

CITY OF BRIGHTON  
CITY COUNCIL MEETING  
CITY HALL  
April 21, 2011

**Regular 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 [April 7, 2011](#)
5. Call to the Public
6. Mayor's Reading of Citizen Inquiries received since the last City Council Meeting
7. City Manager's Response to Citizen Inquiries to City Council received at this City Council Meeting or prior meetings
8. Consider approval of the Agenda

**Consent Agenda**

9. Consider approval of the application for a Redevelopment Liquor License for "The Wooden Spoon" restaurant

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

10. Receive a presentation from the Optimist Club on a proposed Donation from the Club to the City for the Mill Pond Park in conjunction with the Optimist Club's upcoming 25<sup>th</sup> annual Fishing Derby
11. Receive an informational presentation regarding SELCRA activities and results from the SELCRA Executive Director
12. Conduct [Public Hearing regarding the City Council's Proposed Fiscal Year 2011-12 Budget](#)
  - a. Mayor closes regular meeting and opens the public hearing to ask for public input and or questions
  - b. Mayor closes the public hearing and resumes the regular Council Meeting and Council discussion
  - c. Consider motion or motions to direct staff to make possible additional changes to the Proposed Budget for Council final budget adoption action at the May 5<sup>th</sup> City Council Meeting
13. Consider approval of a policy resolution to dedicate savings generated by Employee Suggestions for the reduction of any Payroll cost reductions needed in the proposed budget
14. Consider report from the Police Chief in response to a [recent citizen's request to City Council Members for the City to consider amending the City's Solicitor's Ordinance](#) and provide further direction to staff

**Other Business**

15. Information for City Customers
16. Receive updates from Council Member Liaisons to other Boards and Commissions
17. Call to the Public
18. Conduct closed session at the request of the City Attorney to receive legal advice regarding a pending request from the Dairy Queen property owner
19. Adjournment

**MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON**  
**HELD ON APRIL 7, 2011 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 Schillinger, Muzzin, Bohn, Roblee 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 Schillinger, Bohn, Muzzin, Roblee and Pipoly. Also in attendance were Attorney Paul Burns and Staff members Dana Foster, Diana Lowe, Jennifer Piasecki, Amy Cyphert, Matt Schindewolf, Tom Wightman, Matt Modrack and an audience of 5. Press and Media included Tom Tolen from WHMI and John Branstetter from the Patch.

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

**MINUTES APPROVAL**

It was moved by Councilmember Roblee, seconded by Muzzin to approve the Regular Meeting minutes of March 17, 2011 as presented. Motion passed 6-0-1.

**CALL TO THE PUBLIC**

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

Jim Vichich, 11555 Buno Road, Brighton Area Historical Society, invited everyone to participate in the Old Village Cemetery Spring Clean Up on May 7, 2011 from 9:00 a.m. to 2:00 p.m. The Historical Society will be providing tours of the Old Village Cemetery the fourth Saturday of the month at 11:00 a.m. during the Farmers Market.

City Manager, Dana Foster stated that Jim Vichich is also the CoBACH tenant coordinator.

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

**CITIZEN INQUIRIES**

Susan Walters-Steinacker - At the March 1, 2011 city budget work session: When did the city council legally and publicly approve the closed session with labor attorney Dennis Gabrian and which of the council members that voted yes?

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City Attorney, Paul Burns stated the minutes are the official record of the meeting. He suggested to provide a copy of the minutes.

Patricia A. Cole - Please advise the Citizens of Brighton City how they may opt out of paying the price the City is charging now of \$1,91 for Refuse pick up. Why that option doesn't exist, and Why is the City imposing mandatory costs to the residents of Brighton City for City services?

Mayor Bandkau stated the existing Refuse Fee Ordinance allows the City Council to adjust user fees as needed.

Patricia A. Cole - City Manager's Response to Citizen Inquiries to City Council for City Council to respond to: Why is this item changed on the City Council Agenda from "Reply" from City Council?

Mayor Bandkau stated the City Council delegated this to the City Manager to provide these responses.

Patricia A. Cole - The audio transmission of City Council Meetings and visual of the channel are very poor.

Mayor Bandkau stated we have been advised to turn microphones off for voice quality. The City Manager and Staff are working to improve the quality of our audio and visual system.

