

CITY OF BRIGHTON
CITY COUNCIL MEETING
CITY HALL
July 7, 2011

Regular Blue Sky - 7:00 pm: Review of Agenda Items for this evening's meeting

REGULAR SESSION - 7:30 P.M.

1. Call to order
2. Pledge of Allegiance
3. Roll Call
4. Approval of minutes: Regular Meeting and Closed Sessions of [June 16, 2011](#)
5. Call to the Public
6. Mayor's Reading of Citizen Inquiries received since the last City Council Meeting
7. City Manager's Response to Citizen Inquiries to City Council received At this City Council Meeting or prior meetings
8. Consider approval of the Agenda

Consent Agenda

9. Consider approval of an [updated Year-end Budget Amendment](#) for Fiscal Year 2010-2011
10. Consider approval of a [liquor license transfer for the Pi's Asian Cuisine restaurant](#) as recommended by the Police Chief
11. Consider approval of a [bi-annual City service survey instrument](#) for the 2011 survey

Policy Development & Customer Communications' action item

12. Consider [second reading of a proposed ordinance](#) to amend Chapter 98, Article 1, Section 98-3 of the City Code of Ordinances for "Home occupation and adding new definitions for "Home Occupation", "Marihuana", Marihuana Dispensary or Dispensary", "Marihuana Collective or Cooperative" and "Medical Use of Marihuana" as recommended by the Planning Commission
 - a. Mayor closes regular meeting and opens the public hearing to ask for public input and or questions
 - b. Mayor closes the public hearing and resumes the regular Council meeting and Council discussion
 - c. Consider a motion for adoption of the proposed ordinance
13. Consider [site plan approval for a DDA public parking lot redevelopment](#) at 114, 118 & 128 W. North Street #11-005 as recommended by the Planning Commission
14. Consider a motion to approve updated SELCRA Bylaws and related recommendations from the City Attorney
15. Consider approval of the City Manager's proposed Capital Improvements Funding related presentation and related recommendations from the City Council Budget & Finance Subcommittee for a series of upcoming public information meetings on capital improvements
16. Consider approval of an intergovernmental proposal letter regarding the City's wastewater treatment utility system
17. Consider approval of a proposed budget amendment for the Fiscal Year 11-12 City Manager's Office Activity Budget for training funding.

Other Business

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

21. Conduct closed session at the request of the City Labor Attorney to receive an update regarding pending collective bargaining labor negotiations
22. Consider possible motions or actions as may be recommended by the City Labor Attorney regarding pending collective bargaining negotiations
23. Conduct closed session at the request of the City Attorney regarding an attorney-client privilege opinion letter
24. Adjournment

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON JUNE 16, 2011 AT THE BRIGHTON CITY HALL
200 N. 1ST STREET, BRIGHTON, MICHIGAN

BLUE SKY SESSION

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

REGULAR SESSION

Mayor Bandkau called the regular meeting to order at 7:30 p.m. Following the Pledge of Allegiance, the roll was called, there being present were Mayor Bandkau, Councilmembers Schillinger, Bohn, Muzzin, Roblee, Cooper and Pipoly. Also in attendance were Attorney Paul Burns, Special Legal Counsel Dennis Gabrian and Staff members Dana Foster, Diana Lowe, Jennifer Burke, Amy Cyphert, Dave Blackmar, Tom Wightman, Kelly LaLonde, Matt Modrack and an audience of 10. Press and Media included Jim Totten from the Livingston County Press Argus, Johnny Branstetter, The Patch, Tom Tolen from WHMI and Jacob Kanclerz from the School of Journalism, Michigan State University.

MINUTES APPROVAL

It was moved by Councilmember Roblee, seconded by Muzzin to approve the Regular Meeting minutes of June 2, 2011 as presented. Abstain: Cooper. Motion passed 6-0-1.

It was moved by Councilmember Muzzin, seconded by Pipoly to approve the Closed Session minutes of June 2, 2011 as presented. Abstain: Cooper. Motion passed 6-0-1.

It was moved by Councilmember Cooper, seconded by Pipoly to approve the Closed Session minutes of May 19, 2011 as presented. Motion passed 7-0.

CALL TO THE PUBLIC

Mayor Bandkau gave a Call to the Public at 7:32p.m. Hearing no comment, the Call to the Public was closed.

Jim Muzzin clarified the various City of Brighton water rates for consumers inside and outside the City.

CITIZEN INQUIRIES

None.

AGENDA APPROVAL

It was moved by Councilmember Schillinger, seconded by Bohn to approve the Consent Agenda as amended. Delete item #13, Officer's Compensation Commission appointment. A roll call vote was taken. Yes: Schillinger, Bohn, Bandkau, Muzzin, Roblee, Pipoly. No: none. Absent: Cooper. Motion passed 7-0. The following items were approved:

1. Approved Resolution 11-10, Year-end Budget Amendments for Fiscal-Year 2010-2011.
2. Approved Resolution 11-11, Fee Schedule for Fiscal-Year 2011-2012.
3. Approved Resolution 11-12, Outdoor liquor sales for the Brighton Bar & Grill for sidewalk café operations.
4. Appointed Darrin Phillips to the SELCRA Board
5. Reappointed Al Wirth and Robert Palowski to the Planning Commission
6. Reappointed Scott Griffith, Greg Strouse and Lisa Nelson to the DDA Board.
7. Approved Resolution 11-13, Declaring July as National Parks and Recreation month.
8. Approved the September 11th Memorial Civic Event.

It was moved by Councilmember Pipoly, seconded by Bohn to approve the Action Agenda as amended. Delete item #21, SELCRA Bylaws, item #28, Opinion Letter Closed Session and #29, Opinion Letter Closed Session. Motion passed 7-0.

TG FLUID SYSTEMS IFT APPLICATION

Mayor Bandkau opened the Public Hearing for the TG Fluid Systems IFT seven-year tax abatement on personal property at 7:44 p.m. Hearing no comment, the Public Hearing was closed.

It was moved by Councilmember Muzzin, seconded by Pipoly to approve Resolution 11-14, TG Fluid's IFT application for personal property in the amount of \$3,972,950 at a 50% tax rate for seven (7) years. Motion passed 7-0.

MARIHUANA ORDINANCE FIRST READING

City Attorney, Paul Burns briefed the Council on the proposed Marihuana Ordinance.

It was moved by Councilmember Muzzin, seconded by Schillinger to approve First Reading of the proposed Ordinance to amend Chapter 98, Article 1, Section 98-3 of the City Code of Ordinances for "Home occupation

City Council
June 16, 2011
Page 3

and adding new definitions for “Home Occupation”, “Marihuana”, Marihuana Dispensary or Dispensary”, “Marihuana Collective or Cooperative” and “Medical Use of Marihuana. Motion passed 7-0.

SELCRA BUDGET AMENDMENT

It was moved by Councilmember Cooper, seconded by Roblee to amend the 2011-12 City budget allocation to SELCRA to fund it at 90%. A roll call vote was taken. Yes: Cooper, Muzzin, Pipoly, Roblee. No: Bandkau, Bohn, Schillinger. Motion passed 4-3.

CITY CUSTOMER INFORMATION

City Manager, Dana Foster stated Acting Planning & Zoning Director, Amy Cyphert received the Edward H. Potthoff Scholarship in Local Government Administration award.

Councilmember Muzzin gave a Brighton Area Fire Authority update.

Councilmember Cooper gave a Zoning Board of Appeals update.

Councilmember Roblee gave a Brighton Arts and Culture update stating new sculptures will be coming this summer.

Mayor Pro-Tem Bohn stated resident Juliet Riley has worked on the islands on Spencer Road.

CALL TO THE PUBLIC

Mayor Bandkau gave a Call to the Public at 8:35 p.m. Hearing no comment, the Call to the Public was closed.

OPINION LETTER CLOSED SESSION

It was moved by Muzzin, seconded by Cooper to go into Closed Session to receive written attorney-client privilege opinion. A roll call vote was taken. Yes: Schillinger, Cooper, Bohn, Bandkau, Muzzin, Roblee, Pipoly. No: none. Motion passed 7-0.

The Council convened into Closed Session at 8:40 p.m.

The Council reconvened the Regular meeting at 9:08 p.m.

COLLECTIVE BARGAINING NEGOTIATIONS UPDATE CLOSED SESSION

It was moved by Roblee, seconded by Schillinger to go into Closed Session to receive an update regarding pending collective bargaining negotiations. A roll call vote was taken. Yes: Schillinger, Bohn, Bandkau, Muzzin, Roblee, Pipoly. No: none. Motion passed 7-0.

The Council convened into Closed Session at 9:10 p.m.

