

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON MARCH 15, 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 7:31 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, Special Legal Counsel Dennis Gabrian and Staff members Dana Foster, Kelly Hanna, Jennifer Burke, Diana Lowe, Amy Cyphert, Dave Blackmar, Tom Wightman and an audience of 12. Press and Media included Jim Totten from the Livingston Press & Argus and Tom Tolen from WHMI.

AGENDA APPROVAL

It was moved by Councilmember Roblee, seconded by Schillinger to approve the Agenda as amended. Add item #7a, Eagle Scout Proclamations, #7b, Eagle Scout Proclamation, #16a, Possible Litigation Closed Session, #16b, Possible Closed Session Action. Motion passed 6-0-1.

MINUTES APPROVAL

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

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

It was moved by Councilmember Pipoly, seconded by Bandkau to approve the three sets of Closed Session minutes of February 16, 2012 as presented. Motion passed 6-0-1.

CITIZEN INQUIRIES

Mayor Muzzin read the following Citizen Inquiries:

Susan Walters-Stienacker - many members of the Downtown Development Authority never took their legal Oath of Office. Without taking the Oaths of Office, were members votes legal? Should members, legally, been allowed access to attorney client documents?

Patricia A. Cole – In regards to the Veterans Memorial, Please explain exactly who the "Veterans" are? Where was the meeting held? What made the meeting "Very productive, very positive"? Please explain why a City

City Council
March 15, 2012
Page 2

Council person is appointed to a "private Veteran's Committee"? By what authority is any Councilperson appointed as liaison to any "private citizen's committee"?

Paul Burns stated it depends on what level the City Council wants to report to the public.

Mayor Muzzin stated if the City Council wants to have a liaison attend a meeting on a regular basis, there is nothing legal stopping them.

Councilmember Bandkau stated she will not be seeking any per diem payment for any of the meetings that she will be attending for the Veteran's Memorial Committee.

CALL TO THE PUBLIC

Mayor Muzzin opened the Call to the Public at 7:36 p.m. Hearing no comment, the Call to the Public was closed.

EAGLE SCOUT

Mayor Muzzin read an Eagle Scout Proclamation for Matthew Hill and presented it to him.

Matthew Hill stated his Eagle Scout project was to build eight rifle-shooting benches at the Livingston Conservation and Sports Association on McClements Road.

Mayor Muzzin read an Eagle Scout Proclamation for Harrison Jones and presented it to him.

Harrison Jones stated his Eagle Scout project was to build a 90-foot fence, retaining wall and steps to an entrance into the Howell Nature Center.

City Manager, Dana Foster congratulated Dennis Kalio for the many Eagle Scouts he has produced over the years.

CONSENT AGENDA

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

The following item was approved on the Consent Agenda:

1. Approved a one-year site plan extension for the City of Brighton North and West Streetscape Projects as depicted on the site plan prepared by Lindhout Associates Architects, job #1035, sheets C1, C2, C3, C4, C5, C6, C7, C8 & E1 last dated 12-17-2010 and site plan prepared by Kem-Tec & Associates, job #10-02422, sheet C9, last dated 7/12/10. The approval is subject to the following condition:
 1. That the Fire Department and City Engineers review the plans during the building permit process.

SELCRA AWARDS

Linda Walter, Past President of SELCRA, presented a Website Marketing award and Recreation Leadership award to Derek Smith.

Derek Smith thanked Linda Walter, the SELCRA Board and the Council.

MML TECHNOLOGY COMMITTEE SMARTMETER REPORT

It was moved by Councilmember Roblee, seconded by Bandkau to table the MML Technology Committee's recent review of the Smart-meters until later in the meeting. Motion passed 6-0-1.

PROPOSED FISCAL YEAR 12-13 CITY BUDGET PRESENTATION

City Manager, Dana Foster presented the proposed Fiscal Year 12-13 City Budget to Council on DVD. He discussed a PowerPoint presentation stating Reasons for the Cautious Optimism.

Finance Director, Kelly Hanna discussed a PowerPoint presentation: General Fund Revenues: What's Improved Since a Year Ago and Why?, Projected Property Tax Revenues from Each Property Classification, Taxable Value History, Utilities Fund: what's improved and why?, Millage Rate and Utility Rate Changes Effective July 1, 2012, Updated 6-year General Fund Forecast, Key Assumptions for the General Fund 6-year forecast, Fund Balance trend chart has improved again, Updated 6-year DDA Fund Forecast, Key Assumptions for the DDA Fund 6-year forecast for the out years, Service Ranking Matrix: with Cost Data, Operating Assumptions for Fixed Vs. Variable Costs', General Fund: Fixed vs. Variable Costs' Analysis and Fixed vs. Variable Cost Analysis in a Pie Chart.

City Manager, Dana Foster discussed Fixed vs. Variable Costs, existing staffing, City Manager's Proposed Additional Funding Allocations, recommending approval for Residential Rental Program, Staff position upgrade for Community Development funded by the DDA, possible Utilities Fund allocations, General Fund: "what if" Revised 6-year Forecast Scenario #1 (cut \$500,000), Scenario #2 (wage freezes), Scenario #3 (both combined), Thank You's and Credits and upcoming Budget Worksession dates.

