



Brighton City Council Meeting

City Hall Council Chambers • 200 N First St. • Brighton, Michigan 48116
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MINUTES OF THE REGULAR MEETING OF THE BRIGHTON CITY COUNCIL HELD ON JANUARY 17, 2019

1. Call to Order

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

2. Pledge of Allegiance was recited

3. Roll Call

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, Community Development Manager Mike Caruso, DPW Director Marcel Goch, Utilities Director Tim Krugh, Superintendent Todd Bennett, Assistant to the DPW Director Patty Thomas, Chief of Police Rob Bradford, and Attorney Paul Burns. There were three persons in the audience.

4. Consider Approval of the Agenda

Motion by Councilmember Emaus, seconded by Councilmember Gardner to approve the agenda as amended, moving items 5, 6, and 8 to Other Business and delete item 7. **The motion carried unanimously.**

Consent Agenda Items

Motion by Councilmember Emaus, seconded by Mayor Pro Tem Pipoly to approve the consent agenda as amended. **The motion carried unanimously with a roll call vote.**

~~Approval to Transfer Ownership of a Class C Liquor License from MSV Brighton, LLC, dba Stillwater Grill Located at 503 W. Grand River Ave, Brighton, Michigan to SWG Brighton LLC, to dba Stillwater Grill, Resolution #19-01~~

9. Approval of Resolution to Recognize Bountiful Harvest as a 501c3, Non Profit for the Purpose of Obtaining a Charitable Gaming License, Resolution #19-02

Correspondence

10. Call to the Public

Mayor Muzzin open the Call to Public at 7:33 p.m. Hearing and seeing none, the Call to Public was closed at 7:33 p.m.

11. Staff Updates

Chief Bradford wished all a Happy New Year. Officer Mark Reckling has finished officer training and is working solo patrol. And the vaping ordinance draft has been completed and is with the city attorney for review.

Finance Director Gomolka wanted to remind residents that winter property taxes are due February 25, 2019.

Director Goch stated that the new one-ton pickup trucks are in and being used, the older trucks will be up for sale shortly. Also the CoBACH center remediation/cleaning has been completed and DPW is awaiting test results.

12. Updates from Councilmember Liaisons to Various Boards and Commissions

Mayor Pro Tem Pipoly noted that the DDA met this week and there was discussion about the amphitheater name and the grand opening event, more to come soon. The DDA also awarded the annual bid for the flower baskets along Main Street and Grand River.

Mayor Muzzin noted that the DDA also elected Tim Corrigan as the new chair, Cal Stone as vice-chair, and Lisa Nelson as the secretary.

Councilmember Gardner noted that January is National Radon Action Month. She discussed radon and its negative health effects. Livingston County is distributing free radon tests from January 1 through January 31, 2019. They are also available in limited quantity at city hall.

Councilmember Emaus noted that the Veteran's Memorial Committee adjourned the January meeting and will be rescheduled for early spring.

Mayor Muzzin noted that the Brighton Fire Authority met January 10, 2019 which was an organizational meeting. The current slate of officers is scheduled to continue, which are Mayor Muzzin as chair, Mayor Pro Tem Pipoly as treasurer, Jim Mortensen as vice chair, and Tim Corrigan is secretary. The Brighton Fire Authority also voted on a capital millage ballot proposal for .89 mills to be placed on the May 7, 2019 ballot which will go towards, gear, land, and equipment. The Annual Awards Ceremony will be held on February 1, 2019 at 7:00 p.m. at the Center for Performing Arts.

Councilmember Bohn asked about the Brighton Fire Authority's rationale for choosing to place their ballot proposal on the May election versus an August election. Mayor Muzzin noted that most of the discussion centered on which election the ballot proposal should be placed, and stated the Fire Authority's intent was for the taxes to go on the summer taxes for this year if the proposal passes. He also noted that the ballot proposal would be for twelve years. Mayor Muzzin also noted that the Chamber sent out a very nice thank you to the holiday light sponsors in Downtown Brighton.

Public Hearing

13. Conduct a Public Hearing on the Draft 2018-2022 City of Brighton Recreation Plan and Consider Approval of Resolution #19-03 Adopting the 2018-2022 City of Brighton Recreation Plan and Resolution #19-04 Adopting the City of Brighton Comprehensive Master Plan

Community Development Manager Mike Caruso introduced the public hearing agenda item.

Mayor Muzzin opened the Public Hearing at 7:43 pm. Hearing and seeing no response, Mayor Muzzin closed the public hearing at 7:43 p.m.

Mayor Muzzin noted that this item has been in the works for eighteen months. Councilmember Emaus is hopeful to see softball come to the city, noting that the city desperately needs adult recreational leagues. Councilmember Bohn noted some items in the Recreational Plan are already happening but inquired about implementation and funding. City Manager Geinzer noted that implementation and action strategy will be discussed during the retreat. Mayor Muzzin noted that during discussions at a DDA meeting, Manager Geinzer said that this plan tees the city up for grant opportunities. Councilmember Tobbe spoke about the merits of a recreation plan noting that it is an absolute must for grants. Manager Geinzer stated that it has been over 21 years since the city has received any

grant dollars from the DNR. Councilmember Bohn noted that the last grant from the DNR was very large and enabled the city to build the tridge.

