



# Brighton City Council Meeting

Contact Information: City Hall • 200 N First St. • Brighton, Michigan 48116  
(810) 227-1911 • [www.brightoncity.org](http://www.brightoncity.org) • [info@brightoncity.org](mailto:info@brightoncity.org)

This meeting will be conducted electronically.  
Please visit the City website or the notice posted at City Hall for Zoom Meeting login instructions.

**Regular Meeting**  
**February 18, 2021 – 7:30 p.m.**

## ***AGENDA (REVISED)***

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Consider Approval of the Agenda
5. Consider Approval of Consent Agenda Items

### **Consent Agenda Items**

- a. Approval of Minutes: Special Retreat Sessions of January 26, 27, & 28, 2021
- b. Approval of Minutes: Study Session of February 4, 2021
- c. Approval of Minutes: Regular Session of February 4, 2021
- d. Approval of Minutes: Closed Sessions of February 4, 2021
- e. Approval of Reappointment to the City of Brighton Arts and Culture Commission
- f. Approval of Texting Services Agreement with RAVE Mobile Safety
- g. Approve the Issuance of a Purchase Order to NOAR Technologies in the Not to Exceed Price of \$20,000.00 a Police Department Drone and All Peripheral Equipment
- h. Approve Amending a Purchase Order for Police Department HVAC and the Related Budget Amendment
- i. Approve the Purchase of a Cold Patch Machine from Falcon Asphalt Repair Equipment in the Amount of \$24,015.57

### **Correspondence**

6. Call to the Public
7. Staff Updates
8. Updates from Councilmember Liaisons to Various Boards and Commissions

### **New Business**

9. Consider Approval of Tetra Tech Scope of Work for Bidding and Construction Engineering for the Northwest Neighborhoods Project
10. Consider Staff Direction Regarding Postponing the Rickett Road Phase 2 Construction Project Until the 2022 Construction Season Due to Recently Secured MDOT Funding
11. Consider Approving and Extending the 2019 Sidewalk Maintenance Program Contract Pricing from Rotondo Construction for the 2021 construction season
12. Consider Entering into Closed Session Regarding Pending Litigation Pursuant to MCL 15.268(e)

12. Consider Possible Action Resulting from Closed Session
13. Consider Approval of Issuing a Request for Qualifications for Municipal Attorney Services and Appointing a City Council Task Force to Vet Finalists for City Council Interviews

**Other Business**

14. Call to the Public
15. Consider Entering into Closed Session to Receive Written Attorney-Client Privileged Communication Pursuant to MCL 15.268(h)
16. Consider Possible Action Resulting from Closed Session
17. Adjournment



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10. [Consider Staff Direction Regarding Postponing the Rickett Road Phase 2 Construction Project Until the 2022 Construction Season Due to Recently Secured MDOT Funding](#)
11. [Consider Approving and Extending the 2019 Sidewalk Maintenance Program Contract Pricing from Rotondo Construction for the 2021 construction season.](#)
12. [Consider Staff and Planning Commission Direction Regarding Marijuana Related Land Uses](#)

**Other Business**

13. Call to the Public
14. Consider Entering into Closed Session to Receive Written Attorney-Client Privileged Communication Pursuant to MCL 15.268(h)
15. Consider Possible Action Resulting from Closed Session
16. Adjournment



# Brighton City Council Retreat

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This meeting was conducted electronically.

## MINUTES OF THE SPECIAL RETREAT OF THE BRIGHTON CITY COUNCIL HELD ON JANUARY 26, 2021

### 1. Call to Order

Mayor Pipoly called the meeting to order at 6:00 p.m.

### 2. Roll Call

Present were Mayor Pipoly and Mayor Pro Tem Gardner, Councilmembers: Bohn, Emaus, Muzzin, Pettengill, and Tobbe, all of whom disclosed their respective locations in the City of Brighton, County of Livingston, State of Michigan. City Manager Nate Geinzer, City Clerk Tara Brown, Human Resources Manager Michelle Miller, Management Assistant Henry Outlaw, Police Chief Rob Bradford, DPS Superintendent Daren Collins, Regulatory Compliance Superintendent Josh Bradley, Assistant to the DPS Director Patty Thomas, Deputy DPS Director Corey Brooks, Economic Development Coordinator Denise Murray, and Attorney Jeff Alber. There were five persons in the audience.

### 3. Consider Approval of the Agenda

**Motion** by Mayor Pro Tem Gardner, seconded by Councilmember Emaus to approve the agenda as presented. **The motion carried without objection by roll call vote.**

### 4. Call to the Public

Mayor Pipoly opened the Call to the Public at 6:03 p.m. Hearing and seeing no comment, Mayor Pipoly closed the Call to the Public.

### 5. Presentation and Discussion of 2020 Biannual Survey Data

Management Assistant Outlaw discussed in detail the findings of the 2020 Biannual Citizen Survey data with a presentation and breakdown of key topics. Mr. Outlaw felt the results accurately reflected the population as evident in the percentage breakdown of key demographics. Overall the survey found that residents are satisfied with City services. Residents are proud of their City and are interested in supporting infrastructure projects to promote and renew the appearance of the City and its capital.

Given the 2018 ballot proposal that allowed marijuana establishments and recreational use, it was important to City Council that the survey also asked residents where these establishments should be placed if permitted within the City. The results were mixed, the survey representation accurately reflected the 2018 ballot proposal. Overall residents were open to testing facilities but were apprehensive about where to place actual storefronts that would sell to the public. Community Development Manager Caruso, in light of the Village of Pinckney, would like to be prepared and have an ordinance near completion or drafted to avoid delays should a ballot proposal be submitted to the City. Planning and preparation are imperative to stay ahead should something change in the future.

City Council discussed how to proceed and instructed staff to bring back the topic for further discussion.

**Motion** by Councilmember Tobbe, seconded by Councilmember Pettengill to take a break at 6:52 p.m. and reconvene the meeting at 7:00 p.m. **The motion carried without objection by roll call vote.**

## **6. Discussion on Community Enrichment**

Management Assistant Outlaw began discussions on a possible Community Enrichment Commission (CEC) that would dissolve the Brighton Arts and Culture Commission (BACC) and absorb its duties and commission members to form a new broader scoped group to be staffed like the DDA. The Community Enrichment Commission would undertake non-motorized initiatives, parks and recreation, and neighborhood improvements and engagement.

