

CITY OF BRIGHTON
CITY COUNCIL MEETING
CITY HALL
February 3, 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 of January 20, 2011 and Closed Session of January 20, 2011
5. Call to the Public
6. Response to Citizen Inquiries to City Council received prior to this City Council Meeting
7. Consider approval of the Agenda

Consent Agenda

8. Consider "opting in" to the Brighton Area School District and Livingston Educational Service Agency (LESA) Intermediate School District Election Coordination Committee Initial Reports to the State of Michigan.
9. Consider approval of the Finance Director's [Quarterly Investments' Report](#)
10. Approval of a Consent Judgment for RDC Enterprises v City of Brighton Tax Tribunal

Policy Development & Customer Communications' action item

11. Conduct public hearing for the [second reading of an ordinance to extend the moratorium regarding Medical Marijuana-Related businesses](#) contained in Section 22-341.
 - a. Mayor closes regular meeting and opens the public hearing to ask for public input and/or questions
 - b. Mayor closes public hearing and resumes the regular Council meeting and City Council discussion
 - c. Consider motion to approve the proposed ordinance to extend the subject moratorium

Other Business

12. Information for City Customers
13. Receive updates from Council Member Liaisons to other Boards and Commissions
14. Call to the Public
15. Conduct closed session regarding a written attorney-client privilege communication from the City Labor Attorney
16. Conduct closed session regarding written attorney-client privilege communication from the City Attorney
17. Adjournment

**POLICY REPORT
ELECTION CONSOLIDATION
FEBRUARY 3, 2011**

PREPARED BY:

REVIEWED BY:

Diana Lowe
City Clerk

Dana Foster
City Manager

ISSUE:

To authorize the City Clerk to “opt in” to the following two documents.

- Brighton Area Schools School District Election Coordinating Committee Initial Report
- Livingston Educational Service Agency (LESA) Intermediate School District Election Coordination Committee Initial Report

These documents require approval from the governing body every two years.

STAFF RECOMMENDATION:

Recommend continued approval.

BACKGROUND:

As a result of the Consolidated Elections legislation, a nine-bill package signed into law in 2004 and effective in January of 2005, the City of Brighton has had a significant role in running the school elections with the Livingston County Clerk’s Office.

The Clerk, for Livingston County, serves as the School District Election Coordinator for Brighton Area School District. While the local Clerks assume the duties of:

- Issuing absent voter ballots and acceptance of returned ballots.
- Appoint Election Inspectors for the City.
- Handle voting equipment programming and testing.
- Proof the ballot.
- Determine ballot quantity; authorize the printing and order of election supplies.
- Insure Inspectors are training through the Livingston County Clerk’s office.
- Print the Qualified Voter file precinct lists.
- Set up the precincts.
- Handle Election Day issues and troubleshooting.
- Store voted ballots after the election.
- Update voter history in the Qualified Voter file.

- Do any and all such things in the conduct of the school election as required by law.

BUDGET IMPACT:

School districts and intermediate school districts are required to reimburse any expenses incurred by a county, city or township when conducting a regular or special election on behalf of the district. If a regular or special school election is held in conjunction with another election conducted by the county or local jurisdictions involved, the school district or intermediate school district is responsible for any *added costs* attributable to the conduct of the district's regular or special election.

The Brighton Area School District changed their regular election dates from May to November. Since the City of Brighton conducts an annual November Election, there should only be minimal, if any, costs to the Brighton School District for the regular elections.

COUNCIL ACTION:

To authorize the City Clerk to "opt in" to the following two documents:

- Brighton Area Schools School District Election Coordinating Committee Initial Report
- Livingston Educational Service Agency (LESA) Intermediate School District Election Coordination Committee Initial Report

And to forward same documents to the Livingston County Clerk's office along with the draft minutes of February 3, 2011 City Council meeting.

**BRIGHTON AREA SCHOOL DISTRICT
ELECTION COORDINATING COMMITTEE MEETING REPORT
THURSDAY, JANUARY 20, 2011, 10:30 A.M.
CONFERENCE ROOM 1
LIVINGSTON COUNTY ADMINISTRATION BUILDING**

CALL TO ORDER

Election Coordinator for the Brighton Area School District:

Livingston County Clerk Margaret M. Dunleavy

**ROLL CALL – INTRODUCTIONS
POSTING OF MEETING IN COMPLIANCE WITH OPEN MEETINGS ACT**

**List of jurisdictions that wholly or partially fall within
Brighton Area School District:**

**Brighton Charter Township
Genoa Charter Township
Green Oak Charter Township
Hamburg Township
Brighton City**

PURPOSE OF MEETING

Statutory requirement to conduct January meeting:

- a. Election Coordinating Committee must meet no later than January 31, 2011, to review the amended Report the Committee filed with the Secretary of State on February 5, 2009.**
- b. Within 14 days after the meeting is convened, the Committee must: 1) notify the Secretary of State in writing that the Committee's previous Report is not being altered or 2) file with the Secretary of State a revised Report which reflects the Committee's desired alterations.**

GENERAL INFORMATION

Handouts:

- a. Review resolution adopted by School Board, dated November 10, 2008, at which time the date of their regular school elections was changed from an annual May to an odd/even-year November, beginning in 2009. The School Board has established 4-year terms for their 7 elected Board positions.
- b. Review School District map.
- c. Review voter registration count per municipal precinct.

