

CITY OF BRIGHTON
CITY COUNCIL MEETING
CITY HALL
January 5, 2012

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](#) and Closed Sessions of [December 15, 2011](#)
5. Mayor's Reading of Citizen Inquiries received since the last City Council Meeting
6. Consider approval of the Agenda
7. Call to the Public

Consent Agenda

8. Consider [site plan approval for the Excelda office building at 131 Hyne Street](#) as recommended by the Planning Commission
9. Consider approval of a proposed intergovernmental service agreement for I.T. Services to be provided from the City of Howell's I.T. Department.

Policy Development & Customer Communications' action item

10. Consider a motion to authorize the City Manager to execute a contract with the Michigan Municipal League's Staff to conduct a market comparison study of the pay and benefits for administrative non-union employees with other comparable Michigan city governments
11. Consider review of proposed Chip and Seal pavement maintenance projects and consider a possible motion to direct staff to conduct a related competitive bidding process for City Council's approval for the 2012 construction season
12. Receive preliminary report from the City Manager regarding staff work to date pursuant to the City Council-established goal regarding the Development of Volunteer programs for City Service Delivery (Adopted Goal Category #8)
13. Receive current year City Council-adopted Goals' Progress report from the City Manager

Other Business

14. Information for City Customers
15. Receive updates from Council Member Liaisons to other Boards and Commissions
16. Call to the Public
17. Conduct a closed session for tax tribunal matters per the request of the City Attorney
18. Consider possible actions regarding pending tax tribunal matters as may be recommended by the City Attorney
19. Adjournment

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON DECEMBER 15, 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 Muzzin, Mayor Pro-Tem Cooper, Councilmembers Schillinger, Bandkau, Bohn, Pipoly and Roblee. The Council reviewed the agenda items.

REGULAR SESSION

Mayor Muzzin called the regular meeting to order at 7:30 p.m. Following the Pledge of Allegiance, the roll was called, there being present were Mayor Muzzin, Mayor Pro-Tem Cooper, Councilmembers Schillinger, Bandkau, Pipoly, Roblee and Bohn. Also in attendance were Attorney Brad Maynes and Staff members Dana Foster, Jennifer Burke, Diana Lowe, Amy Cyphert, Matt Schindewolf, Tom Wightman, Kelly Hanna, Matt Modrack and an audience of 16. Press and Media included Jim Totten from Livingston County Press & Argus and Tom Tolen from WHMI.

MINUTES APPROVAL

It was moved by Roblee, seconded by Cooper to approve the Regular Meeting minutes of December 1, 2011 as corrected. Page 4, Adjournment, It was moved by Councilmember Pipoly. Motion passed 7-0.

It was moved by Mayor Pro-Tem Cooper, seconded by Bandkau to approve the Closed Session Meeting minutes of December 1, 2011 as presented. Motion passed 7-0.

It was moved by Mayor Pro-Tem Cooper, seconded by Roblee to approve the Closed Session Meeting minutes of November 17, 2011 as presented. Abstain: Pipoly. Motion passed 6-0-1.

CITIZEN INQUIRIES

Susan Walters-Steinacker - Please explain why the PSD spends tax dollars on the downtown and not spending their monies on the PSD district as a whole.

Mayor Muzzin stated all the monies of the PSD District benefit the properties in the PSD District.

AGENDA APPROVAL

It was moved by Councilmember Bandkau, seconded by Roblee to approve the Agenda as amended. Delete item #10, Mill Pond Dredging, item #21, Brighton Commercial Closed Session and item #22, Brighton Commercial action. Move item #15, Veterans Memorial before item #14, DTE Smartmeter. Move from Consent Agenda to Action Agenda item #8, ATV Replacement. Motion passed 7-0.

CALL TO THE PUBLIC

Mayor Muzzin opened the Call to the Public at 7:35 p.m. The following comments were heard:

Dennis Nauss, 1015 Washington Street, suggested to have users start paying for parking.

Pauline Holeton, Shelby Township, expressed her concerns regarding the costs of the Smartmeter installation and the health problems that they can cause.

John Holeton, 2392 Barclay Ave, Shelby Township, stated he is not confident people can opt-out of Smartmeters. The people should be able to choose whether or not they want Smartmeters.

Sally Rokowski, Brighton Michigan, stated our government has given funds to DTE for the installation of Smartmeters.

Ray Smith, Howell, Michigan, grants have been given to further the development of appliances that can be read by Smartmeters. He displayed a sign that residents can install on their current meters to prohibit the installation of Smartmeters.

Dennis Nauss stated all of the flags, including the American flag should be flown at the War Memorial.

Hearing no additional comment, Mayor Muzzin closed the Call to the Public at 7:55 p.m.

Councilmember Roblee stated the American and the POW flags are located just outside of the new War Memorial. She also stated the Memorial is being paid for by all taxpayers.

CONSENT 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 #13, City Council Worksession dates. Motion passed 7-0.

The following items were approved on the Consent Agenda

1. Reappointed Councilmember Pipoly to the Cable TV Advisory Commission.
2. Approved the Agreement for Collection of Summer School Property Taxes.
3. Authorized the Mayor to sign and send a letter to our State Representative and State Senator to ask for their assistance with a reopening of communications from MDOT to the County Road Commission and the City regarding the need for I-96 & Grand River interchange improvements.

DOWNTOWN PARKING STUDY

Rick Rich, Project Manager of the Parking Study update, displayed slides comparing the 2009 and 2011 Parking Study, Parking Supply, Peak Occupancy, Public Versus Private Parking, Additional Parking Spaces Needed, Public Spaces, Private Spaces, Occupancy Daytime Peak, Occupancy Night Peak, Future Developments, Current Surplus/Deficit Day, Future 5-year Surplus/Deficit Day and Night, Potential Parking Expansion Sites, Wayfinding Signs, Security, Lighting and Potential for Multi Space Meters.

