



Brighton City Council Meeting

200 N First St • City Hall Council Chambers • Brighton, Michigan 48116
(810) 227-1911 • www.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 August 5, 2021 – 7:30 p.m.

AGENDA

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: Regular Session of July 15, 2021](#)

Correspondence

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

Public Hearing

9. [Second Reading and Conduct a Public Hearing for Proposed Ordinance #596, Amendment to Section 554-199 Open Containers](#)

New Business

10. [Consider Award of Base Bid and Alternate 1 for Repaving of Fairview Cemetery Driveway to Best Asphalt, Inc. in an amount not to exceed \\$206,000](#)
11. [Consider Approval of a Two-Year Contract with HydroCorp, INC. for Residential Cross Connection Control Services in the Amount of \\$35,136.00 Per Year Beginning August 16, 2021](#)
12. [Consider Adoption of Task Force Recommended Public Comment Policy and City Council Procedures as Drafted by City Attorneys, Rescinding and Replacing all Prior](#)
13. [Consider Approval of Resolution #2021-17, Extending Local State of Emergency](#)
14. Consider Direction Regarding Marijuana Land Uses

Other Business

15. Call to the Public
16. Adjournment



Brighton City Council Meeting

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

TEMPORARY LOCATION: Brighton Community Center, 555 Brighton Street, Brighton, MI 48116

MINUTES OF THE REGULAR MEETING OF THE BRIGHTON CITY COUNCIL HELD ON JULY 15, 2021

1. Call to Order

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

2. Pledge of Allegiance

Mayor Pro Tem Gardner led the recitation of the Pledge of Allegiance.

3. Roll Call

Present were Mayor Pipoly and Mayor Pro Tem Gardner, Councilmembers: Bohn, Emaus, Muzzin, Pettengill, and Tobbe.

Staff Present: City Manager Nate Geinzer, City Clerk Tara Brown, Community Development Manager Mike Caruso, Assistant to the City Manager Henry Outlaw, DPS Director Marcel Goch, Deputy DPS Director Corey Brooks, Regulatory Compliance Officer Josh Bradley, Executive Assistant to Community Development Kelly Haataja, Chief Rob Bradford, Attorney Sarah Gabis, and Attorney Sarah Gabis. There were approximately sixty persons in the audience.

4. Consider Approval of the Agenda

Motion by Councilmember Emaus, seconded by Councilmember Pettengill to approve the agenda as presented. **The motion carried without objection.**

5. Consider Approval of Consent Agenda Items

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

Consent Agenda Items

- a. **Approval of Minutes: Study Session of July 1, 2021**
- b. **Approval of Minutes: Regular Session of July 1, 2021**

Correspondence

6. Call to the Public

Mayor Pipoly opened the Call to the Public at 6:35 p.m.

Jim Vichich of the Historical Society spoke regarding the repair of Old Village Cemetery headstones and thanked City Council for the return of the historic silhouette cutouts throughout downtown Brighton.

Hearing and seeing no further comment, Mayor Pipoly closed the Call to the Public at 6:37 p.m.

7. Staff Updates

Director Goch reported the Northwest Neighborhood project is moving along great. Monday, July 19, 2021, the City Hall parking lot will be paved and should take about three days to complete. The Nelson booster station repair will start at the end of July. The repair will cause disruption in service but staff will notify residents with door hangers. Director Goch also congratulated Deputy DPS Director Corey Brooks for his 35 years of service to the City of Brighton.

8. Updates from Councilmember Liaisons to Various Boards and Commissions

Councilmember Muzzin noted the Brighton Area Fire Authority had canceled their July meeting.

Councilmember Tobbe stated SEMCOG will meet on July 22, 2021 in Detroit.

Councilmember Pettengill noted the Zoning Board of Appeals met on July 8, 2021 to discuss variance requests for 1318 Brighton Lake Road.

Mayor Pipoly stated the Downtown Development Authority is scheduled to meet on July 20, 2021.

Public Hearing

9. Conduct a Public Hearing and Consider Possible Action for the Proposed Planned Unit Development, Site Plan # 21-06, West Village and Related PUD Agreement

Manager Geinzer began discussions by giving a detailed background on the property, historical data, ordinance and Master Plan date, and pertinent dates associated with the proposed planned unit development.

