

CITY OF BRIGHTON  
CITY COUNCIL MEETING  
CITY HALL  
September 6, 2012

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. Consider approval of the Agenda
5. Approval of minutes: [Regular Meeting & Closed Session Minutes of August 16, 2012](#)
6. Mayor's Reading of Citizen Inquiries received since the last City Council Meeting
7. Call to the Public

**Consent Agenda**

8. Consider approval of [Quarterly Investment report from the Finance Director](#)
9. Consider approval of a [subsequent year-end budget amendment for FY 11-12 as recommended by the Finance Director and the Auditors](#)
10. Consider approval of a recommended construction bid award for the CSX railroad driveway closure related curb installation
11. Consider approval of a civic event application for [the weekly Swinginfusion event at the Gazebo](#)
12. Consider approval of [an extension of the current contract for Building Official and Building Inspection services](#) with the Livingston County Building Department as recommended by staff

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

13. Consider site plan approval for [the Champ's Façade Improvements at 140 E. Grand River](#) as recommended by the Planning Commission
14. Consider site plan approval for [the Kroger Gas Station at 1080 E. Grand River](#) as recommended by the Planning Commission
15. Consider site [plan amendment approval for Brookside Mall](#) as recommended by the Planning Commission
16. Consider approval of the release of a Letter of Credit for the Northridge Hills site plan related agreement
17. Updated Goals Progress Report from the City Manager
18. Consider a Goal-Setting Retreat Agenda Input report from the City Manager for the 2012 annual goal-setting retreat

**Other Business**

19. Information for City Customers
20. Receive updates from Council Member Liaisons to other Boards and Commissions
21. Conduct a closed session to receive a written Attorney-Client privilege communication regarding pending litigation
22. Consider approval of an action as may be recommended by the City Attorney regarding pending litigation
23. Conduct closed session to receive a written Attorney-Client privilege communication
24. Call to the Public
25. Adjournment

**MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON**  
**HELD ON AUGUST 16, 2012 AT THE BRIGHTON CITY HALL**  
**200 N. 1ST STREET, BRIGHTON, MICHIGAN**

**BLUE SKY SESSION**

The Council conducted a Blue Sky Session at 7:00 p.m. Present were Mayor Muzzin, Mayor Pro-Tem Cooper Councilmembers Bohn, Schillinger, Pipoly, Bandkau and Roblee. The Council reviewed the agenda items.

**REGULAR SESSION**

Mayor Muzzin called the regular meeting to order at 7:32 p.m. Following the Pledge of Allegiance, the roll was called, there being present were Mayor Muzzin, Mayor Pro-Tem Cooper, Councilmembers Pipoly, Roblee, Bandkau, Schillinger and Bohn. Also in attendance were Attorney Paul Burns and Staff members Dana Foster, Jennifer Burke, Kelly Hanna, Amy Cyphert, Dave Blackmar and Tom Wightman. Press and Media included Nicole Krawcke from Patch and Tom Tolen from WHMI.

**AGENDA APPROVAL**

It was moved by Councilmember Roblee, seconded by Roblee to approve the Agenda as amended. Delete agenda item #11 Consider Authorizing Litigation for code enforcement regarding industrial related outdoor storage violations and #13 Updated Goals Progress Report from the City Manager, and to amend the wording on agenda item #16 receive a written Attorney-Client Privilege Communication. Motion passed 7-0.

**MINUTES APPROVAL**

It was moved by Councilmember Bandkau, seconded by Cooper to approve the Regular Meeting minutes of August 2, 2012 as presented. Motion passed 7-0.

It was moved by Councilmember Cooper, seconded by Pipoly to approve the Closed Session Meeting minutes of August 2, 2012 as presented. Motion passed 7-0.

**CITIZEN INQUIRIES**

None.

**CALL TO THE PUBLIC**

Mayor Muzzin opened the Call to the Public at 7:35 p.m. Hearing none, the Call to the Public was closed.

### **CONSENT AGENDA**

It was moved by Councilmember Bandkau, seconded by Bohn to approve the Consent Agenda as amended. Move agenda item #10 Consider Approval of informational letter #1 to all registered voters for the proposed Community Improvement and Infrastructure Bond Issue related election of November 6, 2012 & to invite voters to two upcoming informational meetings to the Consent Agenda. A roll call vote was taken. Yes: Schillinger, Bohn, Cooper, Muzzin, Bandkau, Roblee, Pipoly. No: none. Motion passed 7-0.

The following items were approved on the Consent Agenda:

1. Approved a Proposed Interfund Transfer & Cost Allocation Study Proposal as recommended by Staff (pursuant to the City Manager's Budget related recommendation for same in his Proposed Budget Transmittal Message of this past Spring).
2. Approved a Change for the Police Patrol and Police Command Collective Bargaining Units' Health Insurance to the HSA Plan which the Non-Union Administrative & DPS Employees are currently Under. This will be effective January 1, 2013 per the recommendation of the City Labor Attorney.
3. Approved an Informational Letter #1 to all registered voters for the proposed Community Improvement and Infrastructure Bond Issue related election of November 6, 2012 & to invite voters to two upcoming information meetings

### **STATUS REPORT FROM THE CITY MANAGER AND CITY ATTORNEY REGARDING THE DRIVEWAY CLOSING NEAR THE CSX RAILROAD CROSSING**

Manager Foster gave an overview relative to the parking occurring at an unauthorized location, which is not approved as part of a site plan and on un-surfaced areas. The CSX driveway was also being used for access by more than one party. After legal review it was advised to close the drive due to liability exposure, which could be rather significant, if it were to remain open. Staff conducted a meeting with the affected property owners, Buon Gusto and Lions Club Den. The direction was to close driveway as soon as possible. Manager Foster also discussed options moving forward relative to Buon Gusto and site plan processes and options of the business owner, re-establish and amend the site plan to allow for parking or to establish a new driveway cut to the east on Main Street.

Attorney Burns stated that the City Engineer advised that the parking occurring on CSX property is not considered safe, and that it is recommended to be paved and curbed to remedy the situation.

### **CITY CUSTOMER INFORMATION**

Manager Foster stated the target date for the annual goal setting retreat is November 10<sup>th</sup> and 11<sup>th</sup>. He also stated as part of the approval on agenda item #9, employees in the entire organization have participated in solutions in terms of reducing costs, all employee groups all four of unions as well as non-union administrative staff on an ongoing basis. He thanked Council for approval of the informational letter that will be going out this week to registered voters relative to the bond issue.

City Council  
August 2, 2012  
Page 3

Mayor Pro-Tem Cooper briefed Council on SELCRA events and stated the SELCRA Board passed a grant proposal that is being presented to the SELCRA area.

Councilmember Bandkau gave an update on the Veteran's Memorial and stated the dedication will take place on November 11<sup>th</sup>.

Mayor Muzzin gave an update on the Brighton Area Fire Authority.

### **CALL TO THE PUBLIC**

Mayor Muzzin gave a Call to the Public at 8:10 p.m. The following comments were heard:

Sal Viviano, Owner of Buon Gusto, stated he was not given any time to block to the entrance of his business near CSX. Today a City worker was onsite with a bulldozer and he was ordered to move the cars out. Mr. Viviano stated he needs some time or an extension to correct the parking issue.

Attorney Burns suggested the Architects and Staff to workout the loading and unloading issues with Mr. Viviano.

Councilmember Roblee stated more time should be given to Mr. Viviano and to also make the barriers movable for Mr. Viviano if needed.

Hearing no further comment, the Call to the Public was closed at 8:28 p.m.

### **ATTORNEY-CLIENT PRIVILEGE OPINION CLOSED SESSION**

It was moved by Mayor Pro-Tem Cooper, seconded by Pipoly to go into Closed Session to receive written Attorney-Client privilege Communication, pursuant to MCL 15.268(e). A roll call vote was taken. Yes: Schillinger, Bohn, Cooper, Muzzin, Bandkau. No: Roblee, Pipoly. Motion passed 5-2.

The Council convened into Closed Session at 8:29 p.m.

The Council reconvened at the Regular Session at 8:55 p.m.

### **ADJOURNMENT**

It was moved by Councilmember Bandkau, seconded by Roblee to adjourn the meeting at 8:55 p.m. Motion passed 7-0.

---

Jennifer Burke, Human Resources Director/  
Deputy City Clerk

---

Jim Muzzin, Mayor

MEMORANDUM

To: Dana Foster, City Manager

From: Kelly Hanna, Finance Director



Date: August 27, 2012

**Subject: The City's Quarterly Investment Report as of June 30, 2012**

Attached you will find the City's Quarterly Investment Report as of June 30, 2012.

In comparison to the quarter ended March 31, 2012, the City's total investment/bank balance has decreased by \$711,702 or 16% to \$3,713,895, 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, 2011, the City's total investment/bank balance has increased by \$839,232 or 29%. This is reflective of higher ending fund balance expected for FY 11/12 compared to FY 10/11.

In comparison to the quarter ended March 31, 2012, the City's average rate of return on investments decreased from 0.52% to 0.36%. The decrease is reflective of less Certificate of Deposits, which are earning more than Money Market accounts and the City's Money Market Accounts have reduced their investment rate since March 31. The City continues to earn more than the benchmark 3-month Treasury Bill Rate and Fed Funds Rate.

Since March 31, 2012, the City's investment in FDIC insured CD's decreased by \$1,848,151. The City's collateralized deposits/investments with JP Morgan Chase Bank totaled approximately \$1,585,772 or approximately 43% of the City's overall portfolio.

Attached you will find a quarterly investment report prepared by the City Treasurer, per the Adopted Investment Policy. 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.

## MEMO

To: City Council  
From: Fern Jackson, Treasurer  
Subject: 2nd Quarter investment report  
Date: August 9, 2012

The City of Brighton currently has 4 certificates of deposits with various Michigan banks within a 1-year maturity or less. This spreads the risk of FDIC insurance to \$250,000 per institution and provides better coverage in case of any bank default. There were 3 maturities this quarter all in the general fund as we wage the cost of keeping our funds liquid vs. low rate of return rate from pool money market accounts.

The interest rates of these outstanding certificates range from .40% to a maximum of .80% and will vary in amounts from \$100,000 to \$250,000. Laddering the investments out provides on going steady interest income, which is an additional revenue to the City budget. This also protects the interest revenue from market declines in the money market accounts. The City holds 3 certificates for the general fund currently in the amount of \$500,000, which is from the tax revenue received from the tax bills due August 15 of each year. One certificate of deposit in the amount of \$100,000 was purchased in June for the general fund to maximize earnings.

Our current financial institutions which we hold money market accounts with are providing .20% to .399% interest rates on 60.77% of our total investments. These funds are completely liquid in nature and are available to use on demand. Certificates of Deposit require a penalty in interest; normally one month is forfeited, if they are needed prior to their maturity. Municipalities are allowed to only use Michigan banks for investment purposes.

The jobless claims increased from June 8.2% to a rate of 8.3% as more workers officially entered the workforce; however, the Labor Department reported the U.S. economy added an estimated 163,000 jobs in July, which was above analyst expectations and the highest level since the month of February.

Early indications are good the worst could finally be over for the housing market. As home prices start to increase, that would be a good change for people that cannot get out of state or city because they can't sell their homes.

Total retail sales for June dropped for the third consecutive month. The U.S. economy grew at an annualized 1.5% rate in the second quarter, which was down from the first three months of the year.

CITY OF BRIGHTON  
 QUARTERLY INVESTMENT REPORT  
 AS OF JUNE 30, 2012\*

<u>Investment Account</u>	<u>Account Balance</u>	<u>Maturity Date</u>	<u>Current % Interest Rate</u>	<u>Average R.O.R.</u>	
JP Morgan Chase & Co. - FSA	9973.16	Immediate	0.00%	0.00%	3,713,894.54
JP Morgan Chase & Co. - A/P	140,703.78	Immediate	0.00%	0.00%	3,713,894.54
JP Morgan Chase & Co. - Payroll	12,972.21	Immediate	0.00%	0.00%	3,713,894.54
JP Morgan Chase & Co. - MSHDA	10,000.00	Immediate	0.00%	0.00%	3,713,894.54
JP Morgan Chase & Co. - Escrow	100,028.44	Immediate	0.20%	0.01%	3,713,894.54
JP Morgan Chase & Co. - Employee FSA	9,973.16	Immediate	0.00%	0.00%	3,713,894.54
JP Morgan Chase & Co. - Tax	-	Immediate	0.00%	0.00%	3,713,894.54
JP Morgan Chase & Co. - Payroll MM	638,103.67	Immediate	0.20%	0.03%	3,713,894.54
JP Morgan Chase & Co. - Money Market	673,990.75	Immediate	0.20%	0.04%	3,713,894.54
Total Chase Bank	<u>1,585,772.01</u>				
Michigan Commerce - Police Forfeiture	17,940.18	Immediate	0.15%	0.00%	3,713,894.54
Michigan Commerce - Juvenile	1,046.72	Immediate	0.00%	0.00%	3,713,894.54
Michigan Commerce - Tax account	79,833.59	Immediate	0.25%	0.01%	3,713,894.54
Total Michigan Commerce Bank	<u>98,820.49</u>				
First National Bank-tax account	30,054.83	Immediate	0.25%	0.00%	3,713,894.54
Total 1st Natl Bank	<u>30,054.83</u>				
Level 1-Money Market	843,478.34	Immediate	0.399%	0.09%	3,713,894.54
Level 1-U/B checking	905.72	Immediate	0.00%	0.00%	3,713,894.54
Total Level 1	<u>844,384.06</u>				
LOTUS BANK	201,496.20	Immediate	0.50%	0.03%	3,713,894.54
Total Lotus Bank	<u>201,496.20</u>				
FIRST NATIONAL BANK OF AMERICA	201,201.38	Immediate	0.59%	0.03%	3,713,894.54
Total First National Bank of America	<u>201,201.38</u>				
CD-FLAGSTAR	100,007.78	6/27/2013	0.70%	0.02%	3,713,894.54
CD-TCF BANK	250,672.22	2/25/2013	0.80%	0.05%	3,713,894.54
CD-PNC BANK	200,601.07	10/9/2012	0.40%	0.02%	3,713,894.54
CD-Independent Bank	200,884.50	9/8/2012	0.56%	0.03%	3,713,894.54
Total Certificate of Deposits	<u>752,165.57</u>				
<b>TOTAL</b>	<u><b>3,713,894.54</b></u>		<b>5.20%</b>	<u><b>0.3586%</b></u>	<b>3,713,894.54</b>
Avg. three Month Treasury Bill Rate				<b>0.0856%</b>	
Average three Month Fed Funds Rate				<b>0.1545%</b>	
City's Avg. R.O.R. over/(under) the 3-month T-Bill Rate				0.27%	
City's Avg. R.O.R. over/(under) the Avg. Fed Funds Rate				0.20%	

\* From the website below

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

\*\* From the website below

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

M:Fern/Mydocs/misc/Council qtrly report 6-30-11.xls

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

POLICY REPORT – FINANCE 12-

**Consideration of Amending the Subsequent Fiscal Year 2011-12  
Budget Appropriations**

September 6, 2012

Prepared by:

Reviewed by:

\_\_\_\_\_  
Kelly Hanna  
Finance Director

\_\_\_\_\_  
Dana William Foster  
City Manager

**ISSUE:**

Consider approving the attached Resolution to amend the Subsequent FY 2011-12 Budget Appropriations. The City has routinely amended its Budget Appropriations to avoid noncompliance with the Uniform Budgeting and Accounting Act.

**STAFF RECOMMENDATION:**

It is the recommendation of staff that the City Council approve the attached Resolution to make the necessary amendments to the FY 2011-12 budget.

