

CITY OF BRIGHTON
CITY COUNCIL MEETING
CITY HALL
January 2, 2014

Regular Blue Sky: 7:00 p.m.: 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 and Closed Session of December 19, 2013](#)
6. Call to the Public

Consent Agenda

7. Consider approval of [an extension of the existing building inspection services contract with the Livingston County Building Department](#)
8. Consider approval of [City Council Budget Worksession Dates as part of the FY 14-15 budget preparation process schedule](#)

Policy Development & Customer Communications' action item

9. Consider conditional [site plan amendment approval for the Mill Pond Master Plan Update – Phase 1](#) as recommended by the Planning Commission

Other Business

10. Information for City Customers
 - a. Report from the City Manager on responses to Citizens Inquiries to City Council received since the last Council Meeting
 - b. Progress updates from the City Manager on City Council-adopted goals
11. Receive updates from Council Member Liaisons to other Boards and Commissions
12. Call to the Public
13. Closed Session
14. Adjournment

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON DECEMBER 19, 2013 AT THE BRIGHTON CITY HALL
200 N. 1ST STREET, BRIGHTON, MICHIGAN

BLUE SKY SESSION

The Council conducted an early Blue Sky Session at 7:00 p.m. Present were Mayor Muzzin, Mayor Pro-Tem Pipoly, Councilmembers Bohn, Bandkau, Tobbe, Willis and Cooper. The Council reviewed 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. Present were Mayor Muzzin, Mayor Pro-Tem Pipoly, Councilmembers Bandkau, Willis, Tobbe, Cooper and Bohn. Also in attendance were Attorney Paul Burns and Brad Maynes, Staff members Dana Foster, Amy Cyphert, Dave Blackmar, Diana Lowe, Kelly Hanna and Tom Wightman and an audience of 0. Press and Media included Tom Tolen from WHMI.

AGENDA APPROVAL

It was moved by Councilmember Cooper, seconded by Pipoly to approve the agenda as amended. Delete item #17, Closed Session. Motion passed 7-0.

MINUTE APPROVAL

It was moved by Councilmember Cooper, seconded by Bandkau to approve the Regular Meeting minutes of December 5, 2013 as presented. Motion passed 7-0.

It was moved by Councilmember Cooper, seconded by Tobbe to approve the Special Meeting minutes of December 7 & 8, 2013 as presented. Motion passed 7-0.

It was moved by Councilmember Cooper, seconded by Bandkau to approve the Special Meeting minutes of December 8, 2013 as presented. Motion passed 7-0.

It was moved by Councilmember Tobbe, seconded by Cooper to approve the Closed Session Meeting minutes of December 8, 2013 as presented. Motion passed 7-0.

CITIZEN INQUIRIES

None.

CALL TO THE PUBLIC

Mayor Muzzin opened the Call to the Public at 7:33 p.m. Hearing no comment, the Call to the Public was closed.

CONSENT AGENDA

It was moved by Councilmember Cooper, seconded by Bandkau to approve the Consent Agenda as presented. Motion passed 7-0.

The following items were approved:

1. The following appointments were approved: SELCRA-Councilmember Cooper, SEMCOG-Councilmember Tobbe, Budget & Finance Subcommittee-Councilmember Bohn & Tobbe, Livingston Regional Coop Subcommittee-Councilmember Cooper, Planning Commission-Councilmember Cooper, Zoning Board of Appeals- Councilmember Bandkau, Traffic Safety Advisory Board-Councilmember Bohn, Cable TV-Councilmember Willis, Downtown Development Authority-Mayor Muzzin and Mayor Pro-Tem Pipoly, Brighton Area Fire Authority-Mayor Muzzin and Mayor Pro-Tem Pipoly, Economic Development Corporation of Brighton-Mayor Muzzin; Arts & Culture Commission-Councilmember Tobbe and Willis, Principal Shopping District-Councilmember Willis, DDA Citizen Advisory Council-Councilmember Willis and Brownfield Redevelopment Authority-Mayor Muzzin and Mayor Pro-Tem Pipoly.
2. Approved an agreement with the Brighton Area Schools for the City to collect the School District's Operating Property Taxes (non-principal residence) on the City's Summer 2014 Property Tax Bills.

