

CITY OF BRIGHTON
CITY COUNCIL MEETING
CITY HALL
August 4, 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 July 21, 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 a motion to officially name the new St. Paul Street pocket park
10. Consider [conditional site plan approval for the September 11th Memorial submitted by the Brighton Area Fire Department #11-007](#) as recommended by the Planning Commission
11. Approve [Resolution for delegating authority to assign fund balance under GASB Statement #54, Fund Balance Reporting and Governmental Fund Type Definitions](#) as recommended by the City's Auditors and Finance Director
12. Approve the [quarterly idle funds investment report](#) from the Finance Director
13. Approval of the [Run for Their Lives Pregnancy Helpline 5C Walk Civic Event](#) as recommended by the Civic Event Committee.

Policy Development & Customer Communications' action item

14. Conduct a [public hearing to receive input regarding a staff recommended temporary land use permit application for fresh produce sales at the Ciao Amici's restaurant building site](#)
 - a. Mayor closes regular meeting and opens the public hearing to receive public input and or questions
 - b. Mayor closes the public hearing to resume the regular Council Meeting and related Council discussion
 - c. Consider a motion to approve a temporary land use permit
15. Conduct a [public hearing to hold a second reading on proposed amendments to Chapter 2. Administration, Article 3. Boards and Commissions, Division 2. Planning Commission and Division 3. Board of Appeals of City Ordinances](#)
 - a. Mayor closes regular meeting and opens the public hearing to receive public input and or questions
 - b. Mayor closes the public hearing to resume the regular Council Meeting and related Council discussion
 - c. Consider a motion to approve a temporary land use permit
16. Receive recommendations from the City Manager and related inputs from the City Council Budget & Finance Subcommittee regarding possible budget amendments to address public inputs about the service impacts of recent City budget cuts.
17. Presentation from the DPS Director about the recently completed Third Street Sewage Pumping Station rebuild project

Other Business

18. Information for City Customers
19. Receive updates from Council Member Liaisons to other Boards and Commissions
20. Call to the Public

21. Conduct closed session at the request of the City Labor Attorney to receive an update regarding pending collective bargaining labor negotiations
22. Consider possible motions or actions as may be recommended by the City Labor Attorney regarding pending collective bargaining negotiations

23. Adjournment

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON JULY 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, Cooper and Pipoly. The Council reviewed the agenda items.

REGULAR SESSION

Mayor Bandkau called the regular meeting to order at 7:31 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 Brad Maynes, Special Legal Counsel Dennis Gabrian and Michael Wasburg, and Staff members Dana Foster, Diana Lowe, Jennifer Burke, Amy Cyphert, Matt Schindewolf, Tom Wightman, Kelly LaLonde and an audience of 7. Press and Media included Tom Tolen from WHMI and Johnny Branstetter from the Patch.

MINUTES APPROVAL

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

It was moved by Councilmember Muzzin, seconded by Cooper to approve the Closed Session minutes of July 7, 2011 as presented. Motion passed 7-0.

CALL TO THE PUBLIC

Mayor Bandkau gave a Call to the Public at 7:34p.m. The following comments were heard:

Mary Holliday, City resident, displayed slides of the condition of the Millpond area, scum on the Millpond and Oakridge Drive and suggested these areas need to be maintained. She had slides of cracks and potholes in the roads.

Mayor Bandkau stated answers would be forthcoming to her questions.

Pat Cole stated she aspires to Ms. Holliday's concerns and stated she does not receive answers to her questions and she should receive them publicly.

Keith Karp, Oh My Lolli, 421 Millpond Lane, stated the garbage in the Millpond area is overflowing, the bathrooms are not always open and not always in good condition, the drinking fountain is not working, the lighted crosswalks are not working and there are weeds growing in the Dairy lot.

Greg Strouse, 109 E. North Street, stated there are basic services that are not being done and would like to see an action plan in place.

Mark Binkley, 105 W. Main Street and 713 Fairway Trails, agrees with Mr. Strouse's comments and stated there have been people that have volunteered to help with basic services and suggested we tackle this together.

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

City Manager, Dana Foster stated the signs Ms. Holliday referenced in her July 7, 2011 Call to the Public were removed by Administrative Staff as they were in violation of City Ordinances. He stated the scum in the Millpond is a direct result of one a budget cut for the frequency of Millpond algae treatments. He stated there is a possibility of dredging the Millpond for a more comprehensive clean up. He stated he has not had time to answer Ms. Cole's questions regarding the cemetery. He stated we have a new Janitorial Services Contract on the agenda tonight and if approved, will increase the frequency of the cleaning of the Pavilion restrooms. He stated Waste Management cardboard garbage receptacles are being placed in the downtown area to help with the garbage issue. He stated he is only authorizing emergency overtime for DPS workers because of budget cuts. Whereas before these overtime related budget cuts the City used to have DOS workers doing scheduled overtime shifts to empty trash in the downtown and other duties on Saturday's and Sunday's. There are certain restrictions for contracting work out and volunteers in regards to Union Contracts. He addressed the crosswalk light outage issue stating he authorized emergency overtime for DPS employees and our contracted Electrician to fix the lighted crosswalks. The supplier for the lights has a newer model of replacement fixtures that are sturdier.

Department of Public Services Director, Matt Schindewolf stated the Oakridge Drive crack issues would be addressed next week. The potholes are being repaired regularly.

CITIZEN INQUIRIES

Susan Walters-Steinacker - Please explain the cities Wellness Program.

City Manager, Dana foster stated the Wellness Program no longer exists as a result of budget cuts.

AGENDA APPROVAL

It was moved by Councilmember Cooper, seconded by Schillinger to approve the Consent Agenda as presented. 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 biennial City service survey instrument for the 2011 survey.
2. Approved a civic event application of a Breast Cancer Fundraiser Walk with the amended date of September 24, 2011.
3. Awarded a two year period, commencing September 1, 2011, 2011, a contract for Janitorial Services pursuant to the above Request For Proposals to Kristel Cleaning, Inc., pursuant to proposal received for identified services and additional miscellaneous services provided.

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It was moved by Councilmember Cooper, seconded by Muzzin to approve the Action Agenda as amended. Add item #11a, First Reading of an amendment to Planning Commission and Board of Appeals Ordinance. Delete item #13, Intergovernmental proposal letter. Combine item #19 and #20, Attorney-Client privilege opinion letter Closed Sessions into one agenda item. Move item #17, Collective Bargaining Closed Session and item #18, Possible Collective Bargaining Motion to the end of the agenda. Motion passed 7-0.

PLANNING COMMISSION AND BOARD OF APPEALS ORDINANCE AMENDMENT FIRST READING

It was moved by Councilmember Roblee, seconded by Muzzin to approve First Reading of an Ordinance to amend the City of Brighton Code of Ordinances, Chapter 2 of Planning Commission and Board of Appeals and schedule Second Reading and Public Hearing on August 4, 2011. Motion passed 6-1, with Councilmember Schillinger voting "no".

CITY COUNCIL VETERAN'S MEMORIAL REPORT

Mayor Bandkau gave a City Council Veteran's Memorial report stating they are working with Piet Lindhout on inputs from the American Legion, VFW and Rolling Thunder. The memorial will honor all branches of the military and the American Flag will remain where it is at the Millpond. Attorney Cooper will be donating his services to the project.

CITY CUSTOMER INFORMATION

City Manager, Dana Foster stated during the last four years we have had a reduction in staff positions of 14 percent by attrition, with many of them being from the Department of Public Services. He encouraged Council to review the Prioritization of Services Matrix from the most recent budget document and where we need to shift around services and possible budget amendments as a first step for City Council in possibly developing an Action Plan in response to City Service concerns expressed by citizens earlier in tonight's meeting.

