



Brighton City Council Meeting

200 N First St • City Hall Council Chambers • Brighton, Michigan 48116
(810) 227-1911 • www.brightoncity.org

July 6, 2023 – 6:30 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 meeting of June 15, 2023](#)
- b. [Approval the purchase of an Advantage Rapid Response safe from 360 Life Safety](#)
- c. [Approval of the purchase of ballistic plates from Pro-Tech not to exceed the purchase price of \\$13,835](#)
- d. [Approval to purchase SWAT ballistic plates from Pro-Tech not to exceed the purchase price of \\$3,300](#)
- e. [Approve the purchase of a Lazer X-Series Turf Mower from Weingartz in the amount of \\$11,145](#)

Correspondence

6. Call to the public
7. Staff updates
8. Updates from Councilmember liaisons to various boards and commissions

Discussion

9. Consider Entering into Closed Session to Receive a Written Attorney-Client Privileged Communication Pursuant to section 8(1)(h) of the Open Meetings Act, MCL 15.268(1)(h)

New Business

10. [Consider approval to purchase an E.H. Wachs valve maintenance trailer from Wachs Utility Products for \\$92,599.81](#)
11. [Conduct a first reading and set a public hearing for August 17, 2023, for proposed ordinance 603: amendments to Chapter 42 "Environment," regulating the operation of unmanned aircraft \(drones\) of the City of Brighton Code of Ordinances](#)
12. [Conduct a first reading and set a public hearing for August 17, 2023, for proposed ordinance 604: amendments to Chapter 46 and Chapter 70 of the City of Brighton Code of Ordinances regarding open burning](#)
13. [Consider approval of an agreement with Aylwayrd Consultants, LLC DBA Abilita-Lansing to enter into a thirty-six month agreement to review the telecommunications system to receive recommendations for improvements and possible savings](#)

Other Business

14. Call to the public
15. Adjournment



Brighton City Council Meeting

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MINUTES OF THE REGULAR MEETING OF THE BRIGHTON CITY COUNCIL HELD ON JUNE 15, 2023

1. Call to order

2. Pledge of Allegiance

3. Roll call

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

Staff Present: City Manager Gretchen Gomolka, City Clerk Tara Brown, DPS Director Marcel Goch, Community Development Manager Mike Caruso, Human Resources Manager Michelle Miller, Executive Assistant to Community Development Kelly Haataja, Chief Brent Pirochta, and Attorney Sarah Gabis. There were approximately five people in the audience.

Motion by Councilmember Albert, seconded by Councilmember Emaus to excuse Councilmember Gipson for personal reasons. **The motion carried, 6-0.**

4. Consider approval of the agenda

Motion by Councilmember Gardner, seconded by Councilmember Emaus to approve the agenda as presented. **The motion carried, 6-0.**

5. Consider approval of consent agenda items

Motion by Mayor Pro Tem Bohn, seconded by Councilmember Albert to approve the consent agenda as presented. **The motion carried, 5-1. Mayor Tobbe abstained.**

Consent Agenda Items

- a. **Approval of Minutes: regular meeting of June 1, 2023**
- b. **Approval of resolution #2023-17, a Social District License Application for WD Champ's LLC, D/B/A Champs Pub located at 140 E. Grand River**
- c. **Approval of year end budget amendments, Resolution #2023-18, Final Year End Budget Amendments for the year ending June 30, 2023**
- d. **Approval to reappoint members of the Brighton Arts and Culture Commission**

Correspondence

6. Call to the public

Mayor Tobbe opened the call to the public at 6:33 p.m.

Alisa Davis spoke regarding fluoride in the water and the effects of 5g towers in the city and the implications of radiation from the towers. She asked the City Council to consider using hydrogen peroxide.

Collin Miller spoke regarding the concrete finish on Hyne and the sidewalk cuts by the Fogurth Building. Mr. Miller also expressed his concern over the large seating stones along the sidewalk.

Hearing and seeing no further comment, the call to the public was closed at 6:42 p.m.

7. Staff updates

Chief Pirochta stated the Youth Academy hosted seventeen youth and has been a big success so far with several local vendors supporting the academy with food and drinks.

Director Goch noted that the Grand River project is complete. Signage along Grand River will be picked up by the end of June 23, 2023; however, there will be some signage left for other projects. The Main Street Streetscape project will see planters and curbs poured, decorative dolomite stone placed, and the millrace slab over the dam installed. Sidewalks along Millpond and to Grand River will be completed and the firepit is projected to be installed very soon. The Wastewater Treatment Plant hatch has been completed and the Summit booster station is almost completed. The water asset management project is almost done, HRC will input information into the city's GIS system. Corey, Josh, and Director Goch are preparing to tour other treatment plants during the week of June 19, 2023.

City Manager Gomolka noted that the city is utilizing the app, My Brighton MI, to notify residents and interested parties about city happenings as well as important updates like meeting dates and times. Smart phone users may download the app from their app store.

8. Updates from Councilmember liaisons to various boards and commissions

Councilmember Pettengill and the Zoning Board of Appeals met on June 8, 2023, to discuss and ultimately approved a variance for 622 W. Main Street for a reduction to the minimum lot width to split the parcel. Seventy yards of mulch were laid during the annual Imagination Station Kickoff with the help of many volunteers and the DPW staff.

Councilmember Gardner stated the Brighton Arts and Culture Commission Children's Summer Series is kicking off on June 20, 2023, with renowned chalk artist, David Zinn. The series is three-part with events scheduled during the months of June, July, and August. Councilmember Gardner also noted the Brighton Art Guild is hosting a Follow the Art scavenger hunt July 23, 2023, through August 6, 2023.

Discussion

9. City Council Elections

Clerk Brown discussed the potential for moving City Council elections to even years; however, while there are merits and savings, the City Council is unique in its position as non-partisan and wishes to remain. It was the general consensus that City Council election remain on odd years.

