

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON AUGUST 18, 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 7:30 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, Engineer Gary Markstrom and Staff members Dana Foster, Diana Lowe, Jennifer Burke, Amy Cyphert, Dave Blackmar, Tom Wightman, Kelly LaLonde and an audience of 24. Press and Media included Jim Totten from the Press & Argus, Tom Tolen from WHMI and Jacob Kanclerz from the Patch.

MINUTES APPROVAL

It was moved by Councilmember Roblee, seconded by Bohn to approve the Regular Meeting minutes of August 4, 2011 as presented. Motion passed 7-0.

It was moved by Councilmember Muzzin, seconded by Bohn to approve the Closed Session minutes of August 4, 2011 as presented. Motion passed 7-0.

EAGLE SCOUT PROCLAMATIONS

Mayor Bandkau read and presented an Eagle Scout Proclamation to Justin Feiler.

Justin Feiler stated his Eagle Scout project was to build a composting station for the St. Patrick's school.

Mayor Bandkau read and presented an Eagle Scout Proclamation to Zachary Bedell.

Zachary Bedell stated his Eagle Scout project was to build raised beds and composting bins for a charity organization that grows food for Gleaners Food Bank.

IMAGINATION STATION UPDATE

City Engineer, Gary Markstrom discussed the Imagination Station and the preservative used on wood for playgrounds. He stated they would be having a meeting with the DEQ to tour the Imagination Station for further guidance. He related that samples were taken from the Imagination Station and surrounding areas which were tested for arsenic. He displayed a slide regarding the results from the Arsenic tests and a reference EPA website that has additional information regarding this type of contamination.

City Manager, Dana Foster stated the Press Release from last week included the Engineer's report and we will put the slides displayed at the Council meeting tonight on the City's website. The DEQ has concurred with our temporary closure of the Imagination Station.

AGENDA APPROVAL

It was moved by Councilmember Schillinger, seconded by Muzzin to approve the Consent and Action Agenda as amended: Delete item #11, Quarterly Expenditure Summary and the Action Agenda as amended: Delete item #21, Collective Bargaining update, item #22, Collective Bargaining actions and item #23, City Attorney advise Closed Session. Motion passed 7-0. The following items were approved:

1. Approved a contract extension for building services with Livingston County effective for one year from September 16, 2011. This approval will continue the monthly payments of \$2,083.33 made to Livingston County for the provided services.
2. Appointed C.J. Tehan to the Arts & Culture Advisory Commission.
3. Approved the City Attorney's recommendation for the Nu-Vest vs. City of Brighton MTT Case.

CALL TO THE PUBLIC

Mayor Bandkau gave a Call to the Public at 8:08 p.m. The following comments were heard:

Susan Walters-Steinacker submitted a Detroit newspaper regarding a "Cottage Remodel Undoes a Township" article. She suggested the City end the Bonner litigation.

John Holton, Shelby Township, discussed the hazards of exposure to Wireless Smart Meters.

Judy Smith, homeowner in Howell, stated Wireless Smart Meters are dangerous.

Sally Ritkowski stated Italy has Wireless Smart Meters, but without the radiation. They can emit radiation up to a two-mile radius.

Ray Smith, 1444 Crest Road, Howell, stated if you have proper signage stating not to change the meter, they will not be able to change your meter to a Wireless Smart Meter.

Keith Karp, 421 Millpond Lane, thanked Council and Staff for taking care of the garbage problem at the Millpond area. He asked that the City move swiftly to fix the Imagination Station.

Cheryl Kemerling, Jack's Custard, thanked Council for having the bathrooms cleaned at the Millpond Pavilion and asked the City to move swiftly to fix the Imagination Station.

Pat Cole stated no one should have a problem with the information given at the Call to the Public at the last meeting from Mary Holliday and Lynn Rosen.

Hearing no further comment, Mayor Bandkau closed the Call to the Public at 8:33 p.m.

Councilmember Cooper stated the City Manager works on behalf of the City Council. He stated he did not submit all of the meetings he attended last fiscal year for his yearly per diem payment.

CITIZEN INQUIRIES

Mayor Bandkau read a letter from Jeff Kelly, Great Harvest Bread, expressing his concerns regarding the use of the Municipal Pavilion's current unused booth, which may hurt surrounding businesses.

Mary Holliday - Please explain what was meant by Councilman Muzzin's statement at the last meeting "If you don't like how policy is set, vote with your pen. If you'd like before November, you can vote with your feet".

Susan Walters-Steinacker - Are council members paid for "non" public meetings? If the meetings are not public, how is their attendance verified? Are council members paid for "non" city sanctioned meetings? Council members Roblee and Cooper billed the tax payers for more meetings than any other council members, including the mayor. How is this possible? Will the city put the council submitted for payment documents on line so that the tax payers can view them?

Patricia Cole - I am asking Mr.Muzzin to explain the meaning of his statement: "Vote with your pen or vote with your feet. If you don't know what that means, I apologize."

Councilmember Muzzin stated the Council is voted in to represent the citizens and he serves on the Council because he loves this City and not for the money. Voters can go to the poles to vote for who they want to represent them or they can run for Council themselves. City Staff including Dana Foster is doing a great job and I hope the complaints by a few select citizens does not discourage City Staff and they continue to do outstanding work.