SR Jacobson Vice President Manny Kianicky then presented a detailed revised plan based on information and concerns he heard at the recent Planning Commission meeting.

Mayor Pipoly opened the Public Hearing at 7:26 p.m.

Debbie Watkins, Mary Jo Mead, Janice Parish, Scott Winningham, Brian Klear, Susan Bakhaus, Mike Johnson, Maureen Dowding, Christopher Hapsberg, Scott Brock, Carl Vagnetti, Jim Noeker, John Stall, Richard McKinney, Nancy Durance, and Jill Noeker all spoke in opposition of the proposed planned unit development citing various reasons but mainly density and adherence to the master plan.

Motion by Councilmember Pettengill, seconded by Councilmember Bohn to extend time of one minute for Scott Brock to compete his thought. **The motion carried with Mayor Pro Tem Gardner, Councilmember Emaus, and Councilmember Muzzin voting no.**

Chuck Hundley spoke in support of the development.

Hearing and seeing no further comment, Mayor Pipoly closed the Public Hearing at 8:28 p.m.

Motion by Councilmember Pettengill, seconded by Councilmember Tobbe to break for five minutes. **The motion carried without objection.**

Motion by Mayor Pro Tem Gardner, seconded by Councilmember Muzzin to return from break at 8:36 p.m. **The motion carried without objection.**

Motion by Councilmember Emaus, seconded by Councilmember Tobbe to table site plan # 21-06, rezoning from R1 to PUD, and the PUD agreement, and remand the final plan back to the Planning Commission for consideration and recommendation to City Council, of a revised site plan submitted by the applicant that provides: consideration #1 amendment to height proposed for buildings, consideration #2 amendment of parking spaces, consideration #3 proposed movement of drive and increase of green space and setbacks, consideration #4 question number of appropriate density in consideration of definition of the defined map on page 74 of the Master Plan. **The motion carried with Councilmembers Bohn and Muzzin voting no.**

New Business

10. Consider Approval of Site Plan # 21-03, 1101 Rickett

Motion by Councilmember Emaus, seconded by Councilmember Pettengill to approve of site plan #21-03, 1101 Rickett. **The motion carried without objection.**

11. Consider Approving the Purchase of a Combination Vacuum Street Sweeper from Bell Equipment Company in the Amount of \$285,235

Motion by Councilmember Emaus, seconded by Councilmember Muzzin to approve to purchase of a combination vacuum street sweeper from Bell Equipment Company in the amount not to exceed \$286,735 which in the public interest will be better served by accepting a higher bid. **The motion carried without objection.**

12. Consider Award of Bid to Titus Welding Company for the Rebuild of Return Activated Sludge (RAS) Pump #3 in an Amount Not to Exceed \$143,600

Motion by Councilmember Emaus, seconded by Councilmember Tobbe to award bid to Titus Welding Company for the rebuild of return activated sludge (RAS) pump #3 in an amount not to exceed \$143,600 which in the public interest will be better served by accepting a higher bid. **The motion carried without objection.**

13. Consider Approval of Resolution #2021-16 to Introduce First Reading and Set a Public Hearing of August 5, 2021 for Proposed Ordinance Number 596: Amendments to Chapter 54 of the City of Brighton Code of Ordinances

Motion by Councilmember Emaus, seconded by Councilmember Pettengill to approve of resolution #2021-16 to introduce first reading and set a public hearing date of August 5, 2021 for proposed ordinance #596: amendments to Chapter 54 of the City of Brighton Code of Ordinances. **The motion carried with Councilmember Bohn voting no.**

14. Discussion and Consider Staff Direction Regarding Partial Advancement of Northwest Neighborhoods Streets Project into Phase II (State Street and Third Street)

Motion by Councilmember Emaus, seconded by Mayor Pro Tem Gardner to direct staff to start partial advancement of Northwest Neighborhood Streets Phase 2 of Third and State Streets. **The motion carried without objection.**

Other Business

15. Call to the Public

Mayor Pipoly opened the Call to the Public at 9:58 p.m.

Debbie Watkins spoke regarding notice when a planned water interruption will take place.