City Council

June 16, 2011

Page 4

The Council reconvened the Regular meeting at 9:50 p.m.

COLLECTIVE BARGINING

It was moved by Councilmember Cooper, seconded by Pipoly to direct the City Labor Attorney to approve the tentative agreement dated June 10, 2011 between the Teamsters Clerical Collective Bargaining Unit and the City of Brighton with the Clerical Collective Bargaining Unit and the Non-Union Admin paying 5% of their compensation towards the MERS pension. Motion passed 7-0.

ADJOURNMENT

It was moved by Councilmember Cooper, seconded by Pipoly to adjourn the meeting at 9:51 p.m. Motion passed 7-0.

Diana Lowe, City Clerk

Ricci Bandkau, Mayor

POLICY REPORT – FINANCE 11-

**Consideration of Amending the Subsequent Fiscal Year 2010-11
Budget Appropriations**

July 7, 2011

Prepared by:

Reviewed by:

Kelly LaLonde
Finance Director

Dana William Foster
City Manager

ISSUE:

Consider approving the attached Resolution to amend the Subsequent FY 2010-11 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 approve the attached Resolution to make the necessary amendments to the FY 2010-11 budget.

BACKGROUND:

The City's budget has been adopted on an activity basis in the General Fund. Expenditures at the activity level in excess of amounts budgeted is a violation of Michigan law. The attached financial information represents a proposed amendment to the FY 2010-11 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 General Fund required adjustments, due to expenditures to be greater than the current budget. The following summarizes the salient aspects of the proposed amendment and analysis:

GENERAL FUND:

EXPENDITURES:

The \$96,060 decrease in Post Employment Benefits expenditures reflects an increase of 65% over the current budget. This is a \$10,990 or 4% decrease from the Adopted Budget. Total expenditures are \$36,371 less than what was projected in April 2011 when the financial forecast was submitted to the City Council.

SUMMARY:

The proposed amendment reflects the ending unreserved fund balance increasing by \$248,926 or 28% from the beginning fund balance, for a projected total year-end balance of \$1,137,517, which is 18% of operating expenditures. This is \$36,371 higher than what the year-end projections represented when the financial forecast was presented to City Council in April 2011. However, the actual effect to fund balance will not be known until the annual audit is complete in October 2011.

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 2010-11 year-end balance's to ensure that next year's Goals are fundable.

ACTION/MOTION:

Approve the attached Resolution to amend the Subsequent FY 2010-11 budget appropriations.

RESOLUTION 2011-

TO AMEND THE FY 2010-11 BUDGET APPROPRIATIONS

WHEREAS, the Brighton City Council has previously adopted the original Fiscal Year 2010-11 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 2010-11 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 July 2011.

Diana Lowe, City Clerk

**CITY OF BRIGHTON
FY 2010-11 BUDGET AMENDMENT
GENERAL FUND**

	<u>ADOPTED BUDGET</u>	<u>CURRENT BUDGET</u>	<u>6/21/2011 REVISED BUDGET</u>	<u>6/21/2011 BUDGET REVISION</u>	<u>% CHANGE</u>
REVENUES					
Property Taxes	6,139,828	6,186,789	6,186,789	-	0.00
Tax Penalties, Interest & Fees	226,575	243,088	243,088	-	0.00
Licenses & Permits	289,833	330,250	330,250	-	0.00
Federal Grants	9,500	8,500	8,500	-	0.00
State Grants	18,500	26,577	26,577	-	-
State Shared Revenue	465,592	489,169	489,169	-	0.00
Local Unit Contribution	92,000	94,459	94,459	-	0.00
Service Charges	180,187	162,619	162,619	-	0.00
Fines & Forfeits	101,530	73,393	73,393	-	0.00
Investment Earnings	25,100	15,096	15,096	-	0.00
Rents & Royalties	73,850	71,600	71,600	-	0.00
Other Revenue	54,000	104,360	104,360	-	0.00
Other Financing Sources	<u>374,206</u>	<u>374,206</u>	<u>374,206</u>	<u>-</u>	<u>0.00</u>
TOTAL REVENUES	8,050,701	8,180,106	8,180,106	-	0.00
EXPENDITURES					
City Council	32,793	31,979	31,979	-	0.00
City Manager	114,155	108,611	108,611	-	0.00
Legal Services	243,272	247,961	247,961	-	0.00
City Clerk	189,613	161,736	161,736	-	0.00
Human Resources	121,663	119,866	119,866	-	0.00
Finance	662,437	595,078	595,078	-	0.00
Information Systems	141,250	144,669	144,669	-	0.00
Police	2,452,973	2,359,533	2,359,533	-	0.00
Public Services	1,982,078	1,952,917	1,952,917	-	0.00
Community Development	413,415	408,853	408,853	-	0.00
Post Employment Benefits	255,112	148,062	244,122	96,060	64.88
Contingencies/(Cuts)	(43,875)	75,000	75,000	-	0.00
Transfers Out	<u>1,485,815</u>	<u>1,480,855</u>	<u>1,480,855</u>	<u>-</u>	<u>0.00</u>
TOTAL EXPENDITURES	8,050,701	7,835,120	7,931,180	96,060	1.23
FUND BALANCE-BEGINNING*	888,591	888,591	888,591	-	-
FUND BALANCE-ENDING*	888,591	1,233,578	1,137,517	(96,061)	-7.8
USE OF FUND BALANCE	-	344,987	248,926		
PERCENTAGE CHANGE IN FUND BALANCE	0%	39%	28%		

* Reflects Total Unreserved Fund Balance

CITY OF BRIGHTON
 GENERAL FUND SUMMARY
 SIX YEAR FINANCIAL FORECAST (as of April 7, 2011)

	10-11	11-12	12-13	13-14	14-15	15-16	16-17
Year End	Projection	Budget	Forecast	Forecast	Forecast	Forecast	Forecast
Fund Balance as of 7/1/09 = \$1,040,783							
Revenue	8,179,095	7,897,745	7,365,326	6,918,163	6,976,506	7,031,902	7,099,539
Less: Expenditures	7,967,551	7,644,339	7,712,359	7,866,558	8,182,966	8,550,239	8,815,022
Funds Available	211,544	253,406	(347,033)	(948,395)	(1,206,460)	(1,518,337)	(1,715,483)
Add: Beginning Unreserved Fund Balance	888,591	1,100,135	1,353,541	1,006,508	58,113	(1,148,347)	(2,666,684)
Ending Unreserved Fund Balance	1,100,135	1,353,541	1,006,508	58,113	(1,148,347)	(2,666,684)	(4,382,166)
Minimum Target Unreserved Fund Balance (15%):	973,004	924,347	961,144	1,019,888	1,064,765	1,114,192	1,163,948
Unreserved Fund Balance Over/(Under)	127,131	429,194	45,364	(961,775)	(2,213,112)	(3,780,876)	(5,546,114)
Minimum Target Fund Balance							

Fund Balance as a % of Operating Expend. 17% 22% 16% 1% -16% -36% -56%

CITY OF BRIGHTON
GENERAL FUND SUMMARY
SIX YEAR FINANCIAL FORECAST (as of June 21, 2011)

	10-11	11-12	12-13	13-14	14-15	15-16	16-17
Year End	Projection	Adopted Budget	Forecast	Forecast	Forecast	Forecast	Forecast
Revenue	8,180,106	7,897,745	7,365,326	6,918,163	6,976,506	7,031,902	7,099,539
Less: Expenditures	7,931,180	7,644,339	7,712,359	7,866,558	8,182,966	8,550,239	8,815,022
Funds Available	248,926	253,406	(347,033)	(948,395)	(1,206,460)	(1,518,337)	(1,715,483)
Add: Beginning Unreserved Fund Balance	888,591	1,137,517	1,390,923	1,043,890	95,495	(1,110,965)	(2,629,302)
Ending Unreserved Fund Balance	1,137,517	1,390,923	1,043,890	95,495	(1,110,965)	(2,629,302)	(4,344,785)
Minimum Target Unreserved Fund Balance (15%):	967,549	924,347	961,144	1,019,888	1,064,765	1,114,192	1,163,948
Unreserved Fund Balance Over/(Under)	169,968	466,576	82,746	(924,394)	(2,175,730)	(3,743,494)	(5,508,732)
Minimum Target Fund Balance							
Fund Balance as a % of Operating Expend.	18%	23%	16%	1%	-16%	-35%	-56%

**POLICY REPORT NO. BPD 11-07
REQUEST FOR TRANSFER OF CLASS-C LIQUOR LICENSE
8262 CROSS STREET, BRIGHTON
JULY 7, 2011**

Prepared by:

Reviewed

by:

Thomas Wightman
Chief of Police

Dana
City

W. Foster
Manager

ISSUE:

Pi's Asian Cuisine, Inc. is requesting City Council approval to transfer ownership of a Class C Liquor License with Entertainment permit to be located at 8262 Cross Street, Brighton, Michigan. The license is currently held by Above Main, LLC at 323 W. Main Street.

