

CITY OF BRIGHTON
CITY COUNCIL MEETING
CITY HALL
June 4, 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 05/21/09
5. Call to the Public
6. Eagle Scout Proclamation
7. American Public Works Association Accreditation of the Department of Public Services' presentation
- 8. Response to Citizen Inquiries to City Council received prior to this City Council Meeting**
9. Consider approval of the Agenda

Consent Agenda

10. Consider approval of the City Manager's report on communications regarding a re-use of the Old Town Hall by local non-profit Arts & Culture related organizations
11. Motion of Concurrence with staff to levy a "Jeopardy Assessment" on Taorello's Market for the collection of their 2010 personal property taxes
12. Consider approval of the City Council Budget & Finance Subcommittee's recommended approval of a one-time change in the distribution of the City Manager's City-paid deferred retirement compensation which will result in the City Manager receiving less total compensation from the City in FY '09-10 than he will receive in FY '08-09
13. Consider approval of a staff recommended Civic Event application for the Tour de Cure
14. Consider approval of Fee Schedule amendments for the already-scheduled annual Utility Fee adjustments
15. Consider approval of the City Manager's report on the newly formed City staff task force to proactively coordinate the filling of vacancies in Non-residential business structures/properties in the DDA & PSD Districts

Policy Development & Customer Communications' action item

16. Consider appeal from Mr. Leon Bonner in response to City code enforcement staff's determination of unsafe structures
17. Consider approval of road right of way dedications to be submitted to MDOT for Act 51 funding purposes as recommended by the City Attorney and the City Manager
18. Consider site plan approval for the next Brighton Biennial public art exhibits as recommended by the Planning Commission and the Arts & Culture Advisory Commission
19. Consider approval and related direction to staff on a draft Bi-annual City Service Survey
20. Consider approval of the City Manager's recommended City of Brighton business & operations' closure program & related public communications plan involving one day per month of City offices being closed for business in addition to being closed for weekends and holidays for 24 months starting July 1, 2009 for budget & cost reduction objectives

Other Business

21. Information for City Customers
22. Receive updates from Council Member Liaisons to other Boards and Commissions
23. Call to the Public

24. Conduct closed session at the request of the City's Special Legal Counsel for Labor & Personnel matters to receive advice regarding pending labor negotiations

25. Adjournment

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON JUNE 4, 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 Lawrence, Mayor Pro-Tem Bandkau, Councilmembers Muzzin, Bohn, Cooper, Tunis and Roblee. The Council reviewed the agenda items.

REGULAR SESSION

Mayor Lawrence 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 Lawrence, Mayor Pro-Tem Bandkau, Councilmembers Muzzin, Bohn, Cooper, Tunis and Roblee. Also in attendance were Engineer Linda Basista, Attorney Paul Burns and Brad Maynes, Special Legal Counsel Dennis Gabrian and Staff members Dana Foster, Diana Lowe, Jennifer Piasecki, Matt Modrack, Dave Gajda, Tom Wightman, Matt Schindewolf, Jim Rowell, Patty Thomas, Dave Blackmar and an audience of 19.

MINUTES APPROVAL

It was moved by Councilmember Muzzin, seconded by Bohn to approve the Regular Meeting minutes of May 21, 2009 with the following corrections: Page 4, Millage Rate, Delete: "Mayor Lawrence stated her husband cleaned in front of their home as a result of no street sweeping" and replace with: "Mayor Lawrence suggested homeowners would rather take responsibility to clean their storm drain in front of their home", and Page 3, Call to the Public, 5th paragraph, change "Mayor Pro-Tem Bandkau" to "Mayor Lawrence". Councilmember Tunis and Bandkau abstained. Motion passed 5-0-2.

CALL TO THE PUBLIC

Mayor Lawrence gave a Call to the Public at 7:35 p.m. Hearing no comments, the Call to the Public was closed.

EAGLE SCOUT PROCLAMATION

Mayor Lawrence presented an Eagle Scout proclamation to Robert A. Lutes.

