

CITY OF BRIGHTON
CITY COUNCIL MEETING
CITY HALL
November 5, 2009

- EARLY Blue Sky - 5:30 PM**
- 1. Pre-Retreat Presentation & Discussion with Mr. Arnold Weinfeld**
 - 2. Review of Agenda Items for this evening's meeting (7:00 PM)**

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 Sessions of 10/15/09
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 Mayor's recommended reappointment to the Board of Review
9. Receive Quarterly Investment Report for the period July through September 2009
10. Consider approval of a resolution to enable staff to pursue reimbursement of Code Enforcement related expenditures

Policy Development & Customer Communications' action item

11. Receive Preliminary Energy Audit consulting report (done at no charge to the City) on possible recommended building and lighting modifications for the City to consider purchasing & installing for longterm energy usage related cost savings and consider possible direction to staff and the consultant on whether to proceed further with the work & recommendations
12. Consider approval of resolutions calling future public hearings regarding a DDA Boundary Amendment and a DDA Plan Amendment at the request of the DDA Board
13. Receive current fiscal year General Fund budget forecast from City staff as reviewed by the City Council Budget & Finance Subcommittee
14. Consider action to receive/accept a proposed property donation by a citizen/developer to the City for the future development of a nature preserve type of park near Orndorf Drive and Karl Greimel Drive intersection
15. Consider site plan amendment approval for the Meijer store as recommended by the Planning Commission
16. Resume show-cause hearing for Mr. Leon Bonner pursuant to his appeal of recent City Council code-enforcement decision(s)
17. Consider appeal of a recent partial denial of a FOIA request

Other Business

18. Information for City Customers
19. Receive updates from Council Member Liaisons to other Boards and Commissions
20. Call to the Public
21. Closed Session as may be requested by the City Attorney
22. Adjournment

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON NOVEMBER 5, 2009 AT THE BRIGHTON CITY HALL
200 N. 1ST STREET, BRIGHTON, MICHIGAN

BLUE SKY SESSION

The Council conducted a Blue Sky Session at 5:30 p.m. Present were Mayor Lawrence, Councilmembers Bandkau, Tunis, Muzzin, Bohn, Cooper and Roblee. The Council received a Pre-Retreat presentation from Arnold Weinfeld, Michigan Municipal League Director of Public Policy and Federal Affairs and reviewed the agenda items.

REGULAR SESSION

Mayor Lawrence 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 Lawrence, Councilmembers Bandkau, Muzzin, Bohn, Roblee, Cooper 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, Kelly LaLonde, Tom Wightman, Matt Schindewolf, Jim Rowell and an audience of 27.

MINUTES APPROVAL

It was moved by Councilmember Muzzin, seconded by Bandkau to approve the Regular Meeting minutes of October 15, 2009 as presented. Motion passed 7-0.

It was moved by Councilmember Cooper, seconded by Tunis to approve the two Closed Session Meeting minutes of October 15, 2009 as presented. Motion passed 7-0.

SPECIAL PRESENTATIONS

City Manager, Dana Foster presented Mayor Lawrence with a plaque thanking her for her support for City of Brighton Staff during her service to the City of Brighton. He stated the plaque was purchased by himself and the Department Directors.

Mayor Pro-Tem Bandkau presented Mayor Lawrence a plaque thanking her for her service to the City of Brighton.

Mayor Lawrence thanked Council and Staff for the opportunity to serve the City of Brighton.

Matt Mobray, Brighton Area Fire Department presented Mayor Lawrence with a plaque thanking her for her support of the Brighton Area Fire Authority and stated she is now an Honorary Fire Fighter.

Mayor Lawrence presented Councilmember Tunis with a plaque thanking him for his service to the City of Brighton.

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Councilmember Tunis thanked Council, Staff and Consultants for the opportunity to serve the City of Brighton.

CALL TO THE PUBLIC

Mayor Lawrence gave a Call to the Public at 7:49 p.m. The following comments were heard:

Jim Vichich, Brighton Historical Society, gave a presentation on the Brighton Village Cemetery clean-up. He stated Rolling Thunder, St. Paul Church, the Historical Society and members of the community helped to clean up the cemetery for the rededication in 2010. He also thanked the Yum Yum Tree for providing lunch. He stated they need additional help with some weed/trees to be removed along the alley, help correcting leaning headstones, plantings and benches. He congratulated Mayor Lawrence for her service to the City.

Mayor Lawrence thanked him for all of the hard work on the clean up of the cemetery.

