

CITY OF BRIGHTON
CITY COUNCIL MEETING
CITY HALL
July 16, 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 06/18/09

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 Memoranda of Understanding agreements regarding a re-use of the Old Town Hall by local non-profit Arts & Culture related organizations
9. Consider reappointments to the Planning Commission, Officer's Compensation Commission, Downtown Development Authority, Brownfield Redevelopment Authority
10. Consider approval of Mayor's recommended appointment to the Planning Commission
11. Consider first review of Council + staff-identified topics for the 2009 Goal-Setting Retreat agenda

Policy Development & Customer Communications' action item

12. Resume hearing & consider action on the appeal from Mr. Leon Bonner in response to City code enforcement staff's determination of unsafe structures as recommended by the City Attorney
13. Consider approval and related direction to staff on a draft Bi-annual City Service Survey
14. Receive Main & Grand River traffic signal operational presentation & related proposed traffic signal operational changes as recommended by the Traffic Safety Advisory Board to be implemented as part of the Main & Grand river Streetscape & Traffic Signal Upgrade projected funded by MSHDA Grant # 1 from the City Engineer
15. Conduct closed session at the request of the City's Special Legal Counsel regarding status of pending labor negotiations for furloughs and/or reduced hours.
16. 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
17. Consider approval and ratification of Memorandum of Understanding for the Patrol Officers Union Contract.
18. Consider approval and ratification of Memorandum of Understanding for the Command Officers Union Contract.

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 to receive a City Attorney's legal opinion regarding possible property acquisition
23. Adjournment

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON JULY 16, 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 Cooper, Muzzin, Bohn, Roblee and Tunis. The Council reviewed the agenda items.

REGULAR SESSION

Mayor Lawrence called the regular meeting to order at 7:34 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, Roblee and Tunis. 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 and an audience of 6.

MINUTES APPROVAL

It was moved by Councilmember Tunis, seconded by Muzzin to approve the Regular Meeting minutes of June 18, 2009 as presented. Councilmember Cooper, Lawrence and Roblee abstained. Motion passed 4-0-3.

CALL TO THE PUBLIC

Mayor Lawrence gave a Call to the Public at 7:35 p.m. The following comment was heard:

Bill Howes, 2252 Willow Tree Drive, Boardmember of the Northridge Condominiums Association, stated he sent an email to Mr. Foster on July 2nd and dropped of a copy last Friday asking if we have any ordinances regarding curbs and gutters on private streets.

Mayor Lawrence stated staff would respond to your e-mail and letter.

Hearing no further comment, the Call to the Public was closed at 7:38.

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. Delete item #8, Old Town Hall agreements and item #11, 2009 Goal Setting Retreat agenda. Add item 12a, Regional Cooperation Group subcommittees. Move to Consent Agenda from Action Agenda item #13, Bi-Annual City Service Survey. Motion passed 7-0.

The following item was approved:

1. Approved the following reappointments: Dale Borst, Officer's Compensation Commission; Kathy Jones, Planning Commission; John Wells, Planning Commission; Mark Binkley, DDA & Brownfield Redevelopment Authority; Al Wirth, DDA & Brownfield Redevelopment Authority; Bob Herbst, DDA & Brownfield Redevelopment Authority and Pam McConeghy, DDA & Brownfield Redevelopment Authority.
2. Appointed David McLane to the Planning Commission.
3. Authorized City Staff time for requested Regional Cooperation Group subcommittees of Joint economic development efforts: Employee benefit administration, Payroll services and One-stop permitting, with the meetings occurring during the day.
4. Approved the draft Bi-annual City Service Survey and related direction to staff.

It was moved by Councilmember Cooper, seconded by Tunis to approve the Action Agenda as amended. Add item #12b, Temporary Land Use for CJ Turner and item #12c, DDA Boundaries. Motion passed 7-0.

Councilmember Cooper asked that the Bi-annual Service Survey format be posted on our website and cable channel.

LEON BONNER APPEAL

It was moved by Councilmember Muzzin, seconded by Bandkau to remove the Leon Bonner appeal from the table. Motion passed 7-0.