ORGANIZATION OF SCHOOL DISTRICT ELECTION RELATED DUTIES

Duties a city or township clerk has a right to assume at local clerk's option:

- a. The law provides that the clerk of any city or township that falls in the school district can opt to conduct the school district's elections in his or her city or township.
- b. A clerk making this choice must perform all of the duties associated with the conduct of the school district's elections in his or her city or township.
- c. Before exercising this option, the city or township clerk must consult with the other members of the city council or township board. Such agreements are binding for two years.

Duties the county clerk can direct city and township clerks to perform at county clerk's discretion:

- a. Distribute, receive and process absent voter ballot applications for the school district's elections; provide voting equipment for the conduct of the school district's elections; provide the list of election inspectors for that city or township; and notify the school district's electors of precinct and polling place location changes.

LIST OF ELECTION RELATED DUTIES AND RESPONSIBILITIES PERFORMED TO ADMINISTER THE SCHOOL DISTRICT'S ELECTIONS

The following are the election related duties and responsibilities performed at the county level:

- a. **Serve as school district's filing official and accept candidate filings; check petitions for sufficiency; accept candidate withdrawals; and certify candidates.**
- b. **Receive special election resolutions and ballot proposal language adopted by the school district's board.**
- c. **Create regular or special election on QVF.**
- d. **Provide list of candidate filings to school district representatives and to township/city clerks.**
- e. **Arrange for programming/coding of optical scan and ballot marking device equipment.**
- f. **Assist township/city clerks in determining ballot quantities; proof ballots with assistance of township/city clerks; and order printing of ballots.**
- g. **Order precinct supply kits.**
- h. **Publish notice for close of registration and notice of election.**
- i. **Conduct precinct inspector trainings upon request of township/city clerks.**
- j. **File and preserve Canvassers' certification of election.**
- k. **Execute and deliver to individuals declared elected a Certificate of Election.**
- l. **Schedule any special election called.**
- m. **Prepare reimbursement request to school district.**

The following are the election related duties and responsibilities performed at the local level:

- a. **Conduct school district's regular and special elections using municipal precincts.**
- b. **Provide voting equipment for school district's elections.**

- c. Arrange for public accuracy testing of optical scan and preliminary accuracy testing of ballot marking device equipment. Publish notice for optical scan public accuracy testing.**
- d. Order election supplies (AV outgoing and incoming envelopes and marking devices, etc.)**
- e. Handle distribution, receipt and processing of AV ballot applications based upon past practice.**
- f. Handle issuance of AV ballots and return of AV ballots.**
- g. Appoint precinct inspectors through local election commission.**
- h. Consolidate municipal precincts whenever possible through the adoption of a resolution by the local election commission based upon polling place location, size of the combined precincts (cannot exceed 5,000 voters), complexity of the ballot, and anticipated turnout for the election.**
- i. Determine ballot quantities with assistance of School Election Coordinator and assist School Election Coordinator in proofing ballots.**
- j. May conduct precinct inspector training for that city/township if that city/township's population is at least 10,000 residents.**
- k. Print QVF precinct poll lists or utilize Electronic Poll Book.**
- l. Handle setup of polling places on Election Day.**
- m. Handle Election Day issues and "troubleshooting" for that city/township.**
- n. Do any and all such things in the conduct of the school election as required by law.**
- o. Deliver unofficial election results to County Clerk's Office for Canvassers' certification of election.**
- p. Store voted ballots after election.**
- q. Update voter history on QVF.**

- r. Prepare reimbursement request to school district.

**DECISIONS WHICH MUST BE REVIEWED AT JANUARY SCHOOL DISTRICT
ELECTION COORDINATING COMMITTEE MEETING**

**Is there any city or township clerk who wishes to “opt in”
and conduct the school district’s elections in his or her city or township?**

- a. In an instance where a local school district falls in more than a single city or township, the clerk of any city or township that falls in the district can opt to conduct the school district’s elections in his or her city or township. Before entering into such an agreement, the city or township clerk must consult with the other members of the city council or township board. Such agreements are binding for two years.

**Who will handle the election duties for those portions of the school district
in which a city or township clerk does not choose to “opt in” to conduct
the school district’s elections?**

**The following duties will be conducted by the Livingston County Clerk on
behalf of those city or township clerks who do not choose to “opt in” to
conduct the school district’s elections (unless delegated to a city or
township clerk under an agreement reached with that city or township
clerk):**

- a. Conduct township or city’s regular and special elections.
- b. Arrange for public accuracy testing of optical scan equipment and preliminary accuracy testing of ballot marking device equipment, and publish notice for optical scan public accuracy testing.
- c. Print QVF precinct poll lists.
- d. Handle setup of polling places on Election Day.
- e. Deliver election results to County Clerk’s Office for Canvassers’ certification of election.
- f. Store voted ballots after election.
- g. Update voter history on QVF.
- h. Prepare reimbursement request to school district.
What if a special stand-alone election is held for the

Brighton Area School District?

