

CITY OF BRIGHTON
CITY COUNCIL MEETING
CITY HALL
November 19, 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 Sessions of November 5th, Special Meeting of November 9th, Biennial Election meeting of November 9th
5. Call to the Public
6. Eagle Scout award presentations

7. Response to Citizen Inquiries to City Council received prior to this City Council Meeting

8. Consider approval of the Agenda

Consent Agenda

9. Consider appointments of Council Member Liaisons to City Boards and Commissions
10. Consider approval of annual Goal-Setting Retreat Minutes and related New Goals for 2009 - 2010
11. Consider approval of a actions as may be recommended by the City Attorney to extend the life of the PSD Board (this does Not extend the PSD Special Assessment) pursuant to related Main Street Michigan program goals & plans

Policy Development & Customer Communications' action item

12. Consider approval/authorization of the City Manager as the grant application certifying officer for the upcoming Village Cemetery-related Parking Lot project related MSHDA grant application (action required by MSDHA procedures)
13. Resume show-cause hearing for Mr. Leon Bonner pursuant to his appeal of recent City Council code-enforcement decision(s)
14. Consider actions for a possible restructuring of the City-paid Health Insurance plan for Non-Union City employees for cost –saving objectives and as recently reviewed by the City Council Budget & Finance Subcommittee and for implementation by January 1, 2010
15. Receive status update from City staff & City Attorneys on City Council-directed work for acceptance of a proposed property donation by a citizen/developer to the City for the future development of a nature preserve park near Orndorf Drive and Karl Greimel Drive intersection as presented at the 11/05/09 City Council Meeting

Other Business

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

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON NOVEMBER 19, 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 Bandkau, Councilmembers Muzzin, Bohn, Cooper, Roblee, Schillinger and Pipoly. The Council reviewed the agenda items.

REGULAR SESSION

Mayor Bandkau 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 Bandkau, Councilmembers Muzzin, Bohn, Roblee, Cooper, Schillinger and Pipoly. Also in attendance were Engineer Linda Basista, Attorney Paul Burns and Brad Maynes, Brighton Area Fire Chief Larry Lane and Staff members Dana Foster, Diana Lowe, Jennifer Piasecki, Matt Modrack, Dave Gajda, Tom Wightman, Matt Schindewolf, Jim Rowell and an audience of 15.

MINUTES APPROVAL

It was moved by Councilmember Muzzin, seconded by Bohn to approve the Regular Meeting minutes of November 5, 2009 as presented. Motion passed 7-0.

It was moved by Councilmember Roblee, seconded by Cooper to approve the two Closed Session Meeting minutes of November 5, 2009 as presented. Councilmember Pipoly abstained. Motion passed 6-0-1.

It was moved by Councilmember Muzzin, seconded by Roblee to approve the Special Meeting minutes of November 9, 2009 as presented. Motion passed 7-0.

It was moved by Mayor Pro-Tem Bohn, seconded by Cooper to approve the Biennial Meeting minutes of November 9, 2009 as presented. Motion passed 7-0.

CALL TO THE PUBLIC

Mayor Bandkau gave a Call to the Public at 7:33 p.m. The following comments were heard:

John Brach, 677 Glenwyth, the Brighton Area Schools are looking at closing an elementary school. Lindbom is important to the downtown and losing our downtown school would be hard on the residents. He asked that the City draft a resolution to give to the school board by November 23, 2009. He appreciates anything the City can do to keep the school open.

Mayor Bandkau stated the City has drafted a letter to the School Board and it will be read at Monday night's meeting.

Hearing no further comment, the Call to the Public was closed at 7:37.

EAGLE SCOUT PROCLAMATIONS

Mayor Bandkau read and presented an Eagle Scout Proclamation to Quinn Stouder. Quinn stated his Eagle Scout project was building three benches at the Huron Meadows Metro Park that are to be used by cross-country runners and back packers.

