

CITY OF BRIGHTON
CITY COUNCIL MEETING
CITY HALL
August 20, 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 and Closed Session of 08/06/09

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 second review of Council + staff-identified topics for the 2009 Goal-Setting Retreat agenda

Policy Development & Customer Communications' action item

9. Receive report & recommendations from the Maximus User Fee & Cost of Service study and consider approval of user fee increase recommendations for Non-Civic related services as recommended by the City Council Budget & Finance Subcommittee

10. Consider request and funding proposal from the Brighton Area School District to reestablish the High School Liaison Officer program and position for the upcoming school year (This will also need a City Council Budget & Finance Subcommittee recommendation with regards to reauthorizing the position as a budgeted fulltime position)

11. Consider approval of a resolution to enter into a contract with MDOT and FHWA for release of federal economic stimulus grant-funds for the Main Street milling & repaving project

12. Consider request from Brighton Charter Township for connection of 96 residential equivalent units in the previously agreed-upon franchise transfer district and without the City's previously-requested loop line connection

Other Business

13. Information for City Customers

14. Receive updates from Council Member Liaisons to other Boards and Commissions

15. Call to the Public

16. Closed Session as may be requested by the City Attorney regarding pending litigation against the City

17. Additional possible closed session regarding property transaction matters as may be requested by the City Attorney

18. Adjournment

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON AUGUST 20, 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 and Tunis. The Council reviewed the agenda items.

REGULAR SESSION

Mayor Lawrence 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 Lawrence, Mayor Pro-Tem Bandkau, Councilmembers Muzzin, Bohn, Cooper and Tunis. Also in attendance were Engineer Linda Basista, Attorney Matt Hagerty and Staff members Dana Foster, Diana Lowe, Jennifer Piasecki, Matt Modrack, Dave Gajda, Tom Wightman, Matt Schindewolf and an audience of 4.

It was moved by Councilmember Tunis, seconded by Muzzin to excuse Councilmember Roblee from the evening's meeting. Motion passed 6-0-1.

MINUTES APPROVAL

It was moved by Mayor Pro-Tem Bandkau, seconded by Muzzin to approve the Regular Meeting minutes of August 6, 2009 as presented. Motion passed 6-0-1.

It was moved by Councilmember Muzzin, seconded by Bohn to approve the Closed Session Meeting minutes of August 6, 2009 as presented. Motion passed 6-0-1.

CALL TO THE PUBLIC

Mayor Lawrence gave a Call to the Public at 7:32 p.m. The following comments was heard:

Bill Howes, Northridge Condominium Association Boardmember, stated in the last 34 days, meetings have been scheduled and canceled regarding curb and gutters in Northridge. Since then, they have been having more troubles of driveways crumbling and cracking.

Attorney Matt Hagerty stated he went out personally to the Northridge Condominiums to inventory ordinances and site plan issues.

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

Attorney Matt Hagerty stated the curb and gutter is private, not public and not maintained and repaired by the City of Brighton.

CITIZEN INQUIRY RESPONSE

No inquiries to be read.

AGENDA APPROVAL

It was moved by Mayor Pro-Tem Bandkau, seconded by Tunis to approve the Consent Agenda as amended. Delete item #8, Topics for the 2009 Goal-Setting Retreat agenda. Move to Consent Agenda from Action Agenda item #12, Request from Brighton Charter Township for Water. Motion passed 7-0.

The following item was approved:

1. Approved the request from Brighton Charter Township for connection of 96 residential equivalent units in the previously agreed-upon franchise transfer district and without the City's previously-requested loop line connection.

It was moved by Councilmember Bohn, seconded by Muzzin to approve the Action Agenda as amended. Add item #8a, Amendment to the City Manager Employment Agreement. Delete item #16, Pending Litigation Closed Session and item #17, Property Transaction Matters Closed Session. Move from Action Agenda to Consent Agenda item #12, Request from Brighton Charter Township for Water. Motion passed 7-0.

AMENDMENTS TO THE CITY MANAGER'S EMPLOYMENT AGREEMENT

It was moved by Councilmember Muzzin, seconded by Bohn to amend Dana Foster's Employment Agreement with the City of Brighton as City Manager as follows:

1. Effective Date: Tuesday, August 25, 2009.
2. Current Base Annual Salary to remain as-is which is \$ 81,836 for each of the next 3 years beginning with the Effective Date of these Amendments. \$ 81,836 is 5 % less than the last City Council-approved change in Dana Foster's annual base salary, which occurred in 2007 that increased Mr. Foster's annual base salary to 86,143. The 5 % reduction is a result of the recent City Council-approved Furlough program for all non-public safety employees including Mr. Foster that equates to a 5 % reduction in base pay.
3. Current monthly car allowance to remain as-is at \$ 5,616 per year or \$ 468 per month for each of the next 3 years beginning with the Effective Date of these Amendments.