Councilmember Muzzin gave a Brighton Area Fire Authority report, stating new truck purchases were approved and Inspector Gage's position will be filled. He stated he met with a Councilmember from the City of Jackson to discuss the Joint Fire Authority and stated their challenges are 10 to 100 fold of our challenges.

Councilmember Cooper discussed the SELCRA/Hershey Track and Field event and congratulated the participants. They have received a \$10,000 grant from Corrigan Oil and BP. He thanked them for their generous donations.

Councilmember Roblee gave a Principle Shopping District update and they approved new banners for the District. The Brighton Arts and Culture sculptures have been installed in the pocket park.

Councilmember Schillinger stated the Fire Authority equipment was purchased to keep the ISO rating up. He gave a Planning Commission update on a 911 Monument that will be installed on Grand River.

Councilmember Pipoly stated the DDA has received and accepted an offer for the Brighton Area Chamber site and Excelda will be building a new building there. They approved funding for Partnership Service Agreements including \$5,000 to the Brighton Historical Society to help with the maintenance and repair of headstones in the Old Village Cemetery, \$5,000 to the Brighton Arts and Culture Commission, \$1,500 to Farmers Market for advertising, \$1,000 to the Brighton Garden Club and SELCRA for new events in Downtown Brighton.

Mayor Bandkau stated Ladies Auxiliary 4357 have installed flags at our cemeteries and she thanked them for their service.

CALL TO THE PUBLIC

Mayor Bandkau gave a Call to the Public at 9:04 p.m. The following comment was heard:

Pat Cole expressed her concerns regarding another entity negotiating a Janitorial Contract with the City of Brighton with no benefit to the City. She asked if the City of Brighton has a Cemetery Sexton. She asked the Council what they are going to do about the condition of cemetery. She asked why we do not hire women.

Hearing no further comment, the Call to the Public was closed at 9:09 p.m.

WRITTEN ATTORNEY-CLIENT PRIVILEGE OPINION CLOSED SESSION

It was moved by Muzzin, seconded by Cooper to go into Closed Session to receive written Attorney-Client privilege information regarding pending litigation pursuant to MCL 15.268(e). 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 9:15 p.m.

The Council reconvened the Regular Session at 9:54 p.m.

PENDING COLLECTIVE BARGAINING LABOR NEGOTIATIONS CLOSED SESSION

It was moved by Muzzin, seconded by Cooper to go into Closed Session to receive and update regarding pending collective bargaining labor negotiations pursuant to MCL 15.268 (c). 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 9:56 p.m.

The Council reconvened the Regular meeting at 10:39 p.m.

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ADJOURNMENT

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

Diana Lowe, City Clerk

Ricci Bandkau, Mayor

**POLICY REPORT: SITE PLAN – SEPTEMBER 11TH
MEMORIAL #11-007**

AUGUST 4, 2011

Prepared by:

Reviewed by:

Amy Cyphert
Acting Planning & Zoning
Director

City

Dana Foster
Manager

ISSUE:

To consider granting conditional site plan approval for the September 11th Memorial submitted by the Brighton Area Fire Department #11-007 as recommended by the Planning Commission.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation.

BACKGROUND:

At its meeting of July 18, 2011, the Planning Commission reviewed and discussed a site plan for the September 11th Memorial submitted by the Brighton Area Fire Department. The applicant is proposing a memorial in front of 615 W. Grand River (Station 31) that will incorporate a piece of steel from the World Trade Center. The memorial proposes the following building materials: concrete, broken concrete, structural steel, granite, pavers and the piece of steel from the World Trade Center.

The Planning Commission recommended site plan approval with the following conditions:

1. That irrigation is provided for the new planting beds.
2. That right of way permits be obtained from the Department of Public Services, if applicable.
3. That any damages done to the existing public sidewalk be repaired to current condition.

For a more detailed review of the site plans, please refer to the attached Planning Report.

BUDGET IMPACT: N/A

RELATIONSHIP TO 2010/2011 GOALS: N/A

COUNCIL ACTION:

Motion by _____ to recommend site plan approval for the BAFD September 11th Memorial, last dated 6-30-2011, as drawn by Lindhout Associates, job #1032, subject to the following condition:

1. That irrigation is provided for the new planting beds.
2. That right of way permits be obtained from the Department of Public Services, if applicable.
3. That any damages done to the existing public sidewalk be repaired to current condition.

and supported by _____.

Attachments:

1. Planning Commission Report
2. DRAFT Planning Commission Meeting Minutes
3. Site Plan/Renderings

**CITY OF BRIGHTON
PLANNING COMMISSION
PLANNING REPORT**

TO: Planning Commission Members

FROM: Amy Cyphert, Acting Planning & Zoning Director

DATE: July 18, 2011

RE: Site Plan – September 11th Memorial – Brighton Area Fire Department #11-007

BACKGROUND

The Brighton Area Fire Department requested and received a piece of steel from the World Trade Center which is incorporated into the proposed memorial. This memorial is to be located in front of the fire station at 615 W. Grand River.

The BAFD approached the Brighton Arts and Culture Commission to request a donation for the 9-11 Memorial. The BACC approved the donation of \$1,000 to help fund the construction of the memorial.

DISCUSSION

- Due to this being a permanent memorial/art display it is being handled in the same fashion as the public art in the Sculpture Exhibit which received Planning Commission and City Council approval.
- The memorial proposes the following building materials: concrete, broken concrete, structural steel, pavers and the piece of steel from the World Trade Center.
- The memorial also includes the following landscaping elements: five arborvitaes, thirteen ornamental grasses, six red barberry plants.
- The unveiling of the memorial will be in conjunction with a 9/11 ceremony at the fire station at 615 W. Grand River.

STAFF RECOMMENDATION

Staff recommends the approval of the site plan for September 11th Memorial.

COMMISSION ACTION

Motion by _____ to recommend site plan approval for the BAFD September 11th Memorial, last dated 6-30-2011, as drawn by Lindhout Associates, job #1032, subject to the following condition:

1. That irrigation is provided for the new planting beds.
2. That right of way permits be obtained from the Department of Public Services, if applicable.
3. That any damages done to the existing public sidewalk be repaired to current condition.

Seconded by _____.

Attachments:

1. Site Plan

DRAFT
City of Brighton
Planning Commission
Minutes
July 18, 2011



1. Call to Order/Roll Call

Vice-Chairperson Smith called the meeting to order at 7:30 pm. The following were present:

Larry Schillinger
John Wells
Matt Smith
David McLane
Dave Petrak
Bob Pawlowski
Al Wirth

Motion by Mr. Wells, supported by Mr. Wirth, to excuse Commission Members Monet and Bryan from tonight's meeting. **Motion carried 7-0-2.**

Also present were Amy Cyphert, Lauri French and Matt Modrack from Staff, and an audience of one.

2. Call to the Public

The call to the public was made at 7:31 p.m. Hearing no response, Vice-Chairperson Smith closed the call to the public.

