

# Brighton City Council Meeting

---



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

## MINUTES OF THE REGULAR MEETING OF THE BRIGHTON CITY COUNCIL HELD ON OCTOBER 4, 2018

### 1. Call to Order

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

### 2. Pledge of Allegiance

### 3. Roll Call

Present were Mayor Muzzin, Councilmembers: Bohn, Emaus, Gardner, Pettengill, Pipoly, and Tobbe. Staff: City Manager Nate Geinzer, City Clerk Tara Brown, Community Development Manager Mike Caruso, DPW Director Marcel Goch, Chief of Police Rob Bradford, and Attorney Paul Burns. There were 4 persons in the audience.

### 4. Consider Approval of the Agenda

**Motion** by Councilmember Tobbe, seconded by Mayor Pro Tem Pipoly to approve the agenda as amended switching items 9 and 10. **The motion carried unanimously.**

#### Consent Agenda Items

**Motion** by Mayor Pro Tem Pipoly, seconded by Councilmember Emaus to approve the consent agenda as presented. **The motion carried unanimously.**

### 5. Approval of Minutes: Regular Meeting of September 20, 2018

#### Correspondence

### 6. Call to the Public

Mayor Muzzin opened the Call to Public at 7:38 p.m. with no response.

### 7. Staff Updates

DPW Director Marcel Goch gave a brief update on Second Street construction, noting the water main has been installed and will be chlorinated. Mr. Goch stated that the Operating Engineers Local 324 is in lockout which may indirectly affect the paving process, more to information to come once a paving schedule is in place. Water treatment filter #2 is back on line and work to filter #1 should begin shortly. Hydrant flushing has been completed.

Manager Nate Geinzer noted the COBACH Center is currently closed for maintenance.

City Clerk Tara Brown stated that absent voter ballots will be mailed on October 5, 2018 to all residents who have submitted their absent voter applications.

### 8. Updates from Councilmember Liaisons to various Boards and Commissions

Councilmember Tobbe met with the PSD on Tuesday, October 2, 2018. The PSD is considering a couple of options, more information to come at a later date.

### **New Business**

#### **9. Consider Approval of Alcohol Sales by 2317 LLC, D/B/A Jameson's Restaurant, Located at 110-118 E. Grand River, Brighton MI.**

Community Development Manager Caruso gave a brief introduction to the project and intentions. Mr. Caruso noted Mr. Kasab of Jameson's Restaurant, was in the audience if Council had questions.

**Motion** by Councilmember Tobbe, seconded by Councilmember Gardner to approve Resolutions 18-18 and 18-19 for alcohol sales by 2317 LLC, D/B/A Jameson's Restaurant, Located at 110-118 E. Grand River, Brighton MI. **The motion carried with a roll call vote.**

#### **9. Consider Contribution to Menard Inc. V City of Escanaba, 315 MICH APP 512 (2016)**

Manager Geinzer gave a brief background on the pending litigation, Menard Inc. V City of Escanaba. Mr. Geinzer stated that the decision of this case will set a precedence. Contributions to the MML on behalf of this case will benefit many communities, especially Brighton with its number of big box stores. As of October 4, 2018, twenty-five cities, six counties, and twenty-one townships have contributed to the MML legal defense fund.

Attorney Burns stated this worthwhile cause is essentially a test case. The MTT has labeled big box stores worthless after the business has vacated. The City has already seen lost tax revenue under this tax model.

Councilmember Emaus asked if the contribution is within the budget. Manager Geinzer stated the contribution will come out of savings from City Council or City Manager budget.

Councilmember Gardner asked if the term dark stores came post-recession. Attorney Burns gave a brief summary on the history of the premise of the case.

**Motion** by Councilmember Emaus, seconded by Councilmember Gardner to contribute \$2,000.00 to the MML Legal Defense Fund for Menard Inc. V City of Escanaba, 315 MICH APP 512 (2016). **The motion carried unanimously.**

Mayor Pro Tem Pipoly asked for clarification on who will receive the contribution. Mr. Geinzer stated that the MML Legal Defense Fund will receive the contribution.

### **Other Business**

#### **10. Call to the Public**

Mayor Muzzin opened the Call to Public at 7:48 p.m.

Susan Bakhaus stated that the contribution to the MML is not going to the defense fund, but for expert testimony. She indicated that she had been in contact with Mr. Jordan, City Manager of Escanaba. She further stated that if the City can afford to contribute \$2,000.00 then the City can contribute yard waste bags for residents and a walkable path on Devonshire.

Mayor Pro Tem Pipoly asked Attorney Burns to approximate the cost this black box/dark store tax ruling has cost the City in the Home Depot building alone. Attorney Burns indicated that this ruling represents hundreds of thousands of dollars in taxable value that has been reduced.

**11. Adjournment**

**Motion** by Mayor Pro Tem Pipoly, seconded by Councilmember Tobbe to adjourn the meeting at 7:52 p.m. **The motion carried unanimously.**

---

Tara Brown, City Clerk

---

James Muzzin, Mayor