

CITY OF BRIGHTON
CITY COUNCIL MEETING
CITY HALL
May 7, 2009

Blue Sky - 7:00 PM 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. Approval of minutes: Regular Meeting of 04/16/09
5. Call to the Public
6. **Response to Citizen Inquiries to City Council received prior to this City Council Meeting**
7. Consider approval of the Agenda

Consent Agenda

8. Consider approval of staff's recommended liquor license transfer for the Chili's restaurant due to ownership change
9. Consider approval of a proclamation for the Letter Carriers' Food Drive
10. Consider approval of staff's recommended civic event amendment approval for West Street Closure for the Smoking Thursdays civic event
11. Consider approval of staff's recommendation for the recently-completed daily newspaper of record competitive Request for Proposals process
12. Consider approval of a Budget Adoption Resolution for City Council's Proposed Fiscal Year 2009-2010 City Budget
13. Consider approval of staff's recommended construction contract award for the Orndorf Drive Improvement project
14. Consider approval of Bylaws for the DDA as recommended by the City Attorney & DDA Board
15. Consider approval of a proposed settlement agreement related to the pending Brighton Interior Systems v City of Brighton Michigan Tax Tribunal Appeal as recommended by the City Attorney and Finance Director.
16. Consider approval of staff's recommended construction contract award for the Millpond Lane By-pass Sewer project

Policy Development & Customer Communications' action item

17. Consider appeal from Mr. Leon Bonner in response to City code enforcement staff's determination of unsafe structures
18. Consider approval of staff's recommended design & construction implementation plan changes for the pending downtown infrastructure improvement projects: Mill Pond Lane Bypass Sewer, Main Street Repaving, and the 2nd Street parking lot projects and consider staff's related report of the outcomes of recent related public information & input meetings conducted regarding the same improvement projects

Other Business

19. Information for City Customers
20. Receive updates from Council Member Liaisons to other Boards and Commissions
21. Call to the Public
22. Conduct closed session at the request of the City's Special Legal Counsel for Labor & Personnel matters to receive advice regarding pending labor negotiations
23. Adjournment

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON MAY 7, 2009 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 Pro-Tem Bandkau, Councilmembers Muzzin, Bohn, Tunis and Roblee. The Council reviewed the agenda items.

REGULAR SESSION

Mayor Pro-Tem Bandkau called the regular meeting to order at 7:33 p.m. Following the Pledge of Allegiance, the roll was called, there being present were Mayor Pro-Tem Bandkau, Councilmembers Muzzin, Bohn, Tunis and Roblee. Also in attendance were Engineer Linda Basista, Attorney's Paul Burns and Brad Maynes and Staff members Dana Foster, Diana Lowe, Jennifer Piasecki, Matt Modrack, Dave Gajda, Tom Wightman, Matt Schindewolf and an audience of 12.

It was moved by Muzzin, seconded by Tunis to excuse Mayor Lawrence and Councilmember Cooper from the evening's meeting. Motion passed 5-0-2.

CALL TO THE PUBLIC

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

Sharon Kisak, Yum Yum Tree, stated she has young people coming into their restaurant and has a problem with the Smoking Thursday Nights Civic Event at the Martini Bar and people drinking out in the street. She has called the police in the past because of the noise level. She is concerned about her families, senior citizens and parking.

Hearing no further comment, Mayor Pro-Tem Bandkau closed the Call to the Public at 7:37 p.m.

MINUTES APPROVAL

It was moved by Councilmember Muzzin, seconded by Tunis to approve the Regular Meeting minutes of April 16, 2009 as presented. Motion passed 5-0-2.

CITIZEN INQUIRY RESPONSE

No Citizen Inquiries were read.

AGENDA APPROVAL

It was moved by Councilmember Bohn, seconded by Muzzin to approve the Consent Agenda as amended. Move from Consent Agenda to Action agenda item #10, West Street Closure Civic Event, item #12, fiscal year 2009-2010 City Budget and item # 16, Millpond Lane By-Pass Sewer contract award as item #18a. A roll call vote was taken. Yes: Tunis, Bandkau, Muzzin, Roblee, Bohn. No: none. Absent: Lawrence, Cooper. Motion passed 5-0-2.