The school district will notify the Livingston County Clerk's Office at least 90 days prior to the special stand-alone election.

ALTERATIONS MADE IN PREVIOUS REPORT: DETAIL REQUIRED

Page 2, Last Sentence AND Page 3, Sentence between Paragraphs m and a:
The following are the election related duties and responsibilities (Deletion of "currently being") performed at the county level (Page 2); local level (Page 3).

Page 3, f.: Clarification: "Assist township/city clerks in determining ballot quantities; proof ballots with assistance of township/city clerks; and order printing of ballots."

Page 4, d.: Deletion: "optical scan pencils"

Page 4, i.: Clarification: "Determine ballot quantities with assistance of School Election Coordinator and assist School Election Coordinator in proofing ballots."

Page 4, j: Addition of "May" at beginning of sentence.

Page 4, k.: Addition: "or utilize Electronic Poll Book."

**BRIGHTON AREA SCHOOLS
ELECTION COORDINATING COMMITTEE
Member Roster**

Election Coordinator: Livingston County Clerk Margaret M. Dunleavy
Member Municipalities:

Jurisdiction	Contact Person
Brighton Area Schools	Board of Education Secretary Elizabeth Minert
Brighton Charter Township	Clerk Ann M. Bollin
Genoa Charter Township	Clerk Paulette A. Skolarus
Green Oak Charter Township	Clerk Michael H. Sedlak
Hamburg Township	Clerk James A. Neilson
Brighton City	Clerk Diana Lowe

This Report is binding on the undersigned municipalities until January 31, 2013, or until such time as an amended Report is filed with the State of Michigan, Department of State, Bureau of Elections. The undersigned municipalities listed on Pages 6 and 7 have executed this Report by and through their respective duly authorized representatives as indicated:

Margaret M. Dunleavy
Livingston County Clerk

Elizabeth Minert
Secretary, Board of Education

Election Coordinator

Brighton Area Schools

Ann M. Bollin
Brighton Charter Township Clerk

Paulette A. Skolarus
Genoa Charter Township Clerk

Michael H. Sedlak
Green Oak Charter Township Clerk

James A. Neilson
Hamburg Township Clerk

Diana Lowe
Brighton City Clerk

**LIVINGSTON EDUCATIONAL SERVICE AGENCY
INTERMEDIATE SCHOOL DISTRICT (LESA)
ELECTION COORDINATING COMMITTEE MEETING REPORT
THURSDAY, JANUARY 20, 2011, 10:30 A.M.
CONFERENCE ROOM 1
LIVINGSTON COUNTY ADMINISTRATION BUILDING**

**CALL TO ORDER – INTRODUCTIONS
POSTING OF MEETING IN COMPLIANCE WITH OPEN MEETINGS ACT**
Election Coordinator for the Livingston Educational Service Agency (LESA)
Intermediate School District:

Livingston County Clerk Margaret M. Dunleavy

ROLL CALL

**List of jurisdictions that wholly or partially fall within
Livingston Intermediate School District (LESA):**

**Brighton Charter Township
Cohoctah Township
Conway Township
Deerfield Township
Genoa Charter Township
Green Oak Charter Township
Hamburg Township
Handy Township
Hartland Township
Howell Township
Iosco Township
Marion Township
Oceola Township
Putnam Township
Tyrone Township
Unadilla Township
Brighton City
Howell City
Locke Township, Ingham County
White Oak Township, Ingham County
Antrim Township, Shiawassee County
Dexter Township, Washtenaw County
Webster Township, Washtenaw County**

PURPOSE OF MEETING

Statutory requirement to conduct January meeting:

- a. **Election Coordinating Committee must meet no later than January 31, 2011, to review the Report the Committee filed with the Secretary of State on February 5, 2009.**
- b. **Within 14 days after the meeting is convened, the Committee must: 1) notify the Secretary of State in writing that the Committee's previous Report is not being altered or 2) file with the Secretary of State a revised Report which reflects the Committee's desired alterations.**

GENERAL INFORMATION

Handouts:

- a. **Review School District map.**
- b. **Review voter registration count per municipal precinct.**

**ORGANIZATION OF SCHOOL DISTRICT SPECIAL ELECTION
RELATED DUTIES**

**Duties a city or township clerk has a right to assume
at local clerk's option:**

- a. **The law provides that the clerk of any city or township that falls within the Intermediate School District can opt to conduct the School District's special elections in his or her city or township.**
- b. **A clerk making this choice must perform all of the duties associated with the conduct of the Intermediate School District's special elections in his or her city or township.**
- c. **Before exercising this option, the city or township clerk must consult with the other members of the city council or township board. Such agreements are binding for two years.**

**Duties the county clerk can direct city and township clerks to perform
at county clerk's discretion:**

- a. **Distribute, receive and process absent voter ballot applications for the Intermediate School District's special elections; provide voting equipment for the conduct of the School District's special elections; provide the list of election inspectors for that city or township; and notify the School District's electors of precinct and polling place location changes.**

