

MINUTES

**CHARTER TOWNSHIP OF BRIGHTON
BOARD OF TRUSTEES
4363 BUNO ROAD
BRIGHTON, MI 48114**

**JULY 16, 2018
REGULAR MEETING
6:30 P.M.
(810) 229.0560**

Supervisor Michel called the meeting to order at 6:34 P.M. The Pledge of Allegiance was said.

Present: P. Michel, Supervisor; A. Bollin, Clerk; R. Drouillard, Treasurer; S. Combs, Trustee; M. Slaton, Trustee; S. Theis, Trustee; L. Weaire, Trustee

Absent: None.

CALL TO THE PUBLIC

Mike Palmer, Grand River – Applauded audience turnout. Submitted four cards, requested written response; Brighton Business Park.

Terry Chinn, Arbour Drive – Conditions of roads in Greenfield Pointe are poor; personal injury; need them redone; roads have not been maintained for 10 years.

Bob Potocki, Woodland Shore Drive – Positive developments regarding sewer litigation; referenced agenda items F.2 & F.6. and is in favor of Boy Scouts and walking paths; 75 acres near Shepherd of the Lakes are part of deal with development of the Ravines; repayment from the developer.

John Conely, Green Oak Township – Owns house on School Lake; area lakes have had treatments for weed control; weeds and lily pads are natural to lakes. Recommends weed harvesting and not chemical application.

Fritz Wagner, Kenicott – Subdivision (Greenfield Pointe) roads are in poor condition; no sidewalks and residents have been injured; drainage issues; water remains on the road causing hazardous conditions. Heavy traffic, school buses, garbage trucks. Requested road repair, only received patches, subdivision is 45 years old. Requesting priority from Livingston County Road Commission (LCRC) to take care of roads in subdivision.

Barb Potocki, Woodland Shore Drive – Allotted 3 minutes to Mike Palmer.

Mike Palmer, Grand River – LCRC is designated group that owns public roads in township. Your tax dollars are already going to County, Board needs to work for the residents. Don't spend tax dollars on LCRC roads to keep them employed.

AGENDA

A. Bollin moved and L. Weaire seconded **to approve the agenda with conditional approval of the bills as follows: Check # 31254, IT Right, upon delivery of all computer equipment; Check # 31255, clarification and charges for additional services upon review and confirmation by the Township Manager; Check # 31272, upon receipt and attaching the referenced authorization on the Quit Claim Deed, these are conditional approvals and payment will be released upon receiving the information.**

Motion carried.

PUBLIC HEARING AND ADOPTION OF RESOLUTION APPROVING THE DISTRICT/PREPARATION OF ASSESSMENT ROLL – School Lake Aquatic Special Assessment District, SAD No. S-I-01-2018

Assistant to the Manager, Z. Dyba, provided background on the proposed Special Assessment District and confirmed that the petition signature threshold was based on frontage as allowed.

Public Hearing opened at 6:55 P.M.

Evelyn Montgomery, 2989 S Old US 23 – Long-time resident; concerned weed killer is being applied too close to her well. School Lake empties into Hope Lake; should consider non-chemical alternatives to get rid of weeds.

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Dan Longeway, 2860 Cady Drive – Cleans up weeds and burns them, weeds are a safety issue. Chemicals to get rid of weeds are DEQ approved.

Kyle Montgomery, 2657 Cullen Road - Read health concerns from chemicals proposing to be used. Weed harvesting over chemical application would benefit everyone.

Jan Black, 2941 School Lake – Concerned about the well depths and related health concerns. Concerned about the wildlife and the future of the lake, lake is clear and natural.

Jonathan Uren, 2679 Parklawn – No one asked him about the petition. Cost should be based on percentage owned.

Frank Daugard, 2901 School Lake – Who has lake access, cost is too high. Favors weed harvesting, majority of weeds are on the east side of the lake. Suggested residents do their own weed raking.

Doug Arbour, 2747 Parklawn – Seven vacant properties not paying. Why did they get to vote if they aren't paying? Chemicals are harmful to animals.

Paul Baugher, 2623 Parklawn - What is the regulation on wells? He rakes weeds. Why take a chance if it is hazardous?

Brad Brunken, 3067 Parklawn – DEQ approved chemicals. People have been self-applying chemicals on the lake. This way we know it is safe.

Ken Chio, 2981 Old US 23 – Vegetation is a natural process, neighbors should harvest weeds.

Peter Ebejer, 10105 Skeman – South side of the lake has bad weeds. Deep side of the lake is fine. Find out what is going into the lake.

Ken Rickhoff, 2657 Cullen Road - Opposes chemicals. Board members should stand up if something is wrong and a public safety hazard.

