

**MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON**  
**HELD ON SEPTEMBER 15, 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, Mayor Pro-Tem Bohn, Councilmembers Schillinger, Muzzin, Cooper and Pipoly. The Council reviewed the agenda items.

**REGULAR SESSION**

Mayor Bandkau called the regular meeting to order at 7:31 p.m. Following the Pledge of Allegiance, the roll was called, there being present were Mayor Bandkau, Mayor Pro-Tem Bohn, Councilmembers Schillinger, Muzzin, Cooper and Pipoly. Also in attendance were Attorney Paul Burns and Brad Maynes and Staff members Dana Foster, Diana Lowe, Amy Cyphert, Dave Blackmar, Tom Wightman, Kelly LaLonde and an audience of 16. Press and Media included Jim Totten from the Livingston County Press & Argus, Tom Tolen from WHMI and a representative from the Patch.

It was moved by Councilmember Cooper, seconded by Pipoly to excuse Councilmember Roblee from the evening's meeting. Motion passed 6-0-1.

**CITY COUNCIL RULES AND PROCEDURES**

City Attorney, Brad Maynes highlighted the proposed changes in the City Council Rules and Procedures. He stated the revised rules reflect the elimination of the first Call to the Public and rule #5 represents a total of five minutes per individual.

Councilmember Bohn displayed a Call to the Public Time Summary 2011.

It was moved by Councilmember Cooper, seconded by Muzzin to adopt the revised City Council Rules of Procedure as amended. A roll call vote was taken. Yes: Cooper, Muzzin, Schillinger. No: Bandkau, Bohn, Pipoly. Motion failed 3-3-1.

**CALL TO THE PUBLIC**

Mayor Bandkau opened the Call to the Public at 7:47 p.m. The following comments were heard:

Susan Walters-Steinacker thanked the businesses, individuals and firemen for helping her train her leader dog.

Keith Karp, Oh My Lollie, thanked Council for all that they do. He expressed his disappointment regarding the work stopping on the Imagination Station repairs. He stated business has diminished since the Imagination Station has closed.

Joyce Powers, 982 Hickory Drive, congratulated Council as democracy is alive and well in Brighton.

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Renee Pettengill, Brighton, stated the Imagination Station was one of the main reasons she moved to Brighton. She asked Council to communicate with business owners regarding the status of the Imagination Station.

Nicole Krawcki, Brighton Patch, introduced herself as a new reporter. She passed out business cards to Council and Staff.

Jackie Price, Friends of the Imagination Station Committee, asked City Council to authorize City staff to investigate reopening the Imagination Station. She stated they have volunteers and funds to help reopen the Imagination Station. She stated the work could be done in a weekend. She asked that the work be done as soon as possible.

Thaddeus McGaffey, business owner in Brighton, expressed the importance of the Imagination Station in downtown Brighton. He discussed the Principle Shopping District logo of "Shop, Dine, Play". The longer the park is closed, the more damaging it is on the City of Brighton.

Pat Cole, Brighton City, expressed her concern regarding the condition of the City after the Blues and Jazz Festival, as there was trash everywhere in the downtown area. She stated the sound level carried to the Devonshire area from the gazebo area and asked that this be looked at.

Hearing no further comment, the Call to the Public was closed at 8:07.

### **MINUTES APPROVAL**

It was moved by Mayor Pro-Tem Bohn, seconded by Cooper to approve the Regular Meeting minutes of September 1, 2011 as amended. Page 1, Call to the Public times, should read: 7:34 and 7:45 respectively. Motion passed 6-0-1.

It was moved by Councilmember Cooper, seconded by Bohn to approve the Closed Session minutes of September 1, 2011 as presented. Absent: Roblee. Motion passed 6-0-1.

### **CITIZEN INQUIRIES**

Susan Walters-Steinacker - Please explain why tax payers are now paying for trash pick up, but the city just wrote a check for \$2,485.00 to Rocket Enterprises to rotate our american flags? Why are city tax payers paying for something that many civic organizations have volunteered to do at "no" charge?

Susan Walters-Steinacker - Are any city monies being used to pay the charges from Waste Management for the compactor that was recently installed on Mill Pond Lane? If so, how much and why? Shouldn't all charges be the obligations of the commercial buildings/businesses that use it?