Mayor Bandkau read and presented an Eagle Scout Proclamation to Justin Tarahomi. Justin stated his Eagle Scout project was to restore the beaver exhibit at the Howell Nature Center.

CITIZEN INQUIRY RESPONSE

Mayor Bandkau read a Citizen Inquiry from Robert Henderson who was asking how he could request a meeting with Council to address his concerns regarding our Police Department. She stated the Police Chief has contacted Mr. Henderson to address his concerns.

AGENDA APPROVAL

It was moved by Councilmember Roblee, seconded by Muzzin to approve the Consent Agenda as amended. Delete item #9, Councilmember Liaisons. Move from Consent Agenda to Action Agenda item #11, PSD Board Extension. Move to Consent Agenda from Action Agenda item # 12, Village Cemetery-related parking lot. Motion passed 7-0.

The following items were approved:

1. Approval the annual Goal-Setting Retreat Minutes and related New Goals for 2009 – 2010 with the addition of item #10, To review and consider action of wind turbine ordinance.
2. Approved and authorized the City Manager as the grant application certifying officer for the upcoming Village Cemetery-related Parking Lot project related MSHDA grant application (action required by MSDHA procedures)

It was moved by Councilmember Cooper, seconded by Bohn to approve the Action Agenda as amended. Delete item #14, City-paid Health Insurance Plan. Move from Action Agenda to Consent Agenda item #12, Village Cemetery-related parking lot. Move to Action Agenda from Consent Agenda item #11, PSD Board Extension. Add item #13a, FOIA Appeal and item #15a, Water Utility Service request. Motion passed 7-0.

EXTEND THE LIFE OF THE PRINCIPAL SHOPPING DISTRICT BOARD

Community Development Director, Matt Modrack stated the extension of the life of the Principal Shopping District Board request is not a request for additional funding or a Special Assessment District. The reason to extend the PSD has much to do with the Main Street Program and to enhance the downtown through marketing. He discussed the PSD's goals, accomplishments, expenditures and decisions.

It was moved by Councilmember Cooper, seconded by Schillinger to approve Resolution 09-25, to extend the Principal Shopping District from its current expiration date of November 2009 to November 2010.

LEON BONNER SHOW CAUSE HEARING

It was moved by Cooper, seconded by Bohn to remove from the table the Leon Bonner show cause hearing. A roll call vote was taken. Yes: Schillinger, Cooper, Bohn, Bandkau, Muzzin, Roblee, Pipoly. No: none. Motion passed 7-0.

Attorney Brad Maynes gave a brief history on the Leon Bonner show cause hearing. He referenced cost estimates and water drainage issues regarding the properties at 116 and 122 E. North Street. He handed out a letter from Tetra Tech regarding water runoff from the North Street right-of-way.

There was Council discussion regarding the cost of repairs exceeding the properties worth, environmental studies of lead paint and black mold, many years of neglect of the properties and providing a limited period of time to restore the buildings up to the proper code.

Attorney Brad Maynes stated the Michigan Building Commercial Code has inspection requirements built into it and the structures have been established as being unsafe.

Attorney Paul Burns stated if the buildings are not brought up to code within a reasonable amount of time, the buildings would then be demolished. Commercial building projects are reviewed and approved by the Building Department.

There was further Council discussion regarding the possibility of the City being liable if someone is injured during repair to the buildings because they have already been deemed unsafe, the need for a Licensed design professional to draw up the plans, non-conforming use, liability, hold harmless insurance and preventing injury.

It was moved by Councilmember Cooper, seconded by Muzzin to approve Resolution 09-26, Deny the Bonners' appeal and ordered the structures to be demolished. A roll call vote was taken. Yes: Bandkau, Cooper, Muzzin, Pipoly, Roblee. No: Bohn, Schillinger. Motion passed 5-2.

FOIA APPEAL

Attorney Brad Maynes briefed the Council on the FOIA appeal by Dennis Dubuc for Susan Walters-Steinacker for the April 10, 2003 Settlement Agreement with the Bonner's and the City of Brighton.

