

CITY OF BRIGHTON  
CITY COUNCIL MEETING  
CITY HALL  
December 17, 2009

- EARLY Blue Sky - 6:00 pm:**
1. General Fund Budget Forecast review & related Council-established Financial /Budget goals
  2. 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 December 3, 2009
  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 a combined annual Budget Preparation/Review/Adoption plus CIP preparation/review/adoption calendar including projected meeting dates for Budget and CIP worksessions in 2009
  9. Consider finalization of appointment of Council Member liaisons to City Boards and Commissions
  10. Consider approval of Act 51 street dedications as recommended by the DPS Director and City Attorney (Cross Street, Portions of Karl Greimel Drive and Orndorf Drive located in Paramount Industrial Park, and Mill Pond Lane)
  11. Consider approval of a Notice of Intent and Reimbursement Resolution for Issuance of Capital Improvement Bonds to finance the planned Third Street Sewage Pumping Station rebuild related CIP project

**Policy Development & Customer Communications' action item**

12. Consider report from staff on the Bi-Annual City Service survey results
13. Conduct public hearing on the proposed MSHDA Grant # 3 for the proposed Village Cemetery Parking Lot & Streetscape improvements
  - a. Mayor closes regular public meeting & opens the public hearing to ask for public input and comment
  - b. Mayor closes public hearing to resume the regular City Council meeting and Council discussion
  - c. Council considers a motion to direct staff to continue with the next steps of the grant process
14. Consider a motion or action as may be recommended by the City Attorney for a proposed property donation to the City of Brighton from Mr. Mike Corrigan as a result of the City Attorney's discussions with Mr. Corrigan's attorney with the purpose of said property donation to be used by the City to establish a nature preserve type of park that is accessible for public use and pursuant to the related requests as stated by Mr. Corrigan in his Letter to the City Manager of 12/07/09
15. Consider report from the City Attorney and City Manager regarding easements and/or related actions that may be needed for the 205 West and Village Cemetery Parking Lot & Streetscape related projects
16. Review Updated report from the City Manager on projected future City Council actions and agenda items relating to the Council's recently-adopted Goals (first draft presented at the 12/03/09 by the City Manager)

## **Other Business**

17. Information for City Customers
18. Receive updates from Council Member Liaisons to other Boards and Commissions
19. Call to the Public
20. Closed Session regarding an Attorney-Client privilege opinion from the City's Special Labor related Legal Counsel
21. Consider actions on proposed motions that were tabled at the Special City Council Meeting of November 9, 2009
22. Adjournment

**MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON**  
**HELD ON DECEMBER 17, 2009 AT THE BRIGHTON CITY HALL**  
**200 N. 1ST STREET, BRIGHTON, MICHIGAN**

**BLUE SKY SESSION**

The Council conducted a Blue Sky Session at 6:00 p.m. Present were Mayor Bandkau, Councilmembers Muzzin, Cooper, Roblee, Schillinger, Bohn and Pipoly. The Council reviewed the General Fund Budget Forecast and related Council-established Financial/Budget goals and the agenda items.

**REGULAR SESSION**

Mayor Bandkau called the regular meeting to order at 7:35 p.m. Following the Pledge of Allegiance, the roll was called, there being present were Mayor Bandkau, Councilmembers Muzzin, Roblee, Cooper, Bohn, Schillinger and Pipoly. Also in attendance were Engineer Linda Basista, Attorney Paul Burns and Matt Hagerty, 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 8.

**MINUTES APPROVAL**

It was moved by Councilmember Roblee, seconded by Muzzin to approve the Regular Meeting minutes of December 3, 2009 as presented. Councilmember Bohn abstained. Motion passed 6-0-1.

**CALL TO THE PUBLIC**

Mayor Bandkau gave a Call to the Public at 7:36 p.m. The following comment was heard:

Pat Cole, Brighton City, asked why a German flag can be at a grave in Fairview cemetery when she is unable to have an American flag on her parents grave, as her flags and holders have been removed.

Mayor Pro-Tem Bohn stated in February we have a Public Hearing to receive input regarding the way the cemeteries are managed and he will bring up having flags by the gravesites year round.

Department of Public Works Director, Matt Schindewolf stated he was unaware of a German flag being placed in the cemetery. The veteran's organizations come in after Veteran's Day and remove the flags as established in the rules and this will be followed up on.

City Manager, Dana Foster stated Ms. Cole's questions would be addressed in a report to City Council.

Hearing no further comment, Mayor Bandkau closed the Call to the Public at 7:51 p.m.

**CITIZEN INQUIRY RESPONSE**

None.

### **AGENDA APPROVAL**

It was moved by Councilmember Muzzin, seconded by Schillinger to approve the Consent Agenda as amended. Move to Consent Agenda from Action Agenda item #15, 205 West & Parking Lot Report and item #16, Goals Report. A roll call vote was taken. Yes: Schillinger, Cooper, Bohn, Bandkau, Muzzin, Roblee, Pipoly. No: none. Motion passed 7-0.

