

CITY OF BRIGHTON  
CITY COUNCIL MEETING  
CITY HALL  
January 6, 2011

**Regular Blue Sky - 7:00 pm:** 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. Approval of minutes: [Regular Meeting of 12/16/10](#) and closed sessions of 12/2/2010 & 12/16/10
5. Call to the Public
6. Response to Citizen Inquiries to City Council received prior to this City Council Meeting
7. Consider approval of the Agenda

**Consent Agenda**

At Agenda preparation time, there were no items identified as Consent agenda items

**Policy Development & Customer Communications' action item**

8. Consider approval of a proposed amendment to the existing Dairy Queen-related city property usage license agreement
9. Consider approval of a proposed change in utility billing from monthly to bi-monthly to achieve staff time efficiencies and related staff time processing costs
10. Consider conditional preliminary [site plan approval for a redevelopment proposal for the former Singer](#) Press building with as recommended by the Planning Commission
11. Consider conditional site plan approval for [North and West Street streetscape improvements](#) as recommended by the Planning Commission

**Other Business**

12. Information for City Customers
13. Receive updates from Council Member Liaisons to other Boards and Commissions
14. Call to the Public
15. Conduct closed session regarding a written attorney-client privilege communication from the City Attorney
16. Adjournment

**MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON**  
**HELD ON JANUARY 6, 2011 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 Bandkau, Councilmembers Schillinger, Muzzin, Bohn, Roblee, Cooper and Pipoly. The Council reviewed the agenda items.

**REGULAR SESSION**

Mayor Bandkau 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 Bandkau, Councilmembers Schillinger, Bohn, Muzzin, Cooper, Roblee and Pipoly. Also in attendance were Attorney Paul Burns and Staff members Dana Foster, Diana Lowe, Matt Schindewolf, Jennifer Piasecki, Tom Wightman, Matt Modrack, Kelly LaLonde, Amy Cyphert and an audience of 32.

**MINUTES APPROVAL**

It was moved by Councilmember Cooper, seconded by Muzzin to approve the Regular Meeting minutes of December 16, 2010 as presented. Motion passed 7-0.

It was moved by Councilmember Roblee, seconded by Muzzin to approve the Closed Session minutes of December 2, 2010 as presented. Councilmember Bohn abstained. Motion passed 6-0-1.

It was moved by Councilmember Muzzin, seconded by Cooper to approve the two Closed Session minutes of December 16, 2010 as presented. Motion passed 7-0.

**CALL TO THE PUBLIC**

Mayor Bandkau gave a Call to the Public at 7:33p.m. The following comments were heard:

John Tunis, 623 W. Main Street, submitted a paper with two pictures of downtown Brighton. He stated the downtown area does not have a parking problem. He asked the Council to support the new Pound site plan.

Larry Lawrence, 530 Spencer, agrees with everything Mr. Tunis said. He stated noise should not stop the redevelopment of the former Singer Press building for the proposed Pound site plan.

Mark Binkley, 105 W. Main Street, 713 Fairway Trails Drive, stated noises are part of living in the City and in terms of overall parking, there is no problem and is in favor of the Pound site plan.

Jim Tobbe, 1232 Brighton Lake Road, agrees with Mr. Tunis and stated Brighton is a fun community and it is good to be drawing people into the community. He supports the Pound site plan.

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Chris Tobbe, 725 W. Main Street, stated he and his wife look forward to raising their two daughters in this community. He is in support of the Pound site plan.

Mack Miller, 307 W. Main Street, stated we need to draw new business to the community and is in support of the Pound.

Keith Carp, 421 Millpond Lane, agrees with everyone that has spoken this evening. The Pound is family oriented and is unique and different. He believes in the Brighton community.

Stacey Kelbert, 221 N. Church Street stated live entertainment is a concern especially with a raised platform and asked for some noise studies. She hopes the Pound does well.

Susan Walters-Steinacker stated she is in support of the Pound.

Brian Duby, 427 W. Main Street, stated the noise violations can be controlled and is in favor of the redevelopment of a building that has sat vacant for six years.

Councilmember Cooper read a letter from Norma and Tim Clausnitzer stating the music for the Pound should be limited to weekends only.

Hearing no further comment, the Call to the Public was closed at 7:54.

### **CITIZEN INQUIRIES**

None.

### **AGENDA APPROVAL**

It was moved by Councilmember Roblee, seconded by Muzzin to approve the Action Agenda as amended. Delete item #8, Dairy Queen License Agreement. Motion passed 7-0.

### **UTILITY BILLING**

Finance Director, Kelly LaLonde stated the Finance Department is proposing to change Utility Billing to bi-monthly billing to achieve staff time efficiencies and related staff time processing costs for an annual savings of \$20,000.

Councilmember Muzzin stated the Budget and Finance Subcommittee is in support of the Utility Billing change.

It was moved by Councilmember Pipoly, seconded by Muzzin to approve the change from a monthly billing to a bi-monthly billing, and to direct staff to implement this change immediately. Motion passed 7-0.

### **FORMER SINGER PRESS PRELIMINARY SITE PLAN**

City Manager, Dana Foster stated the Pound site plan would come back to the Planning Commission and Council for final approval. Staff is looking for direction from Council that may be in addition to Planning Commission's motion.

Acting Community Development/Planning Director, Amy Cyphert stated the preliminary Pound site plan is being presented to Council to see if they are in favor of rooftop dining. City Staff suggested that the applicant seek preliminary site plan approval for the roof top dining before going through all the motions and costs of finalizing their exterior, interior and site improvements that would change if the City denied the roof top dining.

Piet Lindhout, Architect for the proposed Pound rooftop dining. He stated part of the DDA support to attract downtown businesses is to help with vision of the redevelopment. He described the project and addressed noise concerns.

Kevin Montagano, developer of the Pound project, thanked the people of the community for supporting the Pound project. He stated Brighton is a unique community and would like to provide an affordable place to eat for family and friends. He addressed the noise issue stating he would work with the City of Brighton to address any problems.

After Council discussion, it was moved by Councilmember Muzzin, seconded by Pipoly to recommend conceptual approval to allow rooftop dining at 139 W. Main Street and that a plan of operation is required with the site plan submittal. Motion passed 7-0.

### **NORTH AND WEST STREET STREETScape IMPROVEMENTS**

Acting Community Development/Planning Director, Amy Cyphert discussed the site plan for the North & West Streetscape Improvements. She highlighted the crosswalk improvements at Main & West Street, additional street parking spaces, sidewalk replacement and other streetscape improvements.

DDA Executive Director and Main Street Program Manager, Matt Modrack described the project, highlighting the improvements at the intersection for increased pedestrian traffic, sidewalk and parking.

Architect Piet Lindhout described the design of the proposed project highlighting sidewalks, parking and landscaping.

It was moved by Pipoly, seconded by Cooper to approve the site plan for the City of Brighton North and West Streetscape Projects as depicted on the site plan prepared by Lindhout Associates Architects, job #1035, sheets C1, C2, C3, C4 & C5, last dated 11/19/10 and site plan prepared by Kem-Tec & Associates, job #10-02422, sheet C6, last dated 7/12/10. The approval is subject to the following condition: That the Fire Department and City Engineers review the plans during the building permit process. Motion passed 7-0.

### **CITY CUSTOMER INFORMATION**

City Manager, Dana Foster stated there might be some web broadcasts from the upcoming National League of Cities conference for Council's viewing, as there are no funds in the budget for attendance at the conference. We are looking into funding for the upcoming budget for attendance for Council and Staff at conferences. He gave kudos to Kelly LaLonde for recommending the Utility Billing cost saving changes approved this evening.

Councilmember Muzzin gave a Budget and Finance Subcommittee update stating the budget will be challenging. He gave kudos to a letter to the editor written by Carol Munce regarding staff members Diane Cureton and Colleen Barton for their helpfulness at City Hall.

Councilmember Roblee gave an Arts and Culture update stating they are planning for the next year and discussed grant funds coming in for the pocket park. She gave a Principle Shopping District update stating they are goal setting for this coming year. She discussed the upcoming Visioning Session and encouraged citizens to sign up for attendance.

### **CALL TO THE PUBLIC**

Mayor Bandkau gave a Call to the Public at 9:28 p.m. The following comment was heard:

Susan Walters-Steinacker stated in light of City transparency, the Bonner lawsuit has cost the City much money. The City manager and five Councilmembers were delivered summons today and she suggested they read them.