BACKGROUND:

Pi's Asian Cuisine, Inc. is owned by:

- Fu Kuo Pi of Midland, Michigan
- Fu Hai Pi of Midland, Michigan
- Fu An Pi of Midland, Michigan
- Fu Shan Pi of San Diego, California

The above stockholders also own three other restaurants with Class C liquor licenses:

- Pi's Chinese Restaurant, Midland, Michigan
- Genji Japanese Steakhouse, Midland, Michigan
- Genji Japanese Steakhouse, Saginaw Township, Michigan

A criminal record check reveals clear records for all of the above applicants. There is no record at the Michigan Liquor Control Commission of any liquor-related violations at any of the above businesses.

BUDGET IMPACT:

None.

COUNCIL ACTION:

The transfer of the Class C liquor license requires approval of the local legislative body, i.e. – a City Council resolution approving the request.

STAFF RECOMMENDATION:

The Police Department recommends approval of the Class C liquor license transfer request.

ATTACHMENTS:

Local Approval Resolution



Michigan Department of Licensing and Regulatory Affairs
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)

7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

FOR MLCC USE ONLY

Request ID # 612379

Business ID # 226137

LOCAL APPROVAL NOTICE

[Authorized by MCL 436.1501]

May 2, 2011

TO: BRIGHTON CITY COUNCIL
ATTN: CLERK
200 N. FIRST ST.
BRIGHTON, MI 48116-1593

APPLICANT: PI'S ASIAN CUISINE, INC.

Home Address and Telephone No. or Contact Address and Telephone No.:

CONTACT/STOCKHOLDER: FU HAI PI, 135 N. SAGINAW, MIDLAND, MI 48640

(989) 835-6690B or (989) 832-5848B (989) 631-7082H

STOCKHOLDER: FU KUO PI, 5608 TIFFANY LANE, MIDLAND, MI 48642 (989) 631-7583H (989) 832-5848B

STOCKHOLDER: FU SHAN PI, 6749 FASHION HILLS BLVD, SAN DIEGO, CA 92111 (858) 277-3209H

STOCKHOLDER: FU AN PI, 5008 HIGH RIDGE, MIDLAND, MI 48640 (989) 835-3745H (989) 832-5848B

The MLCC cannot consider the approval of an application for a new or transfer of an on-premises license without the approval of the local legislative body pursuant to the provisions of MCL 436.1501 of the Liquor Control Code of 1998. For your information, local legislative body approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT AND TOPLESS ACTIVITY PERMITS AND FOR OFFICIAL PERMITS FOR EXTENDED HOURS FOR DANCE AND/OR ENTERTAINMENT pursuant to the provisions of MCL 436.1916 of the Liquor Control Code of 1998.

For your convenience a resolution form is enclosed that includes a description of the licensing application requiring consideration of the local legislative body. The clerk should complete the resolution certifying that your decision of approval or disapproval of the application was made at an official meeting. **Please return the completed resolution to the MLCC as soon as possible.**

If you have any questions, please contact the On-Premises Section of the Licensing Division as (517) 636-4634.

**PLEASE COMPLETE ENCLOSED RESOLUTION AND RETURN
TO THE LIQUOR CONTROL COMMISSION AT ABOVE ADDRESS**

RESOLUTION

At a _____ meeting of the _____
(Regular or Special) (Township Board, City or Village Council)

called to order by _____ on _____ at _____ P.M.

The following resolution was offered:

Moved by _____ and supported by _____

That the request to TRANSFER OWNERSHIP ESCROWED 2011 CLASS C LICENSED BUSINESS WITH ENTERTAINMENT PERMIT, LOCATED AT 323 W. MAIN, BRIGHTON, MI 48116, LIVINGSTON COUNTY, FROM ABOVE MAIN, LLC TO PI'S ASIAN CUISINE, INC. AND TRANSFER LOCATION TO 8262 CROSS, BRIGHTON, MI 48116, LIVINGSTON COUNTY

be considered for _____
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: _____

Yeas: _____

Nays: _____

Nays: _____

Absent: _____

Absent: _____

It is the consensus of this legislative body that the application be:

_____ for issuance
(Recommended or Not Recommended)

State of Michigan _____)

County of _____)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the _____ at a _____
(Township Board, City or Village Council) (Regular or Special)

meeting held on _____
(Date)

(Signed) _____
(Township, City or Village Clerk)

SEAL

(Mailing address of Township, City or Village)

POLICY REPORT
2011 BI-ANNUAL CITY SERVICE SURVEY
July 7, 2011

PREPARED BY:

REVIEWED BY:

Jennifer Burke, HR Director/Deputy City Clerk
Kelly LaLonde, Finance Director
Tom Wightman, Police Chief

Dana W. Foster
City Manager

ISSUE/STAFF RECOMMENDATION:

Staff is recommending that the City continue its bi-annual electronic online survey, with a paper survey available by request and to approve the online questionnaire as presented.

BACKGROUND:

In July 2009, City Council approved the electronic online survey. City staff would like to continue with the online survey, as it's more effective, more efficient and less expensive. Staff also believes this is concurrent with the City Council Adopted Goals.

Each taxpayer will be mailed a postcard announcing the survey with a unique Access Code provided on each card. When they access the survey online they will be prompted to input the Code. Once the Code has been entered into the database the database will no longer accept that specific code. This will prevent multiple entries from the same taxpayer. In addition to the above, we will place a notice online which indicates the survey can only be taken once. Taxpayers will be notified that the Access Code is for security purposes only, and will not be cross-referenced to identify the taxpayer.

The estimated cost of mailing the access code (with postage) is approximately \$1,400.00. If approved, Staff will mail the Access Codes by the end of July with advertisements on the website, cable channel and elsewhere, as well as notifications to the public that paper copies are available upon request. We anticipate receiving surveys into September with the results tabulated for presentation at the City Council Retreat.

BUDGET IMPACT:

Estimate cost is \$1,400.00

COUNCIL ACTION:

1. Motion to approve the survey questionnaire for posting on the City's Website.



- Our Government
- Services and Departments
- Business and Community
- Reference Desk
- Events Calendar

- [Overview](#)
- [Agendas & Minutes](#)
- [City Audit Report](#)
- [City Council Agenda Item Request](#)
- [City Council Feedback Form](#)
- [Code of Ordinances](#)
- [Contact Information](#)
- [Current Fiscal Year's City Budget Book](#)
- [FAQs](#)
- [Fee Schedule](#)
- [Forms & Applications](#)
- [Links of Interest](#)
- [Press Releases & Public Notices](#)
- [Search](#)
- [Site Map](#)
- [Site Use Policy](#)
- [Tax & Assessing Lookup](#)



2011 City of Brighton Services Survey

Thank you for taking the time to take the City of Brighton's 2011 City Services Survey. Please complete the survey below and click on submit at the bottom of the form.

2011 City of Brighton Services Survey

Survey Code

Please rank the IMPORTANCE of the following City Services, Programs and Activities

	Critical	Very Important	Important	Not Important	Unnecessary
Public Safety (Police)	<input type="radio"/>				
Streets and Storm Drainage	<input type="radio"/>				
Refuse Collection & Disposal	<input type="radio"/>				
Refuse Recycling Program	<input type="radio"/>				
Yard Waste / Leaf Collection Program	<input type="radio"/>				
Sidewalks	<input type="radio"/>				
Street Lighting	<input type="radio"/>				
Property Regulation (zoning, code enforcement & planning)	<input type="radio"/>				
The Appearance of Public Grounds and Facilities	<input type="radio"/>				
Civic and Special Events and Promotional Activities	<input type="radio"/>				
Water and Sanitary Sewer Services	<input type="radio"/>				

Please Rate the QUALITY of the following City Services, Programs and Activities

	Excellent	Very Good	Good	Fair	Poor
Public Safety (Police)	<input type="radio"/>				
The Condition of Streets and Storm Drainage	<input type="radio"/>				
Street Cleaning Program	<input type="radio"/>				
Snow Removal Services	<input type="radio"/>				
Traffic Flow Along Main Street	<input type="radio"/>				

