

Brighton City Council Meeting



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

Regular Business Meeting November 15, 2018 – 7:30 p.m.

AGENDA

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

Consent Agenda Items

5. Approval of Minutes: [City Council Retreat of October 27, 2018](#)
6. Approval of Minutes: [City Council Retreat of October 28, 2018](#)
7. Approval of Minutes: [Study Session Meeting of November 1, 2018](#)
8. Approval of Minutes: [Regular Meeting of November 1, 2018](#)
9. [Approval of the Purchase of a Replacement Police Department Patrol Vehicle and Associated Up-Fitting in an Amount not to Exceed \\$45,000](#)

Correspondence

10. Call to the Public
11. Staff Updates
12. Updates from Councilmember Liaisons to various Boards and Commissions

New Business

13. [Consider Approval of Alcohol Sales by El Arbol, Llc, D/B/A El Arbol Taqueria, Located at 140 W Main Street, City of Brighton, MI](#)
14. [Conduct First Reading of Proposed Ordinance 583, "Prohibition of Marijuana Establishments"](#)
15. [Consider Approval of LDFA Bond Pay-Off](#)
16. Consider Canceling the City Council Meeting Scheduled for January 3, 2019

Other Business

17. Call to the Public
18. Adjournment



Brighton City Council Retreat

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MINUTES OF THE MEETING OF THE BRIGHTON CITY COUNCIL RETREAT HELD ON OCTOBER 27, 2018

1. Call to Order

Mayor Muzzin called the Brighton City Council Retreat to order at 8:30 a.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, DPW Director Marcel Goch, Utilities Director Tim Krugh, Finance Director Gretchen Gomolka, Organizational Relations Manager Michelle Miller, DPW Superintendent Daren Collins, Superintendent Corey Brooks, Superintendent Todd Bennett, Chief of Police Rob Bradford, and Attorneys Paul Burns and Dennis Gabrian. There one person in the audience.

4. Consider Approval of the Agenda

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

5. Call to the Public

Mayor Muzzin opened the Call to Public at 8:31 a.m.

Susan Bakhaus indicated that she had several issues with recent actions by City staff and Council.

Mayor Muzzin closed the Call to Public at 8:34 a.m.

Discussion Items

6. FY 17/18 Summary: Goal Progress and Annual Report

Manager Nate Geinzer introduced the format for the Retreat, he noted that the meeting should be wrapped up by 4:00 p.m. on October 27, 2018 and 12:00 p.m. on October 28, 2018. Mr. Geinzer recapped the purpose of the meeting with a brief overview on goal progress and annual report. City staff highlighted several ways their respective department is maintaining fiscal responsibility, exemplary service, environmental responsibility, community engagement, community well-being, enhanced community, and social enrichment.

Motion by Councilmember Emaus, seconded by Councilmember Tobbe to take a ten-minute break at 9:42 a.m. **The motion carried unanimously.**

Motion by Mayor Pro Tem Pipoly, seconded by Councilmember Pettengill to reconvene the meeting at 9:52 a.m. **The motion carried unanimously.**

7. Fiscal Realities: A Recap

Manager Geinzer gave a detailed overview of new mandates, services, revenues, expenditures, and needs throughout the City departments since 2008. Staff highlighted new GASB pronouncements, reporting, election equipment, rental programs, utility asset management, and extensive police department mandates. Manager Geinzer outlined three primary fiscal challenges, streets and related infrastructure, capital equipment and facilities, and pension and OPEB liabilities.

8. Closed Session to Receive Written Attorney-Client Privileged Communication Pursuant to MCL 15.268(h)

Motion by Councilmember Emaus, seconded by Councilmember Gardner to enter into closed session to receive written attorney-client privileged communication pursuant to MCL 15.268(h). **The motion carried unanimously with a roll call vote.**

Motion by Councilmember Tobbe, seconded by Councilmember Pettengill to come out of closed session. **The motion carried unanimously.**

Motion by Councilmember Pettengill, seconded by Councilmember Emaus to dismiss for a lunch recess at 12:40 p.m. **The motion carried unanimously.**

Motion by Councilmember Emaus, seconded by Councilmember Pettengill to reconvene the meeting at 12:40 p.m. **The motion carried unanimously.**

9. Fiscal Realities: City Council Task Force Presentation & Recommendation

Manager Geinzer gave an overview of the Task Force intentions and members. Mayor Muzzin relayed the intent of the Task Force members as well as items of review, frequency of Task Force meetings, and staff involvement. Mayor Muzzin, Councilmembers Emaus and Bohn stated that all expenditures were reviewed, leaving no option off the table when evaluating the finances. Mayor Muzzin relayed the outline of recommendations from the Task Force in a series of graphs and slides. The Task Force recommended \$500,000.00 reduction in services, \$500,000.00 in new non-millage revenues, and \$1,150,000.00 in a new millage for streets and related infrastructure.