Hearing no further comment, the Call to the Public was closed at 7:54.

CITIZEN INQUIRY RESPONSE

There were no Citizen Inquiries to read.

AGENDA APPROVAL

It was moved by Councilmember Tunis, seconded by Bandkau to approve the Consent Agenda as amended. Move to Consent Agenda from Action Agenda item #12, DDA Amendments. Motion passed 7-0.

The following items were approved:

1. Reappointed Samuel Ochodnicky to the Board of Review.
2. Received a Quarterly Investment Report for the period July through September 2009.
3. Approved Resolution 09-22, Enabling staff to pursue reimbursement of Code Enforcement related expenditures.
4. Approved Resolution 09-23, Calling Public Hearing regarding approval of amendment of boundaries of the Downtown District of the Downtown Development Authority of the City of Brighton and Resolution 09-24, Calling Public Hearing regarding approval of amendment to Development Plan and Tax Increment Financing Plan of the Downtown Development Authority of the City of Brighton.

It was moved by Councilmember Cooper, seconded by Tunis to approve the Action Agenda as amended. Delete item #13, General Fund Budget Forecast. Move from Action Agenda to Consent Agenda item #12 DDA Amendments. Add item #15a, Pending Litigation Closed Session and item #21, Written Attorney/Client communication Closed Session. Motion passed 7-0.

PRELIMINARY ENERGY AUDIT

Department of Public Services Director, Matt Schindewolf presented the Preliminary Energy Audit consulting report (done at no charge to the City) on possible recommended building and lighting modifications for the City to consider purchasing & installing for long term energy usage related cost savings.

There was Council discussion regarding rebates for lighting, tools to measure the savings, the possibility of receiving the grants.

Norb Boes, Green Power Sources Consultants was present to answer the questions of the Council and offer additional comment.

It was moved by Councilmember Bohn, seconded by Muzzin to direct Staff to pursue Proposal B of the Preliminary Energy Audit, the cost for the installation of the retrofits and energy savings equipment and lighting fixtures at the City Hall, DPS and Police complex buildings has been initially estimated at \$33,750. It is anticipated that this money will be recovered within two to two and a half years, with savings beyond this period of approximately \$15,530.00 per year just for these three buildings. This expenditure would again, be used to achieve a higher ranking in the application and approvals process for these ARRA grant funds through the State of Michigan and to find an offset for the cost of the installations of \$33,750. Councilmember Tunis abstained. Motion passed 6-0-1.

PROPERTY DONATION FOR A NATURE PRESERVE PARK

Community Development/Planning Director, Matt Modrack gave a presentation regarding a proposed property donation by a citizen/developer of 21 acres off of Little Worden Lake for the future development of a nature preserve type of park near the Orndorf Drive and Karl Greimel Drive intersection.

After Council discussion, Council recommended that the City Attorney meet with the property donor and fine-tune the details regarding this property donation to the City of Brighton.

MEIJER SITE PLAN AMENDMENT

It was moved by Muzzin, seconded by Tunis to approve the site plan amendment for Meijer Pharmacy Drive Thru and Addition #09-010 as depicted on plans prepared by Progressive AE, Sheets DP-1 through DP-4, last dated 10/01/09 with the following conditions:

1. The issues raised by the Brighton Area Fire Authority in their letter dated August 27, 2009 be addressed.
2. All signage comply with applicable ordinances or variances are obtained.
3. Meijer will work with the City and City Consultants to execute the proper paperwork for the public sidewalk easement.
4. That the clearance will be signed on the drive-thru canopy.

Motion passed 7-0.

PENDING LITIGATION CLOSED SESSION

It was moved by Councilmember Muzzin, seconded by Cooper to go into Closed Session to discuss the trial or settlement strategy in connection with pending litigation pursuant to MCL 15.268(e). 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 8:40 p.m.

The Council reconvened the Regular meeting at 9:04 p.m.

LEON BONNER SHOW CAUSE HEARING

It was moved by Councilmember Muzzin, seconded by Bandkau to remove from the table the show-cause hearing for Mr. Leon Bonner pursuant to his appeal of recent City Council code enforcement decisions. Motion passed 7-0.

City Attorney, Paul Burns stated we received a letter from Mr. Dubuc today that has been distributed to the City Council for their review. He recommended the matter be tabled so Staff can address the issues set forth in Mr. Dubuc's letter dated November 4, 2009.