Traffic Flow Along Grand River Avenue	<input type="radio"/>				
Traffic Flow Along Challis Road	<input type="radio"/>				
Refuse Collection & Disposal	<input type="radio"/>				
Refuse Recycling Program	<input type="radio"/>				
Yard Waste/Leaf Collection Program	<input type="radio"/>				
Sidewalks	<input type="radio"/>				
Street Lighting	<input type="radio"/>				
Property Regulation (zoning, code enforcement & planning)	<input type="radio"/>				
The Appearance of Public Grounds & Facilities	<input type="radio"/>				
Civic and Special Events and Promotional Activities	<input type="radio"/>				
Water and Sanitary Sewer Services	<input type="radio"/>				
The Ease of Walking in the City's Neighborhood Areas	<input type="radio"/>				
The Ease of Walking in the Downtown Area	<input type="radio"/>				
Usefulness of the City's Website	<input type="radio"/>				
Usefulness of the City's Cable Channel	<input type="radio"/>				
Level of Service Provided to You by City Staff	<input type="radio"/>				
Overall Satisfaction with the City's Services	<input type="radio"/>				

Please Rank the importance of the following Issues Currently Facing the City of Brighton (with 1 being the most important and 5 being the least important):

	Most Important	Very Important	Important	Somewhat Important	Least Important
Controlling Growth	<input type="radio"/>				
Encouraging Growth	<input type="radio"/>				
Controlling Traffic	<input type="radio"/>				
Crime/Resident Safety	<input type="radio"/>				
Managing its Budget	<input type="radio"/>				

Please indicate how well you believe the following words/statements describe the City of Brighton:

	Strongly Agree	Agree	Neither Agree or Disagree	Disagree	Strongly Disagree
Fast Growing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Progressive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

A Community with a Small Town Feel	<input type="radio"/>				
Friendly	<input type="radio"/>				
Congested	<input type="radio"/>				
A Place I would Recommend to Other People to Live	<input type="radio"/>				
Safe	<input type="radio"/>				
An Affluent Community	<input type="radio"/>				
A Comfortable Place to Live	<input type="radio"/>				
A Regional Service Center	<input type="radio"/>				
A Place I Enjoy Living In	<input type="radio"/>				
A Business Friendly Community	<input type="radio"/>				

Please answer the following questions:

Increased Same Decreased

Should uniformed police presence and visibility in the City of Brighton be:

Where do you get most of your information about City of Brighton policies, procedures, events, and services?

Newspaper City Cable Channel City Web Site Facebook

Residential Commercial Both

Are you the owner of a residential or commercial property in the City of Brighton?

Would you be willing to pay a special assessment district to help pay for infrastructure improvements (street pavement, water, sewer, sidewalks) if the improvements would directly benefit your residence and or business ?

Would you vote in favor of a continuation of the 1996 Street Improvements Millage that expires in 2012 to pay for a variety of infrastructure and community improvements If City voter approval of a continuation of the millage does Not result in a Net Property Tax Millage Rate Increase for city taxpayers ?

Do you feel safe walking and driving in the City of Brighton?

Do you feel safe at your home or business in the City of Brighton?

Do you participate in the City's solid waste reduction/recycling efforts?

Do you leave the City for work?

Do you subscribe to cable television?

Do you have Internet access at home?

IF Yes, do you follow the City of Brighton on

Facebook?

Would you accept emails notifications from the City of Brighton for Street Closures, Current Events, or Emergencies etc.?

Do you have children under the age of 18 living in your home?

Did you respond to the 2009 City Service Survey?

IF Yes, have seen an improvement in City service delivery and/or relations since that time?

Are you Male or Female? Male Female

Which of the following categories best describes your age?
 18 - 29 30 - 39 40 - 49 50 - 61 62+

Please feel free to make additional comments regarding the City of Brighton's Services

Would you like a follow-up contact from the City Staff and/or City Council members? Yes No

If Yes, please provide the following information:

Name

Phone Number

Email Address

Contact From (Please make a selection if you want to be contacted)

Please provide a brief description of the issue you would like follow-up contact for:





2011 City of Brighton Services Survey

"Where quality is a way of life"

The City of Brighton is conducting its Bi-Annual City Services Survey. Please visit the City's website at <http://brightoncity.org/citysurvey> to complete the online survey.

Simply enter the access code provided on the front of the postcard to begin answering questions.*

If you do not have internet access or would like a copy of the survey mailed to you please call (810) 225-9255.

* The access code is used only to ensure that you are a Brighton City Taxpayer. No information will be collected based on this code.



2011 City of Brighton Services Survey

"Where quality is a way of life"

John and Mary Smith
222 Sample Street
Brighton, MI 48116

POLICY REPORT: AMENDMENTS TO CHAPTER 98, ARTICLE 1, SECTION 98-3

JULY 7, 2011

Prepared by:

Amy Cyphert
Acting Planning & Zoning
Director

Reviewed by:

Dana Foster
City Manager

ISSUE:

Conduct second read and make a decision on the proposed amendments to Chapter 98, Article 1, Section 98-3 pursuant to the Planning Commission recommendation on April 18, 2011.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation.

BACKGROUND:

Definitions from Michigan Medical Marihuana Act, Proposal 08-1:

"Primary caregiver" means a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs.

"Qualifying patient" means a person who has been diagnosed by a physician as having a debilitating medical condition.

Per the State Law a registered primary caregiver can assist **not** more than 5 qualifying patients. The primary caregiver is allowed under state law to cultivate up to 12 marihuana plants kept in an enclosed, locked facility for each qualifying patient. The Michigan Medical Marihuana Program (MMMP) issues a registry identification card to the primary caregiver, if any, who is named in a qualifying patient's approved application.

DISCUSSION

- The Michigan Medical Marihuana Act allows for an individual to grow marihuana in their home for themselves or for up to 5 qualifying patients, if they are a registered primary caregiver. The proposed ordinance amendments will provide additional guidance beyond the state law on how these home operations are handled within the City of Brighton.
- The proposed definition of "*Marihuana Dispensary or Dispensary*" means Any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary care

giver, a registered qualifying patient, or a person with an identification card or in possession of an application for an identification card. The term “dispensary” shall not apply to a registered primary caregiver that provides necessary care and marihuana for medical use exclusively to his/her five (5) or fewer designated qualifying patients in strict accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008; Administrative Rules of the Michigan Department of Community Health; and the Home Occupation rules of Article 9, Section 5.9.13.R. of this Ordinance. A "marihuana dispensary" shall not include the following uses that are in compliance with this Ordinance and all laws and rules of the State of Michigan, and intended for on-site patient use only: a State-licensed health care facility, a State-licensed residential care facility for the elderly or infirmed, or a residential hospice care facility. It is unlawful to establish or operate a profit or nonprofit medical marihuana dispensary, collective or cooperative within the City of Brighton.” (per the proposed zoning ordinance amendments)

- If City Council is inclined to allow marihuana dispensaries or marihuana collective/cooperative in a specific zoning district, please note that individuals are still permitted under the Michigan Medical Marihuana Act to grow marihuana in their home for themselves or for up to 5 qualifying patients.

BUDGET IMPACT: N/A

RELATIONSHIP TO 2010/2011 GOALS: N/A

COUNCIL ACTION OPTIONS:

1. Consider second reading and adoption of Ordinance Number _____, and publish as appropriate.
2. Consider second reading and denial of the proposed amendments to Chapter 98, Article 1, Section 98-3.
3. Consider second reading and remand the proposed amendments back to Planning Commission with guidance on how City Council would like the Planning Commission to address medical marihuana in a future zoning ordinance amendment.

Attachments:

1. Proposed amendments to Section 98-3 Definitions
2. City Council Past Report
3. Planning Commission Meeting Minutes

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF BRIGHTON, MICHIGAN, BY AMENDING CHAPTER 98, ARTICLE I, SECTION 98-3 Definitions, SUBSECTION (d) OF THE CODE BY DELETING THE DEFINITION FOR “Home occupation AND ADDING NEW DEFINITIONS FOR “Home occupation”, “Marihuana”, “Marihuana Dispensary or Dispensary”, “Marihuana Collective or Cooperative” and “Medical Use of Marihuana”.