The following item was approved:

1. Approved Resolution 09-09, Liquor license transfer for the Chili's restaurant due to ownership change.
2. Approved the Livingston County Daily Press and Argus for the daily newspaper of record as a result of the Request for Proposal.
3. Approved the construction contract award to Fonson, Inc. for the Orndorf Drive Improvement project, contingent upon successful bond sale.
4. Approved the By-laws for the Downtown Development Authority.
5. Approved the proposed settlement agreement related to the pending Brighton Interior Systems vs. City of Brighton Michigan Tax Tribunal Appeal.

LETTER CARRIER'S FOOD DRIVE PROCLAMATION

Mayor Pro-Tem Bandkau read a Letter Carrier's Food Drive Proclamation and presented it to their representative.

Dave Simonski, United States Postal Service Letter Carrier, thanked everyone for putting food out at their mailboxes and they are looking for non-perishable food items to be donated to the food bank.

COUNCILMEMBER BOHN PRESENTATION

He displayed slides of the Old Village Cemetery, before and after the recent clean up. There were many participants and they did a remarkable job. He thanked Rolling Thunder, the Michigan Chapter of Veteran's of Foreign Wars Post 4357, St. George Church and the Brighton Area Historical Society for donating their time and efforts this past Saturday.

Mayor Pro-Tem Bandkau thanked everyone that participated.

ACTION AGENDA APPROVAL

It was moved by Councilmember Bohn, seconded by Muzzin to approve the Action Agenda as amended. Move to Action Agenda from Consent Agenda item #10, West Street Closure Civic Event, item #12, fiscal year 2009-2010 City Budget and item #16, Millpond Lane By-Pass Sewer contract award as item #18a. Delete item #22, Labor & Personnel matters Closed Session. Motion passed 5-0-2.

WEST STREET CLOSURE CIVIC EVENT

City Manager, Dana Foster stated that an approved civic event could be revoked at any time, as he has done in the past for noncompliance with the ordinances. He stated the Police could take action on a noise problem without a complaint.

There was Council discussion regarding the hours of the Yum Yum Tree on Thursday, hours of operation for the street closure, rush hour, set-up time for the Martini Bar, cross marketing, noise issue, bringing people downtown and parking for the Yum Yum Tree.

Nick Palizzi, Martini Bar, stated part of their profits will go towards Rolling Thunder and this event will bring people downtown and benefit the downtown area.

Mayor Pro-Tem Bandkau suggested Mr. Palizzi talk to the owner of the Yum Yum Tree in regards to her concerns as stated in the Call to the Public.

It was moved by Councilmember Muzzin, seconded by Tunis to recommend approval of the amendment for the West Street closure for the Smoking Thursday's Civic Event and direct Staff to look at the Civic Event Amendment as it stands now and see about updating for today's times. Motion passed 5-0-2.

PROPOSED FISCAL YEAR 2009-2010 CITY BUDGET

Councilmember Muzzin stated this was a difficult budget and next year's may be more difficult.

Councilmember Bohn stated he could not support the budget because we need to have an increase in the City millage, as it is not an excessive amount of funds to be asking for. He discussed changes in Revenue Sharing. He thanked the DDA for stepping up and funding the two downtown projects and the Orndorf project.

It was moved by Councilmember Muzzin, seconded by Roblee to approve Resolution 09-10, Fiscal-Year 2009-2010 City Budget. A roll call vote was taken. Yes: Tunis, Bandkau, Muzzin, Roblee. No: Bohn. Absent: Lawrence, Cooper. Motion passed 4-1-2.

LEON BONNER CODE ENFORCEMENT

Attorney Paul Burn stated he recommended to leave this matter it tabled.

DOWNTOWN INFRASTRUCTURE IMPROVEMENTS PROJECTS

Department of Public Services Director, Matt Schindewolf stated there were two public information meetings regarding the two downtown projects and a follow-up Staff meeting. As a result, modifications were made to traffic flow and to have the boring done simultaneously. He discussed the timing of the project.

Engineer Linda Basista explained the process and steps for construction projects, detours, parking, signage and traffic flow.

Department of Public Services Director, Matt Schindewolf discussed the 2nd Street Parking Lot project and the Main Street repaving project.

It was moved by Councilmember Roblee, seconded by Tunis to approve the design and construction implementation plan changes for the pending downtown infrastructure improvement projects. Motion passed 5-0-2.

