brighton

## REPORT FROM THE CITY MANAGER TO CITY COUNCIL

September 2, 2021

**SUBJECT: REQUEST FOR APPROVAL OF THREE-YEAR CONTRACT WITH VELOCITY EHS FOR HAZARD COMMUNICATION SAFETY DATA SHEETS**

### ADMINISTRATIVE SUMMARY

- The Hazard Communication Standard (HCS) requires chemical manufacturers, distributors, or importers to provide Safety Data Sheets (SDS's) (formerly known as Material Safety Data Sheets or MSDS's) to communicate the hazards of hazardous chemical products. The HCS requires new SDS's to be in a uniform format, and include section numbers, the headings, and associated information.
- A federally mandated program states that employers must ensure that Safety Data Sheets (SDS) are readily accessible to employees.
- The City of Brighton has five facilities in which considered hazardous chemical products are stored. Each facility currently maintains their own SDS log in binders in an easily accessible area within the facility. Designated staff in each facility is responsible to log any chemical substance as it is received.
- Velocity EHS is a software company that combine all the City of Brighton facilities chemical list in one central location which is assessable to all supervisory staff.
- Velocity EHS specializes in up-to-date chemical components and treatment options which they will update automatically as any changes occur in any of the chemicals the City holds.
- The cost for Velocity EHS is divided equally between the facilities.
- Velocity EHS has proposed a 3-year subscription with an initial Cost: \$3,550.00 for first year and \$2,500 for each of the subsequent years for a total 3-year cost of \$8,550. This subscription includes the eBinder Valet, GHS Label Package and staff training.

### BUDGET

- The approved 2021/2022 budget does not include this cost. We are requesting a budget amendment in the amount of \$3,550 in the human resources department of the General Fund as a use of fund balance to cover year one of this subscription.

### RECOMMENDATION

Authorize staff to execute the 3-year subscription package as proposed for a total cost of \$8,550 and approve a budget amendment in the human resources department of the General Fund as a use of fund balance in the amount of \$3,550.

Prepared by: Michelle Miller, Human Resource Manager

Reviewed by: City of Brighton Safety Committee

Gretchen Gomolka, Finance Director

- Within Budget
- Budget Amendment Necessary and in Proper Form
- Other \_\_\_\_\_

City Attorney (Required for all agreements, ordinances, etc.)

Acceptable Form and Ready to Execute

Other

Reviewed &

Approved by: Nate Geinzer, City Manager



# CUSTOMER ORDER FORM

222 Merchandise Mart Plaza, Suite 1750  
 Chicago, IL 60654  
 Ph: 312.881.2000  
 Fax: 866.320.1021  
 Tax ID #: 04-3626476

**Contract Number:** 117379  
**Issued Date:** 8/9/2021  
**Issued By:** Kate Schalk  
**Offer Valid Through:** 8/6/2021

## Customer Information

**Customer:** City of Brighton  
**D-U-N-S® Number:** 043160621

**Attn:** Daren Collins  
**Address:** 200 N 1ST St  
 Brighton, MI 48116-1593

## Terms and Conditions

**Related Contract:** Not Applicable  
**Contract Start Date:** Fourteen (14) calendar days after execution  
**Contract End Date:** Determined upon execution  
**Initial Term:** 3 Years  
**Coverage:** 1 Location(s)

**Payment Terms:** Net 30  
**Billing Frequency:** Annually, in advance  
**Initial Invoice Due:** 30 days from Execution

## Chemical Management

### Subscriptions

Item	Qty	Year 1	Year 2	Year 3
HQ Account	1	\$2,500.00	\$2,500.00	\$2,500.00
Site Administrators	2	\$0.00	\$0.00	\$0.00

### Professional Services

Item	Qty	Year 1	Year 2	Year 3
Implementation Fee	1	\$0.00		
eBinder Valet	250	\$1,000.00		
GHS Label Package	25	\$50.00		
<b>Total</b>		<b>\$3,550.00</b>	<b>\$2,500.00</b>	<b>\$2,500.00</b>

This Customer Order Form, including all Exhibits, and the Services provided hereunder are governed by the terms and conditions of the VelocityEHS Master Subscription and Services Agreement, as posted on <https://www.ehs.com/mssa>, which is hereby incorporated into this Customer Order Form (the "Agreement"). By signing below, Customer agrees to be bound by such terms and conditions as of the date of signing. VelocityEHS may deem this Customer Order Form null and void if the executed agreement is not received by VelocityEHS by the "Offer Valid Through" date listed above, or if the document is returned with handwritten changes.

### City of Brighton

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

### VelocityEHS

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**(M)SDS Management Base subscription pricing includes:**

- 1 annual HQ subscription(s) for the Customer and its employees included within the Coverage of this agreement.
- A Primary Account Administrator and 1 Additional Administrator(s). Additional Administrators may be purchased for 250.00 USD per Administrator.
- Unlimited MSDS database searches, views and additions to the eBinder.
- Access to eBinder and MSDSonline database search from the SDS/Chemical Management mobile application.
- Access to the MSDSonline Desktop Application, which allows administrator(s) to print SDSs, and download an electronic backup of their SDSs and basic information.
- Annual allotment of 50 MSDS Requests and 100 MSDS Uploads. Additional MSDS Requests may be purchased in bundles of fifty (50) for 200 USD; additional MSDS Uploads may be purchased in bundles of (100) for 200 USD.
- Technical & Customer Support.
- Additional Terms and Conditions apply. To learn more, click [here](#).

**HQ Implementation Service:** Implementation assistance for MSDSonline products will be provided that includes the following:

- An assigned contact who will escort you through the implementation process.
- Assistance with the configuration of the system in a manner most suitable to your environment.
- ~~Training (phone or Web conference) to any named system administrator (Primary or Additional).~~
- Help facilitating the deployment of your system across your organization.
- Unlimited access to the Customer Care and Technical Support resources to answer any questions you may have (between the hours of 8am and 8pm EST).

**Compliance Services Project – eBinder Valet:** VelocityEHS will build the Customer's electronic MSDS library (eBinder) by sourcing the English language MSDS that corresponds to each line item on a Customer-supplied inventory list for a flat fee of \$1050 USD based on there being up to 250 line items.

- Customer-supplied inventory list must be pre-approved, preferably supplied in VelocityEHS eBinder Valet template. Inventory list must include product name and manufacturer name; inclusion of product code(s) is preferred.
- Special Indexing package will be applied and includes the following fields: Product Name, Product Synonyms, Product Code, Manufacturer Name, Supplier Name, MSDS Revision Date, Regulatory Format, Primary CAS Number, and GHS Label Package.
- Additional fields may be indexed upon request (additional charges may apply).
- If the total number of inventory line items submitted falls below 250, VelocityEHS will grant additional MSDS Requests and MSDS Uploads as credit.
- If the total number of inventory line items exceeds 250, an additional charge of \$6 USD per line item, plus an additional fee per line item for special indexed fields. This additional fee will be assessed per line item at a cost of 1.50 USD/line item for First Aid, Ingredient, Physical Properties, and GHS Classification & Labelling indexing and 1 USD/line item for all other fields.
- VelocityEHS will obtain approval prior to proceeding on any work that will result in additional charges.

**Fees:**

All Year One (1) fees are in USD and unless otherwise noted, become due within 30 calendar days of the execution of this Customer Order Form. The Base Subscription period will commence on the Contract Start Date, as noted on page one (1) of this agreement; the Contract Start Date will become the subscription "anniversary date". Subsequent yearly fees will be invoiced between 45 and 60 days before each anniversary date, with payments due prior to each anniversary date. Customer may at its discretion pre-pay the full term of the agreement. Sales tax associated to this Order will appear on the invoice, where applicable. MSDSonline Implementation Services fees, and MSDSonline Compliance Services fees totaling less than 15,000 USD will become due with all licensing fees as noted above. Where Year One (1) MSDSonline Compliance Services fees total 15,000 USD or more, VelocityEHS will invoice 50% of these project fees on the first invoice. These fees become due within 30 calendar days of the execution date of this Customer Order Form, are NON-REFUNDABLE, and must be made prior to final project delivery. Any remaining Compliance Services project fees will be invoiced upon final project delivery.

## HQ Account

More than 20 years of software innovation and industry best practices align in our new HQ Account, making it easier than ever before to track, manage and report on hazardous chemicals and provide employee right-to-know access to safety data sheets.



### Centralize Hazard Communication Across Your Organization

As a safety professional, complying with rapidly-changing regulations, inventorying chemicals, training employees, and obtaining and ensuring employee-access to safety data sheets (SDSs) are just a few of the tasks on your plate. And with the United Nations' Globally Harmonized System (GHS) adopted by more than 70 countries — including the U.S. and Canada — there's more involved with meeting hazard communication requirements than ever before.

Our HQ Account, used by more than 13,000 businesses and 8 million users around the world in virtually every industry, is designed to make your life easier and your workplace safer. Our new chemical management platform is even easier to use and quicker to implement, and its mobile functionality further simplifies hazardous chemical management — helping EHS professionals spread the responsibility of safety to everyone in the organization. It gives single- and multi-facility businesses a more centralized, efficient, and cost-effective way to manage chemical hazards and simplify compliance.

**Safety Data Sheet Compliance** — The document churn resulting from GHS adoption has made it imperative that employers get their chemical inventory in order. Our cloud-based HQ Account can help. It provides unlimited cross-device access to our industry-leading database of manufacturer-original safety data sheets with easy-to-use obtainment, management, back-up and companywide deployment tools to help you manage your chemical inventory and ensure compliance with global hazard communication requirements.

**Chemical Inventory Management** — Our HQ Account with expanded globalization features offers a more sophisticated, multi-level location structure and advanced yet easy-to-use workflow tools that make it simple to see and control what chemicals are accepted or banned from your work environment. Enhanced container-level chemical management, tracking, mapping, and reporting functionality helps you maintain a complete and accurate picture of workplace chemical hazards. Plus, you can easily share this information with emergency responders using our free Plan1 First Responder Share Service.