TEMPORARY LAND USE PUBLIC HEARING AND SECOND READING

Mayor Muzzin opened up the Public Hearing for the second reading of an ordinance amending Temporary Land Uses at 7:36 p.m. Hearing no comment, the Public Hearing was closed.

It was moved by Mayor Pro-Tem Pipoly, seconded by Cooper to approve Ordinance 566, Amending Chapter 98, Article I. In General, Section 98-3. Definitions and Chapter 98, Article XXV. Temporary Land Uses, Section 98-700. Temporary land uses. A roll call vote was taken. Yes: Willis, Bohn, Pipoly, Muzzin, Bandkau, Cooper, Tobbe. Motion passed 7-0.

ACCESSORY BUILDINGS PUBLIC HEARING AND SECOND READING

Mayor Muzzin opened up the Public Hearing for the second reading of an ordinance amending Accessory Buildings at 7:37 p.m. Hearing no comment, the Public Hearing was closed.

It was moved by Councilmember Bandkau, seconded by Willis to approve Ordinance 567, Amending Chapter 98, Article II. Districts and General Regulations, Section 98-49. Accessory Buildings. A roll call vote was taken. Yes: Willis, Bohn, Pipoly, Muzzin, Bandkau, Cooper, Tobbe. Motion passed 7-0.

FENCES PUBLIC HEARING AND SECOND READING

Mayor Muzzin opened up the Public Hearing for the second reading of an ordinance amending Fences at 7:38 p.m. Hearing no comment, the Public Hearing was closed.

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It was moved by Councilmember Tobee, seconded by Pipoly to approve Ordinance 568, Amending Chapter 98, Article II. Districts and General Regulations, Section 98-38. Fences. A roll call vote was taken. Yes: Willis, Bohn, Pipoly, Muzzin, Bandkau, Cooper, Tobbe. Motion passed 7-0.

CITY MANAGER ANNUAL PERFORMANCE REVIEW

Mayor Muzzin gave a report of the City Manager's Annual Performance Review conducted on December 8, 2013. He stated the review was very positive and his overall performance is excellent.

City Manager, Dana Foster thanked the City Council for the annual performance review and the report. He also thanked Staff and Consultants.

CITY CUSTOMER INFORMATION

Police Chief, Tom Wightman gave a NIXLE update, stating this program sends out alerts via text or email for public safety, person search, crime prevention and road closure.

Acting Department of Public Works Director, Dave Blackmar stated there may be a street closure on Main Street this Sunday for snow removal.

Mayor Pro-Tem Pipoly gave a DDA update.

Councilmember Bandkau gave a Veteran's Memorial update.

Councilmember Bohn wished residents a Merry Christmas and a safe and prosperous New Year. He thanked the residents for passing the public safety ballot proposal in November.

Mayor Muzzin gave a Brighton Area Fire Authority update.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 7:56 p.m. Hearing no comment, the Call to the Public was closed.

PENDING LITIGATION CLOSED SESSION

It was moved by Councilmember Cooper, seconded by Pipoly to go into Closed Session to discuss pending litigation pursuant to MCL 15.268(e). A roll call vote was taken. Yes: Willis, Bohn, Pipoly, Muzzin, Bandkau, Cooper and Tobbe. No: none. Motion passed 7-0.

The Council convened into Closed Session at 8:00 p.m.

The Council reconvened the Regular Session at 8:44 p.m.

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CLOSED SESSION ACTION

It was moved by Councilmember Bandkau, seconded by Pipoly to authorize the City Attorney to execute the Consent Judgment for City of Brighton vs. Citation Investment, LLC, for a demolition date on or before April 4, 2014. Motion passed 7-0.

ADJOURNMENT

It was moved by Councilmember Cooper, seconded by Pipoly to adjourn the meeting at 8:45 p.m. Motion passed 7-0.

Diana Lowe, City Clerk

Jim Muzzin, Mayor

POLICY REPORT: RECOMMENDATION TO EXTEND THE BUILDING SERVICES CONTRACT WITH LIVINGSTON COUNTY

JANUARY 2, 2013

Prepared by:

Amy Cyphert
Planning & Zoning Director

Reviewed by:

Dana Foster
City Manager

ISSUE:

Consider approving the extension of the building services contract with Livingston County as recommended by City Staff.

