

**MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON**  
**HELD ON AUGUST 1, 2013 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, Councilmembers Bohn, Bandkau, Schillinger, Roblee and Pipoly. The Council reviewed the evening's agenda.

**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, Councilmembers Bandkau, Pipoly, Schillinger, Roblee and Bohn. Also in attendance were Attorney Paul Burns, Staff members Dana Foster, Dave Blackmar, Denise Meier, Diana Lowe, Jennifer Burke, Amy Cyphert, Matt Modrack and Tom Wightman and an audience of 2. Press and Media included Jim Totten of Livingston County Press & Argus and Tom Tolen of WHMI.

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

**AGENDA APPROVAL**

It was moved by Councilmember Pipoly, seconded by Roblee to approve the agenda as amended. Add to item #14, Regarding Pending Litigation. Add item #14a, Pending Litigation Closed Session Action. Motion passed 6-0-1.

**MINUTES APPROVAL**

It was moved by Councilmember Roblee, seconded by Bohn to approve the Regular Meeting minutes of July 18, 2013 as corrected. Page 5, City Customer Information, eighth paragraph, second sentence, should read: "Councilmember Bohn", not "himself". Motion passed 5-0-1-1, with Councilmember Schillinger abstaining.

It was moved by Councilmember Bohn, seconded by Bandkau to approve the Closed Session minutes of July 18, 2013 as presented. Motion passed 5-0-1-1, with Councilmember Schillinger abstaining.

**CITIZEN INQUIRIES**

None.

**CALL TO THE PUBLIC**

Mayor Muzzin opened the Call to the Public at 7:34 p.m. The following comments were heard:

Pat Cole, Brighton City, inquired as to the purpose of the Blue Sky Session and objected to Council's discussion regarding possible Headlee Millage Lid Override Ballot proposal.

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City Manager, Dana Foster stated the Blue Sky Session is on the agenda to review and discuss the agenda items.

Hearing no further comment the Call to the Public was closed at 7:37 p.m.

### **CONSENT AGENDA**

It was moved by Councilmember Bohn, seconded by Pipoly to approve the Consent Agenda as presented. Motion passed 6-0-1.

The following items were approved:

1. Approved a site plan extension for the Veterans Memorial, last dated 4-3-2012, as drawn by Lindhout Associates, job #1229, subject to the following conditions:
  1. That irrigation is provided for the new planting beds.
  2. That right of way permits are obtained from the Department of Public Services, if applicable.
  3. That any damages done to the existing public sidewalk be repaired to current condition.
  4. That an engineering review be conducted during the building permit process, if applicable.

### **MEDC GRANT PUBLIC HEARING**

Mayor Muzzin opened the Public Hearing to review completed projects funded with MEDC grants at 7:41p.m. The following comments were heard:

DDA/Community Development Director, Matt Modrack gave a slide presentation regarding the MSC 209195- CDI grant for infrastructure and façade for the Main-West Crosswalk, West Street Parking Lot, North Street Crosswalk and improvements, West Street improvements, North Street Parking Lot and Champ's Pub Façade. He gave a slide presentation regarding the MSC 211004- CDF grant for the Mayday Building façade improvements.

City Manager, Dana Foster stated the DDA was not a party or signatory on any loans for the projects.

It was moved by Councilmember Roblee, seconded by Pipoly to direct City Staff to submit formal grant closeout documentation to MSHDA for grants MSC 209195-CDI and MSC 211004- CDF. A roll call vote was taken. Yes: Schillinger, Bohn, Bandkau, Muzzin, Roblee, Pipoly. No: none. Absent: Cooper. Motion passed 6-0-1.

### **POSSIBLE HEADLEE MILLAGE LID OVERRIDE BALLOT PROPOSAL**

City Manager, Dana Foster explained Capital Improvement funding history. He presented language drafted by the City Attorney for a possible Headlee Millage Lid Override Ballot proposal for the November, 2013 election.

There was Council discussion regarding borrowing funds, debt coming off the books in future years, pay-as-you-go, the period for the levy of the mills going from 15 to 10 years, prioritizing streets to be improved, and investment to the City, a spending plan for the funds generated, a list of projects we have not had funding for in the past few years.

Mayor Muzzin read the draft Millage Election Language for each of the four proposals.