3. Approval of the June 20, 2011 Regular Meeting Minutes

Motion by Mr. Schillinger, supported by Mr. Pawlowski, to approve the June 20, 2011 regular meeting minutes as presented. **The motion carried 7-0-2.**

4. Approval of the July 18, 2011 Agenda

Motion by Mr. Schillinger, supported by Mr. McLane, to approve tonight's agenda as presented. **The motion carried 7-0-2.**

Old Business

New Business

5. Site Plan – September 11th Memorial – Brighton Area Fire Department #11-007

Amy Cyphert, Acting Planning & Zoning Director for the City of Brighton, briefly reviewed the applicant's site plan and artist renderings for the 9/11 Memorial to be located in front of the Grand River fire station. Mike O'Brian of the BAFD reviewed the memorial plans in more detail. It will be located in the current greenbelt in front of the station. The BAFD has been working with Lindhout Associates on a conceptual design which was shown to the board members, and they are ready to go as soon as they receive final approval from Planning Commission and City Council. The materials will consist of pavers, which are being donated by Uni-Lock with the center of the memorial containing crushed concrete, which is being donated by Guido Bono, and Corrigan is acting as the construction manager. The piece of World Trade Center steel will be suspended by four posts ranging in height from 10 to 14 feet above the ground. He explained that the black area around the perimeter of the memorial will be engraved with the names of the firefighters who perished on 9/11. He noted that Mike Kennedy, formerly of the BAFD and now chief of

the South Lyon Fire Department, and Greg Mowbray of the BAFD have been instrumental in bringing this plan to reality.

Greg Mowbray, BAFD, talked about how they were successful in obtaining a piece of WTC steel from the New York/New Jersey Port Authority, a process which started back in 2009. The piece of steel is from one of the sky lobbies at the WTC, but they were not able to determine if it is from Tower 1 or Tower 2. He noted that there are two markers on the drawings – one, at the beginning of the paver walkway, which describes the memorial and the other will be granite with “We Will Never Forget” on one side and the names of the contributors and donors to the memorial on the other side. He explained the crushed concrete at the center of the memorial should be a deterrent to climbing on the steel. The steel will be underlit at night from the center with lights and the memorial sidewalk will also be lit.

Mr. Wirth asked if there would be seating located around the memorial. Mr. Mowbray explained that the raised area can be used to sit on but since the memorial was envisioned and designed to represent a journey, no benches have been planned. He also explained the background of how the process started as a result of an inquiry from Mr. Wells. Mr. Mowbray noted the memorial has to be done in time for the 9/11 ceremony. Ms. Cyphert noted that the next step is City Council approval in early August.

Motion by Mr. Schillinger, supported by Mr. Wells, to recommend site plan approval for the BAFD September 11th Memorial, last dated 6-30-2011, as drawn by Lindhout Associates, subject to the following conditions:

1. **That irrigation is provided for the new planting beds.**
2. **That right of way permits be obtained from the Department of Public Services, if applicable.**
3. **That any damages done to the existing public sidewalk be repaired to current condition.**

The motion carried 7-0-2.

Other Business

6. **Staff Updates** – None

7. **Call to the Public**

The call to the public was made at 7:45p.m. Hearing no response, Call to the Public was closed at 7:45 p.m.

8. **Adjournment**

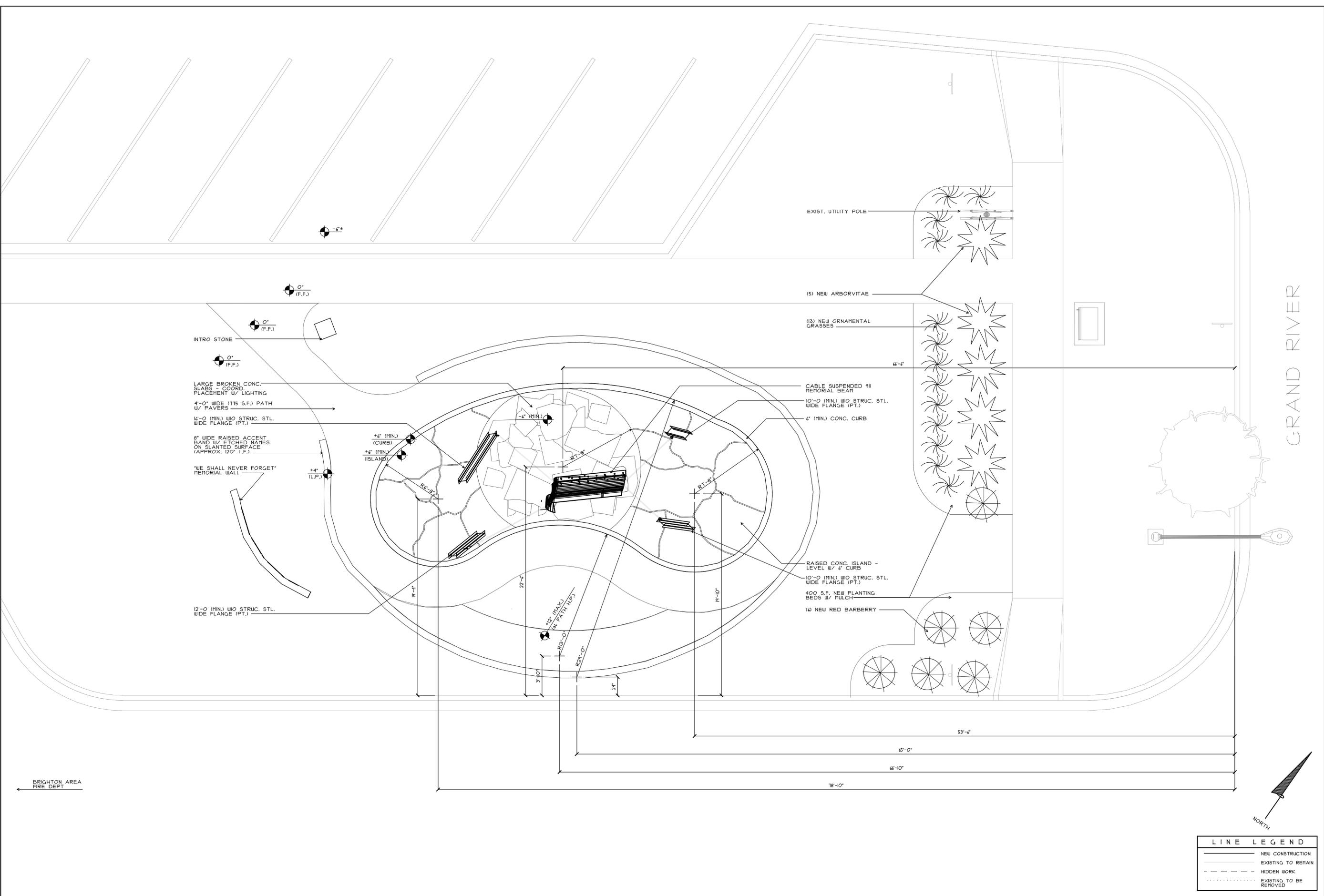
Moved by Mr. Petrak, supported by Mr. McLane, to adjourn the meeting at 7:45 p.m. **The motion carried 7-0-2.**

John Wells, Secretary

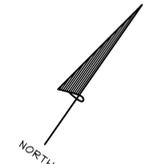
Lauri French, Recording Secretary

The next Planning Commission board meeting is scheduled for August 15, 2011.

FILE LOCATION: H:\B32 - BAFD 911 Memorial.dwg\p\proposed site.d311
 DATE PLOTTED: 4/30/2011 PLOTTED BY: djm COPYRIGHT © 2011 LINDHOUT ASSOCIATES architects and pc THIS DOCUMENT AND THE SUBJECT MATTER CONTAINED THEREIN IS PROPRIETARY AND IS NOT TO BE USED OR REPRODUCED WITHOUT PRIOR WRITTEN APPROVAL.

