



Brighton City Council Meeting

City Hall Council Chambers • 200 N First St. • Brighton, Michigan 48116
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This meeting was conducted electronically.

MINUTES OF THE REGULAR MEETING OF THE BRIGHTON CITY COUNCIL HELD ON MAY 21, 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 Councilmember Tobbe 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 Muzzin to approve the consent agenda as amended, moving Consent Agenda items d, e, and f to new business. **The motion carried without objection by roll call vote.**

Consent Agenda Items

- a. Approval of Minutes: Regular Meeting of May 7, 2020
- b. Approval of Quarterly Investment Report
- c. Approval of Quarterly Financial Report
- d. ~~Approval of the Proposed Fiscal Year 20/21 Fee Schedule, Resolution #20-09~~ (moved to New Business)
- e. ~~Approval of Resolution #20-10 Setting Fiscal Year 2020/2021 Millage Rates~~ (moved to New Business)
- f. ~~Approval of the Purchase of Two Replacement Police Department Patrol Vehicles and Associated Up-Fitting in an Amount not to Exceed \$129,900~~ (moved to New Business)
- g. Approval of a Mutual Aid Agreement, with Possible Future Extensions Deemed Necessary by the Emergency Operations Center or Participating Jurisdictions, for Non-Congregate Housing for Certain Workers Exposed to COVID-19

Correspondence

6. Call to the Public

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

Mark Binkley spoke in opposition of agenda item 11, a resolution to dissolve the Principal Shopping District.

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

7. Staff Updates

Chief Bradford stated the Emergency Operations Center is now in a monitoring mode. Office Brusseau is doing very well.

Director Goch updated that Rickett Road has opened on May 21, 2020 for all traffic. The Squire Lot will be stripped on May 22, 2020 and the ATF project is moving along nicely. The City construction contractors will be milling soon.

Manager Geinzer stated that Human Resources Manager Miller is doing a great job implementing all the Governor's Executive Orders to maintain the health and safety of all employees. Currently Manager Geinzer is targeting June 1, 2020 to open City Hall to the public unless further direction from the Governor is given.

8. Updates from Councilmember Liaisons to Various Boards and Commissions

Councilmember Pettengill inquired about the Citizen Survey. Manager Geinzer stated the survey results have been compiled and will be presented to Council.

Councilmember Muzzin updated Council on Station 34 and the construction progress.

Councilmember Emaus did not meet with the Brighton Veterans Memorial Committee but did correspond with members via email. The Committee is maintaining the landscaping around the memorial. Inquiries and orders for pavers are still being accepted.

Mayor Pipoly happily reported the DDA's Small Town, Big Hearts initiative has infused over \$81,000 into twenty-five downtown businesses that participated. The return on investment was about thirty dollars for every dollar invested. Mayor Pipoly thanked Management Assistant Henry Outlaw and City Staff for their hard work on the initiative.

Councilmember Muzzin also thanked Mr. Outlaw and staff for all the work on the Small Town, Big Hearts initiative. He noted the City of Brighton earned more than other similar initiatives from larger communities in Michigan.

Mayor Pipoly relayed that a request for a letter be drafted and sent to Governor Whitmer, urging her to remove Livingston County from region 1 and asked City Council for their opinion on the matter.

Councilmember Pettengill asked Councilmember Emaus if the 12x12 pavers located at the backside of the memorial will be set. Councilmember Emaus indicated that yes, the pavers will be installed.

Councilmember Muzzin remarked that he did not support the letter to the Governor.

Councilmember Emaus noted Ann Bollin, Hank Vaupel, and the Chamber of Commerce have all sent letters to the Governor to ask that Livingston County be removed from south east Michigan.

Councilmember Bohn stated his vote is to send a letter.

Councilmember Muzzin noted St. Joes has seven intensive care units beds and six are full with COVID-19 patients. Councilmember Bohn replied St. Joes has converted other beds to COVID-19 patients to bring the number of beds to thirty.

Motion by Bohn, seconded by Pettengill to draft a letter to Governor Whitmer to urge her to reconsider the region classification of Livingston County to region 5. **The motion carried by roll call vote with Councilmember Muzzin voting no.**

Public Hearing

9. Conduct a Public Hearing and Consider Approval to Rezone Parcel Number: 4718-30-400-001 from A-1 (Class A Residential) to a Planned Unit Development (PUD) and the Approval of the Associated PUD Agreement

Community Development Manager Caruso introduced the agenda item and turned over the presentation to Mr. Mike Noles from the Umlor Development Group. Mr. Noles presented views of the proposed look of homes along with detailed plans to remedy the drainage issues within and surrounding the development.

