

CITY OF BRIGHTON  
CITY COUNCIL MEETING  
CITY HALL  
January 3, 2013

Regular Blue Sky: 7:00 pm: Review of Agenda Items for this evening's meeting

**REGULAR SESSION - 7:30 P.M.**

1. Call to order
2. Pledge of Allegiance
3. Roll Call
4. Consider approval of the Agenda
5. Approval of minutes: [Regular Meeting of December 20, 2012](#)
6. Mayor's Reading of Citizen Inquiries received since the last City Council Meeting
7. Call to the Public

**Consent Agenda**

8. Consider approval of a declaration document regarding the Northridge Ponds development as recommended by the City Attorney
9. [Consider approval of a request from the Brighton Area School District for city collection of operating taxes for non-principal residences on the City's Summer 2013 property tax bills](#)

**Policy Development & Customer Communications' action item**

10. Review of the City Manager's current operational activity reporting as requested by Mayor Pro Tem Cooper
11. Consider review and possible action on a staff-proposed Quota Liquor License policy resolution to establish suggested criteria for possible future City Council Quota Liquor License approval actions

**Other Business**

12. Information for City Customers
13. Receive updates from Council Member Liaisons to other Boards and Commissions
14. Call to the Public
15. Adjournment

**MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON**  
**HELD ON DECEMBER 20, 2012 AT THE BRIGHTON CITY HALL**  
**200 N. 1ST STREET, BRIGHTON, MICHIGAN**

**BLUE SKY SESSION**

The Council conducted a Blue Sky Session at 7:00 p.m. Present were Mayor Muzzin, Mayor Pro-Tem Cooper Councilmembers Bohn, Bandkau, Schillinger, Pipoly and Roblee. The Council reviewed the agenda items.

**REGULAR SESSION**

Mayor Muzzin called the regular meeting to order at 7:30 p.m. Following the Pledge of Allegiance, the roll was called, there being present were Mayor Muzzin, Mayor Pro-Tem Cooper, Councilmembers Bandkau, Schillinger, Pipoly, Roblee and Bohn. Also in attendance were Attorney Paul Burns, Staff members Dana Foster, Matt Schindewolf, Kelly Hanna, Amy Cyphert, Matt Modrack, Lauri French, Diana Lowe and Tom Wightman and an audience of 7. Press and Media included Tom Tolen from WHMI.

**AGENDA APPROVAL**

It was moved by Mayor Pro-Tem Cooper, seconded by Pipoly to approve the amended. Delete item #8, Northridge Ponds and item #15, Pending Litigation Closed Session. Motion passed 7-0.

**MINUTES APPROVAL**

It was moved by Councilmember Roblee, seconded by Bandkau to approve the Regular Meeting minutes of December 6, 2012 as presented. Motion passed 7-0.

It was moved by Mayor Pro-Tem Cooper, seconded by Pipoly to approve the Closed Session Meeting minutes of December 6, 2012 as presented. Motion passed 7-0.

**CITIZEN INQUIRIES**

None.

**CALL TO THE PUBLIC**

Mayor Muzzin opened the Call to the Public at 7:34 p.m. Hearing no comment, the Call to the Public was closed.

**180 N. 1<sup>ST</sup> STREET TO 440 W. MAIN STREET LIQUOR LICENSE TRANSFER**

Police Chief, Tom Wightman briefed the City Council regarding Liquor Licenses including Quota Licenses, License in Escrow and Liquor Ordinance.

Deputy Community Development Director, Lauri French briefed the Council on the pending Liquor License transfer, new Liquor License and Redevelopment Liquor License.

City Council  
December 20, 2012  
Page 2

Keith Tobel, 440 W. Main Street, Gen-Jan LLC, owner of Class C Liquor License. Requesting to transfer Liquor License from 180 N. 1<sup>st</sup> Street to 440 W. Main Street.

Jim Starnes, 423 W. Main Street, Two-Brothers Coffee, stated he would like to have the opportunity to have a Quota Liquor License for his business.

Fred Feldman, Stonefire, explained the management agreement, the situation with the Liquor License and the fastest solution possible.