10. Fiscal Realities: Discussion on City Council Task Force Recommendation

Manager Geinzer asked that Council talk about the recommendations from the Task Force to answer cursory questions but to come back on October 28, 2018 with questions and opinions on the recommendations. Council talked about initial ideas of creating a TIFA district to capture residential dollars to commit to neighborhoods. There were concerns over losing the K-9 officer given the rise in opioid and drug use. Chief Bradford stated that Proposal 18-1 would make it more difficult for K-9 units to effectively relay what drug was found to the handler. Mayor Pro Tem Pipoly asked if leaf vacuuming was a consideration as he thought it would be a focus of the Task Force. Director Goch indicated that accumulation of leaves would present a problem for sewer systems and storm drains. Mr. Pipoly was surprised to not see more cuts that residents would feel. Mr. Emaus stated that if the Headlee does not pass in May, larger deeper cuts will be implemented and would affect the residents on a bigger scale. Manager Geinzer stated that there was no amount of cuts to get to two million. Mayor Muzzin indicated that the millage option was looked at last as budget cuts were a primary focus. Mr. Pipoly relayed that he was concerned that a new ballot proposal for the May election may

not pass, stating feedback from some residents. Mr. Bohn felt that a seven-year term was a compromise between a ten-year millage and a five-year millage, but cautioned that he did not want to be punitive and cut deeply because the Headlee did not pass. Rather Mr. Bohn noted that the election outcome was very close and that a shorter term with a lower millage rate may pass. Councilmembers asked about a citizens group to ensure buy-in from residents. Council discussed what a new millage scenario would look like and the roll Council would play in informational meetings.

Other Business

11. Call to the Public

Mayor Muzzin opened the Call to Public at 1:59 p.m.

Susan Bakhaus inquired about the possibility of giving up Grand River and asked why it has been kept.

Mayor Muzzin closed the Call to Public at 2:01 p.m.

Manager Geinzer stated that the option had been looked at but ultimately the repairs and fixes required by Livingston County Road Commission in order to turn it over to them would be cost prohibitive.

12. Adjournment

Motion by Councilmember Tobbe, seconded by Mayor Pro Tem Pipoly to adjourn the meeting at 2:04 p.m.
The motion carried unanimously.

Tara Brown, City Clerk

James Muzzin, Mayor



Brighton City Council Retreat

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MINUTES OF THE MEETING OF THE BRIGHTON CITY COUNCIL RETREAT HELD ON OCTOBER 28, 2018

1. Call to Order

Mayor Muzzin called the Brighton City Council Retreat to order at 8:30 a.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, DPW Director Marcel Goch, Utilities Director Tim Krugh, Finance Director Gretchen Gomolka, DPW Superintendent Daren Collins, Superintendent Corey Brooks, Superintendent Todd Bennett, Chief of Police Rob Bradford, and Attorney Paul Burns. There was one person in the audience.

4. Consider Approval of the Agenda

Motion by Councilmember Emaus, seconded by Mayor Pro Tem Pipoly to approve the agenda as amended removing item number eight. **The motion carried unanimously.**

5. Call to the Public

Mayor Muzzin opened the Call to Public at 8:31 a.m. Hearing and seeing none Mayor Muzzin closed the Call to Public.