**BACKGROUND:**

The City's budget has been adopted on a Fund Level in the Capital Improvement Fund. Expenditures at the fund level in excess of amounts budgeted is a violation of Michigan law. The attached financial information represents a proposed amendment to the FY 2011-12 budget. The proposed amendment is in compliance with the Uniform Budgeting and Accounting Act (PA 2 of 1968) as amended by PA 621 of 1978. The financial reports were used to examine all the Funds and it was determined the Capital Improvement Fund required adjustments, due to revenue and expenditures to be greater than the current budget. The following summarizes the salient aspects of the proposed amendment and analysis:

**CAPITAL IMPROVEMENT FUND:**

**REVENUE AND EXPENDITURES:**

The \$127,315 increase in revenue and expenditures reflects the recording of the loan proceeds and related expenditures for the patrol vehicle, IT equipment and the BS&A Software. These items were previously approved by City Council, but not reflected in the FY 2011/12 Year-end Budget Amendment previously approved by City Council.

Throughout the fiscal year, most accounting transactions get recorded as we receive and pay cash. These particular transactions are related to fixed assets. We don't record our fixed asset transactions until after all the bills are paid for the fiscal year (typically the middle of August after the fiscal year ends). It is a rather comprehensive process. These particular transactions involved no cash, we didn't receive any cash nor pay anything, however, they needed to be recorded as fixed assets on our books. In addition, they also needed to be recorded as if we received the money (loan proceeds and expenditure). This is an accounting requirement and was missed when preparing the year-end budget amendment. This does not affect our year-ending fund balance. This is strictly an accounting requirement that involves no cash and does not affect the fund balance.

**SUMMARY:**

The proposed amendment reflects no change to the ending unreserved fund balance.

**BUDGET IMPACT:**

Provides the authority to amend the City's budget in a legally permissible manner.

**RELATIONSHIP TO GOALS:**

Provides an up-to-date financial picture of the projected FY 2011-12 year-end balance's to ensure that next year's Goals are fundable.

**ACTION/MOTION:**

Approve the attached Resolution to amend the Subsequent FY 2011-12 budget appropriations.

**RESOLUTION 2012-**

**TO AMEND THE FY 2011-12 BUDGET APPROPRIATIONS**

**WHEREAS, the Brighton City Council has previously adopted the original Fiscal Year 2011-12 Budget; and**

**WHEREAS, it is appropriate that periodically the Council adjust the appropriation levels in the City's Funds on the basis of actual and anticipated year-end expenditures; and**

**WHEREAS, the City Manager has recommended certain amendments to the City's Funds;**

**NOW, THEREFORE, BE IT RESOLVED by the Brighton City Council as follows:**

- 1. The Council amends the FY 2011-12 Budget appropriation levels pursuant to the recommendations of the City Manager, as provided in the attached sheets, which are made a part of this Resolution.**

**AYES:** \_\_\_\_\_

**NAYS:** \_\_\_\_\_

**ABSTAIN:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**This Resolution was \_\_\_\_\_ this \_\_\_\_\_ day of September, 2012.**

**Diana Lowe, City Clerk**

**POLICY REPORT NO. DPS –12-08**  
**DEPARTMENT OF PUBLIC SERVICE**  
**Swinginfusion Civic Event**

**Prepared by:**      **Reviewed**

**by:**

\_\_\_\_\_  
**Matthew J. Schindewolf**  
**Public Service Director**

\_\_\_\_\_  
**City**

\_\_\_\_\_  
**Dana W. Foster**  
**Manager**

**ISSUE:** To consider approval of the Swinginfusion Civic Event.

**STAFF RECOMMENDATION:** To recommend approval of the Swinginfusion Civic Event.

**BACKGROUND:** The Swinginfusion Event has been taking place at the City of Brighton’s gazebo on Monday nights for approximately two years with no incident. Because the event has grown, wherein over 100 teenagers attend the event, it was decided by the Civic Event Committee that a formal application should be submitted, reviewed, and approved in order for the event to continue.

The Civic Events Committee met with the representative from Swinginfusion and after discussing the scope of the event, it was determined that this event meets the criteria for a Civic Event. The applicant had secured insurance previously, naming the City of Brighton as an additionally insured.

**BUDGET IMPACT:** There is no cost to the City to allow this event to continue as any preparation and clean up for the event is handled during the DPS Crew’s regular shift.

**RELATIONSHIP TO 2012/2013 GOALS:** Continued allowance of various Civic Events under controlled conditions to promote the Downtown City of Brighton area.

**COUNCIL ACTION:** Approval of the Swinginfusion Civic Event as recommended by the Civic Event Committee.



# Civic Event Application

## City of Brighton

200 N. 1<sup>st</sup> Street  
Brighton, Michigan 48116  
(810) 227-1911

<b>OFFICE USE ONLY</b>
_____
Date Received
_____
By

**\*\* APPLICATIONS MUST BE FILLED OUT COMPLETELY BEFORE THEY WILL BE CONSIDERED FOR REVIEW \*\***

July 30th, 2012	Swinginfusion	Sam Johnson		
Application Date	Name of Organization	Name of Applicant		
13730 Crooked Creek Dr	South Lyon	MI	48178	
Street Address	City	State	Zip	
2489746156				
Cell Phone	Home Phone	Work Phone	Fax	
Email Address	swinginfusion@yahoo.com			

### Swinginfusion

Event Title

### The Mill Pond Gazebo

Event Location

#### **EVENT DAYS / TIMES** (Please stipulate the following information for each date of event)

DATE	Day of Week	Beginning Time	Ending Time
May-Oct	Monday	7:00pm	10:00pm
_____	_____	_____	_____
_____	_____	_____	_____

_____	6:50pm	_____
Set up Time/Day	Tear down Time / Day*	Rain Date (if applicable)

\* Tear down time will be strictly enforced. It is the applicant's responsibility to ensure the teardown of all materials with their on-site vendors, sponsors, etc. is complete by the teardown time given above.

**ORGANIZATION / APPLICANT INFORMATION**

Applications for Civic Events in the City of Brighton shall NOT be approved for applicants in default to the City. Therefore, each Application for Civic Events shall be routed to the Finance Department for a determination of any defaults to the City. In the event a default to the City exists, the Application shall be disapproved by the Finance Department, with the nature of the default described as the reason of the disapproval.

TAX IDENTIFICATION NUMBER: 45-5227379

**BRIEF DESCRIPTION OF ORGANIZATION'S PURPOSE AND/OR FUNCTION:**

To create weekly events where young adults can learn to dance respectfully, listen to music,  
engage in recreational activities and interact with their peers in a safe environment without  
the influence of drugs, alcohol, violence and sexuality

IS THE ORGANIZATION NON-PROFIT? YES  NO   
If yes, attach a copy of the organizations Sales Tax Exempt Certificate.

DOES YOUR GROUP PRESENTLY HAVE LIABILITY INSURANCE? YES  NO

GENERAL LIABILITY INSURANCE IS REQUIRED NAMING THE CITY OF BRIGHTON AS ADDITIONAL INSURED. IF FOOD IS BEING SERVED, PRODUCT LIABILITY MUST BE INCLUDED. LIMITS OF LIABILITY SHOULD BE NO LESS THAN \$1,000,000 COMBINED SINGLE LIMIT FOR BODILY INJURY AND PROPERTY DAMAGE.

PLEASE GIVE A DESCRIPTION OF THE PROPOSED CIVIC EVENT. (Attach additional pages if necessary)

A night of music and swing dancing, targeted at youth, but open to people of all ages.

With informal dance instruction and family friendly music.

ANNUAL EVENT: Is this event expected to occur next year? YES  NO

If Yes, you can reserve a date for next year with this application). To reserve dates for next year, please provide the following information:

Normal Event Schedule (e.g., third weekend in July): Every Monday night from 7-10pm May-Oct  
or  
Next year's specific date(s): \_\_\_\_\_

PROCEEDS OF THIS EVENT WILL BE USED FOR:

N/A

---

---

---

IF THE PROPOSED CIVIC EVENT IS A PARADE OR RUN/WALK EVENT, PLEASE LIST THE POINT OF ORIGIN, PATH, TERMINATION POINT, NUMBER OF ENTRIES AND TRAFFIC CONTROL PLAN AS NECESSARY. (Use attached map to clarify the route)

N/A

---

---

---

---

ARE YOU PLANNING TO CHARGE AN ADMISSION FEE?      YES       NO

IF YES, WHAT KIND AND HOW MUCH?

---

---

DO YOU PLAN ON UTILIZING VENDORS AND/OR EXHIBITORS FOR SALES OF ANY KIND?  
YES       NO

IF YES, COMPLETELY FILL OUT THE ATTACHED VENDOR CONTACT INFORMATION SHEET(S).

WHAT IS THE FEE CHARGED FOR EACH VENDOR? \_\_\_\_\_

DO YOU PLAN TO CONTRIBUTE REVENUES RECEIVED FROM THIS EVENT TO LOCAL ORGANIZATIONS AND/OR COMMUNITY GROUPS?      YES       NO

IF YES, TO WHOM AND HOW MUCH?

---

---

WHAT IS THE EXPECTED ATTENDANCE FOR THIS EVENT? \_\_\_\_\_

DO YOU PLAN ON SUPPLYING ADDITIONAL RESTROOM FACILITIES? YES  NO

NUMBER OF VOLUNTEERS / STAFF? 2

HOW WILL THIS EVENT BENEFIT THE RESIDENTS AND/OR IMPROVE THE QUALITY OF LIFE IN THE CITY OF BRIGHTON?

This event brings people of all ages from neighboring cities and towns to downtown Brighton.

This will give the local teens something to do and to look forward to every week.

ELECTRICAL SERVICES REQUIRED (Please Be as Accurate as Possible)

An outlet to power a laptop computer and a speaker.

OTHER UTILITIES REQUIRED (Please Be as Accurate as Possible)

N/A

CITY FACILITIES REQUESTED (Please Be as Accurate as Possible)

DO YOU PLAN TO UTILIZE OFF-SITE PARKING FACILITIES YES  NO

IF SO, WHAT LOCATION IS PLANNED? \_\_\_\_\_

WHAT IS YOUR PLAN FOR TRANSPORTATION FROM THE PARKING AREA TO THE EVENT LOCATION?

SIGNAGE REQUESTED (Detail sign locations on the attached map and provide sign renderings)

Number of Signs One

Types of Signs 8' Vinyl banner

Locations of Signs The gazebo

Date Signs Posted Only during events

Date Signs Removed \_\_\_\_\_

PLEASE ATTACH LIST OF EQUIPMENT; STAGE, TENTS, VEHICLES, ETC., THAT YOU PROPOSE TO USE IN THE EVENT OR BRING ONTO CITY PROPERTY, STREETS OR PARK AREAS - (ALL SUBJECT TO APPROVAL).

**STREET CLOSURE**

ARE YOU REQUESTING A STREET CLOSURE FOR YOUR EVENT? YES  NO   
If yes, detail the street(s) you would like closed, and the location of the closure(s) on the attached map.

**ALCOHOL**

DO YOU WANT TO SELL AND/OR SERVE ALCOHOL? YES  NO

IF YES, PLEASE SEE THE ATTACHED SHEET TITLED "ALCOHOL" AND FILL IN THE QUESTIONS COMPLETELY AND IN DETAIL.

**SECURITY**

If the event requires the overnight setup or storage of goods, equipment, etc. security is the responsibility of the event applicant.

IF YOUR EVENT REQUIRES OVERNIGHT SECURITY, PLEASE PROVIDE THE FOLLOWING DETAILS OF YOUR SECURITY PLAN:

ON SITE REPRESENTATIVES NAMES AND CONTACT NUMBRS:

<u>Name</u>	<u>Contact number</u>
_____	_____
_____	_____
_____	_____

# OWNER(S) AFFIDAVIT \*

I, Sam Johnson, have authorized Swingline as My  
(company or organization owner) (Civic Event Applicant)

Representative for the purpose of obtaining a Civic Event permit(s) from the City of Brighton Public

Services Department for my organization located at 13730 Crossed Creek Dr South Lyon  
(company or organization address) 48178

Sam J  
Owners Signature

8/3/12  
Date

# INDEMNIFICATION AGREEMENT

The Swing Fusion agree(s) to defend, indemnify, and hold harmless the City of  
(business organization)

Brighton, Michigan, from any claim, demand, suit, loss, cost of expense, or any damage that may be  
asserted, claimed or recovered against or from the Swing Fusion and or the City of  
(business organization)

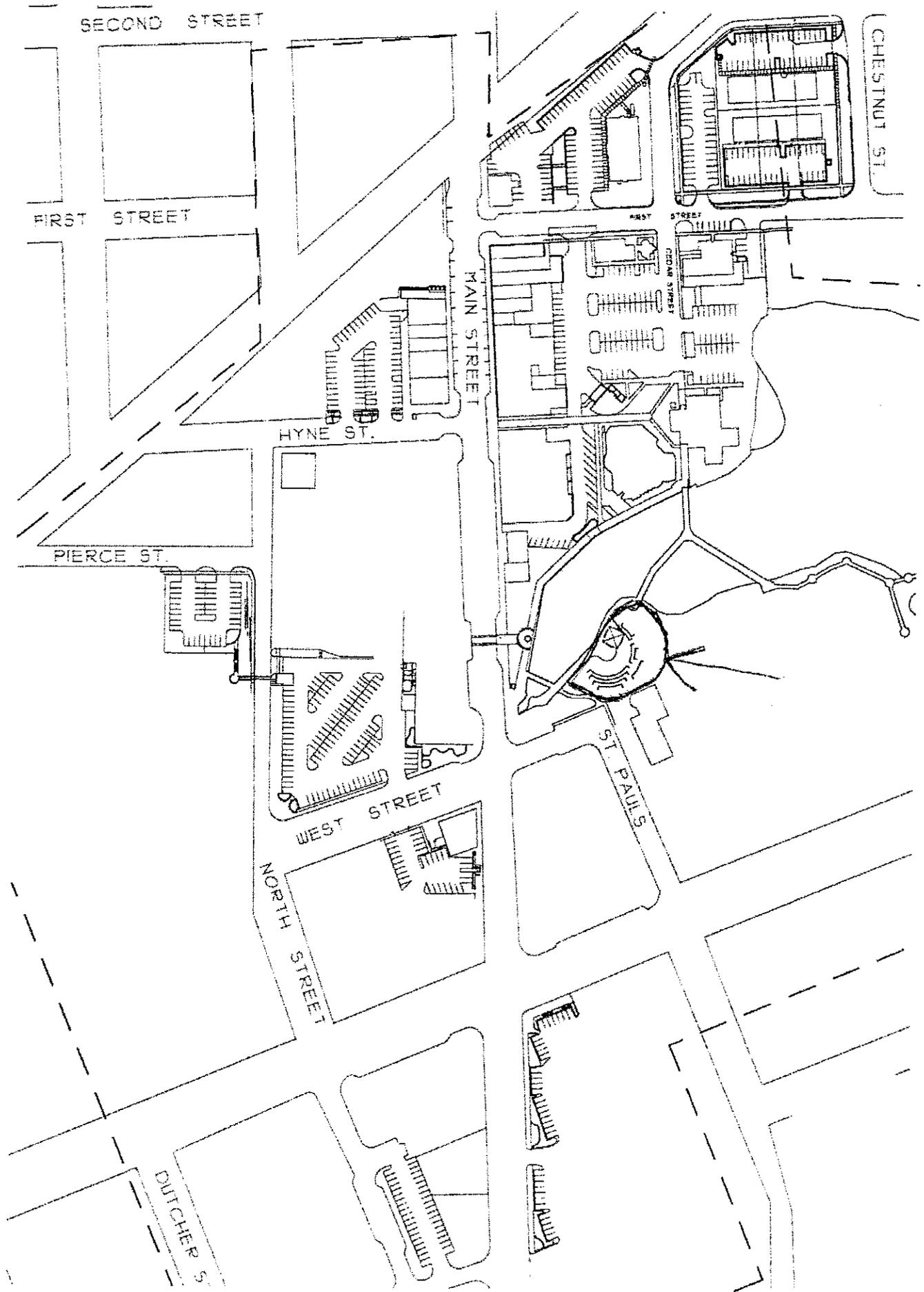
Brighton, by reason of any damage to property, personal injury or bodily injury, including death,  
sustained by any person whomsoever and which damage, injury or death arises out of or is incident to or  
in any way connected with the performance of this contract, and regardless of which claim, demand,  
damage, loss, cost of expense is caused in whole or in part by the negligence of the City of Brighton or  
by third parties, or by the agents, servants, employees or factors of any of them.