Curt Kofhal, 3070 Cady Drive - Weed control committee did research, met at Township Hall on July 21, 2017 and had 6 additional meetings over 6 months. 3 companies were interviewed and toured the lake, provided detailed proposals. Aqua Weed Management was selected and is present to answer any questions.

Sharon Duagard, 2901 School Lake – Allotted 3 minutes to Frank Daugard.

Frank Daugard, 2901 School Lake – Chemicals will make the lake worse and create more muck.

Clerk Bollin read written comments that were received into the record from the following:

John & Jennifer Conely, 2990 Cady Drive – Email dated 07-16-18 opposing chemical treatments to the lake, supports weed harvesting. Requesting the Township do a full investigation before taking action.

Harold Rosenburg, 2643 Parklawn – Email dated 07-16-18 – Opposes Special Assessment District.

Cindy Krieg, 2687 Parklawn – Email dated 07-12-18 – Objects to Special Assessment District.

Kyle Montgomery, 2657 Cullen Rd – Letter submitted 07-16-18 – Objects to chemical treatments to the lake for weed control.

Evelyn Montgomery, 2989 S Old US 23 – Letter dated 07-11-18 – Objects to chemical treatments to the lake for weed control.

Connie Secco, 3096 Cady Drive – Long time resident. Weed growth is out of control, other lake communities use this company without ill effect. Supports SAD. Safer than individuals putting chemicals in the lake.

Public Hearing closed at 7:35 P.M.

Assistant to the Manager, Z. Dyba, indicated that two (2) properties had withdrawn their signatures changing the support to 65.14% which falls below the Township's Policy threshold. Township Policy requires 66% approval by the residents within the proposed district. Attorney J. Kiefer confirmed the Township's policy requirements and provided options moving forward including strict adherence to the policy, allowing the petitioners to secure additional signatures, waiving the signature threshold policy or allowing the petitioners to start over with a revised petition and district boundaries. Discussion included the signature threshold, withdrawing of petition signatures, the township's role in the SAD process, period that the signatures are good for, vacant parcels having a zero assessment but are allowed to count towards the signature threshold, and the timing for withdrawal of signatures.

P. Michel moved and S. Theis seconded **to table the adoption of the Resolution approving the School Lake S.A.D., SAD No. S-I-01-2018, until such time the petition organizer can return the petitions with the appropriate signatures to meet the Policy which must be submitted within one year of the first recorded signature (October 29, 2018).**

Ayes: L. Weaire, S. Theis, S. Combs, R. Drouillard, A. Bollin, M. Slaton, P. Michel

Nays: None.

Motion carried.

Discussion ensued on need for clarification and change to policy regarding how long petitions are good for, when is the parcel no longer considered to be vacant for purposes of being assessed (date of land use permit filing or establishment of district), what happens if there is a change in ownership within the SAD approval process from signature phase to adoption of assessment roll, does developed mean land use permit or certificate of occupancy (temporary or permanent). Also discussed financial liability to Township – Attorney Harris said there was none. (Clerk requested that a letter/memo referencing no potential financial liability be provided in the packet the next time the agenda item is presented. Consensus was that the letter would be provided with the packet.

SPECIAL ASSESSMENT DISTRICT FINANCING – Discussion and Recommendation/Request for Authorization to Sell Bonds

Manager Vick provided an overview of his agenda note and a summary of the options for SAD funding through the sale of bonds. Assistant to the Manager, Z. Dyba, provided additional information for the options for funding and the petitions that have been received (Meadowood and Shenandoah) for road repaving projects. Background provided included the lifting of the moratorium, need for additional protections, taking an incremental approach and the General Fund investment based on criteria. Manager Vick also spoke to recent road improvement projects within the township and the Livingston County Road Commission's (LCRC) involvement, lack of funds at the LCRC, township does not own roads, township reviews major thoroughfares and based on the nationally recognized PASER rating system determines where Township funds should go for improvements because of the township's due diligence. Attorney, J. Kiefer, specializes in Special Assessment Districts and bonds, explained the three (3) ways for the projects to be paid for (cash, interfund loans, or bonds with payback through a SAD). Discussion included the bonding process and associated costs, past consensus to reach out to other neighborhoods to determine level of need and interest, financial liability, available funding assistance for private v. public roads, township policy, establishing a low interest revolving fund due to the approximate \$11 million General Fund balance, confirming the roll of the SAD, timing of the projects and impact this has on the sale of bonds. Additional discussion included whether staff had contacted other neighborhoods that had previously expressed interest (no, only those that came forward).

R. Drouillard moved and P. Michel seconded to **authorize the Township Manager to work with Dykema for bonding the Meadowood and Shenandoah and Shenandoah Pond Special Assessment District Road Improvement projects.**

Ayes: M. Slaton, R. Drouillard, S. Combs, S. Theis, P. Michel

Nays: A. Bollin, L. Weaire

Motion carried.

