



Brighton City Council Meeting

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This meeting was conducted electronically.

MINUTES OF THE REGULAR MEETING OF THE BRIGHTON CITY COUNCIL HELD ON APRIL 16, 2020

1. Call to Order

Mayor Pipoly called the meeting to order at 7:30 pm.

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, DPS Director Marcel Goch, Finance Director Gretchen Gomolka, Human Resource Manager Michelle Miller, Management Assistant Henry Outlaw, Superintendent Daren Collins, Assistant to the DPS Director Patty Thomas, Chief Rob Bradford, Engineer Kari Jozwik, Attorney Paul Burns, and Attorney Jeff Alber. There were approximately eight persons in the audience.

4. 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 by roll call vote.**

5. Consider Approval of Consent Agenda Items

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

Consent Agenda Items

- a. **Approval of Minutes: Regular Meeting of April 2, 2020**
- b. **Approve Resolution #20-05 To Authorize Staff to Apply for a \$250,000 Category B Program Grant Funded by the Michigan Department of Transportation Economic Development Fund for the First Phase of the Northwest Neighborhood with a Grant Matching Fund Requirement of 50 Percent.**

Correspondence

6. Call to the Public

Mayor Pipoly opened the Call to the Public at 7:34 p.m.

Nancy Durance relayed that she spoke with DTE regarding the latest surge of power outages within the City, noting several DTE personnel in management that she spoke with at DTE. Ms. Durance also complimented the City on their Census messaging.

Susan Bakhaus noted the officer's compensation committee call for applicants was published long ago and would like to know if there has been a selection. She also asked about the annual cemetery public hearing, noting that annual cleanup was conducted.

7. Staff Updates

Chief Bradford noted domestic violence calls have increased but traffic stops have decreased. Mr. Bradford noted ServePro of Brighton has graciously stepped in to provide extra and more frequent cleanings to first responder vehicles and facilities at no charge.

Director Goch happily reported the spring yard waste collection will resume during the week of April 27, 2020, therefore, the yard waste bin located at the police department have been removed. He thanked Waste

Management for resuming this important service.

Director Gomolka reported credit card payments are now an accepted form of payment online and in the office, once allowable, for all City payments.

Clerk Brown noted COVID-19 resources for both residents and business owners is located within the City website under the Business & Community tab at the top of the home screen. She advised the best way to keep informed of City news is to subscribe to the eNewsletter, sign up is also located on the City website at the bottom of the home screen.

Councilmember Bohn asked if Chief Bradford noticed an uptick in COVID-19 cases at the senior living facility in light of surrounding counties having large surges of COVID-19. Chief Bradford stated that he has not noticed an uptick in senior living facility COVID-19 cases. Councilmember Bohn asked if Caretel has begun accepting COVID-19 recovering patients. Chief Bradford stated that Caretel has been accepting recovering patients but he has not seen an uptick of cases.

Councilmember Tobbe informed that due to HIPPA, many details cannot be given as it relates to patients. Mr. Tobbe also complimented the police for all their efforts to mitigate traffic on Main Street and discourage speeding.

Councilmember Emaus noted the Livingston County Health Department has released a detailed interactive map with COVID-19 positive statistics by zip code that is available on the Health Department website.

8. Updates from Councilmember Liaisons to Various Boards and Commissions

Mayor Pre Tem Gardner relayed the Livingston County Health Department Website has many resources for residents as they navigate unemployment as well as health related resources as a result of the pandemic.

Councilmember Tobbe stated the Brighton Arts and Culture Commission met recently, however more plans coming soon.

Councilmember Emaus noted the April meeting of the Brighton Veterans Memorial Committee was canceled. They did however halted plans for the Memorial Parade but have left options open should the Stay Safe order discontinue and a reasonable opportunity to have the parade presents itself. Councilmember Tobbe asked if the Parade can continue along with another holiday. Councilmember Emaus clarified that the parade is not yet canceled but plans are fluid should the ability to continue the parade be available.

Mayor Pipoly and the DDA met for a special meeting to discuss the Small Town, Big Hearts initiative to help local businesses within the DDA area. He explained the program in depth and relayed that Lake Trust has contributed to the initiative with a \$25,000 contribution. \$750 will be made for matching grants and \$5,000 in awards.

New Business

9. Consider Approval of Resolution #20-06: Temporary Utility Bill Deferment Program

Manager Geinzer began by noting this type of deferment program is something many utility providers have implemented to help end users during this difficult time.

Director Gomolka introduced the agenda in an effort to help residents with the sudden change in work situations. She explained the financial components involved with the deferment program and what it could look like to the resident.

Councilmember Tobbe thanked staff for being cognizant of the City residents during this difficult time.

