

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON MAY 2, 2013 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 Bohn, Bandkau, Schillinger, Roblee and Pipoly. The Council reviewed the evening's agenda.

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 Bandkau, Schillinger, Pipoly, Roblee and Bohn. Also in attendance were Attorney Paul Burns, Staff members Dana Foster, Matt Schindewolf, Kelly Hanna, Jennifer Burke, Diana Lowe, Denise Meier, Amy Cyphert and Tom Wightman and an audience of 38. Press and Media included Jim Totten of Livingston Press & Argus and Tom Tolen of WHMI.

AGENDA APPROVAL

It was moved Councilmember Bandkau, seconded by Cooper to approve the agenda as amended. Add item #18a, MTT Litigation Closed Session and item #18b, Closed Session Action. Move from Consent Agenda to Action Agenda item #12, Property Tax Postmarks. Motion passed 7-0.

MINUTES APPROVAL

It was moved by Mayor Pro-Tem Cooper seconded by Bohn to approve the amended Regular Meeting minutes of April 18, 2013 as presented. Motion passed 7-0.

CITIZEN INQUIRIES

Mayor Muzzin read an inquiry from Patricia Cole, What, if anything, does the City of Brighton do for it's Senior Citizen Residents? What are the advantages to a Senior Citizen to own, purchase, or rent a residence, in the City of Brighton? How much money does the City contribute to the Brighton Senior Citizens Center at the Miller School? Does Brighton City offer any discounts to Senior Citizens, living exactly in the city, for any services the city charges people for?

The City has not contributed funds to the Brighton Senior Center on a direct basis since FY '08-09 which was in the amount of \$5,200. A Senior Citizen Discount of 10% is still in place on the Basic cable TV service package for those who currently receive the discount and were receiving the discount prior to the Federal and State Cable TV Deregulation Laws which basically stripped local governments of our previous cable franchise agreement requirements. The City of Brighton is one of the participating local government units in the SELCRA recreational authority which helps to support some SELCRA programs for Senior Citizens. The City of Brighton government facilitates and supports over 25 civic events each year which residents and visitors of all age groups enjoy and participate in each year.

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Mayor Muzzin read an inquiry from Susan Walters-Steinacker, How long can a residential home or a commercial building remain unoccupied before it is considered abandoned? What is the city ordinance for this?

Mayor Muzzin stated the City Attorney will answer this inquiry at the next meeting.

Mayor Muzzin read an inquiry from Jeff Neubacher requesting Council to support a petition to condemn Federal outreach and infringement upon the Right of the Individual to Keep and Bear Arms, urge immediate passage of PA House Bill 357 and reserve the right of the City to take measures necessary to prevent enforcement of Federal acts regarding the right of the individual to keep and bear arms.

It was moved by Mayor Pro-Tem Cooper, seconded by Pipoly to authorize the City Attorney to give his opinion orally and waive the Attorney-Client privilege. Motion passed 7-0.

City Attorney, Paul Burns this request is for the City Council to pass a Resolution stating that they do not recognize any Federal acts or laws that violate the 2nd amendment of the United States Constitution. The supremacy clause of the United States constitution in which Federal laws adopted by Congress or rulings of the United States Supreme Court trump all of our local Ordinances. The City is compelled to follow laws of the United States Supreme Court. It is our recommendation not to pass such a resolution.

CALL TO THE PUBLIC

Mayor Muzzin opened the Call to the Public at 7:40 p.m. The following comments were heard:

Chuck Ishlighter stated he likes the City and is planning to rent a building to open up a new business here. He requested a transcript of the City Attorney's Second Amendment opinion. He encouraged Council to do their job.

Joellen Pisarczyk, 12477 Scenic View Court, expressed her support for the Pawsitively Spoiled business in downtown Brighton.

Jeff Neubacher stated the Second Amendment is an important issue, the Council is to protect the community and it is important to protect each other.

Pollyanne McKillop, 8799 Skylane Drive, expressed her support for the Pawsitively Spoiled business. She stated the facility is not designed for overnight boarding and encouraged City Council to keep it in business.

Steve Chapman expressed his support for Pawsitively Spoiled and would support litigation for same.

Stacey Chapman, Attorney in Grand Blanc, has a special needs dog that has received excellent grooming services from Pawsitively Spoiled.

Kim Tobin, S 3rd Street, expressed her support for Pawsitively Spoiled and asked City Council to consider approving this business.

