

CITY OF BRIGHTON
CITY COUNCIL MEETING
CITY HALL
June 20, 2013

Regular Blue Sky: 7:00 p.m.: 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 of June 6, 2013](#)
6. City Manager's presentation regarding a City Employee's retirement
7. Mayor's Reading of Citizen Inquiries received since the last City Council Meeting
8. Call to the Public

Consent Agenda

9. Consider approval of a [resolution](#) to [commit fund balance for future capital improvements including equipment replacement](#)
10. Consider approval of a [civic event application for the MPG Dream Ride for Special Olympics](#) as recommended by staff
11. Consider approval of the year-end budget amendment for Fiscal Year 12-13 as recommended by staff
12. Consider approval of the [annual fee schedule resolution](#) as recommended by staff
13. Consider approval of a bid award for the grant-funded downtown surveillance camera system upgrades as recommended by staff

Policy Development & Customer Communications' action item

14. Conduct a [public hearing for the 2nd reading and adoption of a proposed Residential Rental Inspection Program related ordinance](#)
15. Untable from the 06/06/13 City Council Meeting an item for possible approval of a motion providing direction to Staff and the Planning Commission regarding possible City Council- requested changes to the DBD Zoning District Ordinance's list of permitted uses for the DBD District and/or changes to the definition of the term "kennel"
16. Conduct a discussion regarding possible Headlee Millage Lid Override Ballot proposals for the November, 2013 election
17. Receive an informational slide presentation and report from the Utilities Superintendent and City Manager regarding the pending need and competitive bidding process for the replacement of incline pumps at the City's Wastewater Treatment Utility Plant (no action needed until the July 18th City Council meeting)
18. Consider approval of a [resolution authorizing an application to the State of Michigan Department of Treasury for the City's purchase of a property on the State of Michigan Department of Treasury Tax Foreclosure Sale listing for the purpose of residential redevelopment](#)

Other Business

19. Information for City Customers
20. Receive updates from Council Member Liaisons to other Boards and Commissions
21. Call to the Public
22. Conduct a closed session to receive an update from the City Labor Attorney on the status of pending negotiations with the City's four collective bargaining units
23. Consider possible actions as may be recommended by the City Labor Attorney
24. Adjournment

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON JUNE 6, 2013 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, Bandkau, Roblee and Pipoly. The Council reviewed the evening's agenda.

REGULAR SESSION

Mayor Muzzin called the regular meeting to order at 7:30 p.m. Following the Pledge of Allegiance, the roll was called, there being present were Mayor Muzzin, Mayor Pro-Tem Cooper, Councilmembers Bandkau, Pipoly, Roblee and Bohn. Also in attendance were Attorney Paul Burns, Livingston County Building Official Jim Rowell, Staff members Dana Foster, Dave Blackmar, Denise Meier, Jennifer Burke, Diana Lowe, Amy Cyphert and Tom Wightman and an audience of 8. Press and Media included Jim Totten of Livingston County Press & Argus and Tom Tolen of WHMI.

It was moved by Bandkau, seconded by Bohn to excuse Councilmember Schillinger from the evening's meeting. Motion passed 6-0-1.

AGENDA APPROVAL

It was moved Mayor Pro-Tem Cooper, seconded by Pipoly to approve the agenda as amended. Move from Action Agenda to Consent Agenda item #13, Residential Rental Program. Motion passed 6-0-1.

MINUTES APPROVAL

It was moved by Councilmember Roblee, seconded by Bandkau to approve the Regular Meeting minutes of May, 16, 2013 as presented. Motion passed 6-0-1.

It was moved by Mayor Pro-Tem Cooper seconded by Bohn to approve the Closed Session minutes of May, 2, 2013 as presented. Motion passed 6-0-1.

DETROIT INSTITUTE OF ARTS PRESENTATION

Barbara Hallar, Detroit Institute of Arts discussed the Inside Out Program. She stated the art will be installed in the City of Brighton on June 28th. She gave a slide presentation of the art. There will be a walking tour on July 10th from 8-9 p.m. Lauri French is the City's contact person and Katherine Diamond; Director of Community Relations will be here for the tour.

Councilmember Roblee invited several artists to paint outside in the downtown on July 20th. They will have six to seven hours to paint. All paintings will be moved to Art Ventures where there will be public voting on the art. All paintings will be moved out for the Brighton Art Festival and there will be a monetary prize to the artist that wins the public vote.

CITIZEN INQUIRIES

Mayor Muzzin stated there was an inquiry from Pat Cole regarding the same questions she had regarding Senior Citizens discounts offered by the City. He stated he provided answers to all of these questions on May 2, 2013.

CALL TO THE PUBLIC

Mayor Muzzin opened the Call to the Public at 7:45 p.m. The following comments were heard:

Pat Cole asked for her Citizen Inquiry to be read.

Hearing no further comment, the Call to the Public was closed at 7:47 p.m.

Councilmember Cooper stated he would be willing to take Ms. Cole's ideas for senior recreation to SELCRA.

Mayor Muzzin read the Citizen Inquiry from Pat Cole regarding Senior Citizen discounts available in the City. He stated the answer is the same that he read at the May 2, 2013 City Council meeting. He also stated his personal opinion for citizens who own, purchase or rent in the City of Brighton, we have all services available and there is very little services that the residents need to go out of town for and we have more than just senior citizens in the City of Brighton, we have adults and children also.

CONSENT AGENDA

It was moved by Mayor Pro-Tem Cooper, seconded by Roblee to approve the Consent Agenda as amended. A roll call vote was taken. Yes: Bohn, Cooper, Muzzin, Bandkau, Roblee, Pipoly. No: none. Motion passed 6-0-1.

The following items were approved:

1. Approved a tax collection agreement with LESA (continuation of providing the Tax collection service we have been providing for the LESA school district).
2. Appointed Alicia Urbain as the Zoning Board of Appeals alternate.
3. Appointed Lisa Farquhar to the Election Commission.
4. Approved Resolution 13-10, New Micro Brewer license for the Brauerei microbrewery at 500 W. Main Street.
5. Approved First Reading of the proposed residential rental inspection Ordinance addition to Chapter 18, and set Second Reading and Public Hearing for June 20, 2013.

PROPOSED CHANGES TO TEMPORARY LAND USE FIRST READING

Planning and Zoning Director, Amy Cyphert briefed the Council on the proposed amendments regarding Temporary Land Use. She stated there are two options, which are maintain powers at the City Council level or transfer them to the Zoning Board of Appeals.

It was moved by Councilmember Bandkau, seconded by Cooper to approve First Reading of the proposed amendments to Chapter 98, Article I, In General, Section 98-3, Definitions; Chapter 98, Article XXIV, Boards of Appeal, Section 98-687, Jurisdiction; and Chapter 98, Article XXV, Temporary Land Uses, Section 98-700, Temporary land uses, and set a public hearing for July 18, 2013. Motion passed 6-0-1.