ADOPTION OF RESOLUTION SCHEDULING A PUBLIC HEARING ACCEPTING PETITIONS AND THE ESTABLISHMENT OF THE SPECIAL ASSESSMENT DISTRICT – Shenandoah and Shenandoah Pond Road Improvement Special Assessment District, SAD No. S-I-02-2018

Z. Dyba, Assistant to the Manager, provided a summary of this project indicating the additional parcel that will be developed by the new property owner. Discussion included the possibility of a parcel being split, vacant parcels receiving benefit, policy issues,

P. Michel moved and R. Drouillard seconded to **adopt Resolution No. 18-013 as presented accepting petitions and scheduling a public hearing for the Road Improvement Special Assessment District for Shenandoah and Shenandoah Pond, SAD Number S-I-02-2018, with the addition of the inclusion of Parcel ID #4712-16-200-020 in the proposed district and that the resolution be amended to reflect such inclusion.**

Ayes: S. Theis, R. Drouillard, M. Slaton, P. Michel

Nays: L. Weaire, S. Combs, A. Bollin

Motion carried.

ADOPTION OF RESOLUTION SCHEDULING A PUBLIC HEARING ACCEPTING PETITIONS AND THE ESTABLISHMENT OF THE SPECIAL ASSESSMENT DISTRICT - Meadowood Road Improvement Special Assessment District, SAD No. S-I-03-2018

Z. Dyba, Assistant to the Manager, presented this project and confirmed the petitions meet the signature threshold per Township Policy. Discussion included whether the petition language included the reapportionment of the assessment per adopted Township polices (staff confirmed it had not been included), clarification and request that the clause be added to the resolution when adopting the assessment roll if allowable (Attorney Kiefer confirmed it could be added), revisiting the policy for its applicability to maintenance v. improvement projects, request for the annual summary of the unpaid assessments per policy, when a vacant parcel gets assessed – at issuance of land use permit or certificate of occupancy, providing guidelines for establishing special assessment district for continuity and ease of administering.

R. Drouillard, moved and L. Weaire seconded to **adopt Resolution No. 18-014, accepting petitions and scheduling a public hearing for the Road Improvement Special Assessment District for Meadowood SAD Number (S-I-03-2018).**

Ayes: M. Slaton, R. Drouillard, S. Combs, S. Theis, L. Weaire, P. Michel

Nays: A. Bollin

Motion carried.

APPROVAL OF CONTRACT AMENDMENT, CHANGE ORDER #1 – Wood Environmental (formerly AMEC Environmental), Collett Dump Environmental Consulting Services

Attorney Chuck Barbieri, Foster Swift, provided historical overview of Collett Dump Consent Decree and the role of AMEC/Wood Environmental in the project monitoring phase.

A. Bollin moved and L. Weaire seconded to **approve Change Order #1 with Wood Environmental and Infrastructure to perform the supplemental monitoring well installation as detailed in the Wood letter dated June 26, 2018 in an amount not-to-exceed \$38,980 and authorize the Township Supervisor and Clerk to sign Change Order #1 to the contract with Wood (formerly AMEC) on behalf of Brighton Township.**

Ayes: M. Slaton, A. Bollin, R. Drouillard, S. Combs, S. Theis, L. Weaire, P. Michel

Nays: None.

Motion carried.

REQUEST FOR APPROVAL OF EAGLE SCOUT PROJECT ON TOWNSHIP OWNED PROPERTY

ADJACENT TO SHEPHERD OF THE LAKES – A. Mooney

Manager Vick reviewed the Township concerns with the project to include Township liability during the construction phase and usage of the trailers following completion of the project. Current complaints involve ATV's. Discussion included the usage of the property, liability insurance, events being hosted on the Township property, cleanup, permanent or temporary improvements, and deterring ATV's.

L. Weaire moved and S. Theis seconded **to authorize Ayden Mooney to undertake improvements to the township property adjacent to the Shepherd of the Lake property as delineated in the Eagles Scout proposal once all required insurance liabilities are resolved.**

Ayes: L. Weaire, S. Theis, S. Combs, R. Drouillard, A. Bollin, M. Slaton, P. Michel

Nays: None.

Motion carried.

REQUEST TO AWARD CONTRACT AND AUTHORIZATION TO SIGN AGREEMENTS FOR TOWNSHIP HALL HVAC UPGRADES – (Contractor to be determined - Bids due on July 13, 2018)

Z. Dyba, Assistant to the Manager, summarized this bid process and the tentative plan for addressing the HVAC, insulation and lighting issues at township hall. Dan Cabage, F&V Engineering, was present.

