

CITY OF BRIGHTON
CITY COUNCIL MEETING
CITY HALL
April 19, 2012

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

REGULAR SESSION - 7:30 P.M.

1. Call to order
2. Pledge of Allegiance
3. Roll Call
4. Consider approval of the Agenda
5. Approval of minutes: Regular Meeting of [April 5, 2012](#) and Worksessions of [March 29th](#), [April 3rd](#) & [April 5th](#)
6. Mayor's Reading of Citizen Inquiries received since the last City Council Meeting
7. Call to the Public

Consent Agenda

8. Consider site plan approval for [façade improvements to 408-420 W. Main Street](#) as recommended by the Planning Commission
9. Consider site plan approval for [Springhill \(Lot 16\) residential development](#) as recommended by the Planning Commission
10. Consider authorization to institute litigation in the Livingston Circuit Court for expungement of personal property taxes as recommended by the City Attorney
11. Consider approval of the Mayor's recommended reappointments to the PSD Board
12. Consider a request from the [Livingston County Educational Service Agency](#) to Collect all of their operating property taxes on the City's summer 2012 tax bills

Policy Development & Customer Communications' action item

13. Conduct public hearing to [receive public input for the close-out of the work on a MSHDA grant](#) as required by the MEDC
14. Receive Presentation on the "Tapestry" Marketing Analysis from Nancy Johnson
15. Conduct the annual [public hearing on the City Council's proposed City Budget for Fiscal Year 12-13](#) as required by the City Charter
16. Conduct [public hearing to consider second reading of a proposed ordinance](#) to amend Chapter 66, Article I, Section 66-2, Definitions, Section 66-4, Exempt Signs and add Section 66-100, [Downtown Business District \(DBD\) signage](#) requirements as recommended by the Planning Commission

Other Business

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

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON APRIL 5, 2012 AT THE BRIGHTON CITY HALL
200 N. 1ST STREET, BRIGHTON, MICHIGAN

BLUE SKY SESSION

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

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, Councilmembers Schillinger, Bandkau, Pipoly, Roblee and Bohn. Also in attendance were Attorney Paul Burns and Brad Maynes, Livingston County Building Inspector Jim Rowell and Staff members Dana Foster, Kelly Hanna, Jennifer Burke, Diana Lowe, Amy Cyphert, Dave Blackmar, Tom Wightman, Matt Modrack and an audience of 12. Press and Media included Nicole Krawcke from The Patch and Tom Tolen from WHMI.

It was moved by Councilmember Roblee, seconded by Pipoly to excuse Mayor Pro-Tem Cooper from the evening's meeting. Motion passed 6-0-1.

AGENDA APPROVAL

It was moved by Councilmember Roblee, seconded by Schillinger to approve the Agenda amended. Add item #8a, PSD appointments. Move from Action Agenda to Consent Agenda item #16, Exempt Signs First Reading. Motion passed 6-0-1.

MINUTES APPROVAL

It was moved by Councilmember Roblee, seconded by Pipoly to approve the Regular Meeting minutes of March 15, 2012 as presented. Motion passed 6-0-1.

It was moved by Councilmember Bandkau, seconded by Bohn to approve the three Closed Session minutes of March 15, 2012 as presented. Motion passed 6-0-1.

It was moved by Councilmember Roblee, seconded by Bandkau to approve Worksession minutes of February 23, 2012 as presented. Motion passed 6-0-1.

It was moved by Councilmember Bohn, seconded by Bandkau to approve Worksession minutes of March 20, 2012 as presented. Motion passed 6-0-1.

It was moved by Councilmember Bohn, seconded by Pipoly to approve Worksession minutes of March 22, 2012 as presented. Councilmember Schillinger abstained. Motion passed 5-0-1-1.

It was moved by Councilmember Bohn, seconded by Bandkau to approve Worksession minutes of March 27, 2012 as presented. Motion passed 6-0-1.

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EAGLE SCOUT

Mayor Muzzin read an Eagle Scout Proclamation for Jacob Tuthill and presented it to him.

Jacob Tuthill stated his Eagle Scout project was to inventory the storage barn at St. Mary Magdeline, built shelving units and donated extra items from storage to the Salvation Army and Habitat for Humanity.

CITIZEN INQUIRIES

Mayor Muzzin read the following Citizen Inquiries:

Susan Walters-Steinacker – Please explain why the DDA is not paying for Mr. Modrack's salary, benefits and car allowance? If not why not?

Susan Walters-Steinacker - please state the dollar amount of captured tax dollars payed in 2011 and will be payed in 2012 to the following: 1) Brighton Chamber of Commerce 2) SBTDC- Nancy Johnson 3) Selcra.

Susan Walters-Stienacker - Shouldn't city council approve any and all newspaper articles that are written when discussing city business and or policies? And if not why not?