Mayor Muzzin stated that there will be no action taken on the Pawsitively Spoiled issue this evening. The Zoning Board of Appeals will have this issue on their June agenda.

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Bill Demonico, Northville, asked if the business will be shut down? He stated there is no kennel at the Pawsitively Spoiled location.

City Manager, Dana Foster stated the City has not shut down the Pawsitively Spoiled business. An application was received today for the Zoning Board of Appeals. The Livingston County Animal Control agency received a complaint and told the City they need to resolve the issue of a kennel operation without a State license. Animal Control needs an approval of a kennel operation from the City of Brighton at that location. Kennel operation is not one of the specific uses in that zoning district. He stated that per a letter received from Pawsitively Spoiled's attorney, that the business has discontinued the boarding portion of their business and have continued it's grooming business.

Sue Hall, South Lyon, expressed her support for the Pawsitively Spoiled business and stated it is not a boarding facility.

Gretta and her mother Joella, Brighton Township, expressed their support for Pawsitively Spoiled and asked to move the process along more quickly so it may be successful.

Annabell and Angela McKinley asked City Council to speak with the Zoning Board of Appeals and they thanked the Council.

Mayor Pro-Tem Cooper stated he is the City Council liaison to the ZBA and will relate the concerns expressed to them.

City Attorney, Paul Burns stated he will meet with Pawsitively Spoiled Attorney to discuss the business conforming with our Zoning Ordinance.

Larry McKillop, Brighton Township, requested a copy of the letter from the Livingston County Animal Control.

City Manager, Dana Foster stated he will provide the letters sent to Pawsitively Spoiled and from Livingston County Animal Control at the City Hall front counter for anyone who asks for one.

Marybeth Ruff expressed her support of the Pawsitively Spoiled business.

Pat Cole, Brighton City, read a citizen inquiry asking how the Brighton City Refuse Collection Fee will be included on city property taxes as a property tax deduction? How will such Headlee Over Ride affect business owners, or not? Is the Brighton City Council considering to place a request for a Headlee Over Ride on the November election ballot?

Kate Overton expressed her support of the Pawsitively Spoiled business. Her mother asked City Council to do everything they can to help the business.

Chuck Ishlighter stated the City Council is supposed to protect us under the Constitution.

City Manager, Dana Foster also stated that if the City Attorney and Pawsitively Spoiled's business attorney reach an understanding that a kennel is not being operated at the business, then no zoning variance is needed

Hearing no further comment, the Call to the Public was closed at 8:25 p.m.

CONSENT AGENDA

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

The following items were approved:

1. Approved the Quarterly Investment Report.
2. Approved a bid award for a new janitorial Services Contract.
3. Approved the Swingfusion Civic Event.
4. Approved the Walk to End Alzheimer's Civic Event.
5. Cancelled the July 4, 2013 City Council meeting.

ON-TIME TAX PAYMENTS POSTMARKS

Finance Director, Kelly Hanna explained why it is important to discontinue accepting postmarks as consideration for on-time property tax payments. She stated the Finance Department will include an informational letter in the next tax bill explaining the change.

It was moved by Councilmember Pipoly, seconded by Bandkau to discontinue accepting postmarks as consideration for on-time property tax payments. Motion passed 7-0.

RESOLUTION TO ADOPT CITY BUDGET FOR FISCAL YEAR 13-14

City Manager, Dana Foster stated he submitted his proposed budget and amendments to City Council. He briefly explained the budget process. The City Council proposed budget does not have a Headlee Override proposal in it. He stated if city Council wants to take action on a millage proposal it would have to be separate from Budget adoption. If Council endorsed his Headlee override proposal, it would have to be on a ballot for voter approval and would not take effect for two fiscal years from now.

Mayor Muzzin stated the refuse fee is not currently deductible on your income tax, but if the refuse tax was eliminated and it was included in the millage, it would be tax deductible.

Councilmember Bandkau requested that the City not pass the Refuse User Fee increase on to the residents in the amount of \$9,173.

Councilmember Bohn asked how the elimination of two DPS positions would not decrease in services for residents?

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City Manager, Dana Foster explained his deficit elimination plan revenue. He explained the impact the elimination of two DPS positions on services which may have an effect on services such as storm sewer cleaning. He discussed contracting out sidewalk snow removal, sell the Bombardier and alternating streets/grounds with cemetery maintenance.