THE CITY OF BRIGHTON, LIVINGSTON COUNTY, HEREBY ORDAINS:

I. That the current definition for “Home occupation” located in Section 98-3(d) of Article I of Chapter 98 is deleted.

II. That new definitions are hereby added to Section 98-3(d) of Article I of Chapter 98, to be placed in alphabetical order with the existing definitions and shall read as follows:

Home occupation means any occupation in a residentially zoned home which shall not:

- (1) Require the employment of anyone in the home other than the dwelling occupant. The home shall be the legal and principle residence of the occupant, where all activities such as sleeping, eating, entertaining and other functions and activities normally associated with home life are conducted.
- (2) Generate traffic, parking, sewerage, fire and safety hazards, noise, dirt, odor, dust, gas, glare, fumes, vibration or water use in excess of what is normal in a residential neighborhood.
- (3) Result in outside storage or display of anything, including signs, except for those signs normally allowed in that particular residential zone.
- (4) Occupy more than 25 percent of the occupiable square footage of the home.
- (5) Require the delivery of goods or the visit of customers before 6:00 a.m. and after 8:00 p.m.
- (6) Require exterior alterations or involve construction features not customary in dwellings, or require the use of mechanical or electrical equipment which shall create a nuisance to the adjacent neighborhood.
- (7) Require permanent structural alterations to the interior of the dwelling unit that would render it unsuitable for residential use.
- (8) Create a new external entrance to the space devoted to the occupation.
- (9) Violate any and all applicable Building, Housing, Fire and other local or State codes and ordinances.
- (10) In the case of primary caregivers, violate any of the following specific restrictions: A registered primary caregiver, in compliance with the General Rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d) and the requirements of this Chapter, shall be allowed as a home occupation. Nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as

granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with that Act and the General Rules. Also, since Federal law is not affected by that Act or the General Rules, nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. The Michigan Medical Marihuana Act does not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring from Federal prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act. The following requirements for a registered primary caregiver shall apply:

- a. The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;
- b. A registered primary caregiver must be located outside of a one-thousand (1,000)-foot radius from any school, including child care or day care facility, to insure community compliance with Federal "Drug-Free School Zone" requirements;
- c. Not more than one (1) primary caregiver shall be permitted to service qualifying patients on a parcel;
- d. Not more than five (5) qualifying patients shall be assisted with the medical use of marihuana within any given calendar week;
- e. All medical marihuana shall be contained within the main building in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient, as reviewed and approved by the Building Official and the Brighton Police Department;
- f. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marihuana are located;
- g. If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11pm to 7am shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties;

- h. That portion of the residential structure where energy usage and heat exceeds typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Brighton Area Fire Department to insure compliance with the Michigan Fire Protection Code.

Marihuana, also known as *Marijuana*, also known as *Cannabis* meaning given to it in section 7601 of the Michigan public health code, 1978 PAS 368, MCL 333.7106, as is referred to in section 3(d) of The Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d). Any other term pertaining to marihuana used in this Chapter and not otherwise defined shall have the meaning given to it in the Michigan Medical Marihuana Act and/or in the General Rules of the Michigan Department of Community Health issued in connection with that Act.”

Marihuana Collective or Cooperative means any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary care giver, a registered qualifying patient, or a person with an identification card or in possession of an application for an identification card. The term “collective” or “cooperative” shall not apply to a registered primary caregiver that provides necessary care and marihuana for medical use exclusively to his/her five (5) or fewer designated qualifying patients in strict accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, Initiated Law, MCL 333.26423(d); Administrative Rules of the Michigan Department of Community Health; and the Home Occupation rules contained in the Home Occupation definition of this section. A “marijuana collective or cooperative” shall not include the following uses that are in compliance with this Ordinance and all laws and rules of the State of Michigan, and intended for on-site patient use only: a State-licensed health care facility, a State-licensed residential care facility for the elderly or infirmed, or a residential hospice care facility. It is unlawful to establish or operate a profit or nonprofit medical marihuana dispensary, collective or cooperative within the City of Brighton.”

Marihuana Dispensary or Dispensary means Any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary care giver, a registered qualifying patient, or a person with an identification card or in possession of an application for an identification card. The term “dispensary” shall not apply to a registered primary caregiver that provides necessary care and marihuana for medical use exclusively to his/her five (5) or fewer designated qualifying patients in strict accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008; Administrative Rules of the Michigan Department of Community Health; and the Home Occupation rules contained in the Home Occupation definition of this section. A "marihuana dispensary" shall not include the following uses that are in compliance with this Ordinance and all laws and rules of the State of Michigan, and intended for on-site patient use only: a State-licensed health care facility, a State-licensed residential care facility for the elderly or infirmed, or a residential hospice care facility. It is unlawful to establish or operate a profit or nonprofit medical marihuana dispensary, collective or cooperative within the City of Brighton.”

Medical Use Of Marihuana means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under The Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d)."

III. This Ordinance shall be in full force and effect fifteen (15) days from the adoption as provided by the Brighton City Charter.

DIANA LOWE, City Clerk

RICCI BANDKAU, Mayor

First Reading: _____

Brief Publication: _____

Public Hearing: _____

Second Reading: _____

Adoption: _____

Full Publication: _____

POLICY REPORT: AMENDMENTS TO CHAPTER 98, ARTICLE 1, SECTION 98-3

JUNE 16, 2011

Prepared by:

Amy Cyphert
Acting Planning & Zoning
Director

Reviewed by:

Dana Foster
City Manager

ISSUE:

To consider the First Read and setting of a public hearing for the proposed amendments to Chapter 98, Article 1, Section 98-3 pursuant to the Planning Commission recommendation on April 18, 2011.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation.

BACKGROUND:

On November 4, 2008, 63% of Michigan voters approved the Michigan Medical Marihuana Act, Proposal 08-1. In the City of Brighton, 63.5% of the voters voted for the state proposal. This proposal was "a legislative initiative to permit the use and cultivation of marihuana for specified medical conditions. The proposal law would:

- permit physician approved use of marihuana by registered patients with debilitating medical conditions including cancer, glaucoma, HIV, AIDS, hepatitis C, MS and other conditions as may be approved by the Department of Community Health.
- Permit registered individuals to grow limited amounts of marihuana for qualifying patients in an enclosed, locked facility.
- Require Department of Community Health to establish an identification card system for patients qualified to use marihuana and individuals qualified to grow marihuana.
- Permit registered and unregistered patients and primary caregivers to assert medical reasons for using marihuana as a defense to any prosecution involving marihuana.

On August 19, 2010, City Council adopted a six month moratorium on the issuance of permits, certificates or licenses for businesses that involve the sale or dispensing of medical marihuana. On February 3, 2011, City Council voted to extend the existing moratorium for another six month.

DISCUSSION

- Attached are proposed amendments to the Definitions section of the zoning ordinance. The proposed amendments include removing the existing definition for "Home occupation" and adding new definitions for "Home Occupation," "Marihuana," "Marihuana Dispensary or Dispensary," "Marihuana Collective or Cooperative" and "Medical Use of Marihuana."

- The proposed amendments are modeled after the ordinance amendments adopted by the City of Grand Rapids in 2010.

BUDGET IMPACT: N/A

RELATIONSHIP TO 2010/2011 GOALS: N/A

COUNCIL ACTION:

Introduce the proposed amendments to Chapter 98, Article 1, Section 98-3 for First Read as recommended by the Planning Commission and set a public hearing for July 7, 2011.

Attachments:

1. Proposed amendments to Section 98-3 Definitions
2. Planning Commission Meeting Minutes

DRAFT
City of Brighton
Planning Commission
Minutes
April 18, 2011

DRAFT

1. Call to Order/Roll Call

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

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

Motion by Mr. Wells, seconded by Mr. Schillinger, to excuse Commission Member Wirth from tonight's meeting. **The motion carried 8-0-1.**

Also present were Amy Cyphert, Lauri French, Brad Maynes, and an audience of four.

2. Call to the Public

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

3. Approval of the March 21, 2011 Regular Meeting Minutes

Motion by Mr. Schillinger, supported by Mr. Smith, to approve the March 21, 2011 regular meeting minutes as amended. **The motion carried 8-0-1.**

4. Approval of the April 18, 2011 Agenda

Motion by Mr. Pawlowski, supported by Mr. Smith, to approve tonight's agenda as presented. **The motion carried 8-0-1.**

Old Business

5. Public Hearing and Possible Action on amendments to Chapter 98, Article I, Section 98-3. Definitions. – "Home Occupation", "Marihuana", "Marihuana Collective or Cooperative", "Marihuana Dispensary or Dispensary", and "Medical Use of Marihuana".

Chairperson Monet closed the regular meeting and opened the public hearing at 7:34 p.m.

Susan Walters-Steinacker, 950 Brighton Lake Road, noted several examples in the proposed ordinance definitions under Section II where questions could occur and situations were not clear-cut. She has spoken to some residents and they believe this type of business should be put in industrial zoned areas, not in residential neighborhoods.

Dick Dixon, Brighton, stated that he is a medical marijuana patient and that any delay in the ordinance process prevents people from getting their medicinal marijuana. He wanted to know why the Grand Rapids model was used and said if you want to keep it out of neighborhoods, these businesses should be set up like liquor stores.



Hearing no other responses, Chairperson Monet closed the public hearing and resumed the regular meeting at 7:40 p.m.