The following items were approved:

1. Approved the proposed FY 2010-11 Budget and CIP Process Calendar as provided.
2. Finalized the Councilmember liaisons to City Board and Commissions presented at the last meeting.
3. Approved the following Act 51 street dedications:
  - Resolution 09-33, Cross Street
  - Resolution 09-34, Karl Greimel Drive
  - Resolution 09-35, Orndorf Drive
  - Resolution 09-36, Mill Pond Lane
4. Adopted the Notice of Intent and approved Reimbursement Resolution, 09-37 for General Obligation Capital Improvement Bonds.
5. Received a report regarding easements and related actions that may be needed for the 205 West and Village Cemetery Parking Lot and Streetscape related projects.
6. Received a report on projected future City Council actions and agenda items relating to the Council's recently adopted Goals.

It was moved by Councilmember Cooper, seconded by Muzzin to approve the Action Agenda as amended. Delete item #12, Biennial City Service Survey results. Move from Action Agenda to Consent Agenda item #15, 205 West & Parking Lot Report and item #16, Goals Report. Motion passed 7-0.

### **VILLAGE CEMETERY PARKING LOT & STREETScape MSHDA GRANT**

Community Development/Planning Director Matt Modrack stated this is the City's third endeavor with a proposed MSHDA Grant. 205 West includes private investment and the public village cemetery parking lot and streetscape improvements on St. Paul and Grand River, with a match of \$44,000 from the DDA.

Mayor Bandkau opened the Public Hearing on the proposed MSHDA Grant #3 for the proposed Village Cemetery Parking Lot and Streetscape improvements at 7:58 p.m.. Hearing no comment, the Public Hearing was closed.

It was moved by Councilmember Schillinger, seconded by Pipoly to approve Resolution 09-38, Authorizing submission of the full application request for a downtown infrastructure (public parking lot and streetscape improvements) grant under the MEDC Community Assistance Team's 2009 Downtown Community Development Block Grant (CDBG) Program, pending project number MSC 209119-CDI. A roll call vote was taken. Yes: Schillinger, Cooper, Bohn, Bandkau, Muzzin, Roblee, Pipoly. No: none. Motion passed 7-0.

### **PROPERTY DONATION FROM MIKE CORRIGAN**

It was moved by Cooper, seconded by Roblee to approve proposed charitable donation of City of Brighton tax parcels 18-25-201-006 and 18-25-200-014 by Mr. Mike Corrigan to the City of Brighton for establishment of a City owned and operated park/nature preserve, with the following conditions:

1. Conveyance of fee title to the City of Brighton, via a warranty deed acceptable to the City Attorney, to parcel 18-25-200-014 in the 2009 tax year, subject to the City's completion of its environmental due diligence; satisfaction of title; and a subsequent acceptance of the dedication by formal resolution of the City Council.
2. Conveyance of easement rights as requested by the City over parcel 18-25-201-006 for a public park/nature preserve, utility, and ingress/egress purposes, subject to appropriate amendments to the Paramount Industrial Park and Summit Point Master Deeds; the recorded Declaration of Easements, Covenants, Conditions and Restrictions dated August 7, 2001; the Planned Unit Development Agreement with the City of Brighton dated February 9, 2001; written consents from unit owners within the respective Master Deeds; and execution of any other related documents as recommended by the City Attorney.
3. Abandonment of the City's right of way interest in the southerly extension of Greimel Drive abutting Unit 1 of the Paramount Industrial Park through a submitted amendment of the Paramount Industrial Park Site Plan as may be recommended by the Planning Commission and approved by the City Council.

Subject to an acceptable report for a limited Phase II Environmental Site Assessment at the vacant parcel from GeoTrans, Inc. Councilmember Muzzin abstained. Motion passed 6-0-1.

### **INFORMATION FOR CITY CUSTOMER**

Department of Public Services Director, Matt Schindewolf stated the Main Four reconstruction is done and he will take a look at the old signage at the intersection. He also stated the Bombardier arrived and Staff has been experimenting with it and has used it on the downtown sidewalks.

City Manager, Dana Foster stated the Department of Public Services Staff that work at the cemetery enforce the rules and make sure the rules and regulations are administered accordingly. He wished everyone a Merry Christmas and Happy New Year.

Mayor Pro-Tem Bohn encourages residents to get the H1N1 flu shot at the Livingston County Health Department as it is well run and well administered and it was free.

Councilmember Muzzin gave a Budget and Finance Subcommittee report. He gave a Brighton Area Fire Authority report stating the millage for the Brighton Area Fire Authority expires at the end of the 2010, they will probably go for renewal in August of 2010 and the budget was amended in regards tot the General Motors Tax appeal.

Councilmember Cooper wished everyone a happy holiday.

Councilmember Roblee requested if the DDA approves the amendment regarding Civic Events, make sure the funds come from the DDA directly to the General Fund. She wished everyone a Merry Christmas and Happy New Year.

Councilmember Schillinger wished everyone a Merry Christmas, Happy New Year and stay safe.

Councilmember Pipoly wished everyone a safe Merry Christmas and Happy New Year.