BACKGROUND:

On September 16, 2010, City Council approved a one-year contract with Livingston County for Building Inspection & related Building Permit Administration Services. That one-year contract was recommended by the Council Budget & Finance Subcommittee. This contract was extended on September 6, 2012 and extended on September 5, 2013.

The Planning & Zoning Director and Jim Rowell of Livingston County spoke regarding the existing contract and Jim Rowell has offered an extension of the existing building service contract for the City of Brighton. In September of 2013, City Staff and the Livingston County Building Official preliminarily discussed turning building permitting and inspections over to Livingston County similar to what was done with the plumbing, mechanical and electrical permits. At this time, City Staff has made the decision to not proceed with the building permits and inspection turn over due to staffing and budget decisions.

The attached contract extends the contract from January 1, 2014 and shall continue until terminated by either of the parties for any reason by providing the other party with one hundred twenty (120) calendar days prior written notification.

At this time, Livingston County is requesting an increase in the contract amount from \$26,000 to \$40,000. This request is being made due to the following: increase work load for reviews, inspection reporting, mileage, time spent on specific problems like Davis Office Center, SDG Homes, Bonner case, etc.

The existing contract agreement with Livingston County has been an overall positive experience and Livingston County Building Department Staff members have been dependable. City Staff believes that the extension of the existing contract will continue be in the best interest of the City and its property owners.

BUDGET IMPACT:

The existing building services contract with Livingston County is \$25,000 per year which is paid in monthly payments of \$2,083.33.

The proposed building service contract will increase to \$40,000 per year which would be paid in monthly payments of \$3,333.33.

If this contract extension is approved, the Livingston County Building Official will move to assign a specific plan reviewer and electrical, plumbing, mechanical and building inspectors to the City of Brighton.

STAFF RECOMMENDATION:

Staff recommends the extension of the building services contract with Livingston County.

COUNCIL ACTION:

Consider motion to approve the recommendation of City Staff to enter into a contract extension for building services with Livingston County effective January 1, 2014 for the amount of \$40,000 per year paid in monthly payments of \$3,333.33.

ATTACHMENTS:

Proposed Building Services Contract

INTERGOVERNMENTAL AGREEMENT
FOR
BUILDING DEPARTMENT SERVICES

WHEREAS, the Livingston County Building Department employs a full-time Building Official and Building Department,

WHEREAS, the City of Brighton and Livingston County believe that the Livingston County Building Official and Inspection Staff would be able to manage building department inspections and permit reviews in the City of Brighton and in other communities under the Livingston County Building Department's jurisdiction.

WHEREAS, Livingston County and the City of Brighton are able to enter into this Agreement pursuant to Public Act 35 of 1951 as amended, being MCL 124.1 et. seq. and Public Act 8 of 1967, being MCL 124.531, et seq.;

**NOW THEREFORE, BASED UPON THE MUTUAL COVENANTS BETWEEN THE PARTIES
HEREIN, THE PARTIES HEREBY AGREE AS FOLLOWS;**

- 1. Appointment of the Building Official:** The Building Official of Livingston County is hereby appointed to also serve as the Building Official for the City of Brighton. The building official shall be responsible for the administration and enforcement of the Michigan Building Code and the Michigan Residential Codes, as amended (collectively the Codes) within the boundaries of Brighton.
- 2. The Building Inspection Department:** Work for the City of Brighton shall be done on a predetermined day agreed to by both parties. The days may be divided or overlapped as necessary to facilitate the work as dictated by the volume of work and as agreed to by both parties.
- 3. City of Brighton Building Department Responsibilities:** A building department shall be maintained by the City of Brighton and administrative staff be provided by the City of Brighton, who shall in part, be responsible for the following:
 - a. Managing and maintaining building records, including by way of example and not limitation, applications for building permits, relative site and construction plans, permits, stop work orders, enforcement actions, correspondences, and any and all

other records necessary and / or appropriate for the administration and enforcement of the Codes;