Brad Maynes from the City attorney’s office responded to Mr. Dixon’s question regarding why the Grand Rapids model was used for the Brighton ordinance. He and Acting Planning/Zoning Director Cyphert reviewed several other communities’ ordinances, from the most restrictive (Livonia) to the most flexible (Ferndale) and chose Grand Rapids’ ordinance as the middle ground as it kept to the intent of the State law of providing a one-on-one caregiver experience, not large-scale enterprises.

Matt Smith and Bill Bryan both agreed that the proposed ordinance is in keeping with the spirit of the law and a small-scale operation. Dave McLane noted that Grand Blanc has an area zoned specifically for medical marijuana (hospital) and requires special land use permits. Bob Pawlowski stated the intent is not to go against the State law, but try to meet the intent of the law by keeping it small (home occupation).

Steve Monet stated that he would probably vote against the proposed ordinance; he does not believe this should be in residential neighborhoods. Matt Smith pointed out that the State law allows for caregivers to grow marijuana in their home for up to five patients, which they can do with or without this ordinance. Larry Schillinger stated the next step is to move this to City Council and let them decide what should be done. John Wells noted we did not want dispensaries due to them being a gathering place. If it’s going to happen we have the opportunity to regulate it to prevent it from getting out of hand.

Motion by Matt Smith, seconded by Bill Bryan, to recommend sending the ordinance amendments as written to City Council for review and adoption. A roll call vote was taken as follows:

Mr. Pawlowski – Yes; Mr. Smith – Yes; Mr. Petrak – Yes; Mr. Monet – No; Mr. McLane – No; Mr. Schillinger – Yes; Mr. Bryan – Yes; Mr. Wirth – Absent; Mr. Wells – Yes. **The motion carried 6-2-1.**

New Business

Other Business

6. **Staff Updates** – There were no staff updates.

7. **Call to the Public**

The call to the public was made at 7:58 p.m. Hearing no response, Call to the Public was closed at 7:58 p.m.

8. **Adjournment**

Moved by Mr. Petrak, supported by Mr. McLane, to adjourn the meeting at 7:58 p.m. **The motion carried 8-0-1.**

John Wells, Secretary

Lauri French, Recording Secretary

**POLICY REPORT: DDA PUBLIC PARKING LOT AT 114, 118 & 128 W.
NORTH STREET #11-005**

JULY 7, 2011

Prepared by:

Amy Cyphert
Acting Community Development
& Planning Director

Reviewed by:

Dana Foster
City Manager

ISSUE:

To consider granting conditional site plan approval for the DDA Public Parking Lot located at 114, 118 & 128 W. North Street #11-005 as recommended by the Planning Commission.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation.

BACKGROUND:

At its meeting of June 20, 2011, the Planning Commission reviewed and discussed a site plan for the DDA Public Parking Lot located at 114, 118 & 128 W. North Street. The project includes a 25 space public parking. Please see the attached Planning Commission report for additional information.

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

1. That the Fire Department and City Engineers review the plans during the building permit process.
2. Extension of the parking lot sidewalk to connect to the West Street sidewalk

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

BUDGET IMPACT: N/A

RELATIONSHIP TO 2010/2011 GOALS: N/A

COUNCIL ACTION:

Motion by _____ to recommend site plan approval for the City of Brighton DDA Public Parking Lot at 114, 118 & 128 W. North Street as depicted on the site plan prepared by Lindhout Associates Architects, job #0845, sheet 02, last dated 2/22/11. The approval is subject to the following conditions:

1. That the Fire Department, City Engineers and DPS provide input and review the plans

during the design build process.

2. Extension of the parking lot sidewalk to connect to the West Street sidewalk

and supported by _____.

Attachments:

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

**CITY OF BRIGHTON
PLANNING COMMISSION
PLANNING REPORT**

TO: Planning Commission Members

FROM: Amy Cyphert, Acting Planning & Zoning Director

DATE: June 20, 2011

RE: **Site Plan – DDA Public Parking Lot at 114, 118 & 128 W. North Street
#11-005**

Background

On May 26, 2011, the City of Brighton Downtown Development Authority approved a lease agreement with the owners of the property known as 114, 116 & 128 W. North Street (northeast corner of North and West streets) subject to site plan approval and other required city authorizations. The lease agreement calls for the use of the property as a 25 space public parking lot per the site plan now under consideration by the City Planning Commission. The lease is for a period of 10 years with an option for another 10 years as well as a first right of refusal for the DDA and a buy out provision for the property owners (Barton LLC.), all subject to various approvals by the City Planning Commission, Zoning Board of Appeals and City Council.

In addition to the contingencies for approval by the City of Brighton, the lease agreement requires the property owner to remove the three dilapidated residential structures that currently occupy the property.

The DDA will be responsible for the removal of the “Welding Shop” which is necessary to construct the parking lot.

The cost of the parking lot construction was originally borne entirely by the Downtown Development Authority, and the approved DDA budget for fiscal year 2012 reflects their \$120,000 funding commitment. However, approximately a month ago the DDA appealed to the Michigan Economic Develop Corporation to determine if the project might be eligible for funding assistance. As of last week our request for a \$104,000 +/- increase in the MEDC grant that is funding most of the Main/West/North streetscape project (scheduled to begin Fall 2012) had been favorably received by the MEDC staff and will be presented for approval to the Michigan Strategic Fund Board in July or August of this year. The MEDC funding will be used for the parking lot exclusively and will not be applied to the demolition of the three aforementioned dilapidated structures... those remain the responsibility of the lessor per the conditional lease agreement.

Discussion Points

- The DDA worked with Lindhout Associates on the design of the proposed parking lot.
- The projects increase the amount of parking in the area by 25 spaces.
- On June 9th, the DDA received a variance from providing landscaping elements (Section 98-86 (2) (a, b, c)) and a variance that allows the proposed parking lot adjacent to the existing Bagger Dave's parking lot (Section 98-462 (e) (2)).
- In 2008, the City of Brighton constructed the Second Street Parking Lot. This parking lot was constructed from a similar one page site plan and funded by a MSHDA grant. The design build concept allowed the City to save money by not fully engineering the parking lot drawings and by having Dave Blackmar, the Assistant DPS Director, manage the project instead of the City Engineers.

Recommendations

The increase in parking in this area of downtown is needed, not only to serve and support existing business needs, but to support the new businesses that will occupy existing vacant buildings in downtown (i.e. The Pound). The project will also improve the area.

Staff recommends that the projects be approved.

Commission Action

Motion by _____ to recommend site plan approval for the City of Brighton DDA Public Parking Lot at 114, 118 & 128 W. North Street as depicted on the site plan prepared by Lindhout Associates Architects, job #0845, sheet 02, last dated 2/22/11. The approval is subject to the following conditions:

1. That the Fire Department, City Engineers and DPS provide input and review the plans during the design build process.

Attachments:

1. Site Plan

DRAFT
City of Brighton
Planning Commission
Minutes
June 20, 2011

DRAFT

1. Call to Order/Roll Call

Chairperson Monet called the meeting to order at 7:31 pm. The following were present:

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

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

2. Call to the Public

The call to the public was made at 7:32 p.m. Susan Walters-Steinacker, 950 Brighton Lake Road, commented on Item 5 on tonight's agenda stating that the parking study that was done last year did not indicate that more parking was needed. She noted that the three houses on the Barton property are on a Sanborn map from the 1800's and that the City will be taking down historical homes that could be used for housing or live-work units and stay on the tax roll. She stated the City should not be getting a grant because in her opinion they are not following SHPO rules.

Hearing no further response, Chairperson Monet closed the call to the public.

3. Approval of the April 18, 2011 Regular Meeting Minutes

Motion by Mr. Wells, supported by Mr. Schillinger, to approve the April 18, 2011 regular meeting minutes as presented. **The motion carried 8-0, with Mr. Wirth abstaining.**

4. Approval of the June 20, 2011 Agenda

Motion by Mr. Wirth, supported by Mr. Smith, to approve tonight's agenda as presented. **The motion carried 9-0.**

Old Business

New Business

5. Site Plan – DDA Public Parking Lot at 114, 118 & 128 W. North Street #11-005

Matt Modrack, DDA Executive Director, stated that he would not submit anything to SHPO that wasn't already vetted and which didn't have a good chance to be approved. He also noted we are not trying to hide anything from SHPO or MEDC; the Section 106 review has been mailed to SHPO for this project. Mr. Wirth pointed out that the property remains in private ownership and therefore stays on the tax roll. The temporary lot and taking down the blighted houses will make that corner more inviting to developers. Mr. Monet stated he appreciates what Mr. Modrack has done to obtain grants.