City Manager, Dana Foster displayed a slide of the parking lot next to the Railroad on 2nd Street, stating 80 additional parking spaces could be added. He suggested the City Attorney review the agreement with CSX Railroad, Section 2.3, explaining the City has five years from 2008 to construct the additional 80 spaces. He discussed potential new parking spaces and that reaching 50% public control of the parking supply should be a formal City Council Goal.

There was Council discussion regarding parking enforcement and costs, implementing a parking system, employee parking, working with private parking lot owners for use after business hours and funding for Phase 2 of the CSX parking lot.

It was moved by Councilmember Roblee, seconded by Bohn to direct the City Attorney to look at the clause of the CSX Railroad agreement, Section 2.3. Motion passed 7-0.

VETERANS MEMORIAL IMPROVEMENT PROJECT

Councilmember Bandkau discussed the Veteran's Memorial Improvement Project highlighting the placement of all of the flags. We can solicit for donations after there is approval by City Council.

Finance Director, Kelly Hanna discussed the Veteran's Memorial Project fund, stating any revenue that is received will be restricted to this fund, expenditures would be authorized from the Veterans Fund Committee and donations would be tax deductible.

It was moved by Councilmember Bandkau, seconded by Bohn to approve a modification to the Concept Plan that received preliminary approval by the City Council regarding the U.S. Flag as requested by one or more of the area Veterans' organizations. Motion passed 7-0.

It was moved by Councilmember Bohn, seconded by Cooper to approve Resolution 11-24, Authorizing the establishment of a separate Veterans Memorial Improvement Project Fund to serve as a collection point for donations to the project that will be separate from the General Fund and all other City Funds but that will be administered by City Staff as a fiduciary agent. A roll call vote was taken. Yes: Schillinger, Bohn, Cooper, Muzzin, Bandkau, Roblee, Pipoly. No: none. Motion passed 7-0.

DTE SMARTMETER PRESENTATION

Paul Ganz, DTE Representative, briefed the Council on Advanced Metering Infrastructure stating they will be able to be aware on outages well before they reported.

Bob Sitkauskas, AMI Manager for DTE, displayed slides on the Advanced Metering Infrastructure, How the AMI works, AMI Communications, AMI increases actual reads and accessibility of meter reading, Optional Smart Home technology regarding energy use, Monitor and analyze the system. He discussed the health concerns regarding the use of the AMI stating there is not much concern regarding their radio frequency there is no opt-out of the AMI process.

ATV REPLACEMENT

There was discussion regarding the funds from the sale of old City equipment going into the General Fund balance.

It was moved by Mayor Pro-Tem Cooper, seconded by Schillinger approve the budget amendment and subsequent purchase of the recommended ATV unit and accessory equipment for the purpose of DPS services. Motion passed 7-0.

It was moved by Councilmember Bohn, seconded by Bandkau to direct the DDA Representatives Muzzin and Pipoly to approach the DDA in terms of funding, at a 25% City General Fund participation and 75% from the DDA fund. Motion passed 7-0.

VOLUNTEER PROGRAMS

It was moved by Councilmember Roblee, seconded by Pipoly to table the Volunteer Program agenda item. Motion passed 7-0.

CITY CUSTOMER INFORMATION

City Attorney, Brad Maynes stated the Michigan Tax Tribunal decided the Brighton Mall case and affirmed the City's taxable value in full with no refund to the petitioner.

Councilmember Cooper suggested Council discuss a conference opportunity for a certified playground instructor and on the next agenda.

Councilmember Bandkau thanked the Brighton Garden Club for putting holiday greens in the Millpond area.

Councilmember Roblee stated the Brighton Art & Culture Commission met and are moving towards non-profit status.

Councilmember Schillinger wished everyone a Merry Christmas and Happy New Year.

Mayor Muzzin gave a Brighton Area Fire Authority update, stating Mike O'Brien's contract as Chief has been finalized. The annual audit presentation went well. They approved the hiring process for a Deputy Chief and Mike Corrigan was reappointed. Happy Holidays and safe New Year to all.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 10:07 p.m. The following comments were heard:

Susan Walters-Steinacker thanked Councilmember Bohn for comments regarding nothing being done in the residential area. She expressed her displeasure with the services she receives from the City.

John Holeton asked if there a difference in electro magnetic frequency waves vs. radio frequency waves?

Pauline Holeton, Shelby Township, expressed her displeasure with unanswered questions from DTE and Smartmeters.

John Holeton, Shelby Township, discussed the Smartmeter features, Radio Frequency dangers, safety and fires, the profit for DTE

Sally Rokowski stated there is no opt-out for Smartmeters, but no law requiring you to have the Smartmeter and the rates will go up.

Hearing no further comment, Mayor Muzzin closed the Call to the Public at 10:20 p.m.

WRITTEN ATTORNEY/CLIENT PRIVILEGE CLOSED SESSION

It was moved by Mayor Pro-Tem Cooper, seconded by Bandkau to go into Closed Session to discuss attorney/client privileged written communication pursuant to MCL 15.268(h). A roll call vote was taken. Yes: Schillinger, Bohn, Cooper, Muzzin, Bandkau, Roblee, Pipoly. No: none. Motion passed 7-0.

The Council convened into Closed Session at 10:24 p.m.

The Council reconvened the Regular Session at 10:44 p.m.

It was moved by Councilmember Roblee, seconded by Bandkau to remove the Attorney/Client privilege from the letter and send to the DDA administrator. Motion passed 7-0.

ADJOURNMENT

It was moved by Mayor Pro-Tem Cooper, seconded by Pipoly to adjourn the meeting at 10:45 p.m. Motion passed 7-0.

Diana Lowe, City Clerk

Jim Muzzin, Mayor

POLICY REPORT: SITE PLAN – EXCELDA #11-014

January 5, 2012

Prepared by:

Amy Cyphert
Planning & Zoning Director

Reviewed by:

Dana Foster
City Manager

ISSUE:

To consider granting conditional site plan approval for the Excelda Office Building located at 131 Hyne Street #11-014 as recommended by the Planning Commission.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation.

