

**MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON**  
**HELD ON JANUARY 5, 2012 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 Muzzin, Mayor Pro-Tem Cooper, Councilmembers Schillinger, Bandkau, Bohn, Pipoly and Roblee. The Council reviewed the agenda items.

**REGULAR SESSION**

Mayor Muzzin 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 Muzzin, Mayor Pro-Tem Cooper, Councilmembers Schillinger, Bandkau, Pipoly, Roblee and Bohn. Also in attendance were Attorney Paul Burns and Brad Maynes and Staff members Dana Foster, Jennifer Burke, Diana Lowe, Amy Cyphert, Matt Schindewolf, Tom Wightman, Kelly Hanna, Matt Modrack and an audience of 10. Press and Media included Nicole Krawcke from The Patch and Tom Tolen from WHMI.

**MINUTES APPROVAL**

It was moved by Councilmember Bandkau, seconded by Cooper to approve the Regular Meeting minutes of December 15, 2011 as corrected. Page 2, Call to the Public, last paragraph, strike: She also stated the Memorial is being paid for by all taxpayers. Motion passed 7-0.

It was moved by Mayor Pro-Tem Cooper, seconded by Bandkau to table the Closed Session Meeting minutes of December 15, 2011. Motion passed 7-0.

It was moved by Mayor Pro-Tem Cooper, seconded by Bandkau to approve the Joint Meeting minutes of December 8, 2011 as presented. Abstain: Schillinger. Motion passed 6-0-1.

It was moved by Mayor Pro-Tem Cooper, seconded by Roblee to approve the Worksession minutes of December 13, 2011 as presented. Motion passed 7-0.

**CITIZEN INQUIRIES**

Susan Walters-Steinacker - Why does the DPS remove sidewalk snow on St. Paul, West, Hyne. First and West North streets? If the reason is city parking lot access, than why are the sidewalks on Second and East North streets not receiving snow removal?

City Manager, Dana Foster stated the sidewalk snow removal that is currently being performed by DPS Staff was established by City Council in the 1990's.

City Manager, Dana Foster stated Pat Cole inquired about the Veteran's Memorial Committee. He stated the City does not have a formal Veteran's Memorial Project Committee, Councilmember Bandkau has been formally appointed as a City Council liaison to such committee and there have been no City taxpayers funds expended for this project.

Councilmember Bandkau stated they have not had any official meetings yet.

### **AGENDA APPROVAL**

It was moved by Mayor Pro-Tem Cooper, seconded by Pipoly to approve the Agenda as amended. Add item #4a, December 8, 2011 Joint Meeting Minutes and item #4b, December 13, Worksession Minutes. Move from Consent Agenda to Action Agenda item #8, Excelda Site Plan. Move from Action Agenda to Consent Agenda item #10, Pay Study. Change the wording of item #10, Consider a motion to authorize the City Manager to obtain a proposed contract... Motion passed 7-0.

It was moved by Councilmember Bandkau, seconded by Roblee to approve the Consent Agenda. Motion passed 7-0.

The following items were approved on the Consent Agenda

1. Authorized the City Manager to sign and execute an intergovernmental contract for I.T. Services to be provided by the City of Howell's I.T. department after final review and approval by the City Attorney and subject to changes in the draft contract to address the following additional items:
  - Access list – permit or deny. Deny all with the exception of the Howell IT staff only. (Limited by MAC address, Port, ACL).
  - How to address a virus or infection from organization's systems getting across to the other's systems.
  - SPAM filter & Firewall between (This would be extended from the existing setup of extranet to also address this proposed intranet configuration).
  - Ship Log/System Auditing off site. This ensures that if an IT person errors then the logs would not be altered.
2. Authorized the City Manager to obtain a contract proposal from the Michigan Municipal League's Staff to conduct a market comparison study of the pay and benefits for administrative non-union employees with other comparable Michigan city governments at the \$1,800, \$3,600 and \$5,400 levels for future City Council action.

### **CALL TO THE PUBLIC**

Mayor Muzzin opened the Call to the Public at 7:43 p.m. The following comments were heard:

Susan Walters-Steinacker stated Council approved minutes that were not on the agenda. She also stated she serves on the CIP Task Force and she is against the millage proposal, as the City cannot afford it. The proposed parking garage will be smaller and cost more. The PSD needs to be monitored.

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Pat Cole, Brighton City, requested to be on the Veteran's Memorial Fund Committee. How can people make tax-deductible donations if they are not 501c Non-Profit? The POW flag goes beneath the United States flag.

Brian Bradford stated he is on the Veteran's Memorial committee and City tax dollars will not be used for the project. The American Spirit Center will facilitate the project, which is 501c Non-Profit.

Mary Holliday, Brighton City Resident, commented on an article published in the December 27, 2011 Press & Argus regarding the DDA. She questioned if the Bombardier purchased by the DDA for snow removal was meeting the needs of the City. She agreed that too many funds are being spent on the downtown area and not residential.

Susan Walters-Steinacker expressed her displeasure with fees she pays to the City.

Hearing no further comments, Mayor Muzzin closed the Call to the Public at 8:00 p.m.