There was further discussion about the potential for development of the property. Mr. Modrack confirmed that the front area of the property facing North St. would hopefully be developed within three years; we have an active downtown and the redevelopment liquor license has been the tool used to get the restaurants. Mr. Smith said he is glad to see a development plan for the property. Mr. Modrack informed the commission members that he is talking to property owners on Grand River for possible access to the parking lot and Grand River businesses via a sidewalk and stairway between two buildings, which would also clean up that area.

Mr. Bryan noted that the three houses on the property are not historically significant and that in considering the best use for the property and in order to evolve downtown, sometimes something else has to be taken down. Mr. McLane asked if there was anything in the agreement to prevent a private business from buying the property and then using the parking lot as a private lot. Mr. Modrack indicated there is not but a new owner would have to pay back the DDA on a depreciating basis for the cost of constructing the lot.

Mr. Petrak noted that in the sketch it doesn't appear that the parking lot sidewalk connects to the sidewalk on West Street and Mr. Modrack responded that it will connect to the West/North/Main project. Mr. Wells stated that the Master Plan calls for an emphasis on housing and wanting to keep people in Brighton. Mr. Modrack noted there is no one living in the houses now and that the owners have every right to take down the houses since they are on private property.

Motion by Mr. Pawlowski, supported by Mr. Petrak, to recommend site plan approval for the City of Brighton DDA Public Parking Lot at 114, 118 & 128 W. North Street as depicted on the site plan prepared by Lindhout Associates Architects, job #0845, sheet 02, last dated 2/22/11. The approval is subject to the following conditions:

1. **That the Fire Department, City Engineers and DPS provide input and review the plans during the design build process.**
2. **Extension of the parking lot sidewalk to connect to the West Street sidewalk.**

The motion carried 9-0.

Other Business

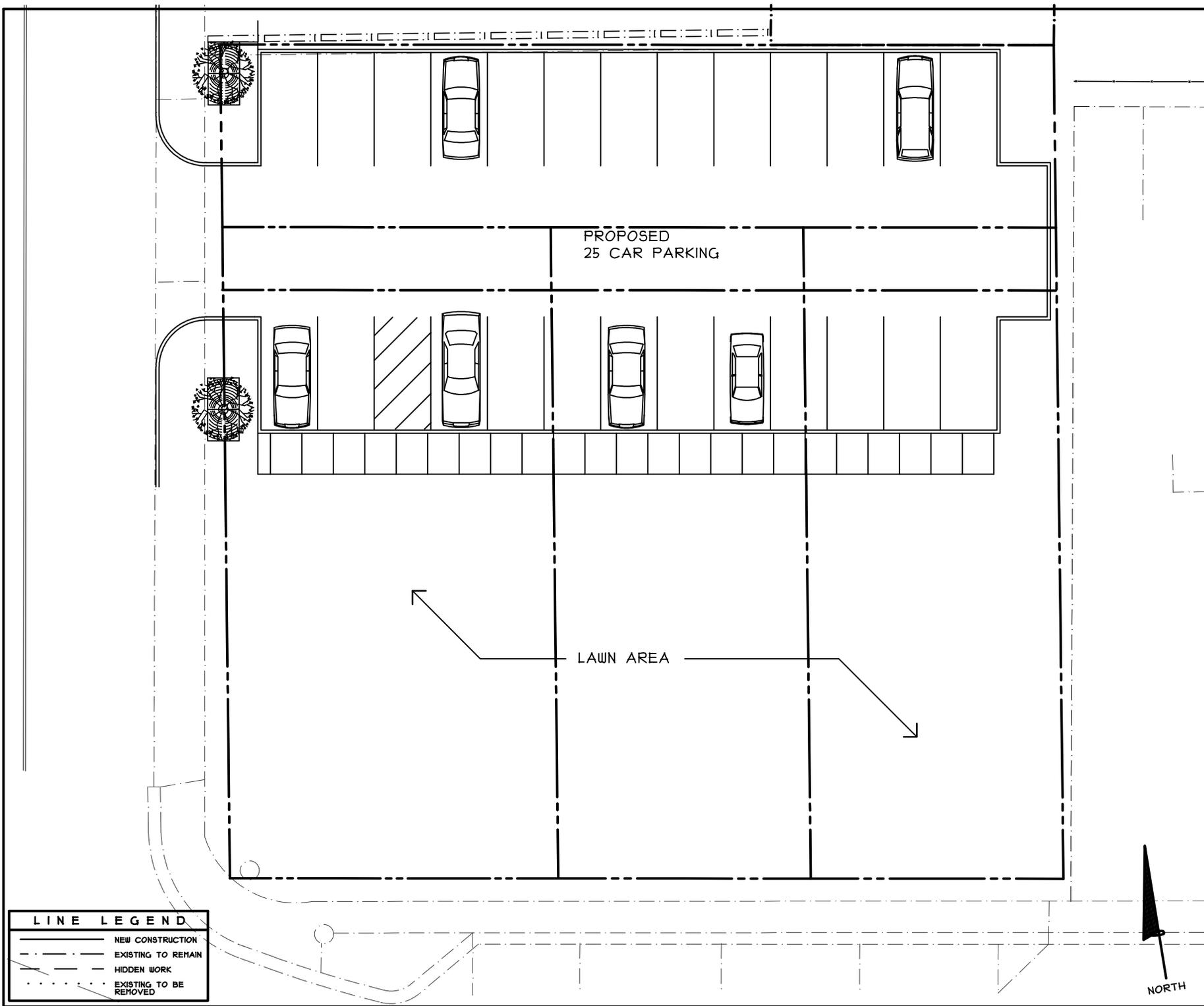
6. **Staff Updates** – Ms. Cyphert noted that there would probably be a Planning Commission meeting in July. Regarding the Master Plan update, she noted that not all the Census data is out and she is waiting for housing information from the census before scheduling another meeting. Chairperson Monet asked if the subcommittee could work on another chapter rather than wait, and Ms. Cyphert said she would get a note out to schedule the next meeting.

7. **Call to the Public**

The call to the public was made at 7:55 p.m. Hearing no response, Call to the Public was closed at 7:55 p.m.

8. **Adjournment**

Moved by Mr. Wirth, supported by Mr. Bryan, to adjourn the meeting at 7:55 p.m. **The motion carried 9-0.**



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



SITE PLAN - SCHEME B 0' 10'-20'-30' 40' SCALE: 1" = 20'-0" 0845



Lindhout Associates architects aia pc
 10465 citation drive, brighton, MI 48116-9510
 www.lindhout.com (810)227-5668 fax: (810)227-5855

PROPERTY LEASE issued for
 2-22-11 date

02

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON JULY 7, 2011 AT THE BRIGHTON CITY HALL
200 N. 1ST STREET, BRIGHTON, MICHIGAN

BLUE SKY SESSION

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

REGULAR SESSION

Mayor Bandkau called the regular meeting to order at 7:32 p.m. Following the Pledge of Allegiance, the roll was called, there being present were Mayor Bandkau, Councilmembers Schillinger, Bohn, Muzzin, Roblee, Cooper and Pipoly. Also in attendance were Attorney Brad Maynes, Engineer Gary Markstrom and Staff members Dana Foster, Diana Lowe, Jennifer Burke, Amy Cyphert, Matt Schindewolf, Tom Wightman, Kelly LaLonde, Matt Modrack and an audience of 4. Press and Media included Jim Totten from the Livingston County Press Argus, Tom Tolen from WHMI and Jacob Kanclerz from the Patch.

MINUTES APPROVAL

It was moved by Councilmember Roblee, seconded by Muzzin to approve the Regular Meeting minutes of June 16, 2011 as presented. Motion passed 7-0.

It was moved by Councilmember Muzzin, seconded by Cooper to approve the Closed Session minutes of June 16, 2011 as presented. Motion passed 7-0.

CALL TO THE PUBLIC

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

Mary Holliday stated she had a garage sale in the Oakridge area over the weekend and City workers arbitrarily took all of the garage sale signs down Friday and that many signs of other certain events are left alone. She stated the entrance to the Oakridge subdivision is in need of maintenance, the Millpond area needs clean up and the City cable messages are outdated.

Hearing no further comment, the Call to the Public was closed at 7:38 p.m.

CITIZEN INQUIRIES

None.

AGENDA APPROVAL

It was moved by Councilmember Cooper, seconded by Bohn to approve the Consent Agenda amended. Delete Item #11, Biennial City Service Survey. Move to Consent Agenda from Action Agenda item #17, City Manager Budget Amendment. A roll call vote was taken. Yes: Schillinger, Cooper, Bohn, Bandkau, Muzzin, Roblee, Pipoly. No: none. Motion passed 7-0. The following items were approved:

1. Approved Resolution 11-15, updated Year-end Budget Amendments for Fiscal-Year 2010-2011.
2. Approved Resolution 11-16, Liquor license transfer for the Pi's Asian Cuisine restaurant.
3. Approved a budget amendment for the Fiscal Year 11-12 City Manager's office activity budget for training funding.