BACKGROUND:

At its meeting of December 19, 2011, the Planning Commission reviewed and discussed a site plan for the Excelda Office Building. The applicant is proposing a 12,074 square foot building (basement, first floor & second floor). The proposed building materials are brick, cast stone, aluminum composite panels, metal coping, metal paneling and lightly tinted windows.

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

1. That all signage comply with applicable Ordinances or variances obtained.
2. That right of way permits be obtained from the Department of Public Services for work within the right of way.
3. That any damages done to the existing sidewalk be repaired to current condition or DDA standards as noted on the plans.
4. The items raised in the City Engineer's letter are addressed during the construction review.

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

BUDGET IMPACT: N/A

RELATIONSHIP TO 2011/2012 GOALS: N/A

COUNCIL ACTION:

Motion by _____ to recommend conditional site plan approval for the Excelda Office Building at 131 Hyne Street #11-014 as depicted on plans prepared by Boss Engineering, sheets, 1-10, project no. 11-216, last dated 12-6-11 and the plans prepared by Lindhout Associates, sheets A1.1, A1.2, and A2.1, project no. 1153, last dated 12-7-11 subject to the following:

1. That all signage comply with applicable Ordinances or variances obtained.
2. That right of way permits be obtained from the Department of Public Services for work within the right of way.
3. That any damages done to the existing sidewalk be repaired to current condition or DDA standards as noted on the plans.
4. The items raised in the City Engineer's letter are addressed during the construction review.

and supported by _____.

Attachments:

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

**CITY OF BRIGHTON
PLANNING COMMISSION
PLANNING REPORT**

TO: Planning Commission Members

FROM: Amy Cyphert, Planning & Zoning Director

DATE: December 19, 2011

RE: **Excelda – 131 Hyne Street #11-014**

Background

The site is currently vacant after the recent demolition of the former Chamber of Commerce building. The applicant purchased the property from the Downtown Development Authority in October.

The applicant is proposing to construct a new two story office building with some on-site parking. The property is zoned DBD – Downtown Business District.

The proposed building materials are brick, cast stone, aluminum composite panels, metal coping, metal paneling and lightly tinted windows.

Setbacks

The DBD-zoned property has zero setback requirements; however, the applicant is proposing an overall 8.37 foot front yard setback along W. North Street, a 3 to 5 foot front yard setback along Hyne Street and a 67.39 foot rear yard setback. A setback of 41.67 feet between the proposed office building and the Fifth Third Bank property line.

Parking Requirements

The proposed building is a total of 12,074 square feet in area (basement, first and second floor). Per the ordinance, the building requires 80 parking spaces. The site improvements will result in 15 on-site parking spaces.

For uses which exceed the parking exemption set forth herein, the parking requirements shall be calculated by deducting 65 parking spaces from the parking calculation set forth in sections 98-83 through 98-85 of this article. The reduction of the 23 on-site spaces results in a parking space requirement of 57 spaces.

The City of Brighton Zoning Ordinance states that uses within the DBD zoning district that require 65 or less parking spaces are exempt from the regulations and requirements of the parking article. Therefore, the property owner is not required to provide additional parking spaces.

Site Modifications

Dumpster:

- The site plan includes a new 8'8" x 12' dumpster enclosure.
- The enclosure is proposed to be constructed of brick to match the building addition, pre-cast cap and aluminum gates.

Signage:

- A ground sign is being proposed as part of a decorative fence design along Hyne Street.
- A projecting sign is being proposed along the W. North Street Elevation.
- Signage shall conform to sign ordinance requirements or variances can be pursued.

Outdoor Area:

- The site plan includes an outdoor seating area.
- The site plan also includes a lawn area to the east of the building. This area would allow for expansion if needed in the future.

Landscaping:

- The remaining on-site landscape elements will be removed.
- The applicant is proposing to add 9 deciduous trees.
- 116 shrubs and 183 perennials are proposed for the site.
- All landscape areas are proposed to be irrigated.

DBD Requirements:

- Building Height:
 - The ordinance states no building in the DBD shall exceed 30 feet in height (there are permitted exceptions).
 - A parapet wall can extend not more than 5 feet above the allowable building height.
 - The proposed building is height varies from 30 feet to 35 feet, including the permitted parapet.
- Transparency:
 - The DBD ordinance states, "in cases where a nonretail building is located on a corner, one of the facades of the building must have transparent window and door areas, equal to 70 percent of that portion of the facade measured between two and eight feet from grade."
 - Per the site plan, the façade along Hyne Street has 64% window transparency.
 - The façade along W. North Street has 90% window transparency.
 - The transparency requirement is met.
- Roof Top Mechanical equipment:
 - Roof top mechanical equipment is required to be screened or shielded to prevent viewing from public right-of-ways and city owned parking lots.
 - The site plan proposes screening the roof top equipment with an extended parapet.
- Building Materials:
 - The DBD standards requires all facades that face a frontage line or alley to have the following building materials: glass, brick, cut stone, cast stone, coarsely textured stucco, or molded polymer panels (i.e. Fypon). E.I.F.S. (exterior insulation finish

system, i.e. Dryvit), is not allowed on wood structures. Exterior finish applications of wood, vinyl, or E.I.F.S. may only be permitted subject to City Council review and approval, if deemed to enhance a building.

- The building materials include cast stone, aluminum composite panels, metal coping, metal paneling and lightly tinted windows.
- The DBD states that building walls visible from a public street shall be broken up with varying building materials and detailing, windows and architectural accents.
- All the building elevations can be seen from public streets. All the elevations are broken up by windows, pillars, and entry doors.
- The windows are proposed to be lightly tinted, which conforms to the ordinance.

Utilities

Tetra Tech reviewed the site plan and provided comments pertaining to the site plan in their letter dated December 1, 2011. The City Utilities Department also reviewed the site plan and provided comments at the site plan review meeting. The letter requested revisions to the additional details on the site plan, rain garden details, underground detention system details, spot elevations request, water connection details, etc. Per the architect, they included the majority of Tetra Tech's requests in the submittal before you this evening. Staff left the compliance with the City Engineer's letter as a site plan approval requirement, since the City Engineer will review the plans during the construction.