Discussion Items

6. Fiscal Realities: Assembling a Long-Term & Sustainable Fiscal Outlook

Manager Geinzer gave a brief Task Force recap on recommendations and provided a handout. Mayor Muzzin spoke briefly about the necessity of leaf vacuuming. Mayor Pro Tem Pipoly thanked the Task Force and appreciated their work. Mr. Pipoly remarked that leaf vacuuming is necessary for storm drains and would like to see the Task Force meetings continue, but less frequently. Council spoke at length about the term of the millage proposal, stating that seven years would be a good start to gain residents trust. Mayor Muzzin noted that ninety percent of the Task Force time was spent on evaluating cost cuts and less time on the millage which was not even discussed until the fifth meeting. Mr. Pipoly wanted to make sure that residents understand that cost cuts were looked at first. Councilmember Gardner stated that nearly half of the community she spoke with supports the millage coming back to voters. Councilmember Tobbe asked for clarification on the plan. Under direction from Council, Manager Geinzer would bring cost cutting options and millage language to Council for approval. Mr. Tobbe stated that he was concerned with land disposition and sees property as long term assets. Manager Geinzer noted that an item on the agenda for the next Council meeting will be a proposal from Rich and Associates to evaluate and devise plans for parking consolidation. Councilmember Pettengill thanked the Task Force for all their work and appreciated the ease in for civic reimbursement.

7. Fiscal Realities: Next Steps

Manager Geinzer stated, at the direction from Council, he will bring ballot language for approval. Councilmember Emaus noted that the ask is significantly less, he would like to see the language tightened up with specific earmarks for roads. Manager Geinzer remarked that he will discuss ballot language with Attorney Burns. Council discussed keeping the informational message simple with complete transparency. Councilmember Pettengill would like to have a robust educational component with a real-time web update for street projects. Mr. Emaus stated that Council will need to advocate for the proposal, he recommends Council drive the informational meetings rather than staff in order to keep City tax dollars away. Councilmember Gardner would like mailings to be simple, less wordy. Ms. Pettengill would like to see a letter rather than a political mailer.

Motion by Councilmember Gardner, seconded by Councilmember Emaus to take a twelve-minute break at 9:28 a.m. **The motion carried unanimously.**

Motion by Councilmember Emaus, seconded by Councilmember Gardner to reconvene the meeting at 9:40 a.m. **The motion carried unanimously.**

9. Retreat Wrap Up

Council spoke about various parking lots within the City. Should Council approve, boring samples and plans for parking development would be completed via Rich and Associates. Council shifted conversation to various traffic areas with regards to lights and stop signs throughout the City. Director Goch noted that discussions have begun and a traffic study will need to be completed to evaluate how an adjustment to traffic light timing could help. Chief Bradford and Director Goch discussed traffic conditions at North and Main Streets, they found that a broken sending unit and inoperable pucks could be to blame. Director Goch is investigating the situation with TetraTech.

Councilmember Gardner would like to see an update or an addition to the Rules for Procedure on the back of the agenda. She stated that several residents are hesitant to speak up at Call to Public in fear that they may be singled out by neighbors. Councilmember Tobbe agreed that Rules of Mutual Respect could be an option. Councilmember Bohn stated that residents and interested parties at meetings were civil and polite. He noted that it would be difficult to control natural reaction/human nature.

Councilmember Pettengill asked about the quarterly report. Manager Geinzer clarified that the quarterly investment report is presented to Council. Ms. Pettengill would like quarterly financial report of the general ledger to satisfy those who have mistrust with the City. Director Gomolka will look into reporting features within BS&A. Councilmember Emaus stated that mistrust will always be present, the budget is online and the City has had thirty-one unmodified reports.

Other Business

10. Call to the Public

Mayor Muzzin opened the Call to Public at 10:41 a.m.

Susan Bakhaus stated that the audit is only as good as what the City provides to the auditors. She also remarked about civility, pointing at several Councilmembers individually as the reason residents do not attend meetings.

Mayor Muzzin reminded that personal attacks will not be tolerated.

Mayor Muzzin closed the Call to Public at 10:45 p.m.

Councilmember Bohn believes Council and other boards are respectful and that people do not attend because either the interest is not there or their neighborhood is not affected.

11. Adjournment

Motion by Mayor Pro Tem Pipoly, seconded by Councilmember Tobbe to adjourn the meeting at 10:47 a.m.
The motion carried unanimously.

Tara Brown, City Clerk

James Muzzin, Mayor



City Council Special Meeting

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MINUTES OF THE STUDY SESSION OF THE BRIGHTON CITY COUNCIL HELD ON NOVEMBER 1, 2018

Mayor Muzzin called the Study Session to order at 6:00 p.m.