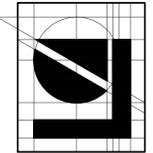


LINE LEGEND	
	NEW CONSTRUCTION
	EXISTING TO REMAIN
	HIDDEN WORK
	EXISTING TO BE REMOVED



SCALE: 1/4" = 1'-0"

SITE PLAN



Lindhout Associates
architects aia pc
 10465 citation drive, brighton, michigan 48116-9510
 www.lindhout.com (810)227-5668 fax: (810)227-5655

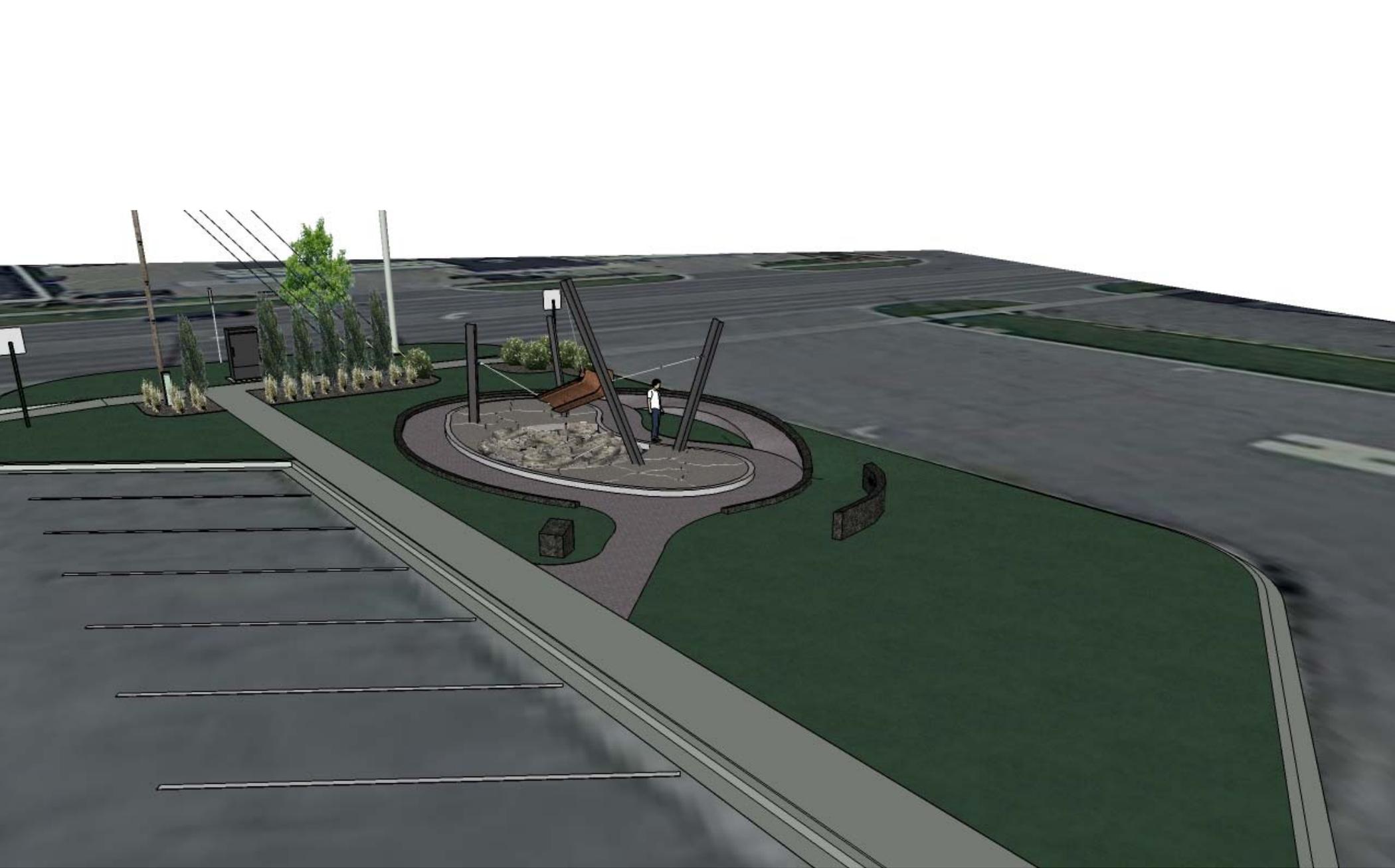
SITE PLAN SUBMISSION
 issued for

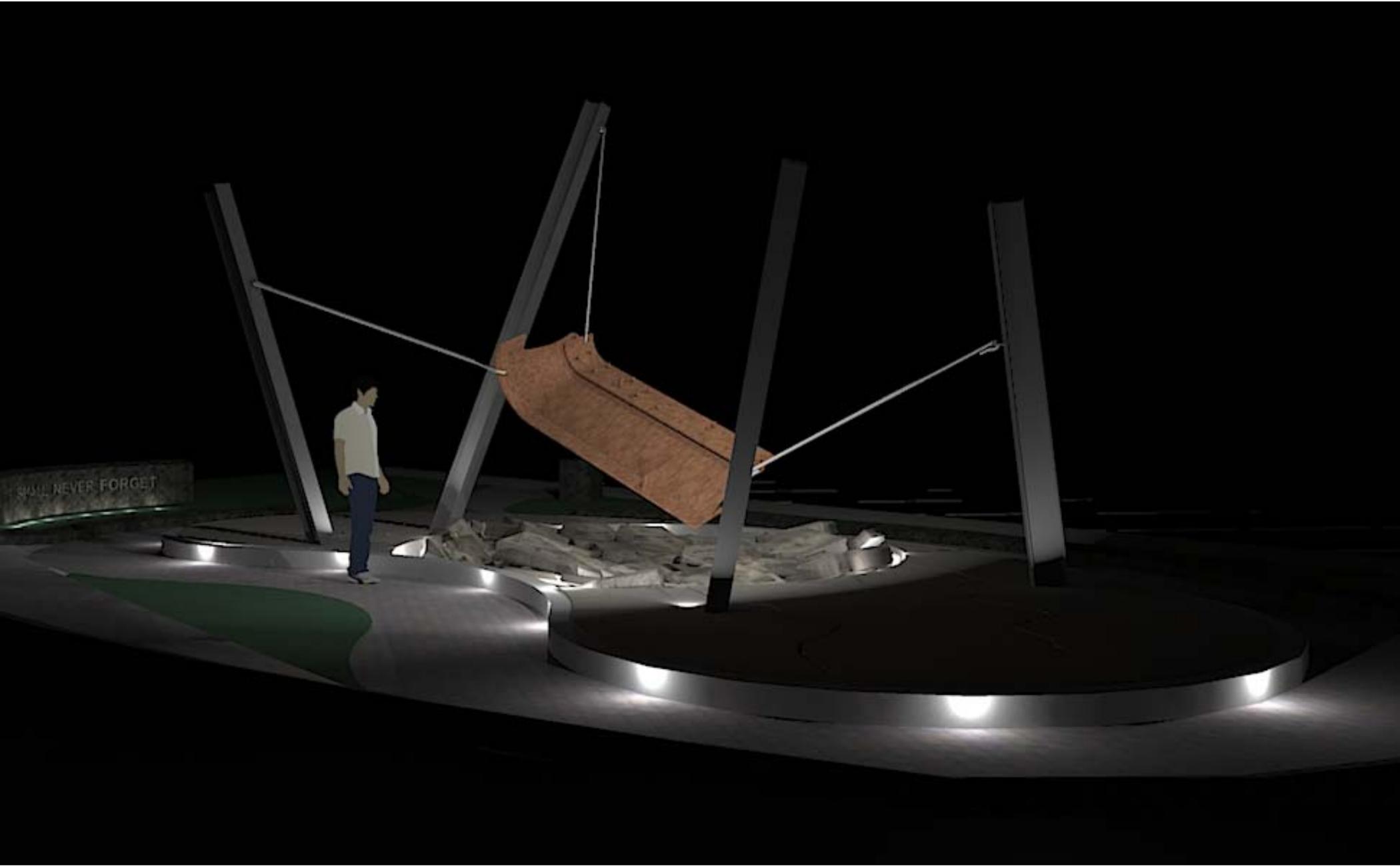
dr: DJM
 ck: XXX
 app'd: 4-30-2011
 date

SITE PLAN
 BRIGHTON, MICHIGAN

911 MEMORIAL
 BRIGHTON, MICHIGAN

A1.1
1032





POLICY REPORT - FINANCE

CONSIDER ADOPTING A RESOLUTION delegating authority to assign fund balance under GASB Statement #54, *Fund Balance Reporting and Governmental Fund Type Definitions*

August 4, 2011

Prepared by:

Reviewed by:

Kelly LaLonde
Finance Director

Dana William Foster
City Manager

ISSUE/RECOMMENDATION:

Consider adopting the attached Resolution, which delegate's authority to assign fund balance under GASB Statement #54, Fund Balance Reporting and Governmental Fund Type Definitions.

