

CITY OF BRIGHTON
CITY COUNCIL MEETING
CITY HALL
December 15, 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 Sessions of December 1, 2011, Closed Session of November 17th
5. Mayor's Reading of Citizen Inquiries received since the last City Council Meeting
6. Consider approval of the Agenda
7. Call to the Public

Consent Agenda

8. Consider approval of staff's recommended budget amendment and for an emergency replacement of an ATV used by DPS for sidewalk snow removal and other DPS operations as a result of soliciting competitive price quotes from ATV equipment suppliers
9. Consider reappointment of Council Member Pipoly as the Council Liaison Member to the Cable TV Advisory Commission
10. Consider authorization of staff to proceed with possible preapplication and/or applications for State of Michigan low-interest loan financing of a Mill Pond Dredging and cleanup project pursuant to staff's communications with State Representative Rogers and DEQ staff in recent months.
11. Consider approval of a request from Brighton Area Schools for collection of their 2012 summer property tax levy as recommended by staff
12. Consider authorizing the Mayor to sign and send a letter to our State Representative and State Senator to ask for their assistance with a reopening of communications from MDOT to the County Road Commission and the City regarding the need for I-96 & Grand River interchange improvements

Policy Development & Customer Communications' action item

13. Receive a presentation from the Downtown Parking Study consultant regarding the results of the recently conducted Downtown Parking Study Update as commissioned by the DDA Board and consider motions for any related followup actions for city staff to pursue
14. Receive informational presentation from DTE representatives regarding DTE's installation of "smartmeters"
15. Veterans Memorial Improvement Project report from Council Member Bandkau and related requested actions:
 - a. To consider approval of a modification to the Concept Plan that received preliminary approval by the City Council regarding the U.S. Flag as requested by one or more of the area Veterans' organizations to Council Member Bandkau
 - b. To authorize the establishment of a separate Veterans Memorial Improvement Project Fund to serve as a collection point for donations to the project that will be separate from the General Fund and all other City Funds but that will be administered by City Staff as a fiduciary agent.
16. Receive preliminary report from the City Manager regarding staff work to date pursuant to the City Council-established goal regarding the Development of Volunteer programs for City Service Delivery (Adopted Goal Category #8)

Other Business

17. Information for City Customers
18. Receive updates from Council Member Liaisons to other Boards and Commission
19. Call to the Public
20. Conduct Closed session at the request of the City Attorney to receive an attorney-client privileged opinion from the City's Bond Counsel.
21. Conduct Closed session at the request of the City Attorney regarding pending litigation for Brighton Commercial v. City of Brighton MTT.
22. Consider action as may be recommended by the City Attorney regarding the Brighton Commercial v. City of Brighton MTT litigation
23. Adjournment

**MINUTES OF THE WORKSESSION OF THE
CITY COUNCIL, HELD ON DECEMBER 13, 2011 AT THE
BRIGHTON CITY HALL, 200 N. 1ST STREET, BRIGHTON, MICHIGAN.**

Mayor Muzzin called the Worksession to order at 6:30 p.m. Present were Mayor Muzzin, Mayor Pro-Tem Cooper, Councilmembers, Schillinger, Cooper, Pipoly, Roblee and Bandkau. Also in attendance were Attorney Paul Burns, Staff Members: Dana Foster, Tom Wightman, Matt Modrack, Amy Cyphert, Kelly LaLonde and Jennifer Burke and an audience of 2.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 6:30 p.m. Hearing no comment, the Call to the Public was closed.

DISCUSSION

City Manager, Dana Foster discussed the following handouts: Staff Analysis regarding City Hall leasing options/alternatives, Staff's work to date and planned next steps for modifying and improving Services Ranking Matrix and the proposal options from the Michigan Municipal League's Consulting Services to conduct an updated market study of the Compensation and Benefits of the City's Administrative Non-Union employees (excluding the City Manager).

Council discussed the following:

- Option to move City Hall to Community Center and would there be a cost savings by doing so. Need to contact an architect to determine appropriate fit for City Hall.
- Charging fees for mandatory/required services on matrix (i.e. sidewalk café permits, cemetery plots, etc.)
- MML Benefits & Pay Study – could we share results with local municipalities. Staff to collect samples from MML of recent pay & benefits study.

CALL TO PUBLIC

Mayor Muzzin gave a Call to the Police at 8:26 p.m. The following was heard:

Hearing no further comment, the Call to the Public was closed at 8:27 p.m.

City Council Worksession

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ADJOURNMENT

It was moved by Councilmember Roblee, second by Pipoly to adjourn the Worksession at 8:28 p.m. Motion passed 7-0.

Jennifer Burke, Human Resources Director/
Deputy City Clerk

Jim Muzzin, Mayor

Diana Lowe, City Clerk

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON DECEMBER 15, 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 Muzzin, Mayor Pro-Tem Cooper, Councilmembers Schillinger, Bandkau, Bohn, Pipoly and Roblee. The Council reviewed the agenda items.