Fire Department

The Brighton Area Fire Department reviewed the site plan and provided comments pertaining to the requirements of the current International Fire Code. The letter dated December 5, 2011 from the BAFA requested the installation of a sprinkler system in the building, building address, fire lane signage, and owner information. The architects included the BAFD requests in the submittal before you this evening. Additional fire code review and review of the automatic sprinkler system will be done by the BAFA during the construction review.

DDA Review

Lindhout Associates is the architect for the site plan. DDA comments were made by the DDA Director, Matt Modrack, and addressed on the revised site plan before the Board.

STAFF RECOMMENDATION

The following are goals from the City of Brighton Master Plan: *encourage the development of new businesses and the redevelopment of existing sites which will enhance the tax base and meet service needs of present residents without requiring extensive city services.* The construction of this building will allow a new business to occupy a space with the downtown area. The construction and improvements to the site will enhance the tax base. The business will be bringing approximately 30-50 employees into town during the work week.

The DBD zoning ordinance requires that new buildings/facades provide distinct and prominent architectural features that reflect the importance of the building's location and may create a visual

landmark. Such distinct and prominent features may include appropriate use of historic detailing, appropriate use of masonry brick, use of pillars and arches, and the use of architectural styles associated with events significant in Brighton's history. Staff believes that those requirements have been met with the design of the building that is before the Board this evening. The proposed building elevations incorporate the required DBD building materials while breaking up the elevation with windows, pillars, etc.

Since it appears that the site plan is supported by the adopted Master Plan and DBD article, and it complies with the pertinent City ordinances, it is recommended that the site plan be approved, subject to the conditions below.

COMMISSION ACTION

Consider granting site plan approval for the project with the following motion:

Motion by _____ to recommend conditional site plan approval for the Excelda Office Building at 131 Hyne Street #11-014 as depicted on plans prepared by Boss Engineering, sheets, 1-10, project no. 11-216, last dated 12-6-11 and the plans prepared by Lindhout Associates, sheets A1.1, A1.2, and A2.1, project no. 1153, last dated 12-7-11 subject to the following:

1. That all signage comply with applicable Ordinances or variances obtained.
2. That right of way permits be obtained from the Department of Public Services for work within the right of way.
3. That any damages done to the existing sidewalk be repaired to current condition or DDA standards as noted on the plans.
4. The items raised in the City Engineer's letter are addressed during the construction review.

and supported by _____.

Attachments:

1. Tetra Tech letter dated 12/1/11
2. Rendering
3. Site Plan

DRAFT

DRAFT
City of Brighton
Planning Commission
Minutes
December 19, 2011

1. Call to Order/Roll Call

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

Larry Schillinger	Steve Monet
David McLane	Robert Pawlowski
Matt Smith	John Wells

Absent: Bill Bryan, Dave Petrak

Motion by Mr. Wells, supported by Mr. Smith, to excuse Commission Members Bryan and Petrak from tonight's meeting. **Motion carried 7-0-2.**

Also present were Amy Cyphert and Lauri French from Staff and an audience of eight.

2. Call to the Public

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

3. Approval of the October 17, 2011 Regular Meeting Minutes

Motion by Mr. Wirth, supported by Mr. Pawlowski, to approve the October 17, 2011 regular meeting minutes as presented. **The motion carried 5-0-4**, with two absences and Mr. Wells and Mr. Smith abstaining due to their absence at the October meeting.

4. Approval of the November 21, 2011 Regular Meeting Minutes

Motion by Mr. Pawlowski, supported by Mr. McLane, to approve the November 21, 2011 regular meeting minutes as presented. **The motion carried 6-0-3**, with two absences and Mr. Wirth abstaining due to his absence at the November meeting.

5. Approval of the December 19, 2011 Agenda

Motion by Mr. Wells, supported by Mr. Wirth, to approve tonight's agenda as presented. **The motion carried 7-0-2.**

Old Business - None

New Business - None

6. Site Plan – Excelda – 131 Hyne Street #11-014

Ms. Cyphert reviewed the site plan and noted that approval would be subject to the four conditions stated in the Planning report. She noted that the project architect and Excelda representatives are present in the audience if Planning Commission has any questions. Mr. Piet Lindhout, project architect, introduced Holly Osterhout and John Eckstein from his office, Tom Dumond from Boss Engineering, and Eric Adams, VP-Operations, Mike LaMarra, President, and Geri Barr, VP-Communications, from Excelda. Mr. LaMarra shared some company background and what they do. Their philosophy for the building project

was to build the best place for the best people and it was designed so people want to work there. He would like to keep local college graduates in the state. The building will consolidate staff from their other locations in Fowlerville and Green Oak Township into one building.

Mr. Lindhout reviewed the site plan drawings which include wider sidewalks with brick paver bands, a patio area with outdoor seating and a small rain garden area, and green space for possible future expansion. There are 11 parking spaces using brick pavers with clipped corners to make them pervious. Excelda has incorporated many "green" aspects into the design of their building such as geothermal heat pumps to heat and cool as well as tinted windows. They are working with the DDA to possibly add a crosswalk at the corner of Hyne and North St. since the Hyne and Pierce Street lots will in all likelihood be used for employee parking during the day. The main entry to the new building will be off North St. The interior of the building is an open design with no office walls.

Motion by Mr. Smith, supported by Mr. Wirth, to recommend conditional site plan approval for the Excelda Office Building at 131 Hyne Street #11-014 as depicted on plans prepared by Boss Engineering, sheets, 1-10, project no. 11-216, last dated 12-6-11 and the plans prepared by Lindhout Associates, sheets A1.1, A1.2, and A2.1, project no. 1153, last dated 12-7-11 subject to the following:

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4. The items raised in the City Engineer's letter are addressed during the construction review.

The motion carried 7-0-2.