BACKGROUND:

As previously reported in the 2009 Fund Balance Policy Amendment Resolution, on March 11, 2009 the Governmental Accounting Standards Board (GASB) issued GASB Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*. Statement 54, which is intended to improve the usefulness of information, provided to financial report users about fund balance by providing clearer and more structured fund balance classifications.

Fund balance—the difference between assets and liabilities in the governmental fund financial statements—is among the most widely and frequently used information in state and local government financial reports. The GASB developed Statement 54 to address the diversity of practice and the resulting lack of consistency that had evolved in fund balance reporting. To reduce confusion, the new standards establish a hierarchy of fund balance classifications based primarily on the extent to which a government is bound to observe spending constraints imposed upon how resources reported in governmental funds may be used.

Statement 54 distinguishes fund balance between amounts that are classified based on the relative strength of the constraints that control the purposes for which specific amounts can be spent. Beginning with the most binding constraints, fund balance amounts will be reported in the following classifications:

- *Non-spendable*—amounts that cannot be spent due to form; for example inventories or prepaid amounts. Also, amounts that must be maintained intact legally or contractually; for example, the Cemetery Care Trust Fund.
- *Restricted*—amounts constrained for a specific purpose by external parties, constitutional provision, or enabling legislation. For example, the Fund Balance of the Major and Local Street Fund will be Restricted due to the fact those funds can only be spent on Major and Local Streets.
- *Committed*—amounts constrained for a specific purpose by a government using its highest level of decision-making authority. It would require action by the same

group to remove or change the constraints placed on resources. Action to constrain resources must occur prior to year-end; however, the amount can be determined in the subsequent period.

- *Assigned*—amounts constrained for the intent to be used for a particular purpose by a governing board or a body or official that has been delegated authority to assign amounts. For all governmental funds, except the General Fund, any remaining positive amounts not classified as nonspendable, restricted or committed. This also replaces the previous designation “Designated for subsequent years’ expenditures” and “Reserved – Encumbrances”.
- *Unassigned*—For the General Funds that are not constrained at all will be reported in the general fund.

Therefore, the classifications Reserved, Unreserved and Designated Fund Balance will be replaced by the classifications above when GASB Statement 54 becomes effective for FY 2010-11. The FY 2009-10 Ending Fund Balance has been reclassified into the above Fund Balance categories. The attached reflects the change in Fund Balance categories.

RELATIONSHIP TO GOALS:

The Governmental Accounting Standards Board requires City Council to delegate authority to assign fund balance.

BUDGET IMPACT:

This Policy Statement will guide all future Fund Balance classifications.

ACTION/MOTION TO CONSIDER:

Adopt the attached Resolution delegating authority to assign fund balance under GASB Statement #54, *Fund Balance Reporting and Governmental Fund Type Definitions*

RESOLUTION NO. _____
CITY OF BRIGHTON
LIVINGSTON COUNTY, MICHIGAN

Resolution delegating authority to assign fund balance under GASB Statement #54, Fund Balance Reporting and Governmental Fund Type Definitions

Whereas the Governmental Accounting Standards Board (GASB) has issued Statement No. 54 – *Fund Balance Reporting and Governmental Fund Type Definitions*, which changes terminology used for fund balance reporting on the balance sheets of Governmental Funds; and

Whereas the GASB statement No. 54 creates the category of “assigned” fund balance, which is used to report amounts constrained by the City of Brighton’s intent to use the amounts for a specific purpose, but which are neither restricted nor committed as defined by GASB statement No. 54;

Whereas GASB Statement No. 54 allows governmental entities to designate an official to assign portions of fund balance for specific uses;

Now, therefore, be it resolved that the City Council of the City of Brighton hereby authorizes the Finance Director to indicate the City of Brighton’s intent to assign fund balance for a specific purpose for financial reporting purposes.

The foregoing resolution was proposed by Council Member _____
and supported by Council Member _____.

AYES: Council Members _____

NAYS: Council Members _____

ABSTAIN: Council Members _____

ABSENT: Council Members _____

RESOLUTION DECLARED _____.

Diana Lowe, City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Brighton City Council, Livingston County, Michigan at a regular meeting held on August 4, 2011.

Diana Lowe, City Clerk

Comparison Of Fund Balance Designations for GASB 54

Ending Fund Balance June 30, 2010	General Fund	Major Street Fund	Local Street Fund	Capital Improvement Fund	Other Nonmajor Governmental Funds
Reserved for Cemetery Care	\$327,659				
Reserved for Economic Development	\$2,138				
Reserved for Encumbrances	\$14,600				
Unreserved – Designated for Subsequent years expenditures		\$229,435			\$6,147
Unreserved	\$873,991	\$56,665	\$15,399	\$973	\$30,564
<i>Total</i>	<i>\$1,218,388</i>	<i>\$286,100</i>	<i>\$15,399</i>	<i>\$973</i>	<i>\$36,711</i>

Beginning Fund Balance June 30, 2010	General Fund	Major Street Fund	Local Street Fund	Capital Improvement Fund	Other Nonmajor Governmental Funds
Nonspendable (Cemetery Care)	\$327,659				
Restricted	\$2,138	\$286,100	\$15,399		
Committed					
Assigned	\$14,600			\$973	\$36,711
Unassigned	\$873,991				
<i>Total</i>	<i>\$1,218,388</i>	<i>\$286,100</i>	<i>\$15,399</i>	<i>\$973</i>	<i>\$36,711</i>

MEMORANDUM

To: Dana Foster, City Manager

From: Kelly LaLonde, Finance Director

Date: July 20, 2011

Subject: The City's Quarterly Investment Report as of June 30, 2011

Attached you will find the City's Quarterly Investment Report as of June 30, 2011.

In comparison to the quarter ended March 31, 2011, the City's total investment/bank balance has decreased by \$1,025,397 or 26% to \$2,874,663, which is generally indicative of the fact that the majority of the City's tax revenue levied is collected in the first quarter of the fiscal year, while expenditures are relatively more constant throughout the year. In comparison to the same quarter a year ago, i.e., the quarter ended June 30, 2010, the City's total investment/bank balance has decreased by \$527,944 or 16%.

In comparison to the quarter ended March 31, 2011, the City's average rate of return on investments has decreased from 0.56% to 0.51%. The decrease is reflective of lower rates of return than the previous quarter. The City continues to earn more than the benchmark 3-month Treasury Bill Rate and Fed Funds Rate.

Since March 31, 2011, the City's investment in FDIC insured CD's decreased by \$500,000. The City's collateralized deposits/investments with JP Morgan Chase Bank totaled approximately \$1,729,171 or approximately 60% of the City's overall portfolio.

We continue to work within the primary objectives of the City's Investment Policy, which, in priority order, are; safety, liquidity and return on investment.

Let me know if you have any questions.

