

**MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON**  
**HELD ON JULY 7, 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 Bandkau, Councilmembers Schillinger, Muzzin, Bohn, Roblee, Cooper and Pipoly. The Council reviewed the agenda items.

**REGULAR SESSION**

Mayor Bandkau called the regular meeting to order at 7:32 p.m. Following the Pledge of Allegiance, the roll was called, there being present were Mayor Bandkau, Councilmembers Schillinger, Bohn, Muzzin, Roblee, Cooper and Pipoly. Also in attendance were Attorney Brad Maynes, Engineer Gary Markstrom and Staff members Dana Foster, Diana Lowe, Jennifer Burke, Amy Cyphert, Matt Schindewolf, Tom Wightman, Kelly LaLonde, Matt Modrack and an audience of 4. Press and Media included Jim Totten from the Livingston County Press Argus, Tom Tolen from WHMI and Jacob Kanclerz from the Patch.

**MINUTES APPROVAL**

It was moved by Councilmember Roblee, seconded by Muzzin to approve the Regular Meeting minutes of June 16, 2011 as presented. Motion passed 7-0.

It was moved by Councilmember Muzzin, seconded by Cooper to approve the Closed Session minutes of June 16, 2011 as presented. Motion passed 7-0.

**CALL TO THE PUBLIC**

Mayor Bandkau gave a Call to the Public at 7:34p.m. The following comments were heard:

Mary Holliday stated she had a garage sale in the Oakridge area over the weekend and City workers arbitrarily took all of the garage sale signs down Friday and that many signs of other certain events are left alone. She stated the entrance to the Oakridge subdivision is in need of maintenance, the Millpond area needs clean up and the City cable messages are outdated.

Hearing no further comment, the Call to the Public was closed at 7:38 p.m.

**CITIZEN INQUIRIES**

None.

### **AGENDA APPROVAL**

It was moved by Councilmember Cooper, seconded by Bohn to approve the Consent Agenda amended. Delete Item #11, Biennial City Service Survey. Move to Consent Agenda from Action Agenda item #17, City Manager Budget Amendment. A roll call vote was taken. Yes: Schillinger, Cooper, Bohn, Bandkau, Muzzin, Roblee, Pipoly. No: none. Motion passed 7-0. The following items were approved:

1. Approved Resolution 11-15, updated Year-end Budget Amendments for Fiscal-Year 2010-2011.
2. Approved Resolution 11-16, Liquor license transfer for the Pi's Asian Cuisine restaurant.
3. Approved a budget amendment for the Fiscal Year 11-12 City Manager's office activity budget for training funding.

### **CITY MANAGER PRESENTATION**

Mayor Bandkau presented an engraved clock to Dana Foster for his 20 years of service as City Manager for the City of Brighton.

Dana Foster stated that he had always tried over the years to credit the City Council and the policies carried out by Staff and he looks ahead at what we need to do next and what can we do better. He expressed his appreciation to City Council. He thanked the Mayor and Council and Staff for what is accomplished here every day and he is proud to serve the City of Brighton.

Councilmember Muzzin stated that Dana is his hardest judge and he surrounds himself with great Department Heads and Staff. He also stated the clock was paid for by City Councilmembers and not from the City budget.

### **AGENDA APPROVAL CONTINUED**

It was moved by Councilmember Cooper, seconded by Pipoly to approve the Action Agenda as amended. Delete item #14, SELCRA Bylaws, item #16, Wastewater intergovernmental proposal, #21, Pending Collective Bargaining Closed Session and item #22, Collective Bargaining Negotiations action. Add item #23a, Attorney-Client privilege action. Move from Action Agenda to Consent Agenda item #17, City Manager Budget Amendment. Motion passed 7-0.

### **MEDICAL MARIHUANA ORDINANCE PUBLIC HEARING AND SECOND READING**

Assistant City Attorney, Brad Maynes, stated the proposed Medical Marihuana Ordinance is recommended by the Planning Commission, City Staff and the City Attorney. The ordinance permits primary caregivers as a home occupation, and defines and prohibits dispensaries and cooperatives.

Mayor Bandkau opened the Public Hearing for the Medical Marihuana Ordinance at 7:55 p.m.

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The following comments were heard:

Doug Orton, 5072 Timberline Lane, represents the 850 plus member of the Brighton Area Compassion Club. He stated they came together to teach people how the Medical Marihuana law should work and they are not a dispensary. When you start defining dispensaries and cooperatives, this is the first step towards discrimination. This is about patient safety and the need to have safe access to their medicine. He suggested tabling the matter, put the moratorium back on and waiting for the State to come back with further changes to the law.

Hearing no further comment, the Public Hearing was closed at 8:01 p.m.

After Council discussion, it was moved by Councilmember Schillinger, seconded by Cooper to approve second reading and adoption of Ordinance 555, proposed amendments to Chapter 98, Article 1, Section 98-3, Home Occupation, Marihuana, Marihuana Dispensary, Marihuana Collective of Cooperative and Medical Use of Marihuana. A roll call vote was taken. Yes: Schillinger, Muzzin, Roblee, Pipoly, Cooper. No: Bohn, Bandkau. Motion passed 5-2.