MILLPOND LANE BY-PASS SEWER PROJECT CONSTRUCTION CONTRACT AWARD

Engineer Linda Basista stated there were nine bids submitted for the Millpond Lane By-pass Sewer project and recommended Fonson, Inc as the low bidder.

It was moved by Councilmember Muzzin, seconded by Bohn to approve the construction contract award to Fonson, Inc. for the Millpond Lane By-Pass Sewer Project. Motion passed 5-0-2.

INFORMATION FOR CITY CUSTOMER

Police Chief Tom Wightman, stated he attended a meeting with Mayor Pro-Tem Bandkau at Livingston County Emergency Management to discuss the Swine Flu situation. If it escalates, another meeting will be held to discuss policies and procedures. Since the meeting, the level of concern has been down graded.

City Manager, Dana Foster stated we are going to do some modifications to our City's website with some activity of redevelopment. On May 21st there will be a formal agenda item on the current adopted goals update with modifications and changes. He thanked the participants of the attendees of the Downtown Project meetings for their input and positive and constructive comments that were made. He stated the budget process, without making changes to the current and upcoming budget, we were looking at half million or higher of projected cash deficit. There is still a lot of work to do and next year may be harder, but tonight's budget projects a positive of 10%. He discussed the employees taking a cut in pay and getting a plan in place in regards to the declining revenues.

Mayor Pro-Tem Bandkau thanked all of the staff members and Councilmembers Bohn and Muzzin for all they have put into the budget.

Councilmember Muzzin stated the April Planning Commission meeting was canceled. He thanked the Downtown Development Authority for their decision to help with the City budget. He stated there was a special Brighton Area Fire Authority meeting and they have come to terms with the former chief on a settlement agreement.

Councilmember Tunis thanked the Downtown Development Authority. He stated he read an article on great ideas of how the DDA has participated to help solve problems and asked the City Manager to forward the article.

Councilmember Roblee thanked the Downtown Development Authority for their participation. The Principal Shopping District met and the Downtown Merchant Association asked them to contract with the Chamber of Commerce to plan Summerfest. She asked for Council concurrence to have the City Attorney's office to prepare the contract agreements prepared by May 21st with PSD/City to contract with the Chamber to put on Summerfest.

Councilmember Bohn stated there is a calendar of events on the City's website. He asked if Fonson could come back and restore some of the grassy areas on Oakridge Drive and there is one resident that has the ground chewed up between the sidewalk and the road. On the corner of Sisu Knoll and Oakridge there is some irrigation that needs to be tidied up.

Department of Public Services Director, Matt Schindewolf stated he would discuss the matter with Fonson and will take care of it.

CALL TO THE PUBLIC

Mayor Pro-Tem Bandkau gave a Call to the Public at 8:45 p.m. The following comments were heard:

Sharon Kisak, Yum Yum Tree, added the parking will be less because of the Civic Event street closure and she will loose business.

Pat Cole, Brighton City, stated in regards to the millage the City will need to find another way to gain funds. She asked why have the Citizen Inquiries have been put off? She displayed a wreath with an American flag attached to it that she pulled out of the dumpster, stating she has e-mailed two City Councilmembers, Dana Foster and Matt Schindewolf and has had no response. She stated she will be making contact with the State and National groups because she is not getting answers from the City Council regarding the flags. She also stated we have a DPS Director who stood here in January 2008 who swore up and down that no flags were ever put in the dumpster and I say it then and I say it now, that is not the truth. She thanked Council for their time.

City Manager, Dana Foster addressed the statement made regarding the DPS Director, stating the DPS Director presented a report that was in full faith and factual and nothing misrepresented and that policy and those procedures for the cemetery are followed to this date. The site is not secure and things are put in the dumpster that are beyond the City's control.

City Council
May 7, 2009
Page 6

Councilmember Muzzin stated there is nothing stopping a grave owner or family from dumping in the dumpster.

Councilmember Bohn stated he forwarded Ms. Cole's email on to the appropriate staff members and went with Mayor Pro-Tem Bandkau to the cemetery and looked in the dumpster and found no flags.

Hearing no further comment, Mayor Pro-Tem Bandkau closed the Call to the Public at 8:58 p.m.

ADJOURNMENT

It was moved by Councilmember Roblee, seconded by Tunis to adjourn the meeting at 8:58 p.m. Motion passed 5-0-2.

Diana Lowe, Acting City Clerk

Ricci Bandkau, Mayor Pro-Tem