CITY OF BRIGHTON
 QUARTERLY INVESTMENT REPORT
 AS OF JUNE 30, 2011*

<u>Investment Account</u>	<u>Account Balance</u>	<u>Maturity Date</u>	<u>Current % Interest Rate</u>	<u>Average R.O.R.</u>
MBIA - Pool Fund	-	Immediate	0.00%	0.00%
JP Morgan Chase & Co. - A/P	161,376.62	Immediate	0.00%	0.00%
JP Morgan Chase & Co. - Payroll	15,259.45	Immediate	0.00%	0.00%
JP Morgan Chase & Co. - Payroll M.M.	525,360.08	Immediate	0.40%	0.07%
JP Morgan Chase & Co. - MSHDA	16,651.26	Immediate	0.00%	0.00%
JP Morgan Chase & Co. - Escrow	-	Immediate	0.00%	0.00%
JP Morgan Chase & Co. - Money Market	1,010,523.12	Immediate	0.40%	0.14%
Total Chase Bank	<u>1,729,170.53</u>			
Michigan Commerce - Police Forfeiture	17,301.49	Immediate	0.250%	0.00%
Michigan Commerce - Juvenile	246.72	Immediate	0.00%	0.00%
Michigan Commerce - Tax account	16.48	Immediate	0.250%	0.00%
Total Michigan Commerce Bank	<u>17,564.69</u>			
Comercia - Utility billing	26,094.89	Immediate	0.112%	0.00%
Total Comerica Bank	<u>26,094.89</u>			
First National Bank-tax account	0.00	Immediate	0.00%	0.00%
Total 1st Natl Bank	<u>0.00</u>			
LEVEL 1	401,583.94	Immediate	0.70%	0.10%
Total Level 1	<u>401,583.94</u>			
LOTUS BANK	200,248.57	Immediate	0.95%	0.07%
Total Lotus Bank	<u>200,248.57</u>			
CD-BANK OF ANN ARBOR-CD	250,000.00	1/30/12	0.80%	0.07%
CD-FIRST MICHIGAN BANK	250,000.00	11/16/11	0.65%	0.06%
Total Certificate of Deposits	<u>500,000.00</u>			
TOTAL	<u>2,874,662.62</u>		4.51%	0.51%
Avg. three Month Treasury Bill Rate				0.1014%
Average Fed Funds Rate				0.0913%
City's Avg. R.O.R. over/(under) the 3-month T-Bill Rate				0.40%
City's Avg. R.O.R. over/(under) the Avg. Fed Funds Rate				0.41%

* From the website below

<http://bonds.yahoo.com/>

** From the website below

<http://app.ny.frb.org/markets/omo/dmm/fedfundsdata.cfm>

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*Amounts match the bank statement balance and there may be reconciling items between the General Ledger and the bank.

**POLICY REPORT NO. DPS –11-11
DEPARTMENT OF PUBLIC SERVICE**

Run for Their Lives Pregnancy Helpline 5C Walk Civic Event

Prepared by:

Reviewed by:

Matthew J. Schindewolf
Public Service Director

Dana W. Foster
City Manager

ISSUE: To consider the approval of the Run for Their Lives Pregnancy Helpline 5C Walk Civic Event.

STAFF RECOMMENDATION: Approval of the Run for Their Lives Pregnancy Helpline 5C Walk Civic Event as recommended by the Civic Event Committee.

BACKGROUND: The Pregnancy Helpline would like to hold a Run/Walk on Saturday, October 8, 2011 from 9:00 am to 11:00 am. They will start at the Brighton Nazarene Church, walk down Main Street to the Tridge, exit onto Grand River near Border Cantina and then proceed down Grand River to St. Patrick’s Church. They are not requesting any street closures for this event. There will be no vendors for this event. It is the same day as the already-approved “Oktoberfest” being held by the Chamber of Commerce; however, that event begins at noon and will be located in the Hyne Street Parking Lot and on Hyne Street. The Farmers Market is that day also, but this event will not interfere with that event.

RELATIONSHIP TO 2011/2012 GOALS: Continued allowance of various Civic Events under controlled conditions to promote the Downtown City of Brighton area.

COUNCIL ACTION: Approval of the Run for Their Lives Pregnancy Helpline 5C Walk Civic Event as proposed and approved by the Civic Event Committee.

Attachments:

Civic Event Application

**POLICY REPORT
TEMPORARY LAND USE
AUGUST 4, 2011**

PREPARED BY:

REVIEWED BY:

Diana Lowe
City Clerk

Dana Foster
City Manager

ISSUE:

To conduct a public hearing and consider approval of a Temporary Land Use Permit for Nik Gjonaj for a produce stand next to Ciao Amici's on W. Main Street.

STAFF RECOMMENDATION:

Recommend approval based on conditions set forth in the motion below.

BACKGROUND:

Nik Gjonaj applied for a Temporary Land Use Permit for the period of time from July 25, 2011 through October 31, 2011. They have included a sketch of the layout and proposed use including table locations.

All neighboring property owners were notified within 300 yards of the proposed site.

The application has been given favorable recommendation in the proposed motion below, by the City's Police Chief, Building Official, Director of Public Services and conditional approval by the Brighton Area Fire Department.

BUDGET IMPACT:

None.

COUNCIL ACTION:

Consider conducting the Public Hearing and if no objections accept the Staff recommendation to approve the application from Nik Gjonaj dated July 25, 2011 and attached plans for a Temporary Land Use Permit for produce sales from July 25, 2011 through October 31, 2011.

TEMPORARY LAND USE APPLICATION

Date: 7.25.11

Applicant: Nik Gjornj
(Only the Property Owner shall serve as the Applicant)

Driver's License Number: 6520630011660

Address: 48395 Farah Dr Macomb MI 48044

Phone Number: 586-855-1476

Person(s) Conducting Sale: C.J. Turner

Driver's License Number: T 656 119 429 974

Address: 4626 Bently Lake Rd, Howell

Phone Number: 810-602-1804

Location of Temporary Land Use: 217 W. Main St

Closest Street Intersection: West & Main

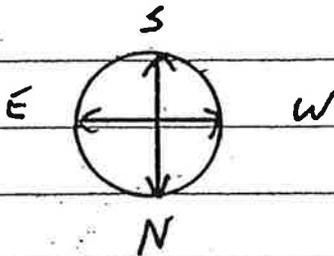
Items to be Sold: Produce
(Fireworks, Appliances, Furniture, Artwork, Crafts, Clothing, and other similar products are NOT ALLOWED per City Ordinance)

Requested Dates of Sale: 7.25.11 - 10.31.11
(Christmas Trees maximum 30 days)
(Produce and Firewood maximum 90 days)

List any Temporary Facilities to be Erected or Located upon the Property, i.e. tents, tables, stands, displays: 3- 8' Tables - 1 8' Tent at times

List the materials to be utilized in the construction of any temporary facilities:

1" = 20'



← TRAFFIC

Alley

TRAFFIC →

← 50' →

entrance

CIAD AMICI'S
BUILDING

Garden area

CIAD AMICI'S
PARKING LOT

100'
SIDEWALK

← SIDEWALK TO ENTRY

ENTRANCE

Garden
AREA

Shaded area is
location of 3-8' TABLES
wood tables

FENCED IN
OUTDOOR PATIO

SIDEWALK

TRAFFIC

Main St.



Parking lot entrance

TRAFFIC

DIVISION 2. PLANNING COMMISSION*

Sec. 2-176. Established.

The city planning commission is established pursuant to the provisions of Act No. 33 of the Public Acts of Michigan of 2008 (MCL 125.3801 et seq.), as amended, and terms used herein shall be defined as set forth in that act. It shall be known as the city planning commission.

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(Ord. No. ###, § date approved)

Sec. 2-177. Membership.