DBD ZONING DISTRICT PERMITTED USES

City Manager, Dana Foster stated the DBD Zoning District permitted uses is on the agenda because of the business called Pawsitively Spoiled and part of the business that was previously occurring at that location appeared to be boarding, which is not allowed in the DBD as it currently exists.

There was Council discussion regarding open kennels vs. kennels, Special Land Permit, why a representative from Pawsitively Spoiled not present is and the fact that the kennel issue has been before the Zoning Board of Appeals previously.

It was moved by Mayor Pro-Tem Cooper, seconded by Bohn to table the DBD Zoning Districts permitted uses to the June 20th City Council meeting and for the City Attorney to reach out to the Pawsitively Spoiled attorney and an opportunity to provide us with more information. Motion passed 6-0-1.

It was moved by Councilmember Bohn, seconded by Cooper to move item #17 ahead of item #16 on the agenda. Motion passed 6-0-1.

COMPLIANCE OF PROPERTY OWNERS WITH CITY ORDINANCES

City Manager, Dana Foster stated Citation Investment is located at 8589 West Grand River, also known as the Davis Office Building, multiple Code violations have been found and the City has not been able to achieve compliance.

Planning and Zoning Director, Amy Cyphert stated complaints have been received regarding this office center and Building Inspector, Jim Rowell inspected the property to find many building code violations.

Livingston County Building Official, Jim Rowell described some of the violations that need repair. He stated the buildings are still accessible and there is a need to protect the public from accessing the property and Tom Duke, building owner, stated he would prefer to vacate the buildings, as he does not plan on redeveloping the property at this time.

John Porth, Mr. Duke's Associate, stated the tenants have been given notice to vacate the buildings, as his plan is to raze the buildings. He stated he can ask Mr. Duke to provide City Council with a plan.

It was moved by Mayor Pro-Tem Cooper, seconded by Bandkau to authorize the City Attorney to initiate a lawsuit against the property owner, Citation Investments LLC, in the Livingston County Circuit Court to enforce compliance with the Property Maintenance Code and any other Ordinance violations and if the property owner is moving forward, we would consider, after that has been remedied, to work with them about redevelopment opportunities. Motion failed 1-5-1.

It was moved by Councilmember Pipoly, seconded by Bohn to give Citation Investments LLC two weeks for compliance with the Property Maintenance Code and any other Ordinance violations, and if compliance is not achieved, to authorize the City Attorney to initiate a lawsuit in the Livingston County Circuit Court to enforce compliance. Motion passed 5-1-1 with Mayor Pro-Tem Cooper voting “no”.

City Manager, Dana Foster discussed the mirrored glass effect windows at Buon Gusto which are in violation of the DBD Zoning District regulations.

Planning and Zoning Director, Amy Cyphert stated the City was notified about the film placed on the windows at Buon Gusto to give it a mirrored glass effect and no resolution has been received for this issue, although half of the film on the windows has been removed.

It was moved by Councilmember Roblee, seconded by Bandkau to give Buon Gusto two weeks to resolve the mirrored glass related zoning ordinance violations and if no plan is in place in 14 days, the City Attorney’s office has authorization to institute a lawsuit with the Livingston County Circuit Court to enforce compliance. Motion passed 6-0-1.

CITY REVENUE OPTIONS

City Manager, Dana Foster asked City Council if they want to pursue the proposal for a Headlee Lid Override as presented in his original budget submittal or as proposed by Councilmember Bohn.

City Council directed Staff to provide a menu approach as to what projects/improvements a millage increase would bring to the residents at the June 20, 2013 City Council meeting.

CITY CUSTOMER INFORMATION

City Manager, Dana Foster stated he anticipates a heavy agenda at the next meeting. Saturday June 8th will be another Imagination Station Volunteer work day and the next major work day will be in July.

Councilmember Bandkau gave a Veterans Memorial update stating dedication will be the Sunday before Veteran’s Day.

Councilmember Roblee stated June 12th is the first of the new Jazz Series downtown. There will be a free educational workshop conducted at the CoBACH by musicians at this event, which will occur just prior to the outdoor live music performance.

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Mayor Muzzin gave a DDA update, stating they agreed to pay for the testing for the millpond dredging project. He conducted a learning event with 2nd and 3rd graders on how we operate our government and he received a thank you from the students.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 9:32 p.m. The following comment was heard:

Pat Cole thanked the Mayor for reading her citizen inquiry. She expressed her concerns regarding Positively Spoiled violating our ordinances and her concerns regarding public safety.

Hearing no further comment, the Call to the Public was closed at 9:36 p.m.

ADJOURNMENT

It was moved by Mayor Pro-Tem Cooper, seconded by Pipoly to adjourn the meeting at 9:36 p.m. Motion passed 6-0-1.

Diana Lowe, City Clerk

Jim Muzzin, Mayor

POLICY REPORT - FINANCE

CONSIDER ADOPTING A RESOLUTION to approve commitment of Fund Balance in accordance with GASB Statement #54

June 20, 2013

Prepared by:

Reviewed by:

Kelly Hanna
Finance Director

Dana William Foster
City Manager

ISSUE/RECOMMENDATION:

Consider adopting the attached Resolution, to approve commitment of Fund Balance in accordance with GASB Statement No. 54

BACKGROUND:

GASB Statement 54 distinguishes fund balance between amounts that are classified based on the relative strength of the constraints that control the purposes for which specific amounts can be spent.

- *Committed*—amounts constrained for a specific purpose by a government using its highest level of decision-making authority. It would require action by the same group to remove or change the constraints placed on resources. Action to constrain resources must occur prior to year-end.

Per City Council's prior motion to set aside \$77,139 for a purpose of future capital improvements including equipment replacement, the attached resolution will place \$57,139 in Committed Fund Balance for the period ending June 30, 2013. The remaining \$20,000 was committed prior to the end of FY2011/12 by adoption of a resolution by City Council. These funds may later be uncommitted by resolution approval by the City Council.

RELATIONSHIP TO GOALS:

The Governmental Accounting Standards Board requires City Council to Commit fund balance prior to the end of the fiscal year the funds are to be committed.

BUDGET IMPACT:

This resolution will commit \$57,139 of Fund Balance for FY2012/13 per City Council's prior motion to appropriate \$77,139 of unassigned Fund Balance. \$20,000 of unassigned Fund Balance was committed prior to the end of FY2011/12.