Signature Scarr J Date 8/3/12

Witness \_\_\_\_\_ Date \_\_\_\_\_

# VOLUNTEER CONTACT INFORMATION

Name	Address	Phone #	Emergency Contact Name	Emergency Contact Phone #
Lance Cican		8105997132		
Leslie Davenport		8103336284		



***Michigan Department of Licensing and Regulatory Affairs***

***Filing Endorsement***

***This is to Certify that the ARTICLES OF INCORPORATION - NONPROFIT***

***for***

***SWINGINFUSION, INC.***

***ID NUMBER: 71088A***

***received by facsimile transmission on February 13, 2012 is hereby endorsed***

***Filed on February 14, 2012 by the Administrator.***

***The document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.***



***In testimony whereof, I have hereunto set my hand and affixed the Seal of the Department, in the City of Lansing, this 14TH day of February, 2012.***

A handwritten signature in black ink, appearing to read "A. Schepke".

***Director***

***Bureau of Commercial Services***

BCS/CD-502 (Rev. 04/11)

<b>MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS BUREAU OF COMMERCIAL SERVICES</b>										
Date Received	This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.									
<table border="1" style="width: 100%;"> <tr> <td colspan="3">Name Joseph G. Couvreur</td> </tr> <tr> <td colspan="3">Address 2915 Biddle Avenue, Suite 200</td> </tr> <tr> <td>City Wyandotte</td> <td>State Michigan</td> <td>ZIP Code 48192</td> </tr> </table>		Name Joseph G. Couvreur			Address 2915 Biddle Avenue, Suite 200			City Wyandotte	State Michigan	ZIP Code 48192
Name Joseph G. Couvreur										
Address 2915 Biddle Avenue, Suite 200										
City Wyandotte	State Michigan	ZIP Code 48192								
EFFECTIVE DATE:										

Document will be returned to the name and address you enter above, if left blank, document will be returned to the registered office.

**ARTICLES OF INCORPORATION**  
**For use by Domestic Nonprofit Corporations**  
(Please read information and instructions on the last page)

*Pursuant to the provisions of Act 162, Public Acts of 1982, the undersigned corporation executes the following Articles:*

**ARTICLE I**

The name of the corporation is:  Swinginfusion, Inc.
--

**ARTICLE II**

The purpose or purposes for which the corporation is organized are:  To create weekly events where young adults can learn to dance respectfully, listen to music, engage in recreational activities and interact with their peers in a safe environment without the influence of drugs, alcohol, violence and sexuality - see continuation of Article II attached
---

**ARTICLE III**

1. The corporation is organized upon a <u>Non-stock</u> basis. <span style="margin-left: 200px;">(Stock or Nonstock)</span>
2. If organized on a stock basis, the total number of shares which the corporation has authority to issue is _____. If the shares are, or are to be, divided into classes, the designation of each class, the number of shares in each class, and the relative rights, preferences and limitations of the shares of each class are as follows:



Use space below for additional Articles or for continuation of previous Articles. Please identify any Article being continued or added. Attach additional pages if needed.

See attached continuation of Articles.

I, (We), the incorporator(s) sign my (our) name(s) this \_\_\_\_\_ day of February, 2012

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**ARTICLE II** Continued.

...Through their efforts, the corporation will combat crime and juvenile delinquency and improve the quality of life for teens and young adults.

**ARTICLE VI**

The organization is organized exclusively for charitable, religious, educational, and scientific purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under Section 501 (c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code.

**ARTICLE VII**

No part of the earnings of the corporation shall inure to the benefit of, or be distributable to, its members, directors, officers, or other private persons. However, the corporation shall be authorized to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article II. No substantial part of the activities of the corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation. The corporation shall not participate in, or intervene in (including the publishing and distribution of statements), any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these Articles, the corporation shall not carry on any other activities not permitted to be carried on (1) by a corporation exempt from federal income tax under IRC 501 (c)(3) or the corresponding section of any future federal tax code; or (2) by a corporation whose contributions are deductible under Section IRC 170 (c)(2) or the corresponding section of any future federal tax code.

**ARTICLE VIII**

On dissolution of the corporation, after paying or providing for the payment of all of the liabilities of the corporation, the corporation's assets shall be distributed (1) for one or more exempt purposes within the meaning of IRC 501 (c)(3), or the corresponding section of any future federal tax code; or (2) to the federal government, or to a state or local government, for a public purpose. Any assets not disposed of shall be disposed of by the circuit court of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations that the court shall determine and that are organized and operated exclusively for such purposes.

**ARTICLE IX**

No member of the board of directors of the corporation who is a volunteer director, as that term is defined in the Michigan Nonprofit Corporation Act (the "Act"), shall be personally liable to this corporation or its members for monetary damages for a breach of the

director's fiduciary duty; provided, however, that this provision shall not eliminate or limit the liability of a director for any of the following:

1. a breach of the director's duty of loyalty to the corporation or its members;
2. acts or omissions not in good faith or that involve intentional misconduct or a knowing violation of law;
3. a violation of Section 551(1) of the Act;
4. a transaction from which the director derived an improper personal benefit; or
5. an act or omission that is grossly negligent.

The corporation assumes all liability to any person, other than the corporation or its members, for all acts or omissions of a director who is a volunteer director, as defined in the Act, incurred in the good faith performance of the director's duties. However, the corporation shall not be considered to have assumed any liability to the extent that such assumption is inconsistent with the status of the corporation as an organization described in IRC 501 (c)(3) or the corresponding section of any future federal tax code. If the Act is amended after the filing of these Articles of Incorporation to authorize the further elimination or limitation of the liability of directors of nonprofit corporations, then the liability of members of the board of directors, in addition to that described in this Article, shall be assumed by the corporation or eliminated or limited to the fullest extent permitted by the Act as so amended. Such an elimination, limitation, or assumption of liability is not effective to the extent that it is inconsistent with the status of the corporation as an organization described in IRC 501 (c)(3) or corresponding section of any future federal tax code. No amendment or repeal of this Article shall apply or have any effect on the liability or alleged liability of any member of the board of directors of this corporation for or with respect to any acts or omissions occurring before the effective date of any such amendment or repeal.

#### **ARTICLE X**

The corporation assumes the liability for all acts or omissions of a non-director volunteer, if all of the following are met;

- (1) The volunteer was acting or reasonably believed he or she was acting within the scope of his or her authority;
- (2) The volunteer was acting in good faith;
- (3) The volunteer's conduct did not amount to gross negligence or willful and wanton misconduct;
- (4) The volunteer's conduct was not an intentional tort;
- (5) The volunteer's conduct was not a tort arising out of the ownership, maintenance, or use of a motor vehicle for which tort liability may be imposed as provided in Section 3135 of the insurance code of 1956; Act No. 218 of the Public Acts of 1956, being Section 500.3135 of the Michigan Compiled Laws.

A claim for monetary damages for a non-director volunteer's acts or omissions shall not be brought or maintained against a non-director volunteer. The claim shall be brought and maintained against the corporation.

However, the corporation shall not be considered to have assumed any liability to the extent that such assumption is inconsistent with the status of the corporation as an organization described in IRC 501(c)(3) or the corresponding section of any further federal tax code.

If the Act is amended after the filing of these Articles of Incorporation to authorize the further elimination or limitation of the liability of volunteers of nonprofit corporations, then the liability of volunteers, in addition to that described in this Article, shall be assumed by the corporation or eliminated or limited to the fullest extent permitted by the Act as so amended. Such an elimination, limitation, or assumption of liability is not effective to the extent that it is inconsistent with the status of the corporation as an organization described in IRC 501 (c)(3) or corresponding section of any future federal tax code. No amendment or repeal of this Article shall apply or have any effect on the liability or alleged liability of any volunteer of this corporation for or with respect to any acts or omissions occurring before the effective date of any such amendment or repeal.

I, the incorporator, sign my name this 9th day of February, 2012.

Sam Johnson

Sam Johnson



# CERTIFICATE OF LIABILITY INSURANCE

SWING-1

OP ID: TM

DATE (MM/DD/YYYY)

07/23/12

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Cobb-Hall Commercial 223 W. Grand River Ave Ste 1 Howell, MI 48843-2270 Terry A. Moran	517-546-1600	CONTACT NAME:	
	517-546-8363	PHONE (A/C, No, Ext):	FAX (A/C, No):
		E-MAIL ADDRESS:	
		INSURER(S) AFFORDING COVERAGE	
		INSURER A : West Bend Ins. Co./NSI	
		INSURER B :	
		INSURER C :	
		INSURER D :	
		INSURER E :	
		INSURER F :	

INSURED  
Swinginfusion, Llc  
9640 E Hereford  
Ypsilanti, MI 48197

**COVERAGES**

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY	X		NSP1464676	07/13/12	07/13/13	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person) \$
	GEN'L AGGREGATE LIMIT APPLIES PER:						PERSONAL & ADV INJURY \$ 1,000,000
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						GENERAL AGGREGATE \$ 2,000,000
A	AUTOMOBILE LIABILITY			NSP1464676	07/13/12	07/13/13	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS						BODILY INJURY (Per accident) \$
	<input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE					EACH OCCURRENCE \$
	<input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/>
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	N/A				E.L. EACH ACCIDENT \$
							E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

**CERTIFICATE HOLDER****CANCELLATION**

BRIGHTO  City of Brighton 200 N First Street Brighton, MI 48116	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE Terry A. Moran

© 1988-2010 ACORD CORPORATION. All rights reserved.



West Bend Mutual Insurance Company  
1900 S. 18th Avenue | West Bend, WI 53095

CUSTOMER NO. 0110536446

R N37

POLICY NUMBER NSP 1464676 01

RENEWAL

INSURED NAME: SWINGINFUSION, LLC

ADDITIONAL INTEREST

VARIOUS LOCATIONS  
CITY OF BRIGHTON  
200 N 1ST ST  
BRIGHTON, MI  
48116  
FORM CG2026 APPLIES  
DESIGNATED PERSON OR ORGANIZTN  
\*ADDITIONAL INSURED

# **POLICY REPORT: RECOMMENDATION TO EXTEND THE BUILDING SERVICES CONTRACT WITH LIVINGSTON COUNTY**

**September 6, 2012**

Prepared by:

Amy Cyphert  
Planning & Zoning Director

Reviewed by:

Dana Foster  
City Manager

## **ISSUE:**

Consider approving the extension of the building services contract with Livingston County as recommended by City Staff.

## **BACKGROUND:**

On September 16, 2010, City Council approved a one-year contract with Livingston County for Building Inspection & related Building Permit Administration Services. That one-year contract was recommended by the Council Budget & Finance Subcommittee.

The Planning & Zoning Director and Jim Rowell of Livingston County spoke regarding the existing contract and Jim Rowell has offered an extension of the existing building service contracts for the City of Brighton. The proposed contract is the same as the existing contract.

City Staff has determined that the existing contract agreement with Livingston County has been an overall positive experience and Livingston County Building Department Staff members have been dependable. City Staff believes that the extension of the existing contract will be in the best interest of the City and its property owners.

## **BUDGET IMPACT:**

The existing building services contract with Livingston County is \$25,000 per year. The proposed building service contract will maintain that Livingston County will make its Building Official available by email, phone or in person as needed not to exceed Eight (8) hours per week for the rate of \$25,000 per year. Any additional hours above eight will be charged to the City of Brighton at a rate of \$70.00 per hour.

## **STAFF RECOMMENDATION:**

Staff recommends the extension of the building services contract with Livingston County.

## **COUNCIL ACTION:**

Consider motion to approve the recommendation of City Staff to enter into a contract extension for building services with Livingston County effective for one year from

September 16, 2012. This approval will continue the monthly payments of \$2,083.33 made to Livingston County for eight hours of provided services with possible additional fees for hours beyond 8 per week at \$70.00 per hour.

**ATTACHMENTS:**

Proposed Building Services Contract

INTERGOVERNMENTAL AGREEMENT  
FOR  
BUILDING DEPARTMENT SERVICES

**WHEREAS, the Livingston County Building Department employs a full-time Building Official and Building Department,**

**WHEREAS, the City of Brighton and Livingston County believe that the Livingston County Building Official and Inspection Staff would be able to manage building department inspections and permit reviews in the City of Brighton and in other communities under the Livingston County Building Department's jurisdiction.**

**WHEREAS, Livingston County and the City of Brighton are able to enter into this Agreement pursuant to Public Act 35 of 1951 as amended, being MCL 124.1 et. seq. and Public Act 8 of 1967, being MCL 124.531, et seq.;**

**NOW THEREFORE, BASED UPON THE MUTUAL COVENANTS BETWEEN THE PARTIES HEREIN, THE PARTIES HEREBY AGREE AS FOLLOWS;**

- 1. Appointment of the Building Official:** The Building Official of Livingston County is hereby appointed to also serve as the Building Official for the City of Brighton. The building official shall be responsible for the administration and enforcement of the Michigan Building Code and the Michigan Residential Codes, as amended (collectively the Codes) within the boundaries of Brighton.
- 2. The Building Inspection Department:** Work for the City of Brighton shall be done on a predetermined day agreed to by both parties. The days may be divided or overlapped as necessary to facilitate the work as dictated by the volume of work and as agreed to by both parties.
- 3. City of Brighton Building Department Responsibilities:** A building department shall be maintained by the City of Brighton and administrative staff be provided by the City of Brighton, who shall in part, be responsible for the following:
  - a. Managing and maintaining building records, including by way of example and not limitation, applications for building permits, relative site and construction plans, permits, stop work orders, enforcement actions, correspondences, and any and all

other records necessary and / or appropriate for the administration and enforcement of the Codes;

