

CITY OF BRIGHTON  
CITY COUNCIL MEETING  
CITY HALL  
May 17, 2012

**EARLY Blue Sky: 5:30 p.m.:** To review and discuss information regarding the current list of assumptions used by staff for the latest 6-year financial forecast and consider a related discussion about what modifications are needed to the subject list of assumptions

Regular Blue Sky: 7:00 p.m.: Review of Agenda Items for this evening's meeting

**REGULAR SESSION - 7:30 P.M.**

1. Call to order
2. Pledge of Allegiance
3. Roll Call
4. Consider approval of the Agenda
5. Police Officer of the Year Award Presentation from the Police Chief
6. Approval of [minutes: Regular Meeting](#) and [Closed Session of May 3, 2012](#)
7. Mayor's Reading of Citizen Inquiries received since the last City Council Meeting
8. Call to the Public

**Consent Agenda**

9. Consider approval of staff's recommendations regarding the results of a recently-conducted Blue Cross Health Insurance competitive RFP process pursuant to Public Act 106
10. Consider approval of a [policy resolution regarding the City's official support of Brighton residents and other Michigan citizens being able to Opt Out of the planned DTE Smart-meter program](#)
11. Consider approval of the [Annual City Millage Rate resolution](#)

**Policy Development & Customer Communications' action item**

12. Consider approval of a motion or motions giving staff direction on any changes to make to the current list of assumptions that the most recent 6-year Financial forecasts for the General Fund and DDA Fund have based upon (for staff to then use for the next updated 6-year forecast for the General Fund and DDA Fund that will be on the June 21 City Council Meeting agenda)
13. Receive Part 2 of a Report from the City Manager regarding City Council-directed work on the planning process for a possible Community Improvements Bond Issue Proposal election for City Voters in November of 2012. Part 2 of the report will focus on a preliminary proposed plan from the City Manager for what and were to invest the possible bond issue funding
14. Consider approval of placing a brief survey about the proposed projects in the City Manager's preliminary proposed community improvements bond issue plan on the City's website and utilizing the City's end of May, 2012 utility billing statements to encourage City utility customers to visit the City's website to respond to the above-noted online survey

**Other Business**

15. Information for City Customers
16. Receive updates from Council Member Liaisons to other Boards and Commissions
17. Conduct Closed Session to receive and discuss a confidential and privileged written opinion from the City Labor Attorney regarding collective bargaining related obligations.

18. Conduct a Closed session to receive possible Attorney-Client privilege opinion from the City Attorney regarding recently- received utility service requests from two neighboring township governments.
19. Conduct a Closed session closed session regarding Michigan Tax Tribunal litigation
20. Consider possible actions as may be recommended by the City Attorneys relating to pending MTT litigation
21. Call to the Public
22. Adjournment

**MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON**  
**HELD ON APRIL 19, 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 Special Legal Counsel Dennis Gabrian, Attorney Paul Burns and Staff members Dana Foster, Kelly Hanna, Jennifer Burke, Diana Lowe, Amy Cyphert, Matt Schindewolf, Tom Wightman and an audience of 9. Press and Media included Jim Totten from the Livingston Press & Argus and Tom Tolen from WHMI.

**AGENDA APPROVAL**

It was moved by Councilmember Bandkau, seconded by Cooper to approve the Agenda as amended. Add item #6a, St. Patrick's Church Anniversary and #15a, Placement of paroled prisoners. Combine item #18 and #19, Attorney- Client privilege opinion Closed Sessions. Motion passed 7-0.

**MINUTES APPROVAL**

It was moved by Councilmember Roblee, seconded by Schillinger to approve the Regular Meeting minutes of April 19, 2012 as presented. Motion passed 7-0.

**LETTER CARRIER'S PROCLAMATION**

Mayor Muzzin read a Letter Carrier's Proclamation with May 12<sup>th</sup> as the Food Drive for residents to put non-perishable food items at their mailboxes for pick-up.

**ST. PATRICK'S CHURCH ANNIVERSARY**

Mayor Muzzin read a congratulatory letter to St. Patrick's Church for their 180<sup>th</sup> anniversary.

**CITIZEN INQUIRIES**

Susan Walters-Steinacker - please state the dollar amount of captured tax dollars paid in 2011 and will be paid in 2012 to the following: 1) Brighton Chamber of Commerce 2) SBTDC- Nancy Johnson 3) Selcra.

Mayor Muzzin stated the following: SBTDC - \$10,000 for a term of 9/1/11 thru 8/31/12; Chamber of Commerce - \$15,000 for a term of 3/1/12 thru 2/28/13; and SELCRA - \$3,500 for a term of 7/01/11 thru 6/30/12.