**Right-to-Know Compliance** — The HQ Account works seamlessly across multiple PC, laptop and mobile device platforms, so your workforce always has access to critical safety information wherever they are. Our user-friendly system with expanded language capabilities ensures employees have immediate right-to-know access to vital safety information — including your company-specific SDSs — in the languages they understand. Plus, flexible labeling functionality makes it easy to create GHS-aligned secondary workplace container labels, featuring integration with key labeling printer and software vendors like Brady, Graphic Products / DuraLabel and Avery.

**Call us toll-free at 1.888.362.2007 (U.S. & Canada Only).  
Outside the United States, call 1.312.881.2000.**

### Benefits

- Millions of SDSs/MSDSs at your fingertips, 24/7
- Easy-to-use tools to help meet hazard communication requirements (HazCom / WHMIS / GHS), including right-to-know access, labeling, safe chemical handling, PPE, and more
- Mobile functionality, including a convenient mobile app that lets you access and manage SDSs and chemical inventory information even while offline
- Multiple back-up options to meet regulatory requirements for SDS/chemical management
- Quick ROI and low cost of ownership





Features	HQ	HQ RegXR
<b>Service Term</b>	Up to 3 Years	Up to 3 Years
1 Account Administrator & 1 Additional MSDS Management License	•	•
Additional MSDS Management Licenses	Optional (\$)	Optional (\$)
Multi-Site Compatibility	•	•
Mobile-Enabled Functionality	•	•
<b>SDS / MSDS Management</b>		
Search MSDSonline Database	Unlimited	Unlimited
Open, View, Print SDSs / MSDSs	Unlimited	Unlimited
Save SDSs / MSDSs to Secure eBinder	Unlimited	Unlimited
Upload Local SDS / MSDS Files to eBinder	Max.300*	Max.300*
Request Missing SDSs / MSDSs	Max. 150*	Max. 150*
Auto-Update New Versions	•	•
<b>Assign &amp; Manage Products to Multi-Level Locations</b>	•	•
Assign Products to Custom Groups	•	•
Access MSDSonline Master Chemical List (for Indexing)	•	•
SDS / MSDS Indexing Modules (e.g., PPE, Health Hazards, etc.)	•	•
Generate Product Summary Sheets	•	•
Generate Workplace Labels (Brady, DuraLabel & Avery Integration)	•	•
Generate GHS labels in multiple languages	•	•
Generate Exportable Reports	•	•
Batch Print SDSs / MSDSs	•	•
SDS / MSDS Library Backup (PC, CD, DVD, Flash Drive, etc.)	•	•
Multi-Language Right-to-Know SDS / MSDS Search Interface	•	•
Employee Access to MSDSonline Database	•	•
<b>Chemical Inventory Management</b>		
Multi-Level Location Tracking & Mapping	•	•
Plan1 First Responder Share Service	•	•
Detailed Container Tracking & Reconciliation Reporting	•	•
Barcode Generation & Printing	•	•
SDS / Chemical Management Mobile Application	•	•
Banned Chemical Flagging & Management	•	•
Advanced Material Approval Routing	•	•
Configurable Email Notifications	•	•
Unit of Measure Conversion & Chemical Quantity Calculation	•	•
<b>Environmental &amp; Regulatory Reporting</b>		
Flagging & Threshold Reporting for DHS, EPCRA 302 & 313 Form R	•	•
Exportable Product Cross-Reference Reports	•	•
Regulatory List Cross-Reference (Summary Sheet) Module	•	•
REACH Annex XIV List Cross-Referencing	—	•
Toxic Substances Control Act (TSCA) Inventory	—	•
Canada NPRI List Cross-Referencing	—	•
Dozens of Additional Federal, State & Global Cross-Referencing Lists	—	•

\*Quantity listed is the maximum allotted for a 3-year contract.  
Additional Requests & Uploads are available for purchase.

The MSDSonline HQ Account provides a centralized way to manage chemical safety and compliance in your workplace. Our newly designed and rebuilt chemical management platform includes enhanced functionality, offering added features and greater ease of use!

*"The versatility and ease of use makes this a very strong product."*

**Dave Chapman**, Brooks Health System

Includes hundreds of new and proven features derived from over 20 years of existing software innovation.

Used by more than 13,000 businesses — and over 8 million employees worldwide — in industries ranging from healthcare to manufacturing to construction to education.

## Contact Us

**VelocityEHS | MSDSonline**  
222 Merchandise Mart Plaza,  
Suite 1750  
Chicago, Illinois 60654

**Toll free:** 1.888.362.2007  
(U.S. & Canada)

Outside the United States, call  
1.312.881.2000

[www.MSDSonline.com](http://www.MSDSonline.com)  
[www.MSDSonline.com/blog](http://www.MSDSonline.com/blog)



CUSTOMER JOURNEY:  
**ONBOARDING**



Our most successful customers launch in 3 to 6 months

**(M)SDS Management Base subscription pricing includes:**

- 1 annual HQ subscription(s) for the Customer and its employees included within the Coverage of this agreement.
- A Primary Account Administrator and 1 Additional Administrator(s). Additional Administrators may be purchased for 250.00 USD per Administrator.
- Unlimited MSDS database searches, views and additions to the eBinder.
- Access to eBinder and MSDSonline database search from the SDS/Chemical Management mobile application.
- Access to the MSDSonline Desktop Application, which allows administrator(s) to print SDSs, and download an electronic backup of their SDSs and basic information.
- Annual allotment of 50 MSDS Requests and 100 MSDS Uploads. Additional MSDS Requests may be purchased in bundles of fifty (50) for 200 USD; additional MSDS Uploads may be purchased in bundles of (100) for 200 USD.
- Technical & Customer Support.
- Additional Terms and Conditions apply. To learn more, click [here](#).

**HQ Implementation Service:** Implementation assistance for MSDSonline products will be provided that includes the following:

- An assigned contact who will escort you through the implementation process.
- Assistance with the configuration of the system in a manner most suitable to your environment.
- Training (phone or Web conference) to any named system administrator (Primary or Additional).
- Help facilitating the deployment of your system across your organization.
- Unlimited access to the Customer Care and Technical Support resources to answer any questions you may have (between the hours of 8am and 8pm EST).

**Compliance Services Project – eBinder Valet:** VelocityEHS will build the Customer's electronic MSDS library (eBinder) by sourcing the English language MSDS that corresponds to each line item on a Customer-supplied inventory list for a flat fee of \$1050 USD based on there being up to 250 line items.

- Customer-supplied inventory list must be pre-approved, preferably supplied in VelocityEHS eBinder Valet template. Inventory list must include product name and manufacturer name; inclusion of product code(s) is preferred.
- Special Indexing package will be applied and includes the following fields: Product Name, Product Synonyms, Product Code, Manufacturer Name, Supplier Name, MSDS Revision Date, Regulatory Format, Primary CAS Number, and GHS Label Package.
- Additional fields may be indexed upon request (additional charges may apply).
- If the total number of inventory line items submitted falls below 250, VelocityEHS will grant additional MSDS Requests and MSDS Uploads as credit.
- If the total number of inventory line items exceeds 250, an additional charge of \$6 USD per line item, plus an additional fee per line item for special indexed fields. This additional fee will be assessed per line item at a cost of 1.50 USD/line item for First Aid, Ingredient, Physical Properties, and GHS Classification & Labelling indexing and 1 USD/line item for all other fields.
- VelocityEHS will obtain approval prior to proceeding on any work that will result in additional charges.

**Fees:**

All Year One (1) fees are in USD and unless otherwise noted, become due within 30 calendar days of the execution of this Customer Order Form. The Base Subscription period will commence on the Contract Start Date, as noted on page one (1) of this agreement; the Contract Start Date will become the subscription "anniversary date". Subsequent yearly fees will be invoiced between 45 and 60 days before each anniversary date, with payments due prior to each anniversary date. Customer may at its discretion pre-pay the full term of the agreement. Sales tax associated to this Order will appear on the invoice, where applicable. MSDSonline Implementation Services fees, and MSDSonline Compliance Services fees totaling less than 15,000 USD will become due with all licensing fees as noted above. Where Year One (1) MSDSonline Compliance Services fees total 15,000 USD or more, VelocityEHS will invoice 50% of these project fees on the first invoice. These fees become due within 30 calendar days of the execution date of this Customer Order Form, are NON-REFUNDABLE, and must be made prior to final project delivery. Any remaining Compliance Services project fees will be invoiced upon final project delivery.





## Supplemental Terms for GM, HQ, & HQ RegXR Subscriptions

These Supplemental Terms are legally binding terms governing Customer's use of a GM, HQ, or HQ RegXR Subscription.

These Supplemental Terms are entered into by and between VelocityEHS Holdings, Inc. ("**VelocityEHS**") and Customer under the Customer Order Form and the VelocityEHS Master Subscription & Services Agreement ("**Agreement**"). Capitalized terms not defined in this Amendment will have the meanings assigned to them in the Customer Order Form or Agreement (as defined below).

These Supplemental Terms were last updated on July 31, 2019. They are effective between VelocityEHS and Customer as of the date Customer enters into the Agreement.