### **DAIRY QUEEN LICENSE AGREEMENT CLOSED SESSION**

It was moved by Muzzin, seconded by Pipoly to go into Closed Session to discuss the Dairy Queen License Agreement pursuant to MCL 15.268(c) at 9:33 p.m. A roll call vote was taken. Yes: Schillinger, Cooper, Bandkau, Muzzin, Bohn, Roblee, Pipoly. No: none. Motion passed 7-0.

The Council convened into Closed Session at 9:34 p.m.

The Council reconvened the Regular Session at 9:55 p.m.

### **ADJOURNMENT**

It was moved by Councilmember Pipoly, seconded by Cooper to adjourn the meeting at 9:55 p.m. Motion passed 7-0.

**MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON**  
**HELD ON DECEMBER 16, 2010 AT THE BRIGHTON CITY HALL**  
**200 N. 1ST STREET, BRIGHTON, MICHIGAN**

**BLUE SKY SESSION**

The Council conducted a Blue Sky Session at 6:00 p.m. Present were Mayor Bandkau, Councilmembers Schillinger, Muzzin, Bohn, Roblee, Cooper and Pipoly. The Council conducted a Worksession on Replacement Revenue Options and reviewed the agenda items.

**REGULAR SESSION**

Mayor Bandkau called the regular meeting to order at 7:32 p.m. Following the Pledge of Allegiance, the roll was called, there being present were Mayor Bandkau, Councilmembers Schillinger, Bohn, Muzzin, Cooper, Roblee and Pipoly. Also in attendance were Attorney Paul Burns and Brad Maynes, Special Legal Counsel Mike Wasburg and Staff members Dana Foster, Diana Lowe, Matt Schindewolf, Jennifer Piasecki, Tom Wightman, Matt Modrack, Kelly LaLonde, Amy Cyphert and an audience of 8.

**MINUTES APPROVAL**

It was moved by Councilmember Cooper, seconded by Roblee to approve the Regular Meeting minutes of December 2, 2010 with the following correction: Page three, Adjournment, Motion passed **6-0-1**. Councilmember Bohn abstained. Motion passed 6-0-1.

It was moved by Councilmember Muzzin, seconded by Schillinger to table the Closed Session minutes of December 2, 2010. Councilmember Bohn abstained. Motion passed 6-0-1.

**CALL TO THE PUBLIC**

Mayor Bandkau gave a Call to the Public at 7:35p.m. The following comments were heard:

Joe Malik, 2313 Johns Drive, Brighton, G1NBC TV KOZW, gave a brief history of his career. He stated they have done a news story regarding two homes located in the City of Brighton. He stated he requested to have his news link placed on the City's website and the news links were then pulled from the website. He requested to have the news links put back on the City's website.

Susan Walters-Steinacker stated she researched the documents submitted by Judge Hatty when running for office. She stated Paul Burns and Mike Wasburg donated money to Judge Hatty's campaign. She would like to know why they donated the funds and why Judge Hatty accepted the donations.

Hearing no further comment, the Call to the Public was closed at 7:44.

Mayor Pro-Tem Bohn stated they donated because they wanted to and to contact Judge Hatty to ask him why he accepted the donation.

Councilmember Muzzin stated the City of Brighton is not fighting the Bonner litigation battle in the media.

Attorney Paul Burns stated the rules are that the attorneys are not to make extra judicial indications calculated to impact a jury for a fair trial.

### **CITIZEN INQUIRIES**

none

### **AGENDA APPROVAL**

It was moved by Councilmember Bohn, seconded by Schillinger to approve the Consent Agenda as amended. Move to Consent Agenda from Action Agenda item #10, Quarterly vendor payments report. Motion passed 6-0-1.

It was moved by Mayor Pro-Tem Bohn, seconded by Muzzin to remove item #10, Quarterly vendor payments report.

The following items were approved:

1. Appointed Chris Tobbe to the Arts & Culture Advisory Commission.
2. Approved a Summer Tax collection agreement as requested by the Brighton Area School District.
3. Approved the recommendation of including the quarterly vendor payments' summary report in the Annual Budget document.

It was moved by Councilmember Cooper, seconded by Muzzin to approve the Action Agenda as amended. Move from Action Agenda to Consent Agenda item #10, Quarterly vendor payments report. Add item #12a, Remove the tabling motion from the SELCRA Master Plan. Motion passed 7-0.

### **DDA REIMBURSEMENT AND INDEMNIFICATION AGREEMENT**

DDA Executive Director and Main Street Program Manager, Matt Modrack stated the DDA has accepted an offer on the Mexican Jones property that will likely be withdrawn. He stated they are anticipating at least one back-up offer, if not two.

It was moved by Roblee to seconded by Pipoly to approve and authorize the Mayor to sign and execute a Reimbursement and Indemnification Agreement between the City of Brighton and the Downtown Development Authority to complete a pending installment loan financing process. Motion passed 7-0.

### **ELECTRIC VEHICLE CHARGING STATION AGREEMENT**

City Manager, Dana Foster suggested a two-dollar flat fee for usage of the proposed Electric Vehicle Charging Stations. He stated we be receiving the three charging stations at no charge and will be paying \$3600 for installation fees.

Department of Public Services Director, Matt Schindewolf stated the Electric Vehicle Charging Stations will be located in the Municipal parking lot on First Street, the North Street Parking lot and the East block parking lot.

It was moved by Councilmember Muzzin, seconded Pipoly to approve the agreement documents and related implementation details for an Electric Vehicle charging stations' grant subject to City Attorney's review and approval. Motion passed 7-0.

### **SELCRA MASTER PLAN**

It was moved by Councilmember Cooper, seconded by Muzzin to remove the tabling motion from the SELCRA Master Plan. Motion passed 7-0.

Attorney Paul Burns stated the concern with the SELCRA Master Plan was Council did not want to make any budget commitments until getting through the budget process. He suggested approving the master plan with the exception of the parts that pertain to the budget.

It was moved by Councilmember Muzzin, seconded by Pipoly to approve those portions of the SELCRA Master Plan that do not relate to any budget approvals or any financing commitments by the City of Brighton. Motion passed 7-0.

### **CITY CUSTOMER INFORMATION**

Department of Public Services Director, Matt Schindewolf stated the 3<sup>rd</sup> Street Pumping Station project is progressing. We had a significant snowstorm recently and the low temperatures make salting operations ineffective.

City Manager, Dana Foster stated he has requested Matt Schindewolf and Linda Basista report on the 3<sup>rd</sup> Street Pumping Station project. He stated the Adopted Goals Tracking Sheet will be ready within the next month on our network, which will be updated monthly and will be used to track the individual goals.

Mayor Pro-Tem Bohn gave a Budget and Finance Subcommittee meeting update stating Council received a snippet of that information tonight. Merry Christmas and a safe, prosperous and Happy New Year.

Councilmember Muzzin gave a Brighton Area Fire Authority update stating they would be signing the lease agreement for the Grand River Fire Station and the full time firefighters have decided to decertify the union. Merry Christmas and Happy Holidays. Bill Gage received the Fire Inspector of the Year Award.

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Councilmember Cooper gave a Zoning Board of Appeals meeting update regarding GMAC signage. Happy Holidays.

Councilmember Roblee invite all to register in the Downtown Brighton Visioning session on January 17, 2011. Merry Christmas and Happy New Year.

Councilmember Pipoly heavily encouraged residents be involved in the Downtown Brighton Visioning session. Merry Christmas and Happy New Year.

Councilmember Bandkau stated she sent Manager Foster a World Café article giving more detail and explaining the process. Merry Christmas and a safe New Year. Friends brought friends from South America to downtown Brighton and the stated how beautiful downtown Brighton is.

#### **CALL TO THE PUBLIC**

Mayor Bandkau gave a Call to the Public at 8:31 p.m. Hearing no comment, it was closed.

#### **PENDING LITIGATION CLOSED SESSION**

It was moved by Muzzin, seconded by Bohn to go into Closed Session to discuss Bonner vs. City of Brighton pending litigation. A roll call vote was taken. Yes: Schillinger, Cooper, Bandkau, Muzzin, Bohn, Roblee, Pipoly. No: none. Motion passed 7-0.

The Council convened into Closed Session at 8:35 p.m.

The Council reconvened the Regular Session at 8:53 p.m.

#### **PENDING TAX TRIBUNAL LITIGATION CLOSED SESSION**

It was moved by Pipoly, seconded by Muzzin to go into Closed Session to discuss Michigan Tax Tribunal pending litigation. A roll call vote was taken. Yes: Schillinger, Cooper, Bandkau, Muzzin, Bohn, Roblee, Pipoly. No: none. Motion passed 7-0.