City Manager, Dana Foster stated he is not paid for the current related columns and he is representing his view only.

Mayor Muzzin stated City Council is supplied copies of the articles before they are published.

City Attorney, Paul Burns discussed the Susan Walters-Steinacker inquiry regarding the DDA members that have not taken oaths of office able to view Attorney Client privilege documents. He stated all DDA members have taken the oaths.

CALL TO THE PUBLIC

Mayor Muzzin opened the Call to the Public at 7:42 p.m. The following comments were heard:

Steve Monet, Gleaner Community Food Bank, asked for support for the 10th annual Fill the Gazebo Food Drive on May 5th from 10:00 a.m. to 2:00 p.m. They are looking for food that children like. The Livingston County Association of Realtors have been of great support for this project.

Mike Monroe, 427 W. Main Street, passed out packets of information to the Council regarding Andre Jewelers melting gold.

Andre Duscio, Andre Fine Jewelers, clarified they are melting gold, not smelting.

Mike Monroe read letters regarding green smoke and fumes coming out of Andre Jewelers and people are getting sick from it.

Andre Duscio, stated on one incident, they had a piece of wax accidentally get melted and it caused white smoke. He explained the gold melting process.

Hearing no further comment, Mayor Muzzin closed the Call to the Public at 8:00 p.m.

Jim Rowell, Livingston County Building Inspector, stated they received a complaint regarding smoke coming from Andre Jewelers, they shut down the gold melting process immediately and it was inspected and a new method is being installed to help the process.

CONSENT AGENDA

It was moved by Councilmember Schillinger, seconded by Bohn to approve the Consent Agenda. Motion passed 6-0-1.

The following item was approved on the Consent Agenda:

1. Appointed Thadius McAffey and Peggy Tuggle to the Principle Shopping District.
2. Approved a recent administrative staff proposal to a citizen for a modified location of City cemetery plots.
3. Approved an amendment to the Genoa-Dillon Street intergovernmental water utility service agreement as proposed by the Genoa Charter Township Board of Trustees subject to final approval by the City Attorney.
4. Approved Resolution 12-05, Charitable Gaming License for a raffle at the SELCRA golf outing.
5. Approved the 2012 civic event permit applications.
6. Approved Resolution 12-06, MERS Service Credit purchase by an employee at the employee's expense.
7. Approved the date of April 19, 2012 Conduct public hearing to receive public input for the close-out of the work on a MSHDA grant as required by the MEDC.
8. Approved First Reading for the proposed amendments to Chapter 66, Article I, Section 66-2, Definitions, Section 66-4, Exempt Signs and the addition of 66-100, Downtown Business District (DBD) and set a public hearing for April 19, 2012.

COMMUNITY CENTER USAGE/RENTALS

Derek Smith, SELCRA Director, discussed the proposed changes to the rental fees for the Community Center.

It was moved by Councilmember Schillinger, seconded by Bandkau to adopt the proposed the pricing breakdown as proposed by the SELCRA Director for the Community Center usage/rentals effective immediately. Motion passed 6-0-1.

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UPDATED DEBT MANAGEMENT POLICY

Finance Director, Kelly Hanna highlighted the changes in the updated Debt Management Policy.

It was moved by Councilmember Schillinger, seconded by Roblee to adopt the Updated Debt Management Policy, to be effective April 5, 2012. Motion passed 6-0-1.

ANNUAL PUBLIC HEARING BUDGET NOTICE

City Manager, Dana Foster discussed the General Fund Summary Six Year Financial Forecast and Trend Chart.

The following motions were made for the staff to publish a notice for the annual public hearing on the City Council's proposed City Budget for Fiscal Year 12-13 and Fiscal Year 11-12 Budget Amendments:

It was moved by Councilmember Bandkau, seconded by Pipoly to approve the Millpond Algae Treatment – \$4,000 FY 11/12. Motion passed 5-1-1, with Councilmember Bohn voting “no”.

It was moved by Councilmember Bohn, seconded by Pipoly to approve Cemeteries contracted brush removal - \$5,000 FY 11/12. Motion passed 6-0-1.

It was moved by Councilmember Roblee, seconded by Schillinger to approve Millpond Algae Treatment – \$4,000 FY12/13. Motion passed 5-1-1 with Councilmember Bohn voting “no”.

It was moved by Councilmember Schillinger, seconded by Bandkau to approve Pavement Marking - \$20,000 FY 12/13. Motion passed 6-0-1.

It was moved by Councilmember Roblee, seconded by Pipoly to approve ROW Tree Plantings & maintenance – \$10,000 FY12/13. Motion passed 6-0-1.

It was moved by Councilmember Bohn, seconded by Pipoly to approve Conferences & Training for Staff only - \$16,000 FY12/13. Motion passed 6-0-1.