City Council  
May 3, 2012  
Page 2

Susan Walters-Steinacker – Please explain why the DDA is not paying for Mr. Modrack's salary, benefits and car allowance? If not why not?

Mayor Muzzin stated the DDA includes City taxpayers just like all areas of the City that are not inside the DDA District. City taxpayers pay for salaries and benefits of all City employees. City Council approved the City Manager's redefinition of duties for staff positions and did not want the DDA to absorb staff salaries, as the DDA Fund is focused on Capital Improvement Projects as opposed to operating expenditures such as staff costs.

Patricia Cole, When was the Veterans Memorial Subcommittee established and who is on it? What is the purpose and responsibilities of the each member?

Mayor Muzzz stated the Veteran's Memorial Subcommittee is not an official subcommittee of the City Council.

City Attorney, Paul Burns stated it is nothing more than a City Councilmember attending a non-profit meeting, which they are allowed to do.

### **CALL TO THE PUBLIC**

Mayor Muzzin opened the Call to the Public at 7:43 p.m. The following comments were heard:

Brian Bradford, Veteran's Memorial Subcommittee, explained the makeup of committee, funding, partnering with the Kiwanis, remaining funds will be used for ongoing maintenance, and donation information can be found at [brightonveteransmemorial.org](http://brightonveteransmemorial.org).

Mary King, Coordinator for the Prisoner Relocation Program, thanked City staff for putting together a neighborhood meeting regarding a recent placement of prisoners in the community. She asked that concerned citizens call chief Wightman or her office with any concerns. She asked that the City not exclude them from any revised ordinance.

Hearing no further comment, Mayor Muzzin closed the Call to the Public at 7:49 p.m.

Councilmember Bandkau said the members on the Veteran's Memorial Committee were: Brian Bradford, Bill Rubin, Dennis Nauss, Scott Brauer and herself.

It was moved by Councilmember Roblee, seconded by Bandkau to move item #15a, Prisoner Relocation Program to #11a. Motion passed 7-0.

### **CONSENT AGENDA**

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

The following item was approved on the Consent Agenda:

1. Approved the Quarterly Investment report.

2. Approved the site plan amendment for Brighton Commons, 8671 W. Grand River based on the plan prepared by Paul Fritz Associates, sheet A3, job number 120301, dated 3/28/12 subject to the following:
  1. That shared parking calculations are based on 6,750 square feet of retail and 3,042 square feet of specialty medical as noted on the site plan.
3. Approved the distribution of the proposed master plan. This motion shall serve as notice to the secretary of the planning commission to provide a copy of the proposed draft master plan, for review and comment, to the surrounding governments, county, public utility companies and railroads as required by the State Law.

### **PLACEMENT OF PAROLED PRISONERS**

City Manager, Dana Foster gave a report regarding possible amendments to City ordinances for the regulation of the State Department of Corrections' placement of paroled prisoners into our community that are subject to a pending legal review by our City Attorneys prior to formal submission to the Planning Commission and City Council for formal action. He thanked everyone that was able to meet today to discuss this issue.

Planning and Zoning Director, Amy Cyphert stated a zoning district would have to be classified to permit the use for placement of paroled prisoners.

There was Council discussion regarding fears of the residents, such as decline in property values and fear factor and a commitment to continue working with the Police Department. It was suggested that Catholic Social Service Staff formalize commitments made in today's meeting with the residents into a written document to give to City Staff and the residents.

City Attorney, Paul Burns stated we could codify something that complies with state law that is duplicated in our ordinance.

Mary King answered the questions of the Council.

City Manager, Dana Foster discussed the Prisoner Reentry Housing Contract, Mr. Robinson explained the program very well and how they interface with the Police Department and he thanked Chief Wightman for all of his work regarding this program.

Mayor Muzzin thanked everyone for their commitment to answering the concerns of residents with this issue.

### **VETERAN'S MEMORIAL IMPROVEMENT SITE PLAN**

Councilmember Bandkau discussed the slides of the Veteran's Memorial Improvement Site Plan.

It was moved by Councilmember Bandkau, seconded by Cooper to approve the site plan for the Veteran's Memorial, last dated 4-3-2012, as drawn by Lindhout Associates, job #1229, subject to the following condition:

1. That irrigation is provided for the new planting beds.
2. That right of way permits be obtained from the Department of Public Services, if applicable.

