

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON FEBRUARY 16, 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 7:32 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, Jennifer Burke, Diana Lowe, Amy Cyphert, Matt Schindewolf, Tom Wightman, Kelly Hanna, Matt Modrack and an audience of 4. Press and Media included Nicole Krawcke from The Patch.

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

AGENDA APPROVAL

It was moved by Councilmember Schillinger, seconded by Bohn to approve the Agenda as amended. Add item #10a, VINA Resolution, #20a, Written Attorney/Client Privilege Closed Session and item #20b, Possible Closed Session Action. Move item #13, Veteran's Memorial after #20a, Written Attorney/Client Privilege. Move from Action Agenda to Consent Agenda item #10a, VINA Resolution. Motion passed 6-0-1.

MINUTES APPROVAL

It was moved by Councilmember Bohn, seconded by Pipoly to approve the Regular Meeting minutes of February 2, 2012 as presented. Motion passed 6-0-1.

It was moved by Councilmember Bandkau, seconded by Bohn to approve the Closed Session Meeting minutes of January 19, 2012 as presented. Motion passed 6-0-1.

It was moved by Councilmember Bohn, seconded by Roblee to approve the corrected January 26, 2012 Worksession minutes as presented. Motion passed 6-0-1.

CITIZEN INQUIRIES

Mayor Muzzin read the following Citizen Inquiries:

Jenna Kovas, 200 Woodlake Drive, requested the City ring a bell to collect funds for the Humane Society.

City Council
February 16, 2012
Page 2

Susan Walters-Steinacekr from January 2000 through January 2012 many DDA members did not take their Oath of Office.

Susan Walters-Steinacker asked for the total amount of City funds spend on sculptures.

Mayor Muzzin stated \$66,000 TIFA funds have been spent to purchase sculptures.

CALL TO THE PUBLIC

Mayor Muzzin opened the Call to the Public at 7:39 p.m. The following comments were heard:

Pat Cole, Brighton City, asked if the City has a Veteran's Memorial Committee?

City Manager, Dana Foster stated the City does not have a Veteran's Memorial Improvement Committee in place.

Pat Cole thanked Council for rescinding Resolution 11-24 and returning the collected funds. The appointment of Councilmember Bandkau to the Veteran's Memorial Committee should be rescinded. If Councilmembers have a question they should ask me at a meeting so I may answer it publicly.

Hearing no further comments, Mayor Muzzin closed the Call to the Public at 7:42 p.m.

Councilmember Bohn stated there is a Veteran's Memorial Improvement volunteer group in the community and it is appropriate to have a Councilmember liaison be a part of that committee.

CONSENT AGENDA

It was moved by Councilmember Schillinger, seconded by Bohn to approve the Consent Agenda. A roll call vote was taken. Yes: Schillinger, Bohn, Muzzin, Bandkau, Roblee, Pipoly. No: none. Absent: Cooper. Motion passed 6-0-1.

The following items were approved on the Consent Agenda

1. Approved an Ordinance to start a possible Utility Revenue Bond Issue Refinancing process.
2. Appointed Cheryl Kemmerling to the PSD Board.
3. Approved Resolution 12-04, for the VINA Community Dental Center, Inc. non-profit dental clinic to obtain a Gaming license for a fundraising event (corrected name).

CHIP AND SEAL STREET PAVEMENT MAINTENANCE PROJECTS

It was moved by Schillinger, seconded by Bohn to approve Proposal #1 and Proposal #2 in the amount of \$75,933.05 from Highway Maintenance and hold off on Proposal #4.

City Council
February 16, 2012
Page 3

There was Council discussion regarding the possibility of saving funds if we do not get any more snow and if the bond issue does not get approved, that we allocate the extra funds saved from this winter to the Northwest Neighborhood.

Motion passed 6-0-1.

CEMETERY SERVICE AND RULES PUBLIC HEARING

Mayor Muzzin opened the Cemetery Services and Rules Public Hearing at 8:02 p.m. The following comments were heard:

Pat Cole, Brighton City thanked Council for the informational boxes being in place at the cemetery. She requested the edges of the cemetery be cleaned up of the dead wood.

Hearing no further comment, Mayor Muzzin closed the Cemetery Services and Rules Public Hearing at 8:04 p.m.