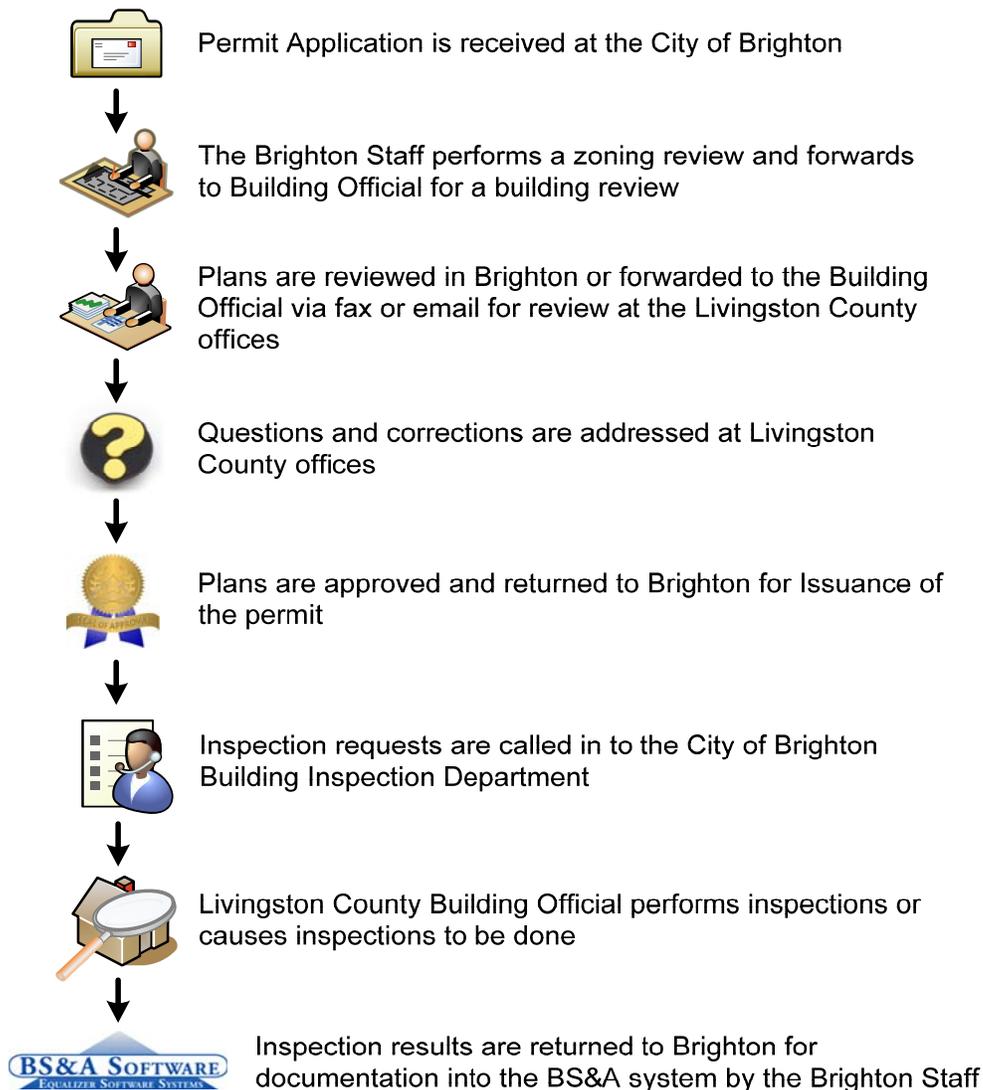
- b. Collection, acceptance, and retention of permit fees associated with building projects, applications for permits and other fees associated with building projects, applications for permits, request for inspections, complaints, building plans, correspondences, and all other papers and items directed to the Brighton Building Department;
- c. Communication and coordination with the Building Official/Designee and the public relating to building and construction issues to assure effective and efficient administration and enforcement of the codes, including by way of example, all requests for permit submittal requirement information, permit status requests, plan review requests, inspection requests, and certificate of occupancy requests;
- d. Communication of time sensitive issues shall be sent to the Building Official/Designee and addressed in the Livingston County office.
- e. Processing permit applications, request for inspections, fees, certificate of occupancy, and other building related matters as directed by the Building Official/Designee.
- f. Assist the Building Official/Designee in the preparing of correspondence for building related matters and violations.
- g. Documentation of all inspection results into the BS&A permit system.