### **AGENDA APPROVAL**

It was moved by Councilmember Muzzin, seconded by Bohn to approve the Consent Agenda as amended. Move from Consent Agenda to Action Agenda item #10, St. Paul Pocket Park artwork. A roll call vote was taken. Yes: Schillinger, Bohn, Bandkau, Muzzin, Roblee, Pipoly. No: none. Absent: Cooper.

The following item was approved:

1. Appointed Kim Tobin to the Election Commission.
2. Approved the Civic Event Schedule for 2011.
3. Approved Resolution 11-02, Transfer of a Class C Liquor License currently held by Stonefire, Inc. at 440 W. Main St., Brighton, Michigan to Stonefire Bistro II, Inc.

It was moved by Mayor Pro-Tem Bohn, seconded by Roblee to approve the Action Agenda. Move to Action Agenda from Consent Agenda item #10, St. Paul Pocket Park artwork. Delete item #15, Employee Suggestion Policy Resolution. Motion passed 6-0-1.

### **ST. PAUL STREET POCKET PARK ART SELECTION**

It was moved by Councilmember Muzzin, seconded by Pipoly to approve the proposed artwork for installation in the St. Paul St. pocket park prepared by and permit the City Manager to execute the City Attorney approved agreement. Motion passed 5-1-1, with Councilmember Schillinger voting "no".

### **2011-12 BUDGET NOTICE**

City Manager, Dana Foster discussed the proposed fiscal year 2011-12 Budget notice. He displayed a chart regarding Total Adopted City Budget Funds.

It was moved by Councilmember Muzzin, seconded by Bohn to leave proposed budget item #2, Reduce OPEB contribution in both General and Utilities Funds in the proposed budget notice. A roll call vote was taken. Yes: Schillinger, Bohn, Bandkau, Muzzin, Pipoly. No: Roblee. Absent: Cooper. Motion passed 5-1-1.

It was moved by Councilmember Schillinger, seconded by Muzzin to keep item #3, Leave Police Clerk Dispatch position vacant in the General Fund proposed budget notice as is. A roll call vote was taken. Yes: Schillinger, Bohn, Bandkau, Muzzin, Roblee, Pipoly. No: none. Absent: Cooper. Motion passed 6-0-1.

It was moved by Councilmember Schillinger seconded by Muzzin to leave item #4, Payroll Cost Reductions of the General Fund and item #3 of the Utilities Fund as written in the proposed budget notice. A roll call vote was taken. Yes: Schillinger, Bohn, Bandkau, Muzzin, Pipoly. No: Roblee. Absent: Cooper. Motion passed 5-1-1.

It was moved by Councilmember Schillinger, seconded by Bohn to support item #5, Reduce SELCRA contribution in the General Fund as presented in the proposed budget notice. A roll call vote was taken. Yes: Schillinger, Bohn, Bandkau, Pipoly. No: Muzzin, Roblee. Absent: Cooper. Motion passed 4-2-1.

It was moved by Councilmember Muzzin, seconded by Pipoly to remove item #8, Eliminate Leaf Vacuuming from the proposed budget notice and replace it with a savings of \$25,000 achieved in the DPS Department at the Department Director's discretion. A roll call vote was taken. Yes: Schillinger, Bohn, Bandkau, Muzzin, Roblee, Pipoly. No: none. Absent: Cooper. Motion passed 6-0-1.

It was moved by Muzzin, seconded by Bohn to direct Staff to Publish, on April 15, 2011 and April 17, 2011, the Notice for the Public Hearing on the City's Proposed FY 2011-12 Budget, as amended. Motion passed 5-1-1, with Councilmember Roblee voting "no".

### **PROPOSED BUDGET INFORMATION MEETINGS FOR FY 11-12**

City Manager, Dana Foster displayed a PowerPoint presentation for the proposed Public Information Meetings for the Proposed Fiscal Year Budget regarding Revenue Trends, Taxable Value, Assessed Value vs. Taxable Value, Water, Sewer and Trash Services, City's Cost Reduction Actions & Results,

Personnel/Labor related Cost Savings, City Government Downsizing Facts and Additional proposed measures to keep total expenditures within available revenues. He suggested forwarding this information to the Chamber of Commerce to provide the information to taxpayers.

It was moved by Councilmember Muzzin, seconded by Roblee to approve the proposed Public Information Meetings' process for the City Council's Proposed 2011-2012 Budget on April 13 and 20, 2011, prior to the April 21<sup>st</sup> Public Hearing on the Proposed Budget. Motion passed 6-0-1.

