

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON AUGUST 4, 2011 AT THE BRIGHTON CITY HALL
200 N. 1ST STREET, BRIGHTON, MICHIGAN

BLUE SKY SESSION

The Council conducted a Blue Sky Session at 7:00 p.m. Present were Mayor Pro-Tem Bohn, Councilmembers Schillinger, Muzzin, Roblee, Cooper and Pipoly. The Council reviewed the agenda items.

REGULAR SESSION

Mayor Pro-Tem Bohn called the regular meeting to order at 7:30 p.m. Following the Pledge of Allegiance, the roll was called, there being present were Mayor Pro-Tem Bohn, Councilmembers Schillinger, Muzzin, Roblee, Cooper and Pipoly. Also in attendance were Attorney Paul Burns and Special Legal Counsel Dennis Gabrian and Staff members Dana Foster, Jennifer Burke, Amy Cyphert, Matt Schindewolf, Jon Westendorf, Kelly LaLonde and an audience of 12. Press and Media included Tom Tolen from WHMI and Johnny Branstetter from the Patch.

It was moved by Councilmember Cooper, seconded by Pipoly to excuse Mayor Bandkau from the evening's meeting. Motion passed 6-0.

MINUTES APPROVAL

It was moved by Councilmember Muzzin, seconded by Roblee to approve the Regular Meeting minutes of July 21, 2011 as presented. Motion passed 6-0.

It was moved by Councilmember Roblee, seconded by Muzzin to approve the Closed Session minutes of July 21, 2011 as presented. Motion passed 6-0.

It was moved by Councilmember Muzzin, seconded by Pipoly to approve the Closed Session minutes of July 21, 2011 as presented. Motion passed 5-0, with Councilmember Schillinger abstaining.

DPS Director Schindewolf briefed Council and the public on the algae treatment for the millpond, weed control and weed control in the downtown area sidewalks. Weed control does not affect lily pads in the millpond.

CALL TO THE PUBLIC

Mayor Pro-Tem Bohn gave a Call to the Public at 7:49 p.m. The following comments were heard:

Lynn Rosen, 520 Glenwyth, stated her concerns with so many police officers per the number of square miles and parcels within the City limits, number of pocket parks, statues, cell phone and car allowances provided to employees, wellness program, attorney's on retainer, council member pier diems, trash pick-up, refuse ordinance, Comcast franchise fees, check registry, transparency and fees expended for the Bonner's litigation.

Mary Holiday discussed the rebroadcast of July 21st City Council Meeting, 907 Brighton Lake Road pothole, Oak Ridge Reconstruction, her concerns with the maintenance of the downtown and millpond area, car allowances, transparency, check registry online and the Bonner lawsuit. She requested additional time to read the remainder of her letter. Council did not approve additional time.

Hearing no further comment, Mayor Pro-Tem Bohn closed the Call to the Public at 8:02 p.m.

CITIZEN INQUIRIES

There were no citizen inquiries submitted.

Manager Foster briefly discussed his letter to Ms. Cole regarding her inquiry from the last City Council meeting relative to City Cemetery employees do work during the time available during specific seasons and monies delegated to the perpetual care trust fund, fees for Cemetery plots and the Cemetery Sexton job description as requested in her recent FOIA.

Councilmember Muzzin expressed his concerns with comments directed towards staff and stated that if there is an issue with policies it should be addressed with City Council, as Council Members are the policymakers.

AGENDA APPROVAL

It was moved by Councilmember Schillinger, seconded by Pipoly to approve the Consent Agenda as presented. A roll call vote was taken. Yes: Schillinger, Cooper, Bohn, Muzzin, Roblee, Pipoly. No: none. Motion passed 6-0. The following items were approved:

1. Approved the name for the new St. Paul Street Park.
2. Approved the site plan for the Brighton Area Fire Department September 11th Memorial, last dated 6-30-2011, as drawn by Lindhout Associates, job #1032, subject to the following conditions:
 1. That irrigation is provided for the new planting beds.
 2. That right of way permits be obtained from the Department of Public Services, if applicable.
 3. That any damages done to the existing public sidewalk be repaired to current condition.
3. Approved Resolution 11-17 Delegating authority to assign fund balance under GASB Statement #54, Fund Balance Reporting and Governmental Fund Type Definitions.
4. Approved the quarterly idle funds investment report.
5. Approved the Run for Their Lives Pregnancy Helpline 5K Walk Civic Event.

It was moved by Councilmember Cooper, seconded by Muzzin to approve the Action Agenda as amended. Add item #4a, Closed Session Minutes Regarding Pending Collective Bargaining Labor Relations. Motion passed 6-0.

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Cooper asked that staff advertise the September 11th Memorial to get the message out there to inform residents of the upcoming event.

