



# Brighton City Council Meeting

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

This meeting was conducted electronically.

## MINUTES OF THE REGULAR MEETING OF THE BRIGHTON CITY COUNCIL HELD ON MAY 7, 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, Superintendent Corey Brooks, Assistant to the DPS Director Patty Thomas, Assistant Finance Director Denise Meier, Chief Rob Bradford, Attorney Paul Burns, and Attorney Jeff Alber. There were approximately seven persons in the audience.

### 4. Consider Approval of the Agenda

**Motion** by Councilmember Emaus, seconded by Mayor Pro Tem Gardner to approve the agenda as presented. **The motion carried without objection by roll call vote.**

### 5. Consider Approval of Consent Agenda Items

Councilmember Tobbe asked for clarification on Consent Agenda Item d and the associated section referenced in Robert's Rules.

Attorney Burns clarified the Consent Agenda item is to approve Councilmember Emaus to change his vote on the April 16, 2020 agenda, item #13, to nay. Robert's Rules of Order states there must be unanimous vote of approval to change the vote.

Councilmember Emaus asked that item e on the Consent Agenda be moved to New Business.

Mayor Pro Tem Gardner asked that item g on the Consent Agenda be moved to New Business.

**Motion** by Councilmember Tobbe, seconded by Councilmember Pettengill to approve the consent agenda as amended, moving Consent Agenda items e and g to new business. **The motion carried without objection by roll call vote.**

#### Consent Agenda Items

- a. **Approval of Minutes: Special Budget Session of April 7 & 9, 2020**
- b. **Approval of Minutes: Regular Meeting of April 16, 2020**
- c. **Approval of Minutes: Closed Session of April 16, 2020**
- d. **Authorization of a Change of Vote by Council Member Emaus to "Nay" by Unanimous Consent Per Section 46 of Roberts Rules of Order on Item # 13 "Approval of Northwest Neighborhoods Final Design Engineering Recommendations" of City Council's Immediate Past April 16, 2020 Agenda**

- e. ~~Approval of LACASA's Shine the Light Lighting Ceremony Civic Event Application (moved to New Business)~~
- f. **Approval of the Grant Agreement Between the Recycling Partnership and the City of Brighton to Conduct a Public Education Campaign to Improve the Quality and Participation Rate of the City's Curbside Recycling Program**
- g. ~~Approval of Amended Site Plan #30-03; Amendments to Vista at Uptown Apartments with Recommended Planning Commission Conditions (moved to New Business)~~

### Correspondence

#### **6. Call to the Public**

Mayor Pipoly opened the Call to the Public at 7:38 p.m.

Pat Cole requested that questions that were asked during the April 16, 2020 City Council meeting, regarding the cemetery rules and procedures public hearing, be answered.

Hearing and seeing no comment, Mayor Pipoly closed the Call to the Public at 7:42 p.m.

Manager Geinzer stated that City Council had discussed the merits of conducting a public hearing for cemetery rules and regulations at a previous. Because there are no changes to the current rules and regulations, City Council will not conduct a public hearing. A public hearing will be scheduled if there are any substantial changes to the cemetery rules and regulations.

#### **7. Staff Updates**

Chief Bradford noted Officer Eccles is now on full time solo patrol.

Councilmember Bohn asked if the police department has been enforcing Governor Whitmer's Executive Order that prohibits non-essential businesses from being open to the public. Chief Bradford stated the police department's stance is to educate those who are not complying with the Executive Order, if the situation persists the officers will refer the complaint to the Livingston County Prosecutor's Office. Chief Bradford stated the Livingston County Health Department is able to enforce the Executive Order as well. Councilmember Bohn questioned the legalities and repercussion involved with enforcing the Executive Order should it be ruled the Governor has overstepped. Chief Bradford noted the Attorney General has made her ruling as the chief law enforcement officer therefore, the City is acting in good faith.

Director Goch stated staff is staying healthy and noted several safety measures and routines to mitigate the virus. The Rickett Road project held over from last year due to unfavorable weather, is near completion. The contractors should be paving shortly. Work on Alpine, Fairway, and Third has also started with contractors restoring curbs and raising manholes in preparation to pave. The sidewalk program has been pushed back a week. And the Squire parking lot reconstruction is starting on May 8, 2020.

