

CITY OF BRIGHTON
CITY COUNCIL MEETING
CITY HALL
August 21, 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 of August 7, 2014](#)
6. Call to the Public

Consent Agenda

7. [Consider designation of City Council voting delegate and alternate voting delegate for the annual Michigan Municipal League Convention and related Annual Business Meeting of October 16, 2014](#)

Policy Development & Customer Communications' action item

8. Review of possible ordinance amendment to reduce the size of the Planning Commission from 9 members to 7
9. [Consider preliminary identification of Goal-Setting Retreat Agenda topics for the annual goal-setting retreat](#)

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. Conduct closed session for an update from the City Attorney regarding pending litigation
14. Adjournment

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON AUGUST 7, 2014 AT THE BRIGHTON CITY HALL
200 N. 1ST STREET, BRIGHTON, MICHIGAN

LDFA MEETING

The Local Development Finance Authority conducted a meeting at 6:30 p.m. The LDFA discussed a possible SmartZone designation.

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 Bandkau, Tobbe, Bohn, Willis and Cooper. 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. Present were Mayor Muzzin, Mayor Pro-Tem Pipoly, Councilmembers Bandkau, Tobbe, Cooper, Willis and Bohn. Also in attendance were Attorney Paul Burns, Engineer Gary Markstrom, Staff members Dana Foster, Diana Lowe, Amy Cyphert, Dave Blackmar, Tom Wightman, Matt Modrack and an audience of 27. Press and Media included Tom Tolen from WHMI.

AGENDA APPROVAL

It was moved by Councilmember Cooper seconded by Bandkau to approve the agenda as amended. Delete item #13, SmartZone Agreement. Move to Consent Agenda from Action Agenda item #11, Cleary University Role in SmartZone and item #12, Satellite SmartZone application Resolution. Motion passed 7-0.

MINUTE APPROVAL

It was moved by Councilmember Bohn seconded by Pipoly to approve the Regular Meeting minutes of July 17, 2014 as presented. Motion passed 6-0-1 with Councilmember Cooper abstaining.

CALL TO THE PUBLIC

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

Jim Wineka, Representative for owner, Genevieve McSweeney at 4622 Spring Mountain, the wall that was built was not on the approved site plan. He stated they are not happy with the wall failures and erosion. He expressed his concerns regarding safety.

Nancy Durance, 4616 Spring Mountain, stated her boulder wall has failed three times and there should be a quicker timeframe.

Marjorie Patterson, 4505 Spring Mountain Drive, expressed her concerns regarding the failure of the retaining/boulder walls and erosion.

James Turbyville, 4583 Spring Mountain Drive, expressed his concerns regarding the common areas not being landscaped and seeded. He stated the City is to enforce the site plan compliance.

Hearing no comment, the Call to the Public was closed.

CONSENT AGENDA

It was moved by Councilmember Bandkau, seconded by Pipoly to approve the Consent Agenda as presented. A roll call vote was taken. Yes: Willis, Bohn, Pipoly, Muzzin, Bandkau, Cooper, Tobbe. No: none. Motion passed 7-0. The following items were approved:

1. Approved a conditional site for the Herzog Building at 135 W. North Street #14-003 as depicted on plans prepared by Lindhout Associates, project #1430, sheets C1.0, A1.1 and A21, last dated 7-8-2014 subject to the following:
 1. That right of way permits are obtained from the Department of Public Services for work within the right of way, if needed.
 2. That any damages done to the existing sidewalks be repaired to current condition.
 3. A variance is granted from the transparency requirement due to the preexisting transparency and minor changes to the transparency.
 4. That the use of EIFS material is approved.
2. Approved a conditional site plan for Caretel Inns accessory building #14-004 as depicted on plans prepared by Boss Engineering, job no. #13-381, sheets 1-6, last dated 7-10-14 and plans prepared by Interface Architecture & Design, job no. #2382, dated 6-15-06, sheet X1.1 and exterior south and east elevation sheet subject to the following:
 1. That any damages done to the existing driveway and parking lot be repaired.
3. Received the Quarterly Investment Report.
4. Received Cleary University presentation regarding their role in the proposed satellite Smart Zone.
5. Approved Resolution 14-16, Satellite SmartZone application request with the City of Ann Arbor SmartZone.