16. Adjournment

Motion by Mayor Pro Tem Gardner, seconded by Councilmember Emaus to adjourn the meeting at 10:00 p.m. **The motion carried without objection.**

Tara Brown, City Clerk

Shawn Pipoly, Mayor

CITY OF BRIGHTON

ORDINANCE NO. 596

AMENDMENT TO SECTION 54-199 OPEN CONTAINERS

The City of Brighton ordains:

Section 1. Amendment of Section 54-199.

The City of Brighton hereby amends Section 54-199 of Article VII of Chapter 54, Division 1 of the Brighton City Code, entitled “Open Containers” which shall be amended to read, in its entirety, as follows:

Sec. 54-199. Open Containers.

No person shall have in his possession any open bottle or container, containing alcoholic liquor, while such person is on any public highway, park, place of amusement, parking area, or any other public place open to the public, excepting those premises duly licensed for the sale and consumption of alcoholic beverages on the premises, including, but not limited to sidewalk cafes holding permits issued under sections 22-86 et seq., of this Code, and excepting those areas designated by the City Council as a commons area pursuant to MCL 436.1551 as amended, when designated open by resolution of the City Council*.

*As of 7/14/21, the hours of operation as set by City Council by resolution are 12:00 PM to 10:00 PM. Hours subject to change and are posted at City Hall and on the City’s website

Section 2. Validity and Severability.

Any section or subsection not expressly amended by this Ordinance shall remain in full force and effect. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 3. Repealer.

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

Section 4. Effective Date.

This ordinance becomes effective fifteen (15) days after adoption.

Adopted on August 5th, 2021.

Tara Brown, Clerk

Shawn Pipoly, Mayor

I, Tara Brown, City Clerk of the City of Brighton, Michigan, do hereby certify that a summary of Ordinance No. 596 was published in a newspaper of general circulation on the ____ day of _____, 2021.

Tara Brown, Clerk



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL

AUGUST 5, 2021

SUBJECT: CONSIDER AWARD OF BASE BID AND ALTERNATE 1 FOR REPAVING OF FAIRVIEW CEMETERY DRIVEWAY TO BEST ASPHALT, INC. IN AN AMOUNT NOT TO EXCEED \$206,000

BACKGROUND

- For the past several years, the City of Brighton has been working on improvements to all of its facilities, including its cemeteries. During the economic downturn that began in 2008-2009, the City endured the same struggles that other communities had, which lead to some bigger projects being postponed until funding was available. With the three cemeteries that the City maintains, Fairview, Brighton Hills, and Old Village, there was no shortage of maintenance that needed to be done. While over the last few years Staff has made significant progress in catching up on needed projects in the cemeteries, such as the clearing of brush in the tree line, removal of spoils that accumulated over the past 20 years, and the addition of water lines for visitor use, the driveway is now at a point where replacement is needed.

ADMINISTRATIVE SUMMARY

- On average Fairview Cemetery holds 65 funerals annually. This does not include the visitors that come to see departed loved ones, people looking to purchase available plots or Staff cemetery maintenance. As a result, the roadway has shown considerable wear and was added to the Capital Improvement Plan to be replaced in the future.
- As discussions were held with City Council about the Fairway Cemetery driveway, funding possibilities were limited. While a perpetual care fund currently exists, legally, only the interest can be used for cemetery maintenance. This limited amount does not provide enough for the paving of the driveway. When Council and Staff began discussing bonding as a potential revenue source for the Northwest Neighborhood Project, other necessary projects were considered as well. Eventually, the Fairview Cemetery Driveway was added to the list of projects that would be funded by bond proceeds.
- With a recognized source of revenue, Staff published a Request for Proposal (RFP) on the Michigan Intergovernmental Trade Network (MITN) on June 18, 2021 with documents previously approved by the City attorney. The RFP asked for pricing that included pulverizing the Fairview Cemetery driveway, adding five 60-square-foot parking areas, and restoration costs of disturbed areas, including backing the edge of the new asphalt with gravel to prevent damage. Additionally, the RFP included a price request for using a fiber additive to increase surface life. On July 21, 2021, Staff received six submittals out of 55 document holders (most of which were not asphalt companies). As seen below, Best Asphalt Inc. was the low bidder with Spartan Paving. LLC being second lowest.