Community Development Manager Caruso stated the building department is staffed despite City Hall being closed to the public, all inquiries should be directed to the emails or phone numbers listed on the City website.

Councilmember Bohn asked Mr. Caruso if the City had closed out Northern Ridge subdivision because he has received several inquiries about items that were not completed. Mr. Caruso stated

the subdivision has been closed out and that all inquiries should be directed to the association.

Manager Geinzer spoke in detail about COVID-19 mitigation strategies implemented for employees and preparations for reopening City Hall.

#### **8. Updates from Councilmember Liaisons to Various Boards and Commissions**

Councilmember Pettengill announced the May 10, 2020 Spring Kickoff at the Imagination Station has been canceled, an alternate date has not yet been set.

Councilmember Bohn stated the Planning Commission met on April 20, 2020 to discuss four agenda items: Canopy Lounge, has been proposed for the space directly beside the Canopy Store; DTN's Vistas at Uptown submitted an amended site plan; Towne Place Suites requested a one-year extension on their site plan; and finally the Commission reviewed a draft ordinance to address airport parking to be brought back at a future meeting.

Councilmember Emaus reported the Brighton Veterans Memorial Committee has canceled their Memorial Day parade. There are no current plans to rescheduled, but Mr. Emaus noted there may be an opportunity to celebrate Memorial Day in conjunction with a future holiday.

Mayor Pipoly reported that he signed a multi-jurisdictional letter to Representative Elissa Slotkin in support of local communities to address the economic fallout that will be felt as a result of the pandemic. He also sent an email directly to Rep. Slotkin asking her to urge charge card companies to soften their fees during this challenging time. Mayor Pipoly also announced that he plans to utilize more social media avenues to connect with residents and business. The Small Town, Big Hearts initiative has grown to more than \$45,000 in contributions from patrons and Lake Trust Credit Union. Mayor Pipoly noted, in reference to a resident's question about not enforcing the Governor's Executive Orders similar to Hillsdale, that he has sworn an oath to uphold the Constitution of this State and will not risk a misdemeanor charge.

#### **Public Hearing**

#### **9. Conduct a Public Hearing and Consider Adoption of the Fiscal Year 2020/2021 Budget, Resolution #20-08**

In light of previous conversations and requests by some Councilmembers to maintain a conservative approach to the budget, City Manager Geinzer updated Council on changes and more budget saving measures taken. Mr. Geinzer stated the budget projections do not include many economic developments starting later this year or savings not yet realized by changes to employee benefits. Employee conferences and workshops, sidewalks, and tree trimming line items were all reduced and further savings will be found in delayed or reduced hiring's.

Mayor Pro Tem Gardner asked if the reduction to the sidewalk program is about the sidewalk gap fill project. Manager Geinzer noted the reduction was dialed back to previous years' expenditures rather than ramping up as intended, but there will be more discussion on sidewalks at the next City Council meeting.

Mayor Pipoly opened the Public Hearing at 8:12 p.m.

Susan Bakhaus asked about the increased utility rates as displayed in the public notice for the budget.

Mayor Pipoly closed the Public Hearing at 8:15 p.m.

Manager Geinzer clarified that the Utility Fund cannot be used to balance any other fund. Mr. Geinzer further explained the Utility Fund is an enterprise fund used solely to fund utility maintenance, operations, and capital investment.

Councilmember Bohn stated his appreciation for the changes to the budget but is unable to support the budget without greater cuts. Mr. Bohn explained his concern that an economic fallout is near and is fearful there will be a large decrease in revenue. He would like to see a freeze on all new hiring, the DDA hire their own staff member, and hold off on all spending until a full evaluation of the COVID-19 economic impact is understood.

Mayor Pipoly noted the DDA committed funds with specific plans in mind. If the plans are changed, the DDA may change their contribution to the City.

Councilmember Muzzin added, Mayor Pipoly agreed, DDA funds must be spent in within the DDA district and noted City Council has worked very hard to foster a positive and productive relationship with the DDA.

Manager Geinzer added that wages and benefits of the previous DDA director were paid by the City with no funds provided by the DDA.