**LIST OF ELECTION RELATED DUTIES AND RESPONSIBILITIES
PERFORMED TO ADMINISTER INTERMEDIATE SCHOOL DISTRICT'S
SPECIAL ELECTIONS**

**The following are the election related duties and responsibilities
performed at the county level:**

- a. **Receive special election resolutions and ballot proposal language adopted by the Intermediate School District's Board.**
- b. **Create special election on QVF.**
- c. **Arrange for programming/coding of optical scan and ballot marking device equipment.**
- d. **Assist township/city clerks in determining ballot quantities; proof ballots with assistance of township/city clerks; and order printing of ballots.**
- e. **Order precinct supply kits.**
- f. **Publish notice for close of registration and notice of election.**
- g. **Conduct precinct inspector trainings upon request of township/city clerks.**
- h. **File and preserve Canvassers' certification of election.**
- i. **Schedule any special election called.**
- j. **Prepare reimbursement request to Intermediate School District.**

**The following are the election related duties and responsibilities
performed at the local level:**

- a. **Conduct Intermediate School District's special elections using municipal precincts.**
- b. **Provide voting equipment for School District's special elections.**
- c. **Arrange for public accuracy testing of optical scan and preliminary accuracy testing of ballot marking device equipment. Publish notice for optical scan public accuracy testing.**

- d. Order election supplies (AV outgoing and incoming envelopes and marking devices, etc.)**
- e. Handle distribution, receipt and processing of AV ballot applications based upon past practice.**
- f. Handle issuance of AV ballots and return of AV ballots.**
- g. Appoint precinct inspectors through local election commission.**
- h. Consolidate municipal precincts whenever possible through the adoption of a resolution by the local election commission based upon polling place location, size of the combined precincts (cannot exceed 5,000 voters), complexity of the ballot, and anticipated turnout for the election.**
- i. Determine ballot quantities with assistance of School Election Coordinator and assist School Election Coordinator in proofing ballots.**
- j. May conduct precinct inspector training for that city/township if that city/township's population is at least 10,000 residents.**
- k. Print QVF precinct poll lists or utilize Electronic Poll Book.**
- l. Handle setup of polling places on Election Day.**
- m. Handle Election Day issues and "troubleshooting" for that city/township.**
- n. Do any and all such things in the conduct of the Intermediate School District's special election as required by law.**
- o. Deliver unofficial election results to County Clerk's Office for Canvassers' certification of election.**
- p. Store voted ballots after election.**
- q. Update voter history on QVF.**
- r. Prepare reimbursement request to Intermediate School District.**

**DECISIONS WHICH MUST BE REVIEWED AT JANUARY SCHOOL DISTRICT
ELECTION COORDINATING COMMITTEE MEETING**

**Is there any city or township clerk who wishes to “opt in”
and conduct the Intermediate School District’s special elections
in his or her city or township?**

- a. The clerk of any city or township that falls within the Intermediate School District can opt to conduct the School District’s special elections in his or her city or township. Before entering into such an agreement, the city or township clerk must consult with the other members of the city council or township board. Such agreements are binding for two years.**

Who will handle the election duties for those portions of the Intermediate School District in which a city or township clerk does not choose to “opt in” to conduct the Intermediate School District’s special elections?

The following duties will be conducted by the Livingston County Clerk on behalf of those city or township clerks who do not choose to “opt in” to conduct the Intermediate School District’s special elections (unless delegated to a city or township clerk under an agreement reached with that city or township clerk):

- a. Conduct city or township’s special elections using municipal precincts.**
- b. Arrange for public accuracy testing of optical scan equipment and preliminary accuracy testing of ballot marking device equipment, and publish notice for optical scan public accuracy testing.**
- c. Print QVF precinct poll lists.**
- d. Handle setup of polling places on Election Day.**
- e. Deliver election results to County Clerk’s Office for Canvassers’ certification of election.**
- f. Store voted ballots after election.**
- g. Update voter history on QVF.**
- h. Prepare reimbursement request to school district.**

Who will handle the election duties for those portions of the Intermediate School District in which a special stand-alone election is held for the Intermediate School District?

- a. **Provided the Intermediate School District notifies the Livingston County Clerk's Office at least 90 days prior to the special stand-alone election, the Intermediate School District electors within Locke Township, Ingham County, will vote at the Conway Township Hall, Precinct #1 polling place location; the Intermediate School District electors within White Oak Township, Ingham County, will vote at the Iosco Township Hall, Precinct #1 polling place location; the Intermediate School District electors within Antrim Township, Shiawassee County, will vote at the Conway Township Hall, Precinct #1 polling place location; the Intermediate School District electors within Dexter Township, Washtenaw County, will vote at the Putnam Township, Precinct #4 Pinckney Elementary School polling place location; and the Intermediate School District electors within Webster Township, Washtenaw County, will vote at the Hamburg Township Hall , Precinct #4 polling place location.**