Contractor	Without Fiber	<i>With Fiber</i>	<i>Turf Restoration</i>	Totals
Best Asphalt, Inc.	\$144,500	<i>\$155,200</i>	<i>\$24,100</i>	\$168,600/ <i>\$179,300</i>
Spartan Paving LLC	\$163,000	<i>\$182,150</i>	<i>\$5,950</i>	\$168,950/ <i>\$188,100</i>
T&M Asphalt Inc.	\$180,000	<i>N/A</i>	<i>\$21,000</i>	\$201,000/ <i>NA</i>
ASI, Inc.	\$183,600	<i>\$192,600</i>	<i>\$17,500</i>	\$201,100/ <i>\$210,100</i>
Bowen Paving	\$207,308	<i>\$223,696</i>	<i>\$14,460</i>	\$221,768/ <i>\$238,156</i>
Anglin Civil	\$210,098	<i>\$238,054</i>	<i>\$5,000</i>	\$215,098/ <i>\$243,054</i>

- Once Staff had a chance to review pricing, the decision was made to add fiber to the asphalt mix and to include restoration to the project. Knowing that the likelihood of repaving this driveway will be at least another 20 years, the added cost of fiber is justifiable as Staff has been adding it to our bigger projects to achieve better pavement durability and surface life. Additionally, Staff had the restoration costs broken out as an alternate in the case the paving costs came in too high. As seen above, the proposal from Best Asphalt, Inc. is \$179,300, which is \$20,700 under the budgeted amount for this project. Wanting to make certain that every effort is made to preserve the asphalt road edge and limit cracking by vehicles driving off the sides, Staff is recommending that the fiber and restoration be added. Best Asphalt, Inc. supplied references including several school systems, all were found to be favorable.

BUDGET

Funding for the Fairview Cemetery Driveway has been budgeted and approved in the Capital Improvement Plan (CIP) and 2021/2022 Fiscal Year Budget using bond proceeds. While the \$179,300 is under the \$200,000 budgeted for this project, Staff has made it a practice to add a 15 percent contingency on all projects to ensure undetermined costs are covered. The remaining \$20,700 in the approved budget equates to approximately 11.5 percent of the recommended bid, so Staff is asking to increase the amount available to meet the 15 percent contingency by adding an additional \$6,000 to the \$200,000, for a total not to exceed amount of \$206,000. While Staff does not anticipate needing this extra funding, this is a safeguard to prevent stopping the project and will not be used unless necessary. While additional bond proceeds are already earmarked, Staff has identified a piece of equipment in the current Fiscal and CIP Budget that can be postponed until next year if necessary.

RECOMMENDATION

Award of Base Bid and Alternate 1 for Repaving of Fairview Cemetery Driveway to Best Asphalt, Inc. in an amount not to exceed \$206,000.

Prepared by: Marcel Goch, DPS Director

Reviewed by:

Gretchen Gomolka, Finance Director (Required for all financial related agenda items)

Within Budget

Budget Amendment Necessary and In Proper Form

Other: Base bid below budget. If use of the contingency exceeds the budget we will reallocate the budget from the postponed piece of equipment.

Reviewed &

Approved by: Henry Outlaw, Assistant to the City Manager



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL

August 5, 2021

SUBJECT: CONSIDER APPROVAL OF A TWO-YEAR CONTRACT WITH HYDROCORP, INC. FOR RESIDENTIAL CROSS CONNECTION CONTROL SERVICES IN THE AMOUNT OF \$35,136.00 PER YEAR BEGINNING AUGUST 16, 2021.

BACKGROUND

- The City of Brighton participates in a commercial and industrial Cross Connection Control Program as required by the State of Michigan Department of Environment, Great Lakes, and Energy (EGLE). Currently, HydroCorp monitors these users, but not residential properties. The State has mandated communities to implement a residential cross connection program to ensure the health and safety of its drinking water to their customers.