It was moved by Councilmember Roblee, seconded by Bandkau to approve Conferences & Training for two City Councilmembers to attend MML Conferences - \$1,500 FY 12/13. Motion passed 4-2-1, with Councilmembers Bohn and Muzzin voting “no”.

It was moved by Councilmember Schillinger, seconded by Bandkau to approve Equipment Replacement Reserve for Non-utilities for \$77,139. Motion passed 5-1-1, with Mayor Muzzin voting “no”.

It was moved by Councilmember Pipoly, seconded by Roblee to approve Downtown Police Services Overtime increase of \$25,000 to be funded by DDA allocation. Motion passed 6-0-1.

It was moved by Councilmember Schillinger, seconded by Pipoly to approve City Manager's Utilities Fund allocations: Challis plant, Sewer Camera - \$120,000. Motion passed 6-0-1.

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o s either thru DDA Fund allocation or budget surplus from the dda of \$200,000 to the General Fund.
motion failed 3-3.

df get a ? from plante moran.

CITY CUSTOMER INFORMATION

City Manager, Dana Foster plnning on 4/19 Nancy Johnson to conduct the tapestry presentation that was done recently at a dda meeting. concerns of mike Monroe, letter to mr. ducio, ceace any further activity of smelting. not going to be able to build an exhaust system at his current location for smelting.

Councilmember Bohn budget fin sub meeting results of benefit and wage survey.

Councilmember Roblee psd meeting finalized all market ing promotion until end of fy, review of tapestry presentation. good turnout for clean up of I s. need volunteers on 4/14 9-12 for another cleanup. diaper drive.

Councilmember Pipoly stated dda closed on 121 north st. be issuing demo of building.

Mayor Muzzin I s clean up 55 voulunteers. great turnout. 3/16 recd letter chertyl kemmerling of jacks custard. ty is ready for sping.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 10:00 p.m. The following comment was heard:

Mike Monroe, displayed a picture of Andre's Jewelers vent. four people were ill because of it. he displayed a line where the property line. concerned re the future tenants of this building. mr. andre got a permit from the deq. ask cc to protect citizens of the cob and keep this operation in an industrial area.

Mr. Starns, two brothers coffee, witnessed smoke coming out of Andreas Jewelers one day and he was sick one day.

Andrea Duscio stated there was one accident, melting of gold will not produce any hazardous fumes. he apologized for the accident last year. we r not melting anything that will cause harmful fumes. b happy to show u once installation is done to show cc.

mr. Monroe if you let this open you will leave it for more to happen. need to start an ord.

Hearing no further comments, the Call to the Public was closed at 10:11 p.m.

ADJOURNMENT

rp 10:11

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It was moved by Councilmember Roblee, seconded by Pipoly to adjourn the meeting at 10:55 p.m. Motion passed 6-0-1.

Diana Lowe, City Clerk

Jim Muzzin, Mayor

**MINUTES OF THE BUDGET WORKSESSION OF THE
CITY COUNCIL, HELD ON MARCH 29, 2012 AT THE
BRIGHTON CITY HALL, 200 N. 1ST STREET, BRIGHTON, MICHIGAN.**

ROLL CALL

Mayor Muzzin called the Budget Worksession to order at 6:30 p.m. The roll was called, there being present were Mayor Muzzin Councilmembers Bohn, Bandkau, Pipoly and Roblee. Also in attendance were Attorneys Paul Burns and Brad Maynes and Staff members Dana Foster and Diana Lowe.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 6:31 p.m. Hearing no comment, the Call to the Public was closed.

DISCUSSION

City Attorney, Paul Burns discussed the City's workload including Tax Tribunals and litigations, mostly defending City cases, initiating few and prosecuting tickets, five or six upcoming trials, Attorney contract, retainer covers everything except Circuit Court cases, opinions, Ordinances, attending various meetings and FOIA review.

Council discussion:

- Tax Tribunal cases
- Statuary interest figured on Michigan Tax Tribunal cases
- Rental housing inspection
- Code enforcement
- Look at big picture
- Possible leasing and outsourcing departments
- Union/Labor contracts
- Eliminate a department with services
- Negotiations
- Probability of decision points

City Manager, Dana Foster discussed the Updated 6-year General Fund Forecast, Key Assumptions for the General Fund 6-year Forecast, General Fund: Fixed vs. Variable Costs' Analysis, General Fund: "what if" Revised 6-year Forecast Scenario #1, #2, City Manager's Suggested Possible General Fund Expenditure Cuts, Additional Tax Revenue, reduce cost of existing workforce, City Manager's Suggested 21 Budget Decision-points' Checklist, Seasonals,

CALL TO PUBLIC

Mayor Muzzin gave a Call to the Police at 8:09 p.m. Hearing no comment, the Call to the Public was closed.