- b. **Provided the Intermediate School District notifies the Livingston County Clerk's Office at least 90 days prior to the special stand-alone election, the Locke, White Oak, Antrim, Dexter, and Webster Township Clerks will do the following: 1) send notices to those registered voters affected by the polling place location changes within 60 days prior to the special stand-alone election; 2) distribute absent voter ballot applications based upon past practice; 3) forward all completed, returned absent voter ballot applications to the respective Township Clerks (Conway, Iosco, Hamburg, and Putnam) upon verification of voters' signatures with master cards; 4) forward QVF precinct poll lists to the respective Township Clerks (Conway, Iosco, Putnam, and Hamburg) prior to the Intermediate School District's special stand-alone election; 5) copy master cards, or provide personnel to verify master card information on Election Day while the polls are open, or provide some other acceptable (cost-effective) means to verify the voters' signatures and eligibility--the method used to be determined by the local clerk of record and the other local clerk conducting the election; 6) update their voter**

history on the QVF following the Intermediate School District's special stand-alone election; and 7) prepare their reimbursement requests to the Intermediate School District.

ALTERATIONS MADE IN PREVIOUS REPORT: DETAIL REQUIRED

Page 3, First Sentence AND Sentence between Paragraphs j and a: The following are the election related duties and responsibilities (Deletion of "currently being") performed at the county level (First Sentence); local level (Sentence between Paragraphs j and a).

Page 3, d: Clarification: "Assist township/city clerks in determining ballot quantities; proof ballots with assistance of township/city clerks; and order printing of ballots."

Page 4, d: Deletion: "optical scan pencils"

Page 4, i: Clarification: "Determine ballot quantities with assistance of School Election Coordinator and assist School Election Coordinator in proofing ballots."

Page 4, j: Addition of "May" at beginning of sentence.

Page 4, k: Addition: "or utilize Electronic Poll Book."

ADDENDUM

Dexter and Webster Townships, Washtenaw County, have agreed to "opt in" to conduct an election for their registered voters within the LESA Intermediate School District if the special election date coincides with another election already being held in their respective townships on that date; otherwise, Hamburg Township has agreed to "fold in" Webster Township's Pinckney School District voters into Precinct #4, located at the Hamburg Township Hall, and Putnam Township has agreed to "fold in" Dexter Township's Pinckney School District voters into Precinct #4, located at the Pinckney Elementary School.

**LIVINGSTON EDUCATIONAL SERVICE AGENCY (LESA)
INTERMEDIATE SCHOOL DISTRICT
ELECTION COORDINATING COMMITTEE**

Member Roster

Election Coordinator: Livingston County Clerk Margaret M. Dunleavy

Member Municipalities:

Jurisdiction	Contact Person
Livingston Educational Service Agency (LESA)	Asst. Superintendent of Finance & Administrative Services R. Michael Hubert
Brighton Charter Township	Clerk Ann M. Bollin
Cohoctah Township	Clerk Brenda L. Meek
Conway Township	Clerk Cindy Dickerson
Deerfield Township	Clerk Alfred Mattioli
Genoa Charter Township	Clerk Paulette A. Skolarus
Green Oak Charter Township	Clerk Michael H. Sedlak
Hamburg Township	Clerk James A. Neilson
Handy Township	Clerk Laura A. Eisele
Hartland Township	Clerk Larry J. Hopkins
Howell Township	Deputy Clerk Debra J. Johnson
Iosco Township	Clerk Daniel A. Delmerico
Marion Township	Clerk Tammy L. Beal
Oceola Township	Clerk Kathleen E. McLean
Putnam Township	Clerk Sally D. Guyon
Tyrone Township	Clerk Keith L. Kremer
Unadilla Township	Clerk Linda J. Topping
Brighton City	Clerk Diana Lowe
Howell City	Clerk Jane L. Cartwright
Locke Township	Clerk Dorothy G. Hart* (Opted Out)
White Oak Township	Clerk Leela A. Vernon* (Opted Out)
Antrim Township	Clerk Susan McGahey* (Opted Out)
Dexter Township	Clerk Harley Rider
Webster Township	Clerk Mary Heller

This amended Report is binding on the undersigned municipalities until January 31, 2013, or until such time as an amended Report is filed with the State of Michigan, Department of State, Bureau of Elections. The undersigned municipalities listed on Pages 9 and 10 have executed this Report by and through their respective duly authorized representatives as indicated:

Margaret M. Dunleavy
Livingston County Clerk
Election Coordinator

R. Michael Hubert, CPA
Asst. Superintendent, Finance &
Administrative Services
Livingston Educational Service
Agency (LESA)