Councilmember Emaus thanked staff for their work on the latest reductions to the budget and is comfortable with the cushion provided. He further stressed the importance of remaining engaged and active to foster and spur economic development and prospects.

Councilmember Pettengill asked about the specific reduction in the City Hall furniture dollar amount. Director Gomolka said the reduction was from \$15,000 to \$10,000.

Councilmember Tobbe does not want to see a full stop to spending but would prefer a more conservative approach, the proposed budget is not conservative enough in his opinion.

Mayor Pro Tem Gardner appreciated the line in section II within the resolution stating the budget is not a mandate to spend, Mayor Pipoly agreed.

**Motion** by Councilmember Emaus, seconded by Mayor Pro Tem Gardner to adopt the Fiscal Year 2020/2021 Budget with resolution #20-08. **The motion carried by roll call vote, Councilmembers Bohn, Pettengill, and Tobbe voted no.**

Councilmember Muzzin asked that staff bring back a resolution to dissolve the Principal Shopping District so property owners do not shoulder another tax bill with an assessment. He questioned if the previous discussion that was tabled at the budget session needs to be untabled.

Councilmember Pettengill asked if the resolution would come back for further discussion. Manager Geinzer stated it would come back for discussion at a future City Council meeting.

Councilmember Bohn recalled that Councilmember Emaus had questioned state law and if the scope of the PSD would be legal given their intended plans. Mr. Bohn asked if legal counsel could provide an interpretation as to whether it would be legal. Councilmember Emaus noted that he asked that the discussion be tabled during the budget session until after the budget meetings were completed.

**Motion** by Councilmember Muzzin, seconded by Councilmember Emaus to direct staff to come back to City Council with a resolution to dissolve the Principal Shopping District. **The motion carried by roll call vote, Councilmember Tobbe voted no.**

**New Business**

**e. Approval of LACASA's Shine the Light Lighting Ceremony Civic Event Application**

**Motion** by Councilmember Emaus, seconded by Councilmember Tobbe to approve LACASA's Shine the Light lighting ceremony event application. **The motion carried without objection by roll call vote.**

**f. Approval of Amended Site Plan #30-03; Amendments to Vista at Uptown Apartments with Recommended Planning Commission Conditions**

Mayor Pro Tem Gardner asked for the agenda item to be moved to New Business for further discussion because she felt the amendments to the project are a great improvement and should be highlighted.

Mr. Woods, from developer DTN, shared the amended site plans with City Council and audience members walking through the changes. He noted alterations to the design have netted five additional units within the same footprint and the implementation of façade softening features to dramatize areas such as the pond side and the rental office.

**Motion** by Councilmember Emaus, seconded by Mayor Pro Tem Gardner to approve amended site plan #30-03, amendments to Vista at Uptown Apartments with recommended Planning Commission conditions. **The motion carried without objection by roll call vote.**

**10. Consider Awarding the Bid for the Mechanical Oxidation Ditch Aerator Replacement to Titus Welding Company in the Amount of \$99,800 with Funds from the 2020/2021 Utilities Fund Budget, Contingent Upon City Council's Approval of the 2020/2021 Proposed Budget.**

**Motion** by Mayor Pro Tem Gardner, seconded by Councilmember Emaus to award the bid for the mechanical oxidation ditch aerator replacement to Titus Welding Company in the amount of \$99,800 with funds from the 2020/2021 Utilities Fund budget. **The motion carried without objection.**

**Other Business**

**11. Call to the Public**

Mayor Pipoly opened the Call to the Public at 9:03 p.m.

Susan Bakhaus asked if the next Brighton Area Fire Authority meeting will take place in May.

Mayor Pipoly closed the Call to the Public at 9:04 p.m.

Councilmember Muzzin stated the next meeting will be on May 14, 2020. The meeting packet did not go out as usual on Friday, May 8, 2020 due to a large house fire, but will be posted soon.

**12. Adjournment**

**Motion** by Councilmember Muzzin, seconded by Councilmember Emaus to adjourn the meeting at 9:05 p.m. **The motion carried without objection by roll call vote.**

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Tara Brown, City Clerk

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Shawn Pipoly, Mayor