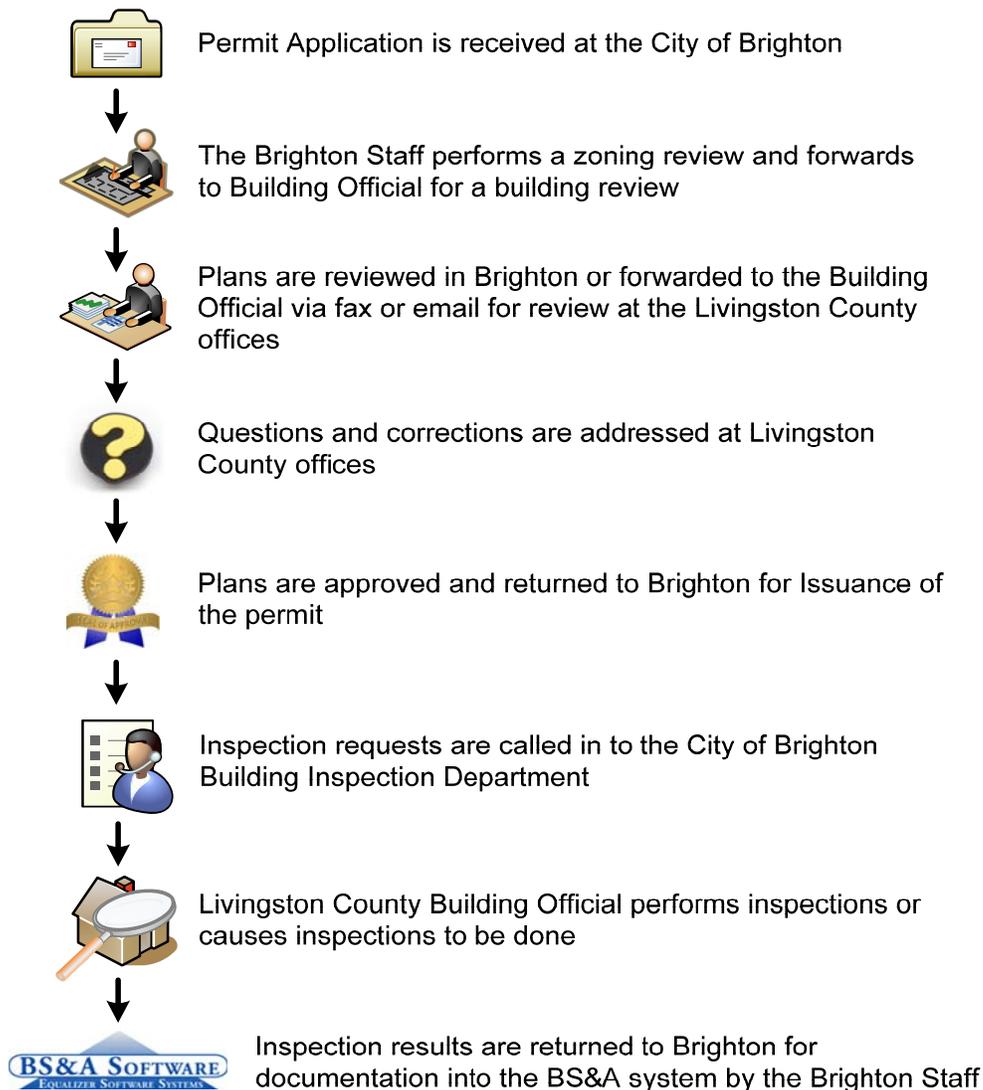
- b. Collection, acceptance, and retention of permit fees associated with building projects, applications for permits and other fees associated with building projects, applications for permits, request for inspections, complaints, building plans, correspondences, and all other papers and items directed to the Brighton Building Department;
- c. Communication and coordination with the Building Official/Designee and the public relating to building and construction issues to assure effective and efficient administration and enforcement of the codes, including by way of example, all requests for permit submittal requirement information, permit status requests, plan review requests, inspection requests, and certificate of occupancy requests;
- d. Communication of time sensitive issues shall be sent to the Building Official/Designee and addressed in the Livingston County office.
- e. Processing permit applications, request for inspections, fees, certificate of occupancy, and other building related matters as directed by the Building Official/Designee.
- f. Assist the Building Official/Designee in the preparing of correspondence for building related matters and violations.
- g. Documentation of all inspection results into the BS&A permit system.

**4. Livingston County Building Official / Building Department Duties: The Livingston County Building Official shall be responsible for and perform the following duties on behalf of Brighton:**

- a. Conduct all building inspections or cause all building inspections to be done by Livingston County Staff within the boundaries of Brighton in a timely manner on the predetermined day.
- b. Return inspection records to the City of Brighton to allow the Brighton Staff to enter results into the BS&A permit system.
- c. Conduct plan reviews on a predetermined day in the Livingston County Office or the Brighton office as deemed necessary by both parties.
- d. Prepare and sign construction documents for issuance of building permits by the City of Brighton Staff.
- e. Provide customer service and consistent advice to citizens, contractors and property owners regarding building codes and procedures by phone, email or in person at either office.
- f. Provide correspondence to regarding permits and inspections to applicants and the City Staff.
- g. Attend pre-construction or red-flag meetings as requested by City of Brighton Staff.

- h. Attend development team meeting and provide comments on site plans as requested by the City of Brighton Staff.
- i. Address building related issues as they apply to the City of Brighton Property Maintenance Code. The process shall be as follows:
  1. Property maintenance complaints regarding structures are received at the City of Brighton offices.
  2. The City of Brighton Staff reviews the complaints and forwards the complaints to the Livingston County Building Official as appropriate.
  3. Livingston County Officials investigate and evaluate the condition of the structure and report the findings to the City of Brighton.
  4. The City of Brighton requests remedial measures and if necessary initiates legal action.

5. **Building inspection and permit process:** The building permit and inspection process shall be as follows:



6. **Compensation for Building Department Services:** Livingston County will make its Building Official available by email, phone or in person as needed not to exceed Eight (8) hours per week for the rate of **TWENTY FIVE THOUSAND AND XX/100 DOLLARS (\$25,000)** per year for the Building Official / Department services. Said compensation will be billed to the City of Brighton and made in monthly payments of **Two THOUSAND EIGHTY-THREE AND 33/100 DOLLARS (\$2,083.33)** for the term of the Agreement as set forth in paragraph 7 herein, unless otherwise extended. The costs of services above and beyond that amount will be charged to the City of Brighton at a rate of \$70.00 per hour, portal to portal.
7. **Termination.** This Agreement shall commence upon the \_\_\_\_\_ day of \_\_\_\_\_, 2012, and shall continue until the \_\_\_\_\_ day of \_\_\_\_\_, 2013, at which time this Agreement shall terminate. Notwithstanding the foregoing, either party may terminate this Agreement upon Thirty (30) days prior written notification to the other.
8. **Insurance.** During the term of this Agreement, Livingston County shall maintain liability insurance covering the Building Official and Livingston County when he is acting in his capacity as Livingston County's Building Official, and Brighton shall maintain liability insurance covering the Building Official when he is acting in his capacity as Brighton's Building Official. The City of Brighton shall add the Livingston County as an Additional Insured on the City of Brighton's liability insurance to the extent Livingston County incurs liability arising out of the Building Official acting in the capacity of Brighton's Building Official.
9. **Nondiscrimination.** The parties, as required by law, shall not discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, disability that is unrelated to the individual's ability to perform the duties of a particular job or position, height, weight, or marital status.

The parties shall adhere to all applicable Federal, State and local laws, ordinances, rules and regulations prohibiting discrimination, including, but not limited to, the following:

- a. The Elliott-Larsen Civil Rights Act, 1976 PA 453, as amended.
- b. The Persons with Disabilities Civil Rights Act, 1976 PA 220, as amended.

- c. Section 504 of the Federal Rehabilitation Act of 1973, P.L. 93-112, 87 Stat. 355, as amended, and regulations promulgated thereunder.
- d. The Americans with Disabilities Act of 1990, P.L. 101-336, 104 Stat 327 (42 USC §12101 et seq.), as amended, and regulations promulgated thereunder.

Breach of this section shall be regarded as a material breach of this Agreement.

Agreement made this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**CITY OF BRIGHTON**

\_\_\_\_\_  
 By: **JIM MUZZIN**  
 ITS: MAYOR

\_\_\_\_\_  
 By: **DIANA LOWE**  
 ITS: CLERK

STATE OF MICHIGAN            )  
 COUNTY OF LIVINGSTON    ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2012, before me a Notary Public in and for said County, personally appeared **JIM MUZZIN** and **DIANA LOWE**, to me known to be the Mayor and City Clerk of the **CITY OF BRIGHTON**, who being by me duly sworn, did say that they executed the foregoing Agreement on behalf of the City of Brighton by authority duly vested in them by the Brighton City Charter.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_, Notary Public  
 Livingston County, Michigan  
 Acting in the County of Livingston

**LIVINGSTON COUNTY**

\_\_\_\_\_  
 By: **MAGGIE E. JONES - CHAIRMAN**  
 BOARD OF COMMISSIONERS

STATE OF MICHIGAN            )  
 COUNTY OF LIVINGSTON    ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2012, before me a Notary Public in and for said County, personally appeared **MAGGIE E. JONES** to me known to be the CHAIRMAN of the **LIVINGSTON COUNTY BOARD OF COMMISSIONERS**, who being by me duly sworn, did say that she executed the foregoing Agreement on behalf of the County of Livingston by authority duly vested in her through Resolution #2012-\_\_\_\_\_, approved by the Livingston County Board of Commissioners on \_\_\_\_\_, 2012.

My Commission Expires: 10.20.13

\_\_\_\_\_  
 CAROL SUE JONCKHEERE - Notary Public  
 Livingston County, Michigan  
 Acting in the County of Livingston

# **POLICY REPORT: CHAMPS FAÇADE IMPROVEMENTS #12-010**

**September 6, 2012**

Prepared by:

Amy Cyphert  
Planning & Zoning Director

Reviewed by:

Dana Foster  
City Manager

## **ISSUE:**

To consider granting conditional site plan approval for façade improvements at Champs at 140 E. Grand River #12-011 as recommended by the Planning Commission.

## **STAFF RECOMMENDATION:**

Staff concurs with the Planning Commission's recommendation.

## **BACKGROUND:**

At its meeting of August 20, 2012, the Planning Commission reviewed and discussed a site plan for façade improvements at 140 E. Grand River. The building materials for the exterior of the building include: ceramic tile veneer, fypon molding, metal canopies, decorative lighting and existing block that will be painted.

\$50,000 of the façade improvements costs are funded by a MEDC grant. The remaining \$25,000 will be funded by a combination of a façade loan agreement through the DDA and a local bank with the building owner and private funds from the building owner. The grant requires the façade work to be completed by December 31, 2012.

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

1. That right of way permits be obtained from the Department of Public Services for work within the right of way.
2. That any damages done to the existing sidewalk be repaired to current condition.
3. That City Council grant a variance to the transparency for the façade.

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

**BUDGET IMPACT: N/A**

**RELATIONSHIP TO 2011/2012 GOALS: N/A**

## **COUNCIL ACTION:**

Motion by \_\_\_\_\_ to recommend site plan approval for the Champ's façade improvements at 140 E. Grand River #12-010 as depicted on plans prepared by Lindhout Associates, sheet P-1, last dated 8-9-12 subject to the following:

1. That right of way permits be obtained from the Department of Public Services for work within the right of way.
2. That any damages done to the existing sidewalk be repaired to current condition.
3. That City Council grant a variance to the transparency for the façade.

supported by \_\_\_\_\_.

**Attachments:**

1. Planning Commission Report
2. Draft Planning Commission Minutes
3. Site Plan

**CITY OF BRIGHTON  
PLANNING COMMISSION  
PLANNING REPORT**

**TO:** Planning Commission Members

**FROM:** Amy Cyphert, Planning & Zoning Director

**DATE:** August 20, 2012

**RE:** **Champ's – 140 E. Grand River #12-010**

---

## **Background**

The applicant is proposing façade improvements at 140 E. Grand River. The building materials for the exterior of the building include: ceramic tile veneer, fypon molding, metal canopies, decorative lighting and existing block that will be painted.

\$50,000 of the façade improvements costs are funded by a MEDC grant. The remaining \$25,000 will be funded by a combination of a façade loan agreement through the DDA and a local bank with the building owner and private funds from the building owner. The grant requires the façade work to be completed by December 31, 2012.

## **Site Modifications**

### Signage:

- The existing signage will remain.

### DBD Requirements:

- Transparency:
  - o The DBD ordinance requires the building transparency between 2' and 8' to be 70%.
  - o The existing transparency is 14.8% and there are no proposed additional windows due to the construction of the building.
- Roof Top Mechanical equipment:
  - o No new roof top units are being proposed.
- Building Materials:
  - o The DBD standards requires all facades that face a frontage line or alley to have the following building materials: glass, brick, cut stone, cast stone, coarsely textured stucco, or molded polymer panels (i.e. Fypon). E.I.F.S. (exterior insulation finish system, i.e. Dryvit), is not allowed on wood structures. Exterior finish applications of wood, vinyl, or E.I.F.S. may only be permitted subject to City Council review and approval, if deemed to enhance a building.
  - o The building materials include ceramic tile veneer, fypon molding, metal canopies, decorative lighting and existing block that will be painted.

- The existing wood will be removed from the façade and replaced by the ceramic tile veneer.
- The DBD states that building walls visible from a public street shall be broken up with varying building materials and detailing, windows and architectural accents.
  - The east elevation is broken up by windows, varying building materials, and canopies. Similar architectural accents will wrap around onto the south elevation of the building and then the remainder of the elevation will remain painted.

## **Utilities**

Tetra Tech comments were minor in nature and addressed on the revised site plan before you this evening.

## **Fire Department**

The Brighton Area Fire Department reviewed the site plan and provided comments pertaining to the requirements of the current International Fire Code. The letter dated July 24, 2012 from the BAFD requested a detail of the address on the building, a knox box on the building, and discharge lighting. The applicant addressed the Fire Department requests on the revised site plan before the Planning Commission tonight.

## **STAFF RECOMMENDATION**

The following are goals from the City of Brighton Master Plan: *work actively to strengthen the character and identity of the Downtown as the center for the community life and a symbol of Brighton and to maintain its economic viability.* The proposed façade improvements will strengthen the character of the E. Grand River block and improve the character of the building occupied by Champs.

The DBD zoning ordinance requires that new buildings/facades provide distinct and prominent architectural features that reflect the importance of the building's location and may create a visual landmark. Such distinct and prominent features may include appropriate use of masonry brick, facade design that provides texture, rhythm, and ornament to a wall, and the use of natural colors that are harmonious with the natural and manmade environment. Staff believes that those requirements have been met with the design of the building facade that is before the Board this evening.

Since it appears that the site plan is supported by the adopted Master Plan, DBD article and it complies with the pertinent City ordinances, it is recommended that the site plan be approved, subject to the conditions below.

## **COMMISSION ACTION**

Consider granting site plan approval for the project with the following motion:

Motion by \_\_\_\_\_ to recommend site plan approval for the Champ's façade improvements at 140 E. Grand River #12-010 as depicted on plans prepared by Lindhout Associates, sheet P-1, last dated 8-9-12 subject to the following:

1. That right of way permits be obtained from the Department of Public Services for work within the right of way.
2. That any damages done to the existing sidewalk be repaired to current condition.

supported by \_\_\_\_\_.

**Attachments:**

1. Site Plan

**DRAFT**

**DRAFT**  
**City of Brighton**  
**Planning Commission**  
**Minutes**  
**August 20, 2012**

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

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

David McLane	Robert Pawlowski
Steve Monet	John Wells
Dave Petrak	Bill Bryan
Larry Schillinger	Matt Smith

Absent: Al Wirth

**Motion** by Mr. Pawlowski, supported by Mr. Wells, to excuse Commission Member Wirth from tonight's meeting. **Motion carried 8-0-1.**

Also present were Amy Cyphert and Lauri French from Staff and Brad Maynes from the City's attorney office. An audience of seven was also present.

**2. Approval of the July 16, 2012 Regular Meeting Minutes**

**Motion** by Mr. Schillinger, supported by Mr. Smith, to approve the July 16, 2012 regular meeting minutes as presented. **The motion carried 7-0-2 (Mr. Bryan abstained and one absence).**

**3. Approval of the August 20, 2012 Agenda**

**Motion** by Mr. Wells, supported by Mr. Schillinger, to approve tonight's agenda as amended to move Item 6 to Item 10.B. **The motion carried 8-0-1.**

**4. Call to the Public**

The call to the public was made at 7:34 p.m. Hearing no response, call to the public was closed.

**Public Hearings**

**5. Conduct Public Hearing and Consider Action on Master Plan Updates/Amendments**

Chairperson Monet closed the regular session and opened the public hearing at 7:35 p.m. Hearing no comments from the public, he closed the public hearing and went back into regular session.

**Motion** by Mr. Smith, supported by Mr. Schillinger, to accept the updated Master Plan as presented. **Motion carried 8-0-1.** Chairperson Monet thanked the Master Plan Subcommittee and Amy Cyphert for their hard work on the update.