Ann M. Bollin
Brighton Charter Township Clerk

Brenda L. Meek
Cohoctah Township Clerk

Cindy Dickerson
Conway Township Clerk

Alfred Mattioli
Deerfield Township Clerk

Paulette A. Skolarus
Genoa Charter Township Clerk

Michael H. Sedlak
Green Oak Charter Township Clerk

James A. Neilson
Hamburg Township Clerk

Laura A. Eisele
Handy Township Clerk

Larry J. Hopkins
Hartland Township Clerk

Debra J. Johnson
Howell Township Clerk

Daniel A. Delmerico
Iosco Township Clerk

Tammy L. Beal
Marion Township Clerk

Kathleen E. McLean
Oceola Township Clerk

Sally D. Guyon
Putnam Township Clerk

Keith L. Kremer
Tyrone Township Clerk

Linda J. Topping
Unadilla Township Clerk

Diana Lowe
Brighton City Clerk

Jane L. Cartwright
Howell City Clerk

Dorothy G. Hart
Locke Township Clerk
Ingham County

Leela A. Vernon
White Oak Township Clerk
Ingham County

Susan McGahey
Antrim Township Clerk
Shiawassee County

Harley Rider
Dexter Township Clerk
Washtenaw County

Mary Heller
Webster Township Clerk
Washtenaw County

MEMORANDUM

To: Dana Foster, City Manager

From: Kelly LaLonde, Finance Director

Date: January 27, 2011

Subject: **The City's Quarterly Investment Report as of December 31, 2010**

Attached you will find the City's Quarterly Investment Report as of December 31 2010.

In comparison to the quarter ended September 30, 2010, the City's total investment/bank balance has decreased by \$223,959 or 3% to \$7,372,583, 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 December 31 2009, the City's total investment/bank balance has increased by \$4,599 or <1%.

In comparison to the quarter ended September 30, 2010, the City's average rate of return on investments decreased from 0.46% to 0.42%. The decrease is reflective of recent market changes in interest rates. The City continues to earn more than the benchmark 3-month Treasury Bill Rate and Fed Funds Rate.

Since September 30, 2010, the City's investment in FDIC insured CD's increased by \$250,000. The City's collateralized deposits/investments with JP Morgan Chase Bank totaled approximately \$4,793,504 or approximately 65% 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 DECEMBER 31, 2010*

<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	559,285	Immediate	0.07%	0.01%
JP Morgan Chase & Co. - A/P	1,098,453	Immediate	0.00%	0.00%
JP Morgan Chase & Co. - Payroll	25,390	Immediate	0.00%	0.00%
JP Morgan Chase & Co. - Payroll M.M.	430,808	Immediate	0.45%	0.03%
JP Morgan Chase & Co. - MSHDA	69,850	Immediate	0.00%	0.00%
JP Morgan Chase & Co. - Escrow	0	Immediate	0.45%	0.00%
JP Morgan Chase & Co. - Tax Lockbox	48,699	Immediate	0.00%	0.00%
JP Morgan Chase & Co. - Money Market	3,120,303	Immediate	0.45%	0.19%
Total Chase Bank	<u>4,793,504</u>			
Michigan Commerce - Police Forfeiture	17,280	Immediate	0.250%	0.00%
Michigan Commerce - Juvenile	1,448	Immediate	0.00%	0.00%
Michigan Commerce - Tax account	134,936	Immediate	0.650%	0.01%
Total Michigan Commerce Bank	<u>153,663</u>			
Comercia - Utility billing	337,093	Immediate	0.116%	0.01%
Total Comerica Bank	<u>337,093</u>			
First National Bank-tax account	28,617	Immediate	0.00%	0.00%
Total 1st Natl Bank	<u>28,617</u>			
Level 1	250,421	Immediate	0.70%	0.02%
Total Level 1	<u>250,421</u>			
CD-Flagstar	250,000		0.75%	0.03%
CD-Mercantile Bank	250,000		2.11%	0.07%
CD-Private Bank	250,000		0.56%	0.02%
CD-First Michigan Bank	250,000		0.65%	0.02%
CD-5/3 Bank	250,000		0.67%	0.02%
	<u>1,250,000</u>			
TOTAL	7,372,583			<u>0.42%</u>
Avg. three Month Treasury Bill Rate				0.1395%
Average Fed Funds Rate				0.1896%
City's Avg. R.O.R. over/(under) the 3-month T-Bill Rate				0.28%
City's Avg. R.O.R. over/(under) the Avg. Fed Funds Rate				0.23%

POLICY REPORT: MEDICAL MARIHUANA MORATORIUM EXTENSION

FEBRUARY 3, 2011

Prepared by:

Reviewed by:

Amy Cyphert
Acting Planning & Zoning
Director

City

Dana Foster
Manager

ISSUE:

To consider the extending the existing City of Brighton moratorium against the sale or dispensation of medical marihuana for a period of six months as recommended by the Planning Commission.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation. City Staff and the City Attorney are continuing to research and work on developing an ordinance that addressed the State Law. Many other Michigan communities have extending their similar moratoriums.

BACKGROUND:

At its meeting of January 24, 2011, the Planning Commission made the motion to "*recommend extension of the Michigan Medical Marihuana moratorium for an additional six months after the expiration on March 3, 2011.*"

The proposed extension would extend the moratorium that was established on the issuance of all City permits, licenses, certificates, and any and all other approvals, including building permits, land use permits, and certificates of occupancy or re-occupancy, in regard to land uses associated with the sale or dispensation of medical marihuana for a period not to exceed six months, or until the effective date of the adoption of amendments to the Zoning Ordinance and any necessary licensing requirements, whichever occurs first.

BUDGET IMPACT: N/A

RELATIONSHIP TO 2010/2011 GOALS: N/A

COUNCIL ACTION:

Please review the attached Medical Marihuana Moratorium Extension Ordinance.