4. The City of Brighton's annual contribution to Dana Foster's ICMA Deferred Compensation Account will be Reduced from the present amount of \$ 22,191 per year to a new annual amount of \$ 10,000 for each of the next 3 years beginning with the Effective Date of these Amendments. This is a reduction of \$ 12,191 per year from the current annual City of Brighton payments to Mr. Foster's ICMA Deferred Compensation account for each of the next 3 years beginning with the Effective Date of these Amendments.

5. Dana Foster will receive health insurance and disability insurance related benefits equivalent to what the City of Brighton Department Directors receive for each of the next 3 years beginning with the Effective Date of these Amendments. This is equal to what Dana Foster already receives relative to non-salary related City-paid benefits. Dana Foster will receive Vacation and Sick Leave hours equal to what Department Directors receive. He will however not receive any compensation for any unused vacation or sick leave hours when he leaves City of Brighton employment or is dismissed by the City Council from City of Brighton employment.

6. The current "Severance Payment Period" of Dana Foster's current employment agreement will be reduced from 12 months to 6 months. And this new Severance Payment period will be in effect for each of the next 3 years beginning with the Effective Date of these Amendments.

7. Dana W. Foster will continue to be employed as the City Manager for the City of Brighton with these amended terms and conditions as stated in this motion if Dana W. Foster agrees in a letter to the Mayor and City Council by or before August 25, 2009 that he will serve as the City of Brighton's City Manager for a minimum of 3 years beginning with the Effective Date of these Amendments and further agrees in the same letter to the Mayor and City Council that he will not pursue or apply for any new or different fulltime position of employment during the same given 3 year period of time. These amendments to Mr. Foster's employment agreement will allow Mr. Foster to pursue possible part-time employment unrelated to his duties as City of Brighton City Manager to supplement his income on the condition that such part-time employment does not prevent him from carrying out his duties as City Manager for the City of Brighton and does not present or cause a conflict of interest with respect to his duties as City Manager for the City of Brighton. The City Council reserves the right to dismiss Dana Foster from employment as City Manager for the City of Brighton at any time as it currently is able to do with or without cause.

Motion passed. 6-0-1.

It was moved by Councilmember Bohn, seconded by Muzzin to direct the City Attorney's office to put all of the amendments to the City Manager's contract into one comprehensive document for Council's review. Motion passed 6-0-1.

City Manager, Dana Foster stated he appreciates the motion for the City Attorney's review of his contract, as it will be good to get it all in to one document. He thanked the Council for the motion the subcommittee introduced to amend his contract. He stated the action City Council has just taken would enable him to access his own private ICMA account. He will be utilizing his own defined contribution account to purchase a new home in the City of Brighton to accommodate his new family.

MAXIMUS USER FEE AND COST OF SERVICE STUDY

City Manager, Dana Foster stated it has been 18 years since the last time a cost of service study has been completed. We will address civic events at the next City Council meeting after he meets with civic event applicants that serve as fundraisers for those permit holders. We will address FOIA requests and the costs associated with those requests after the presentation, as it will be a separate recommendation.

Finance Director, Dave Gajda gave an overview of the complete Maximus Cost of Service Study. He discussed the services that do not receive a fee and the recommendation from Maximus. He explained the Departmental cost and revenue summaries for each department studied. He stated staff is agreeing with the Maximus recommendations. He stated there are certain recommendations Staff would like to alter and if we adopted all of the changes Maximus proposed we would generate \$52,000 additional revenue for the City and \$38,000 with the City Staff proposed revenue. He addressed the FOIA fees stating they are set by statute and that is why Maximus did not give any recommendations in this area.

Police Chief, Tom Wightman referenced the OUIL issue, stating in Livingston County OUIL recovery fee is set by the judges in circuit court and so changing it here would not have any impact. These fees were increased about a year ago. He also stated we currently do not charge any fee for impounded vehicles, so \$25 is justifiable.

Community Development/Planning Director, Matt Modrack stated the department has recently done an assessment and analysis of department fees and that we do not want to make it prohibitively expensive to build in the City of Brighton especially in residential. He addressed several of the changes his staff had proposed in regards to the Maximus Study.

Councilmember Bohn stated it is important to emphasize that it has been many years since these fees have been raised and we are still not recouping our actual cost. In regards to the FOIA fees, since Maximus did not make a specific recommendation in terms of fee increases,

It was moved by Councilmember Bohn, seconded by Muzzin to direct the City Attorney's office to take a look at the information and the findings of the Maximus report and then come back to us at the next Council meeting with a recommendation of what would be an appropriate increase for our fees relative to the Freedom of Information Act requests that we process.

