



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 FEBRUARY 20, 2020

1. Call to Order

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

2. Pledge of Allegiance

3. Roll Call

Present were Mayor Pipoly, Mayor Pro Tem Gardner, Councilmembers: Bohn, Emaus, Muzzin, Pettengill, and Tobbe. City Manager Nate Geinzer, City Clerk Tara Brown, Community Development Manager Mike Caruso, Finance Director Gretchen Gomolka, Human Resource Manager Michelle Miller, DPS Director Marcel Goch, Chief Bradford, and Attorney Paul Burns. There were sixteen persons in the audience.

Mayor Pipoly thanked fellow Councilmembers, staff, and the community for the care and support shown to his family for his mother's recent passing.

4. Consider Approval of the Agenda

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

5. Consider Approval of Consent Agenda Items

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

Consent Agenda Items

- a. **Approval of Minutes: Study Session Meeting of February 6, 2020**
- b. **Approval of Minutes: Regular Meeting of February 6, 2020**
- c. **Approval of Minutes: Closed Session Meetings of February 6, 2020**
- d. **Approval of TetraTech Engineering Retainer Services Extension from March 1, 2020 through June 30, 2020**
- e. **Appointment of Derek Daskaluk to the Board of Review**

Councilmember Emaus wished to add clarification to item d on the consent agenda, authorize the City Manager to sign the TetraTech Engineering retainer.

Motion by Councilmember Emaus, seconded by Councilmember Tobbe to approve of TetraTech engineering retainer services extension from March 1, 2020 through June 30, 2020 and to authorize the City Manager after counsel review. **The motion carried without objection.**

Correspondence

6. Call to the Public

Mayor Pipoly opened the Call to the Public at 7:33 p.m.

Jon Stone asked, in regards to the former Lindbom school building, if the asbestos had been removed from the building.

Jim Fowkes asked if zoning had changed at the Lindbom property and if the TCE plume had been addressed.

Diane Fowkes stated concerns about the density within the new proposed development plans.

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

Community Development Manager Caruso stated there have been permits issued in the past for light demolition work, to remove furniture, and to address wiring issues. The state would handle asbestos removal permits, but Mr. Caruso stated that he was unaware of any permits to remove asbestos.

Manager Geinzer stated that EGLE, formerly DEQ, is the lead contact and has been on site to address the TCE concerns at the Lindbom site since it was discovered.

At Councilmember Muzzin's request, Mr. Caruso spoke about the necessary steps that must be taken for the proposed planned unit development (PUD) such as the Lindbom site. Mr. Caruso also stated there had been three previously proposed developments that have been planned for the property but none have come to fruition. Councilmember Bohn asked if a traffic study is part of the usual PUD requirements. Mr. Caruso stated a traffic study is part of the PUD process.

Mr. Caruso explained the zoning at the former Lindbom site has not changed since it was a school, however the PUD is a zoning reclassification.

Councilmember Pettengill wished to clarify the City of Brighton does not own the former Lindbom property. Mr. Caruso confirmed the property is privately owned.

Councilmember Tobbe asked Chief Bradford how many police calls were made to the Lindbom property. Chief Bradford stated there were over one hundred calls over the years to address various incidents.

7. Staff Updates

No new updates from staff.

8. Updates from Councilmember Liaisons to Various Boards and Commissions

Mayor Pro Tem Gardner wished to congratulate Carol Griffith on becoming the new Livingston County Board of Commissioner's Chairperson, a seat that was vacant due to the recent resignation of Mr. Donald Parker.

Councilmember Muzzin and the Brighton Area Fire Authority met on February 13, 2020. Mr. Muzzin stated the Authority was given construction updates on Station 34 which is progressing well and they also continued merger discussions.

Councilmember Pettengill urged all residents and business owners to complete the 2020 Citizen Survey which is available online or in paper form. The survey concludes at the end of the month.

Councilmember Emaus also urged residents and business owners to complete the survey—more participation means more information to help guide Council and staff.

Mayor Pipoly noted two golf outings being planned to benefit Veterans, for more information contact him. Mr. Pipoly also stated the DDA met and approved the 20/21 budget and discuss a request to possibly move the Tridge or Treat to the Thursday before Halloween in an effort to gain more volunteers.