Councilmember Muzzin asked where the entrance for the development would be. Mr. Noles noted the entrance will be after the fourth house on the left off of Spring Mountain Drive. Mr. Muzzin then asked if there will be some signage to prevent the development traffic and eventual residential traffic from continuing onto Spring Mountain Drive. Mr. Noles stated it is something that can be looked into further.

Mayor Pro Tem Gardner voiced concern about water drainage and further soil erosion during construction after the trees have been removed. Mr. Noles stated erosion control will be installed and the balancing of the site will take about three months to complete but just prior, the storm system will be installed which is instrumental to mitigate the water issues the residents have experienced.

Councilmember Tobbe thanked Mr. Noles for the presentation and the plans to address the water issues on the site, but noted his concern if the project is abandoned and asked if there were guarantees in place given the current financial climate. Mr. Noles stated the entire project will be backed by bonds and will be overseen by Pulte and TetraTech with full time inspections.

Councilmember Pettengill asked if there was a view in the presentation from the expressway. Mr. Noles said there will be no significant change to the view from the expressway as there will be two hundred feet of untouched land between the development and the expressway.

Mayor Pipoly opened the Public Hearing at 8:36 p.m.

Maddalena Fanelli, Spring Mountain Drive, voiced her opposition to the project citing large earthwork necessary to complete this project could damage current foundations and could have lasting effects. She asks for a full review and continuous monitoring to ensure no damage occurs to existing homes.

Nancy Durance also voiced her opposition to the project and noted the risks with the project. She is concerned about the soil erosion and runoff of silt and other detritus.

Paul Durance asked where the work trailer would be located.

Mayor Pipoly closed the Public Hearing at 8:46 p.m.

Mr. Noles stated the work trailer will probably not be located on the site, but if it is, it will be on a proposed plot. Not at the entrance or on Spring Mountain Drive. It is customary for the work office and sales office to be located in the basement of a model home.

Councilmember Bohn stated the project has been approved by the Planning Commission and all six PUD requirements have been met.

Councilmember Tobbe again stated his concern over the financials.

City Council and Mr. Noles discussed construction details at length and mandatory inspection process and associated reviews.

Councilmember Pettengill asked if the homes are attached. Mr. Noles stated the homes are single-family detached condominiums.

Councilmember Muzzin asked if EGLE will be involved with monitoring. Mr. Noles replied that EGLE has three roles: permit for sanitary, Act 399 the extension of the City main, and NPDS soil erosion permits. Councilmember Muzzin thanked Mr. Noles.

Councilmember Bohn asked if the retaining wall issue that was brought up at the February 24, 2020 Planning Commission meeting was resolved. Mr. Caruso stated the issue was resolved.

Councilmember Emaus noted his familiarity with the development location due to the proximity to his home and appreciates the water mitigation efforts.

Motion by Councilmember Emaus, seconded by Councilmember Muzzin to approve of rezoning parcel number: 4718-30-400-001 from A-1 (Class A Residential) to a planned unit development (PUD). **The motion carried without objection by roll call vote**

New Business

d. Approval of the Proposed Fiscal Year 20/21 Fee Schedule, Resolution #20-09

Councilmember Bohn inquired about the water fee increase and admin fee. He questioned how it was calculated. Director Gomolka explained the formula in detail. Councilmember Bohn is not sure he is supportive of this increase. Ms. Gomolka further stated the average usage is about 15,000 to 16,000 gallons per billing cycle unless there is an irrigation meter. Councilmember Bohn further stated the effect of a rate increase could be a reduction in usage, now is not the time to raise the rates.

Mr. Geinzer noted that the proposed increase would result in an approximate \$12 per month increase and that the adopted budget was based on the utility fees as presented.

Councilmember Muzzin asked if the Utility Fund was an enterprise fund. Manager Geinzer stated that it is an enterprise fund and the increase is driven by capital needs.

DPS Director Goch stated the prior impeller that was recently repaired turned approximately one billion times, the capital needs are constant on a system this old.

Councilmember Emaus directed attention to page twenty-seven of the packet which is a change in commercial use. He thanked Mr. Caruso for finding saving new businesses and finding new way to

continue to foster new business.

Motion by Councilmember Emaus, seconded by Councilmember Muzzin to approve proposed Fiscal Year 20/21 Fee Schedule, Resolution #20-09. **The motion carried by roll call vote with Councilmember Bohn voting no.**

e. Approval of Resolution #20-10 Setting Fiscal Year 2020/2021 Millage Rates

Motion by Councilmember Emaus, seconded by Councilmember Muzzin to approve of Resolution #20-10 setting Fiscal Year 2020/2021 millage rates. **The motion carried by roll call vote with Councilmember Bohn and Pettengill voting no.**

f. Approval of the Purchase of Two Replacement Police Department Patrol Vehicles and Associated Up-Fitting in an Amount not to Exceed \$129,900

Councilmember Tobbe asked what the mileage was on the vehicles to be replaced, if the replaced vehicles would be sold, and if the old equipment would fit the new vehicles. Chief Bradford stated the mileage is about 80,000 miles but the vehicles are gauged by hours, the vehicles that will be replaced have about 160,000 hours on them. The replaced vehicles will be sold to another municipality with all equipment included since Ford redesigned the vehicles making it necessary to update the equipment. Chief Bradford noted the savings with converting to Kenwood.