ACTION/MOTION TO CONSIDER:

Adopt the attached Resolution to approve \$57,139 commitment of Fund Balance in accordance with GASB Statement No. 54

RESOLUTION NO. 13-
CITY OF BRIGHTON
LIVINGSTON COUNTY, MICHIGAN

A Resolution to approve commitment of Fund Balances in accordance with GASB Statement No. 54

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

WHEREAS, the City of Brighton City Council has reviewed the new terminology, AND;

WHEREAS the City of Brighton City Council recommends that \$57,139 of the General Fund unassigned fund balance be committed solely for the purpose of future capital improvements including equipment replacement, AND;

NOW, THEREFORE, BE IT RESOLVED that the City of Brighton City Council accepts the aforementioned recommendation;

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

AYES: Council Members _____

NAYS: Council Members _____

ABSTAIN: Council Members _____

ABSENT: Council Members _____

RESOLUTION DECLARED _____

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Brighton City Council, Livingston County, Michigan at a regular meeting held on June 20, 2013

Diana Lowe, City Clerk

**POLICY REPORT NO. DPS –13-09
DEPARTMENT OF PUBLIC SERVICE**

MPG Dream Ride Civic Event

Prepared by:

**Thomas Wightman
Police Chief**

Reviewed by:

**Dana W. Foster
City Manager**

ISSUE: To consider the approval the MPG Dream Ride Civic Event requested by the Special Olympics of Michigan.

STAFF RECOMMENDATION: To approve the MPG Dream Ride Civic Event as recommended by the Civic Event Committee.

BACKGROUND: This is the first year for this event. Originally they had requested to have part of their route go through downtown; however, with this being the same day as the previously-scheduled Brighton Fine Art & Acoustic Music Festival event, the Police Department worked with the applicant to alter the route to allow it to be held, but not interfere with that event. The City of Brighton Civic Events Committee has reviewed the submitted Civic Event and recommends approval.

BUDGET IMPACT: Any police presence needed for the event can be done with the on-shift officers. There will be minimal staffing by DPS personnel at all Civic Events pursuant to the Collective Bargaining Unit Agreement between the City of Brighton and the Teamsters Union. Additional support staff necessary for these events will be determined based on specific requests of event sponsors on an as-needed basis.

RELATIONSHIP TO 2013/2014 GOALS: Continued allowance of various Civic Events under controlled conditions to promote the Downtown City of Brighton area.

COUNCIL ACTION: Approval of the MPG Dream Ride Civic Event as recommended by the Civic Event Committee.

ATTACHMENTS: MPG Dream Ride Civic Event Application



Civic Event Application

City of Brighton

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

**OFFICE USE
ONLY**

Date Received

By

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

3-Aug-2013 Special Olympics of Michigan (SOMI) Benjamin Christian
Application Date Name of Organization Name of Applicant

Central Michigan University Mt. Pleasant MI 48859
Street Address City State Zip

586-596-9802 _____ _____ _____
Cell Phone Home Phone Work Phone Fax

Email Address benjamin.christian@gm.com

MPG Dream Ride _____
Event Title

GM Milford Proving Grounds _____
Event Location

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

DATE	Day of Week	Beginning Time	Ending Time
<u>3-Aug-2013</u>	<u>Saturday</u>	<u>8 AM</u>	<u>4 PM</u>
_____	_____	_____	_____
_____	_____	_____	_____

<u>6 PM/Fri</u>	<u>4 PM/Sat</u>	<u>NA</u>
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: 381964643

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

MPG Dream Ride charity event to raise funds for Michigan Special Olympic athletes.

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)

The event starts and ends at the GM Milford Proving Grounds, and the bicycle tour route(s)

include the surrounding cities of Brighton and Milford, along with Kensington Metro Park

and Island Lake State Recreational Area.

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): First weekend in August

or
Next year's specific date(s): TBD

PROCEEDS OF THIS EVENT WILL BE USED FOR:

Equipment for Special Olympic athletes and future Olympic events

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)

The event starts and ends at the GM Milford Proving Grounds, and the bicycle tour route(s)

include the surrounding cities of Brighton and Milford, along with Kensington Metro Park

and Island Lake State Recreational Area.

ARE YOU PLANNING TO CHARGE AN ADMISSION FEE?

YES NO

IF YES, WHAT KIND AND HOW MUCH?

\$20/adult, kids under 12 free

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? Food trucks

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?

All food truck vendors have agreed to contribute 7% of proceeds to the Michigan Special

Olympics charity event.

WHAT IS THE EXPECTED ATTENDANCE FOR THIS EVENT?

1000+

DO YOU PLAN ON SUPPLYING ADDITIONAL RESTROOM FACILITIES? YES NO

NUMBER OF VOLUNTEERS / STAFF? 50+

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

Provide funds for Special Olympic athletes.

ELECTRICAL SERVICES REQUIRED (Please Be as Accurate as Possible)

NO

OTHER UTILITIES REQUIRED (Please Be as Accurate as Possible)

NA

CITY FACILITIES REQUESTED (Please Be as Accurate as Possible)

NA

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?

NA

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

Number of Signs TBD

Types of Signs Road markings

Locations of Signs At all intersections along the road to mark bike route

Date Signs Posted 2-Aug-2013

Date Signs Removed 3-Aug-2013

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:

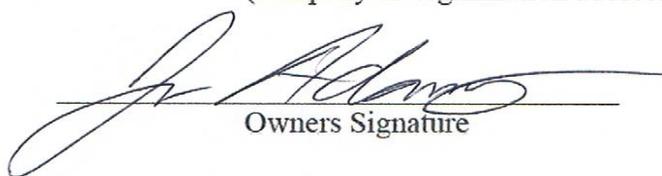
ON SITE REPRESENTATIVES NAMES AND CONTACT NUMBRS:

<u>Name</u>	<u>Contact number</u>
<u>Benjamin Christian</u>	<u>586-596-9802</u>
<u>Shefali Bhavsar</u>	<u>248-410-9733</u>
<u>Heather Burke</u>	<u>989-774-3911</u>

OWNER(S) AFFIDAVIT *

I, SOMI, have authorized Benjamin Christian 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 Central Michigan University, Mt. Pleasant, 48859.
(company or organization address)