Motion by Councilmember Tobbe, seconded by Councilmember Emaus to approve resolution #19-03 adopting the 2018-2022 City of Brighton Recreation Plan. **The motion carried unanimously by roll call vote.**

Motion by Councilmember Gardner, seconded by Mayor Pro Tem Pipoly to approve resolution #19-04 adopting the City of Brighton Comprehensive Master Plan. **The motion carried unanimously by roll call vote.**

Other Business

5. Approval of Minutes: Study Session Meeting of December 20, 2018

Motion by Mayor Pro Tem Pipoly, seconded Councilmember Emaus to approve the Study Session Meeting Minutes of December 20, 2018. **The motion carried, Councilmember Pettengill abstained.**

6. Approval of Minutes: Regular Meeting of December 20, 2018

Motion by Mayor Pro Tem Pipoly, seconded Councilmember Emaus to approve the Regular Meeting Minutes of December 20, 2018. **The motion carried, Councilmember Pettengill abstained.**

8. Approval of Amendment to the Police Special Response Team Mutual Aid Agreement

Councilmember Emaus requested this item be removed from the consent agenda for informational purposes. He would like clarification on the budget impact, noting some of the changes in the amendment. He asks if the budget impact would impact the Police Department budget or the general fund. Chief Bradford clarified that the Police Department budget would be impacted by the amendment.

Motion by Councilmember Emaus, seconded by Mayor Pro Tem Pipoly to approve the amendment to the Police Special Response Team Mutual Aid Agreement. **The motion carried unanimously.**

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

Motion by Councilmember Tobbe, seconded by Councilmember Emaus to go into Closed Session to receive a written attorney-client privileged communication pursuant to MCL 15.268(h). **The motion carried unanimously by a roll call vote.**

The City Council convened into Closed Session at 7:56 p.m.

The City Council reconvened the Regular Session at 8:14 p.m.

15. Consider Approval of Ballot Language for a Proposed Headlee Override Millage for the Purpose of Improving, Replacing, Resurfacing, Reconstructing and Constructing Public Streets, Sidewalks, Curbs, Drainage Structures, and Necessary Rights-Of-Way Improvements to be Scheduled for the May 2019 Election, Resolution #19-5

Manager Geinzer introduced the agenda item, noting that the previous ballot proposal failed by only 128 votes which was closer than the 2013 ballot proposal for a Headlee override. Mr. Geinzer noted some feedback from talking with residents about the term was too long, the millage rate was too much, and the language was too

vague. Mr. Geinzer noted the Task Force recommendations for a new millage proposal, employee cuts, and new non-millage revenue. He also noted that eighty percent of the roads in the city are in poor condition.

Mayor Muzzin stated that the new millage proposal is for 2.5 mills for seven years which addressed the concerns that were voiced by residents.

Councilmember Bohn does not have a problem with the ballot language, but does have issues with the Brighton Fire Authority going the same time. He feels that the Brighton Fire Authority proposal reduces the probability of the Headlee Override ballot proposal passing. The Fire Authority has a greater chance of the millage proposal passing, but asked what happens if the city's proposal does not pass. Councilmember Emaus clarified that all areas of the city have been evaluated for cost savings. He noted that the city is now down to the core services. Mr. Emaus stated that the city is now cutting police officers and city staff and that these cuts are going to affect public safety. Mr. Bohn stated that he would like to see this pass but is hesitant about competing with public safety. Mayor Muzzin asked if an August ballot proposal would miss the summer taxes. Manager Geinzer noted that it would miss the summer taxes. Mayor Pro Tem Pipoly would rather see the proposal go in August. He does not feel it would pass going against the Brighton Fire Authority. Councilmember Pettengill would rather see it go in August. She notes that the voters will vote for public safety over streets.

Councilmember Tobbe really likes the ballot language and numbers but notes that voters will see the combined amount of two ballot proposals and lean more towards public safety over roads. He stated that the net increase would be hard for voters to take. Councilmember Gardner appreciates where we are on the proposal and hopes that the ballot proposal passes. She supports the majority. Manager Geinzer cautioned about waiting as only a short wait will be detrimental to the roads. He stated that he appreciates the tough position Council is in but a year delay would make a difference. Councilmember Emaus stated that an August proposal would push any large scale work to 2020. He cautioned that the longer it is pushed, the more money is needed and the problem has grown. Manager Geinzer noted that there is nowhere left to cut, all areas of the budget have been reviewed. Councilmember Tobbe asked about bonding for larger projects. Mayor Muzzin asks if the proposal fails in May, why not place it on the ballot in August. Mayor Pro Tem Pipoly does not want to continually ask a ballot proposal to voters and be accused of putting the ballot question back on. Councilmember Pettengill feels going against the Brighton Fire Authority millage proposal, the Headlee override ballot proposal will not pass. Mayor Muzzin believes the ballot proposal should be on the May ballot because the net change will be the same for voters.

