

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON AUGUST 15, 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, Cooper, 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. Present were Mayor Muzzin, Councilmembers Bandkau, Pipoly, Schillinger, Cooper, Roblee and Bohn. Also in attendance were Attorney Brad Maynes, Staff members Dana Foster, Dave Blackmar, Kelly Hanna, Diana Lowe, Denise Meier and Tom Wightman and an audience of 1. Press and Media included Tom Tolen of WHMI.

AGENDA APPROVAL

It was moved by Councilmember Bandkau, seconded by Roblee to approve the agenda as amended. Delete item #8, SELCRA appointment. Move to the Action Agenda from the Consent Agenda item #9, DDA Appointment. Add to item #17, For MTT Pending Litigation. Add item #17a, Closed Session Action. Motion passed 7-0.

MGFOA PRESENTATION

City Manager, Dana Foster stated that the City has received its fourth consecutive Certificate of Achievement for Excellence in Financial Reporting, which is the highest award from GFOA. Kelly Hanna and Denise Meier were present.

Kelly Hanna stated this is truly an organizational award. Part of the purpose of the award is to improve upon processes.

Mayor Muzzin congratulated the Finance Department for this achievement.

MINUTES APPROVAL

It was moved by Councilmember Bandkau, seconded by Bohn to approve the Regular Meeting minutes of August 1, 2013 as presented. Motion passed 6-0-1, with Mayor Pro-Tem Cooper abstaining.

It was moved by Councilmember Bohn, seconded by Pipoly to approve the Closed Session minutes of August 1, 2013 as presented. Motion passed 6-0-1, with Mayor Pro-Tem Cooper abstaining.

CITIZEN INQUIRIES

Mayor Muzzin stated a Citizen Inquiry was received and forwarded to the City Attorney, which will be addressed at the next City Council meeting.

CALL TO THE PUBLIC

Mayor Muzzin opened the Call to the Public at 7:43 p.m. Hearing none, the Call to the Public was closed.

CONSENT AGENDA

It was moved by Mayor Pro-Tem Cooper, seconded by Roblee to approve the Consent Agenda as presented. Motion passed 6-0-1.

The following item was approved:

1. Approved the Quarterly Investment Report.

DDA BOARD APPOINTMENT

Mayor Muzzin stated Claudia Roblee has applied for the vacancy on the DDA Board. He asked that the City Attorney opine on the possibility of three Councilmembers serving on the DDA Board at the same time.

It was moved by Councilmember Pipoly, seconded by Bandkau to table the DDA Board appointment to the next meeting. Motion passed 7-0.

CODE VIOLATIONS

City Manager, Dana Foster updated the Council on the code violations at 8589 W. Grand River. He stated the property owner has hired an Engineer and they are working to rectify two of the code violations.

City Attorney, Brad Maynes stated Building Official, Jim Rowell has communicated with the property owner and has seen a slight effort to rectify the Code violations.

There was Council discussion regarding a timeline of when the violations will be improved, when to file a lawsuit, temporary barricades, safety concerns, insurance coverage and exposure to the City, and the previous direction that if compliance is not achieved the City Attorney is to initiate a lawsuit in the Livingston County Circuit Court to enforce compliance.

PROPOSED PROJECTS FOR MILLAGE LID OVERRIDE BALLOT PROPOSALS

City Manager, Dana Foster discussed how to allocate the annual stream of funds from the first three ballot proposals on the November ballot. He gave a slide presentation on Street and Storm work projects including the Northwest neighborhood and various streets that will be improved until the year 2023; he added figures to include sidewalks; Public Safety Equipment and Public Buildings and Public Parks Preliminary List of Possible Uses.

COUNCIL GOAL-SETTING RETREAT DATE

The Council tentatively set November 9 & 10, 2013 for the annual Goal Setting Retreat.

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CITY CUSTOMER INFORMATION

Mayor Pro-Tem Cooper welcomed Genoa Township back to SELCRA. He stated there is a vacancy on the SELCRA Board.

Councilmember Bandkau stated the Veteran's Memorial dedication will be November 9th or 10th.

Councilmember Roblee stated 1300 votes were cast by the public for the Plein Air art. She discussed the Brighton Farm to Table project to help encourage the Farmers Market.

Councilmember Pipoly stated Councilmember Bohn, himself and the City Attorney met with the City Manager regarding the City Manager's contract and requested that there be an agenda item on the next Council meeting agenda.

City Attorney, Brad Maynes stated he would speak to the City's Labor Attorney regarding the City Manager's Contract for the meeting agenda.

Mayor Muzzin gave a Brighton Area Fire Authority update.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 9:17 p.m. The following comment was heard:

Pat Cole, Brighton City, asked when proposal #4, Rubbish Collection Fee, would be discussed. Do we revert back to the Headlee cap at the end of 10 years? If any of the four proposals pass, what happens to the other three? What effect does it have over Headlee?

Hearing no further comment, the Call to the Public was closed at 9:22 p.m.

City Manager, Dana Foster stated our Operating Millage is at the Headlee cap. If any of the ballot proposals pass, it is those amounts that would be levied above the operating millage. At the end of 10 years we would be back at our Operating Millage and Headlee lid/cap. The Rubbish Collection Fee would replace the existing Refuse User Fee.

PENDING LITIGATION CLOSED SESSION

It was moved by Mayor Pro-Tem Cooper, seconded by Pipoly 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, Cooper, Pipoly. No: none. Motion passed 7-0.

The Council convened into Closed Session at 9:29 p.m.

The Council reconvened the Regular Session at 9:36 p.m.

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PENDING LITIGATION CLOSED SESSION ACTION

It was moved by Councilmember Bohn, seconded by Cooper to authorize the City Attorney to settle the Sundance Michigan Tax Tribunal litigation as discussed in Closed Session. Motion passed 7-0.

ADJOURNMENT

It was moved by Councilmember Bandkau, seconded by Roblee to adjourn the meeting at 9:37 p.m. Motion passed 7-0.

Diana Lowe, City Clerk

Jim Muzzin, Mayor