REGULAR SESSION

Mayor Muzzin 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 Muzzin, Mayor Pro-Tem Cooper, Councilmembers Schillinger, Bandkau, Pipoly, Roblee and Bohn. Also in attendance were Attorney Brad Maynes and Staff members Dana Foster, Jennifer Burke, Diana Lowe, Amy Cyphert, Matt Schindewolf, Tom Wightman, Kelly Hanna, Matt Modrack and an audience of 16. Press and Media included Jim Totten from Livingston County Press & Argus and Tom Tolen from WHMI.

MINUTES APPROVAL

It was moved by Roblee, seconded by Cooper to approve the Regular Meeting minutes of December 1, 2011 as corrected. Page 4, Adjournment, It was moved by Councilmember Pipoly. Motion passed 7-0.

It was moved by Mayor Pro-Tem Cooper, seconded by Bandkau to approve the Closed Session Meeting minutes of December 1, 2011 as presented. Motion passed 7-0.

It was moved by Mayor Pro-Tem Cooper, seconded by Roblee to approve the Closed Session Meeting minutes of November 17, 2011 as presented. Abstain: Pipoly. Motion passed 6-0-1.

CITIZEN INQUIRIES

Susan Walters-Steinacker - Please explain why the PSD spends tax dollars on the downtown and not spending their monies on the PSD district as a whole.

Mayor Muzzin stated all the monies of the PSD District benefit the properties in the PSD District.

AGENDA APPROVAL

It was moved by Councilmember Bandkau, seconded by Roblee to approve the Agenda as amended. Delete item #10, Mill Pond Dredging, item #21, Brighton Commercial Closed Session and item #22, Brighton Commercial action. Move item #15, Veterans Memorial before item #14, DTE Smartmeter. Move from Consent Agenda to Action Agenda item #8, ATV Replacement. Motion passed 7-0.

CALL TO THE PUBLIC

Mayor Muzzin opened the Call to the Public at 7:35 p.m. The following comments were heard:

Dennis Nauss, 1015 Washington Street, suggested to have users start paying for parking.

Pauline HOLETON, Shelby Township, expressed her concerns regarding the costs of the Smartmeter installation and the health problems that they can cause.

John HOLETON, 2392 Barclay Ave, Shelby Township, stated he is not confident people can opt-out of Smartmeters. The people should be able to choose whether or not they want Smartmeters.

Sally Rokowski, Brighton Michigan, stated our government has given funds to DTE for the installation of Smartmeters.

Ray Smith, Howell, Michigan, grants have been given to further the development of appliances that can be read by Smartmeters. He displayed a sign that residents can install on their current meters to prohibit the installation of Smartmeters.

Dennis Nauss stated all of the flags, including the American flag should be flown at the War Memorial.

Hearing no additional comment, Mayor Muzzin closed the Call to the Public at 7:55 p.m.

Councilmember Roblee stated the American and the POW flags are located just outside of the new War Memorial. She also stated the Memorial is being paid for by all taxpayers.

CONSENT AGENDA APPROVAL

It was moved by Councilmember Bohn, seconded by Schillinger to approve the Consent Agenda as amended. Move to Consent Agenda from Action Agenda item #13, City Council Worksession dates. Motion passed 7-0.

The following items were approved on the Consent Agenda

1. Reappointed Councilmember Pipoly to the Cable TV Advisory Commission.
2. Approved the Agreement for Collection of Summer School Property Taxes.
3. Authorized the Mayor to sign and send a letter to our State Representative and State Senator to ask for their assistance with a reopening of communications from MDOT to the County Road Commission and the City regarding the need for I-96 & Grand River interchange improvements.

DOWNTOWN PARKING STUDY

Rick Rich, Project Manager of the Parking Study update, displayed slides comparing the 2009 and 2011 Parking Study, Parking Supply, Peak Occupancy, Public Versus Private Parking, Additional Parking Spaces Needed, Public Spaces, Private Spaces, Occupancy Daytime Peak, Occupancy Night Peak, Future Developments, Current Surplus/Deficit Day, Future 5-year Surplus/Deficit Day and Night, Potential Parking Expansion Sites, Wayfinding Signs, Security, Lighting and Potential for Multi Space Meters.

City Manager, Dana Foster displayed a slide of the parking lot next to the Railroad on 2nd Street, stating 80 additional parking spaces could be added. He suggested the City Attorney review the agreement with CSX Railroad, Section 2.3, explaining the City has five years from 2008 to construct the additional 80 spaces. He discussed potential new parking spaces and that reaching 50% public control of the parking supply should be a formal City Council Goal.

There was Council discussion regarding parking enforcement and costs, implementing a parking system, employee parking, working with private parking lot owners for use after business hours and funding for Phase 2 of the CSX parking lot.

It was moved by Councilmember Roblee, seconded by Bohn to direct the City Attorney to look at the clause of the CSX Railroad agreement, Section 2.3. Motion passed 7-0.