The Council convened into Closed Session at 8:55 p.m.

The Council reconvened the Regular Session at 9:08 p.m.

#### **ADJOURNMENT**

It was moved by Councilmember Pipoly, seconded by Cooper to adjourn the meeting at 9:09 p.m. Motion passed 7-0.

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Diana Lowe, City Clerk

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Ricci Bandkau, Mayor

**POLICY REPORT: PRELIMINARY SITE PLAN – THE POUND ROOF  
TOP DINING – 139 W. MAIN ST #10-011**

**JANUARY 6, 2011**

Prepared by:

Reviewed by:

Amy Cyphert  
Acting Community Development City  
& Planning Director

Dana Foster  
Manager

**ISSUE:**

To consider granting conditional preliminary site plan approval for The Pound roof top dining at 139 W. Main Street #10-011 as recommended by the Planning Commission.

**STAFF RECOMMENDATION:**

Staff concurs with the Planning Commission's recommendation.

**BACKGROUND:**

At its meeting of December 20, 2010, the Planning Commission reviewed and discussed a preliminary site plan for The Pound roof top dining at 139 W. Main Street. Per the direction of being business friendly, City Staff suggested that the applicant seek preliminary site plan approval for the roof top dining before going through all the motions of finalizing their exterior, interior and site improvements that would change if the City denied the roof top dining. With that being said City Council is reviewing the use of the roof top dining, not necessarily the façade treatments and site improvements.

Please see the attached Planning Commission report for additional information.

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

1. That a plan of operation is required with the site plan submittal.

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

**BUDGET IMPACT: N/A**

**RELATIONSHIP TO 2010/2011 GOALS: N/A**

**COUNCIL ACTION:**

Motion by \_\_\_\_\_ to recommend approval to allow roof top dining at 139 W. Main Street. The approval is subject to the following conditions:

1. That a plan of operation is required with the site plan submittal.

and supported by \_\_\_\_\_.

**Attachments:**

1. Planning Commission Report
2. DRAFT Planning Commission Meeting Minutes
3. Site Plan

**CITY OF BRIGHTON  
PLANNING COMMISSION  
PLANNING REPORT**

**TO:** Planning Commission Members

**FROM:** Amy Cyphert, Deputy City Planner

**DATE:** December 20, 2010

**RE:** Preliminary Site Plan – The Pound Roof Top Dining – 139 W. Main St #10-011

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## **BACKGROUND**

Currently, the building located at 139 W. Main Street is vacant. The building was previously occupied by the Singer Press printing business, which closed in 2006. The building has sat empty since and was recently sold.

The new owners are proposing to make some exterior, interior and site changes to the existing building for the use as a restaurant. The property is zoned DBD – Downtown Business District.

## **Building Information**

The applicants are seeking preliminary site plan approval for the proposed roof top dining. Per the direction of being business friendly, City Staff suggested that the applicant seek preliminary site plan approval for the roof top dining before going through all the motions of finalizing their exterior, interior and site improvements that would change if the City denied the roof top dining. With that being said the Planning Commission is reviewing the use of the roof top dining, not necessarily the façade treatments and site improvements.

## **Site Modifications**

At this time, the Planning Commission is only reviewing the use of the roof top dining. A site plan submittal with all the required documents will be submitted once the decision has been made by the City on the roof top dining.

## **Utilities**

City Staff and Tetra Tech reviewed the proposed roof top dining site plan and stated that at this time they have no issues with the proposed roof top dining as it relates to utilities.

## **Fire Department & Building Official**

The Brighton Area Fire Authority and Building Official reviewed the proposed roof top dining site plan and stated that there appeared to be no issues with the roof top dining and the building and fire codes. Additional code review will be done during the site plan review process after a decision has been made on the roof top dining.

## **Police Department**

The Police Chief, Tom Wightman provided the following information on the proposed roof top dining site plan:

*“During my tenure in the City of Royal Oak, I had experience with liquor licensed establishments using rooftop seating.*

*In particular, during the 1990's an infamous bar located at Woodward and 14 Mile Rd. resulted in the expenditure of tens of thousands of dollars in police overtime dealing with problems related to its rooftop seating area. The problems there involved noise, over-serving of alcohol, and disorderly conduct (in many forms). The problems spread into the adjoining neighborhoods causing tremendous problems for the residents who continuously voiced their displeasure to the City.*

*The City of Royal Oak still has rooftop seating at some liquor establishments, particularly in the downtown. However, Royal Oak now has a very strict liquor license ordinance that includes a requirement that all licensed establishments have a Plan of Operation that is approved by the City Council. Typically, if an establishment plans on outdoor entertainment and/or music the plan will address hours permitted and any specific restrictions.*

*Although Brighton does not have a similar liquor ordinance, if it is possible to include such restrictions in a site plan approval it would be recommended that that such a plan address sound level concerns, including any time restrictions.*

*An additional issue of concern from a public safety point of view regarding rooftop seating is the use of hard objects that can be dropped or thrown from the roof (e.g. - beer bottles, mugs, plates, etc.). It would be our recommendation that food/beverage service on the rooftop be limited to the use of plastic cups, plates, and tableware.”*

## **STAFF RECOMMENDATION**

Due to recent time spent at City Council meetings reviewing noise ordinance enforcement, City Staff believed that the proposed roof top dining needed to be addressed prior to the applicant submitting a fully engineered and architectural site plan for the site.

Staff recommends Planning Commission review the report with attachments, hear from the applicants at the meeting and discuss the proposed roof top dining before making a motion.

## **COMMISSION ACTION**

Motion by \_\_\_\_\_ to recommend approval to allow roof top dining at 139 W. Main Street.

and supported by \_\_\_\_\_.

### Attachments:

1. The Pound Letter signed by Kevin Montagano
2. Preliminary Façade Sketch
3. Preliminary Site Plan

## **The Pound**

The Pound will bring to downtown Brighton an affordable spot for people to come to enjoy themselves while watching a game, having a meal or just hang out with their friends. Our goal is to be a well known Brighton location that any one that lives in the nearby communities will recognize as a fun place to bring their families or friends for a meal and enjoy themselves at an affordable price. We want to be a part of the Brighton community in all aspects. We selected the name "The Pound" as it represents the image we are striving for as being a part of Brighton and naming it after the high school athletic field the "Dog Pound".

The Pound will service the community by being open for lunch offering quick and inexpensive specials in addition to our regular menu. We will also provide delivery from our delivery menu to the local businesses that can't get out for lunch. We will service families and friends for dinner providing them with a fun atmosphere for children and adults and great food at an affordable price. BWW's has done an exceptional job at becoming a destination for families and sports fans with a very limited menu by providing an atmosphere that families can go to and everyone enjoys themselves. Our goal is to provide a similar atmosphere with better menu offerings, better service and of course a better location. Think of the Pound as a BWW's atmosphere with a Brighton flare and a bit more of modern look and feel. You will see local sports memorabilia on the walls from the high school and youth sports programs. We want to be the place that people go to for dinner before the game and come to after the game to eat and hang out. We also want to cater to the local youth sports teams and provide them with a place that they can bring their teams for dinners and lunches and not have to go through what typically results in an unorganized 3 hour ordeal. We would also like to work with the Brighton Schools athletic program as well. We will be contacting them to discuss such things as hosting their pre-game meals and other functions such as state playoff announcements. Later in the evenings we will give people a reason to come in by having different forms of entertainment through out the week. We will have Trivia night, local comic nights and nights where we have local musicians come in. We will also provide an area for dancing on the weekends.

Our menu will be simple with the goal being that what ever we are serving to make it the best in town and providing it at an affordable price. Our offerings will include pizza, burgers, wings, calzones, and specialty salads to name a few. We are going to be contacting other Brighton businesses such as Marv's Meats and Great Harvest Bread in an effort to use their products in our menu offerings.

We project having 20 employees at the Pound between full time and part time staff. The staff will consist of kitchen staff, bartenders, waitresses and hostesses. Management will be done by Brian, Randy and Kevin.