Robert A. Lutes stated his Eagle Scout project was at Shepard of the Lakes Lutheran Church building an outdoor chapel with a mulched area, benches and a cross.

AMERICAN PUBLIC WORKS ASSOCIATION ACCREDITATION

City Manager, Dana Foster stated the City of Brighton is the first and only Public Works Department to receive the American Public Works Association accreditation in the State of Michigan. This accreditation represents the quality of work that we do every day with the resources we have and this process has helped us to learn what we could do better.

Mrs. Ann Daniels thanked the Council for allowing her to attend the evening's meeting. She brought greetings from the President of the American Public Works Association, Noal Thompson, who was unable to attend because of a Board meeting he had to attend. She stated the program began in 1995 and the purpose is for agencies to compare what they are doing against nationally adopted practices. She thanked the City Council as the elected officials in this community, for this opportunity. She also stated the City of Brighton is the 53rd agency in North America to become accredited and the smallest.

Department of Public Services Director, Matt Schindewolf stated the department learned much through this process and a tremendous amount of work went into this accreditation. He hopes this process will be able to help others and is proud to work for this City and Council and have a staff that works together.

CITIZEN INQUIRY RESPONSE

No inquiries to be read.

AGENDA APPROVAL

It was moved by Mayor Pro-Tem Bandkau, seconded by Cooper to approve the Consent Agenda as amended. Move to Consent Agenda from Action agenda item #17, MDOT/Act 51 funding and item #18 Brighton Biennial. Add item #15a, Unreserved Fund Balance, item #15b, Summerfest Agreement Amendment and item #15c, Appointments to the Construction Board of Appeals. A roll call vote was taken. Yes: Cooper, Tunis, Bandkau, Lawrence, Muzzin, Roblee, Bohn. No: none. Motion passed 7-0.

The following item was approved:

1. Approved a report on communications regarding a re-use of the Old Town Hall by local non-profit Arts & Culture related organizations.
2. Concurred with staff to levy a "Jeopardy Assessment" on Taorello's Market for the collection of their 2010 personal property taxes.
3. The City Council Budget & Finance Subcommittee's recommended approval of a one-time change in the distribution of the City Manager's City-paid deferred retirement compensation, which will result in the City Manager receiving less total compensation from the City in FY '09-10 than he will receive in FY '08-09.
4. Approved the Civic Event application for the Tour de Cure.

5. Approved Resolution 09-12, Fee Schedule amendments for the already-scheduled annual Utility Fee adjustments.
6. Approved the report on the newly formed City staff task force to proactively coordinate the filling of vacancies in Non-residential business structures/properties in the DDA & PSD Districts.
7. Adopted Resolution 09-13, Amend the Policy to Maintain an Appropriate Level and Range of Unreserved Fund Balance in the General Fund.
8. Approved the Summerfest agreement amendment.
9. Appointed Thomas Goodale and Dondi Norton to the Construction Board of Appeals.
9. Approved the road right of way dedications to be submitted to MDOT for Act 51 funding purposes.
10. Approved the site plan amendment for the Brighton Arts and Culture Commission Outdoor Sculpture Exhibit dated May 2009 within the downtown area subject to the following:
 1. That an agreement in a form approved by the City Attorney be executed between the City and the artist for each new piece.
 2. Maintenance of the sculptures and bases is done by the City Department of Public Services.
 3. That any volunteer work on the display provided by the BACC has been approved by the City Attorney with respect to the City's liability.
 4. The two locations as discussed at the Planning Commission's May 18, 2009 meeting be incorporated into the plan as Locations #32 and 33.

It was moved by Tunis, seconded by Roblee to approve the Action Agenda as amended. Table item #19, Biennial City Service Survey. Move from the Action Agenda to the Consent Agenda item ##17, MDOT/ Act 51 funding and item #18 Brighton Biennial. Motion passed 7-0.

LEON BONNER APPEAL

It was moved by Councilmember Muzzin, seconded by Cooper to remove the Mr. Bonner code enforcement item from the table. Motion passed 7-0.

City Manager, Dana Foster stated this item is before City Council because of code violations and unsafe structures.

