

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 21, 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, Cooper and Pipoly. Also in attendance were Attorney Paul Burns and Staff members Dana Foster, Diana Lowe, Amy Cyphert, Matt Schindewolf, Tom Wightman, Matt Modrack and an audience of 24. Press and Media included Jim Totten, Livingston County Press & Argus; Tom Tolen, WHMI and John Branstetter, The Patch.

**MINUTES APPROVAL**

It was moved by Councilmember Muzzin, seconded by Roblee to approve the Regular Meeting minutes of April 7, 2011 as presented. Councilmember Cooper abstained. Motion passed 6-0-1.

It was moved by Councilmember Roblee, seconded by Pipoly to approve the Closed Session minutes of April 7, 2011 as presented. Councilmember Cooper abstained. Motion passed 6-0-1

**CALL TO THE PUBLIC**

Mayor Bandkau gave a Call to the Public at 7:33p.m. Hearing no comment, the Call to the Public was closed.

**CITIZEN INQUIRIES**

Jerry Bennett, 132 N Church, please don't stop the leaf removal program.

City Manager, Dana Foster stated the leaf removal program has not been cut from the proposed budget.

**AGENDA APPROVAL**

It was moved by Councilmember Cooper, seconded by Muzzin to approve the Action Agenda as amended. Move to Action Agenda from Consent Agenda, item #9, Wooden Spoon Liquor License. Add item #14a, World Café/Envision Brighton Resolution. Delete item #18, Dairy Queen Closed Session. Motion passed 7-0.

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### **THE WOODEN SPOON LIQUOR LICENSE**

DDA/Community Development Director, Matt Modrack stated the DDA closed on the sale of the Mexican Jones site today and The Wooden Spoon restaurant will occupy this site.

It was moved by Schillinger, seconded by Roblee to approve Resolution 11-03, Request from Wooden Spoon Café, LLC, for a new Class C license under MCLA 436.1521a(1)(b), SDM License, Sunday Sales Permit, Outdoor Service Permit, Entertainment Permit, and Official Permit, to be located at 675 W. Grand River, Brighton, Livingston County, Michigan. A roll call vote was taken. Yes: Schillinger, Bohn, Bandkau, Muzzin, Roblee, Pipoly, Cooper. No: none. Motion passed 7-0.

### **OPTIMIST CLUB PRESENTATION AND DONATION**

Dennis Kalio, President of the Optimist Club gave a brief history of the organization and the events they do for children in the community.

Bob Campbell gave a brief history of the Optimist Club's annual Fishing Derby and the many children's lives they have touched over the 25 years of sponsoring this event. He stated they want to donate a work of art to the City for the Mill Pond Park.

Mike Monroe, Artist of "It's a Keeper", stated this is a special gift to the children at the Mill Pond Park area. He displayed a picture of the art and the proposed location.

Council thanked the Optimist Club.

It was moved by Councilmember Cooper, seconded by Schillinger to accept the donation for the Mill Pond Park in conjunction with the Optimist Club's upcoming 25th annual Fishing Derby. Motion passed 7-0.

### **SELCRA PRESENTATION**

Derek Smith, SELCRA Director, gave a presentation regarding SELCRA activities and results. He presented slides regarding their Prosperity Policy – Protect public safety and other essential local services, The Future of Our Community, Strategies – Collaboration, Consolidation and Cooperation, Placemaking, Enhance life, Attract Businesses, Jobs, Can the Community Afford to not fund SELCRA, Health and Wellness, Community Stewardship, Preventing Youth Crime, Economic Impact and Supporting Development, Local Business Sponsorships/Partnerships, Property Values, Supporting Economic Development, A Fiscally Responsible Authority, Budget Reduction and Increase in Costs if SELCRA is not funded. He stated on May 12<sup>th</sup> there is an intergovernmental brainstorming meeting with the participating SELCRA municipalities.

### **PROPOSED FY 2011-2012 PUBLIC HEARING**

City Manager, Dana Foster gave a presentation regarding the proposed FY 2011-12 City Budget. He stated this is the same presentation he gave at the two Public Budget Informational meetings. He discussed Revenue Trends, Taxable Value, General Fund Property Tax Revenue, Taxable Value by Class, Real Property, City's Cost

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Reduction Actions & Results, Personnel/Labor related Cost Savings, More City Government Downsizing Facts, Water, Sewer and Trash, Additional Proposed Measures to Keep Total Expenditures Within Available Revenues, Six Year Financial Forecast, Utility REU Connections/Consumption History, City Operating and Debt Tax Bill Change and City of Brighton Dashboard. He read the suggestions he received at the recent Public Budget Information meetings.

Mayor Bandkau opened the Public Hearing regarding the Proposed Fiscal Year 2011-12 Budget at 9:21 p.m. The following comments were heard:

Susan Walters-Steinacker stated 72 percent of the people that responded to the most recent City Survey stated they do not have children under 18 years old. SELCRA is offered to children up to 18 years old. She asked the City Attorney regarding an opt-out from the proposed refuse fee. It appears that only residential will be charged the refuse fee and that commercial will receive it for free. She asked her house be grandfathered from the trash pick up fee.

Pat Cole, Brighton City, discussed Pay to Play with SELCRA, stating the surrounding entities may chip in additional funds to the program. She also stated there are people on fixed incomes that have not had increases in funds and have had additional expenses. She discussed her water bills, rates, increases and rental properties.