4. Livingston County Building Official / Building Department Duties: The Livingston County Building Official shall be responsible for and perform the following duties on behalf of Brighton:

- a. Conduct all building inspections or cause all building inspections to be done by Livingston County Staff within the boundaries of Brighton in a timely manner on the predetermined day.
- b. Return inspection records to the City of Brighton to allow the Brighton Staff to enter results into the BS&A permit system.
- c. Conduct plan reviews on a predetermined day in the Livingston County Office or the Brighton office as deemed necessary by both parties.
- d. Prepare and sign construction documents for issuance of building permits by the City of Brighton Staff.
- e. Provide customer service and consistent advice to citizens, contractors and property owners regarding building codes and procedures by phone, email or in person at either office.
- f. Provide correspondence to regarding permits and inspections to applicants and the City Staff.
- g. Attend pre-construction or red-flag meetings as requested by City of Brighton Staff.

- h. Attend development team meeting and provide comments on site plans as requested by the City of Brighton Staff.
- i. Address building related issues as they apply to the City of Brighton Property Maintenance Code. The process shall be as follows:
 1. Property maintenance complaints regarding structures are received at the City of Brighton offices.
 2. The City of Brighton Staff reviews the complaints and forwards the complaints to the Livingston County Building Official as appropriate.
 3. Livingston County Officials investigate and evaluate the condition of the structure and report the findings to the City of Brighton.
 4. The City of Brighton requests remedial measures and if necessary initiates legal action.

5. **Building inspection and permit process:** The building permit and inspection process shall be as follows:



6. **Compensation for Building Department Services:** Livingston County will make its assigned inspectors available by email, phone or in person as needed for the rate of **THREE THOUSAND THREE HUNDRED THIRTY-THREE AND 33/100 DOLLARS (\$3,333.33)** per month for the Building Official / Department services. Said compensation will be billed to the City of Brighton and made in monthly payments of **THREE THOUSAND THREE HUNDRED THIRTY-THREE AND 33/100 DOLLARS (\$3,333.33)** for the term of the Agreement as set forth in paragraph 7 herein, unless otherwise extended.
7. **Termination.** This Agreement shall commence upon the ____ day of _____, 2013, shall continue until terminated by either of the parties for any reason by providing the other party with one hundred twenty (120) calendar days prior written notification. Any such termination of this Agreement shall not relieve either of the parties of the obligations incurred prior to the effective date of such termination.
8. **Insurance.** During the term of this Agreement, Livingston County shall maintain liability insurance covering the Building Official and Livingston County when he is acting in his capacity as Livingston County's Building Official, and Brighton shall maintain liability insurance covering the Building Official when he is acting in his capacity as Brighton's Building Official. The City of Brighton shall add the Livingston County as an Additional Insured on the City of Brighton's liability insurance to the extent Livingston County incurs liability arising out of the Building Official acting in the capacity of Brighton's Building Official.
9. **Nondiscrimination.** The parties, as required by law, shall not discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, disability that is unrelated to the individual's ability to perform the duties of a particular job or position, height, weight, or marital status.

The parties shall adhere to all applicable Federal, State and local laws, ordinances, rules and regulations prohibiting discrimination, including, but not limited to, the following:

- a. The Elliott-Larsen Civil Rights Act, 1976 PA 453, as amended.
- b. The Persons with Disabilities Civil Rights Act, 1976 PA 220, as amended.

- c. Section 504 of the Federal Rehabilitation Act of 1973, P.L. 93-112, 87 Stat. 355, as amended, and regulations promulgated thereunder.
- d. The Americans with Disabilities Act of 1990, P.L. 101-336, 104 Stat 327 (42 USC §12101 et seq.), as amended, and regulations promulgated thereunder.

Breach of this section shall be regarded as a material breach of this Agreement.

Agreement made this _____ day of _____, 2014.