Mayor Bandkau stated there is a vacancy on Planning Commission, deadline for applications is January 4, 2010. She stated she and Councilmember Cooper met with the Regional Cooperation group met and fiber optics are coming to Brighton. She wished everyone a happy holiday and if you are traveling to come back safe.

### **CALL TO THE PUBLIC**

Mayor Bandkau gave a Call to the Public at 8:22 p.m. The following comments were heard:

Susan Walters-Steinacker asked which Resolutions were assigned at the evening's meeting.

Mayor Bandkau stated Resolution 09-33 - Cross Street, 09-34 - Karl Greimel Drive, 09-35 - Orndorf Drive, 09-36 - Mill Pond Lane, 09-37 – Capital Improvement Bonds, 09-38 – MSHDA Grant.

Pat Cole, Brighton City, expressed her concerns regarding a company coming out four times a year to the cemetery to replace flags and we may be paying for repaired/used flags. She suggested putting out bids for cleaning City hall. She stated there is nothing in the Cemetery Rules & Regulations that addresses grandfathering.

Councilmember Bohn stated there was a competitive bid process recently were various building maintenance companies had the opportunity to bid on cleaning services and a discount was given by our current cleaning company.

Councilmember Muzzin stated we looked for proposals from vendors for five or six different areas and we continue to look at those bidding processes. He asked Paul Burns to put to rest the grandfathering item that is not in our cemetery rules and regulations.

Attorney Paul Burns stated grandfathering is sometimes a practice that was invoked prior to an ordinance being passed and he will address this particular issue.

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City Manager, Dana Foster stated he reported on the grandfathering subject about two years ago and will pull the reports and review this subject in depth.

Hearing no further comment, Mayor Bandkau closed the Call to the Public at 8:30 p.m.

#### **ATTORNEY/CLIENT PRIVILEGE CLOSED SESSION**

It was moved by Cooper, seconded by Muzzin to go into Closed Session to receive Attorney-Client privilege written opinion from the City's Special Labor related Legal Counsel. A roll call vote was taken. Yes: Schillinger, Cooper, Bohn, Bandkau, Muzzin, Roblee, Pipoly. No: none. Motion passed 7-0.

The Council convened into Closed Session at 8:35 p.m.

The Council reconvened the Regular Session at 9:58 p.m.

#### **TABLED ITEMS FROM THE SPECIAL CITY COUNCIL MEETING OF NOVEMBER 9, 2009**

It was moved by Councilmember Roblee, seconded by Bohn to untable the items from the Special City Council meeting of November 9, 2009. Motion passed 7-0.

It was moved by Councilmember Muzzin, seconded by Cooper to amend Dana Foster's Employment Agreement with the City of Brighton, retroactive to August 19, 2009, to provide for a payout of unused accumulated sick leave upon his separation of employment for any non-disciplinary reason, regardless of length of service, and to expressly acknowledge that he has waived or forfeited any right to City funded retiree health care benefits after separation from employment with the City. A roll call vote was taken. Yes: Cooper, Muzzin, Schillinger. No: Bandkau, Bohn, Pipoly, Roblee. Motion failed 3-4.

It was moved by Councilmember Cooper, seconded by Muzzin to ratify the payout to Dana Foster of unused accumulated sick leave in the approximate amount of \$55,000, based upon his August 21, 2009 separation of employment, and to further ratify his rehire and re-employment as City Manager, effective August 25, 2009. A roll call vote was taken. Yes: Cooper Muzzin, Schillinger. No: Bandkau, Bohn Pipoly, Roblee. Motion failed 3-4.

City Manager, Dana Foster stated he agreed to take a 12% cut in pay on top of the 24-month 5% Furlough program.

It was moved by Councilmember Cooper, seconded by Pipoly to grant the City Manager 90 days to repay the payout of unused accumulated sick leave funds and to request both City Attorneys to work with the City Manager regarding the payback of the funds. A roll call vote was taken. Yes: Bandkau, Bohn, Cooper, Pipoly, Roblee, Schillinger. No: Muzzin. Motion passed 6-1.

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It was moved by Councilmember Cooper, seconded by Pipoly to create a new contract with the City Manager and to payback retroactive the lesser amount of base pay to Dana Foster before the end of the year and replenish his leave banks. A roll call vote was taken. Yes: Bandkau, Bohn, Cooper, Pipoly, Roblee, Schillinger. No: Muzzin. Motion passed 6-1.

It was moved by Councilmember Schillinger, seconded by Bohn to have a subcommittee of Councilmembers Cooper, Schillinger, Pipoly, Attorney Dennis Gabrian and Paul Burns meet with Dana Foster for the purpose of generating a contract for the City Manager in no less than 45 days. Motion passed 6-1 with Councilmember Muzzin voting “no”.

### **ADJOURNMENT**

It was moved by Councilmember Muzzin, seconded by Cooper to adjourn the meeting at 10:40 p.m. Motion passed 7-0.

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Diana Lowe, City Clerk

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Ricci Bandkau, Mayor