The Citizens Survey results pointed to more communication with the neighborhood and specialized issues. The current BACC focus has been directed towards art and events geared towards children but are otherwise inactive during the winter months. The CEC would encompass a wider range of projects with seven voting members and four non-voting members.

Councilmembers discussed how the group would fit with the other boards and commissions. Main concerns were that the BACC was primarily focused on arts and the change to non-motorized transportation or sidewalk gap type projects may be out of range for the group. Another concern was the method of funding for the potential new commission since the main funding source was mostly driven by donations; however, City Council was interested in learning more.

Manager Geinzer noted several project examples that would be a good fit for the CEC such as re-naturalization of City lands, bike lanes, and pond cleaning. These are projects that should be looked into however staff is busy with several other projects.

Councilmember Bohn asked if this new plan may be force fitting an artistic group into areas out of the groups normal scope. Mr. Outlaw stated there is overlap of the projects mentioned and the interests of the current BACC. Councilmember Muzzin, Mayor Pipoly, Mayor Pro Tem Gardner, and Councilmember Emaus are in favor of a broader CEC group and would like to hear more.

Councilmember Pettengill asked if this group could be a sub-committee of the DDA, but expressed her desire to be involved. Councilmember Tobbe asked if the appointments will be vetted by City Council.

## **7. Call to the Public**

Mayor Pipoly opened the Call to the Public at 7:44 p.m.

Susan Bakhaus spoke about street signs.

Jordan Genso addressed topics discussed at the retreat meeting and thanked City Councilmembers.

Craig Wood thanked City Council for listening to community feedback.

Mayor Pipoly closed the Call to the Public at 7:48 p.m.

**8. Adjournment**

**Motion** by Councilmember Pettengill, seconded by Councilmember Emaus to adjourn the meeting at 7:48 p.m. **The motion carried without objection by roll call vote.**

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Tara Brown, City Clerk

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Shawn Pipoly, Mayor



# Brighton City Council Retreat

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## MINUTES OF THE SPECIAL RETREAT OF THE BRIGHTON CITY COUNCIL HELD ON JANUARY 27, 2021

### 1. Call to Order

Mayor Pipoly called the meeting to order at 6:02 p.m.

### 2. Roll Call

Present were Mayor Pipoly and Mayor Pro Tem Gardner, Councilmembers: Bohn, Emaus, Muzzin, Pettengill, and Tobbe, all of whom disclosed their respective locations in the City of Brighton, County of Livingston, State of Michigan. City Manager Nate Geinzer, City Clerk Tara Brown, Human Resources Manager Michelle Miller, DPS Director Marcel Goch, Community Development Manager Mike Caruso, Finance Director Gretchen Gomolka, Management Assistant Henry Outlaw, Police Chief Rob Bradford, DPS Superintendent Daren Collins, Regulatory Compliance Superintendent Josh Bradley, Assistant to the DPS Director Patty Thomas, Deputy DPS Director Corey Brooks, Economic Development Coordinator Denise Murray, Deputy Chief Craig Flood, Attorney Paul Burns, and Attorney Jeff Alber. There were five persons in the audience.

### 3. Consider Approval of the Agenda

**Motion** by Councilmember Muzzin, seconded by Councilmember Pettengill to approve the agenda as presented. **The motion carried without objection by roll call vote.**

### 4. Call to the Public

Mayor Pipoly opened the Call to the Public at 6:04 p.m. Hearing and seeing no comment, Mayor Pipoly closed the Call to the Public.

### 5. Discussion of Marijuana & Related Land Uses

Community Development Manager Caruso along with Management Assistant Henry Outlaw began discussion about findings on the survey as it pertains to marijuana and related land uses. The survey data reflected the outcome of the 2018 ballot proposal that allowed recreational use and business establishments.

Mr. Caruso then introduced Jill Bahm from Giffels Webster who presented next steps for zoning amendments in response to the cannabis industry pushing ordinance and charter amendments through ballot initiatives, as evident in the Village of Pinckney. Ms. Bahm provided a brief history on medical marijuana regulations and what can be gleaned from Licensing and Regulatory Affairs (LARA) response through licensing and regulations. Several municipal regulations and case laws were discussed. Ms. Bahm then spoke about recreational marijuana and practices from other municipalities who have permitted uses within their jurisdiction. Overall the discussion then turned to detailed descriptions of businesses, types of businesses throughout Michigan, licensing fees for different businesses, and considerations for next steps.

Attorney Burns and Attorney Alber briefly discussed that municipalities have experienced legal issues corresponding directly to the permitting process. Those potential businesses that were not selected



during the permitting phase brought legal action to the municipality. Attorney Burns noted preplanning and having an ordinance drafted is recommended.

Chief Bradford and Deputy Chief Flood reached out to Police Departments in municipalities that allowed establishments. Overall reported there was not a noticeable change in crime or calls. Chief Bradford voiced concern over the availability of cash on hand at the storefronts and cautioned that extra security would be required; however, marijuana business owners are aware.

City Council discussed a variety of topics surrounding marijuana businesses throughout the City, specifically types permitted and those businesses that would have less traffic but still be a part of the industry. The Planning Commission has had no compelling urge to move forward with discussing marijuana nor has the Commission requested staff drafting a zoning ordinance for marijuana establishments in the City. Attorney Burns relayed the necessity for the City to get out in front of the issue before it becomes an issue. In other words, Mr. Burns recommends the Planning Commission begin work on an ordinance.

Manager Geinzer noted City Councils direction and will place the topic on a future City Council meeting to direct the Planning Commission to look at drafting a recreational marijuana ordinance.

Councilmember Bohn stresses that we must control our own destiny and convey to the Planning Commission exactly why a marijuana ordinance must be considered. Councilmember Pettengill would like to hear more about different types of business that would allow for the least disruption to the City residents.

Councilmember Muzzin noted that odor has been a challenge with the marijuana establishments and asked Attorney Burns if there is any recourse for the City to regulate odor. Attorney Burns remarked odor would fall under public nuisance and addressed.

#### **6. Utility Operational/Asset Needs Part II (Wastewater Plant) (postponed until January 28, 2021)**

#### **7. Call to the Public**

Mayor Pipoly opened the Call to the Public at 7:56 p.m.