Councilmember Bohn asked if the vehicles are being purchased with the Public Safety Millage. Chief Bradford confirmed the vehicles will be purchased with the Public Safety Millage.

Motion by Councilmember Muzzin, seconded by Councilmember Pettengill to approve the purchase of two replacement police department patrol vehicles and associated up-fitting in an amount not to exceed \$129,900. **The motion carried without objection by roll call vote.**

10. Consider Approval of a \$70,000 Bid Extension to the 2019 Sidewalk Maintenance Program Contract with Rotondo Construction and Related Budget Amendments

Director Goch introduced the agenda item noting this is an extension of the contracted program.

Councilmember Bohn asked if the agenda item would be considered discretionary spending. Director Goch stated there are a lot of trip hazards to fix so this would not be discretionary.

Councilmember Pettengill asked if the maintenance would include the shaving of the sidewalks to reduce trip hazards. Specifically, the area of concern is by the AMP near the Tridge. Director Goch said that this contract would not include the shaving of trip hazards, but sidewalk trimming is being targeted for FY 20/21.

Motion by Councilmember Emaus, seconded by Councilmember Muzzin to approve of a \$70,000 bid extension to the 2019 Sidewalk Maintenance Program Contract with Rotondo Construction and related budget amendments. **The motion carried without objection by roll call vote.**

11. Consider Approval of Resolution # 20-11 Dissolving the Principal Shopping District

Councilmember Muzzin asked that the year be corrected from 3014 to 2014 under the sixth Whereas. Manger Geinzer said the text towards the end of the Resolution asks the DDA to consider building upon its economic development activities. Mr. Muzzin noted the November 20, 2020 dates

that sunsets/dissolves the PSD but asked the City Attorney what the resolution would accomplish. Mr. Burns stated the PSD would sunset in November but the resolution would move the date up.

Mayor Pro Tem Gardner appreciates how much thought and effort was given by the PSD but does not feel this is the time to renew the PSD.

Councilmember Pettengill asked who authored the resolution. City Manager Geinzer stated the resolution was drafted by Paul and himself based on the direction from discussions with City Council. Councilmember Pettengill asked that the City Managers name be on the resolution. She also asked why there is a need to speed up the dissolution versus waiting until November.

Councilmember Muzzin stated the urgency is because the PSD has no funds and it takes staff time and personnel to conduct the meetings and four to five months of additional expenses is a waste of tax dollars.

Councilmember Bohn expressed his concern about the legality of an SAD as talked about previously by Councilmember Emaus. Additionally, he would like legal counsel to weigh in and update Council. Further, Councilmember Bohn does not see the necessity of dissolving the PSD right away.

Councilmember Tobbe said the PSD is what prompted his family to move to downtown Brighton. He is disappointed the resolution was brought to City Council so quickly. Councilmember Muzzin reminded that the vote for staff to bring a resolution back for Council to review was voted on at the last meeting with a vote of 6-1.

Councilmember Emaus is not supportive of an authors name on the resolution. Mr. Emaus feels the problem with the PSD is the legality of the SAD associated and the State Statue that applies.

Mayor Pipoly has reservations about taxing building owners with tenants that are clearly not in favor of the PSD.

City Council spoke at length about the intentions of the PSD and the merit in the action to dissolve.

Councilmember Pettengill asked who came up with the Small Town, Big Hearts initiative. Mayor Pipoly stated a business owner came to the DDA and staff to create an initiative to support local businesses. City Council discussed the specifics on the Small Town, Big Hearts initiative with regard to the rolls of the DDA and staff.

Motion by Councilmember Emaus, seconded by Councilmember Muzzin to approve Resolution #20-11 dissolving the Principal Shopping District. **The motion carried by roll call vote with Councilmembers Bohn, Pettengill, and Tobbe voting no.**

Other Business

12. Call to the Public

Mayor Pipoly opened the Call to the Public at 10:10 p.m.

Mark Binkley voiced his displeasure with City Council for voting to dissolve the PSD.

Mayor Pipoly closed the Call to the Public at 10:13 p.m.

13. 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.**

Tara Brown, City Clerk

Shawn Pipoly, Mayor