Councilmember Bohn asked why the General Fund should subsidize two employees that work 75% of their time for the DDA?

City Manager, Dana Foster stated he wants to keep operations out of the DDA fund and put more focus on community improvement projects.

Councilmember Roblee stated that department has brought in nearly six million dollars into the City in grants and public and private improvements and they are also Economic Development Department.

City Manager, Dana Foster stated in light of the Blueprint Plan it was decided the DDA would take on expenses for Wayfinding signs, lighted cross walks, marketing program, flowers, etc.

Councilmember Bohn suggested City Council give up their air cards, eliminate overtime for civic events or get reimbursed for it as well as police support, to eliminate two employees, but not DPS, limit pay increases, MERS contributions and limit contractor increases to 1.5%.

Councilmember Schillinger stated the PSD should be self funded, the DDA could pick up their two employees and he disagrees with not backfilling the two DPS employees.

Councilmember Pipoly does not want to cut the two DDA positions, as many of the new business and improvements that have been made are bringing in more tax dollars.

Mayor Muzzin stated he is not in favor of the user fee increase or eliminating the DDA Director or Administrative staff. He supports eliminating City Councils air cards and adding back into budget back into budget the 1.5% Clerical, Police and DPS increases, the 5% contribution for Police and DPS to MERS and 1.5% cap on contractor's increases.

It was moved by Councilmember Roblee, seconded by Pipoly to approve Resolution 13-07, to adopt the City Budget for Fiscal Year 13-14. with the following amendments: subtract the \$9,173 Refuse User Fee increase, eliminate air cards for City Council for a \$3,400 savings, 1.5% caps for Police, Clerical and DPS increases, 5% contribution for Police and DPS to MERS and 1.5% cap on contractor increases. A roll call vote was taken. Yes: Bandkau, Muzzin, Pipoly, Roblee. No: Schillinger, Bohn, Cooper. Motion passed 4-3.

RESIDENTIAL RENTAL INSPECTION PROGRAM

Amy Cyphert briefed the Council on the introduction of the residential rental inspection program.

It was moved by Councilmember Bandkau, seconded by Cooper to direct Staff to pursue the adoption of a residential rental inspection ordinance. Motion passed 7-0.

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CITY CUSTOMER INFORMATION

Department of Public Works Director, Matt Schindewolf stated residents can bring three large bulky items to the DPS on May 11, 2013 from 9:00 a.m. to 2:00 p.m. No hazardous material or yard waste will be accepted.

City Manager, Dana Foster stated the Brighton Area Historical Society is hosting a clean-up in the Old Village Cemetery on May 4, 2013 from 9:00 a.m. to 1:00 p.m. The Headstone Restoration Dedication ceremony will be held at 11:00 a.m.

Mayor Pro-Tem Cooper stated he attended the Governing Michigan Leadership forum with the Governor where they discussed the City of Brighton doing well, 21-Century model, SPARK, Proposal A reconsideration and MDOT initiatives for bonds.

Councilmember Bandkau stated the Veteran's Memorial is moving forward and the dedication will be the Sunday before Veteran's Day.

Councilmember Roblee stated the Farmers Market begins Saturday in the municipal lot at 8:00 a.m.

Mayor Muzzin reminded residents that Saturday is Fill the Gazebo for Gleaners Food Bank.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 9:59 p.m. The following comment was heard:

Pat Cole thanked City Council for their interest in the rental inspection program. She stated the 10% senior discount for Comcast is for existing seniors already receiving it. She asked when will the Headlee override come back to the City Council?

Hearing no further comment, Mayor Muzzin closed the Call to the Public at 10:03 p.m.

MICHIGAN TAX TRIBUNAL CLOSED SESSION

It was moved by Mayor Pro-Tem Cooper, seconded by Bandkau to go into Closed Session to discuss written Attorney-Client Privilege communication regarding Michigan Tax Tribunal pending litigation. 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 10:04 p.m.

The Council reconvened the Regular Meeting at 10:07 p.m.

MICHIGAN TAX TRIBUNAL ACTION

It was moved by Mayor Pro-Tem Cooper, seconded by Pipoly to approve the recommended settlement for Aberdeen of Brighton. Motion passed 7-0.

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ADJOURNMENT

It was moved by Mayor Pro-Tem Cooper, seconded by Roblee to adjourn the meeting at 10:08 p.m. Motion passed 7-0.

Diana Lowe, City Clerk

Jim Muzzin, Mayor