Gerald Griffin, a resident of Green Oak Township and marijuana business owner, spoke about marijuana and businesses from his perspective as an owner.

Jordan Genso announced his intention to run for City Council for one of the four available positions up in 2021.

#### **8. Adjournment**

**Motion** by Councilmember Emaus, seconded by Councilmember Pettengill to adjourn the meeting at 8:04 p.m. **The motion carried without objection by roll call vote.**



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## MINUTES OF THE SPECIAL RETREAT OF THE BRIGHTON CITY COUNCIL HELD ON JANUARY 28, 2021

### 1. Call to Order

Mayor Pipoly called the meeting to order at 6:00 p.m.

### 2. Roll Call

Present were Mayor Pipoly and Mayor Pro Tem Gardner, Councilmembers: Bohn, Emaus, Muzzin, Pettengill, and Tobbe, all of whom disclosed their respective locations in the City of Brighton, County of Livingston, State of Michigan. City Manager Nate Geinzer, City Clerk Tara Brown, Human Resources Manager Michelle Miller, DPS Director Marcel Goch, Community Development Manager Mike Caruso, Finance Director Gretchen Gomolka, Management Assistant Henry Outlaw, Police Chief Rob Bradford, DPS Superintendent Daren Collins, Regulatory Compliance Superintendent Josh Bradley, Assistant to the DPS Director Patty Thomas, Deputy DPS Director Corey Brooks, Economic Development Coordinator Denise Murray, Attorney Paul Burns, and Attorney Jeff Alber. There were five persons in the audience.

### 3. Consider Approval of the Agenda

**Motion** by Mayor Pro Tem Gardner, seconded by Councilmember Emaus to approve the agenda as presented. **The motion carried without objection by roll call vote.**

### 4. Call to the Public

Mayor Pipoly opened the Call to the Public at 6:02 p.m. Hearing and seeing no comment, Mayor Pipoly closed the Call to the Public.

### 5. Utility Operational/Asset Needs Part II (Wastewater Plant)

Director Goch, along with Deputy Director Brooks, introduced the discussion with a detailed photographic presentation. The overall presentation centered around the needs of the Wastewater Plant. It was relayed that most of the Wastewater Plant is over thirty years old and even with fixing or rebuilding key machinery, there is a limit. The Wastewater Plant does have several items in the Capital Improvements Plan, there are several pressing items. The Wastewater Plant does not have reliable internet and unfortunately there is no access to the internet other than extending fiber out to the plant which is costly but necessary to upgrade the older monitoring equipment. City Council discussed specific components of the plant such as the Third Street generator, the centrifuge, and several pieces of machinery that are beyond their useful life.

### 6. Fiscal Year 2021/2022 Budget Priorities/Goals

- a. Update on Fiscal Realities Efforts & Fiscal Year 2020/2021 & 2021/2022 Preliminary Projections
- b. Budget Priorities/Goals for 2021/2022

Manager Geinzer discussed the recent Standard & Poor's rating and the City's almost attaining the AAA rating if it were not for unfunded liability and COVID-19. Mr. Geinzer stressed the importance of funding depreciation and budgeting for projects in the Capital Improvements Plan. Manager Geinzer discussed several projections for the upcoming fiscal year and how the City is six months into the current fiscal year. Some items to be aware of are pending and future Michigan Tax Tribunal cases as companies start to assess their standing during the pandemic and the fallout from the aftermath. City Council should also expect another Headlee rollback as well as an additional officer due to the growing complexity of crime and investigation. Recently there has been a string of robberies at local big box stores, there have been up to five in one day.

Councilmember Bohn asked at what point does the City approach the stores and require the stores to have security to be part of the solution rather than fall victim to crime.

Councilmember Tobbe asked Chief Bradford if the crime is due to location or is it income driven. Chief Bradford stated that location and the easy access to the freeway is definitely a factor.

The discussion turned to Council Priorities with Councilmember Tobbe asking for increased lighting in the early hours near the High School as many children are walking to school in the dark among heavy traffic. He suggested some kind of lit crossing. Chief Bradford noted there were previous discussion about lighting crosswalk areas for school such as near 6<sup>th</sup> and 7<sup>th</sup> Street, School Street, and near Lee Road and Peppergrove. Mayor Pro Tem Gardner asked about a possible four way stop near the Northwest Neighborhoods and expressed concern about non-motorized transportation access as there has been an increase in those types of transportation.

Manager Geinzer also noted some attention must be given to the downtown sidewalks as many are crumbling and will not last until the Downtown Streetscape project. Over the years, the sidewalks have been patched but a solution that will last at least three or more years is necessary to safeguard the pedestrian's downtown.

## **7. Retreat Wrap Up**

Manager Genizer thanked City Council for the discussion during the past evenings and has direction for items discussed and initiatives to move forward.

## **8. Call to the Public**

Mayor Pipoly opened the Call to the Public at 8:29 p.m.

Susan Bakhaus asked that public works invest in a water softener for the City.

Mayor Pipoly closed the Call to the Public at 8:31 p.m.

Director Goch stated the cost would be enormous to implement City wide water treatment softening, it would be cost prohibitive.

## **9. Adjournment**

**Motion** by Councilmember Pettengill, seconded by Councilmember Emaus to adjourn the meeting at 8:31 p.m. **The motion carried without objection by roll call vote.**



# City Council Study Session

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## MINUTES OF THE STUDY SESSION OF THE BRIGHTON CITY COUNCIL HELD ON FEBRUARY 4, 2021

### **Call to Order**

Mayor Pipoly called the Study Session to order at 6:30 p.m.

### **Roll Call**

Present were Mayor Pipoly and Mayor Pro Tem Gardner, Councilmembers: Bohn, Emaus, Muzzin, Pettengill, and Tobbe, all of whom disclosed their locations of City of Brighton, County of Livingston, State of Michigan. City Manager Nate Geinzer, City Clerk Tara Brown, Community Development Manager Mike Caruso, Finance Director Gretchen Gomolka, Human Resources Manager Michelle Miller, Management Assistant Henry Outlaw, Police Chief Rob Bradford, Attorney Paul Burns, and Attorney Jeff Alber. There were seven persons in the audience.

### **Call to the Public**

Mayor Pipoly opened the Call to the Public at 6:31 p.m. Hearing and seeing no comment, Mayor Pipoly closed the Call to the Public.