**Unfinished Business** – Item 6 was moved to Item 10.B.

**New Business**

**7. Site Plan – Champ's Façade Improvements, 140 E. Grand River #12-010**

Mr. Piet Lindhout from Lindhout Associates, architect for Champ's, reviewed the planned façade

improvements which include metal canopies over the windows and a metal canopy about midway down the front of the building, with the lower part of the building using ceramic tile over a concrete base to replace the existing plywood. Signage remains the same and wall-mounted decorative lights will be added. The Fire Department requested a knock box and a larger address above the door, and these changes have been incorporated in the plan. They plan to start construction in September and the project will be completed by the end of the year per the grant requirement. Ms. Cyphert noted that a third condition should be added to a motion for approval regarding having City Council grant a variance to the transparency for the façade.

**Motion** by Mr. Wells, supported by Mr. Pawlowski, to recommend site plan approval for the Champ's façade improvements at 140 E. Grand River #12-010 as depicted on plans prepared by Lindhout Associates, sheet P-1, last dated 8-9-12 subject to the following:

1. That right of way permits be obtained from the Department of Public Services for work within the right of way.
2. That any damages to the existing sidewalk be repaired to current condition.
3. That City Council grant a variance to the transparency for the façade.

**The motion carried 8-0-1.**

8. Site Plan – Kroger Gas Station, 1080 E. Grand River #12-011

Ms. Cyphert briefly reviewed the applicant's request and noted that there were representatives in the audience to answer any questions regarding the site plan. Jack Knolls from Spalding DeDecker Associates (architect) introduced Rick Ragsdale from Kroger and Mark Millerwise. Mr. Knolls reviewed the details of the plan and the simple site design with a 43'x60' canopy over four gas pump islands (8 total stations) and a 176 square foot attendant kiosk with no public access. He noted there will only be one employee on site at a time with the exception of shift changes. The hours of operation will be 6:00 a.m. to 11:00 p.m. There will be flush l.e.d. lighting on the canopy and they are relocating two streetlights on O'Doherty. There is one entrance off Grand River and two entrances off O'Doherty to facilitate traffic flow on the site.

Mr. Smith noted that from a pedestrian safety standpoint, he believes it would be better to remove the north driveway on O'Doherty from the plan if possible. After a brief discussion, a compromise was reached to reduce the width of the northern driveway off O'Doherty, moving the curb cut south, and to make it an exit only.

**Motion** by Mr. Smith, supported by Mr. Bryan, to recommend site plan approval for Kroger Fuel Station at 1080 E. Grand River #12-011 as depicted on plans prepared by Spalding DeDecker Associates, Inc., job no. NP11-071, sheets CE1-12, last dated 8-15-12, plans prepared by Galloway Planning Architecture Engineering, project #D638, sheets A1.0, Color Elevations & LP1.0, last dated 2-10-11, last dated July 2012 and 8/8/12 subject to the following:

1. That all signage comply with applicable Ordinances or variances obtained.
2. That right of way permits be obtained from the Department of Public Services for work within the right of way.
3. That the width of the northernmost driveway off O'Doherty be reduced and moved south and that it be marked as "Exit Only".

**Motion carried 8-0-1.**

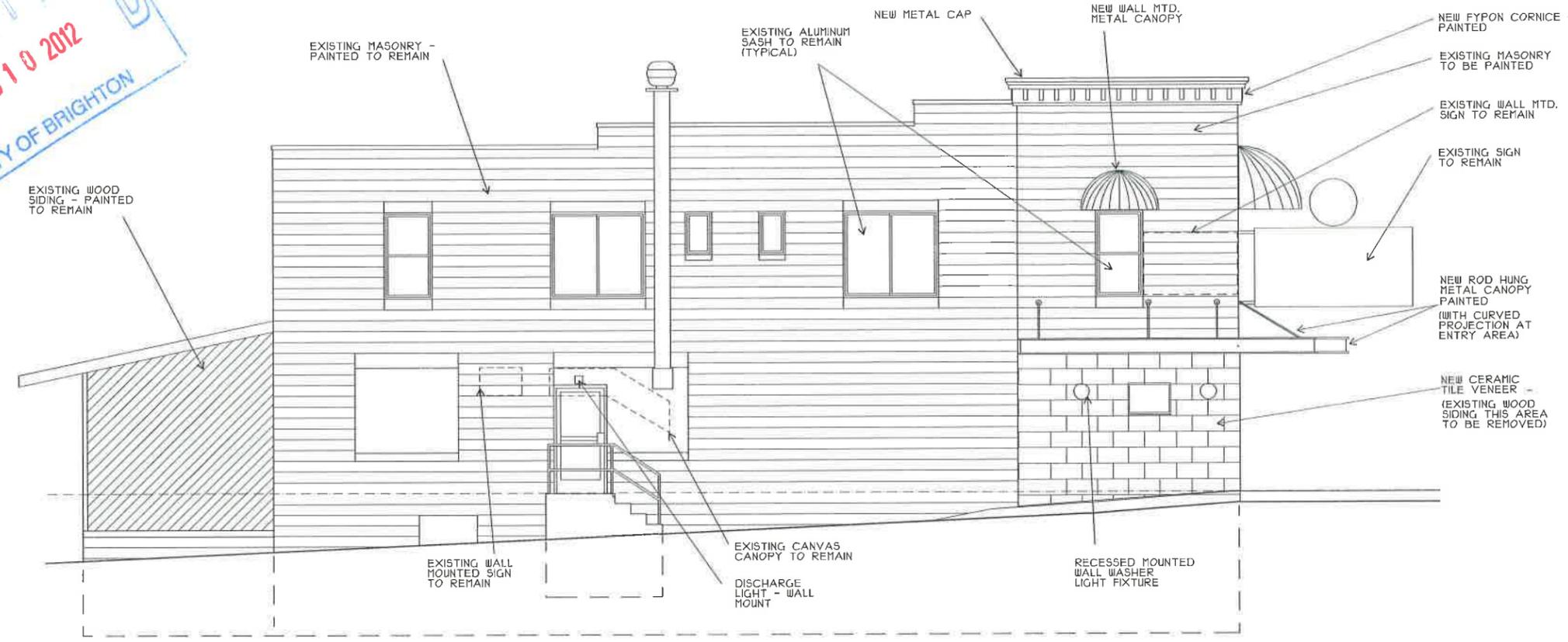
9. Site Plan Amendment – Brookside Mall, Drive Access #12-012

Ms. Cyphert noted that the applicant was in the audience and could answer any questions from Planning Commission members. Kathy Riesterer, Cooper & Riesterer, representing the applicant, Brookside Mall,

RECEIVED  
 AUG 10 2012  
 CITY OF BRIGHTON

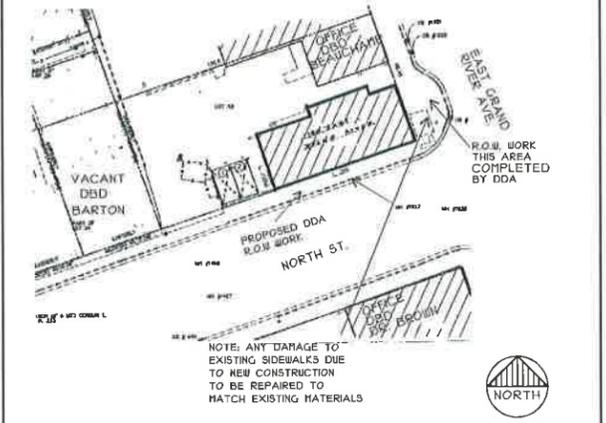
THIS DOCUMENT AND THE SUBJECT MATTER CONTAINED THEREIN IS PROPRIETARY AND IS NOT TO BE REPRODUCED WITHOUT WRITTEN APPROVAL.

LINDHOUT ASSOCIATES architects aia pc  
 COPYRIGHT © 2012  
 FILE LOCATION: \ANRES\_Clients\_Plan\_Rev\44-143-10005-FLSFA REV'S\2009\ DATE PLOTTED: 8/7/2012



VISA LIGHTING  
 LIGHTSHOWER  
 #0W430  
 SOLID ALUMINUM HOUSING  
 PAINTED BRONZE FINISH  
 ACRYLIC LENS  
 BEHIND CUTOUTS  
 RECESSED MOUNT  
 IH100 - 100W ED-11  
 MED. BASE CLEAR  
 LAMP

WALL SCONCE LIGHT FIXTURE



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

consultant

REV'S PER SITE PLAN REVIEW  
 SITE PLAN APPROVED FOR

dr: RLP  
 sk: DAB  
 app: PHL  
 8-8-10  
 7-19-2012  
 date

FACADE RENOVATION WORK FOR:  
**CHAMP'S PUB**  
 BRIGHTON, MICHIGAN  
 ELEVATIONS, DATA

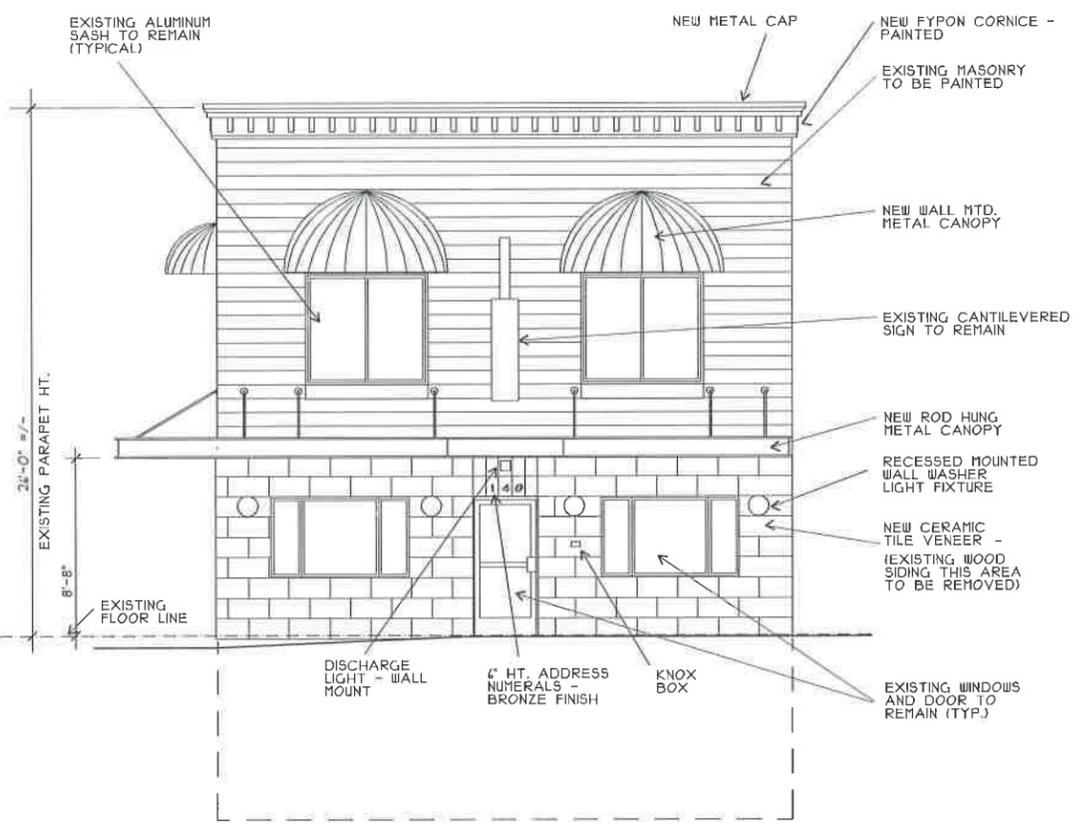
P-1  
 1258

REVISED SOUTH ELEVATION

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

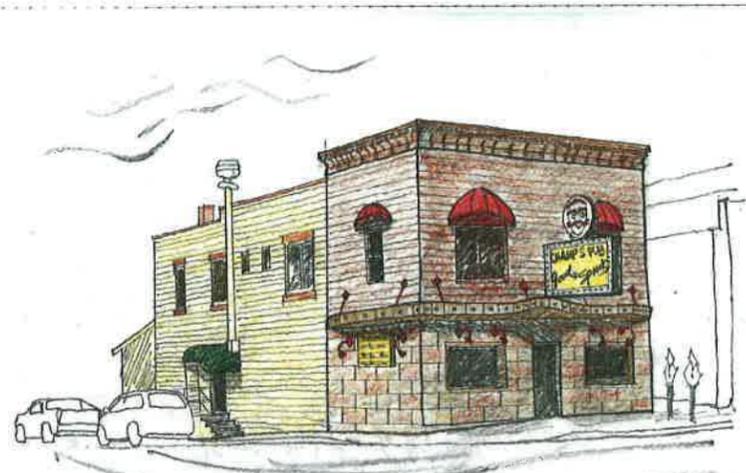
VICINITY MAP

SCALE: 1" = 40'-0"



PROJECT INFORMATION

**LOT SIZE:** 44.45' X 132.5'  
**DESCRIPTION:** LOT 43 OF SECTION I OF NOBLE'S PLAT OF THE CITY OF BRIGHTON  
**COVERAGE:** TOTAL SITE = 881 S.F.  
 BUILDING COVERAGE = 3133 S.F. (35.5%)  
**ZONING:** LOT 43 = DBD  
 ADJ. LOTS = DBD  
 0' SETBACK  
**SIGNAGE:** EXISTING TO REMAIN  
 (CANTILEVER DOUBLE FACE = 114 S.F.)  
 (WALL MOUNT SIGNS = 24 S.F. + 44 S.F.)  
**GLAZING:** EAST SURFACE AREA = 168 S.F.  
 SOUTH SURFACE AREA = 438 S.F.  
 EAST TRANSPARENT AREA = 69 S.F.  
 SOUTH TRANSPARENT AREA = 20.5 S.F.  
 TOTAL SURFACE AREA = 606 S.F.  
 TOTAL TRANSPARENT AREA = 89.5 S.F. (14.8%)  
**NOTE:** THIS IS AN EXISTING NON-RETAIL BUSINESS. THE EXISTING WINDOWS AND DOOR ARE BEING RETAINED.  
 IN ADDITION, THE NATURE OF THIS BLOCK AND BRICK BUILDING IS SUCH THAT 10% GLAZING WOULD BE INFEASIBLE IN TERMS OF NORMAL CONSTRUCTION.  
 ARCHITECTURAL DETAIL HAS BEEN ADDED TO MITIGATE THE LOSS OF GLAZING.  
**PARKING REQUIREMENTS:** TAVERN - 1/100SF  
 2245 SF = 23 SPACES  
 RESIDENTIAL - ONE UNIT = 2 SPACES (PROVIDED ON SITE)  
 TOTAL SPACES REQUIRED = 25  
 (EXEMPTION GRANTED; BUILDINGS IN DBD ZONING RE ALLOWED 4 SPACES FOR EACH LOT TO BE SUPPLIED BY CITY OF BRIGHTON PUBLIC PARKING AREAS)



City of Brighton  
 Downtown Development Authority  
 Facade Improvement Program  
 Lindhout Associates Architects 3-5-2010

**Champ's Pub**  
 Main & North Streets

OWNER

CHAMP'S PUB  
 140 EAST GRAND RIVER  
 BRIGHTON, MICHIGAN 48116  
 CONTACT: DAVID BEAUCHAMP  
 PH: 810-221-1413

ARCHITECT

LINDHOUT ASSOCIATES ARCHITECTS AIA PC  
 CONTACT: PIET LINDHOUT  
 PH: 810-221-5668

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

REVISED EAST ELEVATION

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

# **POLICY REPORT: KROGER GAS STATION #12-011**

**September 6, 2012**

Prepared by:

Amy Cyphert  
Planning & Zoning Director

Reviewed by:

Dana Foster  
City Manager

## **ISSUE:**

To consider granting conditional site plan approval for the Kroger gas station at 1080 E. Grand River #12-011 as recommended by the Planning Commission.