SPRINGHILL RESIDENTIAL DEVELOPMENT

City Engineer, Gary Markstrom discussed the status of the Springhill developer's progress to achieve compliance with the approved site plan and timeline. He stated outstanding site plan items consist of sidewalks, landscaping Correction of Utilities Department requirements, boulder wall erosion and street improvements.

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City Attorney, Paul Burns stated the developer should have the opportunity to address Council on site plan compliance.

Trevor Surdu, SDG Homes/Surgrady & Associates gave an update on the status of the development, stating asphalt is scheduled and they are committed to get the project done. He discussed his role in the Springhill development process, grading plan and boulder wall design.

City Attorney, Paul Burns explained the timeline and procedure for a lawsuit.

It was moved by Councilmember Bohn, seconded by Bandkau to direct the City Attorney to seek legal action on all parties involved in the Springhill Development to enforce compliance of the approved site plan and amendments. Motion passed 6-0-1 with Councilmember Pipoly abstaining.

CITY CUSTOMER INFORMATION

Department of Public Works Director, Dave Blackmar stated various catch basin work will occur next Saturday.

City Manager, Dana Foster discussed naming a street in the cemetery after David Gregory.

Councilmember Tobbe gave a Brighton Arts and Culture update.

Councilmember Willis gave a Principle Shopping District update.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 8:52 p.m. The following comments were heard:

Jim Wineka, 4622 Spring Mountain, discussed the retaining wall and expressed his concern regarding a delay in progress because of a lawsuit.

Shirley Noonan, 4610 Spring Mountain, expressed her concerns regarding grading and safety issues in Springhill.

James Turbyville, 4583 Spring Mountain Drive, does work stop because of lawsuit?

City Attorney, Paul Burns stated work can continue.

Nancy Durance, discussed Trevor Surdu's degree in construction.

Hearing no additional comment, Mayor Muzzin closed the Call to the Public at 9:00 p.m.

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ADJOURNMENT

It was moved by Councilmember Tobbe, seconded by Bohn to adjourn the meeting at 9:04 p.m. Motion passed 7-0.

Diana Lowe, City Clerk

Jim Muzzin, Mayor



August 6, 2014

Michigan Municipal League Annual Meeting Notice

(Please present at the next Council, Commission or Board Meeting)

Dear Official:

The Michigan Municipal League Annual Convention will be held in Marquette, October 15-17, 2014. The League's "Annual Meeting" is scheduled for 11:15 am on Thursday, October 16 in the Lakes Ballroom at the Northern Michigan University. The meeting will be held for the following purposes:

1. Election of Trustees. To elect six members of the Board of Trustees for terms of three years each (see #1 on page 2).

2. Policy. A) **To vote on the Core Legislative Principles document.**

In regard to the proposed League Core Legislative Principles, the document is available on the League website at <http://www.mml.org/delegate>. If you would like to receive a copy of the proposed principles by fax, please call Susan Vasher at the League at 800-653-2483.

B) If the League Board of Trustees has presented any resolutions to the membership, they also will be voted on. (See #2 on page 2.)

In regard to resolutions, member municipalities planning on submitting resolutions for consideration by the League Trustees are reminded that under the Bylaws, they must be submitted to the Trustees for their review by **September 16, 2014.**

3. Other Business. To transact such other business as may properly come before the meeting.

Designation of Voting Delegates

Pursuant to the provisions of the League Bylaws, you are requested to designate by action of your governing body one of your officials who will be in attendance at the Convention as your official representative to cast the vote of the municipality at the Annual Meeting, and, if possible, to designate one other official to serve as alternate. Please submit this information through the League website by visiting <http://www.mml.org/delegate> **no later than September 24, 2014.**

Regarding the designation of an official representative of the member to the annual meeting, please note the following section of the League Bylaws:

"Section 4.4 - Votes of Members. Each member shall be equally privileged with all other members in its voice and vote in the election of officers and upon any proposition presented for discussion or decision at any meeting of the members. Honorary members shall be entitled to participate in the discussion of any question, but such members shall not be entitled to vote. The vote of each member shall be cast by its official representative attending the meeting at which an election of officers or a decision on any proposition shall take place. Each member shall, by action of its governing body prior to the annual meeting or any special meeting, appoint one official of such member as its principal official representative to cast the vote of the member at such meeting, and may appoint one official as its alternate official representative to serve in the absence or inability to act of the principal representative."