Councilmember Bohn presented a slide describing Scenario #4, Alternative Approach - Allow eligible expenses be paid for by the DDA and Rationale Supporting General Fund Increases.

Councilmember Pipoly stated projects are coming to the City of Brighton because of all the great projects the DDA has done.

Mayor Muzzin requested a copy of Councilmember Bohn's presentation and stated he would like to discuss it at a future Council Worksession.

City Manager, Dana Foster discussed the Updated 6-year DDA Fund Forecast again.

Councilmember Roblee stated business has never been better, even in this economy because of the strength of the DDA.

MML TECHNOLOGY COMMITTEE SMARTMETER REPORT

It was moved by Councilmember Schillinger, seconded by Bohn to remove MML Technology Committee Smartmeter report from the table. Motion passed 6-0-1.

It was moved by Councilmember Schillinger, seconded by Bohn to table to MML Technology Committee Smartmeter report to the next meeting. Motion passed 6-0-1.

CITY CUSTOMER INFORMATION

City Manager, Dana Foster stated the City won the Loss Control Award from the MML Workers' Compensation Fund and the City received the GFOA award for annual financial report on our overall accounting.

Matt Modrack stated the downtown is very vibrant, with much of it being paid for by grants, the residential property values will follow a resurgence of the downtown and all of the financial woes are not derived from the DDA.

Councilmember Bandkau stated she attended the Brighton Area Roll of Honor with Sharon Kisak, Col. Kriste Kibbey Etue, and Nancy Rosso being recognized. Matt Modrack will be doing a presentation for the MML Race for the Cup. The Brighton Veteran's Memorial Committee met and the Bylaws and Articles have been sent to the State of Michigan, Veteran's Day will be the dedication of the new memorial. She thanked Jim Barnas and Piet Lindhout for their work on the memorial and stated the Committee is looking for donations.

Councilmember Roblee stated on March 31st the Imagination Station volunteers will start working at 9:00 a.m. She thanked the City and Renee Pettengill for all of their efforts for the Imagination Station and the Downtown Merchants will be offering incentives and discounts for the volunteers. For volunteers, go to brightonimaginationstation@gmail.com.

Councilmember Pipoly stated the DDA completed a contract with Brighton Area Chamber of Commerce for enhanced marketing for the DDA and the PSD. They completed an agreement with SELCRA for a Day of Magic, Wildlife Safari Day and Family and the Outdoors day at the Millpond. Bids were sent out for 121 W. North Street for the potential parking structure.

Mayor Muzzin thanked Dana Foster, Matt Schindewolf and Tom Wightman for the recent City Council tours. He stated the Brighton Area Fire Authority updated their preliminary budget and there is an article in the Detroit Free Press on The Wooden Spoon.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 10:01 p.m. The following comment was heard:

Pat Cole, Brighton City, thanked Councilmember Bandkau for her Veteran's Memorial update. She stated she would like to help facilitate the project.

Hearing no further comments, the Call to the Public was closed at 10:05 p.m.

ATTORNEY/CLIENT WRITTEN COMMUNICATION CLOSED SESSION

It was moved by Councilmember Bandkau, seconded by Pipoly to go into Closed Session to discuss written Attorney/Client privilege communication pursuant to MCL 15.268(h) at 10:06 p.m. A roll call vote was taken. Yes: Schillinger, Bohn, Muzzin, Bandkau, Roblee, Pipoly. No: none. Absent: Cooper. Motion passed 6-0-1.

The Council convened into Closed Session at 10:06 p.m.

The Council reconvened the Regular Session at 10:35 p.m.

POSSIBLE REAL PROPERTY ACQUISITION CLOSED SESSION

It was moved by Councilmember Pipoly, seconded by Roblee to go into Closed Session to discuss a possible real property acquisition pursuant to MCL 15.628(d). A roll call vote was taken. Yes: Schillinger, Bohn, Muzzin, Bandkau, Roblee, Pipoly. No: none. Absent: Cooper. Motion passed 6-0-1.

The Council convened into Closed Session at 10:35 p.m.

The Council reconvened the Regular Session at 10:49 p.m.

POSSIBLE MICHIGAN TAX TRIBUNAL LITIGATION CLOSED SESSION

It was moved by Councilmember Roblee, seconded by Pipoly to go into Closed Session to discuss possible Tax Tribunal litigation pursuant to MCL 15.628(e). A roll call vote was taken. Yes: Schillinger, Bohn, Muzzin, Bandkau, Roblee, Pipoly. No: none. Absent: Cooper. Motion passed 6-0-1.

The Council convened into Closed Session at 10:49 p.m.

The Council reconvened the Regular Meeting at 10:54 p.m.

CLOSED SESSION ACTION

It was moved by Councilmember Bandkau, seconded by Pipoly to authorize execution of the Consent Judgment for Lodging Enterprises as presented by the City Attorney. Motion passed 6-0-1.

ADJOURNMENT

It was moved by Councilmember Roblee, seconded by Pipoly to adjourn the meeting at 10:55 p.m. Motion passed 6-0-1.