

**MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON**  
**HELD ON APRIL 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, 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, Councilmembers Schillinger, Bandkau, Pipoly, Roblee and Bohn. Also in attendance were Attorney Paul Burns and Brad Maynes, Livingston County Building Inspector Jim Rowell and Staff members Dana Foster, Kelly Hanna, Jennifer Burke, Diana Lowe, Amy Cyphert, Dave Blackmar, Tom Wightman, Matt Modrack and an audience of 12. Press and Media included Nicole Krawcke from The Patch and Tom Tolen from WHMI.

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

**AGENDA APPROVAL**

It was moved by Councilmember Roblee, seconded by Schillinger to approve the Agenda amended. Add item #8a, PSD appointments. Move from Action Agenda to Consent Agenda item #16, Exempt Signs First Reading. Motion passed 6-0-1.

**MINUTES APPROVAL**

It was moved by Councilmember Roblee, seconded by Pipoly to approve the Regular Meeting minutes of March 15, 2012 as presented. Motion passed 6-0-1.

It was moved by Councilmember Bandkau, seconded by Bohn to approve the three Closed Session minutes of March 15, 2012 as presented. Motion passed 6-0-1.

It was moved by Councilmember Roblee, seconded by Bandkau to approve Worksession minutes of February 23, 2012 as presented. Motion passed 6-0-1.

It was moved by Councilmember Bohn, seconded by Bandkau to approve Worksession minutes of March 20, 2012 as presented. Motion passed 6-0-1.

It was moved by Councilmember Bohn, seconded by Pipoly to approve Worksession minutes of March 22, 2012 as presented. Councilmember Schillinger abstained. Motion passed 5-0-1-1.

It was moved by Councilmember Bohn, seconded by Bandkau to approve Worksession minutes of March 27, 2012 as presented. Motion passed 6-0-1.

City Council  
April 5, 2012  
Page 2

### **EAGLE SCOUT**

Mayor Muzzin read an Eagle Scout Proclamation for Jacob Tuthill and presented it to him.

Jacob Tuthill stated his Eagle Scout project was to inventory the storage barn at St. Mary Magdalene, built shelving units and donated extra items from storage to the Salvation Army and Habitat for Humanity.

### **CITIZEN INQUIRIES**

Mayor Muzzin read the following Citizen Inquiries:

Susan Walters-Steinacker – Please explain why the DDA is not paying for Mr. Modrack's salary, benefits and car allowance? If not why not?

Susan Walters-Steinacker - please state the dollar amount of captured tax dollars payed in 2011 and will be payed in 2012 to the following: 1) Brighton Chamber of Commerce 2) SBTDC- Nancy Johnson 3) Selcra.

Susan Walters-Stienacker - Shouldn't city council approve any and all newspaper articles that are written when discussing city business and or policies? And if not why not?

City Manager, Dana Foster stated he is not paid for the current related columns and he is representing his view only.

Mayor Muzzin stated City Council is supplied copies of the articles before they are published.

City Attorney, Paul Burns discussed the Susan Walters-Steinacker inquiry regarding the DDA members that have not taken oaths of office able to view Attorney Client privilege documents. He stated all DDA members have taken the oaths.

### **CALL TO THE PUBLIC**

Mayor Muzzin opened the Call to the Public at 7:42 p.m. The following comments were heard:

Steve Monet, Gleaner's Community Food Bank, asked for support for the 10<sup>th</sup> annual Fill the Gazebo Food Drive on May 5<sup>th</sup> from 10:00 a.m. to 2:00 p.m. They are looking for food that children like. The Livingston County Association of Realtors has been of great support for this project.

Mike Monroe, 427 W. Main Street, passed out packets of information to the Council regarding Andre Jewelers melting gold.

Andre Duscio, Andre Fine Jewelers, clarified they are melting gold, not smelting.

Mike Monroe read letters regarding green smoke and fumes coming out of Andre Jewelers and people are getting sick from it.

Andre Duscio, stated on one incident, they had a piece of wax accidentally get melted and it caused white smoke. He explained the gold melting process.

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

Jim Rowell, Livingston County Building Inspector, stated they received a complaint regarding smoke coming from Andre Jewelers, they shut down the gold melting process immediately and it was inspected and a new exhaust system is being installed to help the process.

### **CONSENT AGENDA**

It was moved by Councilmember Schillinger, seconded by Bohn to approve the Consent Agenda. A roll call vote was taken. Yes: Schillinger, Bohn, Muzzin, Bandkau, Roblee, Pipoly. No: none. Absent: Cooper. Motion passed 6-0-1.

The following item was approved on the Consent Agenda:

1. Appointed Thaddeus McGaffey and Peggy Tuggle to the Principle Shopping District.
2. Approved a recent administrative staff proposal to a citizen for a modified location of City cemetery plots.
3. Approved an amendment to the Genoa-Dillon Street intergovernmental water utility service agreement as proposed by the Genoa Charter Township Board of Trustees subject to final approval by the City Attorney.
4. Approved Resolution 12-05, Charitable Gaming License for a raffle at the SELCRA golf outing.
5. Approved the 2012 civic event permit applications.
6. Approved Resolution 12-06, MERS Service Credit purchase by an employee at the employee's expense.
7. Approved the date of April 19, 2012 Conduct public hearing to receive public input for the close-out of the work on a MSHDA grant as required by the MEDC.
8. Approved First Reading for the proposed amendments to Chapter 66, Article I, Section 66-2, Definitions, Section 66-4, Exempt Signs and the addition of 66-100, Downtown Business District (DBD) and set a public hearing for April 19, 2012.