VETERANS MEMORIAL IMPROVEMENT PROJECT

Councilmember Bandkau discussed the Veteran's Memorial Improvement Project highlighting the placement of all of the flags. We can solicit for donations after there is approval by City Council.

Finance Director, Kelly Hanna discussed the Veteran's Memorial Project fund, stating any revenue that is received will be restricted to this fund, expenditures would be authorized from the Veterans Fund Committee and donations would be tax deductible.

It was moved by Councilmember Bandkau, seconded by Bohn to approve a modification to the Concept Plan that received preliminary approval by the City Council regarding the U.S. Flag as requested by one or more of the area Veterans' organizations. Motion passed 7-0.

It was moved by Councilmember Bohn, seconded by Cooper to approve Resolution 11-24, Authorizing the establishment of a separate Veterans Memorial Improvement Project Fund to serve as a collection point for donations to the project that will be separate from the General Fund and all other City Funds but that will be administered by City Staff as a fiduciary agent. A roll call vote was taken. Yes: Schillinger, Bohn, Cooper, Muzzin, Bandkau, Roblee, Pipoly. No: none. Motion passed 7-0.

DTE SMARTMETER PRESENTATION

Paul Ganz, DTE Representative, briefed the Council on Advanced Metering Infrastructure stating they will be able to be aware on outages well before they reported.

Bob Sitkauskas, AMI Manager for DTE, displayed slides on the Advanced Metering Infrastructure, How the AMI works, AMI Communications, AMI increases actual reads and accessibility of meter reading, Optional Smart Home technology regarding energy use, Monitor and analyze the system. He discussed the health concerns regarding the use of the AMI stating there is not much concern regarding their radio frequency there is no opt-out of the AMI process.

ATV REPLACEMENT

There was discussion regarding the funds from the sale of old City equipment going into the General Fund balance.

It was moved by Mayor Pro-Tem Cooper, seconded by Schillinger approve the budget amendment and subsequent purchase of the recommended ATV unit and accessory equipment for the purpose of DPS services. Motion passed 7-0.

It was moved by Councilmember Bohn, seconded by Bandkau to direct the DDA Representatives Muzzin and Pipoly to approach the DDA in terms of funding, at a 25% City General Fund participation and 75% from the DDA fund. Motion passed 7-0.

VOLUNTEER PROGRAMS

It was moved by Councilmember Roblee, seconded by Pipoly to table the Volunteer Program agenda item. Motion passed 7-0.

CITY CUSTOMER INFORMATION

City Attorney, Brad Maynes stated the Michigan Tax Tribunal decided the Brighton Mall case and affirmed the City's taxable value in full with no refund to the petitioner.

Councilmember Cooper suggested Council discuss a conference opportunity for a certified playground instructor and on the next agenda.

Councilmember Bandkau thanked the Brighton Garden Club for putting holiday greens in the Millpond area.

Councilmember Roblee stated the Brighton Art & Culture Commission met and are moving towards non-profit status.

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

Mayor Muzzin gave a Brighton Area Fire Authority update, stating Mike O'Brien's contract as Chief has been finalized. The annual audit presentation went well. They approved the hiring process for a Deputy Chief and Mike Corrigan was reappointed. Happy Holidays and safe New Year to all.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 10:07 p.m. The following comments were heard:

Susan Walters-Steinacker thanked Councilmember Bohn for comments regarding nothing being done in the residential area. She expressed her displeasure with the services she receives from the City.

John Holeton asked if there a difference in electro magnetic frequency waves vs. radio frequency waves?

Pauline Holeton, Shelby Township, expressed her displeasure with unanswered questions from DTE and Smartmeters.

John Holeton, Shelby Township, discussed the Smartmeter features, Radio Frequency dangers, safety and fires, the profit for DTE

Sally Rokowski stated there is no opt-out for Smartmeters, but no law requiring you to have the Smartmeter and the rates will go up.

Hearing no further comment, Mayor Muzzin closed the Call to the Public at 10:20 p.m.

WRITTEN ATTORNEY/CLIENT PRIVILEGE CLOSED SESSION

It was moved by Mayor Pro-Tem Cooper, seconded by Bandkau to go into Closed Session to discuss attorney/client privileged written communication pursuant to MCL 15.268(h). A roll call vote was taken. Yes: Schillinger, Bohn, Cooper, Muzzin, Bandkau, Roblee, Pipoly. No: none. Motion passed 7-0.

The Council convened into Closed Session at 10:24 p.m.

The Council reconvened the Regular Session at 10:44 p.m.

It was moved by Councilmember Roblee, seconded by Bandkau to remove the Attorney/Client privilege from the letter and send to the DDA administrator. Motion passed 7-0.

ADJOURNMENT

It was moved by Mayor Pro-Tem Cooper, seconded by Pipoly to adjourn the meeting at 10:45 p.m. Motion passed 7-0.

Diana Lowe, City Clerk

Jim Muzzin, Mayor