Derek Smith, SELCRA Director, stated programs are offered to people of all ages.

Hearing no further comment, Mayor Bandkau closed the Public Hearing at 9:32 p.m.

There was Council discussion regarding SELCRA contribution and the OPEB contribution.

It was moved by Mayor Pro-Tem Bohn, seconded by Schillinger to direct Staff to move forward with the budget as it was presented in the paper of record and as it was the subject of this Public Hearing without any changes or modifications. A roll call vote was taken. Yes: Schillinger, Bandkau, Bohn, Pipoly. No: Cooper, Muzzin, Roblee. Motion passed 4-3.

#### **EMPLOYEE SAVING SUGGESTIONS POLICY RESOLUTION**

It was moved by Councilmember Schillinger, seconded by Bohn to adopt a Policy Resolution 11-04, To dedicate savings generated by Employee Suggestions for the reduction of any payroll cost reductions needed in the proposed budget. A roll call vote was taken. Yes: Schillinger, Cooper, Bohn, Bandkau, Muzzin, Roblee, Pipoly. Motion passed 7-0.

#### **SOLICITOR'S ORDINANCE**

Police Chief, Tom Wightman gave a report regarding the City's Solicitor's Ordinance, posted "no solicitors" and the hours of operation. If Council agrees with those changes, he suggested the City Attorney compose a proposed amendment to the Ordinance.

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City Attorney, Paul Burns stated he would look at other community's solicitors Ordinances and bring a proposed amendment back to City Council.

It was moved by Councilmember Cooper, seconded by Pipoly to direct the City Attorney to draft a modified City Solicitor Ordinance for City Council with the input of the Chief of police. Motion passed 6-1 with Mayor Pro-Tem Bohn voting "no".

### **PRINCIPLE SHOPPING CENTER WORLD CAFÉ EXPENDITURES**

City Attorney, Paul Burns stated a concern was raised regarding a check that was written from the City to Art Ventures in the amount of \$482.73 for supplies associated with the Downtown World Cafe. The check was returned to the City and is now a moot event of no consequence. City Council should pass a Resolution stating the matter is closed or authorizing the expenditure.

It was moved by Mayor Pro-Tem Bohn, seconded by Schillinger to approve Resolution 11-05, that the \$482.73 payment to Art Ventures, Inc. and subsequently reimbursed by Art Ventures, Inc. on April 15, 2011 is hereby acknowledged to be a nullity. A roll call vote was taken. Yes: Schillinger, Cooper, Bohn, Bandkau, Muzzin, Pipoly. No: none. Abstain: Roblee. Motion passed 6-0-1.

It was moved by Mayor Pro-Tem Bohn, seconded by Schillinger to pay Art Ventures for the work that was done, providing there be some estimates provided to City Council to have documentation stating the work done was reasonable.

After Council discussion, Mayor Pro-Tem Bohn withdrew his motion.

### **CITY CUSTOMER INFORMATION**

City Manager, Dana Foster discussed the work done by Staff for the recent Public Budget Information meetings. He stated his object for the meetings was to inform people. He stated he would conduct similar meetings in the summer months regarding Capital Improvements as recommended by the Citizens Capital Improvements Task Force. We are working on the City of Brighton Facebook page.

Department of Public Services Director, Matt Schindewolf stated the graffiti on the Oakridge sign will be removed very shortly and we are considering putting a sealer on the stone.

Councilmember Cooper gave a Zoning Board of Appeals update. He stated there is an Intergovernmental SELCRA meeting on May 12, 2011. The Regional Cooperation Group met he has volunteered to take the lead on shared services for water.

Councilmember Schillinger gave a Planning Commission update on marijuana dispensary.

Councilmember Pipoly stated Matt Modrack and his team helped close on the former Mexican Jones property and the DDA still holds the liquor license in escrow.

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DDA/Community Development Director, Matt Modrack stated the easement at the former Mexican Jones property is no longer in jeopardy and there is a restrictive covenant for no adult uses on the property.

### **CALL TO THE PUBLIC**

Mayor Bandkau gave a Call to the Public at 10:34 p.m. The following comments were heard:

Susan Walters-Steinacker stated she asked two questions of the City Attorney at this evening's Public Hearing and they have not been answered.

Lauri French, Green Oak Township resident, employee of the City of Brighton for seven years, member of the World Café subcommittee, stated the complaint filed against Councilmember Roblee states she violated the City Charter for being paid for table dividers that she and her husband put together. Does this mean she made them for free? We have a self appointed watch dog that turns positive things that people are doing for the City and turns them into a negative. She stated this in defense of Councilmember Roblee and all of the people that serve on the Boards and Committees in the City for the betterment of the City.

Susan Walters-Steinacker stated Councilmember Roblee billed the taxpayers \$30 per hour.

Pat Cole, Brighton City, stated the Art Ventures should have been caught. She stated OPEB is the fault of previous Councils and she is paying for retiree's benefits on her utility bill. She stated the Charter needs to be rewritten and brought up to date.

Hearing no further comment, Mayor Bandkau closed the Call to the Public at 10:41 p.m.

### **ADJOURNMENT**

It was moved by Councilmember Pipoly, seconded by Cooper to adjourn the meeting at 10:41 p.m. Motion passed 7-0.

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Diana Lowe, City Clerk

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Ricci Bandkau, Mayor