### **COMMUNITY CENTER USAGE/RENTALS**

Derek Smith, SELCRA Director, discussed the proposed changes to the rental fees for the Community Center.

It was moved by Councilmember Schillinger, seconded by Bandkau to adopt the proposed the pricing breakdown as proposed by the SELCRA Director for the Community Center usage/rentals effective immediately. Motion passed 6-0-1.

### **UPDATED DEBT MANAGEMENT POLICY**

Finance Director, Kelly Hanna highlighted the changes in the updated Debt Management Policy.

It was moved by Councilmember Schillinger, seconded by Roblee to adopt the Updated Debt Management Policy, to be effective April 5, 2012. Motion passed 6-0-1.

### **ANNUAL PUBLIC HEARING BUDGET NOTICE**

City Manager, Dana Foster discussed the General Fund Summary Six Year Financial Forecast and Trend Chart.

The following motions were made for the staff to publish a notice for the annual public hearing on the City Council's proposed City Budget for Fiscal Year 12-13 and Fiscal Year 11-12 Budget Amendments:

It was moved by Councilmember Bandkau, seconded by Pipoly to approve the Millpond Algae Treatment – \$4,000 FY 11/12. Motion passed 5-1-1, with Councilmember Bohn voting “no”.

It was moved by Councilmember Bohn, seconded by Pipoly to approve Cemeteries contracted brush removal - \$5,000 FY 11/12. Motion passed 6-0-1.

It was moved by Councilmember Roblee, seconded by Schillinger to approve Millpond Algae Treatment – \$4,000 FY12/13. Motion passed 5-1-1 with Councilmember Bohn voting “no”.

It was moved by Councilmember Schillinger, seconded by Bandkau to approve Pavement Marking - \$20,000 FY 12/13. Motion passed 6-0-1.

It was moved by Councilmember Roblee, seconded by Pipoly to approve ROW Tree Plantings & maintenance – \$10,000 FY12/13. Motion passed 6-0-1.

It was moved by Councilmember Bohn, seconded by Pipoly to approve Conferences & Training for Staff only - \$16,000 FY12/13. Motion passed 6-0-1.

It was moved by Councilmember Roblee, seconded by Bandkau to approve Conferences & Training for two City Councilmembers to attend MML Conferences - \$1,500 FY 12/13. Motion passed 4-2-1, with Councilmembers Bohn and Muzzin voting “no”.

It was moved by Councilmember Schillinger, seconded by Bandkau to approve Equipment Replacement Reserve for Non-utilities for \$77,139. Motion passed 5-1-1, with Mayor Muzzin voting “no”.

It was moved by Councilmember Pipoly, seconded by Roblee to approve Downtown Police Services Overtime increase of \$25,000 to be funded by DDA allocation. Motion passed 6-0-1.

It was moved by Councilmember Schillinger, seconded by Pipoly to approve City Manager's Utilities Fund allocations: Challis plant, Sewer Camera - \$120,000. Motion passed 6-0-1.

City Council  
April 5, 2012  
Page 5

It was moved by Councilmember Bohn, seconded by Schillinger that either through DDA Fund allocation or budget surplus from the DDA the amount of \$200,000 to the General Fund. A roll call vote was taken. Yes: Bandkau, Bohn, Schillinger. No: Muzzin, Pipoly, Roblee. Absent: Cooper. Motion failed 3-3-1.

### **CITY CUSTOMER INFORMATION**

City Manager, Dana Foster stated Nancy Johnson will be conducting the Tapestry presentation on April 19<sup>th</sup> for City Council. He discussed the concerns of Mike Monroe and a letter to Mr. Duscio.

Councilmember Bohn gave a Budget and Finance Subcommittee update stating they received the results of the benefit and wage survey.

Councilmember Roblee gave a PSD update, stating they finalized all marketing promotion until the end of the fiscal year and they received the Tapestry presentation. There was a good turnout for clean up of Imagination Station and they need volunteers on April 14<sup>th</sup> from 9:00 a.m. to 12:00 p.m. for another cleanup. There is diaper drive going on this month at local business.

Councilmember Pipoly stated the DDA closed on the 121 North Street property and the building will be demolished.

Mayor Muzzin stated there were 55 volunteers for the Imagination Station clean up. He received a letter of thanks from Cheryl Kemmerling of Jacks Custard for the Imagination Station being ready for spring.

### **CALL TO THE PUBLIC**

Mayor Muzzin gave a Call to the Public at 10:00 p.m. The following comment was heard:

Mike Monroe, displayed a picture of Andre's Jewelers vent, stating four people were ill because of the exhaust and expressed his concerns regarding future tenants of this building. Mr. Andre received a permit from the DEQ and he ask City Council to protect the citizens of the City of Brighton and keep this operation in an industrial area.

Jim Starns, Two Brothers Coffee, stated he witnessed smoke coming out of Andre's Jewelers one day and it made him ill.

Andrea Duscio stated there was only one accident, melting of gold will not produce any hazardous fumes and apologized for the accident last year. They are not melting anything that will cause harmful fumes and he will be happy to show Council the new exhaust once it is installed.

Mr. Monroe suggested Council start an Ordinance.

Hearing no further comments, the Call to the Public was closed at 10:11 p.m.

City Council  
April 5, 2012  
Page 6

**ADJOURNMENT**

It was moved by Councilmember Roblee, seconded by Pipoly to adjourn the meeting at 10:11 p.m. Motion passed 6-0-1.

---

Diana Lowe, City Clerk

---

Jim Muzzin, Mayor