Other Business

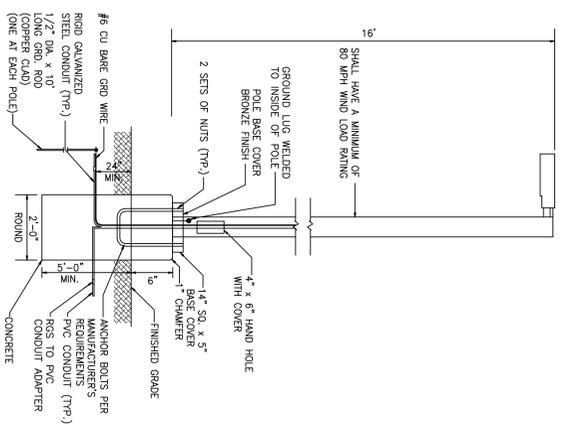
7. Adoption of the By-laws and Rules of Procedure for the Planning Commission

Ms. Cyphert explained that adoption of the By-laws and Rules of Procedure are approved annually. As discussed in the November meeting, there are two items containing proposed changes: Section 2.0, Membership and Appointments, Item 2.2, Selection, which was revised per the Planning & Zoning Act and Planning Commission rules to ensure there is a good cross-section of City resident representation on the Planning Commission. The other change is to Section 3.0, Officers, Item 3.1, Selection, which was changed to elect officers at the November Planning Commission meeting rather than in September since new appointments to the boards and commissions are made by Council after the November general elections. Mr. Schillinger asked that the By-laws and Rules of Procedures be revised to make the election of officers for Planning Commission in the December meeting, which is in the document being approved tonight. Mr. Wirth suggested a minor change to Section 4.11, Voting Abstentions, to make it clear when Commission members may or must abstain from a vote (as noted in Section 5.0, Conflicts of Interest). Ms. Cyphert will amend the By-laws and Rules of Procedure to incorporate this change.

Motion by Mr. Schillinger, supported by Mr. McLane, to adopt the By-laws and Rules of Procedure for the Planning Commission as amended. **The motion carried 7-0-2.**

8. Election of Officers

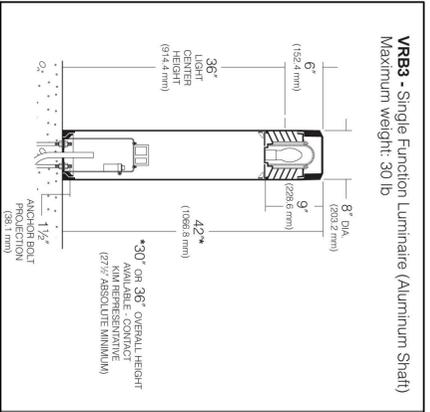
There was a brief discussion about whether the current officers would be willing to serve for another one-year term. **Motion** by Mr. Wirth, supported by Mr. Pawlowski, to accept the nominations of Steve Monet, Chairperson, Matt Smith, Vice-Chairperson, John Wells, Secretary, and Dave McLane, ZBA Liaison, as Planning Commission officers. **The motion carried 7-0-2.**



PARKING LOT LIGHT FIXTURE DETAIL (TYP.) (NO SCALE)



KIM LIGHTING ERA SERIES LIGHT FIXTURE (NO SCALE)

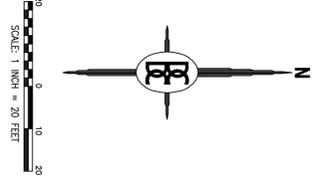
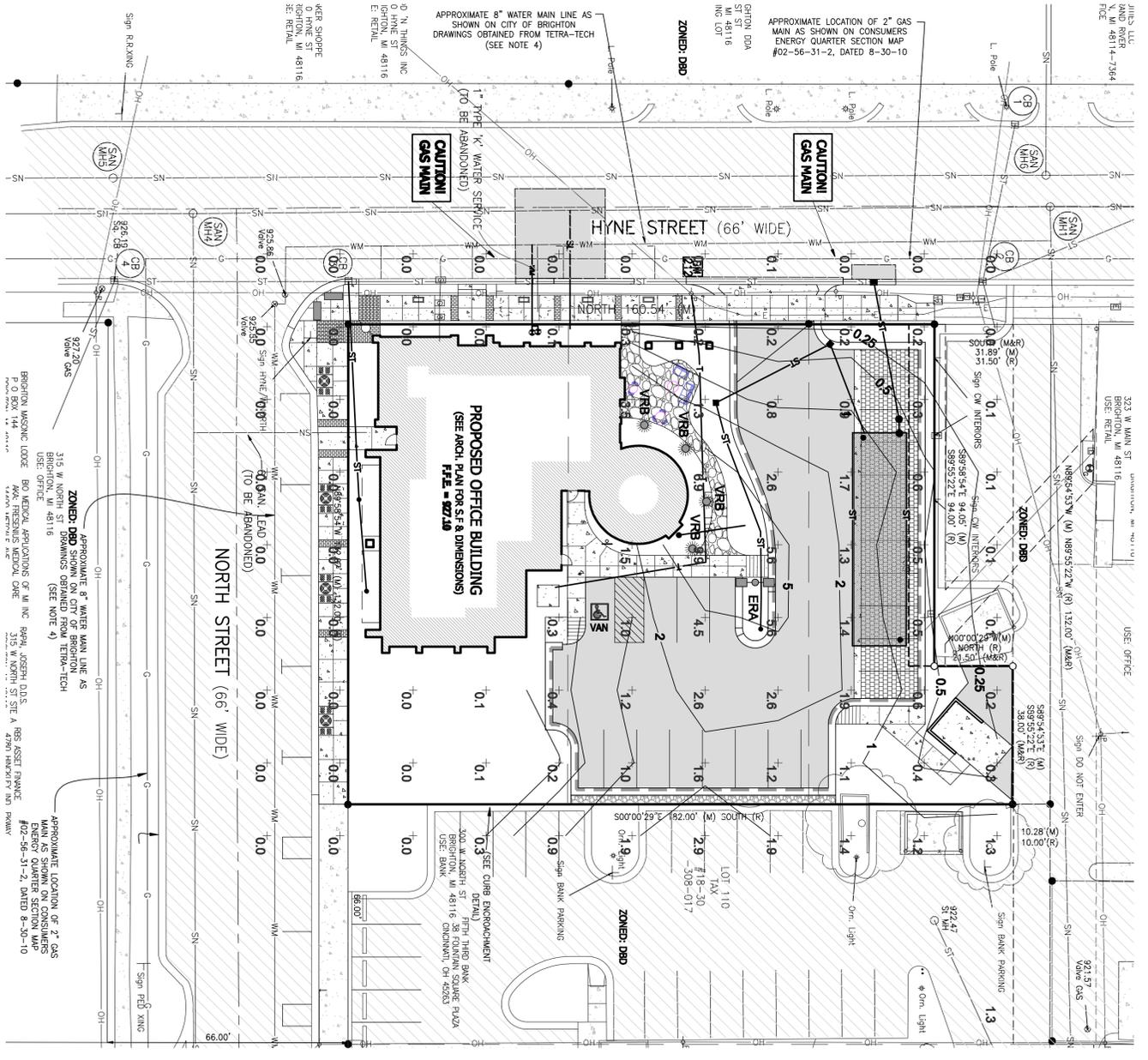