Present were Mayor Muzzin, Councilmembers: Bohn, Emaus, Gardner, Pettengill, Pipoly, and Tobbe. Staff: City Manager Nate Geinzer, City Clerk Tara Brown, Finance Director Gretchen Gomolka, Police Chief Rob Bradford, Officer Chris Parks, and Attorney Paul Burns. Also present were Gavin Johnson, Dr. Greg Gray, Jennifer Hiller, and Roger Myers from Brighton Area Schools. There were eight persons in the audience.

CALL TO PUBLIC

Mayor Muzzin opened the Call to the Public at 6:00 p.m.

Allison Cox and Sandra Parker, both mental health-substance abuse counselors, expressed their support for a proposed vaping ordinance.

DISCUSSION OF PROPOSED VAPING ORDINANCE

City Manager Nate Geinzer briefly discussed that a note from a Brighton Schools parent, in light of the City of Howell's new vaping ordinance, prompted this study session. Officer Chris Parks presented several facts and figures with a power point presentation. Brighton School administration spoke at length about the difficulties they face as most vaping devices are small and discrete. Principal Johnson discussed many tactics and diversion options that he utilizes to help steer students away from vaping. He noted that he has gathered more than 100 vaping devices over the course of this year alone. Council discussed the possibility of implementing a vaping ordinance. Councilmember Bohn adds that the ordinance should apply to all students equally. Councilmember Emaus cautioned overreaching. Mr. Geinzer summarized that there is a consensus to do something, possibilities include civil infraction on school grounds, selling would constitute a much harsher penalty, and a further discussion on paraphernalia. The consensus was for the City and Police Department to work with the Schools and other jurisdictions within BAS to bring draft ordinance recommendations back to City Council in January.

CALL TO PUBLIC

Mayor Muzzin opened the Call to the Public at 7:21 p.m.

Allison Cox sided her support and expressed her desire help during the vaping ordinance discussion.

ADJOURNMENT

Motion by Councilmember Tobbe, seconded by Councilmember Tobbe to adjourn the meeting at 7:25 p.m. **The motion carried unanimously.**



Brighton City Council Meeting

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MINUTES OF THE REGULAR MEETING OF THE BRIGHTON CITY COUNCIL HELD ON NOVEMBER 1, 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, DPW Director Marcel Goch, Finance Director Gretchen Gomolka, Deputy Clerk/Assistant to the DPW Director Patty Thomas, Chief of Police Rob Bradford, and Attorney Paul Burns. There were 9 persons in the audience.

4. Consider Approval of the Agenda

Motion by Councilmember Emaus, seconded by Councilmember Pettengill to approve the agenda as amended deleting items 6 and 7 and moving item 5 to new business. **The motion carried unanimously.**

Consent Agenda Items

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

~~6. Approval of Minutes: City Council Retreat of October 27, 2018~~

~~7. Approval of Minutes: City Council Retreat of October 28, 2018~~

8. Receipt of DDA and LDFA Annual Report

9. Acceptance of Quarterly Investment Report

10. Consider Awarding the 2018 HVAC Services Bid to Mechanical Design

Correspondence

11. Call to the Public

Mayor Muzzin opened the Call to Public at 7:32 p.m.

Jim Vichich, Brighton Historical Society, spoke about several events scheduled during November and December.

Mayor Muzzin closed the Call to Public at 7:34 p.m.

12. Staff Updates

Chief Bradford stated that the Brighton Police Department is participating in No-Shave November to raise funds for Wigs-4-Kids. For every \$800.00 raised, a child in need will receive a free wig. To make a donation please see the City's Facebook Page or search Wigs-4-Kids.

Director Goch gave an update on Second Street. Concrete sidewalks are moving ahead and the new water main is in and being chlorinated.

Clerk Brown stated that 67% of the absentee ballots are in and the Clerk's department will be open on Saturday, November 3, 2018 to issue and receive ballots.

13. Updates from Councilmember Liaisons to various Boards and Commissions

Councilmember Emaus offered a suggestion, exercise your right to vote.

New Business

5. Approval of Minutes: Regular Meeting of October 18, 2018

Mayor Pro Tem Pipoly clarified that a proposal for soil borings to evaluate the North Street parking lot was approved, rather than completed.

Motion by Mayor Pro Tem Pipoly, seconded by Councilmember Emaus to approve the amended minutes from the Regular Meeting of October 18, 2018. **The motion carried unanimously.**

14. Consider Approval of Rich and Associates Proposal for Parking Consulting Services in the Amount of \$20,500

Manager Geinzer stated in order to move data forward and to assess the needs and options for parking, it is the recommendation from City staff to approve Rich and Associates proposal for parking consulting services. Mr. Geinzer noted that this would be a comprehensive proposal to evaluate the City's needs.