There was Council discussion regarding City of Brighton fees in comparison to other cities, the effort to do things with as little cost as possible, and to review of the FOIA process as requests have been grossly abused.

Motion passed 6-0-1.

It was moved by Councilmember Muzzin, seconded by Bohn to adopt Resolution 09-17, Approving the recommended Fee and Charge schedule changes for FY 2009-10, with the exception of the civic events. A roll call vote was taken. Yes: Cooper, Tunis, Bandkau, Lawrence, Muzzin, Bohn. No: none. Absent: Roblee. Motion passed 6-0-1.

HIGH SCHOOL LIAISON OFFICER

Police Chief, Tom Wightman stated the Brighton Area Schools have approved the reinstatement of the High Scholl Liaison Officer. The Finance Department calculated the costs for a full school year for the officer and the school stated they would pay those costs if we were to reinstate the High Scholl Liaison program.

Councilmember Muzzin stated a thank you letter would go to the Brighton School Administrator for providing the funds for this program.

It was moved by Councilmember Cooper, seconded by Tunis to authorize the reinstatement of the High School Liaison Officer. Motion passed 6-0-1.

MAIN STREET MILLING AND REPAVING CONTRACT WITH MDOT AND FHWA

Department of Public Services Director, Matt Schindewolf stated the Main Street milling and repaving contract with MDOT and FHWA is a housekeeping maneuver we need to make with the federal funds involved, as these projects are being scrutinized and have guidelines. One is the execution of the proposed Resolution with in 35 days of the date of their letter.

Engineer Linda Basista stated MDOT does the bid openings for these projects, which was being done today. They will review the bids and will come back to City Council for review and approval.

It was moved by Mayor Pro-Tem Bandkau, seconded by Muzzin to approve Resolution 09-18, to enter into a contract with MDOT and FHWA for release of federal economic stimulus grant-funds for the Main Street milling and repaving project. A roll call vote was taken. Yes: Cooper, Tunis, Bandkau, Lawrence, Muzzin, Bohn. No: none. Absent: Roblee. Motion passed 6-0-1.

INFORMATION FOR CITY CUSTOMER

Department of Public Services Director, Matt Schindewolf stated the City has been working with CSX Railroad to rebuild the rail bed on Main Street. We have been notified they will not be able to do it in conjunction with the Main Street Milling and Repaving project. They will be in next week to redo the Main Street crossing as it has been failing and there will be a detour.

City Manger, Dana Foster referenced the new parking lot they are letting us use for \$1 per year. We will be using our electronic e-mail distribution list from the recent Millpond Bypass Project to notify businesses of this project.

Councilmember Cooper stated there is a stretch of asphalt leading up to the railroad crossing on Rickett Road that needs repair.

Department of Public Services Director, Matt Schindewolf stated we have a good relationship with the CSX Road Master in this area and he will ask to have the asphalt leveled.

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Community Development and Planning Director, Matt Modrack stated the amendments to the Adult Entertainment Section of the Ordinance was held at the Planning Commission and there is recommended action forthcoming to City Council. The bids for the Main Four project came in so favorably, we have proposed to MSHDA the expansion of the project, which they have approved. Piet Lindhout put together a Site Plan for the additional improvements.

Councilmember Muzzin gave a Brighton Area Fire Authority update, stating they are still in discussion with the full time firefighters that have chosen to unionize.

Councilmember Tunis stated Saganos has opened on Main Street and is very unique for our City.

Councilmember Cooper gave a SELCRA Board update, stating electronic communications will be used with anyone using SELCRA to save costs, they have expanded by vote, but do not need any additional members at this time. He gave a Zoning Board of Appeals update, stating O My Loli has a guest book and is getting numerous signatures from outside of the local area and a sign has been approved on Main Street for his business.

City Manager, Dana Foster gave a DDA update, stating there was a presentation of the report of the preliminary parking study, which was funded by the DDA. It will show an updated snapshot of available parking, private or public, which updates the study Karl Greimel had done years ago. It will show where we have a parking problem and where we have a surplus of parking. He also stated the Brighton Area Schools has made a request regarding signage for athletic events.

Mayor Lawrence stated the DDA directed Piet Lindhout to come up with a drawing for the pathway to the Old Village Cemetery. She also stated this Sunday is the last Kiwanis concert for the season.

CALL TO THE PUBLIC

Mayor Lawrence gave a Call to the Public at 8:58 p.m. Hearing no comment, the Call to the Public was closed.

ADJOURNMENT

It was moved by Councilmember Cooper, seconded by Tunis to adjourn the meeting at 8:58 p.m. Motion passed 7-0.

Diana Lowe, City Clerk

Kate Lawrence, Mayor