CITY MANAGER PRESENTATION

Mayor Bandkau presented an engraved clock to Dana Foster for his 20 years of service as City Manager for the City of Brighton.

Dana Foster stated that he had always tried over the years to credit the City Council and the policies carried out by Staff and he looks ahead at what we need to do next and what can we do better. He expressed his appreciation to City Council. He thanked the Mayor and Council and Staff for what is accomplished here every day and he is proud to serve the City of Brighton.

Councilmember Muzzin stated that Dana is his hardest judge and he surrounds himself with great Department Heads and Staff. He also stated the clock was paid for by City Councilmembers and not from the City budget.

AGENDA APPROVAL CONTINUED

It was moved by Councilmember Cooper, seconded by Pipoly to approve the Action Agenda as amended. Delete item #14, SELCRA Bylaws, item #16, Wastewater intergovernmental proposal, #21, Pending Collective Bargaining Closed Session and item #22, Collective Bargaining Negotiations action. Add item #23a, Attorney-Client privilege action. Move from Action Agenda to Consent Agenda item #17, City Manager Budget Amendment. Motion passed 7-0.

MEDICAL MARIHUANA ORDINANCE PUBLIC HEARING AND SECOND READING

Assistant City Attorney, Brad Maynes, stated the proposed Medical Marihuana Ordinance is recommended by the Planning Commission, City Staff and the City Attorney. The ordinance permits primary caregivers as a home occupation, and defines and prohibits dispensaries and cooperatives.

Mayor Bandkau opened the Public Hearing for the Medical Marihuana Ordinance at 7:55 p.m.

City Council
July 7, 2011
Page 3

The following comments were heard:

Doug Orton, 5072 Timberline Lane, represents the 850 plus member of the Brighton Area Compassion Club. He stated they came together to teach people how the Medical Marihuana law should work and they are not a dispensary. When you start defining dispensaries and cooperatives, this is the first step towards discrimination. This is about patient safety and the need to have safe access to their medicine. He suggested tabling the matter, put the moratorium back on and waiting for the State to come back with further changes to the law.

Hearing no further comment, the Public Hearing was closed at 8:01 p.m.

After Council discussion, it was moved by Councilmember Schillinger, seconded by Cooper to approve second reading and adoption of Ordinance 555, proposed amendments to Chapter 98, Article 1, Section 98-3, Home Occupation, Marihuana, Marihuana Dispensary, Marihuana Collective of Cooperative and Medical Use of Marihuana. A roll call vote was taken. Yes: Schillinger, Muzzin, Roblee, Pipoly, Cooper. No: Bohn, Bandkau. Motion passed 5-2.

DDA NORTH STREET PARKING LOT SITE PLAN

Acting Community Development and Planning Director, Amy Cyphert briefed the Council on the DDA public parking lot redevelopment at 114, 118 and 128 W. North Street site plan for a total of 25 new parking spaces.

DDA Executive Director, Matt Modrack stated streetscape improvements will be made in 2013, a \$104,000 grant has been secured from the MEDC and demolition of the three buildings will be done by the property owner.

It was moved by Muzzin, seconded by Roblee to approve site plan approval for the City of Brighton DDA Public Parking Lot at 114, 118 & 128 W. North Street as depicted on the site plan prepared by Lindhout Associates Architects, job #0845, sheet 02, last dated 2/22/11. The approval is subject to the following conditions:

1. That the Fire Department, City Engineers and DPS provide input and review the plans during the design build process.
2. Extension of the parking lot sidewalk to connect to the West Street sidewalk.

Motion passed 7-0.

CAPITAL IMPROVEMENTS FUNDING PRESENTATION

City Manager, Dana Foster gave a presentation regarding the proposed Capital Improvements Funding from the City Council Budget & Finance Subcommittee. He discussed the possibility of future bonding, the Capital Improvements Program Task Force recommendations on this project and the following slides: The Needs of Residential Curb & Gutter, Residential Street Reconstruction, Residential Street Paving, Sidewalk Repairs, Water, Sewer, Storm Drainage, Quality of Life & Public Facilities; The Numbers of Current Revenue Trends, Property Tax Revenue decline, 6-Year Financial Forecast, City's Cost Reduction Actions & Results, City Government Downsizing Facts, No Capital Improvements except Grant-Funded projects in Recent Years, Additional Budget Cuts; The Proposal of A Plan for Improvements, Residential Curb, Gutter, Sidewalk and Pavement, Proposed

City Council
July 7, 2011
Page 4

Residential Curb and Gutter, Citizens CIP Funding Advisory Task Force Recommendations of Bond, Special Assessment Districts and Grants, Possible Bond Issue for Voters to Consider, Better and Like it Should Be, We Can Do Better Than This, And What If, And Just Imagine This and a Special Thank You to his step-daughter, Claire McDonald, Budget and Finance Subcommittee, Kelly LaLonde, Gary Markstrom and CIP Advisory Task Force Members.

It was moved by Mayor Pro-Tem Bohn, seconded by Muzzin to go forward with a series of public information meetings on capital improvements. Motion passed 7-0.

CITY CUSTOMER INFORMATION

City Manager, Dana Foster stated Tetra Tech Engineers would be remaining in the City of Brighton.

Department of Public Services Director, Matt Schindewolf stated a sewer on Grand River is being repaired with a slip-line. He stated sometimes the jets on the street sweeper runs out of water, which causes dust to be stirred up.

Councilmember Cooper thanked Corrigan Oil and BP for the \$10,000 grant to SELCRA for scholarships and events. He gave a Planning Commission update.

Councilmember Roblee stated there are new sculptures downtown, the Americana Festival is this weekend and she attended a meeting yesterday regarding the condition of the Imagination Station. She asked for Council consensus for their approval of volunteers and donations to do the necessary repairs on the Imagination Station. There is also a proposal for a new Imagination Station with water features to be built and funded by volunteers.

City Attorney, Brad Maynes stated his office could address a question regarding of volunteers from Mayor Pro-Tem Bohn.

There was no opposition from Council to move forward on the Imagination Station repairs and new Imagination Station.

Mayor Bandkau attended the Joyce Rogers Post Office dedication and an update regarding the Veteran's Memorial will be coming soon. She gave condolences to Kathy Jones for the passing of her husband.

CALL TO THE PUBLIC

Mayor Bandkau gave a Call to the Public at 10:12 p.m.

Chip Baldwin, 320 N. 2nd Street, asked citizens with children or grandchildren to volunteer for the proposed Imagination Station.

Hearing no further comment, the Call to the Public was closed. 10: 14

City Council
July 7, 2011
Page 5

OPINION LETTER CLOSED SESSION

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

The Council convened into Closed Session at 10:18 p.m.

The Council reconvened the Regular meeting at 10:21 p.m.

MITSUBA MOTION OR ACTION

It was moved by Councilmember Muzzin, seconded by Bohn to accept the proposed offer from American Mitsuba. Motion passed 7-0.

ADJOURNMENT

It was moved by Councilmember Cooper, seconded by Roblee to adjourn the meeting at 10:22 p.m. Motion passed 7-0.

Diana Lowe, City Clerk

Ricci Bandkau, Mayor

**CITY OF BRIGHTON CITY COUNCIL
NOTICE OF PUBLIC HEARING AND SECOND READING
FOR PROPOSED ORDINANCE AMENDMENTS TO CHAPTER 2
AUGUST 4, 2011**

PLEASE TAKE NOTICE that the Brighton City Council will hold second reading and public hearing at 7:30 p.m., August 4, 2011 at the Brighton City Council Chambers, 200 N 1st Street, Brighton, Michigan 48116 to amend the Planning Commission and Board of Appeals Ordinance.

The proposed ordinance would amend Chapter 2 – Administration, Article III – Boards and Commissions, Division 2 – Planning Commission and Division 3 – Board of Appeals of the City of Brighton Code of Ordinances.

The proposed ordinance is available for inspection at City Hall, 200 N 1st Street, Brighton, Michigan. Public comment is invited. ALL CONCERNED CITIZENS are invited and encouraged to attend this public hearing.

To comply with the Americans with Disabilities Act (ADA): Any citizen requesting accommodation to attend this meeting/function and/or to obtain this notice in alternate formats, please contact David Blackmar, ADA Coordinator (810) 225-8001, at least five business days prior to the meeting/function.

DIANA LOWE
CITY CLERK