### **Discussion of Fire Prevention and Protection Ordinance**

Community Development Manager Caruso began discussions with an introduction to Fire Marshall Rich Boisvert from the Brighton Area Fire Authority. Fire Marshall Boisvert presented a short overview of the proposed ordinances amendments, noting that these changes were to standardize municipal language throughout the Authority's territory and to bring the current ordinance up to code.

City Council discussed next steps, timeline, and the necessity for all municipalities to be in agreement to move forward.

### **Call to the Public**

Mayor Pipoly opened the Call to the Public at 7:03 p.m.

Susan Bakhaus asked that the ordinance clearly list what can be burned.

The Call to the Public was closed at 7:07 p.m.

Fire Marshall Boisvert directed the public to item 4 under "Permitted Fires, and Open Burning" within the ordinance that clearly lists domestic fires shall only burn seasoned, dry firewood.

### **Adjournment**

**Motion** by Councilmember Pettengill, seconded by Councilmember Muzzin to adjourn the study session at 7:08 p.m. **The motion carried without objection by roll call vote.**

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Tara Brown, City Clerk

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Shawn Pipoly, Mayor



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## MINUTES OF THE REGULAR MEETING OF THE BRIGHTON CITY COUNCIL HELD ON FEBRUARY 4, 2021

### AGENDA

#### 1. Call to Order

Mayor Pipoly called the meeting to order at 7:30 p.m.

#### 2. Pledge of Allegiance

#### 3. Roll Call

Present were Mayor Pipoly and Mayor Pro Tem Gardner, Councilmembers: Bohn, Emaus, Muzzin, Pettengill, and Tobbe, all of whom disclosed their respective locations in the City of Brighton, County of Livingston, State of Michigan. City Manager Nate Geinzer, City Clerk Tara Brown, Community Development Manager Mike Caruso, Finance Director Gretchen Gomolka, Human Resources Manager Michelle Miller, DPS Director Marcel Goch, Management Assistant Henry Outlaw, Police Chief Rob Bradford, Attorney Paul Burns, and Attorney Jeff Alber. There were seven persons in the audience.

Mayor Pipoly added item 8a to the agenda, Approval to issue a purchase order for the purchase and installation of two Police Department furnaces and A/C units in the amount of \$16,795.00 and the related budget amendment.

#### 4. Consider Approval of the Agenda

**Motion** by Mayor Pro Tem Gardner, seconded by Councilmember Pettengill to approve the agenda as amended. **The motion carried without objection by roll call vote.**

#### 5. Consider Approval of Consent Agenda Items

**Motion** by Councilmember Emaus, seconded by Councilmember Muzzin to approve the consent agenda as presented. **The motion carried without objection by roll call vote.**

##### Consent Agenda Items

- a. Approval of Minutes: Study Session of January 21, 2021
- b. Approval of Minutes: Regular Session of January 21, 2021
- c. Approval of Minutes: Closed Session of January 21, 2021

##### Correspondence

#### 6. Call to the Public

Mayor Pipoly opened the Call to the Public at 7:35 p.m. Hearing and seeing no comment, the Call to the Public was closed.

#### 7. Staff Updates

Chief Bradford noted a recent news story by WHMI that reported about a phone scam asking for donations for the Police Department. Chief Bradford stated the Police Department does not call for donations.

Director Gomolka updated Council and residents on the recent bond sale and the method in which the bonds were sold. The City was fortunate to receive a very low interest rate, ultimately saving City taxpayers over \$600,000.

Community Development Manager Caruso reminded all property owners to remove the snow on the sidewalks in a timely fashion and in accordance with the recently updated ordinance, Ordinance Officer O'Connor will be out to

monitor and issue notices.

Manager Geinzer thanked Director Gomolka for all the work involved with the bond sale and spoke briefly about the low interest rate attained.

Councilmember Pettengill asked Mr. Caruso to discuss the terms in the new ordinance language associated with snow removal.

Mr. Caruso stated the new ordinance allows 48 hours for removal if snow fall is more than 4 inches and if a snow emergency is issued, the property owner has until the snow emergency is lifted to remove snow from the sidewalks.

#### **8. Updates from Councilmember Liaisons to Various Boards and Commissions**

Mayor Pro Tem Gardner noted that the Livingston County Health Department asks that residents sign up with their primary care provider, participating pharmacies, Meijer, and with the Health Department if they would like the COVID vaccine. It is best to sign up at all available locations to ensure the ability to get the shot if desired.

Councilmember Muzzin noted the Brighton Area Fire Authority will meet February 11, 2021.

Councilmember Bohn stated the Planning Commission will meet February 22, 2021.

Mayor Pipoly noted the Downtown Development Authority and the Brownfield Redevelopment Authority met for a special meeting on February 2, 2021.

#### **New Business**

##### **8a. Approval to issue a purchase order for the purchase and installation of two Police Department furnaces and A/C units in the amount of \$16,795.00 and the related budget amendment.**

Chief Bradford introduced the agenda item noting the intent was to have the request on the February 18, 2021 meeting agenda; however, due to recent issues with the furnace, replacement is needed as soon as possible.

**Motion** by Mayor Pro Tem Gardner, seconded by Councilmember Pettengill to approve the issuance of a purchase order for the purchase and installation of two Police Department furnaces and A/C units in the amount of \$16,795.00 and the related budget amendment. **The motion carried without objection by roll call vote.**

##### **9. Consider Entering into Closed Session to Receive Written Attorney-Client Privileged Communication Pursuant to MCL 15.268(h)**

**Motion** by Councilmember Muzzin, seconded by Councilmember Bohn to enter into closed session at 7:54 p.m. to Receive Written Attorney-Client Privileged Communication pursuant to MCL 15.268(h). **The motion carried without objection by roll call vote.**

**Motion** by Councilmember Bohn, seconded by Councilmember Pettengill to come out of Closed Session at 8:40 p.m. **The motion carried without objection by roll call vote.**

**Motion** by Councilmember Bohn, seconded by Mayor Pro Tem Gardner to table items 10 and 11. **The motion carried without objection by roll call vote.**

##### **10. Consider Approval of Resolution #2021-03 "Approving the 1010 State Street Brownfield Plan," with Clarification Being Added to Section 1.3 "Description of Costs to Be Paid for with Tax Increment Revenues" Per City Council Comments Made During the December 17, 2020 City Council Study Session (Tabled)**

##### **11. Consider Approval of Reimbursement Agreement and Performance Agreement Related to the 1010 State Street Brownfield Plan (Tabled)**

##### **12. Conduct a First Reading and Set a Public Hearing for Proposed Ordinance Number 595: Amendments to Chapter 22 and Chapter 98 of the City of Brighton Code of Ordinances**

Community Development Manager Caruso introduced the agenda item, much of which was discussed during the January 21, 2021 study session. The text amendment public hearing is proposed for March 4, 2021.