## **STAFF RECOMMENDATION:**

Staff concurs with the Planning Commission's recommendation.

## **BACKGROUND:**

At its meeting of August 20, 2012, the Planning Commission reviewed and discussed a site plan for improvements for a Kroger gas station at 1080 E. Grand River. The proposed site plan includes 4 fuel pumps (8 fueling spots), a canopy over the fuel pumps and a 200 square foot fuel attendant kiosk. The building materials for the exterior of the building include brick and metal panels.

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

1. That right of way permits be obtained from the Department of Public Services for work within the right of way.
2. That any damages done to the existing sidewalk be repaired to current condition.
3. That the width of the northernmost driveway off O'Doherty be reduced and moved south and that it be marked as "Exit Only".

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

**BUDGET IMPACT:** N/A

**RELATIONSHIP TO 2011/2012 GOALS:** N/A

## **COUNCIL ACTION:**

Motion by \_\_\_\_\_ to recommend site plan for Kroger Fuel Station at 1080 E. Grand River #12-011 as depicted on plans prepared by Spalding DeDecker Associates, Inc., job no. NP11-071, sheets CE1-12, last dated 8-15-12, plans prepared by Galloway Planning Architecture Engineering, project #D638, sheets A1.0, Color Elevations & LP1.0, last dated 2-10-11, last dated July 2012 and 8/8/12 subject to the following:

1. That right of way permits be obtained from the Department of Public Services for work within the right of way.

2. That any damages done to the existing sidewalk be repaired to current condition.
3. That the width of the northernmost driveway off O'Doherty be reduced and moved south and that it be marked as "Exit Only".

supported by \_\_\_\_\_.

**Attachments:**

1. Planning Commission Report
2. Draft Planning Commission Minutes
3. Site Plan

**CITY OF BRIGHTON  
PLANNING COMMISSION  
PLANNING REPORT**

**TO:** Planning Commission Members

**FROM:** Amy Cyphert, Planning & Zoning Director

**DATE:** August 20, 2012

**RE:** Kroger Gas Station 1080 E. Grand River #12-011

---

## **Background**

Kroger is proposing a fuel station at 1080 E. Grand River. The site is currently occupied by a small, vacant building. Kroger is proposing to demo the building as part of this project. The property is zoned C2, General Commercial which permits gas stations.

The proposed site plan includes 4 fuel pumps (8 fueling spots), a canopy over the fuel pumps and a 200 square foot fuel attendant kiosk.

## **Parking & Drive Requirements**

The ordinance requires one parking space for each employee on the maximum work shift for gas station without convenience marts. The kiosk is less than 200 square feet and one employee is the largest work shift. With that in mind, the applicant is also proposing 3 parking spaces: 1 barrier free space, 1 air pump space and 1 employee space.

The site plan includes a curb cut on E. Grand River and 2 curb cuts on O'Doherty. Two of the three curb cuts are needed for the fuel truck. The fuel truck turning lay out is shown on sheet CE-4. The width of the three drive meet ordinance requirements.

## **Site Modifications**

### Landscaping:

- The proposed site plan includes the installation of 7 new trees.
- The site plan includes a variety of shrubs, perennials and grasses including shrubs along the south property line.
- All landscape areas are proposed to be irrigated.

### Retaining Wall & Fence:

- A 2.75 foot (maximum) retaining wall is proposed along the south property line.
- The site plan proposed Unilock retaining wall blocks.
- The site plan also proposes a 6 foot vinyl fence to provide screening for the adjacent residential property.

#### Dumpster:

- The site plan includes an 8'6" x 8' dumpster enclosure.
- The enclosure's building materials include: face brick to match the building, concrete block, concrete caps, and cedar gates.

#### Signage:

- A 38.5 square foot per side ground sign is being proposed.
- Wall signage is proposed for the canopy and kiosk
- The signage will be reviewed with the submittal of sign permits and must meet the requirements of the Sign Ordinance.

#### Screen Wall:

- The site proposes a 2 foot brick screen at the corner of E. Grand River and O'Doherty.
- The proposed brick will match the brick canopy pillars and kiosk.
- The base of the proposed ground sign will be incorporated into the screen wall.

### **Utilities**

Tetra Tech and Tim Krugh, Utilities Superintendent, reviewed the site plan and provided comments pertaining to the site plan. The Tetra Tech letter discussed additional details and revisions that were needed and utilizes connection information. Per the applicant, the requested changes have been addressed on the revised site plan before the Planning Commission tonight. Per the applicant, the site plan includes notations pertaining to the sewer service, verification of the sewer lead once work has begun, and consultation with the City Engineer to determine if the existing lead will adequately service the site.

### **Fire Department**

The Brighton Area Fire Authority reviewed the site plan and provided comments pertaining to the requirements of the current International Fire Code. The letter dated July 24, 2012 from the BAFD requested a detail of the address on the building, knox box and the emergency vehicle turning radius. Per the applicant, the fire department issues have been addressed on the revised site plan before the Planning Commission tonight.

### **STAFF RECOMMENDATION**

The following are goals from the City of Brighton Master Plan: *encourage the development of new businesses and the redevelopment of existing sites which will enhance the tax base and meet service needs of present residents without requiring extensive city services.* The proposed improvements will benefit the City by redeveloping an under utilized site and providing a service to City and Township residents.

Since it appears that the site plan is supported by the adopted Master Plan and it complies with the pertinent City ordinances, it is recommended that the site plan be approved, subject to the conditions below.

## COMMISSION ACTION

Consider granting site plan approval for the project with the following motion:

Motion by \_\_\_\_\_ to recommend site plan for Kroger Fuel Station at 1080 E. Grand River #12-011 as depicted on plans prepared by Spalding DeDecker Associates, Inc., job no. NP11-071, sheets CE1-12, last dated 8-15-12, plans prepared by Galloway Planning Architecture Engineering, project #D638, sheets A1.0, Color Elevations & LP1.0, last dated 2-10-11, last dated July 2012 and 8/8/12 subject to the following:

1. That all signage comply with applicable Ordinances or variances obtained.
2. That right of way permits be obtained from the Department of Public Services for work within the right of way.

supported by \_\_\_\_\_.

### **Attachments:**

1. Site Plan

improvements which include metal canopies over the windows and a metal canopy about midway down the front of the building, with the lower part of the building using ceramic tile over a concrete base to replace the existing plywood. Signage remains the same and wall-mounted decorative lights will be added. The Fire Department requested a knock box and a larger address above the door, and these changes have been incorporated in the plan. They plan to start construction in September and the project will be completed by the end of the year per the grant requirement. Ms. Cyphert noted that a third condition should be added to a motion for approval regarding having City Council grant a variance to the transparency for the façade.

**Motion** by Mr. Wells, supported by Mr. Pawlowski, to recommend site plan approval for the Champ's façade improvements at 140 E. Grand River #12-010 as depicted on plans prepared by Lindhout Associates, sheet P-1, last dated 8-9-12 subject to the following:

1. That right of way permits be obtained from the Department of Public Services for work within the right of way.
2. That any damages to the existing sidewalk be repaired to current condition.
3. That City Council grant a variance to the transparency for the façade.

**The motion carried 8-0-1.**

8. Site Plan – Kroger Gas Station, 1080 E. Grand River #12-011

Ms. Cyphert briefly reviewed the applicant's request and noted that there were representatives in the audience to answer any questions regarding the site plan. Jack Knolls from Spalding DeDecker Associates (architect) introduced Rick Ragsdale from Kroger and Mark Millerwise. Mr. Knolls reviewed the details of the plan and the simple site design with a 43'x60' canopy over four gas pump islands (8 total stations) and a 176 square foot attendant kiosk with no public access. He noted there will only be one employee on site at a time with the exception of shift changes. The hours of operation will be 6:00 a.m. to 11:00 p.m. There will be flush l.e.d. lighting on the canopy and they are relocating two streetlights on O'Doherty. There is one entrance off Grand River and two entrances off O'Doherty to facilitate traffic flow on the site.

Mr. Smith noted that from a pedestrian safety standpoint, he believes it would be better to remove the north driveway on O'Doherty from the plan if possible. After a brief discussion, a compromise was reached to reduce the width of the northern driveway off O'Doherty, moving the curb cut south, and to make it an exit only.

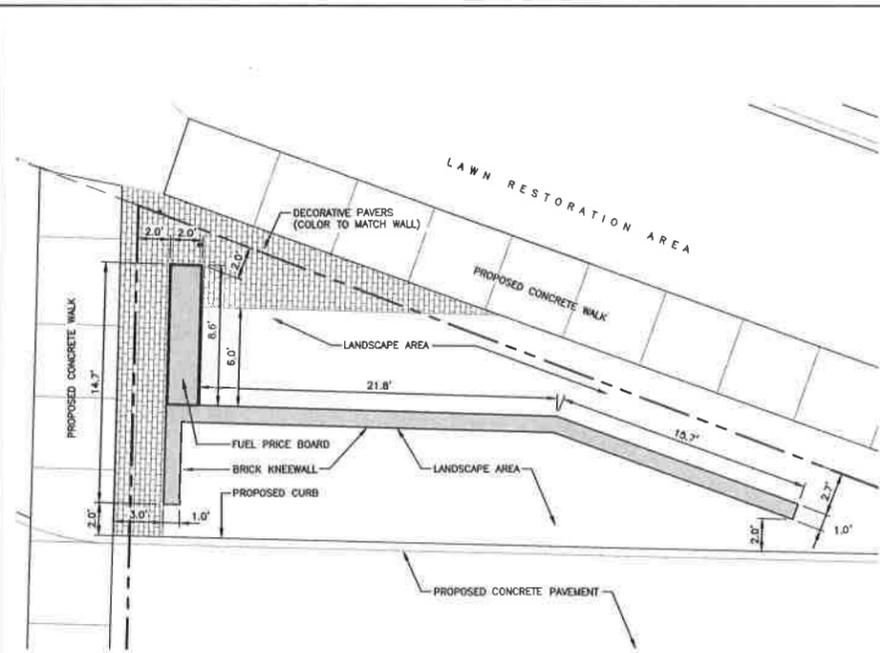
**Motion** by Mr. Smith, supported by Mr. Bryan, to recommend site plan approval for Kroger Fuel Station at 1080 E. Grand River #12-011 as depicted on plans prepared by Spalding DeDecker Associates, Inc., job no. NP11-071, sheets CE1-12, last dated 8-15-12, plans prepared by Galloway Planning Architecture Engineering, project #D638, sheets A1.0, Color Elevations & LP1.0, last dated 2-10-11, last dated July 2012 and 8/8/12 subject to the following:

1. That all signage comply with applicable Ordinances or variances obtained.
2. That right of way permits be obtained from the Department of Public Services for work within the right of way.
3. That the width of the northernmost driveway off O'Doherty be reduced and moved south and that it be marked as "Exit Only".

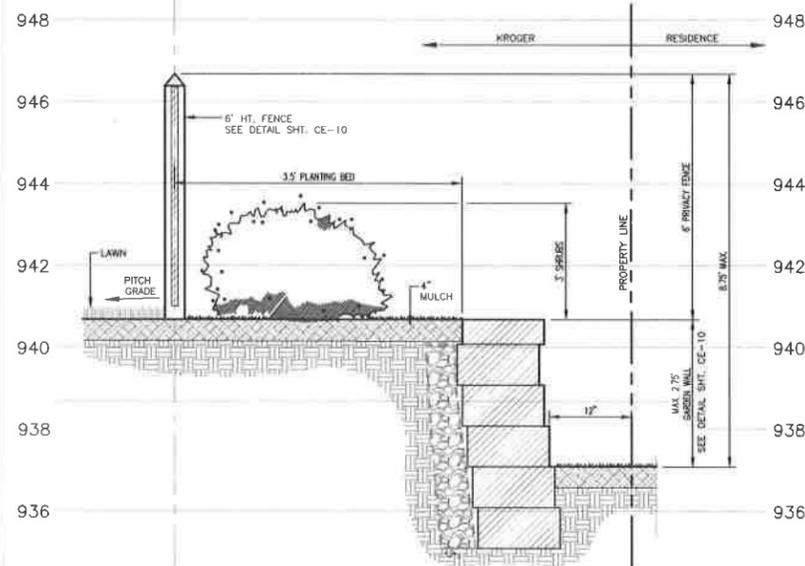
**Motion carried 8-0-1.**

9. Site Plan Amendment – Brookside Mall, Drive Access #12-012

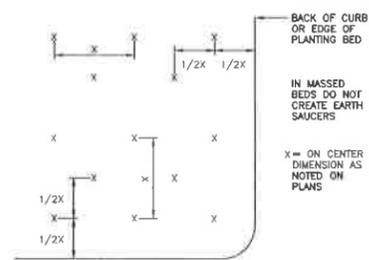
Ms. Cyphert noted that the applicant was in the audience and could answer any questions from Planning Commission members. Kathy Riesterer, Cooper & Riesterer, representing the applicant, Brookside Mall,



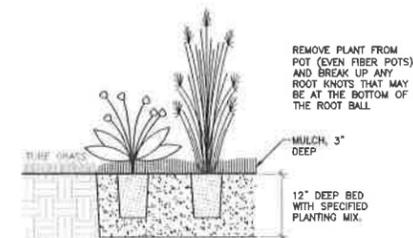
**KNEEWALL / FUEL SIGN LAYOUT**  
SCALE 1" = 5'-0"



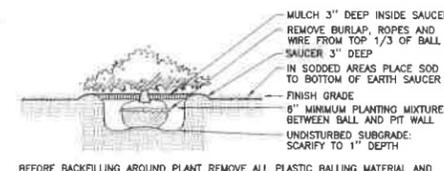
**SECTION A-A**  
SCALE 1" = 1'-0"



**PLANT SPACING - STAGGERED ROWS**  
NO SCALE



**PERENNIAL PLANTING**  
NO SCALE



**SHRUB PLANTING DETAIL**  
NO SCALE

**LEGEND**

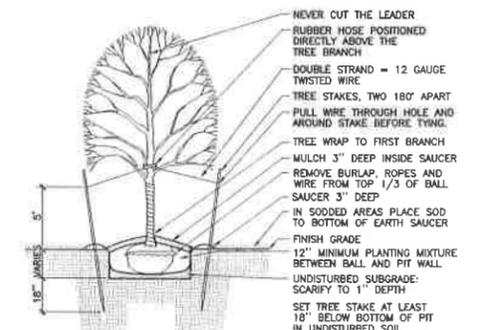
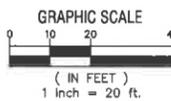
— PROPOSED WATERMAIN	○ PROPOSED END SECTION (ES)
— PROPOSED SANITARY	● PROPOSED FIELD CATCH BASIN (FCB) W/ BEEHIVE COVER OR STAINPIPE (SP) W/ BAR GRATE COVER
— PROPOSED STORM SEWER	○ UTILITY CROSSING (SEE DATA TABLE)
— PROPOSED GAS MAIN	CS — STRUCT. TYPE
— PROPOSED ELECTRIC	2 — STRUCT. NO.
● PROPOSED HYDRANT	○ STORM SEWER STRUCTURE
○ PROPOSED GATE VALVE & WELL (GVW)	○ SANITARY SEWER STRUCTURE
○ PROPOSED TAPPING SLLEE, VALVE & WELL (TVW)	○ WATERMAIN STRUCTURE
○ PROPOSED SAN MANHOLE (SAN)	
○ PROPOSED STORM MANHOLE (SM)	
○ PROPOSED CATCH BASIN (CB)	
○ PROPOSED INLET (IN)	