VRB3 - Single Function Luminaire (Aluminum Shaft) (NO SCALE)

- LIGHTING NOTES**
1. THE LIGHTING PATTERN REPRESENTS ILLUMINATION LEVELS CALCULATED FROM LABORATORY DATA TAKEN UNDER CONTROLLED CONDITIONS IN ACCORDANCE WITH ILLUMINATING ENGINEERING SOCIETY APPROVED METHODS. ACTUAL PERFORMANCE OF ANY MANUFACTURER'S LUMINAIRE MAY VARY DUE TO VARIATION IN ELECTRICAL VOLTAGE, TOLERANCE IN LAMPS, AND OTHER VARIABLE FIELD CONDITIONS.
 2. PARKING LOT POLES ARE TO BE MOUNTED ON CONCRETE DETAIL.
 3. ALL POLES LOCATED OUTSIDE OF THE PARKING AREA SHALL BE LOCATED 3' FROM BACK OF CURB OR EDGE OF SIDEWALKS.
 4. SHOP DRAWINGS FOR THE ELECTRICAL WIRING OF THE POLES NEED TO BE SUBMITTED TO THE ENGINEER FOR COORDINATION OF UNDERGROUND CONDUIT AND APPROVAL OF LAYOUT.
 5. TRENCHES WITHIN EXISTING PAVEMENT FOR NEW UNDERGROUND WIRING SHALL BE SAWCUT. BACKFILL TRENCHES WITHIN PAVEMENT WITH COMPACTED CLASS II SAND BACKFILL. PLACE NEW ASPHALT PER DETAIL SHEET 8. TRENCHES WITHIN LANDSCAPE AREAS TO BE RESTORED TO ORIGINAL CONDITION.

LUMINAIRE SCHEDULE												
SYMBOL	LABEL	QTY.	DESCRIPTION	CATALOG NUMBER	LAMP	FILE	LUMENS	LLF	POLE DESCRIPTION	POLE HEIGHT	BASE HEIGHT	TOTAL HEIGHT
	ERA	1	KIM LIGHTING ERA SERIES BLACK FINISH	28/R6253/250PMH24/78-P/A-32/29516-534188	250 WATT PULSE START MEDL HALIDE	R6253-250P-ES	72		SAS16-534188	16'	6"	16'-6"
	VRB	4	KIM LIGHTING VRB3 ROUND BOLLARD FINISH	VRB3/100PMH120/RB	100 WATT PULSE START MEDL HALIDE	VRB2-100P-ES		.72		3'	NA	3'

