

**MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON**  
**HELD ON JUNE 2, 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, Councilmembers Schillinger, Muzzin, Bohn, Roblee and Pipoly. The Council reviewed the agenda items.

**REGULAR SESSION**

Mayor Bandkau 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 Bandkau, Councilmembers Schillinger, Bohn, Muzzin, Roblee and Pipoly. Also in attendance were Attorney Paul Burns and Staff members Dana Foster, Diana Lowe, Jennifer Burke, Matt Schindewolf, Tom Wightman and an audience of 10. Press and Media included Tom Darling from WHMI and John Branstetter, The Patch.

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

**MINUTES APPROVAL**

It was moved by Councilmember Muzzin, seconded by Schillinger to approve the Regular Meeting minutes of May 19, 2011 as presented. Motion passed 6-0-1.

It was moved by Councilmember Schillinger, seconded by Pipoly to table the Closed Session minutes of May 19, 2011 as presented. Motion passed 6-0-1.

**CALL TO THE PUBLIC**

Mayor Bandkau gave a Call to the Public at 7:32p.m. The following comments were heard:

Susan Walters-Steinacker spoke in support of the Bonner's regarding the pending litigation. She discussed the increase in water rates.

Pat Cole, Brighton City stated Councilmember Schillinger should abstain from voting on Corrigan issues.

Hearing no further comment, the Call to the Public was closed at 7:42 p.m.

Mayor Pro-Tem Bohn stated the motion that Councilmember Schillinger voted on in December was for a property donation from Corrigan.

Councilmember Muzzin stated it is standard not to comment on pending litigation and that Ms. Walters-Steinacker works for the Bonner's/Attorney Dubuc.

### **CITIZEN INQUIRIES**

Susan Walters-Steinacker, 907 Brighton Lake Road, In the event of a weather emergency during a downtown civic event, what is the cities policy/procedure for protecting the health, safety and welfare of those in attendance?

Police Chief, Tom Wightman stated any Police officer on duty during a Civic Event would receive information regarding a weather emergency from Livingston County Central Dispatch and would contact the event holder which may close down the event and sending people home or take cover in the City Council Chambers.

Cathy Levinson, 9 Newfield Dr, Buffalo Grove, Illinois, is it possible to get a 50th anniversary greeting from the Mayor of Brighton, sent to my aunt and uncle who are residents there?

Mayor Bandkau stated she would be more than happy to send an anniversary card to Ms. Levinson's aunt and uncle.

### **AGENDA APPROVAL**

It was moved by Mayor Pro-Tem Bohn, seconded by Muzzin to approve the Consent Agenda as amended. Delete item #10a, Officer's Compensation Commission appointment and item #10b, SELCRA Representative appointment. A roll call vote was taken. Yes: Schillinger, Bohn, Bandkau, Muzzin, Roblee, Pipoly. No: none. Absent: Cooper. Motion passed 6-0-1. The following items were approved:

1. Approved Traffic Control Order #160 for Flint Road and #161 for Challis Road.
2. Approved Resolution 11-09, Adopt a Title VI Plan to incorporate the City of Brighton's existing non-discrimination policies into a new "Title VI Non-Discrimination Plan".

It was moved by Councilmember Schillinger, seconded by Roblee to approve the Action Agenda as amended. Delete item #11, SELCRA allocation and #12, SELCRA Bylaws. Replace item #11, with Approval of an application for an Industrial Facilities Tax Exemption Certificate for Personal Property for TG Fluids. Add item #15a, Prescription Card and Co-pay Plan. Motion passed 7-0.

### **TG FLUID SYSTEMS IFT APPLICATION**

City Manager, Dana Foster stated he toured the TG Fluid Systems USA Corporation of Brighton. He stated this corporation produces tubing for various locations and has recently won a contract for additional car manufacturers. If the Council votes to approve the proposed application, it will help the Brighton facility to have the new contract, equipment and employees as opposed to a Kentucky facility. This would also help achieve some of the City Council's goals of the 8 Assets of the 21st Century Communities.

Scott Maly, TG Fluid Systems gave a presentation regarding the Corporation. He described their various locations, gave an overview of sales, employees, investment, parts, history, quality awards, new programs and gave a plant summary.

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It was moved by Councilmember Muzzin, seconded by Pipoly to direct staff to publish a notice for a Public Hearing on the Proposed TG Fluid Systems USA Corporation Industrial Facilities Tax (IFT) Exemption Certificate Application and for possible approval at the June 16, 2011 Council meeting. Motion passed 6-0-1.

City Manager, Dana Foster thanked Finance Director, Kelly LaLonde and Assessor Kathy Lupi for crunching the numbers with Mark Allen to get the information ready for this evening's meeting.