**Motion** by Councilmember Bohn, seconded by Councilmember Tobbe to set a public hearing for proposed ordinance number 595: Amendments to Chapter 22 and Chapter 98 of the City of Brighton Code of Ordinances for March 4, 2021. **The motion carried without objection by roll call vote.**

**Other Business**

**13. Call to the Public**

Mayor Pipoly opened the Call to the Public at 8:48 p.m. Hearing and seeing no comment, Mayor Pipoly closed the Call to the Public.

**14. Consider Entering into Closed Session Regarding Pending Litigation Pursuant to MCL 15.268(e)**

**Motion** by Councilmember Tobbe, seconded by Councilmember Emaus to enter into closed session regarding pending litigation pursuant to MCL 15.268(e). **The motion carried without objection by roll call vote.**

**Motion** by Councilmember Tobbe, seconded by Councilmember Pettengill to come out of closed session at 9:06 p.m. **The motion carried without objection by roll call vote.**

**15. Adjournment**

**Motion** by Mayor Pro Tem Gardner, seconded by Councilmember Emaus to adjourn the meeting at 9:07 p.m. **The motion carried without objection by roll call vote.**

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Tara Brown, City Clerk

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Shawn Pipoly, Mayor



# City of Brighton

## REPORT FROM THE CITY MANAGER TO CITY COUNCIL

February 18, 2021

**SUBJECT: REAPPOINTMENT TO THE CITY OF BRIGHTON ARTS AND CULTURE COMMISSION (BACC)**

### **ADMINISTRATIVE SUMMARY**

Whitney McClellan-Stone is seeking reappointment to the Brighton Arts and Culture Commission for another three-year term. Whitney has shown professionalism and dedication during her tenure serving the City of Brighton and looks forward to continuing her role within the BACC.

### **RECOMMENDATION**

Reappointment of Whitney McClellan -Stone to the Brighton Arts and Culture Commission, as recommended by Mayor Pipoly, for a 3-year term ending on February 28, 2024.

Prepared by: Michelle Miller, Human Resources Manager and BACC liaison

Approved by: Nate Geinzer, City Manager





# City of Brighton

## REPORT FROM THE CITY MANAGER TO CITY COUNCIL

February 18, 2021

**SUBJECT: REQUEST TO APPROVE THE PURCHASE OF A DJI MATRICE 300RTK DRONE AND NECESSARY PERIPHERAL EQUIPMENT**

### **PURCHASE REQUEST REVIEW**

- The Police Department is looking to purchase a drone that will be rapidly deployable in the event of emergencies. Examples of this are; crash/crime scene documentation, fleeing subject apprehension, missing persons and event over-watch.
- The purchase of one DJI Matrice 300 RTK Drone and peripheral equipment which includes all batteries, controller, chargers, cables and software, the Zenmuse H20 Series multi-sensor which has thermal night imaging, a 23x Optical Zoom camera, a Laser Range Finder and a fixed lens camera.
- This drone is also interoperable with the Livingston County Drone team (LCSD, Hamburg Twp., Green Oak Twp.) allowing for continuity of operations and training.

### **BUDGET**

- 4 quotes were obtained with NOAR Technologies being the lowest. The company is located in Clawson, Michigan and are capable of providing instructions, training and support without long distance travel.
- NOAR Technologies has been vetted by the Livingston County Drone team as being capable and reliable.
- Cost is \$20,000
- The drone was budgeted in 2020/2021 budget at \$20,000.00. This purchase is within budget.

### **RECOMMENDATION**

- Approve the purchase of the Police Department Drone and all peripheral equipment from NOAR Technologies not to exceed price of \$20,000.00.

Prepared by: Craig C. Flood, Deputy Chief of Police

Reviewed by: Rob Bradford, Chief of Police

Approved by: Nate Geinzer, City Manager



# Proposal

## ADDRESS

Brighton Police Dept.  
Attn: Chief Craig Flood  
440 S 3rd St  
Brighton, MI 48116  
FloodC@BrightonCityPolice.org

PROPOSAL # 121620-M300

DATE 12/16/2020

ACTIVITY	QTY	RATE	AMOUNT
<b>MATRICE 300 RTK (NA) Combo (SP)</b> M300 RTK is the first ever DJI product that integrates modern aviation features, advanced AI capabilities, 6 Directional Sensing and Positioning System, a UAV health management system, and an impressive 55 minutes' flight time. Alongside AES-256 encryption and an IP45 weather resistant enclosure, the drone platform comes built-in with an all-new OcuSync Enterprise transmission system, which provides a triple-channel 1080p video transmission signal reaching up to 15 km away. More versatile than ever before, the M300 RTK can support up to 3 payloads simultaneously and has a maximum payload capability of up to 2.7 kg.  In the Box: Aircraft Body*1 DJI Smart Controller Enterprise *1 (High-Brightness touch screen, built in 5.5 inch 1920x1080p display) (Internal battery and WB37 port give the smart controller a combined 4.5 hours of battery life) USB Charger *1 USB-C Cable *1 TB60 Intelligent Flight Battery *2 (Drone Batteries) (55 Minute Flight Time with no Payload) WB37 Intelligent Battery *1 (Battery for Smart Controller) 2110 Propeller (CW) *2 2110 Propeller (CCW) *2 Landing Gear *2 Spare Stick Cover (pair) *1 Spare Propeller Holder *2 Spare Gimbal Damper *4 USB Cable (with Double A Ports) *1 Vision System Calibration Plate *1 Carrying Case *1 Smart Controller Lanyard *1 Rubber Port Cover (Set) *1 Screws and Tools BS60 Intelligent Battery Station *1" (Can charge 8x TB60, 4x WB37)  1 Year Enterprise Shield Support Package Support Package Includes: -1 Year of Free Ground Shipping on all Repairs -Significantly Reduced Repair Costs -Up to 2 Replacements	1	13,199.00	13,199.00T