### 1. SERVICES

- (a) **Customer-Hosted Services.** GM, HQ, and HQ RegXR Subscriptions feature the ability for the Customer to download and install an MSDSonline Desktop Application. Customer has the sole responsibility for meeting the requirements and standards specified in the Documentation for this feature. Unless specified otherwise in a Customer Order Form, Customer may only install the application on an individual's computer for the purposes of: i) creating a reasonable number of SDS/MSDS library copies for backup or archival purposes, ii) using the batch print functionality to share SDS in print format with those authorized under the Agreement and iii) using the backup functionality to create electronic media (CD, DVD, USB, etc. - note not included in the basic GM Subscription) to share SDS with those authorized under the Agreement.
- (b) **SDS/MSDS Deployment (HQ & HQ RegXR Only).** Customer will be delivered a unique URL used to share or deploy their SDS/MSDS with those authorized under the Agreement. This URL can be shared within the Customer's network (via an Intranet location, desktop icons, bookmarks, etc.), or in some instances across the Internet if access is limited to those covered under the Agreement. Providing access across the Internet may impose certain restrictions such as; requiring a sign-in process to occur before users can access the URL, or restricting URL access to specific IP addresses, or limiting access to just the SDS/MSDS in the Customer's library ("**eBinder**") and not permitting access to the entire MSDSonline SDS/MSDS library.
- (c) **Customer Materials.** Customer may upload to or distribute in its use of the Services i) SDS/MSDS content that is not subject to any copyright or other proprietary rights protection, ii) SDS/MSDS content in which VelocityEHS has given express authorization for distribution on the World Wide Web, and/or iii) SDS/MSDS content that Customer specifically earmarks for "private use" during the SDS/MSDS upload process or in certain Professional Services engagements. Customer may not use the batch upload process to upload "private use" documents. The unauthorized submission or distribution of copyrighted or other proprietary content is illegal and could subject the Customer to criminal prosecution as well as liability for damages in a civil suit. Customer shall at its sole expense, defend, indemnify and hold harmless VelocityEHS and its employees with respect to any claim and all costs, expenses (including reasonable attorney's fees), fines, penalties, deficiencies, losses, liabilities (including settlements and judgments) from any infringement of copyrights or proprietary rights, or from any other harm arising from such Customer upload of content. In compliance with the Digital Millennium Copyright Act, Customer and other persons can report infringement claims to CustomerHelp@MSDSonline.com. Customer hereby grants VelocityEHS a royalty-free, perpetual, irrevocable, non-exclusive, worldwide right and license to use, reproduce, modify, adapt, publish, translate, and distribute, in any form,



media, or technology now known or hereafter developed, all SDS/MSDS content that Customer posts to the MSDSonline database for public use (or otherwise acquired by VelocityEHS for or on behalf of Customer) hereunder and to incorporate such SDS/MSDS content in other works, in any form, media, or technology now known or hereafter developed. When making use of such information and materials, VelocityEHS shall use commercially reasonable efforts to prevent disclosure of Customer's identity as the party from or for whom VelocityEHS obtained such SDS/MSDS content or materials, except that VelocityEHS will not disclose or make such SDS/MSDS content available to other VelocityEHS customers if Customer specifically earmarks the SDS/MSDS content for private use or requests in writing when such materials and information are provided to, or otherwise obtained by, VelocityEHS.

## 2. COMPLIANCE WITH APPLICABLE LAW

Customer is solely responsible for compliance with all federal, state, and local laws, regulations, rules, ordinances, and policies regarding Customer's use of the Services, including possession and maintenance of any SDS/MSDS (including, but not limited to, federal environmental and OSHA requirements, and, to the extent applicable, the specific requirement that access to certain MSDSs be maintained at Customer's premises).

## 3. DISCLAIMER

IN NO EVENT SHALL VELOCITYEHS OR ITS AFFILIATES BE LIABLE TO CUSTOMER OR TO ANY THIRD PARTY FOR ANY LOSS, DAMAGE, OR EXPENSE RELATING TO THE APPROPRIATENESS, SELECTION, CONTENT, MAINTENANCE, RETENTION, AVAILABILITY, USE, OR NON-USE OF MSDS DOCUMENTS OR REPORTS, ADVICE, AND RECOMMENDATIONS PROVIDED IN CONNECTION THEREWITH IN ANY FORM. CUSTOMER IS SOLELY RESPONSIBLE FOR CONFIRMING THAT ANY MSDS THAT IT PROVIDES TO VELOCITYEHS OR ITS AFFILIATES, OR THAT IT APPROVES, ACCEPTS, SELECTS, USES, OR OTHERWISE OBTAINS FROM OR THROUGH VELOCITYEHS OR ITS AFFILIATES, THE SERVICES, OR THE COMPLIANCE SERVICES, IN CONNECTION WITH THIS AGREEMENT, IS APPLICABLE TO AND APPROPRIATE FOR THE SERVICE OR PURPOSE FOR WHICH CUSTOMER MAY NEED AN MSDS. CUSTOMER ACKNOWLEDGES THAT VELOCITYEHS AND ITS AFFILIATES DO NOT AUTHOR, EDIT, OR CHANGE ANY INFORMATION CONTAINED IN ANY MSDS AND THAT VELOCITYEHS AND ITS AFFILIATES ASSUME NO RESPONSIBILITY OR LIABILITY WITH RESPECT TO THE ACCURACY, USEFULNESS, COMPLETENESS, OR CURRENCY OF ANY SUCH INFORMATION. VELOCITYEHS AND ITS AFFILIATES SHALL BE ENTITLED, AT ALL TIMES AND WITHOUT INCURRING LIABILITY: (I) TO RELY ON INFORMATION PROVIDED BY CUSTOMER, ON WRITTEN AND ORAL COMMUNICATIONS WITH CUSTOMER'S PERSONNEL, AND ON INFORMATION AND MATERIALS APPROVED OR ACCEPTED BY CUSTOMER, WITH RESPECT TO SPECIFIC SERVICE FOR WHICH AN MSDS IS SOUGHT OR REQUESTED; AND (II) TO MAKE REASONABLE ASSUMPTIONS AND SUBSTITUTIONS IF INFORMATION PROVIDED BY CUSTOMER IS INCOMPLETE, INACCURATE, OR NON-SPECIFIC OR IF AN MSDS FOR A PARTICULAR SUPPLIER'S PRODUCT, PRODUCT ID, OR SKU NUMBER IS NOT AVAILABLE THROUGH THE EXERCISE OF COMMERCIALY REASONABLE EFFORTS.

## 4. ADDITIONAL LIMITATION OF LIABILITY

NEITHER VELOCITYEHS NOR ITS AFFILIATES, NOR THE OFFICERS, DIRECTORS, EMPLOYEES, REPRESENTATIVES, AND AGENTS OF ANY OF THE FOREGOING (COLLECTIVELY, THE "**VELOCITYEHS ASSOCIATES**"), SHALL BE LIABLE TO CUSTOMER OR TO ANY THIRD PARTY FOR ANY LOSS, COST, DAMAGE, OR OTHER INJURY, WHETHER IN CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY OR



OTHERWISE, ARISING OUT OF OR IN CONNECTION WITH: (I) CUSTOMER'S USE OR NON-USE, OR CUSTOMER'S RELIANCE ON OR FAILURE TO RELY ON, THE SERVICE, OR ANY OTHER MATERIALS (INCLUDING, BUT NOT LIMITED TO, ANY SDS/MSDS DOCUMENTS AND ANY REPORTS, ADVICE, AND RECOMMENDATIONS, IN ANY FORM) PROVIDED OR MADE AVAILABLE BY VELOCITYEHS OR ITS AFFILIATES OR CONTRACTORS IN CONNECTION WITH THIS AGREEMENT (COLLECTIVELY, THE "**VELOCITYEHS MATERIALS**"); OR (II) ANY DECISIONS MADE OR NOT MADE, OR ACTIONS TAKEN OR NOT TAKEN, BY CUSTOMER OR ANY THIRD PARTY WITH REGARD TO, IN RELIANCE ON, OR AS A RESULT OF, USE OF ANY VELOCITYEHS MATERIALS.

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## Legal Disclaimer

This Proposal is confidential between the intended party and VelocityEHS Holdings, Inc. and its subsidiaries (MSDSonline, Inc., VelocityEHS Canada, Inc., and Humantech, Inc.). The sole purpose of the document is to assist the two companies in assessing a potential business relationship. The document contains proprietary information, and is being submitted with the understanding that it will be held in strict confidence. Publication, or reproduction of this document in whole or in part, without the prior written permission of VelocityEHS Holdings, Inc., is prohibited.

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# City of Brighton

## REPORT FROM THE CITY MANAGER TO CITY COUNCIL

September 2, 2021

**SUBJECT: REQUEST TO APPROVE THE PURCHASE OF EIGHT (8) AUTOMATED EXTERNAL DEFIBRILLATORS (A.E.D.'S).**

### PURCHASE REQUEST REVIEW

- The purchase of eight (8) Cardiac Science Powerheart G5 Semi Auto ICPR S with all necessary equipment to make the A.E.D.'s patrol ready.

### EQUIPMENT REQUESTED

- The model of the A.E.D. will be the same as used by Brighton Area Fire and will allow interoperability between responders as we normally work together when responding to medical calls.
- The current A.E.D.'s we use are no longer supported by the manufacturer, batteries and pads are becoming difficult to source and the prices are increasing.
- The eight (8) A.E.D.'s requested will replace all eight (8) A.E.D.'s currently used by the City of Brighton Police Department.
- Three quotes were obtained and Bound Tree was the most cost effective and is the same pricing that Brighton Area Fire obtained.

### BUDGET

- The approved 2021/2022 budget included replacing all eight (8) A.E.D.'s currently in service and was approved by Council at \$10,900 in the Police Capital Millage Fund. The A.E.D.'s were quoted last year to complete the capital improvement request, however, prices have increased since then with the new quoted price is \$12,310.69. We are requesting a budget amendment and have enough fund balance to cover the difference.

### RECOMMENDATION

Approve the purchase of eight (8) Cardiac Science Powerheart G5 Semi Auto ICPRs including all necessary equipment, and, to amend the Police Capital Millage Funds budget for the A.E.D.s from \$10,900 to \$12,310.69.