Owners Signature

30-May-2013

Date

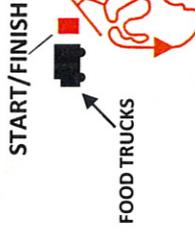
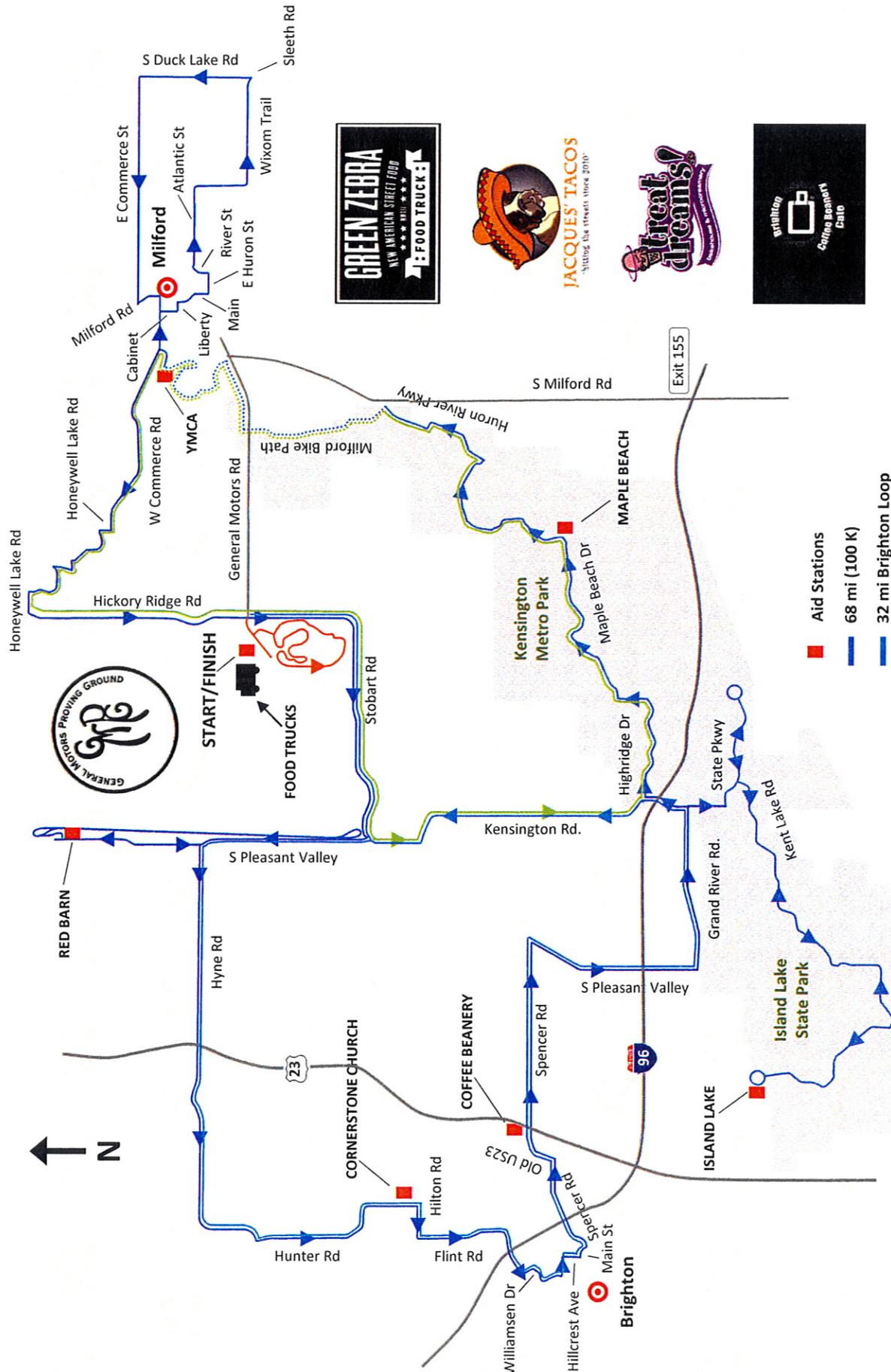
INDEMNIFICATION AGREEMENT

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

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 SOMI
(business/organization) and/or the City of

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  Date 6-6-13
Witness _____ Date _____



- Aid Stations
- 68 mi (100 K)
- 32 mi Brighton Loop
- 25 mi Milford Loop
- 4 mi Family Loop/ ALL

POLICY REPORT - FINANCE

Consideration of Adopting the Proposed FY 2013-14 Fee Schedule

June 20, 2013

Prepared by:

Reviewed by:

Kelly Hanna
Finance Director

Dana W. Foster
City Manager

ISSUE:

Consider Resolution to adopt the proposed City of Brighton Fee Schedule for FY 2013-14.

STAFF RECOMMENDATION:

It is the recommendation of staff that the City Council consider a Resolution to set the fees and charges for FY 2013-14.

BACKGROUND:

The City's fees and charges are reviewed at least annually and amended where warranted. The attached Resolution is staff's recommendation for adjusting the existing fee schedule. The recommended FY 2013-14 Fee Schedule is the same as the current FY 2012-13 Fee Schedule with the following exceptions:

Special Council Meetings – Increase from \$200 to \$365.50, in order to cover the actual cost of a Special Council Meeting

Utility Fees -

Sewer Fees (as reflected in the FY 2013-14 Adopted Budget):

Increase the Connection Fee by \$360 or 6% to \$6,838 per REU.

Water Fees (as reflected in the FY 2013-14 Adopted Budget):

Increase the Connection Fee by \$140 or 6% to \$2,662 per REU.

Combined Sewer and Water Connection Fees would increase by \$500 or 6% to \$9,500 per REU.

Utility Tap Installation Charges:

Charge for installation of service by the City to the property line from the main in the adjacent street. Additional costs incurred added to scheduled charge.

<u>Water Tap:</u>	<u>From</u>	<u>To</u>
3/4"	\$3,464.00	\$3,490.00
1"	\$3,666.00	\$3,703.00
1 1/2"	\$4,910.00	\$5,014.00
2"	\$5,533.00	\$5,682.00

Water Meters:

1-1/2"	\$1,355.00 to \$1,373.00
2"	\$1,580.00 to \$1,599.20
3"	\$2,100.00 to \$2,178.00
4"	\$3,830.00 to \$3,950.00

BUDGET IMPACT:

The recommended fee and charge schedule will support the FY 2013-14 City of Brighton budget.

RELATIONSHIP TO GOALS:

Generally a relationship to all goals with respect to ongoing service and program delivery capabilities.

ACTION/MOTION:

Consider Resolution 13- to approve the recommended Fee and Charge schedule for FY 2013-14.

RESOLUTION 13-

A RESOLUTION ADOPTING THE SCHEDULE OF FEES AND CHARGES FOR THE CITY OF BRIGHTON FOR FY 2013-14

WHEREAS, pertinent sections of the Brighton Municipal Code require that the Brighton City Council periodically establish fees and charges to be collected by the City staff for selected services, penalties and licenses; and

WHEREAS, City staff has reviewed the revenue needs of the City for Fiscal Year 2013-14 and has proposed to the City Council a fee and charge schedule to meet those needs; and

WHEREAS, the Brighton City Council has reviewed the proposed fee and charge schedule.

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

1. The Council accepts the recommendations of City staff as they relate to the proposed fee and charge schedule.
2. The proposed fee and charge schedule is adopted as presented.
3. City staff is directed to implement the fee and charge schedule effective July 1, 2013.

AYES: _____
 NAYS: _____
 ABSTAIN: _____
 ABSENT: _____

This Resolution was ____ this ____ day of June 2013.

Diana Lowe, City Clerk

POLICY REPORT: RESIDENTIAL RENTAL INSPECTION ORDINANCE

JUNE 20, 2013

Prepared by:

Amy Cyphert
Planning & Zoning Director

Reviewed by:

Dana Foster
City Manager

ISSUE:

To conduct a public hearing and make a decision on the proposed residential rental inspection ordinance addition to Chapter 18 of the existing City Charter.