1. Election of Trustees

Regarding election of Trustees, under Section 5.3 of the League Bylaws, six members of the Board of Trustees will be elected at the annual meeting for a term of three years. The regulations of the Board of Trustees require the Nominations Committee to complete its recommendations and post the names of the nominees for the Board of Trustees on a board at the registration desk at least four hours before the hour of the business meeting.

2. Statements of Policy and Resolutions

Regarding consideration of resolutions and statements of policy, under Section 4.5 of the League Bylaws, the Board of Trustees acts as the Resolutions Committee, and "no resolution or motion, except procedural and incidental matters having to do with business properly before the annual meeting or pertaining to the conduct of the meeting, shall be considered at the annual meeting unless it is either (1) submitted to the meeting by the Board of Trustees, or (2) submitted in writing to the Board of Trustees by resolution of the governing body of a member at least thirty (30) days preceding the date of the annual meeting." Thus the deadline this year for the League to receive resolutions is **September 16, 2014**. Please submit resolutions to the attention of Daniel P. Gilmartin, Executive Director/CEO at 1675 Green Rd., Ann Arbor, MI 48105. **Any resolution submitted by a member municipality will go to the League Board of Trustees, serving as the resolutions committee under the Bylaws, which may present it to the membership at the Annual Meeting or refer it to the appropriate policy committee for additional action.**

Further, "Every proposed resolution submitted by a member shall be stated in clear and concise language and shall be accompanied by a statement setting forth the reasons for recommending the proposed resolution. The Board shall consider the proposal at a Board meeting prior to the next annual meeting and, after consideration, shall make a recommendation as to the advisability of adopting each such resolution or modification thereof."

3. Posting of Proposed Resolutions and Core Legislative Principles

The proposed Michigan Municipal League Core Legislative Principles and any new proposed Resolutions recommended by the Board of Trustees for adoption by the membership will be available on the League website, or at the League registration desk to permit governing bodies of member communities to have an opportunity to review such proposals and delegate to their voting representative the responsibility for expressing the official point of view of the member at the Annual Meeting.

The Board of Trustees will meet on Wednesday, October 15 in the Lakes Ballroom at Northern Michigan University for the purpose of considering such other matters as may be requested by the membership, in addition to other agenda items.

Sincerely,



Jacqueline Noonan
President
Mayor of Utica



Daniel P. Gilmartin
Executive Director & CEO

2013-2014 Adopted Goals

Former Lindbom school site redevelopment & related Robertson Brothers' preliminary residential redevelopment plan :

- Quick development and adoption of a PUD related Zoning Ordinance Amendment is the preferred process as opposed to pursuit of a Variance from the ZBA in order to address the developer's expressed development density objectives
- Also keep and remember the City's Business-Friendly related goals / objectives during the review process with the developer

"SWOT" analysis for each City Department :

- Consider City Manager directing a "SWOT" analysis to be done by each department director to identify strengths, weaknesses, and risk exposures for city services and consider the analyses to be submitted to City Council as a component of the City Manager's Proposed FY 14-15 Budget submitted to City Council in March of 2014

Business Roundtable outreach program for Northern Grand River Avenue Corridor Businesses :

- During the first quarter of calendar year 2014, conduct a business roundtable discussion for businesses located in the northern Grand River corridor and Grand River/Challis intersection area businesses to inform them about the upcoming US 23 & I-96 interchange project and related planned temporary Spencer Road overpass bridge closure (& related detours) and to ask what else the subject businesses may need assistance on from our City government

DBD Zoning District's Height & Density related Zoning Ordinance regulations :

- Consider allowing taller downtown buildings and increased density in downtown in order to help facilitate additional redevelopment and increased residential land uses in the downtown

"CSX -west" + "Johnson / North Street" properties and related off-street parking regulations :

- Staff , Planning Commission, and City attorneys should proceed forward to develop zoning ordinance amendments to allow alternative / optional surfaces such as grass & or refined gravel/stone

Brighton Community Initiative for Regular Scheduled Recreational Activities on Sunday Afternoons in Downtown Brighton :

- Consider forwarding the proposal recently submitted to the Mayor from a former School District Board Member to the SELCRA Executive Director to include in future SELCRA activities/events' planning

Principal Shopping District (PSD) Special Assessment District planning :

- The PSD Board and staff should continue moving forward with planning already underway for development of an updated PSD-related Special Assessment District which may included funding for part of the future maintenance & repairs of the city's public parking lots

Capital Improvements Program (CIP) and Infrastructure Planning :

