

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON JULY 18, 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, Cooper, Bandkau, Roblee and Pipoly. The Council reviewed the evening's agenda.

REGULAR SESSION

Mayor Muzzin called the regular meeting to order at 7:35 p.m. Following the Pledge of Allegiance, the roll was called, there being present were Mayor Muzzin, Councilmembers Bandkau, Pipoly, Cooper, Roblee and Bohn. Also in attendance were Attorneys Paul Burns, Staff members Dana Foster, Matt Schindewolf, Denise Meier, Diana Lowe, Jennifer Burke, Amy Cyphert, Lauri French, Colleen Barton and Tom Wightman and an audience of 18. Press and Media included Jim Totten of Livingston County Press & Argus and Tom Tolen of WHMI.

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

AGENDA APPROVAL

It was moved by Mayor Pro-Tem Cooper, seconded by Roblee to approve the agenda as amended. Move item #21, Ballot Proposal after item #25, Pavement Maintenance. Change item #29 to a MTT Closed Session. Add item #29a, Closed Session Action. Move from the Consent Agenda item #8, Incline Pump Rebuild to Action Agenda. Motion passed 6-0-1.

MINUTES APPROVAL

It was moved by Councilmember Bandkau, seconded by Roblee to approve the Regular Meeting minutes of June 20, 2013 as corrected. Page 4, City Customer Information, fourth paragraph, should read \$1,000, not \$1,200. Motion passed 5-0-1-1, with Councilmember Cooper abstaining.

It was moved by Councilmember Roblee, seconded by Bohn to approve the Closed Session minutes of June 20, 2013 as presented. Motion passed 5-0-1-1, with Councilmember Cooper abstaining.

CITIZEN INQUIRIES

None.

CALL TO THE PUBLIC

Mayor Muzzin opened the Call to the Public at 7:40 p.m. Hearing no comment the Call to the Public was closed.

CONSENT AGENDA

It was moved by Mayor Pro-Tem Cooper, seconded by Roblee to approve the Consent Agenda as presented. A roll call vote was taken. Yes: Bohn, Muzzin, Cooper, Bandkau, Roblee, Pipoly. No: none. Absent: Schillinger. Motion passed 6-0-1.

The following items were approved:

1. Appointed Ashley Israel to fill a vacancy on the DDA Board.
2. Reappointed Mondy Miller, Mark Binkley, Bob Herbst and Pam McConeghy to the DDA Board
3. Reappointed Matt Smith to the Planning Commission.
4. Approved to set the date of August 1st for a public hearing for close-out report on MEDC grant project.
5. Accepted the donation of a sculpture from the Fisher family to be located on the round pedestal on St. Paul Street sidewalk.
6. Accepted the donation of a sculpture from the Barton family by artist Mike Monroe called "Blue Heron" to be located at the former location of Mr. Monroe's "It's A Keeper" sculpture.
7. Approved Resolution 13-14, Redevelopment liquor license application for the Mi Zarape IV Corporation at 101 Brookside Lane.
8. Approved Resolution 13-15, Redevelopment liquor license application for the Kathleen's Cookies LLC at 139 E. Grand River and that the original liquor license has been returned to the State of Michigan.
9. Approved a conditional site plan amendment for St. Paul Episcopal Church at 200 W. St. Paul as depicted on the plans prepared by PEA Professional Engineering Associates, sheets P-0-5, L-1, project #2012-0136, last dated 6-6-13 and plans prepared by Collaborative Architects, Landscape Architects, Interior Designers and Planners, sheets A1.00, A1.01, A3.01, and A3.02, project #106180, last dated 6-07-13 & 5-16-13. The approval is subject to the following conditions:
 1. That a right of way permit be obtained from the Department of Public Services Director for the use of public property during construction.
 2. That all signage comply with applicable Ordinances or variances obtained.
 3. A cut sheet for the building lighting is submitted with the building permit application for review and approval by the Community Development Department.
 4. That City Council approve any potential snow or water shed from the pitched roof onto the adjacent City-owned cemetery property.
 5. Fire protection lead determination will be handled during the construction plan review process.