**PLANT LIST**

KEY	QTY	SCIENTIFIC NAME	COMMON NAME	SIZE	NOTES
AC	2	AMELANCHIER LAMARCKII	EUROPEAN SERVICEBERRY	7'-8" HT.	MULTITEM
AR	2	ACER RUBRUM 'OCTOBER GLORY'	OCTOBER GLORY RED MAPLE	2 1/2" CAL.	B&B
BND	80	HEMEROCALLIS 'BILL NORRIS'	BILL NORRIS DAYLILY	#1 POT	PLANT 18" O.C.
JA	21	JUNIPERUS SABINA 'ARCADIA'	ARCADIA JUNIPER	18"-24" SPRD.	B&B
MNS	30	SALVA NEMOROSA	MAY NIGHT SAGE	#1 POT	PLANT 14" O.C.
MPS	3	MALUS 'PINK SPIRES'	PINK SPIRE FLOWERING CRABAPPLE	2 1/2" CAL.	B&B
SJ	12	SPIREA JAPONICA 'LITTLE PRINCESS'	LITTLE PRINCESS SPIREA	2'-2 1/2" HT.	B&B
TD	12	TAXUS X MEDIA 'DENSIFORMIS'	DENSE YEW	24"-30" SPRD.	B&B
TO	18	THUJA OCCIDENTALIS 'GOLDEN GLOBE'	GOLDEN GLOBE ARBORVITAE	2'-2 1/2" HT.	B&B

**GENERAL LANDSCAPE NOTES**

- ALL PLANT MATERIAL SHALL BE NURSERY GROWN AND ALL SIZES AND MEASUREMENTS SHALL CONFORM TO THE USA STANDARD FOR NURSERY STOCK. ALL PLANT MATERIAL SHALL BE OF SELECTED SPECIMEN QUALITY AND HAVE A NORMAL HABIT OF GROWTH. ALL PLANT MATERIAL IS SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT.
- ALL PLANT MATERIAL SHALL BE BALLED AND BURLAPPED STOCK OR CONTAINER STOCK. NO BARE ROOT MATERIAL IS PERMITTED. ALL PLANT BALLS SHALL BE FIRM, INTACT AND SECURELY WRAPPED AND BOUND.
- ALL PLANT BEDS SHALL BE EXCAVATED OF ALL BUILDING MATERIALS AND OTHER EXTRANEIOUS OBJECTS AND POOR SOILS TO A MINIMUM DEPTH OF 12 INCHES, AND BACKFILLED TO GRADE WITH PLANTING MIX.
- PLANTING MIXTURE SHALL CONSIST OF 4 PARTS TOPSOIL, 1 PART PEAT, AND 5 POUNDS OF SUPERPHOSPHATE PER CUBIC YARD OF MIX. INGREDIENTS SHALL BE THOROUGHLY BLENDED TO A UNIFORM CONSISTENCY.
- ALL PLANT BEDS AND INDIVIDUAL PLANTS SHALL BE MULCHED WITH A 4 INCH LAYER OF SHREDDED HARDWOOD BARK MULCH.
- ALL PLANTS AND PLANT BEDS SHALL BE THOROUGHLY WATERED UPON COMPLETION OF PLANTING AND STAKING OPERATIONS.
- THE CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIALS FOR A PERIOD OF 1 YEAR FROM THE DATE THE WORK IS ACCEPTED, IN WRITING, BY THE LANDSCAPE ARCHITECT. THE CONTRACTOR SHALL REPLACE, WITHOUT COST TO THE OWNER, WITHIN A SPECIFIED PERIOD OF TIME, ALL DEAD PLANTS, AND ALL PLANTS NOT IN A VIGOROUS, THRIVING CONDITION, AS DETERMINED BY THE LANDSCAPE ARCHITECT DURING AND AT THE END OF THE GUARANTEE PERIOD. REPLACEMENT STOCK SHALL CONFORM TO THE ORIGINAL REQUIREMENTS.
- ALL AREAS NOTED AS "LAWN" SHALL BE SOODED. SOG SHALL BE DENSE, WELL ROOTED, TURF, FREE OF WEEDS. IT SHALL BE COMPRISED OF A BLEND OF AT LEAST TWO KENTUCKY BLUEGRASS AND ONE FESCUE. IT SHALL HAVE A UNIFORM THICKNESS OF 3/4 INCH, AND CUT IN UNIFORM STRIPS NOT LESS THAN 10 INCHES BY 18 INCHES. SOG SHALL BE KEPT MOIST AND LAID WITHIN 36 HOURS AFTER CUTTING. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ESTABLISH A DENSE LAWN OF PERMANENT GRASSES, FREE OF LUMPS AND DEPRESSIONS. ALL SOODED AREAS THAT BROWN OUT OR HAVE NOT FIRMLY KNITTED TO THE SOIL BASE WITHIN A PERIOD OF ONE MONTH SHALL BE REPLACED BY THE CONTRACTOR, AT NO COST TO THE OWNER.
- ALL AREAS OF EXISTING LAWN THAT BECOME DISTURBED DURING CONSTRUCTION SHALL BE SOODED. SOG SHALL BE PLACED OVER THE FINAL BACKFILL MATERIAL AND MATCH EXISTING LAWN ON SITE.
- ALL AREAS OF THE SITE SCHEDULED FOR SOODING SHALL FIRST RECEIVE A 4 INCH LAYER OF CLEAN, FRIABLE TOPSOIL THIS SHALL BE DISCED AND SHALL BE GRADED IN CONFORMANCE WITH THE GRADING PLAN.
- ALL LANDSCAPE AREAS SHALL BE IRRIGATED PER CITY OF BRIGHTON STANDARDS. CONTRACTOR TO PROVIDE IRRIGATION PLAN TO PROJECT ENGINEER FOR REVIEW AND APPROVAL PRIOR TO ORDERING MATERIALS FOR INSTALLATION.
- WEED BARRIER FABRIC SHALL BE USED IN ALL PLANTING BEDS, EXCEPT PERENNIAL FLOWER AREAS. THE PLANTING BEDS SHALL BE COVERED WITH 28 MIL. PROS WEED BARRIER FABRIC OR OTHER AS APPROVED BY THE LANDSCAPE ARCHITECT. ALUMINUM LANDSCAPE EDGING W/ ROUNDED TOP SHALL BE INSTALLED PER MANUFACTURER SPECIFICATIONS.
- SEPARATING ALL LAWN AND MULCH. ALUMINUM LANDSCAPE EDGING ONCE INSTALLED SHALL NOT BE VISIBLE AT ANY POINT ABOVE LAWN OR MULCH LEVELS. 14. ALL PLANTING SHALL BE IN ACCORDANCE WITH CITY OF BRIGHTON STANDARDS. 15. DISTURBED AREA STABILIZATION MUST BE STARTED WITHIN 5 DAYS OF FINAL GRADE.



**DECIDUOUS TREE PLANTING**  
NO SCALE

Spalding DeDecker Associates, Inc.



Engineering Consultants  
Infrastructure • Land Development • Surveying

905 South Blvd. East  
Rochester Hills, MI 48307  
Phone: (248) 844-5400  
Fax: (248) 844-5404

1435 Randolph, Suite 404  
Detroit, MI 48226  
Phone: (313) 967-4700  
Fax: (313) 967-4707

39293 Plymouth, Suite 102  
Livonia, MI 48150  
Phone: (734) 293-5200  
Fax: (734) 293-5202

www.sda-eng.com  
(800) 598-1600



KROGER COMPANY OF MICHIGAN  
40399 GRAND RIVER AVENUE, SUITE 110  
NOVI, MICHIGAN 48375

**3 WORKING DAYS BEFORE YOU DIG. CALL MISS DIG. 1-800-482-7171**  
The free number is valid only in MI.

NOTE: UTILITY INFORMATION ON THIS DRAWING MAY BE FROM INFORMATION DISCLOSED TO THIS FIRM BY THE VARIOUS UTILITY COMPANIES, CITY/COUNTY AGENCIES AND OTHER VARIOUS SOURCES. UNDERGROUND UTILITIES WHICH ARE ON PRIVATE PROPERTY ARE USUALLY NOT DELINEATED UPON A UTILITY COMPANY'S PUBLISHED PLANS. THEIR LOCATION, IF SHOWN UPON THIS SURVEY, ARE APPROXIMATED FROM FOUND PAINT MARKS/STAKES, ETC. AS LOCATED BY THIS FIRM FROM SOURCES WHICH ARE UNKNOWN. NO GUARANTEE IS GIVEN AS TO THE COMPLETENESS OR ACCURACY THEREOF.

PRIOR TO CONSTRUCTION, ALL LOCATIONS AND DEPTHS OF EXISTING UTILITIES (IN CONFLICT WITH PROPOSED IMPROVEMENTS) SHALL BE VERIFIED IN THE FIELD. CALL MISS DIG 3 WORKING DAYS PRIOR TO CONSTRUCTION.

COPYRIGHT © 2012 SPALDING DEDUCKER ASSOCIATES, INC. THIS DRAWING AND THE SUBJECT MATTER CONTAINED THEREON IS PROPRIETARY AND IS NOT TO BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION OF SPALDING DEDUCKER ASSOCIATES, INC.

**Kroger D-638 Proposed Fuel Station**  
1080 East Grand River Avenue  
Brighton, Michigan 48116

**LANDSCAPE PLAN**

SECTION 31 PRIVATE CLAW  
TOWN 2 NORTH RANGE 6 EAST  
CITY OF BRIGHTON  
LIVANSTON COUNTY

NO.	DATE	REVISION
1.	07/20/12	SITE PLAN REVIEW
2.	08/15/12	SITE PLAN REVISIONS

DATE	DATE
07/02/12	07/02/12
07/20/12	07/20/12
07/20/12	07/20/12

DEPARTMENT MANAGER APPROVAL DATE: 07/20/12

VERIFY SCALES  
BAR IS ONE INCH ON ORIGINAL DRAWING  
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

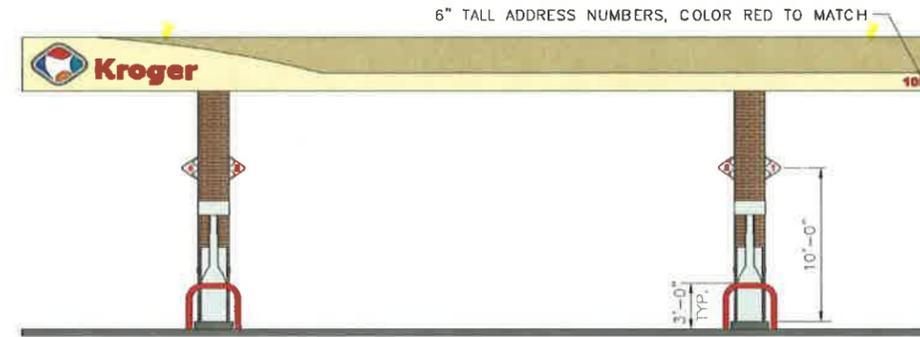
JOB NO. NP11-071 DRAWING NO. NP11071sp  
SCALE: SHEET NO. L-1

# Kroger Fueling Center

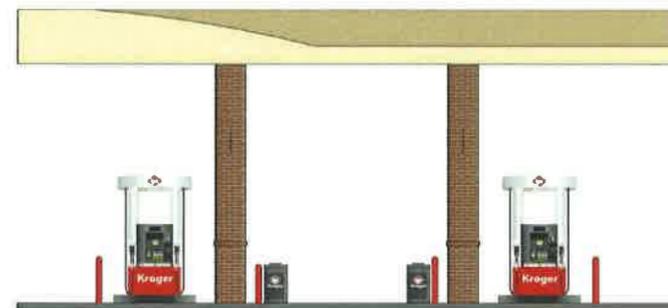
BRIGHTON, MI #D-638



**EAST CANOPY ELEVATION**  
SCALE: 3/16"=1'-0"



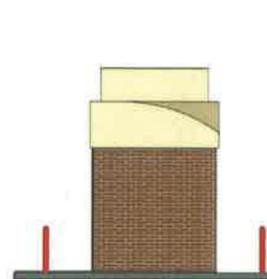
**NORTH CANOPY ELEVATION**  
SCALE: 3/16"=1'-0"



**WEST CANOPY ELEVATION**  
SCALE: 3/16"=1'-0"



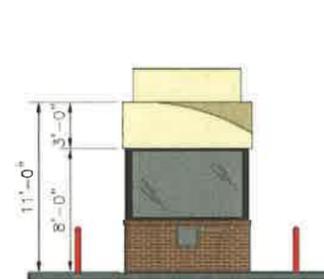
**SOUTH CANOPY ELEVATION (FACING KIOSK)**  
SCALE: 3/16"=1'-0"



**EAST KIOSK ELEVATION**  
SCALE: 3/16"=1'-0"



**NORTH KIOSK ELEVATION (FACING CANOPY)**  
SCALE: 3/16"=1'-0"



**WEST KIOSK ELEVATION**  
SCALE: 3/16"=1'-0"



**SOUTH KIOSK ELEVATION**  
SCALE: 3/16"=1'-0"



# **POLICY REPORT: BROOKSIDE MALL GATE AMENDMENT #12-012**

**September 6, 2012**

Prepared by:

Amy Cyphert  
Planning & Zoning Director

Reviewed by:

Dana Foster  
City Manager

## **ISSUE:**

To consider granting site plan amendment for the installation of an emergency use only gate at Brookside Mall #12-012 as recommended by the Planning Commission.

## **STAFF RECOMMENDATION:**

Staff concurs with the Planning Commission's recommendation.

## **BACKGROUND:**

At its meeting of August 20, 2012, the Planning Commission reviewed and discussed a site plan amendment for Brookside Mall. The applicant is proposing the installation of an emergency use only gate on the Brookside Mall property portion of the driveway access between Taco Bell and Brookside Mall. The Brighton Area Fire Department reviewed the originally submitted site plan amendment that included permanent closure of the driveway access with curbing and landscaping. The Fire Department requested the installation of a gate with a Knox lock/key that would allow only the Fire Department to use the driveway access in the event of an emergency (see attached).

The driveway access between the two properties was approved as part of the 2008 Lil' Chef site plan and the 2011 Firehouse Subs site plan.

It is our understanding per the Brookside Mall Attorney that the two property owners could not come to an agreement regarding the shared drive, drive use, payment and maintenance.

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

**BUDGET IMPACT:** N/A

**RELATIONSHIP TO 2011/2012 GOALS:** N/A

## **COUNCIL ACTION:**

Motion by \_\_\_\_\_ to recommend site plan amendment approval for Brookside Mall as depicted on the plan prepared by Lindhout Associates, sheets C1, job #1166, last dated 8/10/2012.

supported by \_\_\_\_\_.

## **Attachments:**

1. Planning Commission Report
2. Draft Planning Commission Minutes
3. Site Plan

**CITY OF BRIGHTON  
PLANNING COMMISSION  
PLANNING REPORT**

**TO:** Planning Commission Members

**FROM:** Amy Cyphert, Planning & Zoning Director

**DATE:** September 19, 2011

**RE: Site Plan Amendment - Brookside Mall – Firehouse Subs #11-012**

---

### **Background**

The applicant is proposing the installation of an emergency use only gate on the Brookside Mall property portion of the driveway access between Taco Bell and Brookside Mall.

The driveway access between the two properties was approved as part of the 2008 Lil' Chef site plan and the 2011 Firehouse Subs site plan.

It is our understanding per the Brookside Mall Attorney that the two property owners could not come to an agreement regarding the shared drive, drive use, payment and maintenance.

### **Fire Department**

The Brighton Area Fire Department reviewed the originally submitted site plan amendment that included permanent closure of the driveway access with curbing and landscaping. The Fire Department requested the installation of a gate with a Knox lock/key that would allow only the Fire Department to use the driveway access in the event of an emergency (see attached).