BACKGROUND:

- Per the 2010 U.S. Census, the City of Brighton had 38% rental occupied housing units.
- The 2012 retreat goals developed by City Council included “continue staff work on a new residential rental inspection program plan to bring to City Council.”
- The attached draft ordinance was developed in July 2012 and reviewed by the City Attorney.
- The attached draft rental inspection ordinance was based on three existing rental inspection ordinances and discussions with staff at the City of Alpena, City of Zeeland and the Village of Springlake.

DRAFT ORDINANCE INFORMATION:

- The intent of the draft ordinance states that “the city recognizes the importance of the rental housing segment of the overall city housing stock inasmuch as it provides housing options and opportunities to those citizens of the community who are unable to attain or do not desire home ownership. It is in the interest of the city to ensure that all rental residential units, structures and grounds leased for occupancy to the general public are in compliance with the minimum property maintenance standards adopted and enforced by the city. Benefits to the city include:
 - (1) Protection of the health, safety and welfare of residents of rental properties and adjacent properties. Existing structures and premises not in compliance will be repaired to provide a minimum level of health and safety as required herein.
 - (2) Maintenance of property values and "quality of life" within the immediate neighborhoods in which residential rental units are located.
 - (3) Enforcement of common minimum standards for all residential rental units, structures and premises.”
- The draft ordinance requires a rental unit to be registered with the City of Brighton before it is leased, rented or occupied. The registration forms would include contact information for the property owner and the contact information for the local agent, if the property owner does not live within 20 miles of the City.
- Certificates of compliance would be issued to rental units once registration, payment of fees and compliance inspection results have been received.

- Temporary certificates would be distributed to the rental units that are registered but their inspection would not occur until year 2 or 3 of the three year inspection cycle.
- Due to the number of rental units, 1/3 of the rental housing stock is proposed for inspections per year. The ordinance suggests dividing the City into three sections and each section would be inspected every third year.
- The International Property Maintenance Code is proposed to be the source for determining inspection requirements, similar to what was done in two of the three referenced communities.
- Penalty, revocation and appeal requirements are included in the draft ordinance.
- Interviews with staff members from the three referenced communities found that their existing rental inspection program improved the quality and maintenance of the rental units. The City of Zeeland saw “an improvement in the neighborhoods and an improvement in the aesthetics.”

BUDGET IMPACT:

In the event that the rental inspection ordinance is adopted, the fee schedule would have to be updated to include fees for the registration, inspections, etc. that will be required to fund the hiring of a person to administer and enforce the ordinance.

The City Manager has advised that at this time he is estimating a budget-neutral impact on the General Fund budget since the proposed fees will cover the cost of employing a person(s) to administer the ordinance.

COUNCIL ACTION:

1. Consider second reading and adoption of Ordinance Number _____, and publish as appropriate.

Or

2. Consider second reading and denial of the proposed residential rental inspection ordinance addition to Chapter 18

Or

3. Consider second reading and request revisions to the proposed residential rental inspection ordinance addition to Chapter 18.

ATTACHMENTS:

Draft Ordinance

CHAPTER 18 – BUILDINGS AND BUILDING REGULATIONS
ARTICLE VI. MANDATORY REGISTRATION AND INSPECTION OF RESIDENTIAL RENTAL PROPERTIES

Sec. 18-83. Intent.

The city recognizes the importance of the rental housing segment of the overall city housing stock inasmuch as it provides housing options and opportunities to those citizens of the community who are unable to attain or do not desire home ownership. It is in the interest of the city to ensure that all rental residential units, structures and grounds leased for occupancy to the general public are in compliance with the minimum property maintenance standards adopted and enforced by the city. Benefits to the city include:

- (1) Protection of the health, safety and welfare of residents of rental properties and adjacent properties. Existing structures and premises not in compliance will be repaired to provide a minimum level of health and safety as required herein.
- (2) Maintenance of property values and "quality of life" within the immediate neighborhoods in which residential rental units are located.
- (3) Enforcement of common minimum standards for all residential rental units, structures and premises.

Sec. 18-84. Definitions.

As used in this article, the following words shall have the meanings ascribed to them in this section, unless context clearly indicates otherwise:

Certificate of compliance: Official document stating that a residential rental dwelling unit and/or structure meets the minimum standards established by the city for occupancy.

Building Department: The department of the city responsible for the daily administration of the rental inspection program including scheduling of appointments, inspections, reinspections and record keeping.

Dwelling unit means a building, mobile home, or portion thereof, designed for occupancy for residential purposes and having cooking facilities and sanitary facilities, except:

- (1) Places of public accommodation such as a hotel, motel, or bed and breakfast establishments;
- (2) Units required to be occupied by an employee or agent of an owner as a condition of employment (i.e., parsonages);
- (3) Any dwellings, dwelling units or mobile homes, which the state has exclusive authority under state law to inspect and regulate;
- (4) The principal residence of the owner, which is temporarily occupied by a person(s) other than the owner for not more than two (2) years;
- (5) The dwelling of a surviving spouse who is living in a home which is owned by the deceased spouse's heirs, estate or trust;
- (6) A dwelling in which a parent, child, brother, or sister of an owner is living;
- (7) Dwellings in a dormitory operated by an institution of higher education; and
- (8) Dwelling units in which an owner of such unit resides unless the nonowner occupant (s) of such dwelling unit pays rent or makes other compensation to the owner for occupancy of the dwelling unit.

Local agent: An individual or company representing the owner having a place of residence or business within the county or within 20 miles of the city if residing outside the

county. The local agent is responsible for the operation of the owner's residential rental dwelling unit(s) located within the city regarding compliance with the provisions of this article, and the terms and conditions of all other codes and ordinances of the city. A local agent is required if:

- (1) The owner resides outside of the County more than 20 miles from the city.
- (2) The owner resides outside of the county more than 20 miles from the city for more than 90 days each calendar year.

Owner/property owner: The individual(s), company, corporation, or governmental or private agency listed on the recorded deed as the owner or purchaser under a recorded land contract of a property containing residential rental dwelling unit(s).

Residential rental dwelling structure: Any building containing one or more residential rental dwelling units including any common areas accessible to residents of all residential rental units within the building, restricted or non-accessible portions of the structure and the building exterior.

Residential rental dwelling unit: Distinct individual living quarters within a building intended for occupancy by a person or persons other than the owner and the family of the owner, and for which a remuneration of any kind is paid. Single family residences, duplexes, apartments and rooming houses may all contain and be classified as rental units.

Residential rental premises: The site upon which a residential rental dwelling unit or structure is located including, but not limited to, yards, walkways, driveways, patios, decks, accessory structures, fences and landscaping.

Sec. 18-85. - Initial registration.

Within 90 days of the effective date of this article all buildings containing residential rental dwelling units within the corporate limits of the city shall be registered with the building department on a form provided by the city. Units must be registered by the owner or the owner's local agent as defined in this article.

Sec. 18-86. - Follow-up registration.