CITY OF BRIGHTON

 By: **JIM MUZZIN**
 ITS: MAYOR

 By: **DIANA LOWE**
 ITS: CLERK

STATE OF MICHIGAN)
 COUNTY OF LIVINGSTON) ss.

On this _____ day of _____, 2014, before me a Notary Public in and for said County, personally appeared **JIM MUZZIN** and **DIANA LOWE**, to me known to be the Mayor and City Clerk of the **CITY OF BRIGHTON**, who being by me duly sworn, did say that they executed the foregoing Agreement on behalf of the City of Brighton by authority duly vested in them by the Brighton City Charter.

My Commission Expires: _____

 _____, Notary Public
 Livingston County, Michigan
 Acting in the County of Livingston

LIVINGSTON COUNTY

 By: **CAROL GRIFFITH - CHAIRMAN**
 BOARD OF COMMISSIONERS

STATE OF MICHIGAN)
 COUNTY OF LIVINGSTON) ss.

On this _____ day of _____, 2014, before me a Notary Public in and for said County, personally appeared **CAROL GRIFFITH** to me known to be the CHAIRMAN of the **LIVINGSTON COUNTY BOARD OF COMMISSIONERS**, who being by me duly sworn, did say that she executed the foregoing Agreement on behalf of the County of Livingston by authority duly vested in her through Resolution #2014-_____, approved by the Livingston County Board of Commissioners on _____, 2014.

My Commission Expires: 10.20.13

 CAROL SUE JONCKHEERE - Notary Public
 Livingston County, Michigan
 Acting in the County of Livingston

BUDGET CALENDAR FOR FY14/15 PROPOSED BUDGET

Operating Budget

December 3, 2013	Budget instructions delivered to Department Directors
January 3, 2014	Budget Requests submitted to Finance Director
January 3 - February 14, 2014	Review, analysis, and calculations of submittals by Finance Director.
February 14, 2014	Budget Requests and analyses submitted to City Manager by Finance Director
February 14- March 11, 2014	City Manager's review and analysis, including meetings on budget requests with Department Directors
March 11, 2014	City Manager finalizes budget recommendations
March 11-19, 2014	Staff produces Budget for submission to City Council
March 20, 2014	City Manager's recommended budget presented to City Council
March 25, 26, & 27	City Council Budget Work Session's
April 3, 2014	Council directs staff to publish the Budget Hearing notice
April 17, 2014	Public Hearing on Budget
May 1, 2014	Council Adopts Annual Budget
May 15, 2014	Council Adopts Millage
June 19, 2014	Council Adopts Fee Schedule

POLICY REPORT: MILLPOND MASTER PLAN PHASE 1 #13-010

January 2, 2014

Prepared by:

Amy Cyphert
Planning & Zoning Director

Reviewed by:

Dana Foster
City Manager

ISSUE:

To consider granting conditional site plan approval for the Millpond Master Plan – Phase 1 #13-010 as recommended by the Planning Commission.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation.

BACKGROUND:

At its meeting of December 16, 2013, the Planning Commission reviewed and discussed a site plan for the Phase 1 of the Millpond Master Plan. Phase 1 includes renovation of the Mill Pond Plaza area to expand the usable area of the plaza by adding raised planting beds for seating in front of Main Street along with tables and chairs. Phase 1 also includes replacement of the current gazebo with an updated band shell and stage, concrete paver plaza area and seating area to accommodate concert patrons, and will also add a gas fireplace and new landscaping. The sidewalk in front of the Mill Pond will be raised to alleviate flooding, and bollards and chains as well as planters will be added along the Main Street frontage of the Mill Pond to deter geese and ducks from landing on the sidewalk or walking up from the pond.

The Planning Commission recommended site plan approval with the following conditions:

1. That irrigation is provided for the new planting beds.
2. That right of way permits be obtained from the Department of Public Services, if applicable.
3. That any damages done to the existing public sidewalk be repaired to current condition.
4. That fire and engineering review be conducted during the building permit process, if applicable.

For a more detailed review of the site plans, please refer to the attached Planning Report.

BUDGET IMPACT: Proposed project would require the sale of DDA TIFA bonds.