New Business

10. Consider awarding the proposal from Peerless Midwest, Inc. to perform an evaluation and rehabilitation on High Service Pump #5 at the Challis Water Plant for an amount not to exceed \$37,900

Motion by Councilmember Albert, seconded by Councilmember Pettengill to approve the proposal from Peerless Midwest, Inc. to perform an evaluation and rehabilitation on High Service Pump #5 at the Challis Water Plant for an amount not to exceed \$37,900. **The motion carried, 6-0.**

11. Consider approval of Resolution #2023-19 for a jurisdictional transfer of a portion of Challis Road from the Board of Commissioners of the Livingston County Road Commission to the City of Brighton for a portion of Challis Road

Motion by Councilmember Gardner, seconded by Councilmember Albert to approve of Resolution #2023-19 for a jurisdictional transfer of a portion of Challis Road from the Board of Commissioners of the Livingston County Road Commission to the City of Brighton for a portion of Challis Road. **The motion carried by roll call vote, 6-0.**

12. Consider approval of the purchase of Rockwell Automation/Allen Bradley CompactLogix Controllers, Ethernet Communication Modules, and Input/Output Cards from McNaughton McKay in the amount of \$98,881.99

Motion by Councilmember Emaus, seconded by Councilmember Pettengill to approve of the purchase of Rockwell Automation/Allen Bradley CompactLogix Controllers, ethernet communication modules, and input/output cards for McNaughton McKay in the amount of \$98,881.99. **The motion carried, 6-0.**

13. Consider approval of a three-year contract for a police liaison officer, between the City of Brighton and Brighton Area Schools

Motion by Councilmember Gardner, seconded by Councilmember Pettengill to approve a three-year contract for a police liaison officer (SRO), between the City of Brighton and the Brighton Area Schools. **The motion carried, 6-0.**

14. Consider approval to authorize the assignment of CSX agreement numbers CSX617306 and CSX736848 to the City of Brighton Downtown Development Authority contingent upon its approval of the revised agreements

Motion by Councilmember Albert, seconded by Councilmember Gardner to authorize the assignment of CSX agreement numbers CSX617306 and CSX736848 to the City of Brighton Downtown Development Authority contingent upon its approval of the revised agreements. **The motion carried, 6-0.**

15. Consider entering into closed session to consult with its attorney regarding trial or settlement strategy in connection with pending litigation, being City of Brighton v James Filipowski and Kathy Filipowski, Livingston County Circuit Court Case No. 23-31773-CZ, because an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body pursuant to MCL 15.268(1)(e) of the Open Meetings Act

Motion by Councilmember Gardner, seconded by Mayor Pro Tem Bohn to enter into closed session at 7:47 p.m. to consult with its attorney regarding trial or settlement strategy in connection with pending litigation, being City of Brighton v James Filipowski and Kathy Filipowski, Livingston County Circuit Court Case No. 23-31773-CZ, because an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body pursuant to MCL 15.268(1)(e) of the Open Meetings Act. **The motion carried by roll call vote, 6-0.**

Motion by Mayor Pro Tem Bohn, seconded by Councilmember Gardner to come out of closed session and reconvene the regular meeting at 8:09 p.m. **The motion carried, 6-0.**

16. Consider entering into closed session for strategy session connected with the negotiation of a collective bargaining agreement pursuant to MCL 15.268 (c) of the Open Meetings Act

Motion by Councilmember Emaus, seconded by Councilmember Albert to enter into closed session at 8:10 p.m. for strategy session connected with the negotiation of a collective bargaining agreement pursuant to MCL 15.268 (c) of the Open Meetings Act. **The motion carried by roll call vote, 6-0.**

Motion by Mayor Pro Tem Bohn, seconded by Councilmember Pettengill to come out of closed session and reconvene the regular meeting at 9:08 a.m. **The motion carried, 6-0.**

Motion by Councilmember Emaus, seconded by Mayor Pro Tem Bohn to authorize and Mayor and City Manager to ratify the execute the proposed tentative agreement dated June 13, with the Technical, Professional, and Office Workers Association also known as TPOAM for the DPS unit. **The motion carried, 6-0.**

Other Business

17. Call to the public

Mayor Tobbe opened the call to the public at 9:10 p.m. Hearing and seeing no comment, the call to the public was closed.

18. Adjournment

Motion by Councilmember Mayor Pro Tem Bohn, seconded by Councilmember Pettengill to adjourn the meeting at 9:10 p.m. **The motion carried (6-0).**



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL

JULY 6, 2023

SUBJECT: CONSIDER APPROVAL OF THE PURCHASE OF AN ADVANTAGE RAPID RESPONSE SAFE FROM 360 LIFE SAFETY

BACKGROUND

- Currently, the City of Brighton Police Department has a safe strategically placed within the city to provide officers with essential equipment in response to a major incident.
- The current safe is battery powered only and is opened with a numeric code.
- Under stress, numeric codes are difficult to remember, and fine motor skills (finger dexterity) are the first skill to diminish.
- The new safe is powered by electricity, has a battery backup, includes facial recognition to allow all officers access, and has tamper proof technology that sends alerts to all command officer's phones.

BUDGET

- The new safe technology is on available through a single source provider - 360 Life Safety
- The purchase price of the safe is \$9,000.
- During installation it may become necessary for a "Leg Kit" support. If needed, this will be an additional \$500.
- The 2023/24 budget in the public safety millage includes \$9,500 for this replacement.

RECOMMENDATION

To approve the purchase of an Advantage Rapid Response Safe from 360 Life Safety for an amount not to exceed \$9,500.

Prepared by: Brent Pirochta, Chief of Police

Reviewed by: Gretchen Gomolka, City Manager
Elizabeth Gaines, Finance Director
Sarah Gabis, City Attorney

Elizabeth Gaines, Finance Director (Required for all financial related agenda items)

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

Reviewed &

Approved by: Gretchen Gomolka, City Manager



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL

JULY 6, 2023

SUBJECT: CONSIDER APPROVAL OF THE PURCHASE OF BALLISTIC PLATES FOR PATROL OFFICER VESTS

BACKGROUND

- Currently all officers are equipped with an external plate carrier in addition to body armor they wear daily.
- These external plate carriers weigh approximately 15 extra pounds and are out of warranty.
- Technology has since changed from when these external plate carriers were purchased.
- The new ballistic plates considered for purchase are approximately 1.4 pounds, have a 15-year warranty, and can be incorporated directly into officer's vest they currently wear every day.
- Providing officers with this extra protection that can be worn at all times is invaluable. Officers will be prepared for all threats presented versus taking the time to put on another vest.

BUDGET

- The ballistic plates are available from a single source, Pro-tech.
- The purchase price of \$13,835.00 includes shipping and enough plates to equip all uniformed officers with a plate for both front and back.
- The ballistic plates are within budget and have been budgeted for out of the police millage fund in the 2023/2024 fiscal budget.