ACTIVITY	QTY	RATE	AMOUNT
-Enterprise Grade Support			
1st replacement \$799			
2nd replacement \$899			
M300RTK Compatible payloads: XT2, Z30 & H20 Series (M300 is not compatible with X4S, X5S or X7 sensors)			
<b>Zenmuse H20T SP</b>	1	9,809.00	9,809.00T
The Zenmuse H20 series offers DJI's first ever Hybrid multi-sensor solution, allowing to capture any kind of images for industrial applications and public safety missions where efficient time management and immediate access to multiple layers of visions are paramount. The H20 Series is IP44 rated which protects enclosures from splashes of water from any direction. Includes optical zoom camera, fixed lens camera, laser range finder, and thermal radiometric camera.			
Optical Zoom Camera:			
-1/1.7" CMOS ,			
-20 MP,			
- Equivalent Focal Length: 31.7-556.2mm			
-23XHybrid Optical Zoom			
Fixed Lens Camera:			
-1/2.3" CMOS			
-12MP			
- Equivalent Focal Length: 22 mm			
Laser Range Finder:			
-Wavelength: 905nm			
-Range: 3-1200 m			
Thermal Radiometric Camera:			
-2X, 4X,8X digital zoom			
-640x512 Resolution 30Hz			
-Focal Length: 13.5 mm			
*Not compatible with M200 Series			
Enterprise Shield Support Package Includes:			
-1 Year of Free Ground Shipping on all Repairs			
-Significantly Reduced Repair Costs			
-Up to 2 Replacements			
-Enterprise Grade Support			
1st replacement \$859			
2nd replacement \$969			
<b>Indemnity</b>			T
By signing this proposal you are agreeing to indemnify NOAR Technologies and hold it harmless from and against any loss, damage, claim or demand whatsoever arising out of the resale of the Products.			
Limitation. In no event shall NOAR Technologies be liable for indirect, consequential or incidental damages (including damages for loss of business profits, business interruption, loss of business information and the like) arising out of the use of, or inability to use, said product.			
<b>Preferred Client Discount*</b>	1	-3,008.00	-3,008.00T
Law Enforcement Discount			

Terms & Conditions:	SUBTOTAL	20,000.00
All quoted prices are subject to change	TAX (0%)	0.00
Standard payment terms are Prepay - Unless other terms have been agreed upon (pending credit approval)	TOTAL	<b>\$20,000.00</b>
All applicable taxes will be included on the invoice		
We accept Visa, MasterCard and Amex		
Important Note:		
The use and/or access of products and/or services from NOAR Technologies are subject to certain Autodesk terms and conditions		

Accepted By

Accepted Date



# City of Brighton

## REPORT FROM THE CITY MANAGER TO CITY COUNCIL

February 18, 2021

**SUBJECT:            CONSIDER APPROVING THE PURCHASE OF A COLD PATCH MACHINE FROM FALCON ASPHALT REPAIR EQUIPMENT IN THE AMOUNT OF \$24,015.57**

### **ADMINISTRATIVE SUMMARY**

- The City of Brighton currently owns a 2001 Spaulding cold patch trailer that is used for road maintenance. Due to the condition of our older streets, staff spends approximately 900 hours of labor annually and uses 40 tons of cold patch each year. The most common uses for this machine are pothole patching and temporary road repairs from utility work. Heated cold patch conforms to the repair areas faster and compacts better than cold material producing longer lasting results. The existing cold patch trailer is 20 years old and with a 10-to 12-year life expectancy, staff has done well using it for an additional eight years. The trailer has been experiencing issues from corrosion of the electrical components and finding replacement parts are difficult due to its age. This new machine will be more dependable and allow us to perform road maintenance more efficiently. Having a properly functioning cold patch machine is vital for addressing pavement deterioration issues like potholes and failing asphalt seams.
- Staff is recommending to replace the old unit with a Falcon two-ton, diesel-fuel-operated cold patch machine. This unit is small enough to be pulled by one of our existing pick-up trucks and has the same capacity as our existing machine; however, this unit is equipped with a hydraulic dump feature which allows the box to dump the material. This gives staff the ability to place larger amounts of patch when needed and makes it easier to clean and service the hopper. The current unit uses propane to heat the cold patch. Having the unit operated by diesel fuel allows us to purchase it at any local service station. Additionally, diesel fuel heats up the material faster than propane. This is especially important during emergencies.
- Another reason for replacing our current unit is the fuel system used to heat the material. Our machine uses propane to heat the cold patch, the tank size required for this machine can only be filled during normal working hours. Having the unit heated by diesel fuel allows us to purchase fuel at any local service station at any time. Additionally, diesel fuel heats up the material faster than propane, this is especially important during emergency maintenance situations.
- MI Deal is a State of Michigan website that offers competitively-bid products to municipalities. This enables the City to obtain bid pricing without the need to go through our own Request for Proposals process. Staff researched cold patch machines on the State of Michigan MI Deal website and found that Falcon Asphalt Repair offers a price of \$24,015.57 for the machine that would best meet the City's needs.

### **BUDGET INFORMATION**

- City Council approved \$30,000 to replace the old unit in the 2020-2021 Capital Improvements Budget. If approved, the new cold patch machine would be nearly \$ 6,000.00 under the approved budget.