Councilmember Bohn asked if there would be a means test or application for this program. Director Gomolka stated that it was not feasible and would be labor intensive to vet qualifying residents for this type of program. Councilmember Bohn questioned what would happen if all residents decide not to pay. Director Gomolka spoke in detail how this type of program would work. Manager Geinzer noted staff has balanced the administrative burden with a more rigorous program but ultimately crafted this program which is similar to other utility

providers. Mr. Bohn asked if there was a driving force behind the program. Director Gomolka has received inquiring calls from businesses.

Councilmember Emaus asked how this will affect the budget since service fees have been budgeted in the next fiscal year. Ms. Gomolka relayed the details involved stating the fees would be still collected within the budget year.

Councilmember Pettengill asked if there were a lot of residents pulling out of the automatic bill payment option. Ms. Gomolka stated there were some that Assistant Finance Director Denise Meier noticed, but not a lot.

Councilmember Muzzin noted that Council had previously wanted to help residents as much as possible but questioned why the opposite is being deliberated.

Motion by Councilmember Muzzin, seconded by Councilmember Emaus to approve of Resolution #20-06: Temporary Utility Bill Deferment Program. **The motion carried without objection by roll call vote.**

10. Consider Approval of Resolution #20-07: City of Brighton Resolution to Save Small Businesses

Councilmember Emaus stated this resolution has been brought forth for the purpose of setting the tone by City Council to urge landlords and property owners to consider easing the economic burden that will be felt by small businesses. Council spoke at length regarding the merit of this motion as it is a stance and political statement rather than a binding resolution.

Motion by Mayor Pro Tem Gardner, seconded by Councilmember Tobbe to approve of Resolution #20-07: City of Brighton Resolution to Save Small Businesses. **The motion carried without objection by roll call vote.**

11. Consider Approval of the Lee Road Project Agreement with the Livingston County Road Commission, Green Oak Township, and Hamburg in an Amount not to Exceed \$57,050, to Authorize the City Manager to Execute the Agreement, to Waive any Potential, or Perceived City Attorney Conflict of Interest, and Related Budget Amendment.

Manager Geinzer introduced the agenda item noting that all municipalities have agreed to the terms. Attorney Burns disclosed that he is the attorney for the Livingston County Road Commission which is addressed in the proposed motion.

Motion by Councilmember Tobbe, seconded by Councilmember Emaus to approve of the Lee Road Project Agreement with the Livingston County Road Commission, Green Oak Township, and Hamburg in an amount not to exceed \$57,050, to authorize the City Manager to execute the agreement, to waive any potential, or perceived city attorney conflict of interest, and related budget amendment. **The motion carried without objection by roll call vote.**

12. Consider award of Base Bid and Alternates A and B for the Alpine, S. Third, Fairway Trails (ATF) Street Improvement Project to Asphalt Specialists, Inc. in the Amount of \$1,032,933.90 with a 15% Contingency

Director Goch introduced the agenda item stating favorable bids were received and the recommendation is to proceed with Asphalt Specialists, Inc. with alternates A and B. Council discussed the additive recommended to extend the life of the new road.

Mayor Pipoly asked why these streets are being addressed now rather than those with more required work. Director Goch stated that addressing these roads now will extend the life of the road that is there with repair and fits within the budget for the first year of the millage.

Motion by Councilmember Tobbe, seconded by Councilmember Muzzin to award the base bid and alternates A and B for Alpine, S. Third, Fairway Trails (ATF) Street Improvement Project to Asphalt Specialists, Inc. in the amount of \$1,032,933.90 with a 15% contingency. **The motion carried without objection by roll call vote.**

13. Consider Approval of Northwest Neighborhood Final Design Engineering Recommendations

Director Goch introduced the agenda item noting that a decision must be made about key aspects of the project

in order to move forward. Mr. Goch also discussed the proposed solution and CSX approved decision to Third Street near the railroad tracks. Of the three options presented to CSX, the first option was chosen which was a small turn around space. Director Goch asked Council for direction regarding the sidewalk along Third Street.

Councilmember Pettengill noted concerns that the sidewalk would be wasted money and would encourage walkers to get too close to the railroad tracks by the CSX property. Councilmember Emaus disagreed, stating walkability and adherence to the previously approved Master Plan should be followed. Engineer Jozwik stated following the Master Plan to enable walkability where feasible. Council then spoke at length about the options presented and Master Plan approved sidewalks/downtown walkability.

Councilmember Pettengill and Councilmember Gardner also relayed their concern about the amount of trees that will be removed due to the Northwest Neighborhood project. Director Goch clarified that the City arborist and engineering team walked through the project streets to evaluate each tree and therefore were able to greatly reduce the number of trees taken down by routing sidewalks around trees. Only those trees absolutely necessary will be removed, much of which are diseased or would not survive.

