

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON FEBRUARY 7, 2013 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, Councilmembers Bohn, Bandkau, Schillinger, Roblee and Pipoly. 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, Councilmembers Bandkau, Schillinger, Pipoly, Roblee and Bohn. Also in attendance were Attorney Brad Maynes, Staff members Dana Foster, Matt Schindewolf, Kelly Hanna, Jennifer Burke, Diana Lowe, Matt Modrack and Jon Westendorf and an audience of 11. Press and Media included Nicole Krawcke from the Patch and Tom Tolen from WHMI.

It was moved by Councilmember Bandkau, seconded by Pipoly to excuse Mayor Pro-Tem Cooper from the evening's meeting. Motion passed 6-0-1.

AGENDA APPROVAL

It was moved by Councilmember Schillinger, seconded by Bohn to approve the agenda as amended. Add item #16a, Pending MTT Litigation Closed Session and item #16b, Possible Action on Pending MTT Litigation Closed Session. Motion passed 6-0-1.

MINUTES APPROVAL

It was moved by Councilmember Pipoly, seconded by Bandkau to approve the Regular Meeting minutes of January 17, 2013 as corrected. Page two, Consent Agenda, #1, Approved Resolution 13-01 and Page three, City Customer Information, 1st paragraph, should read: defibrillator. Motion passed 5-0-1-1, with Councilmember Roblee abstaining.

It was moved by Councilmember Bohn, seconded by Bandkau to approve the Closed Session minutes of January 17, 2013 as presented. Motion passed 5-0-1-1, with Councilmember Roblee abstaining.

It was moved by Councilmember Bohn, seconded by Pipoly to approve the Closed Session minutes of January 3, 2013 as presented. Motion passed 6-0-1.

CITIZEN INQUIRIES

None.

CALL TO THE PUBLIC

Mayor Muzzin opened the Call to the Public at 7:34 p.m. The following comment was heard:

Fred Feldman, Stonefire, gave an update on the pending Liquor License transfer for 440 W. Main Street.

Hearing no further comments, Mayor Muzzin closed the Call to the Public at 7:35.

CONSENT AGENDA

It was moved by Councilmember Roblee, seconded by Bandkau to approve the Consent Agenda as presented. Motion passed 6-0-1.

The following items were approved:

1. Approved an intergovernmental agreement for inspection services with the Livingston County Building Department as recommended by staff and subject to final review and approval by the City Attorney.
2. Approved the quarterly investment report.
3. Approved a Special Land Use Permit to allow the expansion of the St. Patrick Church Cemetery at 215 Brighton Lake Road.

QUOTA LIQUOR LICENSE PUBLIC HEARING

Mayor Muzzin opened the Public Hearing for a new available Quota Liquor License at 7:36 p.m. The following comments were heard:

Jenny Cozinski, Kathleen's Cookies, stated they are leasing the Leaf, Barley and Vine building and intend to put in a bakery, retail and to host events at their new location.

Debra Skorupski, Two Brothers Coffee, asked on what basis is the vote being taken on for this license and what priority are candidates given for this license.

Jennifer Saum, Main Street Cheese Market, stated her business has grown each year they have been in business in the City of Brighton.

Stan Schaefer, Scotty Simpsons, stated they have invested much into this community and to take this into consideration when awarding this license.

Mayor Muzzin stated he received a letter from Mark Binkley stating Scotty Simpsons should receive the Quota Liquor License.

Hearing no further comment, Mayor Muzzin closed the Public Hearing at 7:45 p.m.

Attorney Brad Maynes stated that everyone receives notice and everyone is considered for an available Quota Liquor License according to the Ordinance.

City Council
February 7, 2013
Page 3

City Manager, Dana Foster stated the decision would be made on he referenced the proposed Resolution, which states the Findings of Fact. The portion of the relevant Ordinance was referenced in the notice published in the notice.

QUOTA LIQUOR LICENSE

Mayor Muzzin stated the other three applicants have the ability to apply for a Redevelopment Liquor License and Scotty Simpson's does not.

It was moved by Mayor Muzzin, seconded by Schillinger to approve Resolution 13-02, as presented in by the City Attorney, granting the available Class C quota Liquor License to Gen Jan, LLC, 150 N. 1st street. A roll call vote was taken. Yes: Bandkau, Muzzin, Schillinger. No: Bohn, Roblee. Abstain: Pipoly. Absent: Cooper. Motion passed 3-2-1-1.

There was Council discussion regarding the difficult decision of awarding this Quota Liquor License.

CITY CEMETERY SERVICES AND REGULATIONS PUBLIC HEARING

Mayor Muzzin opened the Public Hearing for the City's Cemeteries' Services and Regulations input at 8:01 p.m. Hearing no comment, Mayor Muzzin closed the Public Hearing.

Councilmember Roblee stated she had received a compliment that the City Cemeteries are in good shape.

CITY CUSTOMER INFORMATION

Councilmember Bandkau gave a Brighton Veteran's Memorial Committee update, stating they are hoping to have the dedication this fall. Go to brightonveteransmemorial.org for additional information.

Councilmember Roblee gave a PSD update stating they are planning events for the upcoming season.

Mayor Muzzin stated the Brighton Area Fire Authority had their Annual Fire Awards presentation. He stated the Fire Fighter of the year was awarded to Rick Boisvert.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 8:08 p.m. The following comment was heard:

Fred Feldman, Stonefire, thanked the Council for their decision on the Liquor License.

Hearing no further comment, Mayor Muzzin closed the Call to the Public at 8:09 p.m.

City Council
February 7, 2013
Page 4

PENDING MTT LITIGATION CLOSED SESSION

It was moved by Councilmember Pipoly, seconded by Roblee to go into Closed Session to discuss pending Michigan Tax Tribunal Litigation. A roll call vote was taken. Yes: Schillinger, Bohn, Muzzin, Bandkau, Roblee, Pipoly. No: none. Absent: Cooper.

The Council convened into Closed Session at 8:10 p.m.

The Council reconvened the Regular Meeting at 8:25 p.m.

PENDING LITIGATION CLOSED SESSION ACTION

It was moved by Councilmember Pipoly, seconded by Bohn to authorize the ca to execute settlement of the Michigan Tax Tribunal cases as proposed. Motion passed 6-0-1.

ADJOURNMENT

It was moved by Councilmember Roblee, seconded by Bohn to adjourn the meeting at 8:26 p.m. Motion passed 6-0-1.

Diana Lowe, City Clerk

Jim Muzzin, Mayor