Prepared by: Craig C. Flood, Deputy Chief of Police

Reviewed by: Rob Bradford, Chief of Police

Gretchen Gomolka, Finance Director

- Within Budget
- Budget Amendment Necessary and in Proper Form
- Other \_\_\_\_\_

Reviewed &

Approved by: Nate Geinzer, City Manager



# City of Brighton

## REPORT FROM THE CITY MANAGER TO CITY COUNCIL

September 2, 2021

**SUBJECT: QUARTERLY FINANCIAL REPORT FOR THE PERIOD ENDING JUNE 30, 2021**

### **ADMINISTRATIVE SUMMARY**

- This report is for the fourth quarter of the fiscal year and while we still waiting on some final year end invoices, cash receipts and accounting accruals, we have a general idea that the fiscal year will close out better than the amended budget. Due to COVID-19 we had been monitoring State Shared revenue and are happy to say that it came in higher than we anticipated when making the year-end budget amendments.
- Throughout the next fiscal year, we will continue to monitor the budget and make City Council aware of any significant budget variances if they should arrive prior to next quarter's report.

Prepared by: Gretchen Gomolka, Finance Director

Reviewed &

Approved by: Nate Geinzer, City Manager

FINANCIAL REPORT FOR CITY OF BRIGHTON - GENERAL FUND  
PERIOD ENDING 3/31/2021

Favorable compared to Budget  
Materially In line with Budget  
Monitoring  
Unfavorable compared Budget

	2020-21 ORIGINAL BUDGET	2020-21 AMENDED BUDGET	YTD BALANCE 3/31/2021	OVER/ (UNDER) BUDGET	NOTES
<b>REVENUE</b>					
PROPERTY TAXES	6,680,310.00	6,680,310.00	6,524,739.77	(155,570.23)	We had several MTT settlements in the last quarter that resulted in an unfavorable variance in tax revenue. Additionally, we are not made whole by the County on delinquent personal property tax. The City will continue collection on delinquent personal property tax over the next several years. Shortfalls here are offset by savings in other areas.
TAX PENALTIES, INTEREST & FEES	253,700.00	253,700.00	272,385.94	18,685.94	Total collected admin fee is favorable to the budget. This fees is collected on all levies that we collect for the city and other taxing jurisdictions.
LICENSES & PERMITS	407,550.00	407,550.00	416,391.39	8,841.39	Revenues in this area appear to be on target. Franchise fees and Building Permit fees, the largest part of this line item, came in over budget.
STATE SHARED REVENUE	712,000.00	712,000.00	837,039.46	125,039.46	This account includes the annual PPT reimbursement budgeted at \$100K, however we received \$194,000. Traditional State Shared revenue is paid bi-monthly on a lag. We have received all but the last payment. Due to Covid-19 we reduced the budgeted revenue. We are anticipating at least another \$120,000 to come in on 8/31/21, which will make this line item \$245k favorable to budget.

Favorable compared to Budget  
 Materially In line with Budget  
 Monitoring  
 Unfavorable compared Budget

	2020-21 ORIGINAL BUDGET	2020-21 AMENDED BUDGET	YTD BALANCE 3/31/2021	OVER/ (UNDER) BUDGET	NOTES
INVESTMENT EARNINGS	88,000.00	88,000.00	21,035.26	(66,964.74)	Due to the unknown market changes with COVID-19 we reduced the budget for investment earnings over the prior year. Even with the reduced budget we will fell far short of the budget this year.
RENTS & ROYALTIES	72,620.00	72,620.00	74,050.00	1,430.00	This majority of this line item represents charges to Major and Local streets for employees working on street projects.
OTHER REVENUE	63,750.00	63,750.00	79,563.73	15,813.73	Includes our dividend payment from our purchasing card, reimbursements to the City for retiree health savings account pre-funding , workers compensation, and insurance claim recoveries
OTHER FINANCING SOURCES	247,500.00	318,137.02	317,788.00	(349.02)	This represents appropriation from DDA, Drug Forfeiture, and Utility Funds. The Drug Forfeiture transfer is based on actual K-9 unit costs. The short fall is K-9 costs being lower than budgeted.
SERVICE CHARGES	670,250.00	670,250.00	789,517.51	119,267.51	The refuse user fees, planning/zoning filing fees, cemetary plot sales, and interment fees were all higher than budgeted, resulting in favorable
FINES & FORFEITS	44,825.00	44,825.00	32,284.38	(12,540.62)	Primarily police related fines, that come in sporadically throughout the year. Ordinance related fines were down significantly in the current year.
FEDERAL GRANTS	2,000.00	2,000.00	255,526.31	253,526.31	COVID relief grants for police wages and other COVID related expenses are recorded here.
LOCAL UNIT CONTRIBUTION	88,000.00	88,000.00	85,852.17	(2,147.83)	This account is for the liaison officer payments and police for sporting events. We have a small shortfall this year as the schools have reduced or eliminated sporting events due to Covid.



Favorable compared to Budget  
 Materially In line with Budget  
 Monitoring  
 Unfavorable compared Budget

	2020-21 ORIGINAL BUDGET	2020-21 AMENDED BUDGET	YTD BALANCE 3/31/2021	OVER/ (UNDER) BUDGET	NOTES
STATE GRANTS	6,400.00	6,400.00	7,779.01	1,379.01	Act 302 payments are received in October and May, additionally we received a COVID grant from the Center for Technology and Civic Life of \$5,000 and a grant from the State to put a reserve officer through the police academy.
<b>TOTAL REVENUES</b>	<b>9,336,905.00</b>	<b>9,407,542.02</b>	<b>9,713,952.93</b>	306,410.91	

**EXPENDITURES**

CITY COUNCIL	30,762.00	30,762.00	21,624.90	(9,137.10)	Primary expense is Per Diems, which along with conferences and workshops
CITY MANAGER	242,593.00	242,593.00	217,429.33	(25,163.67)	Includes City Manager and Assistant to the City Manager as well as contractual services for SPARK employee. Savings relate to conferences and workshops, community promotion and contractual services.
COMMUNICATIONS	49,463.00	49,463.00	38,036.08	(11,426.92)	New department includes staff time and costs for communications such as news letters and other mailings, posting, etc. Savings results from the community promotion budget.
LEGAL SERVICES	258,112.00	258,112.00	234,334.12	(23,777.88)	General, MTT, and Labor attorney retainers and other expenses. Savings relate to several months without general or MTT counsel, coupled with a favorable variance in the amount budgeted for labor counsel.
CITY CLERK	178,046.00	178,046.00	163,615.06	(14,430.94)	Election costs and per diems as well as general operating exp. Favorable outcome due to reallocation of the Assistant to the City Manager coupled with savings in election per diems, and conferences and workshops.
HUMAN RESOURCES	141,232.00	141,232.00	136,300.32	(4,931.68)	General operations. Favorable outcome is the result of changes in employee benefit elections offset by savings from reallocation of the Assistant to the City Manager.

Favorable compared to Budget  
 Materially In line with Budget  
 Monitoring  
 Unfavorable compared Budget

	2020-21 ORIGINAL BUDGET	2020-21 AMENDED BUDGET	YTD BALANCE 3/31/2021	OVER/ (UNDER) BUDGET	NOTES
FINANCE	701,560.00	701,560.00	678,985.91	(22,574.09)	General operations. Favorable outcome due to the vacancy in the assistant assessor, partially offset by a summer intern.
INFORMATION SYSTEMS	114,967.00	120,667.00	120,662.42	(4.58)	General operations
POLICE	3,043,628.00	3,037,928.00	2,731,964.86	(305,963.14)	General operations, favorable outcome primarily due to sucession planning for an officer and clerical position were budgeted but not executed in the current year.
PUBLIC WORKS	2,245,917.00	2,306,174.28	2,142,135.69	(164,038.59)	General operations covering all city buildings and public spaces. Favorable outcome is the result of savings in bulding and grounds repairs and maintenance, delayed sidewalk work at the fire department, and savings from staff vacancies during the year.
COMMUNITY DEVELOPMENT	449,818.00	449,818.00	393,525.25	(56,292.75)	General operations. The budget included amounts for miscellaneous adhoc projects of \$30,000 that were not needed. Additionally there was savings in engineering and planning services from the county.
POST EMPLOYMENT BENEFITS	441,917.00	441,917.00	403,799.07	(38,117.93)	Healthcare for retirees, lower than anticipated renewal rates for January 2020, coupled with a favorable renewal for January 2021.
TRANSFERS-OUT AGENCIES	156,200.00	156,934.12	154,666.12	(2,268.00)	425 Agreement payment to Genoa Township based on the Taxable Value for the parcels in the agreement were paid in February 2021 (not in this report through December 2020) and came in \$10K higher than estimated in the budget. The appropriation to the Historical Society was not paid this year due to their lack of activity as a result of COVID.
TRANSFERS-OUT OTHER FUNDS	1,382,369.46	1,673,148.71	1,564,355.26	(108,793.45)	Appropriations to other funds are made as expenditures in those funds as they occur. Transfers needed were lower than originally budgeted.

Favorable compared to Budget  
 Materially In line with Budget  
 Monitoring  
 Unfavorable compared Budget

	2020-21 ORIGINAL BUDGET	2020-21 AMENDED BUDGET	YTD BALANCE 3/31/2021	OVER/ (UNDER) BUDGET
<b>TOTAL EXPENDITURES</b>	<b>9,436,584.46</b>	<b>9,788,355.11</b>	<b>9,001,434.39</b>	<b>(786,920.72)</b>

NOTES

There are still some invoices and cash receipts relating to the year ended June 30, 2021 that will come in. We are undergoing our audit and will determine the final results for the year in the coming months. The preliminary projections show overall revenues and expenditures are coming in favorable to the amended budget. Note the budgeted use of fund balance is due to the transfer of fund balance to the new capital reserve fund and the boiler repair at the community center.