RECOMMENDATION

To approve the purchase of ballistic plates from Pro-tech not to exceed the purchase price of \$13,835

Prepared by: Brent Pirochta, Chief of Police

Reviewed by: Gretchen Gomolka, City Manager

Elizabeth Gaines, Finance Director (Required for all financial related agenda items)

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

Reviewed &

Approved by: Gretchen Gomolka, City Manager

Attached: Purchase Quote



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL

JULY 6, 2023

SUBJECT: CONSIDER APPROVAL OF THE PURCHASE OF BALLISTIC PLATES FOR SWAT VEST

BACKGROUND

- The has three SWAT ballistic vests, the plates are out of the five-year warranty.
- Each vest has a ballistic plate in the front and the back providing threat protection to the most vital areas of the body.
- Technology has changed since the purchase of the current SWAT plates. The new plates are approximately 2 pounds, which reduces the amount of weight on the SWAT member and have a 10-year warranty.

BUDGET

- The ballistic plates are available from a single source, Pro-tech.
- The purchase price of \$3,300.00 includes shipping and plates to equip three SWAT vests with a plate both front and back.
- The SWAT ballistic plates are within budget and have been budgeted for out of the police millage fund in the 2023/2024 fiscal budget.

RECOMMENDATION

To approve the purchase of SWAT ballistic plates from Pro-tech not to exceed the purchase price of \$3,300.00.

Prepared by: Brent Pirochta, Chief of Police

Reviewed by: Gretchen Gomolka, City Manager
Elizabeth Gaines, Finance Director

Elizabeth Gaines, Finance Director (Required for all financial related agenda items)

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

Reviewed &

Approved by: Gretchen Gomolka, City Manager

Attached: Purchase Quote



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL

July 6, 2023

SUBJECT: CONSIDER APPROVAL OF THE PURCHASE OF AN EXMARK LAZER Z E-SERIES TURF MOWER FROM WEINGARTZ IN THE AMOUNT OF \$11,145

BACKGROUND

The Department of Public Services has five zero-turn turf mower that are used to maintain our three cemeteries, the downtown area, all City-owned facilities, parks and out lots.

The city began a comprehensive replacement plan for the turf mowers approximately four years ago. This enables Staff to rotate out older inventory on a five-year rotation to minimize maintenance costs and maintain reliable equipment.

ADMINISTRATIVE SUMMARY

Weingartz is a member of the MiDeal Extended Purchasing Program which is operated through the State of Michigan Department of Technology, Management & Budget. This is a competitively bid contract, available to all municipalities.

We received pricing of \$11,145 from Weingartz for an Exmark Lazer Z E-Series Turf Mower with a mulch kit, which is similar to the mower that we purchased last year. Our Staff is familiar with the X-Mark brand and found them to be a durable mower that holds up to commercial use. We currently use all X-Mark mowers and have had great success with their dependability not to mention the service we receive from Weingartz.

BUDGET INFORMATION

City Council approved \$15,000 in the FY 2023/2024 CIP budget for the purchase of this mower. This is sufficient to purchase the mower. As was done in the past, we will be auctioning off our oldest mower. Staff expects to receive at least \$3,000 for the sale based on experience. This will bring the net cost of the new mower to less than \$9,000. Once sold, funds from the sale will be returned to the General Fund Budget.

RECOMMENDATION

Approve the purchase of an Exmark Lazer Z E-Series Turf Mower from Weingartz in the amount of \$11,145.

Prepared by: Brad Shrader, DPW Superintendent

Reviewed by: Marcel Goch, DPS Director

Elizabeth Gaines, Finance Director

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

Reviewed &

Approved by: Gretchen Gomolka, City Manager

Attachment: Weingartz Quote

- WEINGARTZ -

EVERYTHING FROM LAWN TO SNOW

39050 Grand River Ave
 Farmington Hills, MI 48335
 (248) 471-3050 Fax: (248) 471-6948
 info@weingartz.com
 www.weingartz.com

ORDER ACKNOWLEDGEMENT

<i>Inside Rep</i>	<i>Ack Date</i>	<i>Order #</i>
222	06/22/23	20498192-00
<i>Outside Rep</i>	<i>PO #</i>	<i>Page #</i>
HSE	Brad Schrader TBD	1
<i>Taken By</i>	<i>Instructions</i>	
222		

<i>Bill To:</i> 10700	CITY OF BRIGHTON ATTN: ACCOUNTS PAYABLE 200 N. FIRST ST. BRIGHTON, MI 48116-1593
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<i>Ship To:</i>	CITY OF BRIGHTON ATTN: ACCOUNTS PAYABLE 200 N. FIRST ST. BRIGHTON, MI 48116-1593
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<i>Terms</i>	<i>Ship Point</i>	<i>Ship Via</i>	<i>Shipped</i>
Net 10th	Weingartz - Farmington Hills	Cust Pickup	06/22/23

<i>Line #</i>	<i>Product And Description</i>	<i>Quantity Ordered</i>	<i>Quantity B/O</i>	<i>Quantity Shipped</i>	<i>Qty U/M</i>	<i>Unit Price</i>	<i>Ext. Price</i>
1	EXLZE751CKA524A2 Lazer Z E-Series 751 Kaw 52" Deck	1		1	each	10719.00	10719.00
2	rtexbidlze751cka524a2 Exmark Bid Pricing for L ZE751CKA524A2 \$10719	1-		1-	each	0.00	0.00 -
3	AD-Delivery Weingartz Delivery (Up to 30 Miles)	1		1	each	0.00	0.00
4	EXMK526 52" Exmark Mulch Kit	1		1	each	426.00	426.00
5	RTEXBIDMK526 Exmark Bid Pricing for M K526 \$426	1-		1-	each	0.00	0.00 -

5	Lines Total	Qty Shipped Total		3		Total	11145.00
						Invoice Total	11145.00



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL

July 6, 2023

SUBJECT: CONSIDER APPROVAL OF THE PURCHASE OF AN E.H. WACHS VALVE MAINTENANCE TRAILER FROM WACHS UTILITY PRODUCTS FOR \$92,599.81

BACKGROUND

- A valve maintenance trailer (valve turner) is an important piece of equipment that can perform a variety of applications, benefiting both water and wastewater departments. Our current valve turner is nineteen years old and starting to show its age. The amount of time and money expended on repairs and maintenance has increased in the last few years due to the scarcity and cost of replacement parts.