RELATIONSHIP TO 2013/2014 GOALS: Former review/adoption of the Millpond Master Plan.

COUNCIL ACTION:

Motion by _____ to recommend site plan approval for the Phase 1 of the Millpond Master Plan, last dated 11-12-13, as drawn by Professional Engineering Associates, job #2012-119, subject to the following condition:

1. That irrigation is provided for the new planting beds.
2. That right of way permits be obtained from the Department of Public Services, if applicable.

3. That any damages done to the existing public sidewalk be repaired to current condition.
4. That fire and engineering review be conducted during the building permit process, if applicable.

Seconded by _____.

Attachments:

1. Planning Commission Report
2. Draft Planning Commission Minutes
3. Site Plan

**CITY OF BRIGHTON
PLANNING COMMISSION
PLANNING REPORT**

TO: Planning Commission Members

FROM: Amy Cyphert, Planning & Zoning Director

DATE: December 16, 2013

RE: Site Plan – Millpond Master Plan – Phase 1 #12-005

BACKGROUND

The Millpond Master Plan committee is made up of the Brighton Arts and Culture Commission members and the DDA Design subcommittee members. The committee was established in 2011 with the objective to update the existing Millpond Park area which was identified as a priority by the participants of the Envision Brighton World Café in January of 2011.

The overall Millpond Master Plan was broken into 3 Phases. Phase 1 includes renovation of the Mill Pond Plaza area to expand the usable area of the plaza by adding raised planting beds for seating in front of Main Street along with tables and chairs. Phase 1 also includes replacement of the current gazebo with an updated band shell and stage, concrete paver plaza area and seating area to accommodate concert patrons, and will also add a gas fireplace and new landscaping. The sidewalk in front of the Mill Pond will be raised to alleviate flooding, and bollards and chains as well as planters will be added along the Main Street frontage of the Mill Pond to deter geese and ducks from landing on the sidewalk or walking up from the pond.

DISCUSSION

- Due to this being a permanent improvement to the City’s public space it is being handled in the same fashion as the public art in the Sculpture Exhibit, the September 11th Memorial, and the Veteran’s Memorial which received Planning Commission and City Council approval.
- The proposed funding source for this project would be DDA Bonds.

STAFF RECOMMENDATION

Staff recommends the approval of Phase 1 of the Millpond Master Plan.

COMMISSION ACTION

Motion by _____ to recommend site plan approval for the Phase 1 of the Millpond Master Plan, last dated 11-12-13, as drawn by Professional Engineering Associates, job #2012-119, subject to the following condition:

1. That irrigation is provided for the new planting beds.
2. That right of way permits be obtained from the Department of Public Services, if applicable.
3. That any damages done to the existing public sidewalk be repaired to current condition.
4. That fire and engineering review be conducted during the building permit process, if applicable.

Seconded by _____.

Attachments:

1. Site Plan

**City of Brighton
Planning Commission
Minutes
December 16, 2013**

1. Call to Order/Roll Call

Vice Chairperson Smith called the meeting to order at 7:30 p.m. The following were present:

John Wells	Matt Smith
Al Wirth	Robert Pawlowski
Dave Petrak	

Absent – Bill Bryan, David McLane, Steve Monet

Also present was Amy Cyphert and Lauri French from Staff, Brad Maynes from the City Attorney's office and an audience of four.

Motion by Mr. Wirth, supported by Mr. Pawlowski, to excuse Commission Members Bryan, McLane and Monet. **Motion carried 5-0-3.**

2. Approval of the November 18, 2013 Regular Meeting Minutes

There were not enough board members present at the November 18 meeting to approve the minutes. **Motion** by Mr. Wells, supported by Mr. Wirth, to table approval of the November 18, 2013 regular meeting minutes to the January meeting. **The motion carried 5-0-3.**

3. Approval of the November 18, 2013 Agenda

Motion by Mr. Wells, supported by Mr. Pawlowski, to approve the agenda as presented. **The motion carried 5-0-3.**

4. Call to the Public

The call to the public was made at 7:32 p.m. Claudia Roblee, owner of ArtVentures in Brighton and a resident in the City, stated that she is on the Mill Pond Master Plan committee and is here in support of the project. She said it encompasses all the ideas for this area from the Envision Brighton World Café participants. She also is in support of the new PUD ordinance and noted that the Robertson Brothers project is very important to the City which will provide much-needed additional tax base. Hearing no further response, call to the public was closed at 7:34 p.m.