City Council  
May 3, 2012  
Page 4

3. That any damages done to the existing public sidewalk be repaired to current condition.
  4. That an engineering review be conducted during the building permit process, if applicable.
  5. Memorandum of understanding for future maintenance of memorial, to be approved by the City Attorney.
- Motion passed 7-0.

### **FISCAL YEAR 2012-2013 CITY BUDGET**

It was moved by Mayor Pro-Tem Cooper, seconded by Bandkau to approve Resolution 12-05, Adopt the City of Brighton's Budget for Fiscal Year 2012-2013, including Exhibit A. A roll call vote was taken. Yes: Cooper, Muzzin, Bandkau, Roblee, Pipoly. No: Bohn, Schillinger. Motion passed 5-2.

### **SMART-METERS**

Mayor Pro-Tem Cooper gave a report on the MML Technology Committee's recent review of Smart-meters, stating individuals may opt-out of the program and stated the City Manager should confirm the opt-out and a possible Resolution. He stated this is not a constant signal being emitted.

City Attorney, Paul Burns stated he would bring a Resolution to the next City Council meeting.

### **POSSIBLE COMMUNITY IMPROVEMENTS BOND ISSUE PROPOSAL**

City Manager, Dana Foster discussed how a possible \$5,000,000 Community Improvements Bond Issue would be used in the City of Brighton, Bond Issue Proposal Summary Public Hearing letter and a letter describing what would be done with the funding from 1996, Average Millage Rates Comparison and this proposed millage would be millage and property tax bill neutral.

### **CITY CUSTOMER INFORMATION**

Department of Public Services Director, Matt Schindewolf stated this Saturday from 9:00 a.m. to 2:00 p.m. City residents may bring any non-hazardous items to the DPS on 3<sup>rd</sup> Street for disposal.

Mayor Pro-Tem Cooper stated the crosswalks are working properly and look wonderful.

Councilmember Roblee gave a PSD update stating they looking at some Sunday events and they received a report on banner program on Main Street.

Mayor Pro-Tem Cooper stated SELCRA won a Governor's Fitness award.

### **ATTORNEY/CLIENT PRIVILEGE OPINION FROM CITY LABOR ATTORNEY CLOSED SESSION**

It was moved by Mayor Pro-Tem Cooper, seconded by Roblee to go into Closed Session to discuss written Attorney/Client privilege opinion letter from the City's Labor Attorney at 9:31 p.m. A roll call vote was taken. Yes: Schillinger, Bohn, Cooper, Muzzin, Bandkau, Roblee, Pipoly. No: none. Motion passed 7-0.

City Council  
May 3, 2012  
Page 5

**CLOSED SESSION ACTION**

It was moved by Councilmember Bandkau, seconded by Cooper to adopt the code of conduct letter written by the City's Labor Attorney and post in all City buildings and website and correct the reference to "library". Motion passed 7-0.

**CALL TO THE PUBLIC**

Mayor Muzzin gave a Call to the Public at 10:01 p.m. Hearing no comment, the Call to the Public was closed.

**ADJOURNMENT**

It was moved by Mayor Pro-Tem Cooper, seconded by Roblee to adjourn the meeting at 10:01 p.m. Motion passed 7-0.

---

Diana Lowe, City Clerk

---

Jim Muzzin, Mayor

**RESOLUTION 12-**

A RESOLUTION Directed to the Michigan Public Service Commission ("MPSC") Regarding the Installation and Use of Smart Meters

WHEREAS, the City Council of the City of Brighton, a Michigan Home Rule City pursuant to Act 279 of 1909 as amended, is a public body with a duty to ensure the health, safety and welfare of its citizens;

WHEREAS, technology is being developed regarding smart utility meters, whereby usage data is transmitted via radio frequency, and utility companies are given the ability to collect data and/ or shut off or interrupt service remotely, without the consent of the customer;

WHEREAS, the MPSC has the power and authority to regulate public utility companies and, thus, the installation and use of smart meters in the City of Brighton and State of Michigan;

WHEREAS, concerns have been raised, including those of citizens of the City of Brighton to this Council, as to the potential health hazards and invasions of privacy due to the installation and use of smart meters;

NOW, THEREFORE, be it resolved that the City Council of the City of Brighton hereby requests that the MPSC take the following actions to protect the health, safety and welfare of the citizens of the City of Brighton:

- 1) That the MPSC conduct a study as to the potential health risks to citizens of the City and of the State of Michigan, posed by the installation and use of smart meters;
- 2) That the MPSC conduct a study as to the potential detrimental effects on the privacy rights of citizens of the City and of the State of Michigan;
- 3) That the MPSC publish such findings and take such actions as will address the potential health risks and/or potential invasions of the rights of the citizens of the City and of the State of Michigan; and
- 4) That the MPSC consider requiring public utility companies employing smart meter technology to provide for an "opt out" option for citizens of the City and of the State of Michigan.

