

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON FEBRUARY 2, 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, Mayor Pro-Tem Cooper, 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, Mayor Pro-Tem Cooper, Councilmembers Schillinger, Bandkau, Pipoly, Roblee and Bohn. Also in attendance were Attorney Paul Burns and Brad Maynes and Staff members Dana Foster, Jennifer Burke, Diana Lowe, Amy Cyphert, Matt Schindewolf, Jon Westendorf, Kelly Hanna, Matt Modrack and an audience of 10. Press and Media included Tom Tolen from WHMI and Jim Totten from Livingston County Press & Argus.

AGENDA APPROVAL

It was moved by Councilmember Bandkau, seconded by Roblee to approve the Agenda as amended. Add item #20a, Written Attorney/Client Privilege Closed Session. Move item #13, Veteran's Memorial after #20a, Written Attorney/Client Privilege. Move from Action Agenda to Consent Agenda item #12, Pay and Benefits Study and item #14, Legislative Communications. Motion passed 7-0.

MINUTES APPROVAL

It was moved by Mayor Pro-Tem Cooper, seconded by Bandkau to approve the Regular Meeting minutes of January 19, 2012 as presented. Motion passed 7-0.

It was moved by Mayor Pro-Tem Cooper, seconded by Roblee to approve the Closed Session Meeting minutes of January 19, 2012 as presented. Motion passed 7-0.

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:

Pauline Holeton, Shelby Township, stated the customers that have Smartmeters have seen their bills go up. There are health issues regarding EMF. She would like this issue to be an agenda item in regards to health, privacy and safety.

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John Holeton, 2392 Barclay Ave, Shelby Township, discussed flyers regarding Smartmeters and there are currently 11 Townships that have placed moratoriums placed on them. He had a meter that measured radiation and discussed the health problems caused by excessive radiation.

Susan Walters-Steinacker asked if Council would put on our website of services that are free of charge and list all of the City's parks.

Ray Smith, Howell, discussed Electric Utility and stated it is not mandatory to have a Smartmeter.

Pat Cole, Brighton City, complimented the people that come to the City Council meetings to discuss information regarding Smartmeters.

Hearing no further comments, Mayor Muzzin closed the Call to the Public at 8:51 p.m.

Mayor Muzzin stated this body has taken Smartmeters seriously and have taken action by deferring to our Legal Counsel.

CONSENT AGENDA

It was moved by Councilmember Bandkau, seconded by Bohn to approve the Consent Agenda. Motion passed 7-0.

The following items were approved on the Consent Agenda

1. Approved the Quarterly Investment Report.
2. Reviewed the Quarterly Expenditure Report.
3. Approved a group of comparable city governments to be used for the upcoming Administrative Non-Union employees Pay and Benefits' market study conducted by the Michigan Municipal League.
4. Authorized Legislative Communications to and with State Legislators about pending legislative proposals.

BRIGHTON AREA FIRE AUTHORITY PRESENTATION

Fire Chief, Mike O'Brien discussed activities of the Brighton Area Fire Authority, highlighting cooperative partnerships, training, public education, fire prevention, cross-training staff. He discussed false fire alarms. He thanked Chief Lane for his service stating there will be a ceremony recognizing him tomorrow night at the Brighton High School. He stated the Authority pays cash for their Capital Improvements and they are debt free.

2011 AND 2012 DDA PROJECTS

DDA/Community Development Director, Matt Modrack discussed the 2011 and 2012 DDA Projects highlighting the Cemetery Parking Lot, 205 West Grand River, St. Paul Street Pocket Park, Bagger Dave's, West Street Parking Lot, The White Dress, Wooden Spoon, Studio West, Sassafra, Talula, Elite Feet, Jack's Custard, Wedding Cake Art & Design Studio, The Pound, The New Chamber, PSD & Event Banner Program, Signage, Western House Brewery and Excelda.

Council thanked Matt Modrack and his staff for their work on the DDA projects and DDA Boardmembers Tim Corrigan and Mark Binkley for attending the evening's meeting.