Attachments:

1. Medical Marihuana Moratorium Extension Ordinance
2. DRAFT Planning Commission Meeting Minutes

City of Brighton
Planning Commission
Minutes
January 24, 2011



1. **Call to Order/Roll Call**

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

Al Wirth
Larry Schillinger
William Bryan
John Wells
Steve Monet
Matt Smith
David McLane
Dave Petrak
Bob Pawlowski

Also present were Amy Cyphert, Lauri French, Brad Maynes, Linda Basista and an audience of seven.

2. **Call to the Public**

The call to the public was made at 7:31 p.m. with no response.

3. **Approval of the December 20, 2010 Minutes**

Motion by Mr. Wells, supported by Mr. McLane, to approve the December 20, 2010 minutes as presented. **The motion carried unanimously.**

4. **Approval of the January 24, 2011 Agenda**

Motion by Mr. Smith, supported by Mr. Wirth, to approve tonight's agenda as presented. **The motion carried unanimously.**

Old Business

5. **Award Presentations:**

E.D. Ewing Award: Larry & Kate Lawrence, 530 Spencer Road
Siford Award: Panera, LLC, 8365 W. Grand River – Drive Through Addition

Chairperson Monet presented the E. D. Ewing Award to Kate and Larry Lawrence. Ms. Lawrence thanked the Planning Commission for the award. Representatives from Panera were not present at tonight's meeting. The Siford Award for the addition of the drive-through will be presented at the next Planning Commission meeting.

6. **Discussion of the Michigan Medical Marihuana Act – Law 1 of 2008 and possible recommendation to extend the current moratorium**

Ms. Cyphert had explained in the Blue Sky session that since she and Brad Maynes from the City attorney's office are still working on an ordinance that the current moratorium might have to be extended so there won't be a period of time where we are not covered. She noted that the public hearing process would probably take four months to complete before the ordinance goes into effect. Mr. Maynes

explained that the City may extend its moratorium (as other communities have) as long as it can be shown that we are working toward completion of the ordinance. The current six month moratorium was approved by City Council on August 19, 2010, effective September 3, 2010 and is due to expire March 3, 2011. **Motion** by Mr. Bryan, supported by Mr. Smith, to recommend extension of the Michigan Medical Marihuana moratorium for an additional six months after the expiration on March 3, 2011. **The motion carried unanimously.**

New Business

7. Site Plan – “The Pound”– 139 W. Main Street #11-001

Ms. Cyphert explained that Planning Commission and City Council have previously approved the roof top dining portion of the site plan and would be reviewing the building site plan for “The Pound” to be located at 139 W. Main St. The site plan to be reviewed also includes a draft “Plan of Operation” created by the applicants, Police Chief Wightman and Ms. Cyphert. She also noted that the wood deck and transparency variance would have to be approved by City Council. The Plan of Operation may require a couple of additions to address potential changes in ownership (the new owner would have to agree to the Plan of Operation) and occupancy load (how to move people off the roof and not violate the inside portion’s allowed occupancy).

Ms. Cyphert noted that the applicants and architect are in the audience if the Board has any questions. Ms. Basista from Tetra Tech was asked whether the concerns noted in her letter dated January 6, 2011 had been addressed. Ms. Basista responded that her main concern was storm water runoff from the outside deck, which will be run off via the City parking lot and is not an issue. After meeting with the applicants and their architect and clarifying some issues on the preliminary site plan, she believes the items noted in her letter have been addressed.

Mr. Piet Lindhout, Lindhout Associates, reviewed the changes that have been made to the preliminary site plan based on input from City staff, engineer, Police Department and the Brighton Area Fire Authority since the last Planning Commission meeting. These include a new concrete sidewalk on Main St., a temporary patch on West Street (to be tied in and completed with the North/West streetscape project), and detail added to the rear of the site (property line and dumpster design). He also noted they have pushed the roof top railing back 2 ½ feet to prevent the likelihood of items going over the side to the sidewalk below. He also relayed that Edison will require raising the service line to the building to meet their clearance requirements for the roof top dining area. Mr. Lindhout noted as a result of a question that the outside deck would be accessed from West Street and from inside the restaurant.

Chairperson Monet stated he is glad the applicants are willing to work with the City and asked if the applicants would have any issues with the two proposed additions to the Plan of Operation. Mr. Kevin Montagano stated they would have no objection to the two additions to address change of ownership and occupancy load.

Motion by Mr. Bryan, supported by Mr. Pawlowski, to recommend conditional site plan approval for The Pound at 139 W. Main #11-001 as depicted on plans prepared by Lindhout Associates, sheets C1 and A1, project no. 1081, last dated 1-18-11 and plan prepared by Advanced Companies, sheet A1, dwg file #908-10, last dated 11-12-10 subject to the following:

1. The applicants and City Staff finalize the Plan of Operations prior to City Council reviewing the site plan including amendments as recommended by Police Chief Wightman and Acting Planning/Zoning Director Cyphert.
2. That the applicant provide City staff with a check for the cost of closing the curb cut so the City can set up an escrow account for curb closer that would be used during the streetscape project in Fall of 2011.
3. Lighting details be reviewed during the building permit process.