We will be able to provide approximately 110 seats inside the building and approximately 200 total with the proposed out door and roof top patio (see prints). One of the things that can differentiate the Pound from other places and also add to the allure of downtown Brighton is the addition of the roof top patio. There are currently no places down town or in the surrounding areas that offer this. The window of opportunity to enjoy good weather is limited in Michigan. Providing a roof top patio and doing it correctly will be another plus for the community in providing them with something they don't currently have and also attract non residents to downtown Brighton. This will also give The Pound an advantage over who I view to be it biggest competitor Buffalo Wild Wings at the Lee Road Mall. We understand that in having a roof top patio there will be additional responsibilities and guidelines we will have to follow. We will work with the city to ensure that we will implement and follow these guidelines with the intention to make this a positive and winning situation for the city, the local residents and The Pound. We realize that the safety of our patrons is the highest priority and we will work with the city to insure that we have taken all the correct steps to ensure that safety. In addition we will work with the city to control the noise levels and we realize there will be special hours granted for the operation of the roof top patio similar to that of the current out door cafes.

Upon being granted the permission of the city to move forward with the roof top patio we will begin working with Pete Lindout on the exterior architect design of the building and finalizing the overall exterior plans. We believe the roof top deck will add to the appearance of the building in many ways, for one we will be installing a decorative safety railing around the area.

I hope you share in the enthusiasm that we have for The Pound. We feel that The Pound is a perfect fit for downtown Brighton. We are all residents of the area and we have talked to several people that feel the same way. I am a youth football coach and very involved in the youth sports programs as my son plays football, hockey and lacrosse in the community and my daughter is a cheerleader. There have been numerous people that we have met through these programs contact me and my wife to let us know how excited they are that we are bringing The Pound to downtown Brighton.

Another thing that is important to understand is that there is a need as well as a desire for this type of establishment in Brighton. BWW's at the Lee rd mall at one time was the highest volume BWW's in the nation and still consistently ranks in the top 10 of all BWW's. I personally average going there once a week with my son or someone I have met through football or hockey. BWW's does a great job at what they do but they also win by default in that they don't have much competition in the area. It makes no sense for people living in any of the developments on Brighton road or the surrounding area to make the trip to the Lee Rd Mall to have lunch or dinner and watch a game. We are going to give them a better experience at The Pound located in downtown Brighton.

Thank you,

A handwritten signature in black ink, appearing to read 'Kevin Montagano', with a long horizontal flourish extending to the right.

Kevin Montagano



were discussed and supported unanimously at the November 16, 2010 meeting of the Downtown Development Authority (DDA). He reviewed the revised site plan and noted that the center area of the crosswalk has been removed and the grade raised, consistent with the crosswalk at Hyne and Main. Mr. Lindhout was asked if any curb has to be removed and he responded that the curb stays. As stated in the Planning Report, the revisions will add approximately \$50,000 to the cost of the project.

**Moved** by Mr. Smith, seconded by Mr. Bryan, to recommend site plan approval for the City of Brighton North and West Street Streetscape Projects as depicted on the site plan prepared by Lindhout Associates Architects, Job #1035, sheets C1, C2, C3, C4 & C5, last dated 11/19/10 and site plan prepared by Kem-Tec & Associates, Job #10-02422, sheet C6, last dated 7/12/10. The approval is subject to the following conditions:

1. That the Fire Department and City Engineers review the plans during the building permit process.

**Motion carried unanimously.**

### New Business

#### **7. Preliminary Site Plan – “The Pound” Roof Top Dining – 139 W. Main Street #10-011**

Ms. Cyphert explained that the Board would be reviewing a preliminary site plan for roof top dining at a new restaurant to be located in the former Singer Press building at 139 W. Main St. She noted that the applicants and architect are in the audience if the Board has any questions. Mr. Piet Lindhout, Lindhout Associates, stated that he was authorized by the DDA to provide two hours of design service at no cost to the applicants. He reviewed the proposed building sketch and noted a wood deck at the back of the building, an exterior stairway leading to the roof as well as an interior stairway also leading to the roof. He noted that the Michigan Construction Code requires a snow load of 2 lb/sq. foot on the roof and that the seating area will be loaded at 100 lb/sq. foot. There will be two exits from the roof top via the stairways. The City of Brighton ordinances currently contain nothing specific about roof top dining.

Mr. Lindhout also noted that the two-story stairwell would be visible from Grand River and Main. The proposed construction materials on the exterior will consist of metal panels and brick, with “overhead” glass doors off West St. There will be metal rails on the roof and a structural trellis for lighting and sound speakers, which will be pointed downward to avoid excess noise levels.

Mr. Kevin Montagano, one of the partners in “The Pound” along with Randy Tobbe and Brian Mexico, explained their vision of a family-oriented sports bar with a “Buffalo Wild Wings” type of atmosphere, focused on youth sports (i.e., team dinners) to foster a sense of community. He envisions a simple and affordable menu, and they plan to broadcast Brighton away games live and home games after the game is over via the Internet.

The Board members were generally in agreement that this was a well thought out plan and The Pound and the roof top dining would be a good addition to downtown. Board Member Schillinger noted that there may be a need to “load up” the site plan; he likes the plan but the Board needs to consider the homeowners and be sensitive to their concerns. Mr. Randy Tobbe noted that the roof top dining area would be open in the spring until the fall (perhaps Memorial Day to Labor Day, depending on the weather). There was discussion about a couple of issues – the impact on parking and the Police Chief’s concerns about noise, and it was agreed these could be handled through the site plan review process. Board Member Petrak voiced a concern about roof top projectiles and suggested they could do a step-back railing or planter to keep people from the edge and less likely to throw things over to the sidewalk. Board Member Wirth suggested the operation plan from Stout’s Patio be used to develop a plan of operation for The Pound. Ms. Cyphert noted that Staff will use that as a base for the operation plan if the Board is inclined to require one with the site plan submittal. Chairperson Monet stated he likes the vision and that the Planning Commission has a responsibility to do what’s in the best interest of the residents.



He noted we can use the existing noise ordinance and put in restrictions and suggested that Staff work with Kevin Montagano to put together a plan of operation.

**Moved by Mr. Wirth, seconded by Mr. Schillinger, recommend approval to allow roof top dining at 139 W. Main St.** The approval is subject to the following conditions:

1. That a plan of operation is required with the site plan submittal.

**The motion carried unanimously.**

Board Member Schillinger asked what the owners' time frame is for opening The Pound, and Mr. Tobbe responded they would like to be open by late spring, 2011.

### **Other Business**

#### **8. Siford/E. D. Ewing/Greimel Nominations**

Ms. Cyphert reviewed all of the nominations for the awards. After a brief discussion, it was decided to award the following:

E.D. Ewing Award – **Moved** by Mr. McLane, seconded by Wells, to approve 530 Spencer Road, owned by Larry and Kate Lawrence, for the E. D. Ewing award. **The motion carried unanimously.**

Siford Award – Moved by Mr. Schillinger, seconded by Wirth, to approve Panera Bread, 8365 W. Grand River, for the Siford award. **The motion carried unanimously.**

Karl H. Greimel Award – After a brief discussion regarding the eligible projects, it was agreed that none of them met all the criteria for the award. Moved by Mr. Petrak, seconded by Wirth, to not award a Karl H. Greimel award for 2010. **The motion carried unanimously.**

Ms. Cyphert stated the winners will be sent a letter advising them of the award and will be invited to the next Planning Commission meeting to receive their award.

#### **9. Staff Updates**

- a. Traffic Safety Board Liaison – Term Indefinite

As discussed in the Blue Sky session, Ms. Cyphert confirmed that the appointment to the Traffic Safety Board has an indefinite term.