S. Theis moved and S. Combs seconded **to authorize the Township Supervisor and Clerk to sign the agreement for services related to the installation of the HVAC upgrades for Township Hall upon completion of the background check of the lowest responsible bidder by staff and the township engineer, project not to exceed \$112,375 and subject to adding a clause that the Contractor will assist Assistant to the Manager with the submittal of any applicable rebates.**

Ayes: L. Weaire, S. Theis, S. Combs, R. Drouillard, A. Bollin, M. Slaton, P. Michel

Nays: None.

Motion carried.

AUTHORIZATION TO REVOKE – Soil Removal/Extraction and Fill Permits for Ashley Land Development Company, Inc. and Soil/Extraction Permit for Brighton Investors, LLC

Manager Vick and Attorney Harris summarized their recommendation to revoke the permits and stated written notice to cease operations has been given to property owner and their Attorney. Attorney J. Harris noted the property owner has shown no steps towards adhering to Township Ordinances and litigation would be the next step to enforce the Ordinances forcing them to cease operations.

S. Theis moved and R. Drouillard seconded **to revoke the Soil Removal/Extraction and Fill Permits for Ashley Land Development Company, Inc. and Soil/Extraction for Brighton Investors, LLC due to their violation of the Township Code of Ordinances.**

Ayes: M. Slaton, A. Bollin, R. Drouillard, S. Combs, S. Theis, L. Weaire, P. Michel

Nays: None.

Motion carried.

QUARTERLY SANITARY SEWER FINANCIAL REPORT – Fourth Quarter FY' 2017-18

Ken Palka, Pfeffer, Hanniford, & Palka, presented the Quarterly Report. Discussion included a request for clarification to the note on page six (6). The report was received and filed.

DISCUSSION – 1223 Hemphill

Manager provided background on this property indicating the Township does not have a building maintenance code. Livingston County Building Department is responsible for enforcing building safety issues. Township met obligations to issue land use permits and waivers, property owner complied with requirements. Discussion included Township responsibility, LCBD responsibility, property owner responsibility, and property/structure use. Attorney Harris addressed appropriate steps moving forward and options. Consensus was for Attorney Harris and Planner Mathews to meet with Jim Rowell, LCBD, and develop a plan to proceed based on that outcome.

REPORTS AND CORRESPONDENCE

REPORTS

SELCRA Meeting Minutes – May 2018

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SELCRA Director's Report – June 14, 2018

L. Weaire – BAFA update.

S. Theis – ZBA meeting update including two cases were heard.

R. Drouillard – Tax bills went out. Flagstar Bank in Brighton accepting tax payments for Brighton Township residents. LCWA Audit completed, updates on water system standards.

A. Bollin – Election training taking place, upcoming Election Commission meeting. Large Item Drop-off event was successful. Clerk's office will be open for Election related business Saturday before the election from 9am-2pm.

DEPARTMENTS

Treasurer's Report – April, May, and June 2018

Revenue & Expenditure Report – Fourth Quarter, FY' 2017-2018

Infrastructure Alternatives, Inc. Monthly Operating Report – June 2018

MANAGER

FIB joint meeting update, discussing dates. City of Escanaba, dark store case update.

CORRESPONDENCE

None.

CALL TO THE PUBLIC

Randy Rehil, Hemphill Court – Longest standing resident of Hemphill. Taxes and property value effected by property. City of Brighton court case took years for resolution, encourage Board to talk to City on how they handled their situation. Appreciates Boards effort.

Dan Proffitt, Hemphill Court – Thanked Board for talking about it and working towards a solution.

CLOSED EXECUTIVE SESSION – Trial or Settlement Strategy in Connection with Litigation specifically Dennis Shoner and Barbara Potocki et al v. Brighton Township and Consideration of Property Acquisition

A. Bollin moved and R. Drouillard seconded to go into closed executive session for the purposes of discussing Trial or Settlement Strategy in Connection with Litigation, specifically Dennis Shoner and Barbara Potocki et al v. Brighton Township, and Consideration of Property Acquisition.

Ayes: L. Weaire, S. Theis, S. Combs, R. Drouillard, A. Bollin, M. Slaton, P. Michel

Nays: None.

Motion carried.

The Board went into closed executive session at 10:45 P.M.

The Board returned to open session at 11:37 P.M.

S. Theis moved and R. Drouillard seconded to adopt Resolution No. 18-015, Determining the Necessity to Acquire Land by Condemnation and Resolution No. 18-016, Establishing Just Compensation and Authorizing the Township Attorney to make a good faith offer to the property owner.

Ayes: L. Weaire, S. Theis, S. Combs, R. Drouillard, A. Bollin, M. Slaton, P. Michel

Nays: None.

Motion carried.

ADJOURNMENT

L. Weaire moved and S. Theis seconded to adjourn. Motion carried.

The meeting adjourned at 11:39 P.M.

Respectfully submitted,

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Ann M. Bollin, CMC, CMMC, Clerk
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Patrick Michel, Supervisor

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