# City of Brighton

## REPORT FROM THE CITY MANAGER TO CITY COUNCIL February 18, 2021

### **RECOMMENDATION**

Approve the purchase of a cold patch machine from Falcon Asphalt Repair Equipment in the amount of \$24,015.57

Prepared by: Daren Collins, DPW Superintendent

Reviewed by: Marcel Goch, DPS Director

Approved by: Nate Geinzer, City Manager

Attachments: MI Deal pricing quote from Falcon Asphalt Repair Equipment



# MiDeal PRICE QUOTE

Contract #071B770092

No. OZ012121-702

2600 W Salzburg Street  
Freeland, MI 48642  
Phone: (989) 495 – 9332  
Fax: (989) 495 – 9342

Requested By: City of Brighton, MI

Quote Date	Quote Good Through	Freight Terms	Requested By	Payment Terms
1/21/21	3/21/21	Brighton, MI	Daren Collins	Net 30 Days

Qty	Item No	Description	Price
1	MI10259	2-Ton Falcon Asphalt Recycler & Hot Box Trailer 12-Volt Battery Triple Wall Construction and Fully Insulated Automatic Temperature Control VIP Technology - Voltage Indicator and Protector Controller Automatically Prevents Burner(s) from Operating Below Burner Manufacturer's Required Voltage One-Piece, Seamless Ceramic Combustion Chamber Independently Certified 92% Fuel Efficiency Tandem Axle Trailer Frame - 2" x 6" x 1/4" Tubular Steel Diamond Tread Plate Hopper Access Platform Electric Brakes w/ Safety Breakaway Conspicuity Tape <b>Included Options:</b> Single diesel burner Battery Charger Package Dump Box (12-Volt Electric Over Hydraulic) Standard frame – 16' LED Lighting Upgrade - Two Red Stop/Tail/Turn Lights and One Amber Strobe Per Side Strobe Warning Lights LED light stick (no arrows) Round solvent tank Upgrade to ST235/80R 16" Tires - Load Range E 24 hour timer Release agent basket Rear-Mounted Analog 50/550 Thermometer Hopper access step Curbside open frame to have steel welded floor Roadside open frame to have grip strut welded floor	\$24,015.57

Spare tire with wheel– shipped loose  
10lb fire extinguisher

Operator, Parts and Service Manual  
Two-Year Machine Warranty and Lifetime Frame Warranty  
Freight to Brighton, MI

Included  
Included  
\$100.00

**Plus Applicable Sales Tax**

**Why Falcon?**

**It's Versatile**

- Recycle leftover asphalt, chunks and millings (a dual burner unit is required to recycle millings)
- Transport asphalt and keep it hot all day and hold it overnight
- Heat and re-heat cold patch

**It's Cost-Effective**

- When used as a hot box, it eliminates asphalt waste that occurs in the back of an unheated truck bed
- When used as a recycler, it recycles leftover asphalt and asphalt chunks torn up from the pavement
- Independently certified 92% fuel efficiency – uses less than 3 gallons of fuel per 8-hour shift

**It's Reliable**

- VIP Technology (patent pending) – Protects burner components by automatically preventing burner from operating with low battery voltage
- A Falcon is designed to allow the burner to run while in tow - preventing material from cooling while being transported
- Heat management system is engineered to provide even hopper temperatures – eliminating material scorching from hot spots and material hardening from cold spots
- Standard 2-year machine warranty and lifetime frame warranty

**It's a Falcon**



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# City of Brighton

## REPORT FROM THE CITY MANAGER TO CITY COUNCIL February 18, 2021

**SUBJECT: CONSIDER POSTPONING THE RICKETT ROAD PHASE 2 CONSTRUCTION PROJECT UNTIL THE 2022 CONSTRUCTION SEASON**

### **BACKGROUND**

In early 2019, City Council approved design engineering for both phases of the Rickett Road Rehabilitation Project with the idea of having the project ready to start when funding was available in the future. As Council is aware, in 2019 the first phase of that project was completed excluding the short piece of Rickett Road between Grand River Avenue and Church Street. During the design engineering phase of the project, the State of Michigan released two grants through the Transportation Economic Development Fund (TEDF), One was a category B Grant worth \$250,000 and the second was a Category F Grant, which was worth \$375,000. Staff thought that both phases of the Rickett Road Project would be a good candidate for either of these grants so an application was submitted. Unfortunately, while our project was considered a good candidate, the needs from other cities like our own were enormous and our project did not rank high enough to qualify in the first year so we applied again in hopes that our project would eventually be chosen.

### **ADMINISTRATIVE SUMMARY**

Although we were not chosen in our first attempt, our second application for the Category F Grant was successful. We were advised in January of 2021 that the City was approved for the grant amount of \$375,000. This is 28 percent of the \$1,579,769 estimated total cost for the project and 36 percent of the streets portion of \$1,049,960, which will require the City to provide a match of \$269,045. Of the 30 applications received by the State, The City of Brighton was selected 5<sup>th</sup> out of 8 to receive funds for the Rickett Road Phase 2 Construction Project.

Phase 2 includes the relocation of 2,600 feet of sanitary sewer force main and the rehabilitation of the roadway, removal of the landscape boulevard, as well as some curb and gutter repairs on Rickett Road from the railroad tracks south to the City limits, which is just past Oak Ridge Drive. In addition, the short piece of Rickett Road between Church Street and Grand River that was not rehabilitated due to funding constraints of Phase 1 will be completed with this project.

Not knowing if we were going to be successful in obtaining the grant, staff moved forward with getting Phase 2 of the Rickett Road Project ready for the spring of 2021 as part of the bonding program. All of the design engineering is complete and the project is expected to be put out to bid this month, with construction beginning in the early spring. The project is anticipated to last approximated six months, but could continue into the fall. While staff was excited to receive the news about the grant, there was one detail that needs to be evaluated before we can accept it. Grant funds will not be available from the State until October 2021, when they are finished with their own budget. Additionally, the funds must be



# City of Brighton

## REPORT FROM THE CITY MANAGER TO CITY COUNCIL February 18, 2021

dispersed in that same project construction year, which leaves little time for a contractor to finish before inclement weather could interfere. Staff believes that it would be in the best interest of the City to postpone the planned Rickett Road Phase 2 Construction Project from spring 2021 until the spring 2022 construction season in order to take advantage of the grant.

Another consideration for Council to be aware of is that if the Rickett Road project is moved to spring 2022, it will occur at the same time as the Grand River Rehabilitation Project and its recently added five stub street work. We anticipate both projects starting in April or May and lasting the duration of the summer. While there will be an overlap of projects, it is important to note that the majority of work (milling and paving) on Grand River itself will primarily take place at night. While some sidewalk ramps and curb work will be done during the day, staff will instruct the contractor to do as much work at night as possible to alleviate traffic congestion. The construction of the five side streets will take place primarily during the day, but is far enough away from Rickett Road that staff does not anticipate that having much of a negative effect on traffic in that area.

### **RECOMMENDATION**

Approval to postpone the Rickett Road Phase 2 Construction Project until the 2022 construction season.