Susan Walters-Steinacker - Are council members paid for "non" public meetings? How is their attendance verified? Are council members paid for "non" city sanctioned meetings? Council members Roblee and Cooper billed the tax payers for more meetings than any other council members, including the mayor, How is this possible? Will the city put the council submitted for payment documents on line?

Patricia Cole, 802 Devonshire Blvd. - With the Call To The Public now being moved to the end of the Brighton City Council meeting, please help me understand how/when will the concerns/compliments/or whatever anyone speaking about will be addressed by Council. Please explain how this will make the Council meetings more "efficient" and "effective". Please explain the definitions of "efficient" and "effective". How will this improve Council meetings? Please explain how your votes for this change, are in the best interest of the citizens whom you are supposed to be representing. I am making a formal request for Brighton City Council to rethink and recind their action regarding Call To The Public.

Patricia A. Cole, 802 Devonshire Blvd. - This is my formal request for Council to vote in favor of the rewriting of the aproximately 55 year old City Charter, and to do what is necessary to establish the Charter Commission.

Patricia A. Cole, 802 Devonshire Blvd. - Please explain the Blue Sky Law and the meaning of "Blue Sky", and "Consent Agenda" as it applies to the Brighton City Council and Agenda and why they are not televised. Is it legal under the 7:00 pm Blue Sky meetings,for Brighton City Council to discuss and agree to pass items on the "Consent" portion of the Agenda?

Patricia A. Cole, 802 Devonshire Blvd. – Councilmembers Muzzin, Cooper, Schillinger and Pipoly, "publicly" explain how Council meetings were not "efficient" and "effective", and how they believe Council meetings will now be efficient with one Call to the Public.

Linda Dassori, 2276 Cherrywood Drive - The condition of the mill pond is dirty from debris and goose droppings and has a very bad odor. The closing of the Imagination Station is also going to create a situation where people no longer want to visit downtown Brighton. Volunteers are willing to do the repairs.

Kelly Ferencz, 9071 Wooden Shoe Ct. – I urge the City Council to consider making the necessary improvements to the Imagination Station ASAP to restore this area to fully operational conditions and assist the local businesses in keeping their doors open.

Patricia Cole, 802 Devonshire Blvd. - How long must taxpayers wait for the City Manager and his staff to follow a directive from Council regarding the weatherproof box for the Cemetery Rules and Regulations?

Mayor Bandkau read a letter regarding the exceptional performance of Scott Sage during a recent burial from Joanne Ellis Bellmard.

Councilmember Cooper stated he did not make a motion of support for the removal of the first Call to the Public.

City Manager, Dana Foster stated he would reply to the Citizen Inquiries at the October 6<sup>th</sup> City Council meeting.

### **AGENDA APPROVAL**

It was moved by Councilmember Cooper, seconded by Muzzin to approve the Consent and Action Agenda as amended. Move #10, Council Meeting Rules of Procedure to item #3a. Add item #3b, Call to the Public. Move to Consent Agenda from Action Agenda item #14, Draft Retreat Agenda. Delete item #9, DDA Façade Loan Program. A roll call vote was taken. Yes: Schillinger, Cooper, Bohn, Bandkau, Muzzin, Pipoly. No: none. Absent: Roblee. Motion passed 6-0-1. The following items were approved:

1. Approved Resolution 11-19, Amend the liquor license transfer for the Pi's Asian Cuisine Restaurant.
2. Received a report on the draft annual goal-setting retreat agenda.

It was moved by Councilmember Cooper, seconded by Pipoly to approve the Action Agenda as amended. Move from Action Agenda to Consent Agenda item # 14, Draft Retreat Agenda. Change #13, to read: "proposal to submit to one neighboring township in response to related request from officials of the subject township". Add item # 14a, Imagination Station discussion, item #17a, Michigan Tax Tribunal Closed Session and #17b, Possible action on MTT case. Move item #14a, Imagination Station discussion to the beginning of the Action Agenda. Motion passed 6-0-1.

### **IMAGINATION STATION DISCUSSION**

City Manager, Dana Foster stated the Imagination Station contamination situation has been turned in to the DEQ as a potential health hazard related risk exposure. The closing of the Imagination Station is having a negative impact on our City. We have a working agreement with the DEQ of what needs to be done to repair the Imagination Station and how. He discussed the need to get it delisted as a facility and that the City has a liability exposure.