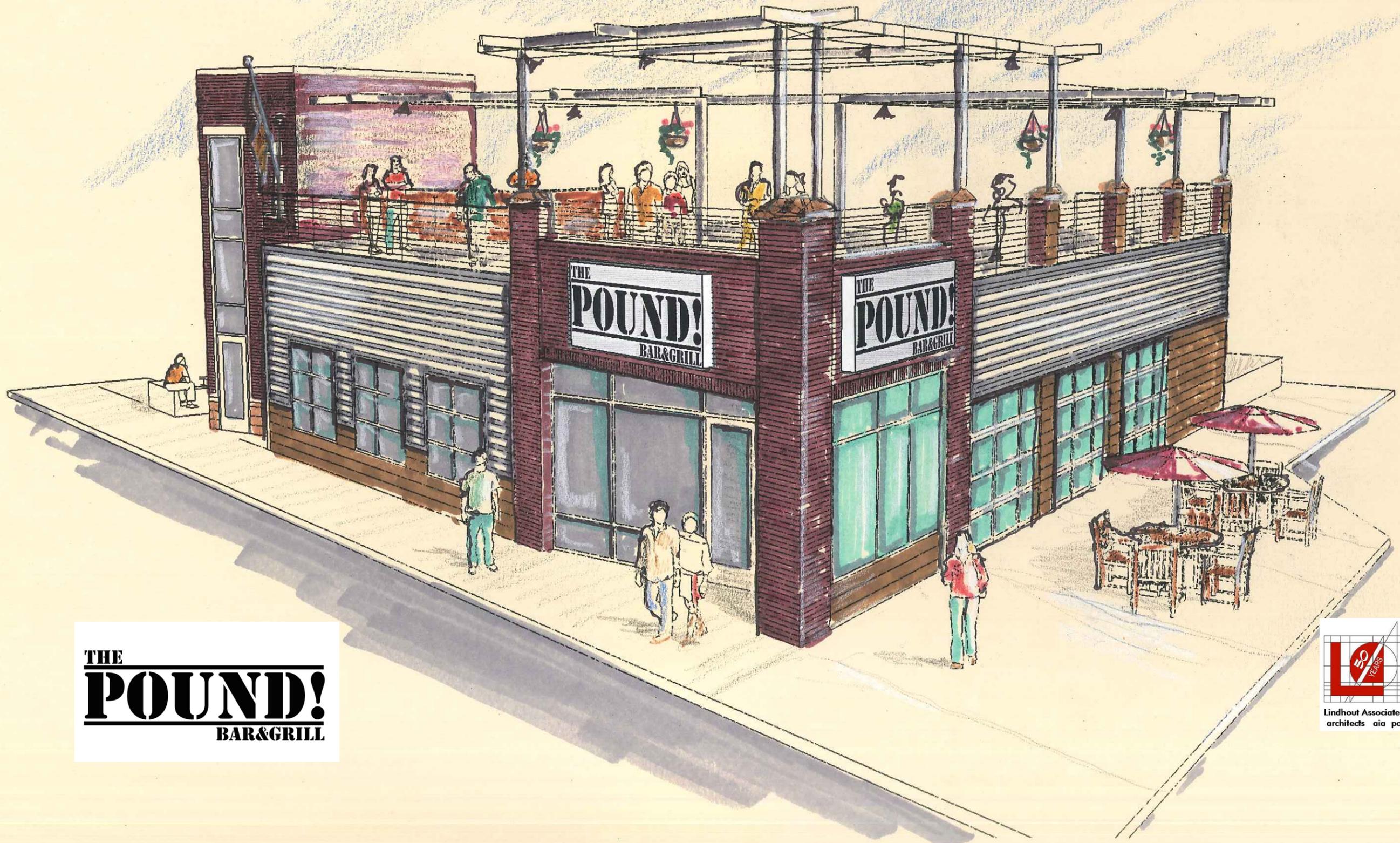
Board Member Schillinger gave the Board an update to the recently approved electric car charging stations in response to a question by Mr. Wells about whether electric cars would be considered by the City when doing new construction site plan reviews. Mr. Schillinger stated that Brighton is one of three communities that he is aware of that applied for grants and will be working with Chargepoint to install three charging stations – one in the Municipal parking lot at City Hall, one in the North St. parking lot and one in the East St. parking lot.

#### **10. Call to the Public**

The call to the public was made at 8:35 p.m. with no response.

#### **11. Adjournment**

**Moved** by Mr. Petrak, seconded by Smith, to adjourn the meeting at 8:35 p.m. **The motion carried unanimously.**



**THE**  
**POUND!**  
**BAR & GRILL**



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MAIN STREET

ROOF LEVEL DOOR STREET LEVEL DOOR

EXIT

ENCLOSED 1 HOUR RATED FIRE STAIR ENCLOSURE

UPPER BAR

UPPER DECK 116 SEATS

KITCHEN ROOF (VENTS, M.U.A., EXHAUST)

OPEN WOOD OR STEEL EXIT STAIR

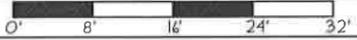
LOWER DECK: 130 S.F.  
UPPER DECK: 2300 S.F.

LOWER DECK 28 SEATS

DUMPSTER ENCLOSURE

WEST STREET

N 132.00'



Lindhout Associates  
architects aia pc  
10465 citation drive, brighton, michigan 48116-9510  
www.lindhout.com (810)227-5668 fax (810)227-5655

consultant

PRELIMINARY SITE PLAN REVIEW  
ISSUED FOR

DR: PHL  
CD: XXX  
APP'D: XXX  
DATE: 4-2-09

BUILDING RENOVATION FOR:  
**RANDY TOBBE**  
BRIGHTON, MICHIGAN  
SITE/ROOF PLAN

11  
4955

**POLICY REPORT: NORTH & WEST STREETScape IMPROVEMENTS  
#10-010**

**JANUARY 6, 2011**

Prepared by:

Reviewed by:

Amy Cyphert  
Acting Community Development City  
& Planning Director

Dana Foster  
Manager

**ISSUE:**

To consider granting conditional site plan approval for North & West Streetscape Improvements #10-010 as recommended by the Planning Commission.

**STAFF RECOMMENDATION:**

Staff concurs with the Planning Commission's recommendation.

**BACKGROUND:**

At its meeting of December 20, 2010, the Planning Commission reviewed and discussed a site plan for the North & West Streetscape Improvements. The project includes: crosswalk improvements at Main & West Street, additional street parking spaces, sidewalk replacement and other streetscape improvements. Please see the attached Planning Commission report for additional information.

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

1. That the Fire Department and City Engineers review the plans during the building permit process.

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

**BUDGET IMPACT:** N/A

**RELATIONSHIP TO 2010/2011 GOALS:** N/A

**COUNCIL ACTION:**

Motion by \_\_\_\_\_ to recommend site plan approval for the City of Brighton North and West Streetscape Projects as depicted on the site plan prepared by Lindhout Associates Architects, job #1035, sheets C1, C2, C3, C4 & C5, last dated 11/19/10 and site plan prepared by Kem-Tec & Associates, job #10-02422, sheet C6, last dated 7/12/10. The approval is subject to the following conditions:

1. That the Fire Department and City Engineers review the plans during the building permit process.

and supported by \_\_\_\_\_.

**Attachments:**

1. Planning Commission Report
2. DRAFT Planning Commission Meeting Minutes
3. Site Plan

**CITY OF BRIGHTON  
PLANNING COMMISSION  
PLANNING REPORT**

**TO:** Planning Commission Members

**FROM:** Amy Cyphert, Deputy City Planner

**DATE:** December 20, 2010

**RE:** **Site Plan – North & West Streetscape Improvements #10-010 - REVISED**

---

### **Background**

As the Planning Commission is aware a similar site plan was approved in 2008 for North & West Streetscape Improvements. That site plan was tied to the proposed Burton Katzman Urban Senior Living Mixed Use Development. The streetscape improvements were proposed to be grant funded based on job creation from the mixed use development, but Burton Katzman decided to not proceed with the project.

The North and West Street Streetscape Improvements resurfaced when the Community Development Staff was able to secure a grant for \$361,043.00 for the streetscape improvements based on the job creation from the Bagger Dave's project currently under construction at 110 E. Grand River. The DDA is supplying the local required match.

The streetscape improvements have been revised and include the following components:

- *Main & West Street Crosswalk:* pedestrian lighted crosswalks with raised stamped concrete and sloped concrete borders, new decorative pedestrian level streetlamps  
**Per the direction of the Planning Commission and supported by the Downtown Development Authority, the crosswalk at Main and West has been revised to include a raised stamped concrete center (similar to the crosswalk at Hyne & Main). This addition will add \$48,000-50,000 to the budget for the demolition and additional paving work.**
- *North Street:* twelve on-street parking spaces, replacement of existing sidewalk with brushed concrete and brick pavers
- *North Street Crosswalk:* pedestrian crosswalks with raised stamped concrete and sloped concrete borders
- *North Street Sidewalk:* new brushed concrete sidewalk to replace the existing sidewalk from the corner of West and North Street to E. Grand River (Champs corner)

- *West Street Improvements*: brick pavers and banding at entrance of the curb cuts, new brushed concrete sidewalk, street trees and grates, improvements at the corner of West and North Street which include brick pavers and banding, brushed concrete and replacement of the cross walk with thermoplastic material per MDOT specifications. Also included is the removal of a parking space by the former Singer Press building. This would allow a potential restaurant user to have a sidewalk café permit.