New Business

5. Site Plan – The Millpond Master Plan #13-010

Ms. Cyphert noted that the site plan before Planning Commission tonight is being handled in a similar nature to the Veterans Memorial and Sculpture Exhibit plans approved by Planning Commission. Jeff Smith, Professional Engineering Associates, reviewed a Powerpoint presentation containing an overview of the proposed Mill Pond Phase I plan and its design elements. There was discussion about the width of the sidewalk near the sluiceway and the size of the proposed fireplace. The current plan calls for keeping three out of the four existing trees off Main St. which are right next to the existing sidewalk; the trees may have to be replaced if they have sustained root damage.

Motion by Mr. Wirth, supported by Mr. Pawlowski, to recommend site plan approval for the Phase 1 of the Millpond Master Plan, last dated 11-12-13, as drawn by Professional Engineering Associates, job #2012-119, subject to the following conditions:

1. That irrigation is provided for the new planting beds.
2. That right of way permits are obtained from the Department of Public Services, if applicable.
3. That any damages done to the existing public sidewalk be repaired to current condition.
4. That fire and engineering review be conducted during the building permit process, if applicable.

The motion carried 5-0-3.

6. Discussion on zoning ordinance created for a Planned Unit Development (PUD) District and set public hearing date

Ms. Cyphert reviewed the Planning Commission report and a Powerpoint presentation of the Robertson Brothers project site at the former Lindbom school. She noted that other communities in Michigan have been using PUDs in their zoning ordinances for quite some time and that creating a PUD for Brighton would allow greater flexibility for redevelopment projects such as the proposed Robertson development. She stated that the City has eight to ten months to get through all the approvals required for this project. The proposed PUD article was reviewed and Ms. Cyphert requested suggestions or changes so that she and the city attorney can prepare the final draft for the public hearing in January. In response to a board member's question, Mr. Maynes noted that a PUD runs with the property. Ms. Cyphert also advised that our Master Plan calls for the creation of a PUD ordinance.

Motion by Mr. Wells, supported by Mr. Wirth, to set a public hearing for Article 28, Planned Unit Development, on January 13, 2014. **The motion carried 5-0-3.**

7. Discussion on zoning ordinance amendments pertaining to smoking lounges, "hookah bars" and smoking related retail stores

Ms. Cyphert stated that she has been receiving phone calls about where these types of businesses can be located in Brighton. She reminded the Planning Commission members that there was a retail smoking store on Main Street and the City received some complaints about it being located downtown. She also noted that City Council approved a moratorium on these types of businesses last month. Brighton Township's ordinance includes specific hours of operation for these types of businesses (they have two that we know of). She said that we could create a definition for each one and list as a permitted use in one or more specific districts (but not the DBD). Mr. Maynes noted that it's up to Planning Commission to determine what they want and where. There was discussion about current cigar lounges; Ms. Cyphert noted that Leaf, Barley & Vine was no longer in business but Downtown Main Martini Bar has a cigar lounge in their basement. Downtown Main could be "grandfathered" since it is a current business. Mr. Maynes noted that the ordinance could be written to include percentages used for that purpose versus the total square footage.

After discussion by the members, it was decided to use the C2 district for smoking lounges, "hookah bars" and smoking related retail stores. They also want the zoning ordinance amendment to include definitions with percentages for those uses, and Mr. Maynes advised we could use the adult use ordinance for percentage examples. She and the City Attorney will draft up the amendment and bring it back to Planning Commission in January.

Other Business

8. Adoption of the By-laws and Rules of Procedure for the Planning Commission

Ms. Cyphert noted that she made some minor wording changes to the By-laws and that they have to be approved by Planning Commission on an annual basis. **Motion** by Mr. Wirth, supported by Mr. Pawlowski, to adopt the By-laws and Rules of Procedure for the Planning Commission as presented. **The motion carried 5-0-3.**