ADMINISTRATIVE SUMMARY

- The city obtained competitive pricing through the BuyBoard Purchasing Cooperative, which is similar to Sourcewell, which the city has utilized in the past. Wachs Utility Products has the bid pricing through Reference #685-22. Please see attached quote.
- While a valve turner trailer has many uses, the primary purpose of this trailer is its ability to exercise water service valves. Old valves are difficult to turn by hand, but a valve turner turns them hydraulically and holds less of a chance of damaging valve stems. The new valve turner comes with a thirteen-foot extendable arm to reach valves located in the right-of-way and other difficult locations. This prevents staff from driving on the lawns and causing necessary restoration work or damage to our own equipment.
- A vacuum system, power washer, and debris tank are also part of the valve turner unit. These tools are necessary to remove debris to operate the valves and curb boxes. This trailer is also equipped with a hydraulic pump and connectors to operate hydraulic driven equipment currently owned by the DPS along with equipment such as pumps, a hydrant saver, or any tools the city may purchase in the future.
- The vacuum system allows Staff the ability to safely hydro-excavate underground utilities prior to excavation, per the rules and regulations of Public Act 174 (MISS DIG) and limits the liability for damaging other utilities' infrastructure.
- As a requirement of our Water Asset Management Program, a valve turning program is essential in maintaining proper operation of the City's water system. A valve turning unit can improve efficiency by reducing the number of repairs to valve stems and seats as well as maintain worker safety when hand turning stubborn valves.
- If the purchase is approved, the valve turning unit currently owned by the City will be auctioned off when the new one is received, and proceeds will go back to the utility fund.

BUDGET INFORMATION

- Currently, there is \$110,000 approved in the 2023/2024 Capital Improvement Fund to purchase a valve maintenance trailer.

RECOMMENDATION

Approve the purchase of an E.H. Wachs valve maintenance trailer from Wachs Utility Products for \$92,599.81.

Prepared by: Josh Bradley, Water Plant and Regulatory Compliance Superintendent

Reviewed by: Marcel Goch, DPS Director

Elizabeth Gaines, Finance Director

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

Reviewed &

Approved by: Gretchen Gomolka, City Manager

Attachments: E.H. Wachs Pricing Proposal

TO: **Josh Bradley**
City of Brighton
200 N. First Street
Brighton, MI 48116

Date: 6/5/2023
Quotation Number: KR197625
Payment Terms: Net 30
Shipping Terms: FOB Origin
Valid Through: 8/4/2023
Estimated Delivery: 12 Weeks ARO
Reference: BuyBoard#685-22

E.H. Wachs is pleased to offer the following quotation.

Item Number	Description	Qty	U/M	Unit Price (USD)	Disc%	Line Total (USD)
1	77-000-40 Standard Builder (Diesel) – VMT (RH): Includes the foundational trailer platform and option integration. First choose the type of Tier 4F compliant, Kubota 1.1L, I-3 4-stroke, liquid cooled, IDI diesel engine power plant; the basic power pack (77-260-04) has a positive displacement blower providing 500 CFM (14.2 cmm)-11" (280mm) Hg vacuum and a 2.5 GPM (9.5 LPM) @ 3000 PSI (210 bar) pressure washer system with 3 gallon (11.4 L) anti-freeze tank and 95 gallon (360 L) water tank. The hydraulic power pack (77-260-15) adds HTMA Class II hydraulics; 10 gallon (38 L) reservoir, fan cooled heat exchanger, continuous duty rated for 8 GPM (30.3 LPM) @ 2,000 PSI (140 bar). As part of either power pack option is choice of (3) different spoils containment tanks, all with power hydraulic dump (rear discharge) and latching rear door; best value comes from the default 250 (950 L) gallon (77-431-02-00), but a 150 (570 L) gallon (77-433-02) and 350 (1,325 L) gallon (77-432-02-00) are also available. A valve machine is available if the hydraulic power pack is selected; Wachs 750 Ft/lb (1020 Nm) ERV-750 Extended Reach Valve operator with Bluetooth & telescoping valve key for those preventive maintenance activities (79-404-01) and ruggedized TC-100 with GPS, Vitals controller/datalogger (79-422-05). LX options available include: Service light bar with arrow board (77-420-00), Job Box (not available if outfitting with Hot Water Heater) and 50' (15 M) auxiliary hydraulic hose reel for operation of supporting power tools (77-413-06) Other options available include: Hot Water Heater (77-414-01), under deck mounted Spare Tire Kit (77-411-00), 2-5/16" Ball Tongue (77-215-01), 45lb Breaker, Mount and 14" Moil Point (08-000-10, 08-405-00 & 08-410-02) or already GPS enabled controller/datalogger, however adding Trimble R2 GNSS receiver (79-412-02) provides capability of submeter to centimeter level positioning accuracy (highest accuracy in real-time with the use of correction sources).	1	EA	10,745.00	1.5%	10,583.82
2	77-260-15 Power Pack, Diesel with Hydraulics for VMT systems: Tier 4F compliant, Kubota 1.1L, I-3 4-stroke, liquid cooled, IDI diesel engine; drawing fuel from a 10 gallon (38 L), hydro formed and rolled DOT approved aluminum tank provides ample power for all contained functions . Includes an HTMA Class II hydraulic circuit; 10 gallon (38 L) reservoir, fan cooled heat exchanger, push button electronically controlled circuit valving, continuous duty rated for 8 GPM (30.3 LPM) @ 2,000 PSI (140 bar). A positive displacement blower provides 500 CFM (14.2 cmm)-11" (280mm) Hg vacuum, and a 2.5 gpm (9.5 LPM) @ 3000 PSI (210 bar) pressure washer system with 3 gallon (11.4 L) anti-freeze and 95 gallon (360 L) water tank. Vacuum wand system with quick change 2-1/2" (63.5mm), 1-1/4" (31.75mm) & 7/8" (22mm) diameter suction wands and one each short and long wash-down guns.	1	EA	33,495.00	1.5%	32,992.57
3	77-431-02-00 250 Gallon Spoils Tank Assembly utilizing industry exclusive hydraulic side and dump system (translating 12" before lifting) and hydraulic latching rear door. Tank manufactured from 3/16" thick P&O plate for durability, then sandblasted and powder coated for long life. Includes quick clean cyclone filter and electric/hydraulic HPU. Note: This Spoils Assembly is our most popular size , offering ample capacity , shortest lead times and best price.	1	EA	19,745.00	1.5%	19,448.82
4	79-404-01 ERV-750 Automated Valve Operator, Exercisor and Rehabilitator with Bluetooth Kit for VMT systems , featuring Wachs industry leading automation. Extendable arm produces a full 750 Ft lbs (1020 Nm) of torque. The system utilizes a dual pivot point to locate over any valve box/hydrant within 13'. Locking disc brakes hold the full torque of the machine while operating, allowing operator to keep hands off equipment and supervise activity from a safe location. Kit includes ERV-750, Bluetooth adapter, telescoping valve key, mounting hardware and interface plumbing. Requires Ruggedized Controller/Datalogger (Part#79-422-01/02/05/06).	1	EA	18,495.00	1.5%	18,217.57
5	79-422-05 Wachs TC-100 (North America) ruggedized Controller/Datalogger to operate and collect data (including GPS) during the operation of ERV-750, TM7 and TM-6 machine (includes 7" WVGA, Win10, Quad-Core, IP68 rated tablet style PC, 12v vehicle charger kit, AC charging kit, machine control cable & preloaded with Vitals Mobile software). Already GPS enabled, however adding Trimble R2 GNSS receiver (79-412-02) provides capability of submeter to centimeter level positioning accuracy (highest accuracy in real-time with the use of correction sources). Note: If upgrading from an HC-100, each machine to be controlled will also need the cradle kit (79-202-01).	1	EA	3,995.00	1.5%	3,935.07



