



Brighton City Council Meeting

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

October 5, 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 September 21, 2023

Correspondence

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

Discussion

9. MDOT 1-96 Pedestrian Pathway informational update

New Business

10. BACC presentation and recommendation for the placement of Decision Pending
11. Conduct a first reading and set a public hearing of November 2, 2023, for Ordinance #606 Consumers Energy Company Gas Franchise
12. Consider entering into closed session to consider the purchase or lease of real property pursuant to MCL 15.268 (1)(d) of the Open Meetings Act
13. Consider Entering into Closed Session to Receive a Written Attorney-Client Privileged Communications Pursuant to section 8(1)(h) of the Open Meetings Act, MCL 15.268(1)(h)

Other Business

14. Call to the public
15. Adjournment



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MINUTES OF THE REGULAR MEETING OF THE BRIGHTON CITY COUNCIL HELD ON SEPTEMBER 21, 2023

1. Call to order

Mayor Tobbe

2. Pledge of Allegiance

3. Roll call

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

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

4. Consider approval of the agenda

Motion by Councilmember Albert, seconded by Councilmember Emaus to approve the agenda as presented. **The motion carried, 7-0.**

5. Consider approval of consent agenda items

Motion by Councilmember Emaus, seconded by Councilmember Gardner to approve the consent agenda as presented. **The motion carried, 7-0.**

Consent Agenda Items

a. Approval of Minutes: regular meeting of September 7, 2023

Correspondence

6. Call to the public

Mayor Tobbe opened the call to the public at 6:32 p.m.

Jim Vichich thanked the city for the widened sidewalks that are now wide enough to allow wheelchairs to access businesses on Main Street but asked city staff to look at the sidewalk by the CoBach building as it seems to be a place that accumulates water and snow.

Craig Wood from GoLivCo expressed his support for the pedestrian pathway and asks for more non-motorized support throughout the county.

Shawn Bhajan, owner of Hometown Bikes, also spoke in support of the pedestrian pathway.

Dave Wolf spoke in support of the pedestrian pathway.

Jim Vichich spoke about a recent event that was hosted at the Cobach building for a senior tour.

7. Proclamation: Eagle Scout Basil Nowling

8. Staff updates

Chief Pirochta stated that Brighton Police Department recently received a Netum Scan Animal Tag Reader courtesy of the Michigan Doodle Rescue Connect to help reunite chipped dogs with their family.

City Manager Gomolka stated that downtown businesses have come together to kick off Halloween season with a Gal-O-Ween shopping night on October 5, 2023, beginning at 5:00 p.m.

Director Goch provided a brief update on current projects, especially noting that Main Street should be completed in October however many other features will still need to be worked on to complete the Streetscape project.

9. Updates from Councilmember liaisons to various boards and commissions

Councilmember Emaus stated that the Brighton Veterans Memorial Committee is planning to bring the Veterans Day Parade back onto Main Street for November 11, 2023, and will proceed as normal. The Downtown Development Authority meet to discuss the Streetscape Project and affirmation of officers. SPARK partner Denise Murray has secured grants from Lake Trust Credit Union for businesses affected by the Streetscape Project.

Councilmember Albert noted a recent update from Jim Muzzin, BAFA board member, that the fire authority hopes to upgrade the fire station on Grand River utilizing some congressional grants that were recently awarded.

Mayor Pro Tem Bohn stated the Planning Commission met to discuss two agenda items. First was to open up the Master Plan and begin discussions with Giffles Webster and second was to discuss zoning ordinance amendments.

Councilmember Pettengill stated the Zoning Board of Appeals met to discuss and ultimately approve a variance at the UPS store to allow an 80% window coverage due to items of sensitive nature and packaging.

Councilmember Gipson stated the Ruck to Live event will be downtown Saturday, September 23, 2023, beginning at 7:00 a.m. The event attendees will stay out of the way but are looking to make their selves known as they move throughout the City to raise awareness to Veteran suicide and raise funds.