Council discussed past parking proposals, the last of which was completed in 2015 that evaluated temporary parking, it was not a comprehensive plan. The proposed plan would update the 2015 proposal and much more. Councilmember Tobbe would like to include the downtown merchants in the discussion as well. Council discussed ramifications if the study was done over slower season, stating there are events that generate more traffic downtown than others. Councilmember Bohn stated that he would like to make sure Council and staff take action with the proposed plan once completed.

Motion by Mayor Pro Tem Pipoly, seconded by Councilmember Gardner to approve of Rich and Associates proposal for Parking Consulting Services in the amount of \$20,500.00. **The motion carried unanimously.**

15. Consider Approval of the Addition of a Full-Time DPW/Utilities Clerical Position

Manager Geinzer gave a brief overview on the necessities for a full time DPW/Utilities clerical position stating that he will not fill the Assistant to the City Manager to fund the Clerical position for this fiscal year. Council discussed the duties of the possible position. Councilmember Emaus asked about the funding for the next fiscal year, Manager Geinzer stated that funding would be split between utilities and DPW.

Motion by Mayor Pro Tem Pipoly, seconded by Councilmember Pettengill to approve of the addition of a full-time DPW/Utilities clerical position. **The motion carried unanimously.**

16. Discussion of COBACH Maintenance Needs

Manager Geinzer briefly updated Council on the current needs for CoBACH with regards to the current air quality report. Manager Geinzer stated that the issue of potential allergens and dampness were brought to his attention, an air quality sample was taken. The report noted several allergens and potential irritants were present. The CoBACH was closed after the reports were received due to air quality concerns. Several repair items were addressed to remedy water penetration and diversion, but a cleaning of spores and allergens at the CoBACH is necessary. Staff recommends a budget amendment from general fund to public works in the amount of \$10,000.00 for cleaning.

Council discussed the cause of the water issues and asked that efforts to sanitize and dehumidify the CoBACH center be done properly and thoroughly.

Motion by Councilmember Gardner to approve of a budget amendment in the amount of \$10,000.00 to the DPW and to authorize staff to award a bid for remediation services at the CoBACH to the lowest, most qualified, and most responsive bidder in the amount not to exceed \$10,000. **The motion carried unanimously.**

Other Business

17. Call to the Public

Mayor Muzzin opened the Call to Public at 8:27 p.m.

Jim Vichich stated the problems with the CoBACH building were a result of a heavy rain within a short period of time and sloping sidewalks between the YumYum Tree and CoBACH that do not funnel water away from the foundation.

Mayor Muzzin closed the Call to Public at 8:31 p.m.

Mayor Pro Tem Pipoly addressed Council, staff, and residents about a recent Facebook attack specifically naming his business in a negative light. He reminded the poster that the attack not only affects his personal life, but those that depend on his business.

18. Adjournment

Motion by Councilmember Tobbe, seconded by Councilmember Emaus to adjourn the meeting at 8:35 p.m. **The motion carried unanimously.**

Tara Brown, City Clerk

James Muzzin, Mayor



CITY OF BRIGHTON
REPORT FROM THE CITY MANAGER TO CITY COUNCIL
November 9, 2018

SUBJECT: PURCHASE OF A REPLACEMENT POLICE DEPARTMENT PATROL VEHICLE

PURCHASE REQUEST REVIEW

- The purchase of one (1) new 2019 Patrol Vehicle for the fiscal year 2018-2019.
- This vehicle purchase will not be an addition to the fleet, rather, a replacement of a patrol vehicle that was slated to be replaced in the 2019/20 budget.
- The replaced patrol vehicle will be transferred to Code Enforcement where there is currently no vehicle to use. This transfer was planned for the 2019/20 fiscal year, however, the need for code enforcement to have a vehicle has increased due to scheduled inspections and stepped up enforcement.
- As a result of pulling this replacement forward, only one patrol vehicle will be purchased in the 2019/20 fiscal year.
- The vehicles will be purchased at the State Bid Price via Signature Ford.
- The vehicle will be up-fitted in house by Cruisers.