600 Knightsbridge Parkway, Lincolnshire, Illinois 60069
 (847) 537-8800 | Fax (847) 520-1147
 turnvalves.com

Quotation

Page 2 of 2

TO: **Josh Bradley**

Date: 6/5/2023
 Quotation Number: KR197625

Reference: BuyBoard#685-22

Item Number	Description	Qty	U/M	Unit Price (USD)	Disc%	Line Total (USD)
6	77-420-00 Light Bar Kit including (2) pivoting service lights, arrow board and controller for mounting to rear of spoils tank.	1	EA	2,745.00	1.5%	2,703.82
7	77-415-00 Locking Job Box Kit for VMT systems. This storage box is custom made for the VMTs from heavy gauge aluminum diamond plate, is sealed and includes locking latch to keep valuables like the HC-100 safe from theft. The box is 16" x 20" x 18" and has twin gas filled struts to hold the lid opened while working. This Job Box shares the location on the trailer with the Hot Water Kit (optional), so it is not available if this upgrade is required.	1	EA	795.00	1.5%	783.07
8	77-413-06 50' Hydraulic Hose Reel Kit for VMT systems, twin 1/2 hoses on spring retractable, top roller reel. Includes mounting hardware and interface hoses.	1	EA	2,995.00	1.5%	2,950.07
9	79-430-20 Field training - 1 day program. Training topics range from field operation of the mechanical systems like hydro -excavation and Valve operator; to training of computerized controllers and preventive maintenance software like VITALS. Field crews and participants will be shown, in detail, standard procedures for safe and efficient operation and use of valve maintenance tools.	1	EA	2,495.00	100.0%	0.00
Subtotal						91,614.81
Shipping & Handling						985.00
Total (USD)						\$92,599.81

We will prepay and add shipping charges to your order, or we can ship collect via your choice of carrier service. If you have any questions please feel free to call Rick Brennan at 513-305-3390 or call me at 847-484-2773.

If you are tax exempt, please supply your identification number and certificate with your order. If your exempt number is not on file, tax will be added to your invoice.

Please reference this quote number when placing your order. Thank you.

Ken Redding
 Technical Service Rep
 847-484-2773
 ken.redding@ehwachs.com

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City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL

July 6, 2023

**SUBJECT: FIRST READING AND SETTING OF A PUBLIC HEARING FOR PROPOSED ORDINANCE 603:
AMENDMENTS TO CHAPTER 42 "ENVIRONMENT", REGULATING THE OPERATION OF UNMANNED
AIRCRAFT (DRONES).**

BACKGROUND

- A drone ordinance has been talked about for some time.
- This ordinance defines what an unmanned aircraft is and a public gathering space.
- The ordinance regulates the way an unmanned aircraft is operated to ensure public safety and privacy.
- The ordinance follows the Federal Aviation Administration (FAA) guidelines.

ADMINISTRATIVE SUMMARY

- The recommended amendment to the ordinance was written by the City Attorney and reviewed by the City of Brighton Police Department's certified FAA unmanned aircraft pilot.

RECOMMENDATION

City Council set a public hearing on August 17, 2023, regarding the proposed amendments of ordinance 603.

Prepared by: Brent Pirochta, Chief of Police.

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

Acceptable Form and Ready to Execute

Other _____

Reviewed &

Approved by: Gretchen Gomolka, City Manager

CITY OF BRIGHTON
ORDINANCE NO. 603

AN ORDINANCE TO AMEND ARTICLE III, "NUISANCES" OF CHAPTER 42, "ENVIRONMENT", TO REGULATE THE OPERATION OF UNMANNED AIRCRAFT AS FOLLOWS:

THE CITY OF BRIGHTON HEREBY ORDAINS:

Preamble.

The purpose of Ordinance No. 603 is to allow the City of Brighton to regulate the operation of unmanned aircraft in the City of Brighton.

Addition of Section 42-62.

A new section 42-62 is hereby added to Chapter 42, Article III of the City of Brighton Code of Ordinances to read in its entirety as follows:

Section 42-62 - Operation of any unmanned aircraft.

(a) Definitions:

(1) *Unmanned aircraft* means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft. The term unmanned aircraft includes drones. The term "unmanned aircraft" does not include (i) a glider or hand-tossed small, unmanned aircraft that is not designed for and is incapable of sustained flight; (ii) a small, unmanned aircraft, such as a kite or similar, that is capable of sustained flight and is manually controlled by means of a physical attachment, such as a string or wire.

(2) *Public Gathering Space* means any structure, enclosed area or other open space typically used for the assembly of persons in the open air, including, but not limited to stadiums, athletic fields, aviation fields, band stands, amphitheaters, beach enclosures, playgrounds, grandstands, observation platforms, outdoor public swimming pools, outdoor theaters, reviewing stands, street festivals or parade routes.

(b) Regulations:

(1) No person, firm or corporation shall operate any unmanned aircraft in a manner that unreasonably interferes with the privacy, safety, peace, or repose of persons or endanger the health of another, recklessly, carelessly or in violation of Federal law.

(2) Operation of the unmanned aircraft shall be completely prohibited within 500 feet of a school, police investigation, fire, traffic accident, medical emergency, fire investigation, Public Gathering Space, or such other place that may endanger person or property or interfere with persons discharging their public duties.

(3) No unmanned aircraft shall be operated to hover directly over any person who is not involved in the operation of the unmanned aircraft, without such person's consent; or to hover directly over property that the operator does not own, without the property owner's consent, and subject to any restrictions that the property owner may place on such operation.

(4) The unmanned aircraft shall not be operated outside the visual line of sight of the operator.