ALL IES FILES PROVIDED BY MANUFACTURER FOR CALCULATION OF LIGHTING LEVEL



DESIGNED BY:	TD
DRAWN BY:	TD
CHECKED BY:	TD
SCALE:	1" = 20'
JOB NO.:	11-139
DATE:	11-18-11
SHEET NO.:	7

PROJECT: EXCELDA OFFICE BUILDING

PREPARED FOR: LINDHOUT ASSOCIATES
10465 CITATION DRIVE
BRIGHTON, MI 48116
(810) 227-5668

TITLE: LIGHTING PLAN

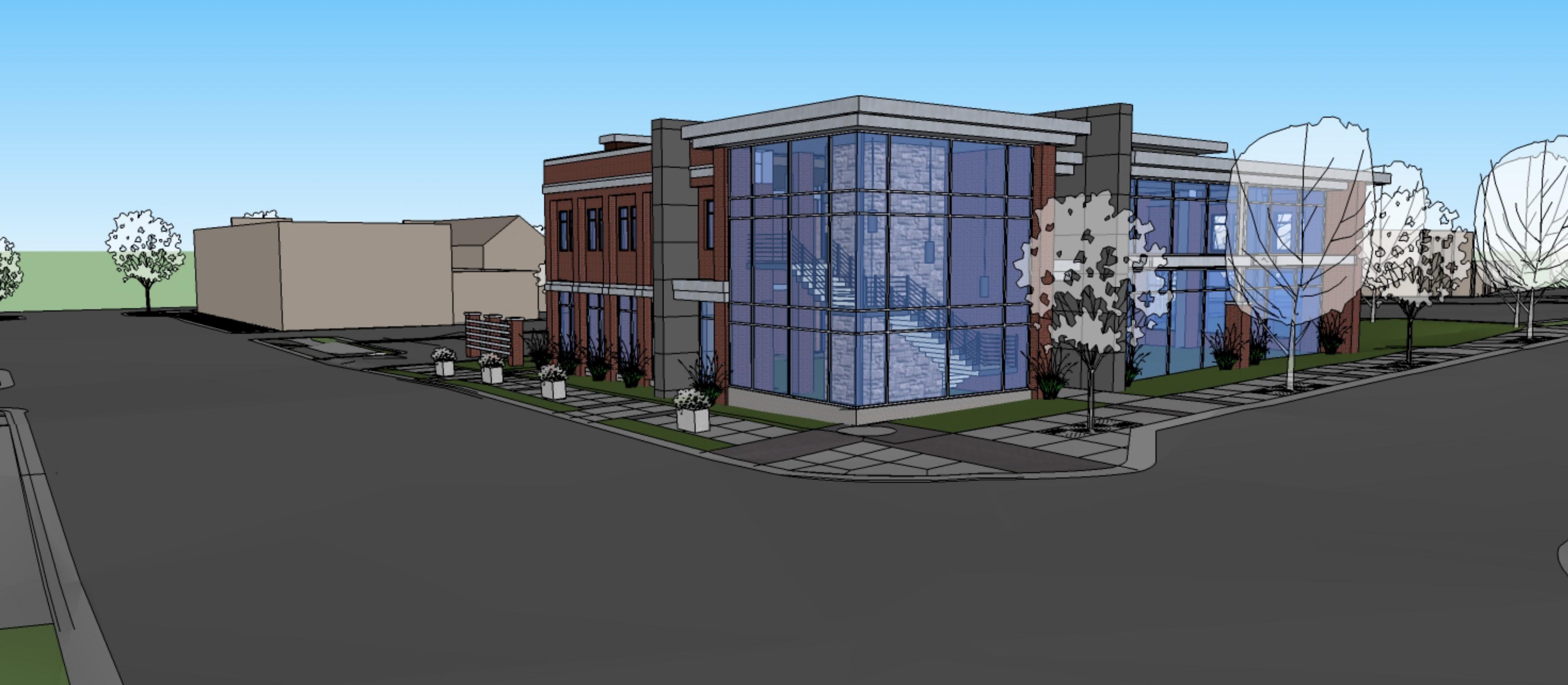
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MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON JANUARY 5, 2012 AT THE BRIGHTON CITY HALL
200 N. 1ST STREET, BRIGHTON, MICHIGAN

BLUE SKY SESSION

The Council conducted a Blue Sky Session at 7:00 p.m. Present were Mayor Muzzin, Mayor Pro-Tem Cooper, Councilmembers Schillinger, Bandkau, Bohn, Pipoly and Roblee. The Council reviewed the agenda items.

REGULAR SESSION

Mayor Muzzin called the regular meeting to order at 7:30 p.m. Following the Pledge of Allegiance, the roll was called, there being present were Mayor Muzzin, Mayor Pro-Tem Cooper, Councilmembers Schillinger, Bandkau, Pipoly, Roblee and Bohn. Also in attendance were Attorney Paul Burns and Brad Maynes and Staff members Dana Foster, Jennifer Burke, Diana Lowe, Amy Cyphert, Matt Schindewolf, Tom Wightman, Kelly Hanna, Matt Modrack and an audience of 10. Press and Media included Nicole Krawcke from The Patch and Tom Tolen from WHMI.

MINUTES APPROVAL

It was moved by Councilmember Bandkau, seconded by Cooper to approve the Regular Meeting minutes of December 15, 2011 as corrected. Page 2, Call to the Public, last paragraph, strike: She also stated the Memorial is being paid for by all taxpayers. Motion passed 7-0.

It was moved by Mayor Pro-Tem Cooper, seconded by Bandkau to table the Closed Session Meeting minutes of December 15, 2011. Motion passed 7-0.

It was moved by Mayor Pro-Tem Cooper, seconded by Bandkau to approve the Joint Meeting minutes of December 8, 2011 as presented. Abstain: Schillinger. Motion passed 6-0-1.

It was moved by Mayor Pro-Tem Cooper, seconded by Roblee to approve the Worksession minutes of December 13, 2011 as presented. Motion passed 7-0.

CITIZEN INQUIRIES

Susan Walters-Steinacker - Why does the DPS remove sidewalk snow on St. Paul, West, Hyne. First and West North streets? If the reason is city parking lot access, than why are the sidewalks on Second and East North streets not receiving snow removal?

City Manager, Dana Foster stated the sidewalk snow removal that is currently being performed by DPS Staff was established by City Council in the 1990's.

City Manager, Dana Foster stated Pat Cole inquired about the Veteran's Memorial Committee. He stated the City does not have a formal Veteran's Memorial Project Committee, Councilmember Bandkau has been formally appointed as a City Council liaison to such committee and there have been no City taxpayers funds expended for this project.

Councilmember Bandkau stated they have not had any official meetings yet.

AGENDA APPROVAL

It was moved by Mayor Pro-Tem Cooper, seconded by Pipoly to approve the Agenda as amended. Add item #4a, December 8, 2011 Joint Meeting Minutes and item #4b, December 13, Worksession Minutes. Move from Consent Agenda to Action Agenda item #8, Excelda Site Plan. Move from Action Agenda to Consent Agenda item #10, Pay Study. Change the wording of item #10, Consider a motion to authorize the City Manager to obtain a proposed contract... Motion passed 7-0.

It was moved by Councilmember Bandkau, seconded by Roblee to approve the Consent Agenda. Motion passed 7-0.

The following items were approved on the Consent Agenda

1. Authorized the City Manager to sign and execute an intergovernmental contract for I.T. Services to be provided by the City of Howell's I.T. department after final review and approval by the City Attorney and subject to changes in the draft contract to address the following additional items:
 - Access list – permit or deny. Deny all with the exception of the Howell IT staff only. (Limited by MAC address, Port, ACL).
 - How to address a virus or infection from organization's systems getting across to the other's systems.
 - SPAM filter & Firewall between (This would be extended from the existing setup of extranet to also address this proposed intranet configuration).
 - Ship Log/System Auditing off site. This ensures that if an IT person errors then the logs would not be altered.
2. Authorized the City Manager to obtain a contract proposal from the Michigan Municipal League's Staff to conduct a market comparison study of the pay and benefits for administrative non-union employees with other comparable Michigan city governments at the \$1,800, \$3,600 and \$5,400 levels for future City Council action.