Following the initial 90-day registration period residential rental dwelling units shall be registered as follows:

- (1) Newly constructed residential rental dwelling buildings or units shall be registered prior to the issuance of a final certificate of occupancy.
- (2) A residential rental dwelling/building/unit sold, transferred or conveyed shall be re-registered by the new owner within 30 days of the date of the deed, land contract, or other instrument of conveyance. At that time the units will be removed from the previous owner's registration.
- (3) Any non-rental residential dwelling unit converted to a residential rental dwelling unit shall be registered prior to the date it is occupied for rental purposes.

Sec. 18-87. - Registration.

No person shall lease, rent, occupy, or otherwise allow a rental unit within the city to be occupied without first registering the rental unit with the building department and designating a responsible local agent.

- (a) *Registration forms.* Registration shall be made upon forms furnished by the building department and shall require all of the following information.

- (1) The street address of the rental unit(s);

- (2) The number and types of rental units within the rental property;
 - (3) Name, business and residence address, telephone number and, where applicable, an e-mail address, mobile telephone number, and facsimile number of all property owners of the rental unit(s);
 - (4) Name, residence address, telephone number and, where applicable, an email address, mobile telephone number, and facsimile number of the responsible local agent designated by the owner;
 - (5) The maximum number of occupants proposed for each rental unit;
 - (6) The name, address, telephone number and, where applicable, an e-mail address, mobile telephone number, and facsimile number of the person authorized to order repairs or services for the property if different than the owner or responsible local agent, if in violation of city or state codes, if the person is other than the owner or the responsible local agent; and
 - (7) Information relating to the size of all habitable rooms.
- (b) *Accurate and complete information.* All information provided on the registration form shall be accurate and complete. No person shall provide inaccurate information for the registration of a rental unit, or fail to provide the information required for such registration. The registration form shall be signed by the properly owner(s) or the designated responsible local agent. Where the owner is not a natural person, the owner information shall be that of the president, general manager or other chief executive of the organization.
- (c) *Change in registration information or transfer of property.* Except for a change in the registered local agent, the property owner of a rental unit registered with the city shall re-register within thirty (30) calendar days after any change occurs in the registration information. If the property is transferred to a new owner, the new property owner of a registered rental unit shall re-register the rental unit within thirty (30) calendar days following the transfer of the property. Property owners shall notify the building official and zoning department of any change in the designation of the registered local agent, including a change in name, address, e-mail address, telephone number, mobile telephone number or facsimile number of the designated registered local agent within thirty (30) business days of the change. If a transfer of ownership occurs and there is a current certificate of compliance on file, then the new owner will only have to pay the registration fee upon the expiration of the current registration. It will still be required that the new owner fill out a new registration form.
- (d) *Responsible local agent.* The designated responsible local agent and owner shall be responsible for all of the following:
- (1) Operating the registered rental unit in compliance with all applicable city ordinances;
 - (2) Providing access to the rental unit for the purpose of making any and all inspections necessary to ensure compliance with the applicable city ordinances, except where the tenant has refused entry;
 - (3) Maintaining a list of the names and number of occupants of each rental unit for which he or she is responsible; and
 - (4) Accepting all legal notices or services of process with respect to the rental unit.

Sec. 18-88. - Fees; late fees.

There shall be no fee for the registration, re-registration or updating of registration information within the allotted time periods. If a residential rental dwelling unit is not registered within the time period specified herein, then a late fee shall be applied as established by the city's annual fee schedule per rental dwelling unit and shall be paid by the owner of same as defined herein.

Sec. 18-89. - Maintenance of records.

The building department shall be responsible for maintaining all residential rental dwelling unit registration data and provide the number of residential rental dwelling units in the city, type (single family, duplex, multi-unit, apartment complexes, rooming houses, etc.) and the number and type of units added to or deleted from the registration roster.

Sec. 18-90. - Penalty for failure to comply.

Failure to register a residential rental dwelling unit(s) within the applicable time period prescribed in this article shall constitute a civil infraction, which upon a finding of responsibility therefore, shall subject the violator to a fine of up to \$500.00 per unregistered residential rental dwelling unit, together with the costs of such prosecution.

The submission of false information on a residential rental dwelling unit registration form shall constitute a civil infraction, which upon conviction thereof, shall subject the violator to a fine of up to \$500.00 per residential rental dwelling unit owned by the violator and costs of prosecution.

Sec. 18-91. Certificate of compliance required.

No person shall own, operate, lease, rent, occupy, or otherwise allow a rental unit within the city to be occupied unless there is a valid certificate of compliance or temporary certificate issued by the building department for the rental unit. A certificate of compliance shall be issued for each building containing a rental unit.

- (a) *Requirements.* A certificate of compliance shall be issued only after all of the following requirements have been satisfactorily completed.
 - (1) Registration of the rental unit with the building official and zoning department;
 - (2) Designation of the responsible local agent;
 - (3) Payment in full of any and all required registration and inspection fees; and
 - (4) Inspection by the building official and zoning department.
- (b) *Temporary certificates.*
 - (1) Temporary certificates of compliance for up to three (3) years may be issued without prior inspection by the building official and zoning department for those occupied rental units existing as of the article adoption date. Such temporary certificates of compliance may be issued as of the effective date of the initial registration following (determined date), to allow property owners to operate such rental units until such time as an inspection may be made by the building department. At such time as an inspection is made and the building department has determined that provisions of this ordinance have been complied with, the temporary certificate shall expire.
 - (2) When a rental certificate of compliance is required, the building department may issue a temporary rental certificate of compliance if all of the following circumstances exist:

- a. The building official and zoning department are unable to complete an inspection of a rental unit to verify compliance with this article.
 - b. The enforcing officer is not aware of any current major violations.
 - c. The property owner has paid the annual registration fee and the inspection fees assessed against the property owner.
- (3) The building department may issue a temporary rental certificate of compliance for a newly registered rental unit.
- (4) The building department may issue a temporary rental certificate of compliance for a rental unit subject to a housing order notice containing major or minor violations if the property owner is in the process of correcting such violations and can show proof of same.
- (5) Except as otherwise provided, a temporary rental certificate of compliance shall be valid until the enforcing officer completes an inspection and issues an order granting or denying a rental certificate of compliance. A temporary rental certificate of compliance may also be revoked by the rental inspector if the property owner refuses to schedule and/or permit an inspection after having been given a fourteen-day notice that an inspection must be scheduled, unless the tenant has refused access to the building official.

Sec. 18-92. Affected and exempt units/structures.

- (a) All single, duplex and multi-family rental units and structures, including boarding and/or rooming houses as defined in the city zoning ordinance, located within the city, shall comply with the requirements of this article except as specifically exempted below:
- (b) Exemptions.
- (1) *One-time exception.* Any rental unit listed above, which within the previous six months prior to a scheduled inspection has been issued a certificate of occupancy by the city building department. Such units will be issued a three-year certificate of compliance without an additional inspection.
 - (2) *Exemptions.* The following are exempted from the requirements of this article:
 - a. All residential rental units and/or complexes inspected by the Federal Housing and Urban Development Department (HUD) or the Federal Housing Administration (FHA). Proof of inspection and compliance must be provided.
 - b. Hotels, motels, and bed and breakfast establishments as classified in the Michigan Building Code, as amended.