ADMINISTRATIVE SUMMARY

- With HydroCorp being a sole source provider, combined with the fact that they helped establish and administrate the City's current Commercial Cross Connection Control Program, staff requested a quote from them to perform residential cross connection services. If approved, HydroCorp will continue conducting inspections and generating all backflow assembly notifications for the commercial requirement of the Cross Connection Program, but will also acquire the additional responsibilities of the Residential Cross Connection Program. Contract documents are currently being reviewed and once approved by the City Attorney, the residential program will start on August 16, 2021.
- HydroCorp will be responsible for inspecting the exterior of residential properties in order to identify lawn irrigation systems, unprotected hose connections, pools, spas and other potentially hazardous water connections. Residential site inspections are necessary for all properties to determine if backflow devices are required, installed, in good working condition, and in compliance with City and State regulations. Residential backflow devices are also required to be tested on a regular basis, depending on the level of hazard they pose to the community's water system.
- If Council approves this proposal, City Staff and HydroCorp will begin working immediately on a community wide public-relations campaign to help residents better understand the residential cross connection program. A meeting has been arranged with HydroCorp to review an assortment of strategies to provide this information. Outreach will be accomplished through various methods such as letters, brochures, City website, Facebook, weekly bulletin, and by any other practical means. Staff and HydroCorp will focus the first 45 - 60 days on providing information to our residents prior to performing any inspections.
- Under this contract, HydroCorp will perform the following:
 - Perform a minimum of 735 initial inspections, compliance inspections, and re-inspections each year
 - Generate backflow testing and inspection notices
 - Document the required program data for each home
 - Submit quarterly management reports
 - Provide up to four approved hose bib vacuum breakers per home in order to place a property in immediate compliance
 - Hold annual review meetings with Staff to discuss program status
 - Help prepare the annual State of Michigan Cross Connection Report
 - Assist the City with a community-wide public relations program including content resources for brochures, website and social media postings

BUDGET

- The proposed cost of this contract is \$2,928 per month for an annual cost of \$35,136, and a total contract cost \$70,272.
- Funding for Residential Cross Connection Services has been budgeted in the 2021/2022 Utilities Budget.

RECOMMENDATION

Approval of a two-year contract with HydroCorp, Inc. for Residential Cross Connection Control Services in the amount of \$35,136 per year beginning August 16, 2021.

Prepared by: Josh Bradley, Regulatory Compliance Superintendent

Reviewed by: Marcel Goch, DPS Director

Gretchen Gomolka, Finance Director (Required for all financial related agenda items)

- Within Budget
- Budget Amendment Necessary and in Proper Form
- Other _____

City Attorney (Required for all agreements, ordinances, etc.)

- Acceptable Form and Ready to Execute
- Other In Review _____

Reviewed &

Approved by: Henry Outlaw, Assistant to the City Manager



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL

AUGUST 5, 2021

SUBJECT: CONSIDER ADOPTION OF RULES OF PROCEDURE TASK FORCE RECOMMENDATIONS

ADMINISTRATIVE SUMMARY

- City Council asked Mayor Shawn Pipoly, Mayor Pro Tem Susan Gardner, and Councilmember Renee Pettengill and staff to review the current Rules of Procedures and come back to City Council with a comprehensive and robust policy that outlines expectations and addresses decorum. The Committee along with City staff reviewed Rules of Procedure and other meeting procedures and ethics ordinances from local municipalities to craft a working document for City Council discussion. Staff asked the opinion from General Counsel on current City meeting procedures and conveyed the direction and intent of the committee for a comprehensive document(s). Foster Swift created the three documents for the committee's review; however, for now Staff has brought the Public Comment Policy and City Council Procedures. These two documents best encapsulated the needs and desires of the committee.
- The public comment policy provides clear direction about the expectations from members of the public who attend City meetings. This document, if adopted, defines public comment period, agendas, and public comment and would replace the current Rules of Procedure.
- The public meeting procedures document summarizes public meeting procedures that all City officials are required to follow under state law, City Charter, and it establishes procedures to promote civil public meetings. This document, if adopted, is for all boards and commissions and serves as a handy tool that includes aspects of the Open Meetings Act, state law, and City Charter.
- The ethics ordinance that was brought during a previous study session will be reviewed and recommended for approval at a later date.

RECOMMENDATION

Approval of Task Force Recommended Public Comment Policy and City Council Procedures as drafted by City Attorneys rescinding and replacing all prior.

Prepared by: Tara Brown, City Clerk

City Attorney (Required for all agreements, ordinances, etc.)

Acceptable Form and Ready to Execute

Other _____

Reviewed &

Approved by: Henry Outlaw, Asst. to the City Manager

Attachments: Public Comment Policy
City Council Procedures

CITY OF BRIGHTON
POLICY FOR PUBLIC COMMENTS AT MEETINGS

I. Purpose

The City of Brighton welcomes and encourages comments from members of the public who attend City meetings. Pursuant to the requirements of the Open Meetings Act, a person is permitted to make a public comment during a meeting under rules established and recorded by the City. This policy applies to meetings of the City Council, Planning Commission, Zoning Board of Appeals, and all public bodies created by the City Charter or City Council.