### **EXCELDA SITE PLAN**

Matt Modrack briefed the City Council on the proposed Excelda Site Plan, explaining this is the former Chamber of Commerce site. He described the details of the project.

Piet Lindhout, Lindhout Associates Architects, introduced Geri Barr, VP-Human Resources, Eric Adams, VP-Operations from Excelda and Holly Osterhout and John Eckstein from his office.

Geri Barr stated Excelda has been in business 82 years and this office will be their new headquarters. It will employ 37-50 employees. There are two employees in the Phoenix location and 158 in Livingston County.

Piet Lindhout gave further details regarding the project, pointing out the environmental parts of the plan.

Matt Modrack stated Excelda has agreed to a "parking at night" agreement for their 23 parking spaces to be available in regards to the recent Parking Study.

It was moved by Mayor Pro-Tem Cooper, seconded by Schillinger conditional site plan approval for the Excelda Office Building at 131 Hyne Street #11-014 as depicted on plans prepared by Boss Engineering, sheets, 1-10, project no. 11-216, last dated 12-6-11 and the plans prepared by Lindhout Associates, sheets A1.1, A1.2, and A2.1, project no. 1153, last dated 12-7-11 subject to the following:

1. That all signage comply with applicable Ordinances or variances obtained.
2. That right of way permits be obtained from the Department of Public Services for work within the right of way.
3. That any damages done to the existing sidewalk be repaired to current condition or DDA standards as noted on the plans.
4. The items raised in the City Engineer's letter are addressed during the construction review.

Motion passed 7-0.

### **CHIP AND SEAL PAVEMENT MAINTENANCE**

Department of Public Services Director, Matt Schindewolf briefed the Council on the proposed Chip and Seal pavement maintenance projects. He discussed the benefits of using this process, which is done to extend the life of the existing pavement by three to nine years.

It was moved by Mayor Pro-Tem Cooper, seconded by Bandkau to table the competitive bidding process for the proposed Chip and Seal pavement maintenance projects until City Council receives the Financial Forecast at the January 19<sup>th</sup> City Council meeting. Motion passed 7-0.

### **VOLUNTEER PROGRAM**

City Manager, Dana Foster gave a report regarding staff work to date pursuant to the City Council-established goal regarding the Development of Volunteer programs for City Service Delivery. He discussed various potential projects of beautification and maintenance volunteers may perform.

### **GOALS PROGRESS REPORT**

City Manager, Dana Foster gave a current year City Council-adopted Goals' Progress report with Progress Scores.

### **CITY CUSTOMER INFORMATION**

City Manager, Dana Foster clarified a point from the January 3rd Focus Group meeting regarding a voter approved millage from the 1990's. How do we calculate the street millage each year? May 19<sup>th</sup>, 2011 Council adopted the annual millage. This includes debt millage, which is calculated after the March Board of Review. Debt Millage is calculated in May for the July tax bills. The debt millage is calculated to collect exactly the amount for that year's debt service payment.

Mayor Pro-Tem Cooper stated SELCRA is receiving Recreation Leadership Award to Derick Smith and The MRPA Design Award for their Web Site.

Councilmember Roblee gave a PSD update, stating they are working on the 2012 Marketing Campaigns.

Councilmember Pipoly stated the cost-sharing request for the snow removal equipment was presented to the DDA and a recommendation will come at the next meeting.

### **CALL TO THE PUBLIC**

Mayor Muzzin gave a Call to the Public at 9:37 p.m. The following comments were heard:

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Pat Cole, Brighton City, expressed her concern regarding the comments from Brian Bradford. She requested Council rescind Resolution 11-24, stating the City will not be responsible for the funds or collecting the funds. She stated she had to contact the City to have a neighbor's couch removed from the City's right-of-way.

Hearing no further comment, Mayor Muzzin closed the Call to the Public at 9:43 p.m.

Mayor Pro-Tem Cooper stated some of Ms. Cole's email was terse and accusatory of Staff regarding the removal of the couch that was recently placed in the City's right-of-way by her neighbor. He asked that Staff be treated with respect.

Councilmember Bohn suggested to expand the website so residents have an opportunity to report these types of Code violation problems.

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

It was moved by Councilmember Schillinger, seconded by Roblee to go into Closed Session to discuss pending litigation of Michigan Tax Tribunal matters pursuant to MCL 15.268(e) at 9:48 p.m. A roll call vote was taken. Yes: Schillinger, Bohn, Cooper, Muzzin, Bandkau, Roblee, Pipoly. No: none. Motion passed 7-0.

The Council convened into Closed Session at 9:50 p.m.

The Council reconvened the Regular Session at 10:15 p.m.

It was moved by Councilmember Pipoly, seconded by Roblee to authorize settlement in the Brighton Cove, Brighton Glens and Brighton Commercial Michigan Tax Tribunal pending litigations as recommended by the City Attorney. Motion passed 7-0.

#### **ADJOURNMENT**

It was moved by Councilmember Roblee, seconded by Bandkau to adjourn the meeting at 10:16 p.m. Motion passed 7-0.

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Diana Lowe, City Clerk

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Jim Muzzin, Mayor