The foregoing resolution was proposed by Council Member \_\_\_\_\_ and supported by Council Member \_\_\_\_\_.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

This Resolution was adopted this day of \_\_\_\_\_

\_\_\_\_\_  
Diana Lowe, City Clerk

I, Diana Lowe, City Clerk for the City of Brighton, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by City Council at the Regular meeting held on \_\_\_\_\_.

\_\_\_\_\_  
Diana Lowe, City Clerk

## POLICY REPORT - FINANCE

Consider Establishing the Levy and Authorizing the Collection of Taxes, Penalties and Fees for FY 2012-13

May 17, 2012

Prepared by:

Reviewed by:

---

Kelly Hanna  
Finance Director

---

Dana William Foster  
City Manager

### ISSUE:

Consider the attached resolution to establish the levy and authorize the collection of taxes, penalties and fees for FY 2012-13.

### STAFF RECOMMENDATION:

It is the recommendation of staff that the City approve the attached resolution to set the levy and authorize the collection of taxes, penalties and fees for FY 2012-13.

### BACKGROUND:

The Council's adopted budget reflects a City operating millage of 15.2734 mills for FY 2012-13, which is the same as FY 2011-12. In addition, the debt millage, as now recalculated after the Taxable Value Certification of the Board of Review, is 0.7753 mills for FY 2012-13. The debt millage has increased from the estimate of 0.7724 mills referenced in the proposed FY 2012-13 Budget document due to Board of Review Adjustments. The Board of Review has decreased total real taxable values for 2012 by \$429,760 from what was estimated in the proposed FY 2012-13 Budget document. The attached resolution, if adopted, would establish a total City millage of 16.0487 for FY 2012-13, which is 0.4136 mills or 2.5% less than FY 2011-12. For the sixth year in a row, the Headlee Millage Reduction Fraction did not roll back the Charter limited operating millage. This was caused primarily by housing inflation being less than the CPI, which was caused primarily by the downturn in the Michigan economy. We expect this trend to continue for a couple more years.

### RELATIONSHIP TO GOALS:

This is related to all property tax funded goals.

### BUDGET IMPACT:

The recommended levy, penalties and fees support the FY 2012-13 General Fund budget.

### ACTION/MOTION:

Adopt the recommended resolution to establish the levy and authorize the collection of taxes, penalties and fees for FY 2012-13.

RESOLUTION 12-

ESTABLISHING THE LEVY AND AUTHORIZING THE COLLECTION OF TAXES, PENALTIES AND FEES FOR FISCAL YEAR 2012-13

WHEREAS, the City Council adopted the fiscal year 2012-13 budget, which includes a proposed tax millage rate to support the budget, at their May 3, 2012 meeting; and

WHEREAS, the Charter Tax Rate Limitation of 20 mills has been reduced to 15.2734 mills for 2012 by the cumulative effect of the "Headlee Amendment" roll back; and

WHEREAS, the City Charter requires the establishment of a required millage for the levy of taxes; and

WHEREAS, the General Property Tax laws of the State of Michigan authorize the imposition of penalties and administration fees on current taxes; and

WHEREAS, the Council annually officially establishes the millage by resolution:

NOW, THEREFORE, BE IT RESOLVED by the Brighton City Council as follows:

1. The operating tax rate for FY 2012-13 is levied at 15.2734 mills.
2. Pursuant to a vote of the electorate on March 19, 1996 authorizing the borrowing of up to \$4,000,000 in unlimited general obligation bonds to finance street improvements, 0.7753 mills is hereby established to service the debt for fiscal year 2012-13.
3. A 2012 Summer Tax Late Penalty Charge is established and will be collected on behalf of all the taxing units as follows:
  - August 16 - August 31: 2%
  - September 1 - September 30: 4%
  - October 1, 2012 - February 28, 2013 an additional .50% per month up to 6%
4. A 2012 Summer and Winter Tax Administration Fee of 1% is established and will be collected on behalf of the City of Brighton.

Ayes: \_\_\_\_\_  
 Nays: \_\_\_\_\_  
 Absent: \_\_\_\_\_  
 Abstain: \_\_\_\_\_

This Resolution was \_\_\_\_\_ this \_\_\_\_\_ day of May 2012.

\_\_\_\_\_  
Diana Lowe, City Clerk