- (a) The Mayor shall appoint members of the planning commission, subject to approval by a majority vote of the members of city council elected and serving. The city manager or a person designated by the city manager, the mayor, one or more members of city council, or any combination thereof, may be appointed to the planning commission, as ex officio members. Not more than 1/3 of the members of the planning commission may be ex officio members. Except as provided in this subsection, an elected officer or employee of the local unit of government is not eligible to be a member of the planning commission. The term of an ex officio member of a planning commission shall be as follows:
- The term of a chief elected official shall correspond to his or her term as chief elected official.
 - The term of a chief administrative official shall expire with the term of the chief elected official that appointed him or her as chief administrative official.
 - The term of a member of the legislative body shall expire with his or her term on the legislative body.
- (b) The planning commission shall consist of nine members. Members of the planning commission other than ex officio members shall be appointed for 3-year terms. However, of the members of the planning commission, other than ex officio member, first appointed, a number shall be appointed to 1-year or 2-year terms such that, as nearly as possible, the terms of 1/3 of all the planning commission members will expire each year. If a vacancy occurs on a planning commission, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment. A member shall hold office until his or her successor is appointed.
- (c) The membership of the planning commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the city, in accordance with the major interests as they exist in the city, such as agriculture, natural resources, recreation, education,

Deleted: <#>The city planning commission shall consist of the mayor, one of the city administrative officials selected by the mayor, and one member of council selected by it as members, ex-officio, and six persons who shall be appointed by the mayor subject to the approval of the city council. The terms of members ex-officio shall coincide with the tenure of their offices.¶

¶<#>The term of each appointed member of the city planning commission shall be three years, except that in the case of the first city planning commission appointed hereunder, two members shall be appointed for a term of one year, two for a term of two years, and two for a term of three years. All such appointments shall date from August 1, 1956. The member shall hold office until his successor has been appointed. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the mayor subject to approval by the city council.¶

public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the local unit of government to the extent practicable.

- (d) Members of a planning commission shall be qualified electors of the local unit of government, except that the one member of planning commission may be an individual who is not a qualified elector of the local unit of government.

(Ord. No. ###, § date approved)

Sec. 2-178. Removal of member.

The city council may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the planning commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office.

Deleted: Members of the city planning commission may, after public hearing, be removed by the mayor for neglect of duty, or malfeasance in office; provided such removal be approved by the city council.¶

(Ord. No. ###, § date approved)

Sec. 2-179. Meetings and records.

- (a) The planning commission shall elect a chairperson and secretary from its members and create and fill other offices as it considers advisable. An ex officio member of the planning commission is not eligible to serve as chairperson. The term of each officer shall be 1 year, with opportunity for reelection as specified in the adopted bylaws.
- (b) The planning commission may appoint advisory committees whose members are not members of the planning commission.
- (c) The planning commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.
- (d) The planning commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development.
- (e) The planning commission shall hold not less than 4 regular meetings each year, and by resolution shall determine the time and place of the meetings. Unless the

Deleted: The city planning commission shall annually elect its chairman from amongst the appointed members. Such election shall be held annually at the first regular meeting in August. The commission may create and fill such other offices as it may determine. The city planning commission shall hold at least one regular meeting each month. It shall adopt rules for transaction of business, and shall keep a record of the resolutions, transactions, findings, and determinations, which record shall be a public record and open to inspection in the office of the city clerk.¶

bylaws provide otherwise, a special meeting of the planning commission may be called by the chairperson or by 2 other members, upon written request to the secretary. Unless the bylaws provide otherwise, the secretary shall send written notice of a special meeting to planning commission members not less than 48 hours before the meeting.

- (f) The business that a planning commission may perform shall be conducted at a public meeting of the planning commission held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, as amended. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by that act.
- (g) A writing prepared, owned, used, in the possession of, or retained by a planning commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, as amended.

(Ord. No. ###, § date approved)

Sec. 2-180. Contracts for services.

- (a) The City may employ a planning director and other personnel as it considers necessary, contract for the services of planning and other technicians, and incur other expenses, within a budget authorized by city council. This authority shall be exercised by city council. The appointment of employees is subject to the same provisions of law as govern other corresponding civil employees of the City.
- (b) The planning commission may make use of maps, data, and other information and expert advice provided by appropriate federal, state, regional, county, and municipal officials, departments, and agencies. All public officials, departments, and agencies shall make available public information for the use of planning commissions and furnish such other technical assistance and advice as they may have for planning purposes.

Deleted: The city planning commission may contract with city planners, engineers, architects, and other consultants for such specialized services as it may require. In addition, the services of regular city employees may be obtained as found necessary for its work. The city planning commission shall not expend any funds or enter into any contracts or agreements for expenditures in excess of amounts appropriated for the purpose by the city council, nor shall the commission obligate the expenditure of funds in any manner except as provided by the city Charter. The council may appropriate such funds for city planning as it may deem advisable.¶

(Ord. No. ###, § date approved)

Sec. 2-181. Powers, duties and responsibilities.

The city planning commission shall have such powers concerning the preparation and adoption of a master plan or any part thereof, including land use surveys, land use plans, provision for the healthful and convenient distribution of the economic and population surveys, capital improvements programs, revenue studies, major street plans, utilities plans, subdivision regulations, a zoning ordinance, traffic surveys, the carrying out of educational and publicity programs, the approval of plats and such other

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rights, powers, duties, and responsibilities as are provided in sections 7 and 81 of Act No. 33 of the Public Acts of Michigan of 2008 (MCL 125.3801 et seq.), as amended.

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Deleted: , MSA 5.2991 et seq.

(Code 1981, § 5.16) (Ord. No. ###, § date approved)

Sec. 2-182. Gifts.

The planning commission may accept gifts for the exercise of its functions. A gift of money so accepted in either case shall be deposited with the City treasurer in a special nonreverting planning commission fund for expenditure by the planning commission for the purpose designated by the donor. The City treasurer shall draw a warrant against the special nonreverting fund only upon receipt of a voucher signed by the chairperson and secretary of the planning commission and an order drawn by the City clerk. The expenditures of a planning commission, exclusive of gifts and grants, shall be within the amounts appropriated by the city council.

Deleted: The city planning commission may receive gifts for purposes of carrying out its objectives and may expend any funds received in the form of a gift in such manner as it may deem proper.¶

(Ord. No. ###, § date approved)

Sec. 2-183. Reports and recommendations.

The city planning commission shall make reports and recommendations to the city council. No such recommendations shall be binding upon the city council, except as provided by Act No. 33 of the Public Acts of Michigan of 2008 (MCL 125.3801 et seq.), as amended.

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Deleted: , MSA 5.2991 et seq.

(Code 1981, § 5.18) (Ord. No. ###, § date approved)

Sec. 2-184. Compensation.

Members of a planning commission may be compensated for their services as provided by the city council. A planning commission may adopt bylaws relative to compensation and expenses of its members and employees for travel when engaged in the performance of activities authorized by the legislative body, including, but not limited to, attendance at conferences, workshops, educational and training programs, and meetings.

(Ord. No. ###, § date approved)

Sec. 2-185. Preparation of Budget

After preparing the annual report required under Sec. 2-180 (d), the planning commission may prepare a detailed budget and submit the budget to city council for approval or disapproval. City Council annually may appropriate funds for carrying out

the purposes and functions permitted under this act, and may match local government funds with federal, state, county, or other local government or private grants, contributions, or endowments.

(Ord. No. ###, § date approved)

Secs. 2-186--2-195. Reserved.

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DIVISION 3. BOARD OF APPEALS

Sec. 2-196. Purpose.