New Business

9. Consider Staff Direction Regarding the Principal Shopping District

Manager Geinzer began discussions noting that if City Council would like to move forward with planning a special assessment district for a Principal Shopping District, the planning would need to start right away due to the lengthy statutory process.

Councilmember Emaus stated his concern noting that he is not convinced the PSD has established the legal need as stated in PSD Act 120 of 1961. He also referred to several Michigan Tax Tribunal (MTT) cases regarding PSDs. If the intent is for marketing, he stated, a marketing plan must be developed. Further, Mr. Emaus indicated the zone divisions and how they were defined as problematic.

Mayor Pipoly asked if the existing marketing plan would be sufficient or if a new plan be required. Attorney Burns stated that a new or revised marketing plan would be required to meet the requirements.

Mr. Emaus noted the act is designed to establish and address a need, a road, sidewalks, etc. He further stated he is not convinced that a special assessment for a Principal Shopping District is the correct vehicle for the group's intentions. Noting the district was helpful during the recession, but does not see the benefit in this economy.

Councilmember Tobbe asked Councilmember Emaus is if the MTT cases were successfully tested and the districts were upheld. He further asks if not this, then what should the PSD do to market itself. Mr. Tobbe noted marketing is the key focus of the PSD and it is important to promote Brighton for a thriving downtown.

Attorney Burns redirected to state the topic at hand is if Council sees the need to proceed with a PSD.

Councilmember Bohn stated he is not in support of hurrying the process and would like further evaluation.

Councilmember Emaus noted staff has been asked for concessions and tax payers approved a millage increase so he is not supportive of an increase use of staff time and resources to continue with a Principal Shopping District and all that is involved with creating a new special assessment district.

Motion by Councilmember Emaus, seconded by Councilmember Bohn to table item 9 until after the 20/21 budget has been completed. **The motion carried, with Councilmembers Muzzin and Tobbe voting no.**

10. Consider Possible Participation in a Multi-Jurisdictional Lee Road Rehabilitation Project

Manager Geinzer introduced the agenda item outlining the scope of the proposed project, citizen inquires related to a possible rehabilitation of Lee Road, and Livingston County involvement with the project noting that Green Oak Township has already agreed to move forward. Hamburg Township will discuss this topic at their next meeting in March. Joining together with three entities to share in the cost is beneficial as Lee Road is a boundary road that many residents utilize.

City Council discussed the scope and price of the project noting concern should the cost of the project change if a total road failure has been found. Mr. Geinzer stated that a final contract will come back to City Council for approval after samplings and preliminary engineering has been conducted. The question is, does Council feel comfortable moving forward with the process.

Motion by Councilmember Muzzin, seconded by Mayor Pro Tem Gardner to approve participation in the multi-jurisdictional Lee Road rehabilitation project in the amount of up to \$60,000, plus a 10% contingency upon participation by Green Oak Township and Hamburg Township, with contract documents to be reviewed by the City Attorney and presented to City Council for consideration at a later date. **The motion carried without objection.**

Other Business

11. Call to the Public

Mayor Pipoly opened the Call to the Public at 8:38 p.m.

Diane Fowkes stated that she understands the Lindbom property is privately owned and is concerned with how much time Police spend dealing with situations at the property but would like the City to remain small. She further asked if there is a penalty to the property owner for having a vacant structure to recuperate the expense of patrolling the property.

Neil Harrison stated he believes developer Steve Davis should contribute to the rehabilitation of Lee Road considering Mr. Davis has built over one hundred condominiums with significant truck traffic. The cupping of the road has presented serious hazards during weather events.

Mayor Pipoly closed the Call to the Public at 8:42 p.m.

Manager Geinzer noted the City does have a vacant structure ordinance but there are limitations on enforcement to recoup costs. No tickets have been issued to the property owner but there have been code violations issued that were addressed by the property owner.

Mr. Caruso stated the building is registered as a vacant structure and is subjected to basic monthly inspections.

Councilmember Pettengill urged concerned residents to reach out to staff with questions rather than rely on social media for information.

12. Adjournment

Motion by Councilmember Tobbe, seconded by Councilmember Emaus to adjourn the meeting at 8:46 p.m. **The motion carried without objection.**

Tara Brown, City Clerk

Shawn Pipoly, Mayor