

**MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON**  
**HELD ON SEPTEMBER 1, 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, Mayor Pro-Tem Bohn, Councilmembers Schillinger, Muzzin, Roblee, Cooper and Pipoly. The Council reviewed the agenda items.

**REGULAR SESSION**

Mayor Bandkau 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 Bandkau, Mayor Pro-Tem Bohn, Councilmembers Schillinger, Muzzin, Roblee, Cooper and Pipoly. Also in attendance were Attorney Paul Burns and Brad Maynes, Engineer Gary Markstrom and Staff members Dana Foster, Diana Lowe, Amy Cyphert, Dave Blackmar, Tom Wightman, Kelly LaLonde and an audience of 10. Press and Media included Tom Darling from WHMI and Johnny Branstetter from the Patch.

**MINUTES APPROVAL**

It was moved by Councilmember Cooper, seconded by Muzzin to approve the amended Regular Meeting minutes of August 18, 2011 as presented. Motion passed 7-0.

**CALL TO THE PUBLIC**

Mayor Bandkau gave a Call to the Public at 7:34 p.m. The following comments were heard:

Susan Walters-Steinacker stated she attended the Bonner hearing last week and referenced a report from Greg Calme, which he did not write. She stated the City of Brighton was charged a wage from an employee no longer employed at Tetra Tech for a report regarding the Bonner litigation. She encouraged City Councilmembers to attend the Bonner hearings to stay informed.

Pat Cole, Brighton City, the present procedures on the back of agendas are outdated and the correct rules should be dated August 7, 2008. She referenced the comments made by John Holton of Shelby Township from the last meeting's Call to the Public. The Bonner litigation is costing the City taxpayers money.

Renee Pettingill, Volunteer on the Committee for the Imagination Station, stated Jackie and Vince Price would like to continue to volunteer for this project.

Hearing no further comment, Mayor Bandkau closed the Call to the Public at 7:45 p.m.

**CITIZEN INQUIRIES**

Patricia Cole, 802 Devonshire Blvd., How long must taxpayers wait for the Weatherproof box for the Cemetery Rules and Regulations approved six months ago?

Mayor Pro-Tem Bohn displayed slides of the Cemetery Rules & Regulations posted and available at Fairview and Brighton Hills Cemetery.

### **AGENDA APPROVAL**

It was moved by Mayor Pro-Tem Bohn, seconded by Pipoly to approve the Consent and Action Agenda as amended. Move from Consent Agenda to Action Agenda item #13, White Dress Site Plan and item #14, Western House Brewery site plan. Motion passed 7-0. The following items were approved:

1. Approved Resolution 11-18, Liquor license transfer for the Ciao Amici restaurant.
2. Approved October 22 and 23, 2011 as the dates for the 2011 Goal-Setting Retreat.
3. Received the quarterly expenditure summary report.
4. Approved a site plan amendment for a two-year extension for the Brighton Area Schools 36 Light Pole Banners located along W. Main Street and a portion of Grand River subject to the following:
  1. That no sponsor signage or names are added to the banners that are located within the public right-of-way.
5. Approved the Tridge or Treat Halloween Spooktacular Civic Event.
6. Approved the Brighton's Musically Talented Youth Civic Event.

It was moved by Councilmember Cooper, seconded by Muzzin to approve the Action Agenda as amended. Delete item #17, Operating Line Item Budget Cuts list; item #18, Recent Code Enforcement action; item #25, Collective Bargaining Closed Session and item #26, Collective Bargaining action. Move item #19, Imagination Station to the beginning of the Action Agenda. Move to Action Agenda from the Consent Agenda item #13, White Dress Site Plan and item #14, Western House Brewery site plan. Motion passed 7-0.

### **IMAGINATION STATION PLAYGROUND STATUS UPDATE**

City Manager, Dana Foster gave a presentation regarding the Imagination Station Playground closure status update. He displayed several slides regarding the Playground Closure and Related Follow-up Actions Timeline, Recommended Motions, Analysis Cost To Date, Projected Additional Costs for Repair, Re-Sealing and Re-Mulching and how this affects our Financial Forecast.