(5) An unmanned aircraft shall not be operated to hover over or along any public way within the City, within 500 feet of any electric generating facility, substation or control center, or within 100 feet of any electric transmission facility, or within 25 feet of any electric distribution facility or of any overhead wire, cable, conveyor or similar equipment for the transmission of sounds or signal, or of heat, light or power, or data, without the facility or equipment owner's consent, and subject to any restrictions that the facility or equipment owner may place on such operation;

(6) The operation of unmanned aircraft will be for recreational purposes only.

(c) Exceptions:

Notwithstanding the prohibitions set forth in this section, nothing in this section shall be construed to:

(1) prohibit any person who is authorized by the Federal Aviation Administration to operate an unmanned aircraft in City air space from conducting such operations in accordance with the terms of such authorization and, if applicable, in accordance with this section; or

(2) prohibit the City, including city law enforcement, from operating an unmanned aircraft, in accordance with federal and state law.

(d) Penalties:

Violations of this section are subject to the penalties described in section 42-60.

Section 3. Validity and Severability.

If any portion of this Ordinance or its application to any person or circumstance shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the Ordinance which can be given effect without the invalid portion or applications, provided the remaining portions are not determined by the court to be inoperable, and to this end Ordinances are declared to be severable.

Section 4. Repealer Clause.

Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 5. Effective Date.

This Ordinance shall be effective not less than 15 days after adoption and upon publication.

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City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL JULY 6, 2023

**SUBJECT: FIRST READING AND SETTING OF A PUBLIC HEARING FOR PROPOSED ORDINANCE 604.
AMENDMENTS TO CHAPTER 46 AND CHAPTER 70 REGARDING OPEN BURNING.**

BACKGROUND

- The city receives yearly complaints regarding open burning within most neighborhoods, mostly resulting from burning of yard waste (leaves, brush, etc.).
- At a recent City Council meeting, a resident complained of smoke from his neighbors open burning of leaves.
- Through research it was determined that the city's code of ordinance has two sections that address open burning that contradict each other, regarding legality of leaf burning.

ADMINISTRATIVE SUMMARY

- Community Development staff reviewed the current ordinance and determined revisions were needed regarding open burning.
- City staff created draft revisions to Chapter 46, Article IV and Chapter 70, Section 70-31 as attached.

RECOMMENDATION

Staff recommends City Council set a public hearing on August 17, 2023, regarding the proposed amendments of ordinance 604.

Prepared by: Michael Caruso, Community Development Manager

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

Acceptable Form and Ready to Execute

Other _____

Approved by: Gretchen Gomolka, City Manager

Attachments: 1. Proposed Revisions to Chapter 46
2. Proposed Revisions to Chapter 70

CHAPTER 46 - FIRE PREVENTION AND PROTECTION

ARTICLE IV. OPEN BURNING

Note

***Editor's note:** Ord. No. 442, adopted July 20, 2000, set out provisions intended for use as Art. I, §§ 46-10—46-18. At the city's instruction and for purposes of classification, these provisions have been included as Art. IV, §§ 46-60—46-68.

Sec. 46-60. Title.

This article shall be known as and may be cited as the "City of Brighton Burning Ordinance."

Sec. 46-61. Purpose.

The purpose of this article is to prohibit open burning, subject to specific exceptions within the city and to regulate and control certain limited types of open burning within the city subject to restrictions as set forth in this article.

Sec. 46-62. Prohibited open burning.

Open burning is expressly prohibited within the city except as hereinafter set forth in section 46-63.

Sec. 46-63. Permitted open burning; restrictions.

The following types of ~~limited~~ open burning shall be permitted within the city, subject to the following restriction:

~~(1) If prior written approval is obtained from the fire chief or his/her designee:~~

~~a. Open burning may be permitted for land clearing for real estate development.~~

~~b. Open burning of celebration/bonfires may be permitted. The fire chief and/or his/her designee shall determine the size and location.~~

~~c. Open burning may be permitted for the removal of brush or debris created as a result of storm damage.~~

~~(2) The following types of open burning shall be permitted without the necessity of obtaining prior written approval from the fire chief or his/her designee:~~

~~a. Small recreational fires and/or campfires used for cooking purposes.~~

~~b. Burning in a 55-gallon barrel for thawing and/or warming at construction sites. However, any construction materials such as roofing, plastics, or other materials that cause offensive odors or black smoke may not be burned.~~

~~(3) The open burning of structures and/or materials by the Brighton Area Fire Department, the fire chief, members of the Brighton Area Fire Department, and by trainees or other persons under the direct supervision and control of the Brighton Area Fire Department when such open burning is for training, educational or instructional purposes related to fire safety, fire control, fire fighting, life saving and/or fire prevention.~~

~~(4) Open burning permitted under section 46-13 shall not result in the emitting of burning sparks or burning embers upon adjoining, adjacent, neighboring or nearby properties or premises.~~

~~(5) All open burning permitted under section 46-13 shall be conducted and performed in such a manner so as not to endanger the health, safety or welfare of the public or to endanger public or private property.~~

Ceremonial Fires are fires which are normally incidental to commemorative or celebratory events, and that exceed the scope of a Domestic Fire. A person, partnership, firm, association, corporation, or any other legal entity seeking to ignite a ceremonial fire must first make application to the City in addition to application for recommendation and approval by the Brighton Area Fire Authority at least ten (10) days in advance of ignition of the fire. The application shall contain a description of the location where the ceremonial fire will occur and shall include a description of the methods and materials proposed to be used to keep the ceremonial fire contained within a specified area, not to exceed _____ square feet. The permit shall be approved if the applicant provides evidence of permission from the owner or occupant of the property upon which the ceremonial fire is proposed to occur and unless the Brighton Area Fire Authority determines that the location, the environmental, climatic, or other site conditions pose a significant risk to the health, safety and welfare of the public if a ceremonial fire is ignited at the location, or if the methods and materials proposed for containment are insufficient according to applicable standards to protect the health safety and welfare of the public. The Fire Authority shall be notified at least 24 hours prior to the ignition of ceremonial fires. This subsection is not intended to include Domestic Fires.

Construction Fires. Fires shall be contained within a 55-gallon barrel and only used at a construction site for thawing and/or warming. Burning of construction materials such as roofing, plastics, wood composites, or any other materials that cause offensive odors or black smoke, is prohibited.

Domestic Fires. Fires around a home, place of residence, or within the curtilage of a dwelling, where the materials to be burned have been properly placed in a burner enclosure or portable fire pit constructed of metal, stone, or masonry, not exceeding _____ square feet. Domestic fires shall only burn seasoned, dry firewood and shall be located not less than fifteen (15) feet away from any structure and not less than five (15) feet from the adjoining property line. Domestic fires shall not be conducted on combustible decks or balconies and shall not be located under any deck or balcony structures. *No permit shall be required for domestic fires.*

Fire Department Training. Open burning is allowed for the purpose of training firefighters in firefighting practice, or for the purpose of training the public, including workers or employees, or

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for the purpose of demonstration by the fire official or other trained fire personnel, when such burning is done in accordance with applicable generally accepted practices and regulations.