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON FEBRUARY 3, 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 7:30 p.m. Following the Pledge of Allegiance, the roll was called, there being present were Mayor Bandkau, Councilmembers Schillinger, Bohn, Muzzin, Cooper, Roblee and Pipoly. Also in attendance were Attorney Paul Burns, Special Legal Counsel Dennis Gabrian and Staff members Dana Foster, Diana Lowe, Jennifer Piasecki, Amy Cyphert, Matt Schindewolf, Kelly LaLonde, Tom Wightman and an audience of 6.

MINUTES APPROVAL

It was moved by Councilmember Roblee, seconded by Muzzin to approve the Regular Meeting minutes of January 20, 2011 as presented. Motion passed 7-0.

It was moved by Councilmember Muzzin, seconded by Cooper to approve the Closed Session minutes of January 20, 2011 as presented. Motion passed 7-0.

CALL TO THE PUBLIC

Mayor Bandkau gave a Call to the Public at 7:31p.m. Hearing no comment, the Call to the Public was closed.

CITIZEN INQUIRIES

Mayor Bandkau read the following Citizen Inquiriy: Patricia Cole asked why the Brighton City Council 7:00 pm Blue Sky meetings are not televised, and minutes taken?

AGENDA APPROVAL

It was moved by Councilmember Roblee, seconded by Pipoly to approve the Consent Agenda as amended. Add item #10a, 2011 Chamber of Commerce Civic Events. Motion passed 7-0.

The following item was approved:

1. Authorized the City Clerk to "opt in" to the following two documents: Brighton Area Schools School District Election Coordinating Committee Initial Report and Livingston Educational Service Agency (LESA) Intermediate School District Election Coordination Committee Initial Report.

2. Approved the Finance Director's Quarterly Investments' Report.
3. Approved a Consent Judgment for RDC Enterprises v City of Brighton Tax Tribunal.
4. Approved the Chamber of Commerce Civic Event Applications for 2011.

It was moved by Councilmember Cooper, seconded by Schillinger to approve the Consent Agenda as presented. Motion passed 7-0.

MEDICAL MARIHUANA SECOND READING AND PUBLIC HEARING

Mayor Bandkau closed the Regular meeting at 7:36 p.m. and opened up the Public Hearing to extend the moratorium regarding Medical Marijuana-Related businesses contained in Section 22-341. Hearing no comment the Public Hearing was closed.

It was moved by Councilmember Schillinger, seconded by Bohn to adopt Ordinance 555, Extend the moratorium regarding Medical Marihuana related businesses contained in Section 22-341. A roll call vote was taken. Yes: Schillinger, Cooper, Bohn, Bandkau, Muzzin, Roblee, Pipoly. No: none. Motion passed 7-0.

CITY CUSTOMER INFORMATION

Department of Public Services Director, Matt Schindewolf stated the 3rd Street Pump Station project is running smoothly. The DPS will be hauling snow from the downtown area starting tonight to the end of Apian Way and City owned property.

Mayor Bandkau applauded the efforts of the DPS for removing the snow from the recent snowstorm and she also thanked the Police Department.

Councilmember Cooper thanked the Chief for Detective Patton's work on the case that was recently solved for the State Police.

Councilmember Schillinger stated he has been in five different communities in the past few days and none of them can hold a candle to what our DPS staff has done for our streets and sidewalks for snow removal.

CALL TO THE PUBLIC

Mayor Bandkau gave a Call to the Public at 7:45 p.m. Hearing no comment, the Call to the Public was closed.

City Council
February 3, 2011
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**WRITTEN ATTORNEY-CLIENT PRIVILEGE COMMUNICATION FROM LABOR
ATTORNEY CLOSED SESSION**

It was moved by Muzzin, seconded by Bohn to go into Closed Session to discuss written Attorney- Client privilege communication from the City Labor Attorney pursuant to MCL 15.268(c) at 7:46 p.m. A roll call vote was taken. Yes: Schillinger, Cooper, Bandkau, Muzzin, Bohn, Roblee, Pipoly. No: none. Motion passed 7-0.

The Council convened into Closed Session at 7:51 p.m.

The Council reconvened the Regular Session at 9:46 p.m.

WRITTEN ATTORNEY-CLIENT PRIVILEGE COMMUNICATION CLOSED SESSION

It was moved by Councilmember Roblee, seconded by Bohn to go into Closed Session to discuss written Attorney-Client privilege communication from the City Attorney pursuant to MCL 15.268(c) at 9:48 p.m.. A roll call vote was taken. Yes: Schillinger, Cooper, Bandkau, Muzzin, Bohn, Roblee, Pipoly. No: none. Motion passed 7-0.

The Council convened into Closed Session at 9:48 p.m.

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

ADJOURNMENT

It was moved by Councilmember Roblee, seconded by Bohn to adjourn the meeting at 9:59 p.m. Motion passed 7-0.

Diana Lowe, City Clerk

Ricci Bandkau, Mayor