II. Public Comment Period; Meeting Agendas

1. If an agenda is available, the City will have copies of the agenda available for the public who attend the meeting. The agenda will indicate the designated time(s) for the public to provide comments. Generally, the City Council will include two public comment periods during each meeting. These rules apply to the public comment period in any regular or special meeting or the any portion of a public hearing where public comment is required or designated (“Public Comment”).
2. Members of the public have no right to address the Council or make comments outside of the Public Comment. At any time, the Council, in its discretion, may accept comments from the public. However, outside of the Public Comment time, the Council is under no obligation to hear comments from the public during a meeting.
3. Members of the public may request that an item be placed on the City Council agenda by contacting the City Clerk’s office or any City Council member or by raising the item during Public Comment. The City Council has sole discretion to determine the content of each meeting agenda and is not obligated to add any item to the agenda.

III. Rules of Public Comment

The City adopts the following procedures to receive Public Comments at City meetings:

1. When the City meeting reaches a designated time for Public Comments, the Mayor (or other person who is chair of the meeting) will invite attendees to make Public Comments.
2. The Mayor (or meeting chairperson) will ask persons wishing to speak to raise their hands to be recognized by the Mayor. The Mayor will recognize one person to speak at a time, and each speaker must provide his or her name and address. No person in attendance may make a comment without being recognized.

3. Public Comments must be addressed to the Council, not to other members of the audience.
4. Public Comments shall be limited to three (3) minutes. Each speaker is only entitled to one (1) three-minute time during each Public Comment period and may not split the time or “give” the time to another speaker. However, if a public hearing is held during a meeting, then a person may speak during at the designated time during the public hearing and also at each of the Public Comment periods of the meeting.
5. In lieu of speaking, a person may submit any written comments to the City Clerk. Written materials submitted to the City are considered public documents.
6. The City encourages free and complete public dialogue on City issues within the bounds of civil discourse. Speakers may not breach the peace of the meeting.
7. If a speaker includes specific questions to the Council in his or her Public Comments, the Council has no obligation to respond.
8. Groups are encouraged to designate one or more individuals to speak on their behalf to avoid cumulative comments. However, there is no requirement to make this designation.
9. The Council may determine, in its sole discretion, how Public Comments will be summarized in the meeting minutes. Members of the public should not expect the minutes to include verbatim transcripts or details of any individual comment.
10. Members of the public are also encouraged to contact the City Manager’s office or any City Department during regular business hours to ask questions, raise concerns, and request information about City matters.

IV. Recording of Rules

These rules will be recorded in the minutes and kept on file with the City Clerk.

CITY OF BRIGHTON
PUBLIC MEETING PROCEDURES

I. Purpose

This document summarizes certain public meeting procedures that the City Council and the City's boards and commissions are required to follow under state law and the City Charter, and it establishes additional procedures to promote civil, orderly public meetings. If anything in these Public Meeting Procedures conflicts with a provision of applicable law or the City Charter or City Code, then the applicable law, City Charter, or City Code provision controls.

II. Public Meetings – General Requirements

a. Open Meetings Act

All meetings of the City's Council, boards and commissions must comply with the Open Meetings Act, Act 267 of 1976, MCL 15.261 *et seq* ("OMA"). This includes, but is not limited to, the City Council, Planning Commission, Zoning Board of Appeals, Board of Review, Building Authority, and any committee that meets the definition of public body under the OMA. A quorum of the members of a public body must not hold a meeting except in compliance with the OMA.

b. Notices

The City must provide notice of all meetings of the City's boards and commissions in accordance with the OMA. Generally, City staff will prepare all required notices and arrange for posting or publishing the notices.

Special meetings¹ and rescheduled regular meetings of a public body require that public notice be posted at least 18 hours before the meeting in a prominent place at City Hall and on the City's website. The notice must state the date, time, and place of the meeting.

c. Minutes

Minutes required. The City Council and each board and commission of the City must keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed

¹ See Section III(B) of these Procedures for additional requirements for special meetings of the City Council.

session is held. MCL 15.269(1). The minutes must include all roll call votes taken at the meeting. MCL 15.269(1).