## Discussion Points

- During the development of the original North and West Street Streetscape project, Community Development Staff met with Lindhout Associates and Tetra Tech to discuss several potential improvement projects. The group came to an agreement on projects that would benefit this area of downtown.
- During the review of the proposed site plan, Community Development Staff met with Lindhout Associates, Tetra Tech, DPS Department Staff and a member of the BAFA to discuss revisions and additions to the original plan.
- The projects increase the amount of parking in the area, beautify the existing streetscape and create safer crosswalks for pedestrians.
- Community Development Staff has received the release of funds letter from the MEDC. Staff envisions the streetscape project will be bid in the Summer of 2011 and construction would begin in the Fall of 2011.

## Recommendations

The increase in parking and streetscape appearance in this area of downtown is needed, not only to serve and support existing business needs, but to support the new businesses that will occupy existing vacant building in downtown (i.e. Bagger Dave's). The projects will also improve and enhance pedestrian traffic flow.

Staff recommends that the projects be approved.

## Commission Action

Motion by \_\_\_\_\_ to recommend site plan approval for the City of Brighton North and West Streetscape Projects as depicted on the site plan prepared by Lindhout Associates Architects, job #1035, sheets C1, C2, C3, C4 & C5, last dated 11/19/10 and site plan prepared by Kem-Tec & Associates, job #10-02422, sheet C6, last dated 7/12/10. The approval is subject to the following conditions:

1. That the Fire Department and City Engineers review the plans during the building permit process.

**Attachments:**

1. Site Plan

City of Brighton  
Planning Commission  
Minutes  
December 20, 2010



1. **Call to Order/Roll Call**

Chairperson Monet called the meeting to order at 7:30 pm. The following were present:

Al Wirth  
Larry Schillinger  
William Bryan  
John Wells  
Steve Monet  
Matt Smith  
David McLane  
Dave Petrak  
Bob Pawlowski

Also present were Amy Cyphert, Lauri French and Matt Modrack and an audience of seven.

2. **Call to the Public**

The call to the public was made at 7:31 p.m. with no response.

3. **Approval of the November 15, 2010 Minutes**

**Moved** by Mr. Petrak, seconded by Mr. Smith, to approve the November 15, 2010 minutes as presented. **The motion carried unanimously.**

4. **Approval of the December 20, 2010 Agenda**

As discussed in the Blue Sky session, Item 6. on the agenda under New Business should be moved to Old Business as it was tabled from the November 15 meeting. **Moved** by Mr. Wells, seconded by Mr. Pawlowski, to approve tonight's agenda as amended. **The motion carried unanimously.**

**Old Business**

5. **Discussion of the Michigan Medical Marihuana Act – Law 1 of 2008**

Ms. Cyphert had explained in the Blue Sky session that this item has remained under Old Business on the past several meeting agendas due to the many changes taking place (proposed changes to the law, moratoriums by communities, lawsuits, etc.) and the Board will have to further discuss the issue at upcoming meetings. She advised that the Board's questions from the November 15, 2010 meeting have been sent to the City Attorney's office but she has not received a response to date. Motion by Mr. Bryan, seconded by Mr. Schillinger, to table this item until the Planning Commission meeting on January 24, 2010.

6. **Site Plan – North and West Street Streetscape Improvements #10-010** (tabled at 11/15/10 meeting).

**Moved** by Mr. Wells, seconded by Mr. Wirth, to bring this item back to the table for discussion at tonight's meeting. **Motion carried unanimously.**

Ms. Cyphert noted that the architect is in the audience if the Board members had any questions. Mr. Piet Lindhout, Lindhout Associates, noted that the project revisions requested by the Planning Commission



were discussed and supported unanimously at the November 16, 2010 meeting of the Downtown Development Authority (DDA). He reviewed the revised site plan and noted that the center area of the crosswalk has been removed and the grade raised, consistent with the crosswalk at Hyne and Main. Mr. Lindhout was asked if any curb has to be removed and he responded that the curb stays. As stated in the Planning Report, the revisions will add approximately \$50,000 to the cost of the project.

**Moved** by Mr. Smith, seconded by Mr. Bryan, to recommend site plan approval for the City of Brighton North and West Street Streetscape Projects as depicted on the site plan prepared by Lindhout Associates Architects, Job #1035, sheets C1, C2, C3, C4 & C5, last dated 11/19/10 and site plan prepared by Kem-Tec & Associates, Job #10-02422, sheet C6, last dated 7/12/10. The approval is subject to the following conditions:

1. That the Fire Department and City Engineers review the plans during the building permit process.

**Motion carried unanimously.**

### New Business

#### **7. Preliminary Site Plan – “The Pound” Roof Top Dining – 139 W. Main Street #10-011**

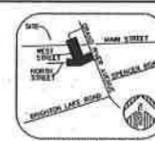
Ms. Cyphert explained that the Board would be reviewing a preliminary site plan for roof top dining at a new restaurant to be located in the former Singer Press building at 139 W. Main St. She noted that the applicants and architect are in the audience if the Board has any questions. Mr. Piet Lindhout, Lindhout Associates, stated that he was authorized by the DDA to provide two hours of design service at no cost to the applicants. He reviewed the proposed building sketch and noted a wood deck at the back of the building, an exterior stairway leading to the roof as well as an interior stairway also leading to the roof. He noted that the Michigan Construction Code requires a snow load of 2 lb/sq. foot on the roof and that the seating area will be loaded at 100 lb/sq. foot. There will be two exits from the roof top via the stairways. The City of Brighton ordinances currently contain nothing specific about roof top dining.

Mr. Lindhout also noted that the two-story stairwell would be visible from Grand River and Main. The proposed construction materials on the exterior will consist of metal panels and brick, with “overhead” glass doors off West St. There will be metal rails on the roof and a structural trellis for lighting and sound speakers, which will be pointed downward to avoid excess noise levels.

Mr. Kevin Montagano, one of the partners in “The Pound” along with Randy Tobbe and Brian Mexico, explained their vision of a family-oriented sports bar with a “Buffalo Wild Wings” type of atmosphere, focused on youth sports (i.e., team dinners) to foster a sense of community. He envisions a simple and affordable menu, and they plan to broadcast Brighton away games live and home games after the game is over via the Internet.

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**BENCHMARKS**  
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**SURVEYOR'S NOTE**  
 THE UNDERSIGNED HEREBY CERTIFIES THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF. THE UNDERSIGNED HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF. THE UNDERSIGNED HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF.

**LEGEND FOR EXISTING**

- (R) RECORD DIMENSION
- (M) MEASURED DIMENSION
- (G) GROUND POINT
- (E) ELECTRIC METER
- (P) ELECTRIC PANEL
- (T) ELECTRIC RISER
- (X) TRANSFORMER
- (U) UTILITY POLE
- (S) GAS LINE MARKER
- (M) GAS METER
- (V) GAS VALVE
- (L) LIGHT POLE WITH STREET LAMP
- (M) TELEPHONE MANHOLE
- (M) TRAFFIC SIGNAL MANHOLE
- (M) TRAFFIC SIGNAL CONTROL BOX
- (C) CLEANOUT
- (M) SANITARY MANHOLE
- (M) ROUND CATCH BASIN
- (M) SQUARE CATCH BASIN
- (D) DRAIN
- (M) STORM DRAIN MANHOLE
- (F) FIRE HYDRANT
- (M) WATER GATE MANHOLE
- (M) WATER VALVE
- (M) MONITOR WELL
- (M) UNKNOWN MANHOLE
- (B) BOLLARD
- (F) FLAGPOLE
- (P) LIGHTPOST
- (S) SINGLE POST SIGN
- (T) TREE WITH TAG NUMBER
- (L) PARCEL BOUNDARY LINE
- (L) PLATTED LOT LINE
- (L) ADJOINER PARCEL LINE
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**STRUCTURE SCHEDULE**