Sec. 18-93. Basis for inspection.

The city through its rental inspector shall have the authority to inspect any residential rental dwelling unit or structure under the following situations:

- (1) In the course of an initial scheduled inspection and triennial renewal inspection to receive and maintain a certificate of compliance.
- (2) Upon request by the property owner or local agent to inspect a unit(s) and/or structure
- (3) Upon a request by a tenant to inspect a unit or structure.
- (4) Upon receipt of information that a unit or units are not registered with the city.
- (5) Upon knowledge of an imminent life or safety danger.

Sec. 18-94. Inspection criteria.

- (a) The city shall utilize the "International Property Maintenance Code," published by the International Code Council and adopted by the city council, as amended, as the established standards for the inspection of residential rental unit.
- (b) The city rental inspector shall prepare a standardized checklist of items to be inspected consistent with the standards of the "International Property Maintenance Code." The checklist shall be available to all residential rental property owners and tenants prior to an inspection. This checklist shall not, in any way, limit the scope of the applicable sections of the Property Maintenance Code or enforcement rights of the City of Brighton, and is provided solely as a courtesy.

Sec. 18-95. Inspection procedures.

- (a) For the initial round of inspections the building department shall prepare an inspection schedule for existing residential rental dwelling units and structures presently registered with the city. The schedule shall be based on a three-year inspection cycle and shall be developed so as:
 - (1) Not to concentrate on a single geographic area in a given year; and
 - (2) To limit the number of inspections for a single property owner with nine or more residential rental units in separate structures to no more than one-third of the units in a calendar year.
- (b) Newly constructed and/or registered residential rental units shall be scheduled for an inspection at the time they are registered and shall be inspected and obtain a certificate of compliance prior to occupancy unless exempted under section 18-92(b)(1), one-time exemptions. In such case a certificate of compliance shall be issued without an additional inspection.
- (c) At least 30 days prior to an inspection or inspections the city building department shall send in writing a notification to the property owner or local agent including the date, time and the unit or units to be inspected. It shall be the responsibility of the property owner or local agent to notify the affected tenant(s). The property owner or local agent may request a change in the inspection appointment no less than ten days prior to the scheduled inspection. In the event a property owner, local agent or tenant learns that he/she cannot be present at the scheduled appointment, the city rental inspector must be notified at least 24 hours in advance. A new inspection appointment shall be scheduled no more than 30 days from the original appointment. A missed appointment by a property owner or local agent shall be rescheduled by the city, and a "missed appointment fee" as listed in the city's adopted comprehensive fee schedule shall be imposed.
- (d) A property owner, local agent or tenant shall provide access to his/her residential rental dwelling unit(s) and/or structure(s). An individual refusing entry shall be notified of the city's authority to inspect the property and that it may take appropriate and necessary action, including but not limited to: issuance of a citation, obtaining a search warrant, posting the unit as uninhabitable and/or instituting other legal action as prescribed in section 18-99, failure to comply.
- (e) A unit in compliance with the requirements included in the inspection checklist shall be issued a Certificate of Compliance valid for a period of three years from the date of issuance unless revoked by the city (see section 18-96, revocation of certificate of compliance).

- (f) For units with code violations the rental inspector shall provide a written notice of the noted code violations to the property owner or local agent, who shall have 30 days from receipt of the notice to correct said code violations. More time may be granted by the rental inspector in those situations in which the property owner or local agent can demonstrate a justifiable need and the additional time will not result in conditions deteriorating further. Less time may also be specified for life or health threatening situations. If any violation remains uncorrected following the allotted repair time an additional ten days may be granted; however, a re-inspection fee shall be imposed for each subsequent re-inspection. The re-inspection fee shall be paid prior to the inspection.
- (g) Decisions of the rental inspector may be appealed to the construction board of appeals serving as the housing appeals board (see section 18-97, appeal process).
- (h) The owner and local agent shall be responsible for scheduling renewal inspections at least 45 days prior to the expiration of a certificate of compliance.

Sec. 18-96. Revocation of certificate of compliance.

A certificate of compliance may be revoked by the rental inspector under the following circumstances:

- (1) A residential dwelling unit or structure is not operated as a rental unit or structure for 90 consecutive days and/or is removed by the property owner or local agent from the city's rental registration list. A new certificate of compliance must be obtained including the required inspection prior to occupancy.
- (2) A property owner or local agent has failed to correct code violations within the required timeframe and has been officially cited by the city as a misdemeanor violation or by other legal action.

Sec. 18-97. Appeal process.

- (a) The city construction board of appeals shall serve as the housing appeals board and shall meet on an as-needed basis.
- (b) A property owner or local agent disagreeing with a decision of the rental inspector relative to the existence of a violation or the timeframe in which to make corrections, may appeal that decision to the housing appeals board, hereby designated to hear such appeals. A tenant of a rental dwelling unit shall have standing to appeal a notice or order to vacate a residential rental dwelling unit.
- (c) A property owner, local agent or tenant requesting an appeal shall submit a written request on a form provided by the city rental inspector with the appropriate fee within ten days after receipt of a notice of violation, or within the time allotted for taking any action indicated on a notice or order, whichever is shorter. The decision or order of the building official shall be held in abeyance until such time as it is acted upon by the housing appeals board.
- (d) The housing appeals board shall convene within 30 working days of the filing of a completed form requesting appeal and fee, with notice served by mail to the appealing party of the date, time and location of the hearing, at least seven days prior to the date of hearing. The board shall hear testimony and argument from the appealing party and the building official and shall by majority vote render a decision on the question at hand. The decision of the housing appeals board shall be binding on all parties.

Sec. 18-98. Fees.

Fees for inspections, missed appointments, re-inspections, late fees and appeals shall be as prescribed in the city comprehensive fee schedule as adopted from time to time by the city council. All fees shall be paid at the office of the rental inspector prior to inspections being performed. A late fee shall be charged for all inspection fees not paid prior to the inspection ten days after the inspection is performed. Fees remaining unpaid more than ten days following an inspection shall be charged an additional late fee and all accumulative charges may be added to the tax rolls relative to the property(s), and such charges shall become a lien in the same manner as the regular taxes applied to such premises, until such charges are paid.

Sec. 18-99. Failure to comply.

Failure or refusal to have residential rental units inspected in accordance with this article, or failure to comply with any provision of this article or notice given pursuant hereto, shall constitute a misdemeanor, which upon conviction may result in a fine of up to \$500.00 per violation, costs of prosecution and/or imprisonment for up to 90 days.

Sec. 18-100. Enforcement authorization.