Engineer Gary Markstrom referenced a report he handed out to Council regarding the Imagination Station. He discussed Sampling, Primary Exposure Pathways, Risk-Based Screening Levels, Evaluation of Sampling Results, Public Health Information and Proposed Due Care Plan Recommendations. He discussed the option of demolishing the Imagination Station and removing the soil, which would cost approximately \$40,000 at the low end of the possible cost range. If the material needed to be taken to a hazardous landfill it would cost approximately \$130,000.

Councilmember Roblee read a statement she had written regarding the Imagination Station. She handed copies of it out to all City Councilmembers. She gave an update regarding the Imagination Station Volunteer Committee.

City Manager, Dana Foster stated that Piet Lindhout had informed him that one of the members of the newly formed Volunteer Committee had stated a range of costs of \$75,000 to \$300,000 in the first meeting of the Volunteer Committee, but that the Committee itself had not yet developed a consensus cost estimate to repair the Imagination Station. In the meeting that he had with the DEQ, he had asked about the possibility of volunteers wanting to do repairs in the Imagination Station and that caused a quandary for the DEQ officials and City Staff including the City Attorney attending the meeting because it might not make sense to have volunteers enter the area if we are not letting visitors from the general public in. He stated he is not opposed to volunteers doing the work.

It was moved by Councilmember Muzzin, seconded by Bohn to put up a permanent closure around the Imagination Station and get a sign explaining why it is closed and expect the opening date will be the spring of 2012. Motion passed 5-2, with Councilmembers Roblee and Pipoly voting “no”.

City Manager, Dana Foster thanked Mike Corrigan, Gary Markstrom and Paul Burns and their staff for their efforts regarding this project.

### **WHITE DRESS SITE PLAN**

It was moved by Councilmember Pipoly, seconded by Bohn to approve the site plan for The White Dress at 209 W. Main Street #11-007 as depicted on plans prepared by Ted Hu Associates, Inc, sheets CVR, A-1, A-2, & A-3, last dated 8-1-11 subject to the following:

1. That all signage comply with applicable Ordinances or variances obtained.
2. That right of way permits be obtained from the Department of Public Services for work within the right of way.
3. That any damages done to the existing sidewalk be repaired to current condition.
4. Lighting details be reviewed during the building permit process.
5. The use of wood and E.I.F.S is reviewed and approved by City Council, if deemed to enhance the building.

Motion passed 7-0.

### **WESTERN HOUSE BREWERY SITE PLAN**

It was moved by Councilmember Roblee, seconded by Pipoly to conditionally approve the site plan for the Western House Brewery at 500 W. Main #11-010 as depicted on plans prepared by Lindhout Associates, sheets C1.1, A1.1, and A2.1 project no. 1152, last dated 8-1-11 subject to the following:

1. Lighting details be reviewed during the building permit process.
2. That all signage comply with applicable Ordinances or variances obtained.
3. That City Council grant a variance from the transparency requirement due to the “special architectural features” of the façade.

4. The use of wood is reviewed and approved by City Council, if deemed to enhance the outdoor patio area.
5. That right of way permits be obtained from the Department of Public Services for work within the right of way.
6. That any damages done to the existing sidewalk be repaired to current condition or DDA standards as noted on the plans.
7. The items raised in the City Engineer's letter are addressed.

Motion passed 7-0.

### **VETERAN'S MEMORIAL PROJECT**

Architect Piet Lindhout displayed slides showing the proposed Veterans Memorial Project Preliminary Conceptual Plan.

It was moved by Councilmember Cooper, seconded by Pipoly to approve the Veterans Memorial Project Preliminary Conceptual Plan for future Planning Commission and City Council's site plan review consideration. Motion passed 7-0.