**Net of Revenues VS Expenditures** (99,679.46) (380,813.09) 712,518.54



# City of Brighton

## REPORT FROM THE CITY MANAGER TO CITY COUNCIL

September 2, 2021

**SUBJECT:           SUBJECT: QUARTERLY INVESTMENT REPORT AS OF JUNE 30, 2021**

### **ADMINISTRATIVE SUMMARY**

- The City's total investment/bank balance has decreased by \$950,176 or 0.3% over last quarter to \$29,405,731.
- This decrease follows the normal cash flow of the City as the majority of tax revenue is collected in the first quarter of the fiscal year, while expenditures tend to be constant throughout the year.
- Compared to the same quarter a year ago, the City's total investment/bank balance has increased by \$20,102,462 (216.1%). This increase is due to increased cash flow and fund balance from the new streets millage and the bond issuance proceeds.
- The City's average rate of return on investments has decreased from 0.15% to 0.11% over the last quarter. Amidst declining interest rates due to the COVID-19 pandemic we have maintained that same interest rate over the last quarter with a very slight decrease.
- The City's earnings while meager are higher than the benchmark 3-month Treasury Bill Rate and the Fed Funds Rate. This is due to the majority of our accounts still paying interest at rates higher than the benchmarks. The City is not currently holding any certificates of deposit as the interest rates are extremely low and we don't want to tie up funds at low rates in the case of an improving economy over the next several months. The City continues to properly diversify funds in order to obtain the most FDIC insurance coverage at possible. We achieve this through a single lower interest bearing investment that spreads our money across several different banks. This relieves the burden of the City tracking 40 or more different financial institutions.
- The City's deposits/investments with Flagstar Bank, The State Bank, Independent Bank, and Michigan Class total 60.2%, 5.3%, 21.1%, and 8.9%, respectively, of the City's overall portfolio. The high ratio of deposits held in Flagstar is due to the receipt of bond proceeds, which are fully insured through a cash sweep account.
- We continue to work within the primary objectives of the City's Investment Policy, which, in priority are; safety, liquidity, and return on investment.

Prepared by:   Gretchen Gomolka, Finance Director

Reviewed &

Approved by:   Nate Geinzer, City Manager



# City of Brighton

## REPORT FROM THE CITY MANAGER TO CITY COUNCIL

September 2, 2021

**SUBJECT: CONSIDER APPROVAL OF SPECIAL LAND USE PERMIT 21-12, PERFORMING ARTS THEATER,  
111 S. WEST STREET**

### **ADMINISTRATIVE SUMMARY**

A Special Land Use application has been submitted by Lynn Wilde to operate a performing arts theater at 111 S. West Street. This is the Studio West tenant space located on the rear side of Jamison's Restaurant. The Special Land Use is required within The DBD zoning district for a theater on the ground floor of building.

The applicant has worked in professional theater for over twenty years, and has a history in the City by provided professional shows at the Brighton Coffee House & Theater the past few years. The applicant is proposing to convert the space to accommodate approximately 60 people for shows, and in doing so, will only require the need for minor cosmetic renovations.

### **ADMINISTRATIVE REVIEW**

- Special Land Use is required for ground floor theaters in the DBD.
- Special Land Use must meet the minimum standards as set forth in Section 98-6.2 of the zoning ordinance.
- A theater use requires 1 parking space for each 3 seats. The applicant meets the parking requirements with the DBD parking allotment of 65 spaces.
- Building and Fire Codes will be addressed during the City's inspection process of the Certificate of Occupancy application.
- The Planning Commission held a public hearing at their meeting on 8/16/2021, and recommended approval of the Special Land Use Permit.
- City Council approval is required by resolution. Upon receiving a recommendation, Council is not required to conduct another public hearing, but may choose to do so.
- The applicant shall demonstrate the following on the Special Land Use Application:
  - a) Describe how the proposed use is consistent with the spirit and intent of the Special Land Use Regulations:
  - b) Describe how the proposed use is compatible with adjacent uses of land, the natural environment, and the capabilities of affected public services and facilities:
  - c) Describe how the proposed use is consistent with the public health, safety and welfare of the community:
  - d) Describe how the proposed use is in conformance with the objectives and specific elements of the current adopted City of Brighton Master Plan and any special studies adopted by the City.

### **RECOMMENDATION**

A performing arts theater within the downtown has been a topic of discussion for a number of years, and is a use that can have a supporting effect on other businesses such as restaurants and shops. The proposed size and function of the theater would not create a burden on the City's downtown resources, and it would give residents and visitors another option of entertainment when visiting the downtown. The applicant has adequately demonstrated on her application, how a theater meets the spirit and intent for a Special Land use in the downtown, and it supports the objectives of the Comprehensive Master Plan.

Staff is recommending City Council grant approval of Special Land Use Permit 21-12, by passing Resolution 2021-18.

Prepared by: Michael Caruso, Community Development Manager

Reviewed &

Approved by: Nate Geinzer, City Manager

- Attachments:**
1. Application
  2. Interior Plan
  3. Planning Commission Minutes (unapproved)
  4. Resolution 2021-18



**CITY OF BRIGHTON**  
Community Development/Planning Department

Date	7/26/21
Check #	1313
Amount	\$1200-
Site Plan #	21-12

**SPECIAL LAND USE APPLICATION**

**Project Address:** 111 S. West St, Brighton, MI 48116

**Petitioner:** Lynn Wilde - A Wilde Theatre

**Petitioner Address:** P.O. Box 632, Lakeland, MI 48143

**General Information:**

Property Address: 111 S. West St, Brighton, MI 48116

Parcel(s) tax ID number(s): 4718.31.102.018

Lot Dimensions: N 265', E 42', S 265', W 66'

Net Acreage of site: 0.328 acres

Current Site Zoning: DBD, Downtown Business Districk

Adjacent Zoning of Surrounding Properties:

N DBD, E DBD

S DBD, W DBD city parking

Proposed Use:

Professional Theatre

**Special Land Use Standards:**

Sec. 98-126. - Intent.

Special land uses are uses of land or buildings which may be appropriately permitted in specific locations within a district if special measures are taken to mitigate aspects of the use which could create incompatibilities between the special land use and uses generally permitted throughout the district. This article authorizes establishment of certain special land uses in particular districts when compliance is found with specified standards.

**Describe how the proposed use is consistent with the spirit and intent of the special land use regulations:**

A small professional theatre would bring people to the downtown area and continue with the city's intent of the DBD. After working in professional theatre for 20+ years, it has been my experience that theatre goers shop and dine before and or after a show with friends and family. The theatre will continue to make downtown Brighton a destination for theatre goers who love the arts.

**Describe how the proposed use is compatible with adjacent uses of land, the natural environment and the capabilities of affected public services and facilities:**

I believe it would be a positive effect and very compatible with the public services and facilities. Most of the theatre show times would not affect the parking needs and rehearsals prior to performances are usually with less than 10 actors/production staff. We will use a limited amount of water and sewer and I see no reason that the police and fire department would be impacted from this new use of the Studio West building.

**Describe how the proposed use is consistent with the public health, safety and welfare of the community.**

My goal is to continue to promote the arts in Brighton, which would only impact the community in a very positive way and stay in step with the goals and objectives of the DBD.

**Describe how the proposed use is in conformance with the objectives and specific elements of the current adopted City of Brighton Master Plan and any special studies adopted by the City:**

Arts and Culture are a very important addition to a thriving downtown area, by extending the time frame that folks are downtown (before and after a show). It is my understanding that the DBD has wanted a theatre in the downtown area for some time and a study was performed in the past years to support this idea. I have provided live, professional theatre at the Brighton Coffee House and Theatre (BCAT) starting in 2019. A Wilde Theatre (AWT) performed four shows in 12 months, with 27 sold out performances. When I asked the theatre-goers if they had ever been to the BCAT, 90% of them said it was their first time. This shows that a lot of new faces and new money will support the downtown area. I also spoke with many of the local restaurants and they did see an increase of diners who said, we are going to the AWT. I hope you agree that the AWT would be a positive impact for the downtown area and the surrounding community.





**CITY OF BRIGHTON**  
Community Development/Planning Department

**Warranty of Petitioner (MUST BE COMPLETED BY PETITIONER):**

The special land use application submitted contains the minimum amount of information required by the City. I understand that the special land use application will not be considered by the Planning Commission until such time that the plan contains at least the minimum amount of information required by the City.


I understand that if the Planning Commission and City Council approve the proposed special land use application that I am bound to construct/manage the project in strict compliance with the approved application/plan. The attached special land use application represents my intentions to develop the proposed project.

I (we) the undersigned, hereby make application for special land use approval for the following described property:

Property Address: 111 S. West St, Brighton, MI 48116

Parcel(s) tax ID number(s): 4718.31.102.108

I warrant to the City that neither I (we) or the subject property are in default to the City and that if a search of City records indicates a default of any kind, that the deficiency will be resolved prior to the Planning Commission's consideration of the special land use application.