EQUIPMENT REQUESTED

- The model for the patrol vehicle will be the 2019 Ford Utility Police Interceptor (Explorer).

BUDGET

- Staff is requesting the use of a portion of the fund balance in the police millage to cover the cost of the vehicle and the up-fitting. Moving this replacement forward, does not affect any current fiscal year budgeted expenses nor will it affect any future capitol expenses.
- The total cost of the vehicle, to include up-fitting will not exceed \$45,000 and is lower than previous budget vehicles due to equipment that is able to be transferred.
- Delivery of the vehicles and up-fitting will be completed in late 2018.

RECOMMENDATION

Approval of the purchase of a replacement Police Department patrol vehicle and associated up-fitting in an amount not to exceed \$45,000.

Prepared by: Rob Bradford, Chief of Police

Reviewed &

Approved by: Nate Geinzer, City Manager



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL

November 15, 2018

SUBJECT: CONSIDER APPROVAL OF ALCOHOL SALES BY EL ARBOL, LLC, D/B/A EL ARBOL TAQUERIA, LOCATED AT 140 W MAIN STREET, CITY OF BRIGHTON, MI.

ADMINISTRATIVE SUMMARY

- EL Arbol, LLC, has applied to the Michigan Liquor Control Commission (MLCC) to obtain a new Class “C” Redevelopment License issued under MCL 436.1521a(1)(b) with on premises permits for Sunday AM and PM sales under PA 501 of 2006.
- Brighton City Code 6-32 requires approval of the Brighton City Council for a liquor license operation in the City of Brighton.
- The required liquor license application fee has been paid to the City of Brighton.
- To qualify for consideration by the MLCC for a Redevelopment License, the redevelopment must meet certain requirements:
 - The business must be located within an established Development District.
 - The business must expend at least \$75,000 for the rehabilitation or restoration of the building.
 - The business must demonstrate that there is a seating capacity of not less than 50 persons.
 - The total public/private investment in the Development District must be at least \$200,000 over the preceding five-year period.
- To qualify for consideration by the City of Brighton for a Redevelopment Liquor License, the redevelopment must meet certain requirements:
 - The request is permitted by right within the Downtown Business District (DBD) or business zoning district.
 - The request is supported by the Master Plan, DDA Development Plan, Downtown Blueprint, PSD Tactical Marketing Plan, or other development guides applicable to the Development District.
 - The applicant does not have any current or outstanding code violations.
 - The applicant does not have and outstanding City taxes or City fees.

RECOMMENDATION

The Brighton City Police Department has determined the applicant meets the requirements of the City of Brighton’s liquor control ordinances (6-31 to 6-41) and therefore recommends approval of the request.

The Community Development Department has determined the applicant meets the minimum requirements for consideration by the MLCC for liquor licenses pursuant to PA 501 of 2006.

The Community Development Department has determined the applicant meets the minimum requirements set forth by the City of Brighton for consideration of a Redevelopment Liquor License.



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL November 15, 2018

Prepared by: Michael Caruso, Community Development Manager

Approved by: Nate Geinzer, City Manager

Attachments:

1. Resolution 18-20. Approving the Sale of Alcoholic Liquor
2. Resolution 18-21. Approving the Redevelopment Liquor License Application to the MLCC

Resolution #18-20

**City of Brighton
A Resolution Approving the Sale of Alcoholic Liquor**

WHEREAS, pertinent sections of the Brighton Municipal Code require that the Brighton City Council expressly approve the sale of alcoholic liquor by any person or persons within the City of Brighton; and

WHEREAS, the applicants have applied to the Michigan Liquor Control Commission for the purchase of a state issued liquor license to be used within the City of Brighton; and

WHEREAS, the Brighton Police Department has conducted an investigation of the applicant and found said applicant to be in compliance with the Brighton Municipal Code; and therefore

NOW, THEREFORE, BE IT RESOLVED, that EL Arbol, LLC., d/b/a EL Arbol Taqueria, is approved to sell alcoholic liquor at 140 W. Main Street, in the City of Brighton in accordance with the Brighton Municipal Code.

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Tara Brown, City Clerk for the City of Brighton, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council at the Regular Meeting held on November 15, 2018.

Tara Brown, City Clerk

Resolution #18-21

City of Brighton

At the November 15, 2018 Regular Meeting of the Brighton City Council, called to order by _____ On November 15, 2018 at _____ p.m.