The building official, city rental inspector, city manager, fire marshal, city police officers and planning & zoning director are authorized to enforce the provisions of this article and issue misdemeanor citations pursuant hereto.

Sec. 18-101. Program implementation.

The building department, planning & zoning director and the rental inspector under the direction of the city manager shall be responsible for the implementation and ongoing operation of the city rental housing inspection program.

DIANA LOWE, City Clerk

JAMES MUZZIN, Mayor

First Reading:	
Brief Publication:	
Public Hearing:	
Second Reading:	
Adoption:	
Full Publication:	

**POLICY REPORT: RESOLUTION TO PURCHASE TAX FORECLOSED 1517
WHISPERING OAKS DRIVE FROM THE STATE OF MICHIGAN**

June 20, 2013

Prepared by:

Reviewed by:

Amy Cyphert
Planning & Zoning Director

Matthew Modrack Dana
DDA/CD Director

Foster
City Manager

ISSUE:

Consider a resolution to authorize City Staff to submit an application and minimum bid amount for the purchase of 1517 Whispering Oaks Drive from the State of Michigan.

BACKGROUND:

- In April 2011, Livingston County Building Department and the Livingston County Health Department placed red tags of condemnation on 1517 Whispering Oaks due to the condition of the interior of the home.
- In March of 2012, the Livingston County Health Department removed their red tag of condemnation because no one was occupying the structure.
- The Livingston County Building Department red tag of condemnation remains in place until the property code violations are resolved and inspected.
- Since April 2011, the home has remained unoccupied and the violations have not been resolved.
- The 2010, 2011 and 2012 property taxes have not been paid by the previous land owner and the property has been taken over by the State of Michigan for tax foreclosure.
- Per the State of Michigan the property owner's redemption period is over.
- The sequence for tax foreclosure purchase first right of refusal is as follows:
 - State of Michigan
 - City of Brighton
 - Livingston County
 - Public Auction
- The City has the option to purchase the property for the minimum bid amount (\$12,045.26) minus the outstanding taxes due to the City (\$3,760.01) plus an application fee. The TOTAL bid amount to purchase would be \$8,585.25.
- Per assessing records, the land value (not including the house) is \$36,314.00.
- At this time, City Staff is still reviewing several options for the redevelopment of the parcel. These options include but are not limited to the following ideas:
 - Creation of a non-profit housing corporation which then obtains a low or no interest construction loan from a local area bank
 - Use of Livingston Educational Service Agency (LESA) Applied Technology Education Consortium (LATEC) comprised of area high school students studying AutoCAD and construction for design and construction work

BUDGET IMPACT:

At this time, the only cost would be the property purchase amount plus the application fee which totals \$8,585.25. City Staff is reviewing several different options for the demolition and redevelopment of the property. The costs associated with the purchase of this property have the ability to remain budget neutral with the sales proceeds potentially repaying the investment.

STAFF RECOMMENDATION:

Staff recommends the approval of the resolution to authorize City Staff to submit an application and minimum bid amount for the purchase of 1517 Whispering Oaks Drive from the State of Michigan. The purchase of the home will result in the following:

1. Removal of the home that has been condemned since April 2011.
2. Resolution of the neighbors' complaints about the house condemnation not being resolved.
3. Keeps the home from being purchased by someone who isn't knowledgeable about the costs to resolve the condemnation code issues and may leave the home as is for an unknown period of time.
4. Keeps the home from being purchased by someone who will use it as a rental.
5. Keeps the home from sitting condemned for an unknown period of time until someone purchases it from the State.
6. Construction of a new single family house that will be fit for occupancy.
7. Improve the neighborhood.

COUNCIL ACTION:

Consider motion to approve resolution number _____ to authorize City Staff to submit an application and minimum bid amount for the purchase of 1517 Whispering Oaks Drive from the State of Michigan

ATTACHMENTS:

1. Resolution
2. Purchase Application

CITY OF BRIGHTON, MICHIGAN

AUTHORIZATION RESOLUTION

This resolution certifies that at a meeting of the City Council Members of the City of Brighton duly held on the 20th day of June, the following Resolution was adopted.

RESOLVED: That the City Council Members authorized City Staff to submit the application and minimum bid to purchase the following property located within the City of Brighton from the State of Michigan:

4718-06-201-102 – commonly known as 1517 Whispering Oaks Drive, Brighton, MI 48116.

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

This Resolution was adopted this day of _____

Jim Muzzin, Mayor

Diana Lowe, City Clerk

I, Diana Lowe, City Clerk for the City of Brighton, do hereby certify that the foregoing is true and complete copy of a Resolution adopted by City Council at the Regular meeting held on June 20, 2013.

Diana Lowe, City Clerk

Application to Purchase Tax Foreclosed Property — Local Government

Issued under the authority of 206 PA 1893; Section 211.78(m). This information is required to issue a deed.

INSTRUCTIONS: File this completed form, a copy of the resolution approving the purchase and identifying the intended public purpose, and proof of amount owed the local unit. Send payment via certified check made payable to the "State of Michigan" by the instructed deadline. **Late applications will be rejected.** Direct questions to (517) 335-3253.

TREASURY USE ONLY	
Date Application Received	Date Application Reviewed
Payment Amount	Deed Number
Deed Date	Deed Mail Date

PART 1: APPLICANT INFORMATION

Government Agency Name City of Brighton, Michigan		
Address (Street Number, PO Box) 200 N. First Street		
City Brighton	State Michigan	ZIP Code 48116

PART 2: DEED ISSUANCE

Issue deed to: Same as Government Agency in Part 1

Grantee Name		
Address (Street Number, PO Box)		
City	State	ZIP Code
Brighton	Michigan	48116

Mail deed to:

Address (Street Number, PO Box) 200 N. First Street		
City	State	ZIP Code
Brighton	Michigan	48116

PART 3: BIDDING INFORMATION

County	Sale Number	Local Parcel Number	Minimum Bid as Identified on Treasury Web Site	Amount Due Local Unit (see attached evidence)	Balance Owing to State
Livingston	325	4718-06-201-102	\$12,045.26	\$3,760.01	\$8,285.25
				Treasury Application Fee	\$300.00
<input type="checkbox"/> Check if additional parcels are attached.				TOTAL	\$8,585.25

PART 4: CERTIFICATION

By signing below, I understand that the land herein described shall be used solely for public purposes, as identified on the attached resolution, which authorizes the purchase. The deed issued by the State of Michigan may reserve to the State of Michigan all mineral rights including coal, oil and gas, etc., rights of ingress and egress over and across any watercourse or stream, pursuant to the provisions of Public Act 451 of 1994, as amended and all aboriginal antiquities, mounds, earthworks, etc., pursuant to the provisions of Public Act 451 of 1994.

Representative Name Dana W. Foster	Title City Manager	
Representative Signature	Date	Telephone Number (810) 225-8022

Return completed application to:
Property Services Division, Michigan Department of Treasury, PO Box 30760, Lansing MI 48909-8260