The revised site plan before you provides the gate with a Knox lock/key and "No Parking" signs that will allow for Fire Department use during emergencies.

### **Recommendations**

Staff recommends approval of the site plan amendment due to the fact that the property owners are unable to come to an agreement. The proposed gate allows for emergency use and allows the connection to be opened in the future if the property owners can come to an agreement.

## **Commission Action**

Motion by \_\_\_\_\_ to recommend site plan amendment approval for Brookside Mall as depicted on the plan prepared by Lindhout Associates, sheets C1, job #1166, last dated 8/10/2012.

### **Attachments:**

1. BAFA letter dated 7/24/2012
2. Site Plan



# Brighton Area Fire Department

615 W. Grand River

Brighton, Michigan 48116

810-229-6640 Fax: 810-229-1619

July 24, 2012

Amy Cyphert  
Community Development & Planning Director  
City of Brighton  
200 North First Street  
Brighton, MI 48116

RE: Brookside Mall – Removal of access drive thru  
101 Brookside Lane  
Site Plan Review

Dear Amy:

The Brighton Area Fire Department has reviewed the above mentioned site plan. The plans were received for review on July 23, 2012 and the drawings are dated August 5, 2011 with latest revisions on July 20, 2012. The project is based on the removal of the parking lot access drive thru. The plan review is based on the requirements of the International Fire Code (IFC) 2012 edition.

1. This drive-thru provides a secondary access point to Taco Bell for emergency providers due to the congestion of the lot; it allows first responders access without total congestion. The space allows patrons a secondary means to leave the Taco Bell lot.

Per the 2012 International Fire Code the Taco Bell space must have access from Grand River Avenue to all portions of the building within 150'.

2. The Fire Department recommends that a gate or fence locked with a Knox key be installed in lieu of a block wall.

Additional comments may be given during the building plan review process (specific to the building plans and occupancy). If you have any questions about the comments on this plan review please contact me at 810-229-6640.

Respectfully yours,

A handwritten signature in black ink, appearing to read "M. O'Brien".

Michael D. O'Brian  
Fire Chief

cc:Architect

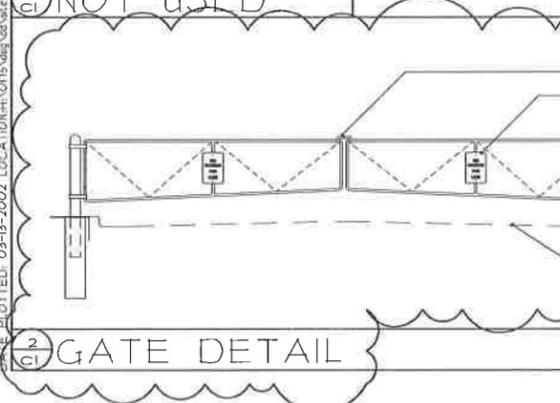
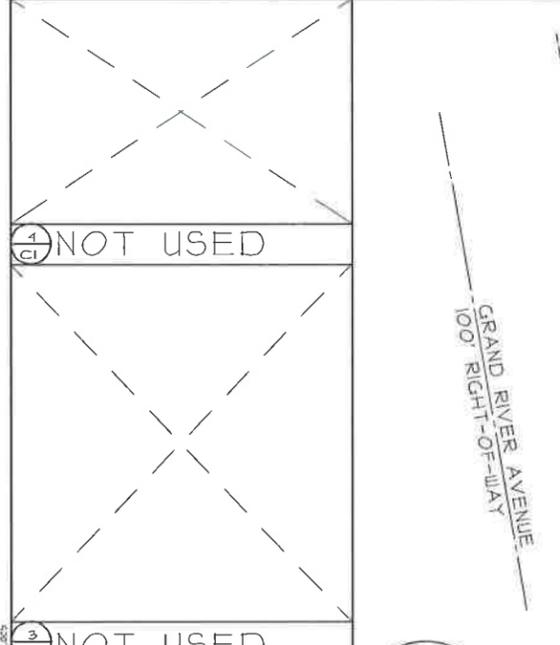
Brookside Mall Parking Calculations	Shared Pkg. Classification	Factor	Floor Area	Permitted Parking
A LE Cafe	Restaurant	100	4100	4100
B Food In A	Restaurant	100	2407	2407
C Firehouse Subs	Restaurant	200	3300	6600
D Therapy Acad Center Unit #10	Retail	100	1840	1840
E Unit For Fun Hobby	Retail	200	1200	2400
F Vacant	Office	200	1200	2400
G Vacant	Office	200	1200	2400
H Hair Salon	Beauty Salon	200	1500	3000
I Vacant	Office	200	1500	3000
K Olive's Lebanese Cafe	Restaurant	100	4942	4942
L Unit #11	Retail	200	2340	4680
M Vacant	Retail	200	415	830
N Micro PCs	Retail	200	1800	3600
O One Main Financial	Office	200	1400	2800
P Liberty Time	Office	200	1400	2800
Q Liberty Time	Office	200	1870	3740
R Sweet Lights	Printing	175	17	3025
S Sun Laundry	Laundry Mat	6.5	200	1300
T Vacant	Office	200	1450	2900
U Vacant	Retail	200	1870	3740
V Gourmet Gardens	Restaurant	100	4500	4500
<b>TOTAL</b>			<b>45000</b>	<b>9000</b>

CITY OF BRIGHTON MIXED USE PARKING CALCULATION						
Brookside Mall 8/4/2011						
Land Use	Gross Floor Area	Monday - Friday 9AM-6PM	Monday - Friday 6PM-12AM	Weekend 9AM-12AM	Weekend 12AM-5AM	Notes
OFFICE/INDUSTRIAL	29.3	38	4	4	3	0
RETAIL	86.8	82	78	87	61	4
HOTEL	0	0	0	0	0	0
RESTAURANT	167.8	78	157	157	157	18
ENTERTAINMENT	0.0	0	0	0	0	0
TOTAL	293.9	198	239	248	220	22

Proposed Parking: 211  
 Brookside II III: 90 Required  
 Total: 301  
 Shortage: -90

Variance of 30 parking spaces granted April 2008 - SITE CONFORMS

**PARKING CALCS SUMM.**



**GATE DETAIL**

**SITE PLAN**

**LEGAL DESCRIPTION:**  
 PART OF THE NW 1/4 OF THE NW 1/4 OF SECTION 30, T28N, R6E, NICHOLAN TOWNSHIP, BRIGGS COUNTY, MICHIGAN, BEING AT A POINT IN THE EASTLY LINE OF GRAND RIVER RD. DISTANT 11.348' AND 11.207' FROM THE SW CORNER OF THE NW 1/4 OF THE NW 1/4 OF SECTION 30, THENCE S 25° 42' 00" E 113.154' TO A POINT ON THE EASTLY LINE OF GRAND RIVER RD. DISTANT 11.348' FROM THE SW CORNER OF THE NW 1/4 OF THE NW 1/4 OF SECTION 30, THENCE S 25° 42' 00" E 113.154' TO A POINT ON THE EASTLY LINE OF GRAND RIVER RD. DISTANT 11.348' FROM THE SW CORNER OF THE NW 1/4 OF THE NW 1/4 OF SECTION 30, THENCE S 25° 42' 00" E 113.154' TO THE POINT OF BEGINNING, CONTAINING 2.4 ACRES OF LAND, MORE OR LESS, SUBJECT TO THE EASEMENTS, RESTRICTIONS, AND RIGHTS OF WAY NOW OF RECORD.

**PROPERTY INFORMATION:**  
 200 BROOKSIDE LANE  
 BRIGHTON, MI 48116  
 Parcel Number: 30-100-080  
 Tax ID Number: 418-30-000-080

**OWNER INFORMATION:**  
 BROOKSIDE DEVELOP., LLC  
 113 GRAND OCEAN BLVD.  
 HARBOUR ISLAND, FL 34145-1444

Copyright © 2012  
 Lindhout Associates Architects aia pc

This document and the subject matter contained therein is proprietary and is not to be used or reproduced without prior written permission.

**LEGEND**

- NEW CONSTRUCTION
- EXISTING TO REMAIN
- HIDDEN WORK
- EXISTING TO BE REMOVED

**LOCATION MAP**

TO: HOBELL GENOA TWP  
 GRAND RIVER INTERCHANGE  
 BRIGHTON MALL  
 SEHOY'S TACO BELL  
 GRAND DRIVE  
 HEMERS

SCALE: 1"=30'-0"



**Lindhout Associates**  
 architects aia pc  
 10465 citation drive, brighton, michigan 48116-9510  
 www.lindhout.com (610)227-5668 fax: (610)227-5655

consultant

WORK COVERED BY THIS DATED SUBMISSION:  
 8-10-2012 SITE PLAN REVIEW  
 8-10-2012 SITE PLAN REVIEW  
 8-05-2012 FIREHOUSE SUBS - PARKING CALCS  
 8-05-2012 FIREHOUSE SUBS - PARKING CALCS  
 date issued for

dr: SEK  
 ck dr: PHL  
 app dr:

SITE PLAN AMENDMENT FOR:  
 BROOKSIDE MALL - FIREHOUSE SUBS  
 BRIGHTON, MICHIGAN  
**SITE PLAN**

1166

improvements which include metal canopies over the windows and a metal canopy about midway down the front of the building, with the lower part of the building using ceramic tile over a concrete base to replace the existing plywood. Signage remains the same and wall-mounted decorative lights will be added. The Fire Department requested a knock box and a larger address above the door, and these changes have been incorporated in the plan. They plan to start construction in September and the project will be completed by the end of the year per the grant requirement. Ms. Cyphert noted that a third condition should be added to a motion for approval regarding having City Council grant a variance to the transparency for the façade.

**Motion** by Mr. Wells, supported by Mr. Pawlowski, to recommend site plan approval for the Champ's façade improvements at 140 E. Grand River #12-010 as depicted on plans prepared by Lindhout Associates, sheet P-1, last dated 8-9-12 subject to the following:

1. That right of way permits be obtained from the Department of Public Services for work within the right of way.
2. That any damages to the existing sidewalk be repaired to current condition.
3. That City Council grant a variance to the transparency for the façade.

**The motion carried 8-0-1.**

8. Site Plan – Kroger Gas Station, 1080 E. Grand River #12-011

Ms. Cyphert briefly reviewed the applicant's request and noted that there were representatives in the audience to answer any questions regarding the site plan. Jack Knolls from Spalding DeDecker Associates (architect) introduced Rick Ragsdale from Kroger and Mark Millerwise. Mr. Knolls reviewed the details of the plan and the simple site design with a 43'x60' canopy over four gas pump islands (8 total stations) and a 176 square foot attendant kiosk with no public access. He noted there will only be one employee on site at a time with the exception of shift changes. The hours of operation will be 6:00 a.m. to 11:00 p.m. There will be flush l.e.d. lighting on the canopy and they are relocating two streetlights on O'Doherty. There is one entrance off Grand River and two entrances off O'Doherty to facilitate traffic flow on the site.

Mr. Smith noted that from a pedestrian safety standpoint, he believes it would be better to remove the north driveway on O'Doherty from the plan if possible. After a brief discussion, a compromise was reached to reduce the width of the northern driveway off O'Doherty, moving the curb cut south, and to make it an exit only.

**Motion** by Mr. Smith, supported by Mr. Bryan, to recommend site plan approval for Kroger Fuel Station at 1080 E. Grand River #12-011 as depicted on plans prepared by Spalding DeDecker Associates, Inc., job no. NP11-071, sheets CE1-12, last dated 8-15-12, plans prepared by Galloway Planning Architecture Engineering, project #D638, sheets A1.0, Color Elevations & LP1.0, last dated 2-10-11, last dated July 2012 and 8/8/12 subject to the following:

1. That all signage comply with applicable Ordinances or variances obtained.
2. That right of way permits be obtained from the Department of Public Services for work within the right of way.
3. That the width of the northernmost driveway off O'Doherty be reduced and moved south and that it be marked as "Exit Only".

**Motion carried 8-0-1.**

9. Site Plan Amendment – Brookside Mall, Drive Access #12-012

Ms. Cyphert noted that the applicant was in the audience and could answer any questions from Planning Commission members. Kathy Riesterer, Cooper & Riesterer, representing the applicant, Brookside Mall,

gave a brief background of the Taco Bell/Brookside Mall access issue and noted that the City removed the requirement for Taco Bell access. When the Lil' Chef restaurant site plan came before Planning Commission for approval, the access issue came up again and their site plan was approved conditioned upon opening access. The required easement agreement never got signed and Taco Bell backed away. She noted that delivery trucks going to Taco Bell are using Brookside's parking lot for access to make deliveries, which is breaking down the asphalt. She also said that with the access open, there is increased trash from Taco Bell on Brookside's property. Ms. Riesterer said they have tried repeatedly to get Taco Bell back into negotiations. The proposed access gate is a compromise and the Brighton Area Fire Department is okay with it.

Brad Maynes from the City attorney's office also noted that this has been an ongoing issue for some time and that he has met with Ms. Riesterer, a representative from Taco Bell and the City to try to resolve it. He noted that there is currently no requirement for access on Taco Bell's site plan but there is on Brookside's site plan. Mr. Petrak asked Staff how enforcement would be handled if people parked in front of the access gate. Ms. Cyphert noted that there will be "No Parking – Fire Lane" signs on the gate and that the Fire Department does have authority to ticket people who are parked in a fire lane.

**Motion** by Mr. Bryan, supported by Mr. Petrak, to recommend site plan amendment approval for Brookside Mall as depicted on the plan prepared by Lindhout Associates, sheets C1, job #1166, last dated 8/10/12. **Motion carried 7-0-2.**

10.a. Discussion on Amendments to Chapter 98, Article XXI, LIP District

Ms. Cyphert explained that this item is on the agenda at the request of the Zoning Board of Appeals who has asked that Planning Commission consider rewriting the ordinance to make it clear which uses are permitted and which are not, similar to language in other ordinances. She suggested that Planning Commission may want to develop a list of permitted uses versus listing the 70 prohibited uses. Mr. Petrak noted that "commercial uses" is not clear in the subject ordinance. Ms. Cyphert noted that it would be helpful to look at permitted uses of other industrial districts and Mr. Smith stated that it makes sense to keep the language consistent with other districts' language.

Staff was requested to put together suggestions from similar districts in the City and research other communities with similar smaller industrial parks for the September Planning Commission meeting.

10.b. Discussion on Amendments to Chapter 98 addressing Parolee Housing

Brad Maynes from the City attorney's office stated that the direction from Planning Commission at the last meeting was for him to survey zones within the City where parolee housing would be permitted. He noted the City's definition of family *"means an individual or group of two or more persons related by blood, marriage, social contract or adoption (and including the domestic employees thereof), together with not more than two persons not so related, living together in the whole or part of the dwelling unit comprising a single housekeeping unit. Every additional group of two or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this chapter."* Under this definition, an apartment would equal one unit, a duplex would equal two units, etc. This applies to everything except condos. Mr. Maynes noted that under the current ordinance, a home in the R1, Single Family district could not be split into apartments but could still have three unrelated persons (parolees) living there.

Ms. Cyphert reminded the Planning Commission members that there are several options available to them including to define parolee housing and where it is permitted (through ordinance or special use); add a new definition for "halfway house" and where it is permitted (through ordinance or special use); redefine the definition of "family"; or do nothing. There was discussion about how the Planning Commission wanted to proceed with this item. Some Commission members felt that if nothing is broken, there is no need to fix it. Chairperson Monet noted that there seemed to be consensus to make condos part of the "family" definition and that it was not necessary to expand the definition for parolee housing. Staff and the City attorney was directed to prepare a list of findings in the current ordinance and prepare a