Manager Geinzer stated that there are other factors in play if Council wishes to go down this path of waiting for August, he recommends tabling the item and schedule a special meeting to discuss the item further before the February 7, 2019 meeting and to have a closed session to discuss negotiations. Councilmember Bohn asks when the special meeting would be as he will be out of town. Manger Geinzer cautioned that Council's decision has implications for contract negotiations. Council, Attorney Burns, and City Manager discussed the possibility of a special meeting or tabling the item for the next Council meeting. Attorney Burns cautioned Robert's Rules and legalities of voting on the resolution versus waiting until the February 7, 2019 meeting to discuss the meeting further.

Motion by Mayor Pro Tem Pipoly, seconded by Councilmember Emaus to approve resolution #19-05 as presented. **The motion carried by roll call vote with Councilmembers Pettengill and Tobbe voting no.**

16. Consider Extension of September 20, 2018 Bid Pricing for Water Filter Media Replacement and Associated Maintenance to Northern Pump & Well for Additional Water Filter Media Replacement in an Amount not to Exceed \$135,000.

Superintendent Todd Bennet introduced the agenda item. He noted that the current bid is the same as in July, the only difference is the addition of green sand which filters manganese. Councilmember Tobbe asked if there is other maintenance that can be done while the system is down. Superintendent Bennet noted that all maintenance that can be done, will be done. Councilmember Emaus clarified that this is another unplanned repair and in order to stay in budget, other work will be postponed.

Motion by Councilmember Tobbe, seconded by Councilmember Emaus to approve the water filter media replacement and associated maintenance to Northern Pump & Well for additional water filter media replacement in an amount not to exceed \$135,000. **The motion carried unanimously.**

17. Consider Approval of the Updated Amphitheater Rental Policy, Application, and Fee Schedule

Manger Geinzer introduced the agenda item, noting Assistant to the DPW Director Patty Thomas and DPW Director Goch are present for questions.

Councilmember Emaus asked how non-profit organizations addresses will be investigated. There was extensive discussion on resident rental fees and how addresses are investigated to deter abuse. Mayor Pro Tem Pipoly noted that these rates are not permanent and can be evaluated with the annual fee schedule. Councilmember Pettengill asks that all non-profit organizations rental rate be \$75.00 to eliminate any extra work to investigate addresses. Mayor Muzzin would be in favor of a \$100.00 fee for non-profit organizations. Council also discussed resident and nonresident rental fees. Councilmember Emaus questioned section 4, paragraph D. He asks that the entire paragraph should be stricken due to recent discussions with civic event organizers who have said during a recent City Council meeting that the city tax payers should shoulder the cost. Mr. Emaus stated that private citizens paying rental fees should not be bumped because of non-paying civic event organizers/customer. He also noted that the City is in a two-million-dollar deficit therefore paying residents should not be bumped by non-paying civic event organizers. Mr. Emaus would like to see the same deposits be reflected in the civic event policy when it is discussed again. Councilmember Pettengill disagreed with Mr. Emaus, she stated that survival of the city depends on civic events. Ms. Pettengill would like clarification on section 4, paragraph F, which states that reservations may be revoked at will by city manager. Manger Geinzer stated, as an example, that a reservation may be revoked for safety. Councilmember Emaus asked about the policy for cancellation and refunds. Manger Geinzer reviewed the Council's requested changes and suggested these changes could be reflected in the motion to approve. Councilmember Gardner questioned the rental time frames and setup/tear down by renters. Ms. Thomas clarified that she usually gives an hour between each renter for cleanup. Ms. Gardner also questioned the use of the amphitheater during weddings while being a public space. Councilmember Pettengill asked if someone wants to occupy the space do they need a reservation. Manager Geinzer noted that a pop-up situation would not be shooed away if there was no reservation for the event, but any planned event should have a reservation.

Motion by Mayor Pro Tem Pipoly, seconded by Councilmember Tobbe to table item 17 for revisions. **The motion carried unanimously.**

Mayor Muzzin reviewed the requested changes to the amphitheater policy, application, rental fee. Specifically allowing a refunded deposit if a cancellation was made within 24 hours of event and a rental fee of \$75.00 for all non-profits.

18. Staff Update on Waste Contract Review Process

Director Goch asked Council to have questions and concerns ready for the next meeting as waste contracts will be discussed. He noted that the entire waste hauling industry has changed, carts and trucks will change as well.

19. Call to the Public

Mayor Muzzin open the Call to Public at 9:46 p.m. Hearing and seeing none, the Call to Public was closed at 9:46 p.m.

20. Adjournment

Motion by Councilmember Tobbe, seconded by Councilmember Emaus to adjourn the meeting at 9:46 p.m. **The motion carried unanimously.**

Tara Brown, City Clerk

James Muzzin, Mayor