PUBLIC HEARING FOR TEMPORARY LAND USE FOR FRESH PRODUCE SALES AT CIAO AMICI'S RESTAURANT BUILDING SITE

Manager Foster stated that the process was instituted by Ordinance in the 1990's. Prior to that time, there were difficulties with stands at prominent locations on a seasonal basis.

Mayor Pro-Tem Bohn opened the Public Hearing at 8:02 p.m. Hearing none, Mayor Pro-Tem Bohn closed the public hearing.

There was Council discussion regarding Temporary Land Use approval by staff on a yearly basis as opposed to coming to City Council on a yearly basis, issuing a five-year permit and to discuss this at the Fall Retreat.

Attorney Burns stated changes could be made to the Temporary Land Use by an Ordinance amendment.

It was moved by Councilmember Muzzin, seconded by Schillinger to approve the Land Use Permit for Nik Gjonaj for a produce stand next the Ciao Amici's on W. Main Street. Motion passed 6-0.

PLANNING COMMISSION AND BOARD OF APPEALS ORDINANCE AMENDMENT SECOND READING & PUBLIC HEARING

Mayor Pro-Tem Bohn opened the Public Hearing at 8:08 p.m. Hearing none, Mayor Pro-Tem Bohn closed the Public Hearing.

It was moved by Councilmember Muzzin, seconded by Pipoly to approve Ordinance #557, amending Chapter 2, Administration, Article 3, Boards and Commissions, Division 2, Planning Commission and Division 3, Boards of Appeals of City Ordinances as presented. A roll call was taken. Yes: Schillinger, Cooper, Bohn, Muzzin, Roblee, Pipoly. No: None. Absent: Bandkau. Motion passed 6-0-1.

Council Member Muzzin clarified that the amendments would not change the number of Planning Commission Members and would remain as 9.

RECOMMENDATIONS FROM CITY MANAGER REGARDING POSSIBLE BUDGET AMENDMENTS

City Manager, Dana Foster discussed cost reductions from FY 2008-2009, 10% cut in operating line item cuts, Non-personnel line items and the base budget.

There was Council discussion regarding reevaluating the Prioritization of Services, endorse process/procedures outlines, Matrixes of services, evaluate targeted items, savings, replacement revenue, process outlined by the City Manager, economic expansion and an 8 year expansion.

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Councilmember Pipoly thanked the budget & finance subcommittee for their work.

PRESENTATION FROM DPS DIRECTOR REGARDING THIRD STREET PUMPING STATION REBUILD PROJECT

Department of Public Services Director, Matt Schindewolf gave an overview of the recent 3rd Street Pumping Station improvements and discussed the project scope.

City Manager, Dana Foster stated one of the reasons for utility rate increases is for the rebuild project.

There was Council discussion regarding an odor at given times of the season, water level in the nearby area and depreciation not being factored into this project.

CITY CUSTOMER INFORMATION

City Manager, Dana Foster stated at the August 18th City Council he would give a more detailed report on the charts for the bonding plan for Council feedback for the August 24th meeting.

Department of Public Services Director, Matt Schindewolf gave an update on the Oakridge Drive maintenance relative to cracking stating Staff is taken care of crack sealing on Oakridge Drive and if it is a failure of sub grade, it will have to be repaved. He also stated there would be a pothole run on Friday, August 5th. The pothole work is done in both residential and downtown areas every two weeks. If there is a safety hazard with a pothole, those would be handled immediately.

CALL TO THE PUBLIC

Mayor Pro-Tem Bohn gave a Call to the Public at 9:36 p.m. The following comment was heard:

Mary Holiday, questioned the comment made by Councilmember Muzzin.

Chip Baldwin, N. Second Street, apologized to staff and Councilmembers as there are residents in the City that do not realize what is fully going on. He discussed the ratio of Police Officers as opposed to residents and stated he feels Police Officers have a timely response and the City has a fantastic service.

Hearing no further comment, Mayor Pro-Tem Bohn closed the Call to the Public at 9:45 p.m.

PENDING COLLECTIVE BARGAINING LABOR NEGOTIATIONS CLOSED SESSION

It was moved by Muzzin, seconded by Cooper to go into Closed Session to receive an update regarding pending collective bargaining labor negotiations pursuant to MCL 15.268 (c). A roll call vote was taken. Yes: Schillinger, Cooper, Bohn, Bandkau, Muzzin, Roblee, Pipoly. No: none. Absent: Bandkau. Motion passed 6-0-1.

The Council convened into Closed Session at 9:47 p.m.

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The Council reconvened the Regular meeting at 10:09 p.m.

Councilmember Schillinger left at 10:11

ADJOURNMENT

It was moved by Councilmember Pipoly, seconded by Muzzin to adjourn the meeting at 10:13 p.m. Motion passed 5-0.

Diana Lowe, City Clerk

James Bohn, Mayor Pro-Tem