Mr. Dubuc stated the Bonners did not request this agreement to be kept confidential. The Bonner's were forced to demolish the home at 131 N. East Street and were given just compensation. The price has been hidden from the people of the City of Brighton. He stated the City of Brighton should comply with the FOIA or he can request fines and attorney fees.

Attorney Burns stated the City of Brighton did condemn the building 131 N. East Street and Mr. Bonner's attorney from some years ago requested the agreement be kept confidential.

Mr. Dubuc stated the City of Brighton requested the price of the home be kept confidential.

City Manager, Dana Foster stated for the record he never had permission to release the confidentiality agreement.

It was moved by Councilmember Muzzin, seconded by Roblee to release the confidentiality agreement.

There was Council discussion regarding this is another attempt to embarrass the City Council and an attempt to derail the City's business.

Motion passed 5-0 with Councilmembers Pipoly and Schillinger voting "no".

PROPERTY DONATION FOR A NATURE PRESERVE PARK

Attorney Paul Burns stated there was a meeting regarding the property donation to the City of Brighton to make sure the transaction is handled properly. He referenced the \$46,000 Special Assessment on the property.

Community Development/Planning Director, Matt Modrack briefed the Council on the plans for the proposed property donation for a nature preserve park.

WATER SERVICE AGREEMENT

City Manager, Dana Foster gave an update on a pending water utility service request from Brighton Charter Township that requires a three-party intergovernmental agreement.

It was moved by Councilmember Muzzin, seconded by Schillinger to approve the three-way Intergovernmental Water Service Agreement between the City of Brighton, Brighton Township and Genoa Township. Motion passed 7-0.

INFORMATION FOR CITY CUSTOMER

Department of Public Services Director, Matt Schindewolf gave a Main Four reconstruction update and leaf collection update asking residents to take the leave to the edge of the curb and not into the street. Leaf bags are available at the Department of Public Services. Unlimited bags ends next Wednesday, then it reverts to our every other week/10 bag maximum program. He stated that 99% of the water meters are installed and will continue until all are installed. A separate lawn meter is installed by the Water Department and a plumber installs the plumbing.

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 he has seen in four different units of government in two different states and his integrity is bar none.

City Manager, Dana Foster stated the new City of Brighton Arts, Culture and History Center opened for business and kudos to the volunteers of the tenants and for making the facility available to the public.

Councilmember Muzzin gave a Planning Commission report referencing 205 W. Grand River (former TCF site) and the cemetery public parking lot with a pocket park projects. He publicly apologized to Paul Burns for cutting his answer off earlier.

Councilmember Roblee stated she went to a Main Street training session in Lansing and Lauri French and Amy Cyphert volunteered to go in and decorate the vacant storefronts prior to the Holiday Glow event, which will be happening this Saturday.

Councilmember Schillinger wished everyone a nice holiday.

Mayor Bandkau stated the Holiday Glow will be this Saturday and wished everyone a safe and happy Thanksgiving.

CALL TO THE PUBLIC

Mayor Bandkau gave a Call to the Public at 9:45 p.m. The following comments were heard:

Kathy Filipowski, 720 Walnut Street, stated there is much talk about improvements downtown and asked Council not to forget the rest of the City. She stated they have no sidewalks for children to walk to school. She has a petition signed by citizens and business owners for sidewalks on Walnut, 4th and Chestnut Streets and would like to see some improvements to her neighborhood.

Councilmember Cooper stated this past weekend was our Council Retreat and sidewalks in that area have not been forgotten.

Councilmember Muzzin stated two specific goals of Council are to do that quadrant with curb and gutter and to address sidewalk gaps.

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Hearing no further comment, Mayor Bandkau closed the Call to the Public at 9:49 p.m.

ADJOURNMENT

It was moved by Councilmember Cooper, seconded by Muzzin to adjourn the meeting at 9:50 p.m.
Motion passed 7-0.

Diana Lowe, City Clerk

Ricci Bandkau, Mayor