It was moved by Mayor Pro-Tem Cooper, seconded by Bandkau to conditionally approve the location transfer of the Class C liquor license with Outdoor Service Permit from 150 N. First Street (Gen-Jan, LLC, licensee for Scotty Simpson's/Lynn's Cafe) to the former Stonefire Bistro location at 440 W. Main Street (440 Main, Inc.), Brighton, MI 48116 based on the following:

- A liquor license location transfer will take less time to process and receive approval from the MLCC. This will facilitate 440 Main's ability to resume serving alcoholic beverages in the shortest period of time possible. The owners have already lost business, including some large holiday parties, due to the liquor license being put in escrow.
- Scotty Simpson's/Lynn's Café currently serves beer and wine and could continue to do so up until the location transfer of their current license takes place per the MLCC. If approved at tonight's meeting, the new "quota" license would be a replacement for their current license.

A roll call vote was taken. Yes: Schillinger, Bohn, Cooper, Muzzin, Bandkau, Roblee, Pipoly. No: none. Motion passed 7-0.

### **CLASS C LIQUOR LICENSE**

It was moved by Councilmember Bandkau, seconded by Roblee to approve the Gen-Jan, LLC (Scotty Simpson's/Lynn's Café) application for the new available Class C "quota" license.

A roll call vote was taken. Yes: Bandkau, Cooper, Roblee. No: Bohn, Muzzin, Schillinger. Abstain: Pipoly. Motion failed 3-3-1.

It was moved by Mayor Pro-Tem Cooper, seconded Schillinger by to approve a Class C "quota" license to Great Dane Ventures, DBA Two Brothers Coffee Shop.

City Manager, Dana Foster stated that staff has not mislead anyone in regards to an available Quota Liquor License.

A roll call vote was taken. Yes: Bandkau, Cooper, Schillinger. No: Bohn, Muzzin, Roblee. Abstain: Pipoly. Motion failed 3-3-1.

Council directed Staff to advertise the Quota Liquor License to businesses in the City of Brighton.

**REDEVELOPMENT LIQUOR LICENSE**

No action.

**CITY CUSTOMER INFORMATION**

Finance Director, Kelly Hanna stated there will not be any loss of Personal Property Tax in FY 13-14 in light of the recent Personal Property Tax law that has passed. It will take effect in 14-15. Personal Property Tax will be voted on in 2014.

Mayor Pro-Tem Cooper gave a SELCRA update, stating they met with the Brighton Area School regarding a joint use agreement.

Councilmember Bandkau stated the Veteran's Memorial Committee is selling commemorative bricks for \$115. Go to [brightonveteransmemorial.org](http://brightonveteransmemorial.org) for more information.

Councilmember Roblee stated tomorrow is Late Night Shopping.

Council wished everyone Happy Holidays.

City Manager, Dana Foster stated the Liquor License agenda item should be on the second January City Council meeting in order to properly advertise the License.

DDA/Community Development Director, Matt Modrack gave a DDA update regarding several projects.

Mayor Muzzin gave a Brighton Area Fire Authority update.

**CALL TO THE PUBLIC**

Mayor Muzzin gave a Call to the Public at 9:07 p.m. The following comments were heard:

Jim Starnes asked Council to reconsider, as he is withdrawing himself from the Liquor License issue, making it possible for Councilmember Pipoly to vote instead of abstaining.

City Attorney, Paul Burns stated a Councilmember that voted "no" would have to make the motion.

Hearing no further comment, Mayor Muzzin closed the Call to the Public at 9:11 p.m.

**ADJOURNMENT**

It was moved by Mayor Pro-Tem Cooper, seconded by Bohn to adjourn the meeting at 9:11 p.m. Motion passed 7-0.





December 11, 2012

**Maria A. Gisting CPA, Ph.D**  
**Assistant Superintendent of Finance**

Treasurer  
City of Brighton  
200 N. First Street  
Brighton, Michigan 48116

Dear Treasurer:

Enclosed is the agreement for collection of summer school property taxes of the Board of Education of Brighton Area Schools, Livingston County, Michigan, whereby the Board, pursuant to statute, has determined to impose a summer property tax levy in 2013 of all annual school district operating property taxes.

The Board of Education requests that the City of Brighton collect the district's summer school operating property taxes. The district is willing to enter into the same collection expense agreement for 2012, please sign and return the enclosed copy. If the City will not agree to collect the district's summer tax levy, please notify the Board of Education so other arrangements may be made as the district may agree to have the levy collected by the County Treasurer or collect the taxes itself.

Sincerely,

A handwritten signature in cursive script that reads "Maria A. Gisting".