10. Approved a conditional site plan for the 225 Building at 225 W. Grand River Building, #13-005 as depicted on plans prepared by Desine, Inc., job no. 9121991, sheets EX, SP, GR, UT, WS, SE, LA, DT1, DT2, last dated 7-2-13 and plans prepared by Pucci & Vollmar Architects, PC, project no. 1323, sheets A1 and A2, last dated 7-2-13 subject to the following:
 1. That all signage comply with applicable ordinances or variances are obtained.
 2. That the applicant must address any outstanding Fire Code requirements with the Fire Department during the construction review.
 3. That right of way permits are obtained from the Department of Public Services for work within the right of way.
 4. That any damages done to the existing sidewalks or public parking lot be repaired.
 5. That the requirements of the July 11, 2013 Tetra Tech letter be met.

11. Approved a conditional site plan for the East Main Salon and Spa at 114 E. Main Street, #13-006 as depicted on plans prepared by Pucci and Vollmar Architects, project #1315, sheets AS1, A1, A2, last dated 7-3-2013 subject to the following:
 1. That a landscape plan be submitted with the building permit that includes the type, location, sizes, and number of plants.
 2. That all signage comply with applicable ordinances or variances obtained.
 3. That right of way permits are obtained from the Department of Public Services for work within the right of way.
 4. That any damages done to the existing sidewalk be repaired to current condition.
 5. That the requirements listed in the BAFA letter dated 7/10/2013 are addressed during the building permit review.

12. Approved Resolution 13-16, amending the SELCRA Articles of Incorporation.

INCLINE PUMP REBUILD

City Manager, Dana Foster stated that the only available vendor in this area that is able to repair the incline pump at the City's Wastewater Treatment Utility Plant is Kennedy Industries.

It was moved by Councilmember Pipoly, seconded by Bandkau that the City Council finds there is only one qualified vendor, Kennedy Industries, for the services of removal, transporting of, reinstallation of, and repair of the incline pump at the City's Wastewater Treatment Utility Plant for the amount of \$77,600. Motion passed 6-0-1.

TEMPORARY LAND USE PUBLIC HEARING FOR FRESH PRODUCE

Mayor Muzzin opened the Public Hearing for the proposed fresh produce stand at Ciao Amici's restaurant at 7:55 p.m. Hearing no comment, the Public Hearing was closed.

It was moved by Mayor Pro-Tem Cooper, seconded by Roblee to approve the Temporary Land Use for fresh produce sales at Ciao Amici's. Motion passed 6-0-1.

TEMPORARY LAND USE ORDINANCE AMENDMENT SECOND READING

Mayor Muzzin opened the Public Hearing for the proposed ordinance to amendments to Chapter 98, Article I. In General, Section 98-3. Definitions, Chapter 98, Article XXIV. Boards of Appeal, Section 98-687. Jurisdiction, and Chapter 98, Article XXV. Temporary Land Uses, Section 98-700. Temporary land uses at 7:57 p.m. Hearing no comment, the Public Hearing was closed.

It was moved by Mayor Pro-Tem Cooper seconded by Roblee to approve Second Reading of the ordinance amendments to Chapter 98, Article I. In General, Section 98-3. Definitions, Chapter 98, Article XXIV. Boards of Appeal, Section 98-687. Jurisdiction, and Chapter 98, Article XXV. Temporary Land Uses, Section 98-700. Temporary land uses, noting that the appeal process goes through the court system instead of City Council. A roll call vote was taken. Yes: Cooper, Roblee, Pipoly. No: Bandkau, Bohn, Muzzin. Absent: Schillinger. Motion failed 3-3-1.

It was moved by Councilmember Pipoly, seconded by Bohn to remand the Temporary Land Use Ordinance back to the Planning Commission to reconsider and modify the Ordinance amendments as suggested by Planning and Zoning Director, Amy Cyphert, such that the jurisdiction for Temporary Land Use approvals remains with the City Council. Motion passed 6-0-1.

SUPERIOR SANITATION

City Manager, Dana Foster briefed the Council on the non-compliance with existing court orders regarding restrictions on storage and specific uses at the Superior Sanitation property, stating there have been recent improvements to the property.

It was the consensus of Council to have the property regularly inspected by our Code Enforcement Officer and have those inspections documented.