Prepared by: Patty Thomas, Asst. to the DPS Director

Reviewed by: Marcel Goch, DPS Director

Approved by: Nate Geinzer, City Manager

Attachment: MDOT Grant Summary Report

Section	Job/Phase	Est Grant Amount	Auth Grant Amount	CTD Grant Amount	Route	Work Description	Location Description	Financial Stage/Status	FinSys
01	212231(A)	\$375,000.00			Rickett Rd	HMA reconstruction	Rickett Rd from 375' south of Oak Ridge Dr to 200'	New / Requesting	EDF
<b>Total:</b>		<b>\$375,000.00</b>							



# City of Brighton

## REPORT FROM THE CITY MANAGER TO CITY COUNCIL

February 18, 2021

**SUBJECT: CONSIDER EXTENDING THE 2019 SIDEWALK MAINTENANCE PROGRAM CONTRACT PRICING FROM ROTONDO CONSTRUCTION FOR THE 2021 CONSTRUCTION SEASON**

### **BACKGROUND**

- At the July 18, 2019 meeting, City Council awarded the 2019 Sidewalk Maintenance Bid to Rotondo Construction for the Sidewalk Removal and Replacement (R&R) Program for \$106,675.25. This work included sidewalks in the major and local streets throughout the City and replacement of sidewalk at City Hall. As Council may recall, due to Rotondo's previous schedule constraints and the timing of the Request for Proposal (RFP), the work could not begin until the spring of 2020. As staff put together more sidewalk replacement locations, we discussed the possibility with Rotondo of adding more work to the contract if they were willing to hold their pricing. This would be beneficial for the City as Rotondo could start their original contract work and continue with new sidewalk replacement locations without having to leave if a new RFP were to be required. Rotondo agreed with the request therefore staff brought the idea to Council for their consideration and eventual approval at the May 21, 2020 Council meeting. Within that approval, council also approved a budget amendment allowing funds from the newly approved 2020/2021 budget to be reduced and added to the 2019/2020 budget to pay for the additional sidewalk work. Once work began in the spring, Rotondo proved themselves to be reliable and capable of producing a good finished product. They demonstrated that they were flexible and willing to work with staff as some of our project had multiple stakeholders. Overall, we were pleased with their performance and were open to working with them in the future.

### **ADMINISTRATIVE SUMMARY**

- As this spring gets closer, staff is preparing a list of locations for the upcoming sidewalk R&R program. As our list grows, staff is again concerned about starting the contract too late in the construction season. We considered putting out the RFP with the intention of having the work done in the spring of 2022, but with the number of projects scheduled to take place next year, it seems more conducive to do the work this spring. Once again, staff contacted Rotondo Construction to see if they may be interested in extending their 2019 pricing. After discussing what we would like to accomplish, they agreed to, not only hold their pricing, but to start their construction season in Brighton instead of in one of their larger customer's cities like Livonia or Westland.
- Staff is requesting \$100,000 in the new 2021/2022 budget for the Sidewalk R&R Program. In an effort to take advantage of 2019 pricing and continue working with a preferred contractor for upcoming sidewalk R&R, staff is asking if Council is interested in extending the 2019 Sidewalk Maintenance Program to Rotondo Construction for 2021/2022. In Addition, if Council finds the extension acceptable, staff would ask Council to consider a budget amendment allowing the funds for next fiscal year to be reduced by an amount intended to be used in this current fiscal year's budget. Knowing that the funds will not be available until after the proposed 2021/2022 budget is approved in May, a recommendation would come back to Council at that time requesting approval for a certain cost based on a locations list developed by staff.



# City of Brighton

## REPORT FROM THE CITY MANAGER TO CITY COUNCIL

February 18, 2021

### RECOMMENDATION

Approve Extending the 2019 Sidewalk Maintenance Program Contract Pricing from Rotondo Construction for the 2021 construction season.

Prepared by: Marcel Goch, DPS Director

Reviewed & Approved by: Nate Geinzer, City Manager



# City of Brighton

## REPORT FROM THE CITY MANAGER TO CITY COUNCIL FEBRUARY 18, 2021

**SUBJECT: CONSIDER STAFF AND PLANNING COMMISSION DIRECTION REGARDING MARIJUANA RELATED LAND USES**

### **ADMINISTRATIVE SUMMARY**

During the second day of the City Council retreat held this past January, Jill Bahm, Giffels Webster, presented an update on the Michigan Regulation and Taxation of Marijuana Act (MRTMA), and how communities throughout the State are adapting to the cannabis industry after one year. After the presentation, Council discussed what potential effects could be on the city if they were to approve the licensing of marijuana establishments, or if a petition for a ballot initiative was received and ultimately passed. In summarizing the conversation, staff heard the following key points:

- If City Council passed an ordinance opting into the MRTMA, what would need to be considered:
  - Preparation of a zoning ordinance;
  - Types of license to allow, how many of each license;
  - Location of establishments;
  - License Fees;
  - Legal challenges associated with opting into the MRTMA such as lawsuits from denied license applicants;
- If City Council remained status quo, what would need to be considered:
  - Potentiality of the City being petitioned with a ballot initiative from citizens or the industry;
  - Staff and consultant work with Planning Commission on an ordinance, preparing for a ballot initiative.

One part of the discussion concentrated on what type of licenses would be allowed if Council moved forward with approving commercial establishments. Most of the conversation centered on having only the industrial type licenses such as testing labs and transporting licenses, and not the provisioning centers (retail stores). Understanding that each of those license have the potential to create economic growth and employment opportunity, the exclusion of provisioning centers leaves only the revenue source gained from license fees collected and potential growth in taxable value as revenue streams. These fees could be in the amount up to \$5,000 per license, but because we are a smaller size community, the amount of licenses issued may limit the amount of revenue. Council would need to allow the retail stores to be eligible for tax revenue from the State.

### **RECOMMENDATION**

Pursuant to the MRTMA, City Council passed an ordinance amendment on 12/20/2018 to prohibit marijuana establishments, and one recommendation to Council is the option of remaining status quo. Based on the discussion at the retreat, it appears there is interest in examining the above stated topics at a much greater depth. Staff's alternate recommendation would be to initiate staff and Planning Commission direction regarding marijuana related uses. It would be requested that if Council proceeds with the latter recommendation, that an understanding is recognized in regards to staff first completing current ordinance projects.

Prepared by: Michael Caruso, Community Development Manager

Approved by: Nate Geinzer, City Manager