COUNCIL ADOPTED GOALS PROGRESS REPORT

City Manager, Dana Foster gave an updated City Council adopted Goals progress report. He highlighted the Progress Score chart and ratings, Goal Category Scores and Additional Items not on the City Council adopted Goals list.

CITY CUSTOMER INFORMATION

City Manager, Dana Foster stated Renee Pettingill is the point person, for volunteer services at the Imagination Station and signs have been installed with information on how individuals can volunteer for maintenance. Ms. Pettingill was able to get donated materials from the local Home Depot to store in the municipal pavilion. March 31st is targeted for a volunteer lead installation of another fiber chip layer. He discussed the dashboard report and I-96/Grand River Interchange report. The Mayor wrote a letter to two State Representatives regarding the interchange to help with traffic congestion and will be meeting with Bill Rogers and Mike Craine. He suggested City Councilmembers schedule a City worksite and facility tour before the upcoming budget Worksessions.

Councilmember Bandkau stated she attended a positive meeting regarding the Veteran's Memorial Project.

Councilmember Roblee stated next week the downtown will actively be raising money for Special Olympics and the Polar Plunge on the 26th at the Brighton High School. She asked if the City Attorney, on behalf of a Boardmember, could pursue a defamation of character and or slander if a Boardmember feels he or she has been slandered regarding his or her activity on a City Board?

Mayor Muzzin stated Dana Foster wrote a letter to the City Attorney asking for input on working conditions. Can the City Attorney pursue defamation of character on behalf of a boardmember?

City Council
February 16, 2012
Page 4

Councilmember Pipoly gave a DDA update stating all of the due diligence for the proposed parking structure is complete. The DDA Board will meet to make recommendation as to whether or not to purchase the property. The Budget Subcommittee of the DDA Board met with Staff regarding the revised Debt Service Policy.

Mayor Muzzin gave a Brighton Area Fire Authority report, stating this was Chief O'Brien's first meeting as Chief and there was a special recognition for Robert Wallace for saving a gentleman from a marsh area on 96. He attended the Tulula and Sassafras Gift grand opening.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 8:36 p.m. The following comments were heard:

Pat Cole, Brighton City, stated she disagrees with Councilmember Bandkau serving on the Veteran's Memorial Committee, as she should be serving as a volunteer.

Hearing no comment, Mayor Muzzin closed the Call to the Public at 8:41 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(c) at 8:50 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 8:54 p.m.

The Council reconvened the Regular Session at 9:00 p.m.

CLOSED SESSION ACTION

It was moved by Councilmember Pipoly, seconded by Schillinger to authorize the Mayor and City Clerk to execute the DPS Collective Bargaining Unit agreement as amended. Motion passed 6-0-1.

PENDING LITIGATION CLOSED SESSION

It was moved by Councilmember Bandkau, seconded by Pipoly to go into Closed Session to discuss pending litigation pursuant MCL 15.268(e) at 9:02 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 9:02 p.m.

The Council reconvened the Regular Session at 9:16 p.m.

CLOSED SESSION ACTION

It was moved by Councilmember Roblee, seconded by Pipoly to approve the proposed Consent Judgment for Tri-O Development. Motion passed 6-0-1.

ATTORNEY/CLIENT WRITTEN COMMUNICATION CLOSED SESSION

It was moved by Councilmember Roblee, seconded by Bohn to go into Closed Session to discuss written Attorney/Client privilege communication pursuant to MCL 15.268(h) at 9:17 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 9:18 p.m.

The Council reconvened the Regular Session at 9:49 p.m.

CLOSED SESSION ACTION

It was moved by Councilmember Pipoly, seconded by Bandkau to authorize staff to issue a Certificate of Occupancy to Firehouse Subs, subject to passing their final inspection and upon the condition the barricades are removed and stay removed until Brookside Mall obtains site plan approval to remove the condition of the pass-through. Motion passed 5-1-1 with Councilmember Schillinger voting "no".

ADJOURNMENT

It was moved by Councilmember Bohn, seconded by Pipoly to adjourn the meeting at 9:51 p.m. Motion passed 6-0-1.

Diana Lowe, City Clerk

Jim Muzzin, Mayor