It was moed by Councilmember Muzzin, seconded by Cooper to direct Staff and the City Attorney to pull together the documents for the rules of procedure that were adopted in 2005, regarding having one Call to the Public at the end of the Council meetings and clarification of the passing of attendees five minutes to another attendee at Call to the Public. Motion passed 6-1 with Councilmember Bohn voting 'no'.

NO SMOKING ZONE FOR THE MUNICIPAL PAVILION AND IMAGINATION STATION

Manager Foster stated he had given direction to the Department of Public Services to put up "No Smoking" signs to help improve the cleanliness of the Municipal Pavilion.

It was the consensus of Council to leave the "No Smoking" signs up and discuss at the Fall Retreat.

MUNICIPAL PAVAILION'S UNUSED BOOTH SPACE

Councilmember Roblee stated this subject go back to the PSD for further discussion such as a rotating schedule of businesses taking turns attending the booth. Mr. Karp suggested doing this to have a presence in the Pavilion area and not to make money.

POSSIBLE PROPOSED BUDGET AMENDMENTS

City Manager, Dana Foster asked Council for a list of possible budget amendments per his suggested budget amendments process and timeline given to Council at the August 4th Council meeting that Council agreed to.

Mayor Pro-Tem Bohn stated suggestions included road and sidewalk repairs, replacement vehicles for the Police Department, funding depreciation going forward and coming up with a formula to use as a guideline each year and adjustments on the revenue side. All other Councilmembers indicated they would send Manager Foster emails with their respective lists of suggestions.

ALTERNATIVE PRELIMINARY CAPITAL IMPROVEMENTS FUNDING BOND PRESENTATION

City Manager, Dana Foster discussed and displayed slides of the Schedule of Principal and Interest and Millage Rate Requirements for voters to decide upon in 2012 and the Estimated Average Annual Debt Millage Tax Bill.

It was moved by Mayor Pro-Tem Bohn, seconded by Muzzin to put the possible alternative preliminary Capital Improvements Funding Bond proposal into two different project years and support going forward to include this information in the Public Information meetings starting this Wednesday. Motion passed 7-0.

CITY CUSTOMER INFORMATION

City Manager, Dana Foster discussed the possible Millpond dredging project stating we are looking for grant opportunities or a State low interest loan possibility. Next Wednesday at 6:30 p.m. at the Brighton Community Center is the first public information meeting regarding public improvements.

Councilmember Cooper stated there is concern regarding the SELCRA articles and what formula is being considered for the funding. He suggested the Envision Brighton newsletter be used as a template going forward for our City. He asked what the Crosswalk lighting costs were and the possibility of alternative solutions. He suggested the Surveys online have a button with additional information and details on each item.

Councilmember Roblee stated the Brighton Arts & Culture Commission donated \$1,000 for the Fine Art & Acoustical Music Festival banners and two pieces of art were installed behind Stout Pub, which were paid for by the MEDC Rural Art Grant Fund, as well as the three new pieces in the St. Paul Street park. The 2011 outdoor exhibit contains 37 pieces and new maps are available to visit all of the sculptures. She thanked Tim Kusick for serving for three years on the Art Commission. She displayed the new PSD Board banner with the new logo. They received a Retail Success Summit presentation. The Board committed \$1500 for marketing for the Poweraid Invitational Soccer Tournament at the Scranton and Sloan Field August 26-28, which will bring a

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potential 5,000 people to our City. The Parking Strategy Subcommittee completed their recommendations, which will be presented to the DDAS in September. Look for a two-page ad featuring 12 downtown restaurants in the Clipper Magazine.

Councilmember Schillinger gave a Planning Commission update regarding two new businesses and the Brighton High School banners. The 9\11 Memorial Service is taking shape for dedication of a piece of the World Trade Center, which will be held September 11th.

Councilmember Pipoly gave a DDA update. He stated his heart and prayers go out to the family of Clarence Seigle who was a 34-year veteran of the Brighton Police Department.

City Attorney, Paul Burns stated the attorneys are close to finishing the SELCRA funding formula.

CALL TO THE PUBLIC

Mayor Bandkau gave a Call to the Public at 9:48 p.m. The following comment was heard:

Keith Karp, Oh My Lolli, stated the “No Smoking” signs have made a difference in the Millpond Pavilion area and the proposal regarding the concession stand has nothing to do with money. It is about the community and having a presence in that area.

Sally Ritkowski stated the Smart Meter violates our 4th Amendment and they are not hiring qualified electricians to install the meters and have caused fires start.

Hearing no further comment, Mayor Pro-Tem Bohn closed the Call to the Public at 9:59 p.m.

ADJOURNMENT

It was moved by Councilmember Cooper, seconded by Muzzin to adjourn the meeting at 10:00 p.m. Motion passed 7-0.

Diana Lowe, City Clerk

Ricci Bandkau, Mayor

22. Consider possible motions or actions as may be recommended by the City Labor Attorney regarding pending collective bargaining negotiations
23. Conduct closed session to receive advice from the City Attorney
24. Adjournment