Attorney Paul Burns briefed the Council on the Leon Bonner appeal, stating this item is to affirm Mr. Rowell's findings as the Building Inspector on the Bonner property located at 116 and 122 N. East Street. Council has before them a proposed decision on the appeal with findings of fact referencing the evidence that was offered during the hearing and if Council finds the proposed decision with their intent, we ask they pass a resolution affirming the matter set forth including all the attachments that were submitted by City staff. At the last Council meeting Mr. Dubuc was told this matter would be tabled until tonight's meeting and he nor his client are present. This Resolution would affirm Mr. Rowell's decision to have the buildings demolished within 60 days.

It was moved by Councilmember Muzzin, seconded by Tunis to affirm the decision of Mr. Rowell with Resolution 09-16, as presented in the package by the City Attorney's office, Whereas the City of Brighton is vested with the responsibility to protect the health, safety and general welfare of its residents; Whereas the City has adopted an ordinance governing unsafe structures within the City, being Section 18-46 et seq. of the City Code of Ordinances (the Unsafe Structures Ordinance); Whereas on January 29, 2009 and January 30, 2009, Jim Rowell, Building Official Building Official and Ordinance Enforcement Officer for the City, mailed letters to Mr. Leon Bonner and Mrs. Marilyn Bonner (the "Bonners"), owners of the properties located at 116 East North Street and 122 East North Street, declaring that the three structures located on the two parcels (the "Structures") are unsafe, and ordering them to be demolished. Copies of these letters are attached hereto as Exhibit A; WHEREAS on or about February 16, 2009, the Bonners appealed Mr. Rowell's determinations to the City Council pursuant to Section 18-61 of the City Code of Ordinances; NOW THEREFORE, it is the decision of the City Council of the City of Brighton that: etc. with attachments. A roll call vote was taken. Yes: Cooper, Tunis, Bandkau, Lawrence, Muzzin, Roblee, Bohn. No: none. Motion passed 7-0.

TEMPORARY LAND USE PUBLIC HEARING

Mayor Lawrence opened the Public Hearing for the Temporary Land Use for CJ Turner's produce stand at 7:48 p.m. Hearing no comments, the Public Hearing was closed.

It was moved by Mayor Pro-Tem Bandkau, seconded by Bohn to approve the requested Temporary Land Use for fresh produce sales at 217 W. Main Street. Councilmember Tunis abstained. Motion passed 6-0-1.

DDA BOUNDARY EXPANSION

Councilmember Roblee stated that when the DDA boundary expansion was originally brought up 10 years ago, times were different. She inquired as to whether this plan still makes sense and expressed her concerns that no work would be done on East Grand River and that we asked the DDA to help us with Capital Improvement items.

City Manager, Dana Foster suggested this be a retreat agenda item.

Mayor Lawrence stated the DDA has provided some Capital Improvement Funds and with the possible expansion of the E. Grand River corridor, you are helping those businesses' redevelopment dollars be worth more and increase the tax base.

City Manager, Dana Foster stated if the DDA expansion process proceeds, it would be coming back to City Council for their direction.

It was moved by Councilmember Cooper, seconded by Tunis to reconfirm Council's directive for the DDA to continue pursuing a DDA expanded district by amending their DDA plan. Motion passed 7-0.

MAIN AND GRAND RIVER TRAFFIC SIGNAL PRESENTATION

Engineer Linda Basista pointed out the physical changes that would be occurring to the Grand River and Main Street intersection. She discussed the elimination of two large poles, mast arms and pedestrian signals. She stated there are three operational issues for Council's discretion: 1. Connecting by hard wire the North Street and Main Street lights to act as a single signal to prevent backups. 2. To include a permitted left hand turn at Grand River and Main Street. 3. To allow a right turn on red, which needs adequate site distance. The Traffic Safety Advisory Board related they would allow it for Westbound Main Street turning onto Grand River, which has not been determined if there will be adequate site distance.

There was Council discussion regarding left hand turns, traffic lights, unprotected left and turns, oncoming traffic, permitted protected left hand turn, no turn on red, peak and non peak hours.

It was moved by Councilmember Tunis, seconded by Cooper to approve the proposed Main and Grand River traffic signal operational changes to be implemented as part of the Main and Grand River Streetscape and traffic signal upgrade project funded by MSHDA Grant #1. Motion passed 7-0.