**CITY CUSTOMER INFORMATION**

City Manager, Dana Foster stated we were able to find out from the MML Staff, that with regards to shared services, we would be able to count the shared services and contracts we have already accomplished.

Mayor Pro-Tem Bohn provided slides regarding the Old Village Cemetery improvements and the improvements that still need to be made. He recommended to allocate \$5,000 ongoing to work with the Historical Society to get the grave markers repaired.

Councilmember Roblee stated the Principle Shopping District met and they are gearing up for the busy summer season.

Mayor Bandkau stated she attended the MML Conference and we are not the only City having budget crisis. She thanked Staff and everyone who has put forth effort for the City's budget.

**CALL TO THE PUBLIC**

Mayor Bandkau gave a Call to the Public at 9:15 p.m. Hearing none.

**BRIGHTON MALL VS. CITY OF BRIGHTON LITIGATION CLOSED SESSION**

It was moved by Councilmember Muzzin, seconded by Pipoly to go into Closed Session to discuss written Attorney/Client privilege information regarding the Brighton Mall vs. City of Brighton Tax Tribunal Litigation. A roll call vote was taken. Yes: Schillinger, Bohn, Bandkau, Muzzin, Roblee, Pipoly. No: none. Absent: Cooper.

The Council convened into Closed Session at 9:23 p.m.

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

**ADJOURNMENT**

It was moved by Mayor Pro-Tem Bohn, seconded by Schillinger to adjourn the meeting at 9:36 p.m. Motion passed 6-0-1.

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Diana Lowe, City Clerk

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Ricci Bandkau, Mayor

POLICY REPORT - FINANCE

**Conduct a Public Hearing on the Proposed FY 2011-12 City Budget**

April 21, 2011

Prepared by:

Reviewed by:

\_\_\_\_\_  
Kelly LaLonde, Finance Director

\_\_\_\_\_  
Dana Foster, City Manager

**ISSUE:**

The City Council must conduct a public hearing prior to the adoption of the City's FY 2011-12 Budget.

**STAFF RECOMMENDATION:**

To formally conduct the public hearing on the City's proposed FY 2011-12 Budget, to receive input from the public prior to the adoption of the Budget.

**BACKGROUND:**

Based on the requirements of Chapter 8, Section 3 of the City Charter, the attached public notice of the said public hearing has been published in the Livingston County Press & Argus issues of April 15 and April 17, 2011. Public Informational meetings regarding City Council's proposed budget were also held April 13 and April 20, 2011. The notice reflects the City Manager's originally proposed FY 2011-12 Budget with the following Council changes:

**General Fund**

1. Increase the Residential Refuse User Fee to \$13.64 per month per user;
2. Reduce the OPEB Contribution to \$50,000;
3. Leave the recently vacated Police Dispatch Clerk position vacant;
4. Negotiate payroll cost reductions in the amount of \$229,082. This includes reductions already in place due to recent Employee Suggestions that have resulted in ongoing cost savings.
5. Reduce SELCRA contribution by 50% to \$13,194;
6. Shift personnel costs to the Utilities Fund that were previously charged to that fund;
7. Continue City Council meetings at 2 per month with a 25% pay reduction; and
8. Reduce DPS expenditures by \$25,000;

In addition, the Council proposed budget includes new General Fund revenue from a Livingston Educational Service Contract for the summer 2011 tax collection and a one-time revenue from MML Property Pool & Liability for policy renewals in FY 2011-12.

### Utilities Fund

1. The net savings of an upcoming employee retirement and holding the position vacant;
2. Reduce the OPEB Contribution to \$24,472;
3. Negotiate payroll cost reductions in the amount of \$53,630. This includes reductions already in place due to recent Employee Suggestions that have resulted in ongoing cost savings;
4. Start a program of funding depreciation of 3% or \$43,125;
5. The net affect of the above items reduces the Utility Rate increase from 6.2% to 5.8%.

### **RELATIONSHIP TO GOALS:**

The budget document funds, through appropriations, the goals of the City.

### **BUDGET IMPACT:**

The City Council shall consider the public's input when finalizing the FY 2011-12 Budget.