The following was offered:

Moved by _____ and supported by _____

That the request from El Arbol, LLC. d/b/a EL Arbol Taqueria, for a new Redevelopment Class C license under MCL 436.1521.a(1)(b) and a Sunday Sales permit to be located at 140 W. Main Street, Brighton, Livingston County, Michigan.

Be considered for approval "above all others"

AYES:

NAYS:

ABSTAIN:

ABSENT:

It is the consensus of this legislative body that the application be recommended for issuance.

State of Michigan _____)
County of _____)

I, Tara Brown, City Clerk for the City of Brighton, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council at the Regular Meeting held on November 15, 2018

SEAL

Tara Brown, City Clerk

200 N. First Street
Brighton, Michigan 48116

ORDINANCE NO. 583

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF BRIGHTON, MICHIGAN, BY AMENDING CHAPTER 22, BY REPEALING ARTICLE XI ; AND ADDING A NEW ARTICLE XI TO CHAPTER 22 OF THE CODE.

THE CITY OF BRIGHTON, LIVINGSTON COUNTY, HEREBY ORDAINS:

- I. The current Article XI of Chapter 22 of the code, is hereby repealed.
- II. A new Article XI of Chapter 22 of the Code, is hereby replaced to read as follows:

ARTICLE XI. RECREATIONAL MARIJUANA

Section 22-341. Prohibition of Marijuana Establishments.

- (a) Pursuant to the Michigan Regulation and Taxation of Marijuana Act, the City of Brighton elects to prohibit marijuana establishments within its boundaries.
- (b) This Ordinance shall be in full force and effect fifteen (15) days from the adoption as provided by the Brighton City Charter.
- (c) The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

TARA BROWN, City Clerk

JAMES MUZZIN, Mayor

First Reading: _____

Brief Publication: _____

Second Reading: _____

Public Hearing: _____

Adoption: _____

Full Publication: _____



CITY OF BRIGHTON

REPORT FROM THE CITY MANAGER TO CITY COUNCIL

November 15, 2018

SUBJECT: LDFA BOND PAYOFF

ADMINISTRATIVE SUMMARY

- The LDFA's only purpose since fiscal year 2011-2012 has been to make debt payments on bonds issued in 2002. These debt payments are financed with tax capture from the City and a small portion from the County. There are bonds outstanding of \$205,000 that are scheduled to be paid off through 2023-2024. At the end of the most recent fiscal year ended 2017-2018 the LDFA had cash fund balance of \$86,197. Projections for the end of this fiscal year would put another \$25,084 into fund balance for a total of \$111,281.
- The outstanding bonds totaling \$205,000 are callable, which means we can pay them off with no penalty and we can eliminate all future interest payments. In order to payoff the bonds we would need another approximately \$93,720. Staff would like to propose that a portion of the general fund savings from the 2017-2018 fiscal year be used to make up the \$93,720 difference needed to payoff these bonds. Under this scenario the City would lose approximately \$18,000 in future capture from other jurisdictions, however the city would save approximately \$30,000 in future interest payments.
- This would eliminate future capture for the LDFA. A portion of the monies that have been captured will go to the DDA for five (5) parcels that are located in both the DDA and the LDFA. Currently the capture is split 50/50 with the LDFA and DDA for those five (5) parcels. If the LDFA capture is eliminated 100% of the captured amount for those five (5) parcels would go to the DDA.
- In looking at the current fiscal year this would result in approximately \$35,000 back to the general fund and approximately \$30,000 that would go to the DDA. These amounts are subject to change annually as the taxable value and PPT exemptions come in to play.
- Public Act 57 of 2018 becomes effective January 1, 2019 and will impose a significant amount of compliance for both the DDA and LDFA. Staff believes that eliminating the LDFA debt and related capture will save both money and time for the City. Paying off the bonds early requires some leg work and notification to the bond holders and we have to make the payoff at our normal payment date of April 1, 2019.
- Following the payoff of Bonds, Staff will work with the City Attorney to develop the appropriate legislative measures to dissolve the LDFA.

RECOMMENDATION

It is recommended that City Council authorize Staff to pursue the early payoff of LDFA bonds and direct staff and the City attorney to bring forth the necessary legislative measures to dissolve the LDFA.

Prepared by: Gretchen Gomolka, Finance Director

Approved by: Nate Geinzer, City Manager