PENDING LABOR NEGOTIATIONS CLOSED SESSION

It was moved by Councilmember Muzzin, seconded by Tunis to go into Closed Session to discuss pending collective bargaining labor negotiations for furloughs and/or reduced hours. 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 8:29 p.m.

The Council reconvened the Regular Session at 8:50 p.m.

BUSINESS AND OPERATIONS CLOSURE PROGRAM

It was moved by Councilmember Muzzin, seconded by Tunis to approve the recommended City of Brighton business and operations closure program and 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 and cost reduction objectives and add snow removal to the press release. Motion passed 7-0.

PATROL OFFICERS UNION CONTRACT

It was moved by Councilmember Tunis, seconded by Bandkau to approve the Memorandum of Understanding for the Patrol Officers Union Contract. A roll call vote was taken. Yes: Cooper, Tunis, Bandkau, Lawrence, Muzzin, Roblee, Bohn. No: none. Motion passed 7-0.

COMMAND OFFICERS UNION CONTRACT

It was moved by Councilmember Roblee, seconded by Bohn to approve the Memorandum of Understanding for the Command Officers Union Contract. A roll call vote was taken. Yes: Cooper, Tunis, Bandkau, Lawrence, Muzzin, Roblee, Bohn. No: none. Motion passed 7-0.

INFORMATION FOR CITY CUSTOMER

City Manager, Dana Foster stated in regards to the action Council just took on items #16, 17 and 18 of tonight's agenda is part of a plan that will produce approximately \$250,000 of personnel cost reductions, including union and non union employees and we are able to maintain our current work force and no jobs are being lost. He also stated Staff will report on the impact of this furlough/closure.

Department of Public Services Director, Matt Schindewolf stated over the next few weeks CSX Railroad will be making improvements at Hyne & Washington and the tracks at Rickett Road. There will be road closures, we will be working out detour plans and we will coordinate the Main Street tracks with the Main Street remilling project. He also stated the property surrounding the railroad is owned by the railroad.

Department of Public Services Director, Matt Schindewolf stated the Orndorf improvement project will start next Monday, on July 24th the detours will start, information regarding the construction will be on the City's cable and website and affected property owners will be notified of changes.

Police Chief, Tom Wightman stated that there is a program for people with outstanding warrants to turn themselves in today and tomorrow and they will get a break on fees and bond money.

City Manager, Dana Foster displayed a board with Second Street parking lot photographs and stated this costs the City one dollar (\$1.00) per year to CSX Railroad.

Councilmember Muzzin gave a Brighton Area Fire Authority update, stating the Brighton Area, Hartland and Howell Fire Chiefs have started discussion regarding the possibility of a Super Fire Authority.

Councilmember Tunis stated two more businesses opening in the area: Mad Mike's reopened by the Breakfast Club and Harrison Motorcycle Services opened up close to the downtown area.

Councilmember Roblee commended Matt Schindewolf, Linda Basista and the crew that performed the sewer bypass job, as it went very smoothly and well.

Councilmember Bohn stated the cemetery gate installed at the Old Village Cemetery by the Historical Society looks wonderful and we need to take the next step to approach the DDA for the pathway leading to the gate.

Councilmember Roblee stated Summerfest would be July 24th through July 26th.

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Mayor Lawrence stated there are new art pieces in front of Tim Horton's, the millpond on Main and St. Paul & Grand River.

Councilmember Cooper stated O My Lolli recently had their grand opening.

Mayor Lawrence stated there is a new wine and cheese shop on Main Street.

CALL TO THE PUBLIC

Mayor Lawrence gave a Call to the Public at 9:13 p.m. Hearing no comment, the Call to the Public was closed.

POSSIBLE PROPERTY ACQUISITION CLOSED SESSION

It was moved by Councilmember Roblee, seconded by Tunis to go into Closed Session to discuss written Attorney/Client privileged information regarding a possible property acquisition. 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 9:15 p.m.

The Council reconvened the Regular Session at 9:36 p.m.

ADJOURNMENT

It was moved by Councilmember Tunis, seconded by Cooper to adjourn the meeting at 9:36 p.m. Motion passed 7-0.

Diana Lowe, Acting City Clerk

Kate Lawrence, Mayor