CITY CUSTOMER INFORMATION

City Manager, Dana Foster stated he conducted the last of the scheduled the Focus Group meetings and what are the next steps to take if the City Council would like to place a Community Improvements bond issue on the November ballot.

Councilmember Roblee stated the Imagination Station Committee participated in a meeting that Dana Foster called and conducted. They discussed who was going to do what between the Volunteer Committee and the City. You can volunteer at Brighton Imagination Station on Facebook or email at brightonimaginationstation@gmail.com

Department of Public Services Director, Matt Schindewolf stated we have saved funds from less salt usage this winter and this does not effect future salt allocations.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 8:46 p.m. The following comments were heard:

Susan Walters-Steinacker stated City of Brighton, Brighton Township and Genoa Township residents may rent the Fire Stations at no charge.

Pauline Holeton thanked the City Council for listening regarding Smartmeters.

John Holeton, 2393 Barclay Ave, Shelby Township, discussed the health risks of EMF and RF technology, no reasonable privacy, well being and health.

Hearing no comment, Mayor Muzzin closed the Call to the Public at 8:54 p.m.

Attorney Paul Burns stated City Council would see a proposed Smartmeter Resolution within the next two meetings.

ATTORNEY/CLIENT WRITTEN COMMUNICATION CLOSED SESSION

It was moved by Councilmember Roblee, seconded by Pipoly to go into Closed Session to discuss written Attorney/Client privilege communication pursuant to MCL 15.268(h) at 8:58 p.m. A roll call vote was taken. Yes: Schillinger, Bohn, Cooper, Muzzin, Bandkau, Roblee, Pipoly. No: none. Motion passed 7-0.

The Council convened into Closed Session at 8:58 p.m.

The Council reconvened the Regular Session at 9:10 p.m.

CLOSED SESSION ACTION

It was moved by Councilmember Bohn, seconded by Pipoly to approve the proposed settlement with Dairy Queen at the amounts giving by Mr. Samhat and authorize the City Manager to execute the amended agreement. Motion passed 6-1 with Mayor Pro-Tem Cooper voting “no”.

PENDING LITIGATION CLOSED SESSION

It was moved by Mayor Pro-Tem Cooper, seconded by Pipoly to go into Closed Session to discuss pending litigation pursuant MCL 15.268 (e) at 9:12 p.m. A roll call vote was taken. Yes: Schillinger, Bohn, Cooper, Muzzin, Bandkau, Roblee, Pipoly. No: none. Motion passed 7-0.

The Council convened into Closed Session at 9:14 p.m.

The Council reconvened the Regular Session at 9:32 p.m.

ATTORNEY/CLIENT WRITTEN COMMUNICATION CLOSED SESSION

It was moved by Councilmember Bandkau, seconded by Bohn to go into Closed Session to discuss written Attorney/Client privilege communication pursuant to MCL 15.268(h) at 9:35 p.m. A roll call vote was taken. Yes: Schillinger, Bohn, Cooper, Muzzin, Bandkau, Roblee, Pipoly. No: none. Motion passed 7-0.

The Council convened into Closed Session at 9:35 p.m.

The Council reconvened the Regular Session at 9:59 p.m.

CLOSED SESSION ACTION

It was moved by Councilmember Bohn, seconded by Cooper to release the Attorney/Client privilege on the written communication regarding the Veteran’s Memorial project dated February 1, 2012. Motion passed 7-0.

It was moved by Councilmember Pipoly, seconded by Cooper to rescind the original resolution 11-24, and return the donations received by the City.

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There was Council discussion regarding the City's support of the Veteran's Memorial project.

A roll call vote was taken. Yes: Bandkau, Cooper, Muzzin, Pipoly, Roblee, Schillinger. No: Bohn. Motion passed 6-1.

ADJOURNMENT

It was moved by Councilmember Pipoly, seconded by Roblee to adjourn the meeting at 10:16 p.m. Motion passed 7-0.

Diana Lowe, City Clerk

Jim Muzzin, Mayor