#### **DDA NORTH STREET PARKING LOT SITE PLAN**

Acting Community Development and Planning Director, Amy Cyphert briefed the Council on the DDA public parking lot redevelopment at 114, 118 and 128 W. North Street site plan for a total of 25 new parking spaces.

DDA Executive Director, Matt Modrack stated streetscape improvements will be made in 2013, a \$104,000 grant has been secured from the MEDC and demolition of the three buildings will be done by the property owner.

It was moved by Muzzin, seconded by Roblee to approve site plan approval for the City of Brighton DDA Public Parking Lot at 114, 118 & 128 W. North Street as depicted on the site plan prepared by Lindhout Associates Architects, job #0845, sheet 02, last dated 2/22/11. The approval is subject to the following conditions:

1. That the Fire Department, City Engineers and DPS provide input and review the plans during the design build process.
2. Extension of the parking lot sidewalk to connect to the West Street sidewalk.

Motion passed 7-0.

#### **CAPITAL IMPROVEMENTS FUNDING PRESENTATION**

City Manager, Dana Foster gave a presentation regarding the proposed Capital Improvements Funding from the City Council Budget & Finance Subcommittee. He discussed the possibility of future bonding, the Capital Improvements Program Task Force recommendations on this project and the following slides: The Needs of Residential Curb & Gutter, Residential Street Reconstruction, Residential Street Paving, Sidewalk Repairs, Water, Sewer, Storm Drainage, Quality of Life & Public Facilities; The Numbers of Current Revenue Trends, Property Tax Revenue decline, 6-Year Financial Forecast, City's Cost Reduction Actions & Results, City Government Downsizing Facts, No Capital Improvements except Grant-Funded projects in Recent Years, Additional Budget Cuts; The Proposal of A Plan for Improvements, Residential Curb, Gutter, Sidewalk and Pavement, Proposed

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Residential Curb and Gutter, Citizens CIP Funding Advisory Task Force Recommendations of Bond, Special Assessment Districts and Grants, Possible Bond Issue for Voters to Consider, Better and Like it Should Be, We Can Do Better Than This, And What If, And Just Imagine This and a Special Thank You to his step-daughter, Claire McDonald, Budget and Finance Subcommittee, Kelly LaLonde, Gary Markstrom and CIP Advisory Task Force Members.

It was moved by Mayor Pro-Tem Bohn, seconded by Muzzin to go forward with a series of public information meetings on capital improvements. Motion passed 7-0.

### **CITY CUSTOMER INFORMATION**

City Manager, Dana Foster stated Tetra Tech Engineers would be remaining in the City of Brighton.

Department of Public Services Director, Matt Schindewolf stated a sewer on Grand River is being repaired with a slip-line. He stated sometimes the jets on the street sweeper runs out of water, which causes dust to be stirred up.

Councilmember Cooper thanked Corrigan Oil and BP for the \$10,000 grant to SELCRA for scholarships and events. He gave a Planning Commission update.

Councilmember Roblee stated there are new sculptures downtown, the Americana Festival is this weekend and she attended a meeting yesterday regarding the condition of the Imagination Station. She asked for Council consensus for their approval of volunteers and donations to do the necessary repairs on the Imagination Station. There is also a proposal for a new Imagination Station with water features to be built and funded by volunteers.

City Attorney, Brad Maynes stated his office could address a question regarding of volunteers from Mayor Pro-Tem Bohn.

There was no opposition from Council to move forward on the Imagination Station repairs and new Imagination Station.

Mayor Bandkau attended the Joyce Rogers Post Office dedication and an update regarding the Veteran's Memorial will be coming soon. She gave condolences to Kathy Jones for the passing of her husband.

### **CALL TO THE PUBLIC**

Mayor Bandkau gave a Call to the Public at 10:12 p.m.

Chip Baldwin, 320 N. 2<sup>nd</sup> Street, asked citizens with children or grandchildren to volunteer for the proposed Imagination Station.

Hearing no further comment, the Call to the Public was closed. 10: 14

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**OPINION LETTER CLOSED SESSION**

It was moved by Cooper, seconded by Muzzin to go into Closed Session to receive written attorney-client privilege opinion pursuant to MCL 15.268 (h). A roll call vote was taken. Yes: Schillinger, Cooper, Bohn, Bandkau, Muzzin, Roblee, Pipoly. No: none. Motion passed 7-0.

The Council convened into Closed Session at 10:18 p.m.

The Council reconvened the Regular meeting at 10:21 p.m.

**MITSUBA MOTION OR ACTION**

It was moved by Councilmember Muzzin, seconded by Bohn to accept the proposed offer from American Mitsuba. Motion passed 7-0.

**ADJOURNMENT**

It was moved by Councilmember Cooper, seconded by Roblee to adjourn the meeting at 10:22 p.m. Motion passed 7-0.

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Diana Lowe, City Clerk

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Ricci Bandkau, Mayor