  
Signature of Owner(s)

Eric Siegel  
Print Name of Owner(s)

Date: 7/15/2021

Address: 17376 W. 12 MILE, #110  
SOUTHFIELD, MI 48076

Phone: 248-895-1834

Cell: "

Fax: N/A

Email: esiegel@edsinvestments.com

  
Signature of Petitioner(s)

Lynn Wilde  
Print Name of Petitioner(s)

Date: 7/15/2021

Address: P.O. Box 632  
Lakeland, MI 48169

Phone: -

Cell: 810 923-7705

Fax: N/A

Email: Lynnwilde@hotmail.com

DRESSING ROOM

7'-4 1/2"

BATH ROOMS

MEN'S

WOMEN'S

12'-4"

14'-1 3/4"

OFFICE

CONCESSIONS

STAGE  
16' BY 8'

LOBBY

LOCAL ARTIST  
DISPLAYS

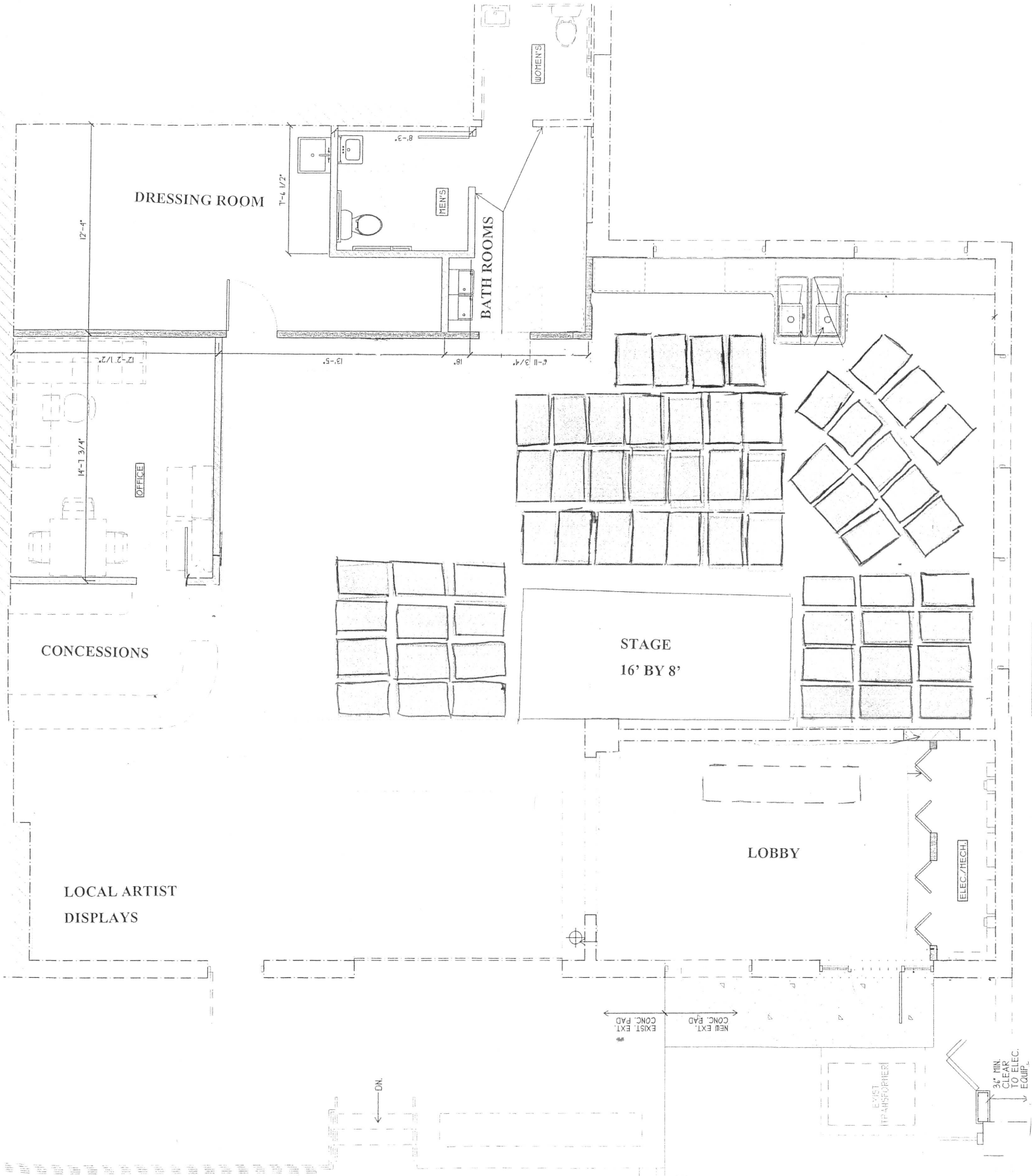
ELEC./TECH.

NEW EXT. CONC. PAD  
EXIST. EXT. CONC. PAD

EXIST. TRANSFORMER

3'-0" MIN. CLEAR TO ELEC. EQUIP.

DN.



**City of Brighton**  
**200 N. First Street, Brighton, MI 48116**  
**Planning Commission Minutes**  
**August 16, 2021**

The Board for the Planning Commission held a Regular Meeting on Monday, August 16, 2021 at 7:00 pm.

**1. Call to Order/Roll Call**

Chairman Smith called the meeting to order at 7:00 p.m.

**Commissioners Present:** Ken Schmenk, Steve Monet, Chuck Hundley, Susan Gardner, Matt Smith, Jim Bohn, Dave Petrak, Bill Bryan and Mike Schutz.

**Also Present:** Nate Geinzer, City Manager; Tara Brown, City Clerk; Sarah Gabis of Foster Swift; Jill Bahm of Giffels Webster; and Kari Jozwik from Tetra Tech.

Chairman Smith advised the members of the public that there are two general calls to the public and there are also public hearings for two of the items on the agenda this evening.

He suggested moving "New Business" to the beginning of the agenda so Item c will need to be removed from the Consent Agenda and Item #6 will move before Item #4.

**Motion** by Commissioner Petrak, seconded by Commissioner Schmenk, to approve the August 16, 2021 Agenda, moving Item c to the Regular Agenda and moving Item #6 before Item #4.

**The motion carried unanimously.**

**2. Consider Approval of Consent Agenda Items**

**Consent Agenda Items**

- a. Approval of the June 7, 2021 Regular Meeting Minutes
- b. Approval of the July 7, 2021 Special Meeting Minutes

**Motion** by Commissioner Gardner, seconded by Commissioner Schenk, to approve the consent agenda as revised. **The motion carried unanimously.**

**3. Call to the Public**

The call to the public was made at 7:05 pm with no response.

**New Business**

6. Consider Recommendation of Approval for Site Plan 21□11, Hypershine Auto Wash, 9836 E. Grand River

Manager Geinzer introduced the item and stated that all of the consultants have reviewed the proposal. The engineer is recommending approval and Ms. Bahm will have items to discuss this evening.

Mr. Reid Cooksey of Stonefield Design provided a review of the project. They are proposing to build a 26,000-square-foot car wash. He showed the site plan. They have addressed the prior comments from the consultants. They will replace the dilapidated portion of the fence and move the Dumpster enclosure out of view of Grand River.

Commissioner Petrak stated that no elevations were provided. He has looked on their website and they build attractive buildings. Mr. Cooksey stated it will be a premium facade, stone veneer with brick elements.

Commissioner Monet questioned why the Planning Commission did not receive elevations. Manager Geinzer stated they were submitted to the City; however, they were not in tonight's packet. He noted the design elements would need to meet the City's Ordinance requirements. The company's website was shown to the Planning Commission, noting this building would be very similar to these.

Ms. Bahm would like the Dumpster enclosure moved further from Grand River and part of the fence replaced, which the applicant has stated he would do.

Commissioner Bohm questioned the traffic flow on site. There are two driveways next to each other. He is concerned about the congestion of the shared driveway and vehicles making a left-hand turn onto Grand River noting Leland is directly across from the entrance. Mr. Cooksey stated a full traffic study was done for this site and submitted to the City. During peak hours, the actual car wash can clean less than 60 cars in an hour so on those busy days the most cars that could be in and out would be 60. The typical stacking is 15 and this site allows for 30. He noted they will be closing off the existing driveway from the current restaurant so they will only have one drive on their site.

Commissioner Gardner stated an email received from the Engineer dated August 16, 2021 states the revised traffic impact study satisfactorily addresses their previous concerns. There are two outstanding issues. 1) A geotechnical investigation of the soils in the location of the proposed underground detention basin is required, per City standards, to evaluate the existing water table elevations compared to the underground storage units and 2) An inspection port needs to be installed on the isolator row in the Stormtech system. Mr. Cooksey stated he has seen those comments and has scheduled those studies. If the Planning Commission recommends approval this evening, he would suggest it be made contingent on those items being submitted and approved.

**Motion** by Commissioner Gardner, seconded by Commissioner Schenk, to recommend to City Council approval of Site Plan #21-11 for Hypershine Auto Wash, 9836 E. Grand River, with the following conditions:

- A geotechnical investigation of the soils in the location of the proposed underground detention basin is required, per City standards, to evaluate the existing water table elevations compared to the underground storage units and
- An inspection port needs to be installed on the isolator row in the Stormtech system
- Possible relocation of the Dumpster enclosure from a less obvious location from Grand River; however, should it not be possible it would be acceptable to leave it where it is
- Replacement of two fence panels
- Building materials shall be consistent with what was seen this evening and shall be submitted prior to submission to City Council.

**The motion carried unanimously.**

### **Public Hearings**

4. Consider Recommendation of Approval for Special Land Use Permit 21-12, Performing Arts Theater, 111 S. West Street.

Manager Geinzer provided a review of the proposal. It has been reviewed by the consultants. It is an acceptable use at this location and there are no outstanding issues.

Ms. Lynn Wilby has been running a theater at The Brighton Coffeehouse and Theater (BCAT) and she would like to bring professional theater permanently to downtown Brighton. She has over 30 years experience in the theater industry.

The call to the public was made at 7:30 pm with no response.

Commissioner Petrak noted that the existing parking exceeds what is required for this use. Manager Geinzer agreed. They are exempt from providing additional parking. Ms. Bahm stated that per the ordinance, they are required to provide 20 spaces so they are not required to provide additional parking. She also stated that people may see a show and then eat or vice versa and this is a good example of parking spaces being shared between multiple businesses.

Commissioner Schutz asked how often performances would be held. Ms. Wilby stated she would have them approximately 20 weekends a year and it would be one show per day.

Commissioner Gardner questioned if performances will still be at BCAT. Ms. Wilby stated she will no longer be holding performances there.