The purpose of establishing the board of appeals is to consolidate the zoning board of appeals, housing board of appeals and sign board of appeals into one board which can address those appeals which were handled separately by the aforementioned boards previous to the adoption of the ordinance from which this division was derived. This consolidation provides for improved continuity of related matters and reduces the petitioner's administrative burden. The words "zoning board of appeals," "housing board of appeals," and "sign board of appeals" wherever found in this Code shall mean the "board of appeals."

(Code 1981, § 5.25) (Ord. No. ###, § date approved)

Sec. 2-197. Establishment.

The board of appeals for the city is hereby established.

(Code 1981, § 5.26) (Ord. No. ###, § date approved)

Sec. 2-198. Members and term of office.

- (a) The city council shall make appointments to the board of appeals pursuant to this division, the city Charter and state law. The board of appeals shall consist of seven persons who shall serve three-year terms. One of the regular members of the zoning board of appeals may be a member of the planning commission. The remaining regular members, and any alternate members, shall be selected from the electors of the City of Brighton. The members selected shall be representative of the population distribution and of the various interests present in the local unit of government. One regular or alternate member may be a member of the city council but such member shall not serve as chairperson of the zoning board of appeals. An employee or contractor of the City of Brighton may not serve as a member of the zoning board of appeals.
- (b) The terms of office for members appointed to the zoning board of appeals shall be for 3 years, except for members serving because of their membership on the planning commission or city council, whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than 3 years to provide for staggered terms. A successor shall be appointed not more than 1 month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term, in the same manner as the original appointment.

Deleted: The city council shall make appointments to the board of appeals pursuant to this division, the city Charter and state law. The board of appeals shall consist of seven persons who shall serve three-year terms. One member of the board of appeals shall be a member of the planning commission and one member shall be a member of the city council; if such persons cease to be members of the planning commission or city council during their terms of office on the board of appeals, the positions shall be considered vacant and shall be filled by the city council pursuant to this division, the city Charter and state law. For the first board of appeals appointed hereunder, two members shall be appointed for one-year terms, two members shall be appointed for two-year terms, and three members shall be appointed for three-year terms; thereafter all members shall be appointed for three-year terms.¶

¶

- (c) The city council may appoint not more than 2 alternate members for the same term as regular members. An alternate member may be called as specified to serve as a member of the zoning board of appeals in the absence of a regular member if the regular member will be unable to attend one or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member.

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(Ord. No. ###, § date approved)

Sec. 2-199. Powers and duties regulating zoning.

The zoning board of appeals shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the zoning maps, and may adopt rules to govern its procedures sitting as a zoning board of appeals. The zoning board of appeals shall also hear and decide on matters referred to the zoning board of appeals or upon which the zoning board of appeals is required to pass under a zoning ordinance adopted under this act. It shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of a zoning ordinance adopted under this act. For special land use and planned unit development decisions, an appeal may be taken to the zoning board of appeals only if provided for in the zoning ordinance. The concurring vote of a majority of the members of the zoning board of appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the zoning board of appeals is required to pass under the zoning ordinance, or to grant a variance in the zoning ordinance.

Deleted: The board of appeals shall hear and decide appeals from and review any order, requirements, decision or determination made by an administrative official charged with the enforcement of chapter 98. It shall also hear and decide all matters referred to it or upon which it is required to pass under the terms of chapter 98. The board of appeals does not possess, nor shall it exercise, legislative power and it shall not repeal, amend, or change in any way the zoning chapter or map, nor shall it permit uses contrary to those permitted in any district.¶

(Ord. No. ###, § date approved)

Sec. 2-200. Powers and duties regulating signage.

The board of appeals shall have the general duties and powers as provided in chapter 66.

(Ord. No. ###, § date approved)

Sec. 2-201. Officers of the board.

The board of appeals shall annually in October elect a chairman and a vice-chairman from among its members. The city manager, city clerk, city attorney, or their appointee, shall be the secretary of the board and shall keep written record of the proceedings of the board, which shall be filed in the office of the City clerk.

(Code 1981, § 5.31) (Ord. No. ###, § date approved)

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Sec. 2-202. Meetings and public hearings.

The board of appeals shall meet on the second Thursday of every month subject to the call of the chairman. The board has the authority to hold such public hearings as required by law. Proper notification in accordance with law shall be given.

(Code 1981, § 5.32)

Sec. 2-203. Rules of procedure.

- (a) The board of appeals shall be governed by Roberts Rules of Order, latest edition, and may adopt such rules and regulations as it deems necessary for the orderly conduct of business. Filing fees for the hearing of appeals will be established to adequately cover the costs incurred in conducting investigation, notification, and disposition of cases; such fees shall be approved by the city council.
- (b) An appeal to the zoning board of appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of the state of Michigan or the City. In addition, a variance in the zoning ordinance may be applied for and granted under section 4 of the uniform condemnation procedures act, 1980 PA 87, MCL 213.54, and as provided under this act. The zoning board of appeals shall state the grounds of any determination made by the board.
- (c) An appeal under this ordinance shall be taken within such time as prescribed by the zoning board of appeals by general rule, by filing with the body or officer from whom the appeal is taken and with the zoning board of appeals a notice of appeal specifying the grounds for the appeal. The body or officer from whom the appeal is taken shall immediately transmit to the zoning board of appeals all of the papers constituting the record upon which the action appealed from was taken.
- (d) An appeal to the zoning board of appeals stays all proceedings in furtherance of the action appealed. However, if the body or officer from whom the appeal is taken certifies to the zoning board of appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, proceedings may be stayed only by a restraining order issued by the zoning board of appeals or a circuit court.
- (e) Following receipt of a written request for a variance, the zoning board of appeals shall fix a reasonable time for the hearing of the request and give notice as provided in MCL 125.3103.

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- (f) If the zoning board of appeals receives a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, the zoning board of appeals shall conduct a public hearing on the request. Notice shall be given as required under MCL 125.3103. However, if the request does not involve a specific parcel of property, notice need only be published as provided in MCL 125.3103 and given to the person making the request as provided in MCL 125.3103.
- (g) At a hearing under subsection (f), a party may appear personally or by agent or attorney. The zoning board of appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.
- (h) If there are practical difficulties for nonuse variances as provided in subsection (i) or unnecessary hardship for use variances as provided in subsection (j) in the way of carrying out the strict letter of the zoning ordinance, the zoning board of appeals may grant a variance in accordance with this section, so that the spirit of the zoning ordinance is observed, public safety secured, and substantial justice done. The ordinance shall establish procedures for the review and standards for approval of all types of variances. The zoning board of appeals may impose conditions as otherwise allowed under this act.
- (i) The zoning board of appeals shall have the authority to grant nonuse variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the zoning ordinance or to any other nonuse-related standard in the ordinance.

(Code 1981, § 5.33)

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Sec. 2-204. Action of the board.

A zoning board of appeals shall not conduct business unless a majority of the regular members of the zoning board of appeals are present. The concurring vote of two-thirds of the members of the board shall be necessary to grant any variance to the regulations provided in chapter 98. The presence of at least the majority of the board and an affirmative vote of a majority of those present at any meeting shall be required for any other board decision or action to include any reversal of any order, requirement, decision, or determination of the enforcing officer in regards to zoning, housing, or sign appeals. A recommendation from the city planning commission, city attorney, or any other member of the city staff may be required, requested, or otherwise received on certain matters to come before the board of appeals.

(Ord. No. ###, § date approved)

Sec. 2-205. Compensation.

A member of the zoning board of appeals may be paid a reasonable per diem and reimbursed for expenses actually incurred in the discharge of his or her duties.

(Ord. No. ###, § date approved)

Sec. 2-206. Removal of member.

A member of the zoning board of appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

(Ord. No. ###, § date approved)

Secs. 2-207--2-215. Reserved.

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