PAVEMENT MAINTENANCE

It was moved by Councilmember Roblee, seconded by Cooper to award the Pavement Maintenance 2013 RFP to Asphalt Specialists, Inc. not to exceed \$41,000 for mill and overlay the Cedar Street Parking Lot (Formerly known as the Creamery Lot), crack sealing on West Grand River, from Main Street west to I-96 and on East Grand River from Main to O'Doherty. Motion passed.

POSSIBLE HEADLEE MILLAGE LID OVERRIDE BALLOT PROPOSAL

City Manager, Dana Foster presented language drafted by the City Attorney for a possible Headlee Millage Lid Override Ballot proposal for the November, 2013 election.

It was moved by Councilmember Roblee, seconded by Cooper to release the written Attorney/Client privilege on the Headlee Millage Lid Override Ballot proposal communication. Motion passed 6-0-1.

City Council
July 18, 2013
Page 5

It was moved by Councilmember Bandkau, seconded by Pipoly to have Councilmember Bohn and Muzzin serve as a subcommittee to meet with the City Manager and City Attorney for Headlee Millage Lid Override Ballot proposal wording for Infrastructure Improvements (1 to 1 ¼ mill), Public Safety (½ mill), refuse fee elimination and community beautification (¼ to ½ mill) to come back to the August 1st City Council meeting. Motion passed.

CITY CUSTOMER INFORMATION

City Manager, Dana Foster updated the Council on the 3rd Street Sanitary Sewer repair. He stated slip lining will be used in the City for future sewer repair.

Department of Public Services Director, Matt Schindewolf stated the 3rd Street Sanitary Sewer repair has been quite complicated.

City Manager, Dana Foster stated he has followed up with Green Oak Township Supervisor, Mark St. Charles regarding Intergovernmental utility services. He suggested Mayor Pro-Tem Cooper attend any future negotiation regarding this matter.

Mayor Pro-Tem Cooper gave a SELCRA update and stated SEMCOG is looking for input on bike and walking trails in the State of Michigan.

Councilmember Bandkau stated 140 brick pavers have been sold for the Veteran's Memorial.

Councilmember Roblee stated the Millpond Masterplan Subcommittee met with the Architect regarding the conceptual plan. This Saturday is an Imagination Station workday moving fibar chips. 25 artists will be downtown this weekend painting images of the downtown. The DIA is offering free entrance for residents with the zip code of 48116.

Councilmember Bohn stated it has been several years since the City Manager has received a pay raise and this should be a future agenda item.

Mayor Muzzin stated the City Manager has a contract that expires on August 1, 2013. He stated a subcommittee of Councilmembers Bohn and Pipoly, City Attorney and Dennis Gabrian will meet with Manager Foster to discuss a new contract.

Mayor gave a Brighton Area Fire Authority update. The DDA is working on a lease with CSX Railroad regarding parking on the roundabout side of the tracks on Main Street. The Detroit Institute of Arts walking tour went well. The City of Brighton had 23 winners in the top 5 categories in the Detroit A List contest. The Taste of Brighton and Gazebo Concert went well. He read a letter from Al Wirth requesting he not to be reappointed to the DDA. He thanked him for serving on the DDA. There is an opening for a resident to serve on the DDA.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 9:40 p.m. Hearing no comment, the Call to the Public was closed.

City Council
July 18, 2013
Page 6

MICHIGAN TAX TRIBUNAL CLOSED SESSION

It was moved by Councilmember Pipoly, seconded by Bandkau to go into Closed Session to discuss Michigan Tax Tribunal pending litigation pursuant to MCL 15.268(e). A roll call vote was taken. Yes: Bohn, Cooper, Muzzin, Bandkau, Roblee, Pipoly. No: none. Absent: Schillinger. Motion passed 6-0-1.

The Council convened into Closed Session at 9:41 p.m.

The Council reconvened the Regular Session at 9:44 p.m.

PENDING MTT LITIGATION CLOSED SESSION ACTION

It was moved by Councilmember Pipoly, seconded by Bandkau to authorize the proposed settlement for Precision Properties LLC Michigan Tax Tribunal litigation for 2011 and 2013. Motion passed 6-0-1.

ADJOURNMENT

It was moved by Councilmember Roblee, seconded by Bohn to adjourn the meeting at 9:45 p.m. Motion passed 6-0-1.

Diana Lowe, City Clerk

Jim Muzzin, Mayor