Maria A. Gisting, PhD, CPA  
Assistant Superintendent of Finance

Enclosures

AGREEMENT FOR COLLECTION OF SUMMER SCHOOL PROPERTY TAXES

AGREEMENT made this \_\_\_\_\_ by and between Brighton Area Schools, with offices located at 125 S. Church St., Brighton, MI 48116 (hereinafter "School District") and \_\_\_\_\_ with offices located at \_\_\_\_\_ (hereinafter "City"), pursuant to 1976 PA 451, as amended, for the purposes of providing for the collection by the City of a Summer levy of School District property taxes for the year 2013.

The parties agree as follows:

1. The City agrees to collect 100% of the total school non-homestead operating property taxes as certified by the School District for levy on July 1, 2013 on property located within the City. Interest earned on said taxes will be retained by the City.
2. The School District agrees to pay the City costs of assessment and collection as follows:

\$ 3.00 per parcel

It is understood that the tax rate as spread by the City would also reflect the sum of 100% of the taxes of the Livingston Education Service Agency.

3. No later than May 31, 2013 the School District shall certify to the City Supervisor the school millage to be levied on property for summer collection in 2013.
4. The City Treasurer shall account for and deliver summer school tax collections as follows:
  - a. Summer Tax collections shall be paid to the School District within ten (10) business days from the 1st and 15th of each month via electronic transfer (wire transfer, ACH, etc.)

SCHOOL DISTRICT

Signature authorized by Board  
of Education Resolution of  
December 10<sup>th</sup>, 2012

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

CITY

Signature authorized by Board  
of Trustees Resolution of

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Treasurer

\_\_\_\_\_, 20

Brighton Area Schools, Livingston County, Michigan (the "District")

A regular meeting of the board of education (the "Board") of the District was held in the BECC Board Room, 125 S. Church Street, Brighton, MI 48116, in the District, on the <sup>10</sup> day of December 2012, 2012, at 7 o'clock in the pm.

The meeting was called to order by Cheryl Leach, President.

7 Present: Members Cheryl Leach, Bill Anderson, Jay Krause, Beth Minert  
Miles Vieau, John Conely and Bill Trombley

0 Absent: Members

The following preamble and resolution were offered by Member Minert and supported by Member Krause:

**WHEREAS**, this Board previously adopted a resolution to impose a summer tax levy to collect all of annual school operating property taxes, excluding debt service, upon property located within the school district and continuing from year to year until specifically revoked by the Board.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. This Board, pursuant to 1976 PA 451, as amended (the "Revised School Code"), hereby invokes for 2012 its previously adopted ongoing resolution imposing a summer tax levy of all of annual school operating property taxes, excluding debt service, upon property located within the District and continuing from year to year until specifically revoked by this Board and requests each city and/or township in which this District is located to collect those summer taxes.

2. The Superintendent or designee is authorized and directed to forward to the governing body of each city and/or township in which this District is located a copy of this Board's resolution imposing a summer property tax levy on an ongoing basis and a copy of this resolution requesting that each such city and/or township agree to collect the summer tax levy for 2012 in the amount as specified in this resolution. Such forwarding of the resolutions and the request to collect the summer tax levy shall be performed so that they are received by the appropriate governing bodies before January 1, 2012.

3. Pursuant to and in accordance with Section 1613(1) of the Revised School Code, the Superintendent or designee is authorized and directed to negotiate on behalf of this District with the governing body of each city and/or township in which the District is located for the reasonable expenses for collection of the District's summer tax levy that the city and/or township may bill under MCLA 380.1611 or MCLA 380.1612. Any such proposed agreement shall be brought before the Board for its approval or disapproval.

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

Ayes: Members *Leach Anderson Krause Meritt  
Veeva Conely Trombley*

Nays: Members

Motion declared adopted. *Yes*

*Elizabeth A. Meritt*  
Secretary, Board of Education

The undersigned, duly qualified and acting Secretary of the Board of Education of Brighton Area Schools, Livingston County, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by said Board of Education at a regular meeting held on Dec 10, 2012, the original of which is part of the Board's minutes. The undersigned further certifies that notice of the meeting was given to the public pursuant to the provisions of the "Open Meetings Act" (Act 267, PA 1976, as amended).

*Elizabeth A. Meritt*  
Secretary, Board of Education

CJI:klg