Councilmember Muzzin asked if all construction stopped at CSX property. Director Goch noted it will look unfinished but it is an option. Engineer Jozwick stated there will still be an issue with snow plows needing to push snow. TetraTech has engineered the road to look more like a private road.

Councilmember Pettengill stated that she recommends not putting sidewalks on Third Street, but Councilmember Muzzin clarified that he stated that no work needs to be done on CSX property. Council discussed the property lines of CSX right of way.

Motion by Councilmember Emaus, seconded by Councilmember Muzzin to approve staff recommendations for Northwest Neighborhood final design engineering to reflect the City's Master Plan, including sidewalks on both sides, option 1 for the 3rd Street terminus, and 26ft street cross section (allowing on street parking on one side), and no "green belt" parking, as depicted in the summary design.

Councilmember Pettengill asked for clarification on the location of the sidewalk by Engineer Jozwik.

Councilmember Pettengill noted her objection to a sidewalk to nowhere. Councilmember Emaus stated sidewalk would go to the legal property line and further noted that the improvements, which is not the City's duty, will be made to CSX property with the proposed plan. He further noted the Northwest Neighborhood plan is already deviating from the Master Plan by eliminating the sidewalk on the east side of the road. Councilmember Emaus objects to making individual distinctions because Councilmember Pettengill lives at the location that is being discussed.

Councilmember Pettengill again stated her objection to the proposed Third Street sidewalk, noting the Northwest Neighborhood Project meetings conducted by City staff and engineers in which residents spoke in objection to the location of Third Street sidewalk.

Councilmember Bohn relayed the Master Plan, to him, should be considered a living document and sometimes it makes sense to deviate from the Master Plan. He agreed with Councilmember Pettengill that seventy feet of sidewalk to nowhere does not make sense.

Mayor Pipoly redirected to approve of the proposed plan but be able to come back and look at this particular sidewalk with further discussion.

Councilmember Bohn asked Councilmember Emaus and Councilmember Muzzin if they would be agreeable to an amended motion. However, Mayor Pipoly agreed with Councilmember Bohn that the ability to come back to talk about this specific portion of sidewalk would be a good decision.

Engineer Jozwik offered a compromise, to allow the sidewalk to extend to the first driveway for accessibility but not extend to the CSX property. Councilmember Pettengill noted there is already a sidewalk by the residents' house that extends to the garage.

Councilmember Emaus wished to clarify that the City engineers and the entire Northwest Neighborhood Plan is

making an exception for one property which is Councilmember Pettengill's property. He cautioned that the exception is a clear conflict of interest. Councilmember Pettengill stated, and confirmed with Engineer Jozwik, the plan was never included the sidewalk to come to her property.

Councilmember Bohn stated the compromise offered by Engineer Jozwik as a good option. Councilmember Emaus agreed that he would accept that amendment, Councilmember Muzzin also agreed

Motion by Councilmember Emaus, seconded by Councilmember Muzzin to approve staff recommendations for Northwest Neighborhood final design engineering to reflect the City's Master Plan, including sidewalks on both sides, option 1 for the 3rd Street terminus, and 26ft street cross section (allowing on street parking on one side), and no "green belt" parking, as depicted in the summary design with the Third Street sidewalk to end at the first driveway. **The motion carried without objection by roll call vote.**

Other Business

14. Call to the Public

Mayor Pipoly opened the Call to the Public at 9:24 p.m.

Susan Bakhaus remarked about the recent Brighton Arts and Culture Commission and stated the discussion centered around the repainting of certain statues.

Patricia Cole voiced her opposition to the recently passed resolution to help small businesses and asked that City Council address the question asked by Susan Bakhaus about the City cemetery.

Mayor Pipoly closed the Call to the Public at 9:27 p.m.

15. Consider Entering Closed Session Regarding Pending Litigation Pursuant to MCL 15.268(e)

Motion by Mayor Pro Tem Gardner, seconded by Councilmember Tobbe to enter into closed session regarding pending litigation pursuant to MCL 15.268(e) at 9:29 p.m. **The motion carried without objection by roll call vote.**

Motion by Councilmember Tobbe, seconded by Councilmember Emaus to reconvene the regular session at 10:10 p.m. **The motion carried without objection by roll call vote.**

16. Consider Possible Action Resulting from Closed Session

Motion by Councilmember Bohn, seconded by Councilmember Emaus to approve the proposed settlement as recommended by legal counsel. **The motion carried without objection by roll call vote.**

17. Adjournment

Motion by Councilmember Tobbe, seconded by Councilmember Emaus to adjourn the meeting at 10:13 p.m. **The motion carried without objection by roll call vote.**