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75	ASPHALT SIDEWALK	75	ASPHALT SIDEWALK	75	ASPHALT SIDEWALK
76	CONCRETE SIDEWALK	76	CONCRETE SIDEWALK	76	CONCRETE SIDEWALK
77	ASPHALT DRIVE	77	ASPHALT DRIVE	77	ASPHALT DRIVE
78	ASPHALT SIDEWALK	78	ASPHALT SIDEWALK	78	ASPHALT SIDEWALK
79	CONCRETE SIDEWALK	79	CONCRETE SIDEWALK	79	CONCRETE SIDEWALK
80	ASPHALT DRIVE	80	ASPHALT DRIVE	80	ASPHALT DRIVE
81	ASPHALT SIDEWALK	81	ASPHALT SIDEWALK	81	ASPHALT SIDEWALK
82	CONCRETE SIDEWALK	82	CONCRETE SIDEWALK	82	CONCRETE SIDEWALK
83	ASPHALT DRIVE	83	ASPHALT DRIVE	83	ASPHALT DRIVE
84	ASPHALT SIDEWALK	84	ASPHALT SIDEWALK	84	ASPHALT SIDEWALK
85	CONCRETE SIDEWALK	85	CONCRETE SIDEWALK	85	CONCRETE SIDEWALK
86	ASPHALT DRIVE	86	ASPHALT DRIVE	86	ASPHALT DRIVE
87	ASPHALT SIDEWALK	87	ASPHALT SIDEWALK	87	ASPHALT SIDEWALK
88	CONCRETE SIDEWALK	88	CONCRETE SIDEWALK	88	CONCRETE SIDEWALK
89	ASPHALT DRIVE	89	ASPHALT DRIVE	89	ASPHALT DRIVE
90	ASPHALT SIDEWALK	90	ASPHALT SIDEWALK	90	ASPHALT SIDEWALK
91	CONCRETE SIDEWALK	91	CONCRETE SIDEWALK	91	CONCRETE SIDEWALK
92	ASPHALT DRIVE	92	ASPHALT DRIVE	92	ASPHALT DRIVE
93	ASPHALT SIDEWALK	93	ASPHALT SIDEWALK	93	ASPHALT SIDEWALK
94	CONCRETE SIDEWALK	94	CONCRETE SIDEWALK	94	CONCRETE SIDEWALK
95	ASPHALT DRIVE	95	ASPHALT DRIVE	95	ASPHALT DRIVE
96	ASPHALT SIDEWALK	96	ASPHALT SIDEWALK	96	ASPHALT SIDEWALK
97	CONCRETE SIDEWALK	97	CONCRETE SIDEWALK	97	CONCRETE SIDEWALK
98	ASPHALT DRIVE	98	ASPHALT DRIVE	98	ASPHALT DRIVE
99	ASPHALT SIDEWALK	99	ASPHALT SIDEWALK	99	ASPHALT SIDEWALK
100	CONCRETE SIDEWALK	100	CONCRETE SIDEWALK	100	CONCRETE SIDEWALK

- DEMOLITION NOTES**  
 ALL DEMOLITION DEBRIS SHALL BE REMOVED FROM THE SITE
- A) REMOVE EXISTING CONCRETE CURBING - SABCUT AS REQ'D FOR NEW WORK
  - B) SABCUT & REMOVE EXISTING PAVEMENT FOR NEW WORK - SEE SITE PLAN & GRADING PLAN
  - C) NOT USED
  - D) REMOVE EXIST. 12"-24" DEEP CONCRETE BAND
  - E) REMOVE EXISTING PEDESTRIAN LIGHT FIXTURE/CONCRETE I CONCRETE BASE - SEE ELECTRICAL DRAWING FOR ADDITIONAL WORK
  - F) REMOVE & REUSE ELECTRICAL OUTLET BANK I CIRCUITS
  - G) REMOVE EXISTING LAMB AREA
  - H) REMOVE EXIST. PAVERS-SAVE REUSE
  - I) REMOVE CONCRETE BANDS I CONCRETE PAVERS AS NEEDED FOR NEW LIGHT POLE FOUNDATION
  - J) REMOVE EXISTING CONCRETE SIDEWALK
  - K) SABCUT EXISTING CONCRETE SIDEWALK AT EXISTING EXPANSION JOINT
  - L) REMOVE CONCRETE SIDEWALK I EXCAVATE FOR CONCRETE PAVERS, CONCRETE BANDS I STONE BASE
  - M) REMOVE CONCRETE SIDEWALK I EXCAVATE FOR ROAD PAVING I BASE
  - N) REMOVE SIGN AND SAVE FOR NEW LOCATION
  - O) SABCUT EXISTING ASPHALT FOR NEW CONCRETE WALK
  - P) REMOVE STRUCTURE COVER AND REUSE WHEN STRUCTURE IS ADJUSTED TO FINISH GRADE
  - Q) SABCUT EXISTING CONCRETE WALK AT LINE OF NEW WORK
  - R) SABCUT EXISTING PAVING FOR CROSSWALK, SEE DETAIL I/C3 NO OVER CUT
  - S) REMOVE CONCRETE DRIVE
  - T) REMOVE EXISTING STRUCTURE COVER AND PREPARE STRUCTURE FOR NEW COVER. ADJUST AS NEEDED TO MATCH PROPOSED GRADE
  - U) REMOVE & RELOCATE DECORATIVE SIGN-DO NOT SCRATCH OR DAMAGE SIGN. SEE DETAIL I/C3
  - V) REMOVE PORTION OF RETAINING WALL, REPAIR EDGE AS REQ'D
  - W) REMOVE & REPLACE CONC, WALK I CURB AS NEEDED FOR FIRE HYDRANT

**EXISTING TREE SCHEDULE**

Tree #	Area	Species	Historical Name	Common Name	Condition	Comments
554	3.5	Maple	Quercus macrocarpa	White Oak	Good	
555	3	Maple	Quercus macrocarpa	White Oak	Good	
556	3	Maple	Quercus macrocarpa	White Oak	Good	
557	3	Maple	Quercus macrocarpa	White Oak	Good	
558	4.5	Maple	Quercus macrocarpa	White Oak	Good	
559	4	Maple	Quercus macrocarpa	White Oak	Good	
560	4	Maple	Quercus macrocarpa	White Oak	Good	
561	4	Maple	Quercus macrocarpa	White Oak	Good	
562	4	Maple	Quercus macrocarpa	White Oak	Good	
563	3.5	Maple	Quercus macrocarpa	White Oak	Good	
564	2.5	Maple	Quercus macrocarpa	White Oak	Good	
565	3.5	Maple	Quercus macrocarpa	White Oak	Good	
566	3.5	Maple	Quercus macrocarpa	White Oak	Good	
567	3.5	Maple	Quercus macrocarpa	White Oak	Good	
568	3.5	Maple	Quercus macrocarpa	White Oak	Good	
569	3	Maple	Quercus macrocarpa	White Oak	Good	
570	4.75	Maple	Quercus macrocarpa	White Oak	Good	
571	4.75	Maple	Quercus macrocarpa	White Oak	Good	
572	4.5	Maple	Quercus macrocarpa	White Oak	Good	
573	15	A.S.H.	Quercus macrocarpa	White Oak	Good	
574	3.5	Maple	Quercus macrocarpa	White Oak	Good	
575	14	A.S.H.	Quercus macrocarpa	White Oak	Good	
576	15	A.S.H.	Quercus macrocarpa	White Oak	Good	
577	12	A.S.H.	Quercus macrocarpa	White Oak	Good	
578	14	A.S.H.	Quercus macrocarpa	White Oak	Good	
579	6	A.S.H.	Quercus macrocarpa	White Oak	Good	
580	11	A.S.H.	Quercus macrocarpa	White Oak	Good	
581	10	A.S.H.	Quercus macrocarpa	White Oak	Good	
582	18	A.S.H.	Quercus macrocarpa	White Oak	Good	
583	3	A.S.H.	Quercus macrocarpa	White Oak	Good	
584	5.5	A.S.H.	Quercus macrocarpa	White Oak	Good	
585	30	A.S.H.	Quercus macrocarpa	White Oak	Good	
586	22	A.S.H.	Quercus macrocarpa	White Oak	Good	
587	28	A.S.H.	Quercus macrocarpa	White Oak	Good	
588	7	A.S.H.	Quercus macrocarpa	White Oak	Good	
589	7	A.S.H.	Quercus macrocarpa	White Oak	Good	
590	1	A.S.H.	Quercus macrocarpa	White Oak	Good	
591	18	A.S.H.	Quercus macrocarpa	White Oak	Good	
592	13	A.S.H.	Quercus macrocarpa	White Oak	Good	
593	24	A.S.H.	Quercus macrocarpa	White Oak	Good	
594	18	A.S.H.	Quercus macrocarpa	White Oak	Good	
595	14	A.S.H.	Quercus macrocarpa	White Oak	Good	
596	7	A.S.H.	Quercus macrocarpa	White Oak	Good	
597	12	A.S.H.	Quercus macrocarpa	White Oak	Good	
598	12	A.S.H.	Quercus macrocarpa	White Oak	Good	
599	10	A.S.H.	Quercus macrocarpa	White Oak	Good	
600	7	A.S.H.	Quercus macrocarpa	White Oak	Good	
601	8.5	A.S.H.	Quercus macrocarpa	White Oak	Good	
602	25	A.S.H.	Quercus macrocarpa	White Oak	Good	
603	2	A.S.H.	Quercus macrocarpa	White Oak	Good	
604	3.5	A.S.H.	Quercus macrocarpa	White Oak	Good	
605	38.25	A.S.H.	Quercus macrocarpa	White Oak	Good	
606	8	A.S.H.	Quercus macrocarpa	White Oak	Good	
607	8	A.S.H.	Quercus macrocarpa	White Oak	Good	
608	10	A.S.H.	Quercus macrocarpa	White Oak	Good	
609	6	A.S.H.	Quercus macrocarpa	White Oak	Good	
610	6	A.S.H.	Quercus macrocarpa	White Oak	Good	











**MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON**  
**HELD ON JANUARY 6, 2011 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 Bandkau, Councilmembers Schillinger, Muzzin, Bohn, Roblee, Cooper and Pipoly. The Council reviewed the agenda items.