### **COUNCIL MEETING RULES OF PROCEDURE AND AGENDA FORMAT**

It was moved by Councilmember Muzzin, seconded by Schillinger to waive the Attorney/Client privilege regarding the Council meeting rules of Procedure and agenda format. Motion passed 7-0.

City Attorney, Paul Burns stated one Call to the Public is sufficient for Council meetings to satisfy the Open Meetings Act. He stated for citizens to yield their five minutes of time to other people in the audience is not a matter of law, but Robert's Rules of Order stated people in the audience may not yield their time to others in the audience.

Mayor Pro-Tem Bohn displayed a slide of Call to the Public – Time Summary for 2011.

It was moved by Councilmember Roblee, seconded by Bohn to leave the Call to the Public as they are with addition of putting in the rule of one not yielding their time. Motion failed 3-4 with Pipoly Muzzin, Schillinger and Cooper voting "no".

It was moved by Councilmember Muzzin, seconded by Schillinger to do away with the first Call to the Public and keep one at the end of the meeting and amend the Rules of Procedure to not allow the allocation or deferral of their minutes to someone else as stated in Robert's Rules. Motion passed 4-3 with Roblee, Bohn and Bandkau voting "no".

### **CITY CUSTOMER INFORMATION**

City Manager, Dana Foster discussed the past Operating Line Item Budget Cuts and related possible Budget Amendments. We will need further direction on the work that needs to be completed at the Imagination Station.

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Councilmember Muzzin gave a City Council Budget & Finance Subcommittee update regarding possible budget amendments. On September 11<sup>th</sup> at 9:00 a.m. is the Memorial dedication in front of the Fire Hall on Grand River.

Councilmember Roblee stated she would like another City Councilmember to serve on a future possible City Council Imagination Station Subcommittee, formalize it and come back to Council with the City Council Subcommittee and the volunteers working together.

City Attorney, Paul Burns suggested to bring the Imagination Station Subcommittee back to a future City Council meeting. He would like to research and explore the idea of a new Council subcommittee with additional information. This should be an agenda item with a proposed motion and the structure of the subcommittee.

Councilmember Pipoly stated he would volunteer to serve on the Imagination Station subcommittee.

### **CALL TO THE PUBLIC**

Mayor Bandkau gave a Call to the Public at 10:31 p.m. The following comment was heard:

Susan Walters Steinacker stated #7 on the agenda was not completed tonight, as her inquiry was read at the August 7<sup>th</sup> meeting, but not answered. She expressed her displeasure with the elimination to one Call to the Public at future meetings, stating Councilmember Muzzin and Cooper voted to stifle the citizens right to free speech.

Pat Cole readdressed her Citizens Inquiry regarding the waterproof information boxes for the rules and regulations, stating the rules cannot be picked up and taken home. The Brighton Hills container does not have good rules in it. In regards to one Call to the Public, this is not a compliment to this Council. The Veterans Memorial is great. She requested the Council form a Charter Commission.

Hearing no further comment, Mayor Bandkau closed the Call to the Public at 10:39 p.m.

Councilmember Cooper stated the statements made were not his opinion and are inaccurate and this is to run a more efficient and effective public meeting.

Councilmember Muzzin stated he echoes Councilmember Cooper's statement. He also informed Susan Walters-Steinacker not to speak of his intentions. We are not trying to stifle anyone, as they are still allowed to talk.

### **WRITTEN ATTORNEY/CLIENT PRIVILEGE COMMUNICATION CLOSED SESSION**

It was moved by Councilmember Pipoly, seconded by Cooper to go into Closed Session to receive written Attorney/ Client privilege information at 10:40 p.m. A roll call vote was taken. Yes: Schillinger, Cooper, Bohn, Bandkau, Muzzin, Roblee, Pipoly. No: none. Motion passed 7-0.

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**ADJOURNMENT**

It was moved by Mayor Pro-Tem Bohn, seconded by Pipoly to adjourn the meeting at 10:47 p.m. Absent: Schillinger. Motion passed 6-0.

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Diana Lowe, City Clerk

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Ricci Bandkau, Mayor