Preparation of minutes. The City Clerk prepares the minutes of City Council meetings. For other boards and commissions, the secretary of the board or commission prepares the meeting minutes. Draft minutes must be prepared and available for public inspection within **8 business days** after the date of the meeting, as required by the OMA. MCL 15.269(3). The approved minutes must be made available for public inspection within **5 business days** after the meeting at which the minutes are approved. MCL 15.269(3).

Correction of minutes. Meeting minutes may only be corrected at the next meeting after the meeting to which the minutes refer. MCL 125.269(1).

d. Closed Sessions

Permissible Purposes. The City Council and any board or commission of the City may enter into a closed session during the meeting for any of the following reasons under the OMA:

- (a) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing. A person requesting a closed hearing may rescind the request at any time, in which case the matter at issue shall be considered after the rescission only in open sessions.
- (b) [omitted]².
- (c) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.
- (d) To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
- (e) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.

² This document omits permissible closed session purposes under the OMA that do not apply to cities.

- (f) To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, except as otherwise provided in this subdivision, all interviews by a public body for employment or appointment to a public office shall be held in an open meeting pursuant to this act. This subdivision does not apply to a public office described in subdivision (j) [president of an institution of higher education].
- (g) [omitted].
- (h) To consider material exempt from discussion or disclosure by state or federal statute. **[Note: this includes attorney-client privileged written legal opinions.]**
- (i) [omitted].
- (j) [omitted].
- (k) [omitted].

MCL 15.268 (subsections b, g, and j-k omitted as inapplicable to cities).

Procedure. Entering closed session requires a 2/3 roll-call vote of all members elected or appointed and serving, except that closed sessions under subsections (a) and (c) require only a majority vote. The roll call vote and the purpose of the closed session must be included in the meeting minutes.

Separate Minutes. A separate set of minutes must be taken for the closed session. The closed session minutes are retained by the City Clerk (the clerk or secretary of any board or commission must ensure that sealed closed session minutes are sent to the City Clerk for retention), are not available to the public, and are to be disclosed only if required by a civil action filed under the OMA. The closed session minutes may be destroyed 1 year and 1 day after approval of the minutes of the regular meeting at which the closed session was approved.

e. Public Comment

Under the OMA, a person must be permitted to address a meeting of a public body under rules established and recorded by the public body. MCL 15.263(5). The City of Brighton has adopted

a “Policy for Public Comments at Meetings.” The City will allow public comment at all City Council, board, and commission meetings pursuant to that policy.

III. City Council Meetings

a. Schedule Set by Resolution

Under Section 6.1 of the City Charter, the City Council must establish the time and place of its regular meetings by resolution and hold at least one regular meeting each month. A regular meeting must be held at 8:00 P.M. on the Monday after each regular City election.

b. Special Meetings of City Council

Calling Special Meeting; Notice to Council Members. Under Section 6.2 of the City Charter, the City Clerk must call a special meeting on the written request of the Mayor or any two members of the Council. Each member of the Council must receive at least 24 hours’ written notice, served personally or left at his or her usual place of residence. The special meeting may be held on less than 24 hours’ notice to Council members if all members of the Council are present or have waived notice of the meeting in writing.

Public Notice. Under the OMA, all special meetings require that public notice be posted at least 18 hours before the meeting in a prominent place at City Hall and on the City’s website. The notice must state the date, time, and place of the meeting.

Business at Special Meeting. Under Section 6.3 of the City Charter, no business may be transacted at any special meeting of the Council unless the business was stated in the meeting notice. However, any business that lawfully comes before a regular meeting may be transacted at a special meeting if all the members of the Council present consent and all the members absent file their written consent.

c. Agendas

Although agendas are not required under the OMA, the City’s policy is to prepare agendas for City Council meetings. Agendas are prepared by City staff in consultation with the Mayor and/or Mayor Pro Tem and are considered for approval by the City Council at each meeting. Members of City Council may request that City staff include specific items on the agenda before the meeting and may move to add items to the agenda during the meeting.