**Motion** by Commissioner Schmenk, seconded by Commissioner Petrak, to recommend to City Council approval of Special Land Use Permit #21-12, Performing Arts Theater, 111 S. West Street. **The motion carried unanimously.**

5. Review Applicant Revisions Submitted on July 30, 2021 to Final Site Plan #21□06, 1010 State Street, Rezoning From R1 To PUD And Provide Recommendations With Regard to the Considerations as Directed By City Council

Chairman Smith stated the Planning Commission has a very complex set of considerations to go through this evening. Mr. Geinzer stated that Staff, the Planner, and the City Attorney worked together to provide an extensive report to the Planning Commission.

Ms. Gabis reviewed what has been requested by City Council. She provided a history of the project. Per the PUD Ordinance, items can still go to City Council after receiving a recommendation for denial from the Planning Commission. In July of 2021, the applicant presented the plan to City Council, with some modifications, based on concerns heard at the Planning Commission meeting. At that time, City Council tabled the item and sent it back to the Planning Commission to review the modifications. The modifications are the height of the buildings, additional parking spaces, increased greenspace and setbacks, and moving of the driveway. Additionally, the density must be discussed and recommended. The Planning Commission is tasked this evening to deliberate each of those considerations separately and provide recommendations on each of those items separately. She recommends making four separate motions as it relates to each item.

Mr. Manny Kianický, Mr. Scott Jacobson, and Dane Trescotte of SR Jacobson were present. Their attorney, Alan Green, was also present. Mr. Kianicky stated this is a difficult site to develop. It is blighted, unsafe, obsolete, contaminated, and adjacent to industrial uses; however, it is also close to the downtown area. They know they must address the concerns of the residents, businesses, housing market and create a financially successful development. They believe it will be a great addition to the City and will be a good neighbor to the adjacent residents. They made changes to the plan based on comments at the previous Planning Commission meeting and presented them to City Council in July.

Based on their study and interpretation of the Master Plan, they believe their plan is in close conformance to it. They believed this was eligible for up to 25 units per acre as it is adjacent to downtown. They designed a community with 13.3 units per acre and a 40-foot landscape buffer around the property. They also faced the front of the buildings to the neighbors so they would not see the garages. The map in the Master Plan shows this site as within the downtown area, and it is adjacent to downtown. It also states that the former Lindbom site is within walking distance to downtown and is a good location for moderately high density residential development, including townhouse or apartments. In a memo from the planner, Ms. Bahm, there are benefits to redeveloping this site, such as improved aesthetics, cleaning up a contaminated site, different housing types, and that it can meet the goals of the Master Plan. He added that it is less than an eight-minute walk to the first block of Main Street businesses.

They are not asking for 25 units per acre; they are requesting 140, which is a 31 percent increase for areas not adjacent to downtown.

140 units is the minimum necessary to make it financially feasible to develop this project. It is necessary to sustain the high quality of the buildings, amenities, grounds, roads and professional management for on-site staff.

He reviewed how building height is measured differently in all municipalities surrounding the City of Brighton. They could actually be four feet higher than they were proposing.

He showed colored renderings of the now proposed flat roof. They asked the Planning to determine if they would prefer the flat roofs or the gabled roof with a small height variance. This can be approved by the Planning Commission under the PUD ordinance, and has been done for both Conely Square and Second Streets Flat.

They have amended their site plan to add an additional 250 Thuja Green Giant arborvitaes, which are fast growing. They grow approximately 3-5 feet a year, so they will be 20-30 feet tall in less than five years. They are also adding 54 junipers for species variety. These will reach a height of 20-25 feet at maturity.

The issue of traffic being a concern is not supported by the traffic study. There are seven routes to and from the site, with six intersections at Main Street. The study shows that the roundabout at 3rd and Main could handle all of the traffic of West Village. The number of trips generated by these townhomes is less than other allowable uses on this site.

He showed a colored site plan and reviewed the proposed changes to the buffer zone and moving the roadways inward. They have added additional guest parking, which is well above the requirement. There are now 504 spaces for 140 residences so that equates to 3.6 spaces per residence.

He noted that a Planning Commissioner asked for variations in colors for different buildings. This is not normally done; however, they will make minor variations in the building colors as requested.

The lighting will now be on the buildings and they will not have streetlights. The previous City Planner believes this is consistent with the surrounding residential neighborhood.

Due to the contamination under the site, no developer would build for-sale properties, as it would be very difficult with regard to obtaining mortgages, etc. A for-lease community is the only way to redevelop this site. They have market studies that show there is a demand for these types of communities. They are renters-by-choice, although they are financially able to buy a home.

Developing this site will provide for a variety of housing types, eliminate the blight and constant police calls, resolve an environmental contamination problem, contribute to the local economy, add additional taxes and utility connection fees to the City, fit into the community and create a housing type of demand not available. They will be a good neighbor.

They have received favorable reviews by City Staff, the consultants. They are respectfully requesting the Planning Commission recommend approval of West Village.

Prior to opening the call to the public, Chairman Smith advised that each person will have five minutes to speak about the item. He asked everyone to state their name and address. This is not a question and answer session and all comments will be directed to the Planning Commission.

The call to the public was made at 8:14 p.m.

Ms. Susan McDonald of 825 Fairway Trails stated her daughter went to Lindbom. She thinks that people who want high-end townhomes would not want to live where there is a contamination issue. She can see this opening up to government subsidized housing if they cannot find renters.

Mr. Jeff Stone of 422 N. Fifth Street stated he would like the City to stay with the Master Plan. Apartments are considered commercial. Why is a commercial use being built right in the middle of a residential neighborhood? The density is still past what the Master Plan says. The arborvitae are going to take 10 to 15 years before they grow tall.

Mr. Cameron Scott of 817 Washington lives five minutes from downtown and when it's cold, he drives and at night, he drives. A 140-unit development will impact the parking downtown. He asked the Planning Commission to think about this because other developments could be built on sites that are considered close to downtown. The Planning Commission has already said no to this proposal.

Lisa Spittler lives on the corner of Seventh and Main and this development is two houses from her. Lindbom is not adjacent to downtown Brighton; it is adjacent to Genoa Township. It is a lie that the roads can handle this traffic. This plan is not medium to moderate density. It does not belong in this neighborhood. She stated that the City made decisions without asking them, such as the northwest neighborhood project. The City has to do what is in the best interest for the residents and their families.

Ms. Susan Backhaus 907 Brighton Lake Road questioned Mr. Kianicky's statement that this will not affect the traffic in this area or that home values will not be decreased. A house in this neighborhood just sold and the selling price dropped \$20,000. People can obtain a mortgage for homes that are on contaminated land. The arborvitae the developer is proposing to plant are not fast growers.

Ms. Mary Bryan of 1024 State Street stated this development does not fit in this area. She would prefer an eight-foot wall around the property instead of the arborvitae. The traffic is already busy in this neighborhood. The City is more interested in the tax revenue than the neighbors.



Mr. Mike Johnson of 806 W. Main Street stated he is against the proposal. There will be too many people and traffic, and rental units are not necessary to meet environmental requirements. The TCE plume will not be a significant problem. He has a background in the environment and spoke to Rebecca Taylor of EGLE. He developed a report and emailed it to the Planning Commission yesterday, which stated that TCE is found in many places and is more prominent in the areas south of this site. He is not concerned with the presence of TCE and would move into any of the existing homes in the surrounding neighborhood.

Mr. Carl Vagnetti of 7918 Laurel Street stated the remediation of the current contamination can be done very simply and can be done for less than \$1,000 per housing unit. The Master Plan does not allow for this density. He would like the City to work within the Master Plan and develop the site in harmony with the existing residential neighborhood.

Mr. Brain Klear of 225 N. Fifth Street stated the Planning Commission made a mistake when they approved the preliminary site plan. They fixed that mistake when they recommended denial of the final site plan. This proposal does not meet the Master Plan. It is to be eight units per acre and one or two stories. These buildings are three stories and are not allowed. It is also not adjacent to downtown; it is adjacent to residential.

The resident of 7879 State Street lives in her childhood home. She is not in favor of 140, three-story townhomes being built on the Lindbom property. She worries about the safety of her children due to the increased traffic. It is not cohesive with the surrounding neighborhood and it is not adjacent to downtown. She is asking the Planning Commission to not approve this proposal.

Mr. Christopher Habsburg of 7940 Holly Street stated the neighbors have lived with the TCE and now they are being asked to have an inappropriate development built next to them. These types of developments are not put in the middle of mostly one-story residential neighborhoods. He asked the Planning Commission to listen to the neighbors.

Mr. James Noeker of 7901 Magnolia stated the residents have to benefit from this plan, not the downtown businesses. He doesn't believe that the proposed PUD meets any of the eight requirements needed for approval.

Ms. Barb St. Thomas- Darin of 7991 Brighton Road planted green giant arborvitae in her yard 20 years ago and they are not as large as what was said by the applicant.

Ms. Carol Rossi of 306 S. Second Street and 330 N. Fifth Street has spoken to many residents and they all want to see the project at two stories and less dense. They would like it to be developed thoughtfully. She asked the Planning Commission to deny this request that does not fit in the community.

Mr. Paul Moggut of 4812 Dillon does not believe there was any evidence presented this evening that would make the Planning Commission change their mind to approve this proposal.

The call to the public was closed at 9:03 pm

**Motion** by Commissioner Gardner, seconded by Commissioner Schulz, to take a five-minute break. **The motion carried unanimously.**

Commissioner Monet asked why there was a rope dividing the public from the Planning Commission and why is the applicant sitting at the dais next to the City Manager. He hopes that this does not become the norm.