**REGULAR SESSION**

Mayor Bandkau 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 Bandkau, Councilmembers Schillinger, Bohn, Muzzin, Cooper, Roblee and Pipoly. Also in attendance were Attorney Paul Burns and Staff members Dana Foster, Diana Lowe, Matt Schindewolf, Jennifer Piasecki, Tom Wightman, Matt Modrack, Kelly LaLonde, Amy Cyphert and an audience of 32.

**MINUTES APPROVAL**

It was moved by Councilmember Cooper, seconded by Muzzin to approve the Regular Meeting minutes of December 16, 2010 as presented. Motion passed 7-0.

It was moved by Councilmember Roblee, seconded by Muzzin to approve the Closed Session minutes of December 2, 2010 as presented. Councilmember Bohn abstained. Motion passed 6-0-1.

It was moved by Councilmember Muzzin, seconded by Cooper to approve the two Closed Session minutes of December 16, 2010 as presented. Motion passed 7-0.

**CALL TO THE PUBLIC**

Mayor Bandkau gave a Call to the Public at 7:33p.m. The following comments were heard:

John Tunis, 623 W. Main Street, submitted a paper with two pictures of downtown Brighton. He stated the downtown area does not have a parking problem. He asked the Council to support the new Pound site plan.

Larry Lawrence, 530 Spencer, agrees with everything Mr. Tunis said. He stated noise should not stop the redevelopment of the former Singer Press building for the proposed Pound site plan.

Mark Binkley, 105 W. Main Street, 713 Fairway Trails Drive, stated noises are part of living in the City and in terms of overall parking, there is no problem and is in favor of the Pound site plan.

Jim Tobbe, 1232 Brighton Lake Road, agrees with Mr. Tunis and stated Brighton is a fun community and it is good to be drawing people into the community. He supports the Pound site plan.

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Chris Tobbe, 725 W. Main Street, stated he and his wife look forward to raising their two daughters in this community. He is in support of the Pound site plan.

Mack Miller, 307 W. Main Street, stated we need to draw new business to the community and is in support of the Pound.

Keith Carp, 421 Millpond Lane, agrees with everyone that has spoken this evening. The Pound is family oriented and is unique and different. He believes in the Brighton community.

Stacey Kelbert, 221 N. Church Street stated live entertainment is a concern especially with a raised platform and asked for some noise studies. She hopes the Pound does well.

Susan Walters-Steinacker stated she is in support of the Pound.

Brian Duby, 427 W. Main Street, stated the noise violations can be controlled and is in favor of the redevelopment of a building that has sat vacant for six years.

Councilmember Cooper read a letter from Norma and Tim Clausnitzer stating the music for the Pound should be limited to weekends only.

Hearing no further comment, the Call to the Public was closed at 7:54.

### **CITIZEN INQUIRIES**

None.

### **AGENDA APPROVAL**

It was moved by Councilmember Roblee, seconded by Muzzin to approve the Action Agenda as amended. Delete item #8, Dairy Queen License Agreement. Motion passed 7-0.

### **UTILITY BILLING**

Finance Director, Kelly LaLonde stated the Finance Department is proposing to change Utility Billing to bi-monthly billing to achieve staff time efficiencies and related staff time processing costs for an annual savings of \$20,000.

Councilmember Muzzin stated the Budget and Finance Subcommittee is in support of the Utility Billing change.

It was moved by Councilmember Pipoly, seconded by Muzzin to approve the change from a monthly billing to a bi-monthly billing, and to direct staff to implement this change immediately. Motion passed 7-0.

### **FORMER SINGER PRESS PRELIMINARY SITE PLAN**

City Manager, Dana Foster stated the Pound site plan would come back to the Planning Commission and Council for final approval. Staff is looking for direction from Council that may be in addition to Planning Commission's motion.

Acting Community Development/Planning Director, Amy Cyphert stated the preliminary Pound site plan is being presented to Council to see if they are in favor of rooftop dining. City Staff suggested that the applicant seek preliminary site plan approval for the roof top dining before going through all the motions and costs of finalizing their exterior, interior and site improvements that would change if the City denied the roof top dining.

Piet Lindhout, Architect for the proposed Pound rooftop dining. He stated part of the DDA support to attract downtown businesses is to help with vision of the redevelopment. He described the project and addressed noise concerns.

Kevin Montagano, developer of the Pound project, thanked the people of the community for supporting the Pound project. He stated Brighton is a unique community and would like to provide an affordable place to eat for family and friends. He addressed the noise issue stating he would work with the City of Brighton to address any problems.

After Council discussion, it was moved by Councilmember Muzzin, seconded by Pipoly to recommend conceptual approval to allow rooftop dining at 139 W. Main Street and that a plan of operation is required with the site plan submittal. Motion passed 7-0.

### **NORTH AND WEST STREET STREETScape IMPROVEMENTS**

Acting Community Development/Planning Director, Amy Cyphert discussed the site plan for the North & West Streetscape Improvements. She highlighted the crosswalk improvements at Main & West Street, additional street parking spaces, sidewalk replacement and other streetscape improvements.

DDA Executive Director and Main Street Program Manager, Matt Modrack described the project, highlighting the improvements at the intersection for increased pedestrian traffic, sidewalk and parking.

Architect Piet Lindhout described the design of the proposed project highlighting sidewalks, parking and landscaping.

It was moved by Pipoly, seconded by Cooper to approve the site plan for the City of Brighton North and West Streetscape Projects as depicted on the site plan prepared by Lindhout Associates Architects, job #1035, sheets C1, C2, C3, C4 & C5, last dated 11/19/10 and site plan prepared by Kem-Tec & Associates, job #10-02422, sheet C6, last dated 7/12/10. The approval is subject to the following condition: That the Fire Department and City Engineers review the plans during the building permit process. Motion passed 7-0.

### **CITY CUSTOMER INFORMATION**

City Manager, Dana Foster stated there might be some web broadcasts from the upcoming National League of Cities conference for Council's viewing, as there are no funds in the budget for attendance at the conference. We are looking into funding for the upcoming budget for attendance for Council and Staff at conferences. He gave kudos to Kelly LaLonde for recommending the Utility Billing cost saving changes approved this evening.

Councilmember Muzzin gave a Budget and Finance Subcommittee update stating the budget will be challenging. He gave kudos to a letter to the editor written by Carol Munce regarding staff members Diane Cureton and Colleen Barton for their helpfulness at City Hall.

Councilmember Roblee gave an Arts and Culture update stating they are planning for the next year and discussed grant funds coming in for the pocket park. She gave a Principle Shopping District update stating they are goal setting for this coming year. She discussed the upcoming Visioning Session and encouraged citizens to sign up for attendance.

### **CALL TO THE PUBLIC**

Mayor Bandkau gave a Call to the Public at 9:28 p.m. The following comment was heard:

Susan Walters-Steinacker stated in light of City transparency, the Bonner lawsuit has cost the City much money. The City manager and five Councilmembers were delivered summons today and she suggested they read them.

### **DAIRY QUEEN LICENSE AGREEMENT CLOSED SESSION**

It was moved by Muzzin, seconded by Pipoly to go into Closed Session to discuss the Dairy Queen License Agreement pursuant to MCL 15.268(c) at 9:33 p.m. A roll call vote was taken. Yes: Schillinger, Cooper, Bandkau, Muzzin, Bohn, Roblee, Pipoly. No: none. Motion passed 7-0.

The Council convened into Closed Session at 9:34 p.m.

The Council reconvened the Regular Session at 9:55 p.m.

### **ADJOURNMENT**

It was moved by Councilmember Pipoly, seconded by Cooper to adjourn the meeting at 9:55 p.m. Motion passed 7-0.