Members of the public may request that an item be placed on the City Council agenda by contacting the City Clerk's office or any City Council member or by raising the item during Public Comment. The City Council has sole discretion to determine the content of each meeting agenda and is not obligated to add any item to the agenda.

d. Publication of Proceedings

In addition to the minutes required under the OMA, the City Council must publish the proceedings or a summary of the proceedings within 15 days after each meeting. (City Charter, Section 6.7.) Any summary must be prepared by the Clerk and approved by the Mayor, and it must show the substance of each separate proceeding of the Council.

e. Voting Procedures

Roll Call Required. Under Section 6.7 of the City Charter, a roll call vote is required on all ordinances and resolutions. The roll call must be recorded in the minutes unless the vote is unanimous, in which case the minutes may state that the vote was unanimous.

Order of Roll Call. In all roll call votes, the names of the members of the Council must be called in alphabetical order, and the name to be called first will be advanced one position alphabetically in each successive roll call vote.

Members Required to Vote. Each Council member in attendance must vote on each question before the Council unless (1) the Council member has a conflict of interest under the Ethics Ordinance, (2) the Council member has a financial interest in the question, other than the common public interest, or (3) the question concerns the Council member's conduct. A Council member who refuses to vote when required to vote is guilty of misconduct in office under Section 6.7 of the City Charter.

f. Quorum; Rescheduling of Meetings

A majority of Council members constitutes a quorum. A quorum is required to hold a meeting. If less than a quorum is present, the City will reschedule the meeting and provide the notice required under the OMA for a special meeting.

g. Conduct of Council Members

City Council members must conduct themselves in accordance with the City's Ethics Ordinance and are encouraged to act with civility toward fellow Council members, City staff, and members of the public.

h. Parliamentary Procedure

The City may rely on Robert's Rules of Order (Newly Revised) for guidance on parliamentary procedure, but the City is not required to strictly follow Robert's Rules of Order to govern all questions of conduct and procedure.

Approved by City Council: _____, 2021

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**CITY OF BRIGHTON
CITY COUNCIL**

RESOLUTION NO. #2021-17

RESOLUTION EXTENDING LOCAL STATE OF EMERGENCY

At a meeting of the City Council of the City of Brighton, Livingston County, Michigan, held at the City Hall, 200 North First Street, Brighton, Michigan 48116, on the _____ day of _____, 2021, at 7:30 p.m.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and supported by _____.

WHEREAS, on March 25, 2021, the City Council adopted Resolution No. 2021-07, “Resolution to Appoint an Emergency Management Coordinator and Declare a State of Emergency”; and

WHEREAS, among other things, Resolution No. 2021-07 declared a local state of emergency due to the COVID-19 pandemic, which remains in effect until August 31, 2021, unless terminated sooner by the City Council; and

WHEREAS, under the Michigan Open Meetings Act, Public Act 267 of 1976, as amended by Public Act 254 of 2020 (“OMA”), a public body may hold an electronic meeting through December 31, 2021, if a local state of emergency has been declared in the area where the public body usually holds its meetings; and

WHEREAS, although various COVID-19 vaccines are now available for individuals age 12 and older, COVID-19 and its variant strains remain a public health concern; and

WHEREAS, the City wishes to extend the local state of emergency to allow for

electronic public meetings when necessary or desired in accordance with the OMA; and

WHEREAS, the extension of the local state of emergency does not restrict gatherings or prohibit in-person meetings, but rather provides authority under the OMA for public bodies in the City to meet electronically if desired; and

WHEREAS, the City believes it is in the best interest of the public health, safety, and welfare to extend the local state of emergency through December 31, 2021.

NOW, THEREFORE, the City Council of the City of Brighton resolves as follows:

1. The local state of emergency that was declared in Resolution No. 2021-07 is extended through 11:59 P.M. on December 31, 2021, unless terminated sooner by resolution of the City Council.

2. All prior resolutions or parts of resolutions inconsistent with this Resolution are repealed, but only to the extent necessary to give this Resolution full force and effect.

YEAS: _____

NAYS: _____

THE RESOLUTION WAS DECLARED ADOPTED.

STATE OF MICHIGAN)
)
COUNTY OF LIVINGSTON)

I, the undersigned, the duly qualified and acting City Clerk of the City of Brighton, Livingston County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the City Council at a meeting held on the ___ day of _____, 2021, at 7:30 p.m.

Tara Brown, City Clerk