Mayor Tobbe spoke about the Streetscape project and the gratitude the City of Brighton has to construction workers and all trades people bringing the project together.

Discussion

10. 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)

Motion by Councilmember Gipson, seconded by Councilmember Albert to enter into closed session at 7:10 p.m. to receive a written attorney-client privileged communication pursuant to section MCL 15.268(1)(h) of the Open Meetings Act. **The motion carried by roll call vote, 7-0.**

Motion by Mayor Pro Tem Bohn, seconded by Councilmember Pettengill to come out of closed session at 7:34 p.m. **The motion carried, 7-0.**

11. Discussion with MDOT on potential pedestrian pathway beneath I-96 Interchange

Motion by Councilmember Gipson, seconded by Councilmember Emaus to table the pedestrian pathway until more information has been gathered. **The motion carried, 6-1. Mayor Pro Tem Bohn voted no.**

12. City Manager Review Committee

Motion by Councilmember Gipson, seconded by Councilmember Gardner to create City Manager Review Committee consisting of Mayor Tobbe, and Councilmember Albert and Pettengill. **The motion carried, 7-0.**

13. Decision Pending location discussion

Human Resources Manager Miller briefed City Council on the discussions the Brighton Arts and Culture Commission regarding the placement of Decision Pending. The Brighton Arts and Culture Commission will present their recommendation at the next meeting. HR Manager Miller also provided an update regarding the September 11, 2023, Brighton Arts and Culture Commission meeting where they discussed sculpture rotation, a future call to artists, Robertson Brothers donation, and the complexity involved with the rehabilitation of the pocket park wall on St. Paul.

New Business

14. Discuss Consumers Energy Company gas franchise ordinance

City Manager Gomolka updated the City Council that the current City Ordinance approved nearly 30 years ago with Consumers Energy is expiring and will need to be repealed and replaced with another 30-year ordinance. A first read and setting of a public hearing will be on the agenda for the October 5, 2023, meeting.

15. Conduct a first reading and set a public hearing for October 19, 2023, for ordinance #605 to repeal Article X, "Massage Operations" of Chapter 22 "Businesses" and codified as Sections 22-301 through 22-325 of the Brighton City Code of Ordinances

City Clerk Brown discussed that there is redundancy with the current Massage Operations ordinance since the State of Michigan licenses massage businesses and employees and the Community Development team conducts inspections for businesses certificates of occupancies within the city. Clerk Brown recommends that City Council repeal the current ordinance.

Motion by Mayor Pro Tem Bohn, seconded by Councilmember Pettengill to set a public hearing for October 19, 2023, for ordinance #605 to repeal Article X, "Massage Operations" of Chapter 22 "Businesses" and codified as Sections 22-301 through 22-325 of the Brighton City Code of Ordinances. **The motion carried, 7-0.**

16. Consider approval of Tetra Tech proposal to prepare the Fiscal Year 2025 Clean Water State Revolving Fund Project Plan in an amount not to exceed \$65,000.

Motion by Councilmember Albert, seconded by Councilmember Pettengill to approve the Tetra Tech proposal to prepare the Fiscal Year 2025 Clean Water State Revolving Fund Project Plan in an amount not to exceed \$65,000. **The motion carried, 7-0.**

17. Consider awarding the contract for the Northstar Tower fencing installation to Justice Fence Co. in an amount not to exceed \$18,531

Motion by Councilmember Gardner, seconded by Councilmember Emaus to award the contract for the Northstar Tower fencing installation to Justice Fence Co. in an amount not to exceed \$18,531. **The motion carried, 7-0.**

18. Consider entering into closed session to consider the purchase or lease of real property pursuant to MCL 15.268 (1)(d) of the Open Meetings Act

Motion by Councilmember Emaus, seconded by Councilmember Gardner to enter into closed session at 9:40 p.m. to consider the purchase or lease of real property pursuant to MCL 15.268 (1)(d) of the Open Meetings Act. **The motion carried by roll call vote, 7-0.**

Motion by Mayor Pro Tem Bohn, seconded by Councilmember Gardner to come out of closed session at 10:33 p.m. **The motion carried, 7-0.**

Other Business

19. Call to the public

Mayor Tobbe opened the call to the public at 10:33 p.m. Hearing and seeing no comment, the call to the public was closed.