CALL TO THE PUBLIC

Mayor Muzzin opened the Call to the Public at 7:43 p.m. The following comments were heard:

Susan Walters-Steinacker stated Council approved minutes that were not on the agenda. She also stated she serves on the CIP Task Force and she is against the millage proposal, as the City cannot afford it. The proposed parking garage will be smaller and cost more. The PSD needs to be monitored.

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Pat Cole, Brighton City, requested to be on the Veteran's Memorial Fund Committee. How can people make tax-deductible donations if they are not 501c Non-Profit? The POW flag goes beneath the United States flag.

Brian Bradford stated he is on the Veteran's Memorial committee and City tax dollars will not be used for the project. The American Spirit Center will facilitate the project, which is 501c Non-Profit.

Mary Holliday, Brighton City Resident, commented on an article published in the December 27, 2011 Press & Argus regarding the DDA. She questioned if the Bombardier purchased by the DDA for snow removal was meeting the needs of the City. She agreed that too many funds are being spent on the downtown area and not residential.

Susan Walters-Steinacker expressed her displeasure with fees she pays to the City.

Hearing no further comments, Mayor Muzzin closed the Call to the Public at 8:00 p.m.

EXCELDA SITE PLAN

Matt Modrack briefed the City Council on the proposed Excelda Site Plan, explaining this is the former Chamber of Commerce site. He described the details of the project.

Piet Lindhout, Lindhout Associates Architects, introduced Geri Barr, VP-Human Resources, Eric Adams, VP-Operations from Excelda and Holly Osterhout and John Eckstein from his office.

Geri Barr stated Excelda has been in business 82 years and this office will be their new headquarters. It will employ 37-50 employees. There are two employees in the Phoenix location and 158 in Livingston County.

Piet Lindhout gave further details regarding the project, pointing out the environmental parts of the plan.

Matt Modrack stated Excelda has agreed to a "parking at night" agreement for their 23 parking spaces to be available in regards to the recent Parking Study.

It was moved by Mayor Pro-Tem Cooper, seconded by Schillinger conditional site plan approval for the Excelda Office Building at 131 Hyne Street #11-014 as depicted on plans prepared by Boss Engineering, sheets, 1-10, project no. 11-216, last dated 12-6-11 and the plans prepared by Lindhout Associates, sheets A1.1, A1.2, and A2.1, project no. 1153, last dated 12-7-11 subject to the following:

1. That all signage comply with applicable Ordinances or variances obtained.
2. That right of way permits be obtained from the Department of Public Services for work within the right of way.
3. That any damages done to the existing sidewalk be repaired to current condition or DDA standards as noted on the plans.
4. The items raised in the City Engineer's letter are addressed during the construction review.

Motion passed 7-0.

CHIP AND SEAL PAVEMENT MAINTENANCE

Department of Public Services Director, Matt Schindewolf briefed the Council on the proposed Chip and Seal pavement maintenance projects. He discussed the benefits of using this process, which is done to extend the life of the existing pavement by three to nine years.

It was moved by Mayor Pro-Tem Cooper, seconded by Bandkau to table the competitive bidding process for the proposed Chip and Seal pavement maintenance projects until City Council receives the Financial Forecast at the January 19th City Council meeting. Motion passed 7-0.

VOLUNTEER PROGRAM

City Manager, Dana Foster gave a report regarding staff work to date pursuant to the City Council-established goal regarding the Development of Volunteer programs for City Service Delivery. He discussed various potential projects of beautification and maintenance volunteers may perform.

GOALS PROGRESS REPORT

City Manager, Dana Foster gave a current year City Council-adopted Goals' Progress report with Progress Scores.

CITY CUSTOMER INFORMATION

City Manager, Dana Foster clarified a point from the January 3rd Focus Group meeting regarding a voter approved millage from the 1990's. How do we calculate the street millage each year? May 19th, 2011 Council adopted the annual millage. This includes debt millage, which is calculated after the March Board of Review. Debt Millage is calculated in May for the July tax bills. The debt millage is calculated to collect exactly the amount for that year's debt service payment.

Mayor Pro-Tem Cooper stated SELCRA is receiving Recreation Leadership Award to Derick Smith and The MRPA Design Award for their Web Site.

Councilmember Roblee gave a PSD update, stating they are working on the 2012 Marketing Campaigns.

Councilmember Pipoly stated the cost-sharing request for the snow removal equipment was presented to the DDA and a recommendation will come at the next meeting.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 9:37 p.m. The following comments were heard:

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Pat Cole, Brighton City, expressed her concern regarding the comments from Brian Bradford. She requested Council rescind Resolution 11-24, stating the City will not be responsible for the funds or collecting the funds. She stated she had to contact the City to have a neighbor's couch removed from the City's right-of-way.

Hearing no further comment, Mayor Muzzin closed the Call to the Public at 9:43 p.m.

Mayor Pro-Tem Cooper stated some of Ms. Cole's email was terse and accusatory of Staff regarding the removal of the couch that was recently placed in the City's right-of-way by her neighbor. He asked that Staff be treated with respect.

Councilmember Bohn suggested to expand the website so residents have an opportunity to report these types of Code violation problems.

PENDING LITIGATION CLOSED SESSION

It was moved by Councilmember Schillinger, seconded by Roblee to go into Closed Session to discuss pending litigation of Michigan Tax Tribunal matters pursuant to MCL 15.268(e) at 9:48 p.m. A roll call vote was taken. Yes: Schillinger, Bohn, Cooper, Muzzin, Bandkau, Roblee, Pipoly. No: none. Motion passed 7-0.

The Council convened into Closed Session at 9:50 p.m.

The Council reconvened the Regular Session at 10:15 p.m.

It was moved by Councilmember Pipoly, seconded by Roblee to authorize settlement in the Brighton Cove, Brighton Glens and Brighton Commercial Michigan Tax Tribunal pending litigations as recommended by the City Attorney. Motion passed 7-0.

ADJOURNMENT

It was moved by Councilmember Roblee, seconded by Bandkau to adjourn the meeting at 10:16 p.m. Motion passed 7-0.

Diana Lowe, City Clerk

Jim Muzzin, Mayor