City Attorney, Paul Burns stated the properties at 116 and 122 North Street have been determined unsafe structures. Mr. Monroe, Mr. Bonner's attorney, appealed the decision of the City Staff. Inspections of the properties have occurred after an administrative search warrant was obtained. City Council serves as an appellat body to determine whether or not the decision of Staff is a correct decision. Dennis Dubuc is currently Mr. Bonner's attorney.

Mr. Dennis Dubuc, Mr. and Mrs. Bonner's attorney, stated the homes are over 100 years old and his client's intentions are to restore the homes. He gave a brief history regarding the notices Mr. Bonner received regarding unsafe structures. He referenced the foundations of the homes and the change in the elevation of the road, allowing water to flow into the home. He stated the City turned off the water at the properties. He went through a list the City has determined as violations. He stated that Mr. Bonner believes he has the right to restore the buildings.

Mr. Ike Shepard, Shepard Structural Consulting, handed out three reports regarding his determination of the status and repair of the buildings at the property located at 116 and 122 North Street. He stated the buildings are square, true, plumb and level and to condemn a building an itemized list is needed, divided between maintenance items and rebuild items.

There was Council discussion regarding the willingness of Mr. Bonner to make the appropriate changes to the homes to bring them up to the Michigan Building Code, having the work done in a timely manner.

Mr. Dubuc stated he did not know when the last time someone lived in the homes, the electricity is on in the homes, there have been no fires, the electrical service will be needed to make the improvements. He informed the Council it is the intent of Mr. Bonner to obtain the necessary permits to bring the homes up to code and the cost would be less than \$30,000.

There was further Council discussion regarding landscaping the grade to stop water from coming into the home and neglect of the properties.

Attorney Brad Maynes gave a brief history of the properties at 116 and 122 North Street. He listed reasons a structure can be determined unsafe and if the repairs are one hundred percent of the value of the property, the building may be demolished. City council may reverse, reverse in part or uphold Mr. Rowell's determination.

Building Official, Jim Rowell, stated the inside of the buildings have been determined unsafe. He displayed many slides of the two properties. He referenced the assessor's values and what it would take to bring the buildings up to code.

City Attorney, Paul Burns recommended to table the Leon Bonner appeal in view of the lateness of the hour.

It was moved by Mayor Pro-Tem Bandkau, seconded by Cooper to table the Leon Bonner appeal. Motion passed 5-2 with Councilmembers Bohn and Cooper voting "no".

BUSINESS & OPERATIONS CLOSURE PROGRAM

It was moved by Councilmember Roblee, seconded by Muzzin to table the City of Brighton business & operations' closure program & related public communications plan. Motion passed 7-0.

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INFORMATION FOR CITY CUSTOMER

Councilmember Muzzin gave a Budget & Finance Subcommittee update referencing budget cuts and waiting on the rate fee study from Maximus Consulting Services.

Mayor Lawrence stated she received a resignation from Jeremy Duvendeck for Planning Commission and advised the Acting Clerk to publish the vacancy in the paper. Applicants will have until June 29, 2009 to submit for the vacancy.

CALL TO THE PUBLIC

Mayor Lawrence gave a Call to the Public at 9:33 p.m. Hearing no comment, the Call to the Public was closed.

PENDING LABOR NEGOTIATIONS CLOSED SESSION

It was moved by Councilmember Muzzin, seconded by Bohn to go into Closed Session to receive advice regarding pending labor negotiations from the City's Special Legal Counsel, pursuant to MCL 15.268(c) at 9:34. A roll call vote was taken. Yes: Cooper, Tunis, Bandkau, Lawrence, Muzzin, Roblee, Bohn. No: none. Motion passed 7-0.

The Council convened into Closed Session at 9:36 p.m.

The Council reconvened the Regular Session at 10:03 p. m.

ADJOURNMENT

It was moved by Councilmember Cooper, seconded by Roblee to adjourn the meeting at 10:03 p.m. Motion passed 7-0.

Diana Lowe, Acting City Clerk

Kate Lawrence, Mayor