Land Clearing Fires. Outdoor fires used to eliminate organic materials removed from a site in preparation for land development are permitted subject to the requirements of this subsection. No land clearing fires are permitted unless approved by the City after review and recommendation by Brighton Area Fire Authority prior to ignition. Land clearing shall be limited to organic materials consisting of grasses, plantings, trees, branches, tree stumps, and other vegetative waste. Land clearing shall be conducted within an open pit incinerator (trench burner), or other approved method. A person, partnership, firm, association, corporation, or any other legal entity seeking to conduct a land clearing fire, must first make application to the City, in addition to application for review and recommendation from the Brighton Area Fire Authority, at least ten (30) days in advance of any land clearing fires. Land clearing fires shall only be conducted between sunrise and sunset. The Brighton Area Fire Authority shall be notified at least 24 hours prior to ignition of land clearing fires.

Prescribed Burns. Surface fires ignited for land management purposes to eliminate or control surface vegetation, management of invasive species or to reduce combustible fuel loads. Prescribed burns shall be limited to organic materials consisting of surface grasses and other vegetation. Prescribed burns shall be conducted in accordance with the best practices as outlined by the Michigan Prescribed Fire Council, available at www.firecouncil.org/mpfc-policy-best-practices. A person, partnership, firm, association, corporation, or any other legal entity seeking to conduct a prescribed burn, must first make application to the City, in addition to application for review and recommendation from the Brighton Area Fire Authority, at least thirty (30) days in advance of any prescribed burns. The application for the permit shall include proof of liability and a written burn plan. Where certain environmental or climatic conditions arise requiring short notice, the fire code official may recommend waiver of the thirty (30) day application review period. Prescribed burns shall only be conducted between sunrise and sunset. The Brighton Area Fire Authority shall be notified prior to ignition of prescribed burns.

The following additional restrictions shall be enforced by the City:

Accelerated Ignition. It shall be unlawful for any fire ignition to be accelerated by use of an ignitable liquid.

Illegal Burning. At no time shall any person, partnership, firm, association, corporation, or any other legal entity; set any fire, burn, or cause to be burned, the following materials: building debris, construction materials, human waste, refuse or trash, animal carcasses, animal waste, yard waste, or other inorganic combustibles. Illegal burning shall also include the burning of approved materials on any non-residential parcel unless previously approved by the City in accordance with this Section.

Hazardous Smoke, and Foul Odors. It shall be unlawful to permit the emission of hazardous amounts of smoke or produce foul odors. Hazardous smoke is smoke that could be injurious or unreasonably annoying to persons in the affected area, obscures visibility, or is in volume enough to infiltrate fresh air make-up systems of occupied structures.

Extinguishment Authority. The Brighton Fire Authority is authorized to extinguish unapproved fires, fires that are non-compliant with this Section, or fires that pose an immediate threat to the health, safety and welfare of the public.

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Burning during periods of banning unlawful. The fire code official shall be authorized to issue a ban on all open burning if, in the opinion of the fire code official, conditions are too hazardous to allow the open burning, open flame, etc. Notwithstanding the provisions of this Section, no fire, whether previously approved pursuant to this Section, may be ignited during the period covered by such ban.

Sec. 46-64. [Permitted open burning subject to compliance with other regulations.]

Notwithstanding anything set forth in this article, all open burning permitted under the terms and conditions of this article shall also be conducted and performed in compliance with all federal and state laws, statutes, rules, and regulations applicable thereto.

Sec. 46-65. Violations—Municipal civil infraction; authorized city officials.

Violation of any provision of this article or of any permit granted pursuant to this article, or of any lawful order of the fire chief, building inspector or other public official issued in pursuance of this article, shall be and shall constitute a municipal civil infraction.

(1) A violation of this article will subject the violator to the following:

a. Any person, individual, firm, partnership, co-partnership, corporation, company, association, club, joint venture, and any other group, entity or association acting as a unit, and the individuals constituting such group, entity or unit, who, as a result of violating any provision of this article, is responsible for a municipal civil infraction, shall pay a civil fine of \$100.00, plus costs and other sanctions as authorized and permitted by law, for each municipal civil infraction.

b. Repeat violations shall be subject to increased civil fines as set forth below. As used in this section, "repeat violation" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this article (1) committed by a violating party within any 12-month period and (2) for which the violating party admits responsibility or is determined to be responsible. The increased civil fine for a repeat violation under this article shall be as follows:

1. The civil fine for any violation which is a repeat violation shall be no less than \$250.00 plus costs and other sanctions as authorized and permitted by law.

2. The civil fine for any violation which is a second repeat violation, or any subsequent repeat violation shall be no less than \$500.00 plus costs and other sanctions as authorized and permitted by law.

c. Such person, individual firm, partnership, co-partnership, corporation, company, association, club, joint venture and any other group, entity or association, acting as a unit, and the individuals constituting such group, entity or unit, guilty of violating section 46-63 shall also be subject to civil proceedings for damages and/or injunctive

relief by the city or by any person or entity injured or damaged by such violation. Commencement of any such proceeding shall not constitute an election of remedies.

(2) The personnel of the city given authority to issue municipal civil infraction citations and municipal civil infraction violation notices as set forth in section 1-18 of chapter 1 of the Brighton City Code are hereby authorized to issue municipal civil infraction citation and municipal civil infraction violation notices for violations of this article. Furthermore, the Fire Chief for the Brighton Area Fire Department and any fire personnel of the Brighton Area Fire Department authorized by the Brighton Area Fire Chief shall also be authorized to issue municipal civil infraction citations and municipal civil infraction violation notices for violations of this article.

Sec. 46-66. Severability.

This article and each of the various parts, sections, subsections, clauses, phrases, sentences, and portions hereof are hereby declared to be severable. If any part, section, subsection, clause, phrase, sentence or portion of this article is for any reason held or determined to be invalid, unconstitutional or unenforceable by a court of competent jurisdiction, such part, section, subsection, clause, phrase, sentence or portion shall be deemed to be a separate, distinct and independent portion of this article and such holding or determination by a court of competent jurisdiction shall not affect the validity, constitutionality or enforceability of the remaining portions of this article and the same shall remain in full force and effect.