Commissioner Schmenk is concerned that if every developer who has requested to develop this property is denied, what will happen to it. He does not believe the neighbors' property values will go up if it is not developed. Mr. Jacobson is not sure anyone else would want to spend time and money after all of the proposals have been denied. They have worked with staff, listened to the residents, made changes based on their concerns, and believe it is a viable development.

Mr. Kianicky noted that they received preliminary site plan approval, continued to work on the plan and then after a year, their final site plan was denied.

Commissioner Bohn noted that the developer was granted an eight-month extension so the Planning Commission had the right to review it in June of 2021 after recommending preliminary site plan approval in February of 2020.

Commissioner Monet asked if tonight's presentation was the same that was given to City Council. Manager Geinzer stated, "Yes" and what City Council did was ask the Planning Commission to review the four specific areas that they believe were of concern based on minutes from Planning Commission Meeting minutes. Commissioner Gardner stated the Planning Commission had not seen the changes that were presented to City Council at their July meeting.

Commissioner Bryan questioned the difference between 35 foot building height vs. three stories. Manager Geinzer stated that in the R-1 zoning, a three-story building is not allowed, but the PUD allows for consideration of this. He asked the developer if it can be done at two stories and Mr. Jacobson stated they cannot obtain the square footage with only two stories. Commissioner Bryan reiterated Commissioner Schmenk's point that if this is not developed, then what will be/

The Planning Commission began discussing the building height.

Commissioner Bohn stated that he is not sure the issue is the height of the building, but it is the number of stories. Three story buildings are in conflict with Page 78 of The Master Plan.

Ms. Gabis stated that the motion from City Council asked the Planning Commission to determine if the flat roof, which meets the height ordinance, or if the gabled roof, which would require a deviation from the building height, is appropriate.

**Motion** by Commissioner Petrak, seconded by Commissioner Bohn, to recommend that the density as proposed does not meet the Master Plan.

Commissioner Schutz stated there are 12 lots that are on the east side of the property and 34 townhomes adjacent to those 12 lots; which is a 3 to 1 ratio. That density does not make sense.

Commissioner Petrak believes it is too dense under the current zoning and for the adjacent neighborhood.

Commissioner Gardner noted that in the Future Land Use comments, as provided by Giffels Webster, states this site does not need to be eight units per acres and does not have to be 25; it can be somewhere in between. Based on all that has been presented this evening, all of the research that has been done, the amount of money that has been invested, and by a developer with experience developing sites like this that has a great reputation and will continue to maintain and manage the property, she endorses this project and it is not too dense.

Commissioner Bryan agrees with Commissioner Gardner. This is the fourth or fifth proposal for this site over the last 11 years. He is concerned that if this isn't developed, what is next.

Commissioner Bohn noted that the Master Plan speaks to the Lindbom site as being developed under R-1 zoning with eight units per acre for a total of 80 units. What is being proposed is not consistent with the Master Plan. Additionally, the Master Plan speaks to the area of Franklin and Washington being adjacent to downtown, but Lindbom is stated as being in close proximity to downtown; it is not adjacent. It makes a clear distinction between these two areas.

Commissioner Gardner stated this is a PUD so there is flexibility.

**The motion carried with a roll call vote.** (Schmenk - no, Monet - yes, Hundley - no, Gardner - no, Smith - yes, Bohn - yes, Petrak - yes, Bryan – no, Schutz - yes).

**Motion** by Commissioner Petrak, seconded by Commissioner Schutz, to return this item to City Council to make a decision.

After a brief discussion, **Motion** by Commissioner Petrak, Seconded by Commissioner Schutz, to withdraw the motion.

**Motion** by Commissioner Petrak, seconded by Commissioner Schmenk, the revised parking plan is acceptable to the Planning Commission.

Commissioner Monet believes the residents will not be able to fit their cars in their garages because they have two trashcans. Commissioner Gardener stated most condos and apartments have room for both the cans and their vehicles.

**The motion carried with a roll call vote** (Schutz - yes, Bryan - yes, Petrak - yes, Bohn - yes, Smith - yes, Gardner - yes, Hundley - yes, Monet - no, Schmenk - yes).

**Motion** by Commissioner Gardner, seconded by Commissioner Schmenk, the proposed movement of the drive and increase of greenspace and setbacks is acceptable to the Planning Commission.

Commissioner Bryan stated they did a great job by making this change.

Commissioner Hundley asked how tall the trees would be when they are planted. Mr. Kianicky stated they are planted at 6 or 7 feet tall. There are 20 varieties of these arborvitaes and these will grow 3-5 feet each year. They will be well maintained. It will not be long before they are completely screening the townhomes from the adjacent homes.

**The motion carried unanimously with a roll call vote.** (Schmenk - yes, Monet - yes, Hundley - yes, Gardner - yes, Smith - yes, Bohn - yes, Petrak - yes, Bryan - yes, Schutz - yes)

**Motion** by Commissioner Bryan, seconded by Commissioner Schmenk, the flat roof at 32 feet is acceptable as it meets the height requirements of R-1 zoning.

Commissioner Bohn stated that the R-4 zoning district height limit is 30 feet and the proposed building height is 32 feet. Manager Geinzer clarified that the underlying zoning of the site is R-1, which would have a height limits of 35 feet.

**The motion failed with a roll call vote** (Schutz - no, Bryan - yes, Petrak - no, Bohn - no, Smith - no, Gardner - yes, Hundley - yes, Monet - no, Schmenk - yes).

**Motion** by Commissioner Gardner, seconded by Commissioner Schmenk, to approve the gable roof design, which requires a deviation of 4 feet 6 inches, supports the height to the peak of 39 feet 6 inches. **The motion carried with a roll call vote** (Schmenk - yes, Monet - no, Hundley - yes, Gardner - yes, Smith - yes, Bohn - no, Petrak - no, Bryan - yes, Schutz - no).

**Motion** by Commissioner Petrak, seconded by Commissioner Shultz, to return this item to City Council for review. **The motion carried unanimously.**

### **Old Business**

None

### **Other Business**

## **7. Staff Updates**

Manager Geinzer addressed Commissioner Monet's concerns from earlier in the meeting. The room set up this evening is temporary due to the need to have this meeting in person and the Council Chambers renovation not being complete.

## **8. Commissioner Report**

None

## **9. Call to the Public**

The call to the public was made at 10:51 pm.

Mr. Bob Pettengill of 608 W Main Street stated that Mike Johnson spoke earlier and presented technical data. He is an expert in this field. He encouraged staff to look at his report as it may open up other options for development of this site, such as the ability to install basements.

Mr. Klear stated that the Planning Commission voted the opposite this evening of what they voted last time on the building height.

Mr. Noeker stated all of the residents are tired of hearing "what happens if we don't accept this development". It's instilling fear. The Lindbom property looks the way it does because the owner doesn't maintain the property. The Planning Commission is supposed to support the ordinance and vote that way.

Ms. Backhaus showed a document that had every emergency call to the Lindbom property. The only problem with the property is the building. The City should make the property owner have the building removed.

Ms. Rossi questioned the statement, "if not this, then what". All of the proposals have all been over two stories and what the residents are requesting is only two stories. It would add to the community and fit with the surrounding area.

Mr. George Moses of 7904 Holly stated the Planning Commission's responsibility is to serve the community and not the company who wants to come in and build on this site. The residents are in fear that their peaceful community is going to be upended by this large property. He asks that the Planning Commission respect the residents.

Mr. Cameron of 817 Washington feels that tonight was a failure. The motions that were made did not address the issue of the three stories.

The call to the public was closed at 11:03 pm

## 10. Adjournment

**Motion** by Commissioner Petrak, seconded by Commissioner Bryan, to adjourn the meeting at 11:03 pm. **The motion carried unanimously.**

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William Bryan, Secretary

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Patty Thomas, Recording Secretary

DRAFT

**CITY OF BRIGHTON  
CITY COUNCIL**

**RESOLUTION NO. #2021-18**

**RESOLUTION TO APPROVE SPECIAL LAND USE PERMIT 21-12, PERFORMING ARTS THEATER**

At a meeting of the City Council of the City of Brighton, Livingston County, Michigan held at City Hall, 200 North First Street, Brighton, Michigan 48116, on the 2<sup>nd</sup> day of September, 2021, at 7:30 p.m.

PRESENT:

ABSENT:

The following resolution was offered by

**WHEREAS**, on September 2, 2021, the City Council adopted Resolution No. 2021-18, "Resolution to Approve Special Land Use Permit 21-12, Performing Arts Theater, 111 S. West Street"; and

**WHEREAS**, on August 16, 2021, the Planning Commission held a Public Hearing and unanimously recommended to City Council approval of Special Land Use Permit #21-12, Performing Arts Theater, 111 S. West Street.

**WHEREAS**, the Special Land Use shall be limited to 111 S. West Street, which shall not be increased in size; and

**WHEREAS**, the City of Brighton shall be permitted to make reasonable inspections, during regular business hours, to determine compliance with Special Land Use 21-12; and

**WHEREAS**, Special Land Use Permit 21-12 is issued specifically to the applicant, and shall not be transferrable, or run with the land; and

**WHEREAS**, the permittee agrees to be bound by the foregoing conditions; and

**WHEREAS**, the City believes the theater meets the spirit and intent for a Special Land Use in the downtown; and

**WHEREAS**, the City believes it supports the objectives of the Comprehensive Master Plan.

**NOW, THEREFORE**, the City Council of the City of Brighton resolves as follows:

1. Approval of Special Land Use Permit 21-12, Performing Arts Theater, 111 S. West Street.

YEAS:

NAYS:

THE RESOLUTION WAS DECLARED ADOPTED.

STATE OF MICHIGAN            )

COUNTY OF LIVINGSTON        )

I, the undersigned, the duly qualified and acting City Clerk of the City of Brighton, Livingston County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the City Council at a meeting held on the 2<sup>nd</sup> day of September, 2021, at 7:30 p.m.

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Tara Brown, City Clerk