20. Adjournment

Motion by Councilmember Gipson, seconded by Councilmember Emaus to adjourn the meeting at 10:33 p.m. **The motion carried (7-0).**



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL

OCTOBER 05, 2023

SUBJECT: CONDUCT A FIRST READING AND SET A PUBLIC HEARING REGARDING CONSUMERS ENERGY COMPANY GAS FRANCHISE ORDINANCE 606

BACKGROUND

- At the January 6, 1994 City of Brighton City Council meeting, a Consumers Power Gas Company Franchise Ordinance was approved. This ordinance is set to expire on January 21, 2024.
- Consumers is requesting the city to adopt a new 30-year ordinance. (See attached)
- This proposed ordinance allows Consumers Energy Company, its successors and assigns to maintain and commercially operate gas lines and conduct local gas business in the City of Brighton.

ADMINISTRATIVE SUMMARY

- Attorney Gabis reviewed and edited the draft ordinance and section 14-2 of the Charter and advised that a franchise must be non-exclusive, not longer than 30 years and must be granted by ordinance, not a vote.
- Review of the proposed ordinances meets both of these requirements.
- If adopted, this ordinance would repeal the expiring ordinance.

RECOMMENDATION

Recommend that City Council set a second reading and public hearing for Consumers Energy Company Gas Franchise Ordinance 606 at the November 2, 2023 City Council meeting.

Prepared by: Gretchen Gomolka, City Manger

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

☒ Acceptable Form and Ready to Execute

☐ Other _____

ORDINANCE NO. _____

CONSUMERS ENERGY COMPANY GAS FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right and authority to lay, maintain and commercially operate gas lines and facilities including but not limited to mains, pipes, services and on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local gas business in the CITY OF BRIGHTON, LIVINGSTON COUNTY, MICHIGAN, for a period of thirty years.

THE CITY OF BRIGHTON ORDAINS:

SECTION 1. GRANT and TERM. The CITY OF BRIGHTON, LIVINGSTON COUNTY, MICHIGAN, hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called "Consumers" the right and authority, subject to the reasonable control of the City, to lay, maintain and commercially operate gas lines and facilities including but not limited to mains, pipes, services and valves on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local gas business in the CITY OF BRIGHTON, LIVINGSTON COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2. CONDITIONS. No public place used by Consumers shall be obstructed longer than necessary during construction or repair, and shall be restored to the same order and condition as when work was commenced. All of Consumers' gas lines and related facilities shall be placed as not to unnecessarily interfere with the public's use of public places. Consumers shall have the right to trim or remove trees within the City's right of way if necessary in the conducting of such business.

SECTION 3. HOLD HARMLESS. Consumers shall save the City free and harmless from all loss, costs and expense to which it may be subject by reason of the construction and maintenance of the lines and related facilities hereby authorized. In case any action is commenced against the City on account of the permission herein given, Consumers shall, upon notice, defend the City and its representatives and hold them harmless from all loss, costs and damage arising out of such construction and maintenance.

SECTION 4. EXTENSIONS. Consumers shall construct and extend its gas distribution system within said City, and shall furnish gas service to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 5. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

SECTION 6. RATES and CONDITIONS. Consumers shall be entitled to provide gas service to the inhabitants of the City at the rates and pursuant to the conditions as approved by the Michigan Public Service Commission. Such rates and conditions shall be subject to review and change upon petition to the Michigan Public Service Commission.

SECTION 7. REVOCATION. The franchise granted by this ordinance is subject to revocation at the will of the Council and upon sixty (60) days written notice by either party. Upon revocation this ordinance shall be considered repealed and of no effect past, present or future.

SECTION 8. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. Consumers remains subject to the reasonable rules and regulations of the Michigan Public Service Commission