Sec. 46-67. Repeal of ordinance in conflict herewith.

Section 46-9 of chapter 46 of the Code of the City of Brighton ~~are~~ hereby expressly repealed. In addition, thereto, all other ordinances of the city or any provisions or portions thereof, to the extent that they are contrary to or inconsistent with the provisions of the within ordinances, are hereby expressly repealed.

Sec. 46-68. Publication of ordinance.

This ordinance shall be published in accordance with and to the extent required by the laws of the State of Michigan applicable to home rule cities.

(Ord. No. 442, 7-20-00)

CHAPTER 70 - SOLID WASTE

Sec. 70-31. ~~Garbage burning prohibited.~~ Repealed

~~It shall be unlawful for any person to burn or cause to be burned garbage in the city. Burning of other substances shall be subject to the provisions of chapter 46 except that in residential areas leaves may be burned on private property in small piles under safe conditions with a responsible person in attendance. No such burning shall be permitted which through its location or due to the smoke or odor created, may annoy, injure, or endanger the safety, health, comfort, or repose of the public.~~

~~(Code 1981, § 21.31)~~

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City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL

July 6, 2023

SUBJECT: **CONSIDER EXECUTING AN AGREEMENT WITH AYLWARD CONSULTANTS, LLC DBA ABILITA-LANSING TO ENTER INTO A THIRTY-SIX (36) MONTH AGREEMENT TO REVIEW THE TELECOMMUNICATIONS SYSTEM TO RECEIVE RECOMMENDATIONS FOR IMPROVEMENTS AND POSSIBLE SAVINGS**

ADMINISTRATIVE SUMMARY

- The City of Brighton pays various vendors for telecommunications, including Verizon Wireless, Comcast, Clear Rate, AT&T, and others.
- Abilita will review our existing contracts and vendor invoices ensuring we are utilizing all services we are paying for, the services are appropriately sized for our needs, there are no hidden fees, outstanding credits, etc.
- Abilita will propose recommendations for improvements. 50% of all savings realized will be paid to Abilita.

BUDGET INFORMATION

- Abilita proposes changes, the city has the ability to select which recommendations to implement and 50% of realized savings are paid to Abilita. If no cost savings recommendations are proposed or implemented, then Abilita is not compensated.

RECOMMENDATION

Execute a thirty-six (36) month agreement with Aylward Consultants, LLC DBA Abilita-Lansing to review telecommunication systems and authorize the City Manager to execute the contract.

Prepared by: Elizabeth Gaines, Finance Director

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

Acceptable Form and Ready to Execute

Other _____

Reviewed &

Approved by: Gretchen Gomolka, City Manager

Attachments: Abilita Service Agreement

MASTER SERVICE AGREEMENT

Between City of Brighton and Aylward Consultants, LLC dba Abilita-Lansing

AGREEMENT TERMS

1. The Client hereby authorizes Abilita to review its telecommunications system and to submit recommendations for improvements including recommendations for possible savings. This review may include the review of existing systems, services, equipment, suppliers, plans and other telecom functions; and the recommendations may include alternate methods, systems, services, equipment, suppliers or plans or other suggestions for improvement or cost savings.
2. All recommendations for improvements to the telecommunication system including recommendations for possible savings made by Abilita are subject to the Client's approval. No action regarding such changes shall be undertaken without the prior written consent of the Client. Any recommendations acted upon by the Client within thirty six (36) months of submission by Abilita shall be deemed to be accepted by the Client.
3. The Client hereby authorizes Abilita to identify and pursue, on the Client's behalf, possible refunds or credits due to billing errors or other causes.
4. The Client will provide Abilita with equipment records, telecommunications invoices, contracts, web-based provider invoices (including initial set-up if applicable) and other related information, as well as written authorization for Abilita to receive all such records and information directly from suppliers, during the payment term of this agreement as required by Abilita.
5. Abilita shall hold all records and information submitted for review by the Client or received directly from the Client's suppliers confidential and will not share any information provided by the City with any third party without the Client's consent.
6. All recommendations, actions and suggestions submitted by Abilita for the Client's consideration shall be held confidential and will not be shared with any third party without the Client's consent.
7. The term of this Service Agreement shall be thirty six (36) months from the date of signing.

PAYMENT TERMS

8. The Client agrees to pay Abilita, as its fee for the services rendered under this agreement, fifty (50) percent of all savings **realized** as a result of the acceptance of recommendations made by Abilita and reductions in cost realized as a result of Abilita's instigation or negotiation of such cost reductions, for a period of thirty six (36) months from the date of implementation of the accepted recommendation, or cost reduction, after which time the entire savings will accrue to the Client.
9. Billings will be as follows: 12 installments of the total amount due based on actual documented savings, in three month increments from the date of implementation. Verification of savings will be conducted on a quarterly basis.

10. The Client also agrees to pay Abilita, fifty (50) percent of each refund or credit or other consideration realized based on Abilita's identification of billing errors or other causes. Payment will be due within thirty (30) days of the receipt of the refund, credit or consideration by the Client. Abilita will provide invoices detailing the computation of savings and refunds.
11. A charge of \$35 will be issued for any check tendered by customer and returned unpaid by a financial institution.
12. Limitation of Liability. Consultant's pricing reflects the allocation of risk and limitation of liability specified in this paragraph. Consultant's total liability to Client under this Agreement or based on any other cause of action (tort, statute, or otherwise) relating in any way or to any degree to its performance hereunder, for damages, costs and expenses, shall not exceed \$10,000 or the compensation received by Consultant under this Agreement, whichever is less. NEITHER PARTY TO THIS AGREEMENT SHALL BE LIABLE FOR THE OTHER'S LOST PROFITS, OR SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES, WHETHER IN AN ACTION IN CONTRACT OR TORT, EVEN IF THE PARTY HAS BEEN ADVISED BY THE OTHER PARTY OF THE POSSIBILITY OF SUCH DAMAGES.
13. The client agrees to jurisdiction and venue in Livingston County, Michigan.

OTHER SERVICES

14. Telecommunications consulting services, billed on an hourly basis are also available. An estimate will be provided and agreed upon by the Client and Abilita before proceeding with any consulting work.

City of Brighton	Aylward Consultants, LLC d.b.a. Abilita- Lansing
(Client Name)	
200 North First St	11776 Silverspring Dr.
(Address)	(Address)
Brighton, MI 48116	Dewitt, MI 48820
(City, State, ZC)	(City, State, ZC)
Signature of Authorized Client Representative I have the authority to bind the organization (company)	Signature
Print Name	Print Name
Title	
Date	Date