

**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.

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Diana Lowe, City Clerk

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Jim Muzzin, Mayor