### **USER FEE ORDINANCE**

City Attorney, Paul Burns stated there is currently no provision in the Refuse User Fee Ordinance for an opt-out. He stated the City Council does not have to provide an opt-out added to the Ordinance.

It was the consensus of Council to leave the Refuse User Fee Ordinance as it is.

### **DOWNTOWN RELATED PROJECTS AND DDA ACTIVITY**

DDA Executive Director, Matt Modrack gave a presentation regarding the status of Downtown related projects and related DDA activity. He discussed the sale of the 675 W. Grand River property, the purchase of 131 Hyne Street and options for the property, the completion of the Old Village Cemetery Parking Lot, 205 West Building, the St. Paul Park, pending Main & North/West Streetscape Project, Barton Property, proposed parking lot, the Façade Renovation Program Building Inventory, Loan Process, Façade Improvement Program Loan Priority Criteria, various buildings to be improved and Leveraging Partners.

### **PROPOSED DOWNTOWN FAÇADE IMPROVEMENT PROGRAM WITH TWO BANKS**

DDA Executive Director/Community Development Director, Matt Modrack requested preliminary authorization for Funding Source for proposed Downtown Façade Improvement with two banks, as this is authorized DDA activity and Use of Other Funding Source requires City Council approval.

It was moved by Councilmember Muzzin, seconded by Pipoly to preliminarily approve for the DDA's use of a private source of funding for a Façade Improvement Program pursuant to the DDA Development Plan, and with the condition that the final partnership agreements are provided to the City Council prior to final Council authorization. Motion passed 5-1-1, with Councilmember Bohn voting "no".

### **PERScription CARD COPAY AND PLAN CHANGE**

Human Resource Director, Jennifer Burke briefed the City Council on the proposed prescription card and co-pay plan for Administrative Non-Union employees and Administrative Non-Union Retirees for an annual savings of \$53,000, which would consist of a three-tiered co pay plan.

It was moved by Mayor Pro-Tem Bohn, seconded by Muzzin to approve a change in the Prescription Card and Co-pay Plan for Administrative Non-Union employees and Administrative Non-Union Retirees to achieve related cost savings as outlined in a Letter from the City's Health Insurance Consultants. Motion passed 6-0-1.

### **CITY CUSTOMER INFORMATION**

Pro-Tem Bohn stated the City Council Budget and Finance Subcommittee met with the Bond Counsel and staff regarding funding proposed CIP projects.

Councilmember Muzzin added he appreciated the insight he received at the above referenced meeting with staff working with Bond Counsel.

Councilmember Roblee invited everyone to the upcoming Block Party to Meet Friends and Neighbors on June 6<sup>th</sup> from noon to 11 at the Hyne Street parking lot.

### **CALL TO THE PUBLIC**

Mayor Bandkau gave a Call to the Public at 9:42 p.m.

Mark Binkley, stated the Bonner home properties have been a problem for several years. He also stated has served on the DDA since the beginning and Matt Modrack has done more in the past 18 months than since the beginning of the DDA.

Susan Walters-Steinacker stated the Bonner's have asked eight times to receive permits to fix their homes.

Pat Cole stated Councilmember Schillinger needs to abstain from voting on Corrigan projects.

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

### **PENDING MICHIGAN TAX TRIBUNAL CLOSED SESSION**

It was moved by Muzzin, seconded by Pipoly to go into Closed Session to receive information regarding a pending Michigan Tax Tribunal matter. A roll call vote was taken. Yes: Schillinger, Cooper, Bohn, Bandkau, Muzzin, Roblee, Pipoly. No: none. Absent: Cooper. Motion passed 6-0-1.

The Council convened into Closed Session at 9:52 p.m.

The Council reconvened the Regular meeting at 10:00 p.m.

It was moved by Councilmember Muzzin, seconded by Bohn to authorize the execution of the Consent Judgment with Target as proposed by the City Attorney. Motion passed 6-0-1.

### **ATTORNEY-CLIENT PRIVILEGE OPINION LETTER CLOSED SESSION**

It was moved by Roblee, seconded by Muzzin to go into Closed Session to receive written attorney-client privilege communication. A roll call vote was taken. Yes: Schillinger, Bohn, Bandkau, Muzzin, Roblee, Pipoly. No: none. Absent: Cooper. Motion passed 6-0-1.

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The Council convened into Closed Session at 10:02 p.m.

The Council reconvened the Regular meeting at 10:17 p.m.

**ADJOURNMENT**

It was moved by Councilmember Pipoly, seconded by Muzzin to adjourn the meeting at 10:17 p.m. Motion passed 6-0-1.

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Diana Lowe, City Clerk

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Ricci Bandkau, Mayor