It was moved by Councilmember Pipoly, seconded by Bandkau to approve the following ballot proposal language for the November 5, 2013 General Election:

Shall the City of Brighton, for the purpose of improvement, repair and maintenance of public streets, public sidewalks and public storm drainage facilities, levy up to 1.2500 mills (\$1.2500 per thousand dollars of taxable value on all real and personal property) for a period of ten (10) years, 2014-2023, inclusive? If this new millage is approved and levied in December 2013, the estimated amount of revenue that would be collected in the first year would be approximately \$487,061.21.

Shall the City of Brighton, for the purpose of purchasing and maintaining public safety equipment, which may include patrol vehicles, body armor, weapons and law enforcement-related technology, levy up to 0.3800 mills (\$0.3800 per thousand dollars of taxable value on all real and personal property) for a period of ten (10) years, 2014-2023, inclusive? If this new millage is approved and levied in December 2013, the estimated amount of revenue that would be collected in the first year would be approximately \$148,066.61.

Shall the City of Brighton, for the purpose of improvement, repair and maintenance of public buildings and public parks, levy up to 0.3700 mills (\$0.3700 per thousand dollars of taxable value on all real and personal property) for a period of ten (10) years, 2014-2023, inclusive? If this new millage is approved and levied in December 2013, the estimated amount of revenue that would be collected in the first year would be approximately \$144,170.12.

Shall the City of Brighton, for the purpose of replacing the existing residential rubbish collection fee, levy up to 1.1580 mills (\$1.1580 per thousand dollars of taxable value on all real and personal property) for a period of ten (10) years, 2014-2028, inclusive? If this new millage is approved and levied in December 2013, the estimated amount of revenue that would be collected in the first year would be approximately \$451,213.51.

A roll call vote was taken. Yes: Schillinger, Bohn, Muzzin, Bandkau, Roblee, Pipoly. No: none. Absent: Cooper. Motion passed 6-0-1.

### **CITY CUSTOMER INFORMATION**

City Manager, Dana Foster gave a Third Street sewer repair update and stated Wastewater Treatment Plant incline pump removal has occurred.

Mayor Muzzin thanked Dana Foster, DPS, Police, Fonson Construction and the residents for working together on the 3<sup>rd</sup> Street sewer repair.

City Manager, Dana Foster stated a resident offered electrical service to Fonson Construction to help with the repair.

Councilmember Bandkau gave a Veteran's Memorial Improvement update.

Councilmember Roblee stated this weekend is the Fine Art and Acoustical Music Festival. 88 artists will be coming to the City of Brighton. The 27 pieces of Plein Air art will be voted on by the public this weekend and Sunday the winners will be announced.

Councilmember Pipoly urged everyone to read the newspaper article in The Currant regarding Chief Wightman.

### **CALL TO THE PUBLIC**

Mayor Muzzin gave a Call to the Public at 8:45 p.m. The following comment was heard:

Pat Cole, Brighton City, accused the Council of making decisions in Blue Sky Session.

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

Mayor Muzzin read the from Webster's dictionary the definition of "decision". He stated City Council did not come to any resolution in the Blue Sky Session.

City Attorney, Paul Burns stated that Blue Sky is an open public meeting. Years ago the Council decided it would not take votes at the Blue Sky Session because it was, in nature, a worksession to get ready for the Regular Council meeting. Council may take action at the Blue Sky Session, it is not illegal. The main meeting is televised, but there is no legal obligation to televise the meeting.

### **PENDING LITIGATION CLOSED SESSION**

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

The Council convened into Closed Session at 8:52 p.m.

The Council reconvened the Regular Session at 8:55 p.m.

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

It was moved by Councilmember Bandkau, seconded by Pipoly to authorize the proposed settlement for the North Street Partners Michigan Tax Tribunal litigation for 2012 and 2013. Motion passed 6-0-1.

It was moved by Councilmember Pipoly, seconded by Roblee to authorize the City Attorney to dismiss the City of Brighton vs. Buon Gusto litigation as they have come into compliance with our Ordinance regarding the mirrored windows. Motion passed 6-0-1.

### **ADJOURNMENT**

It was moved by Councilmember Roblee, seconded by Bohn to adjourn the meeting at 8:57 p.m. Motion passed 6-0-1.