### **ACTION/MOTION:**

**Hold the public hearing on the proposed FY 2011-12 Budget.**

CITY OF BRIGHTON  
 NOTICE OF PUBLIC HEARING  
 ON PROPOSED FY 2011-12  
 CITY BUDGET

The City of Brighton will hold a public hearing at 7:30 p.m. on Thursday, April 21, 2011 in the City Council Chambers, 200 North First Street, Brighton, for the purpose of receiving written and oral comment concerning the City of Brighton's proposed budget for fiscal year 2011-12 which is summarized below. The City Manager will conduct Public Information meetings regarding the City of Brighton's proposed budget at 6:30 p.m. on Wednesday, April 13 and Wednesday, April 20, 2011 at the Brighton Community Center, 555 Brighton Street, Brighton.

All interested citizens are encouraged to attend and/or submit comments.

**SUMMARY OF PROPOSED 2011-12 BUDGET CITY OF BRIGHTON**

<u>Source:</u>	<u>Revenue</u>
Property Taxes, Penalties, Interest & Fees	\$ 7,135,767
Licenses & Permits	297,535
Federal Grants	8,500
State Grants	389,543
State Shared Revenue	870,006
Local Unit Contribution	93,180
Service Charges	3,962,187
Fines & Forfeits	136,210
Investment Earnings	23,505
Rents & Royalties	71,680
Other Revenue	263,438
Other Financing Sources	2,049,016
Net Use of Fund Balance and Working Capital	(372,488)
Less: Appropriations Between Funds	<u>(1,731,452)</u>
<b>TOTAL REVENUE</b>	<b><u>\$ 13,196,627</u></b>

<u>Fund:</u>	<u>Expenditures</u>
General	\$ 7,644,339
Streets (including capital improvements)	953,227
PSD	40,000
Arts/Cultural Commission	5,000
Street Debt	1,173,537
Capital Improvements (including debt)	257,734
Building Authority (including debt)	129,700

Downtown Development Authority (including debt)	1,282,001
Local Development Finance Authority (including debt)	79,210
Utilities (including capital and debt less depreciation)	3,363,331
Less: Appropriations Between Funds	<u>(1,731,452)</u>
<b>TOTAL EXPENDITURES</b>	<b><u>\$ 13,196,627</u></b>

An increase in the residential refuse collection user fee and an increase in the utility rates proposed to be charged to support the proposed budget will be a subject of this hearing.

A copy of the proposed budget is available for public inspection from 8:00 a.m. to 5:00 p.m., Monday - Friday, at 200 North First Street, Brighton in the office of the City Clerk. Specific questions on the budget should be addressed to the City Manager or Finance Director.

Diana Lowe  
City Clerk  
City of Brighton

To obtain this notice in alternative formats contact David Blackmar, ADA Coordinator at 810-225-8001.

BA 04/15/11, 04/17/11

# Memorandum

April 14, 2011

To: Dana Foster, City Manager

From: Thomas Wightman, Chief of Police

Subject: **SOLICITORS ORDINANCE**

You recently directed that I take a look at the Brighton ordinance regarding solicitors as it compares to the solicitors ordinance in the City of Farmington Hills. Your direction on this matter arises from a request from a resident who contacted Council Members Roblee and Pipoly asking that certain provisions of the Farmington Hills solicitors ordinance be incorporated into the Brighton ordinance. The sections that he requested to be added would do the following:

1. Prohibit solicitation by persons, including those with permits, on property posted for No Solicitors.
2. Revise the allowable hours for solicitation from the current 9:00 am – 9:00 pm to 10:00 am – 8:00 pm.

The Brighton Police Department has received nine complaints about solicitors during the past 12 months:

- One occurrence was after 8:00 pm (i.e. - 8:39pm), all others were between 11:00 am and 5:00 pm.
- Most complaints involved a lack of permit or a resident's concern that they might not have a permit. Persons found without a permit were warned to obtain a permit.
- All located solicitors were checked on LEIN; none were found to have outstanding arrest warrants.

There does not appear to be a correlation between recent complaints and the requested change to the ordinance. However, the Police Department would support the narrowing of the permissible hours for solicitors, particularly in the late evening. Although we are unaware of any formal studies that would indicate that solicitors pose a danger in the late evening, it would seem a common sense approach to reduce the number of strangers traveling in a neighborhood during those hours if for no other reason than to increase the general perception of neighborhood safety.