It was moved by Councilmember Muzzin, seconded by Bohn to table until the next City Council meeting of November 19, 2009, the show cause hearing for Mr. Leon Bonner pursuant to his appeal of recent City Council code enforcement decisions so that the City Staff and Attorney have time to respond to the November 14, 2009 letter from Mr. Dubuc. Motion passed 7-0.

PARTIAL DENIAL OF A FOIA REQUEST

Paul Burns briefed the City Council on the appeal of a recent partial denial of a Freedom of Information Act request stating the requested invoices have been provided for the City Attorney services for the Bonner litigation case with details redacted.

Councilmember Bohn stated in terms of FOIA requests over the course of a year, there are 100 or 125 requests and 95 percent of them come from one individual, something is wrong there, the requests should be specific and not a witch hunt. He asked if this is serving the public?

INFORMATION FOR CITY CUSTOMER

Police Chief, Tom Wightman expressed his appreciation to Mayor Lawrence and Councilmember Tunis for their support of the Police Department during their service to the City of Brighton.

Department of Public Services Director, Matt Schindewolf gave a Main Street mill and repaving update, stating some clean up and stripping needs to be done. The main four is proceeding swiftly and we anticipate a smooth and rapid completion. We are in leaf season, have begun daily vacuuming and bags are available at 420 S. 3rd Street.

City Manager, Dana Foster stated for the record, Jim Rowell, Chief Building Inspector, is without a doubt one of the best building and code officials that I have seen in four different units of government in two different states and his integrity is bar none.

Mayor Pro-Tem Bandkau thanked Councilmember Tunis and Mayor Lawrence for their service to the City.

Councilmember Muzzin gave a Planning Commission report and Budget and Finance Subcommittee update. He expressed his condolences to the family of Joyce Rogers.

Councilmember Tunis stated we have three new business opening up in the City: Ameriprise Financial, Healthy Essentials and Leaf, Barley and Vine. He expressed his condolences to the Rogers family. He thanked our citizens for allowing him the privilege to serve the community.

Councilmember Roblee expressed her gratitude to Mayor Lawrence and Councilmember Tunis for their service to the community. She gave a Principal Shopping District update.

Councilmember Cooper thanked Councilmember Tunis and Mayor Lawrence for their service to the City of Brighton. He thanked Matt Schindewolf for the energy audit and Matt Modrack for his great vision on things that will have a lasting impact on our community.

City Attorney, Paul Burns thanked Councilmember Tunis and Mayor Lawrence on behalf of the City Attorney's office for their creativity and stewardship to help move complex issues along.

Mayor Lawrence stated the Biennial meeting would start at 8:00 p.m. on November 9, 2009 and she will give a State of City Address. She stated it has been an honor and pleasure to serve on this Council and with the City's professional staff.

CALL TO THE PUBLIC

Mayor Lawrence gave a Call to the Public at 9:29 p.m.

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Mr. Dubuc stated the letter Council received this evening was requested to be written on November 4, 2009 by Mr. Burns. He stated all Council needs to do is look at the June 2009 minutes where all of the information was and to follow the City's Ordinance.

City Engineer, Linda Basista thanked Councilmember Tunis for his service to the community and Mayor Lawrence for her work and leadership with this Council and it is a pleasure to work with this City.

Hearing no further comment, Mayor Lawrence closed the Call to the Public at 9:35 p.m.

WRITTEN ATTORNEY/CLIENT COMMUNICATION CLOSED SESSION

It was moved by Councilmember Cooper, seconded by Roblee to go into Closed Session to receive Attorney/Client written communication pursuant to MCL 15.268(c). 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 9:37 p.m.

The Council reconvened the Regular meeting at 10:33 p.m.

It was moved by Councilmember Tunis, seconded by Muzzin to conduct a Special Council meeting on November 9, 2009 at 7:00 p.m. to demand and accept from Dana Foster, the repayment of all funds of his ICMA-RC and cancel future distributions, the amend Dana Foster's Employment Agreement with the City of Brighton to provide for a payout of unused accumulated sick leave, to ratify the payout to Dana Foster of unused accumulated sick leave and his rehire and re-employment with the City of Brighton and to approve an amended Employment Agreement incorporating all terms and conditions previously approved. A roll call vote was taken. Yes: Cooper, Tunis, Bandkau, Lawrence, Muzzin, Roblee, Bohn. No: none. Motion passed 7-0.

ADJOURNMENT

It was moved by Councilmember Muzzin, seconded by Tunis to adjourn the meeting at 10:35 p.m. Motion passed 7-0.

Diana Lowe, City Clerk

Kate Lawrence, Mayor