- Consider development of a formal due care plan for the Mill Pond Tridge and include related projected future maintenance / replacement costs in the next updated 6-year CIP
- Staff to continue its work on producing an updated 6-year CIP that will include an updated listing of presently unfunded capital needs for Planning Commission and City Council to consider
- Consider using additional software tools for quantifying the existing conditions all City streets and to quantify/estimate the future maintenance / repair costs for all of the streets (including an escalator to show future cost increases caused by deferral of maintenance/repairs that are presently needed)

Response to Residents' concerns / complaints about City water content & impact on residents' appliances :

- Consider implementing a public education and information program to assist residents on how to adjust settings on home appliances to mitigate the impacts of the City's hard water/non-softened water content

Budget Preparation / Financial Forecasts, and related Revenue / Expenditure Change options :

- City Manager should include a possible separate Refuse Service Millage proposal as part of the Manager's Proposed FY 14-15 Budget when submitted to City Council in March of 2014 .
- City Manager should also include additional City Council budget decision options in the Proposed FY 14-15 Budget for maintaining the City's projected General Fund fund balance at or above 15 % of operating expenditures (per the City's official fund balance policy) throughout all six years of the updated six-year forecast timeline

Response to possible related service extension requests :

- Assemble an inventory or matrix of the City's existing intergovernmental utilities' service agreements for services currently provided outside of the City for City Council's review
- Direct the City Engineer to develop an updated analysis of REUs needed inside the City for remaining undeveloped areas of the City that will also factor in plans for increased height and related increased density in the DBD Zoning District, and that shows how those projected future in-city capacity needs relates to the remaining unused capacity in the City's water and wastewater treatment plants
- City Manager should meet with the Green Oak Township Supervisor in the near future in response to a recent request received by the City Manager from the Township Supervisor to conduct a preliminary discussion about possible City sanitary sewer service extension to Green Oak Township residences near the Lee and Rickett Road intersection
- Consider contacting Genoa Township officials to ascertain possible interest in negotiating an expansion of the existing City of Brighton and Genoa Township intergovernmental Act 425 Land Transfer Agreement
- City Manager should pursue best deal possible at most favorable terms for the City while also being able to obtain a win-win outcome for any intergovernmental negotiations
- Consider obtaining assistance from a State Government-provided Shared-Services negotiator to assist with intergovernmental negotiations on future possible requests from neighboring township governments for City service extensions outside of the city

Citizen Outreach / Citizen Engagement :

- Consider conducting an "Envision Brighton" type of forum for each residential geographic quadrant of the city
- Consider planning / scheduling "Walk-arounds" in each residential area of the city by Council Members and City Staff Members with advance notices being sent out, press release, or informational notices posted on the City website to inform residents of when the "walk-arounds" will occur
- Conduct occasional surveys via an E-newsletter and via city website on 1 or 2 specific topics or questions to obtain additional citizen input
- Consider starting an ongoing City service highlights email newsletter & related website informational posting to get more info to the public at large about city services and projects
- Issue press releases announcing new outreach/engagement processes
- Consider any combination of the above measures for the purpose of overtly seeking more input and feedback than what the City service survey results provide, and as a means of resolving disconnects which may exist between various sectors of the city or between citizens and our city government

Mill Pond Park Master Plan Update including the Repurposing of the existing City Hall as a community center/art center, and Community Theater project planning processes :

- Consider finalizing the formal review / adoption actions by the DDA Board, Planning Commission, and City Council of the updated Mill Pond Park Master Plan during the next few months
- Staff to continue exploring options for the relocation of City administrative offices from the existing City Hall including but not limited to the upper floor of a new community theater building located on West Main Street in downtown
- Staff to work on future sequencing plan for future DDA TIFA Bond Issues and DDA TIFA Bond-financed projects for the DDA Board and City Council to consider

Legislative Relations / Communications :

- Focus on obtaining legislative updates from the Michigan Municipal League (MML) and at MML-related conferences
- Schedule/conduct regular meetings with our U.S. Representative and U.S. Senators at their Michigan-based offices when a subject matter warrants in-person "face-time"
- Schedule / conduct regular meetings with State Legislators at their Lansing, Michigan offices or in Brighton when a subject matter warrants in-person "face-time"

City Council Education / Training :

- Attend MML Conferences in the Fall and Spring of each year (Spring Capital Cities Conference , Annual MML Conference in the Fall)