It was moved by Councilmember Cooper, seconded by Muzzin to complete an RFP on repairs and necessary steps to reopen Imagination Station to include requirements and clearance of DEQ, insurance requirements, liability exposure, and qualifications of any/all responding to RFP and any and all options qualifying to properly reopen the park. The completed RFP shall be presented to City Council for consideration of approval to execute for next upcoming City Council meeting.

City Manager, Dana Foster stated recommended contract awards and or recommended proposals would be on the October 6<sup>th</sup> agenda for either volunteers or paid contractors and he confirmed that he would be authorized to contact the DEQ and/or City's Insurance Carrier regarding volunteers performing work/repairs.

Motion passed 5-1-1 with Councilmember Schillinger voting "no".

## **6-YEAR FINANCIAL FORECAST**

Finance Director, Kelly LaLonde displayed the General Fund Forecast Summary Spreadsheet as of June 21, 2011 and an updated Forecast as of September 7, 2011 with a difference of a \$65,000 increase in Ending Unreserved Fund Balance. She also displayed a slide of General Fund Forecast Unreserved Fund Balance, stating we have made progress over the past few years.

City Manager, Dana Foster discussed the future decrease in revenue.

Finance Director, Kelly LaLonde stated in the out-years, utilities and insurance premiums are going to increase and bargaining agreements have expirations, which will make the expenditure numbers increase.

## **BUDGET AMENDMENTS**

Council discussed the budget amendment suggestions of Police patrol cars, funding depreciation policy, street maintenance and to wait on additional amendments until after the City receives the audit results.

## **INTERGOVERNMENTAL UTILITY SERVICES RELATED PROPOSAL**

City Manager, Dana Foster stated Green Oak Township has received another proposal from a neighboring township for utility services. He needs authorization to release the proposal letter to Green Oak Township.

It was moved by Councilmember Cooper, seconded by Muzzin to present the proposal as drafted to the neighboring Township officials for consideration. Motion passed 6-0-1.

## **CITY CUSTOMER INFORMATION**

City Manager, Dana Foster displayed a slide: Average Annual Millage Rates Comparison, showing the Published Projected 1996 Street Bond: 1.2900, Actual 1996 Street Bond: 1.0328 and the Current Projected \$5.6 m 2012 Bond: 1.0109. He stated the Capital Improvement Citizens Advisory Task Force discussed a possible Bond Issue that is millage neutral, which City Council would need to put on the ballot.

Department of Public Services, Matt Schindewolf stated leaf bags will be available the last week in September with the leaf program starting the first of October. The Brighton's Musically Talented Youth Civic Event scheduled for September 23<sup>rd</sup> has been postponed.

Mayor Bandkau encouraged everyone to go see the 911 Memorial at the Grand River Fire Station. She thanked everyone involved in obtaining the piece of steel and coordinating the dedication. All of the funds and labor came from donations.

Councilmember Cooper gave a SELCRA update stating they are waiting for decisions from the officials regarding the Articles of Incorporation. He gave a ZBA update regarding the illuminated sign for the new Chamber building.

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Councilmember Pipoly gave a DDA update stating the West Street Parking Lot and demolition of the old Chamber Building bids came in below what was projected.

### **CALL TO THE PUBLIC**

Mayor Bandkau gave a Call to the Public at 9:49 p.m. The following comment was heard:

Pat Cole asked for the Citizens Inquiry answers to be given publicly.

Hearing no further comment, Mayor Bandkau closed the Call to the Public at 9:50 p.m.

### **PENDING MTT LITIGATION CLOSED SESSION**

It was moved by Councilmember Cooper, seconded by Muzzin to go into Closed Session regarding pending Michigan Tax Tribunal litigation, pursuant to MCL 15.268(e) at 9:50 p.m. A roll call vote was taken. Yes: Schillinger, Cooper, Bohn, Bandkau, Muzzin, Pipoly. No: none. Absent: Roblee. Motion passed 6-0-1.

The Council convened into Closed Session at 9:53 p.m.

The Council reconvened the Regular meeting at 10:06 p.m.

It was moved by Councilmember Muzzin, seconded by Pipoly to approve the settlement of Isam Kammo vs. City of Brighton as presented. 6-0-1

### **ADJOURNMENT**

It was moved by Councilmember Cooper, seconded by Muzzin to adjourn the meeting at 10:07 p.m. Motion passed 6-0-1.

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Diana Lowe, City Clerk

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Ricci Bandkau, Mayor