City Council Budget Worksession

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ADJOURNMENT

It was moved by Councilmember Bandkau, second by Pipoly to adjourn the Budget Worksession at 8:09 p.m. Motion passed 5-0-2.

Diana Lowe, City Clerk

Jim Muzzin, Mayor

**MINUTES OF THE BUDGET WORKSESSION OF THE
CITY COUNCIL, HELD ON APRIL 3, 2012 AT THE
BRIGHTON CITY HALL, 200 N. 1ST STREET, BRIGHTON, MICHIGAN.**

ROLL CALL

Mayor Muzzin called the Budget Worksession to order at 6:30 p.m. The roll was called, there being present were Mayor Muzzin, Councilmembers Schillinger, Bohn, Pipoly and Roblee. Also in attendance were MML Consultant Heather Van Poucker, Staff members Dana Foster, Kelly Hanna, Diana Lowe, Jennifer Burke and Matt Modrack.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 6:31 p.m. Hearing no comment, the Call to the Public was closed.

DISCUSSION

Council discussion:

- Assessing contract
- Combine the Finance Director and the Treasurer positions

Finance Director, Kelly Hanna stated she would be opposed to an RFP for Auditing services, as she does not have the staff time to train a new auditor. Plante Moran keeps the City informed of updates and offer extra services to the City and they are always willing to answer questions. She stated the workload would be overwhelming for one person to do both the Finance Director and Treasurer positions. The segregation to the Finance Department is to prevent fraud, such that employees that receive funds, does not pay out funds.

MML Consultant, Heather Van Poucker discussed the Pay & Benefits Study highlighting the Customized survey, statewide salary survey, design of the pay structure, classification and job evaluation, pay range, benefits, reduction of grades of pay structure, job descriptions, updating the plan, how employees are moved through the ranges and performance measures. She stated it was a delight working with staff.

Council discussion:

- Adjust rate factors based on Consumer price index
- Salary ranges
- Public/private sector
- What does Council want to use for update?
- Get update from the MML Consultant
- Cut costs, increase revenue or both
- Intergovernmental agreement for utilities

Human Resource Director, Jennifer Burke stated the City would be receiving a 13% increase in health insurance instead of 18% for a savings to the budget.

City Council Budget Worksession

March 27, 2012

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Finance Director, Kelly Hanna stated she would be preparing the budget notice for publication next week. She discussed a possible bond issue to include technology items.

City Manager, Dana Foster discussed the General Fund Summary Six Year Financial Forecast Scenario #4, the Fund Balance policy of 15%, his suggested possible General Fund expenditure cuts and outsourcing.

CALL TO PUBLIC

Mayor Muzzin gave a Call to the Police at 8:24 p.m. Hearing no comment, the Call to the Public was closed.

ADJOURNMENT

It was moved by Councilmember Roblee, second by Bohn to adjourn the Budget Worksession at 8:24 p.m. Motion passed 7-0.

Diana Lowe, City Clerk

Jim Muzzin, Mayor

**MINUTES OF THE BUDGET WORKSESSION OF THE
CITY COUNCIL, HELD ON APRIL 5, 2012 AT THE
BRIGHTON CITY HALL, 200 N. 1ST STREET, BRIGHTON, MICHIGAN.**

ROLL CALL

Mayor Muzzin called the Budget Worksession to order at 6:00 p.m. The roll was called, there being present were Mayor Muzzin Councilmembers Bohn, Schillinger, Pipoly and Roblee. Also in attendance were Attorneys Paul Burns and Brad Maynes and Staff members Dana Foster, Diana Lowe, Jennifer Burke, Amy Cyphert, Dave Blackmar and Tom Wightman.

Councilmember Bandkau arrived at 6:20 p.m.

DISCUSSION

Finance Director, Kelly Hanna discussed the Budget decisions for the FY 11/12 and FY 12/13 City Manager's Proposed Budget, which consisted of a list of 20 items. She stated the items from FY 11/12 may be approved/disapproved as budget amendments.

Council discussed each of the items and removed the following items as decision points:

- Possible DPS Retirement
- Health Insurance Cost Reduction
- Outsourcing some specific DPS services
- Plante-Moran study proposal for Interfund Transfers & related Interfund Cost Allocations and Utility Fees.

ADJOURNMENT

It was moved by Councilmember Bohn, second by Roblee to adjourn the Budget Worksession at 7:00 p.m. Motion passed 6-0-1

Diana Lowe, City Clerk

Jim Muzzin, Mayor

**POLICY REPORT: 408-420 W. MAIN STREET – FAÇADE
IMPROVEMENTS #12-002**

April 19, 2012

Prepared by:

Reviewed by:

Amy Cyphert
Planning & Zoning Director

Dana Foster
City Manager

STAFF ADVISORY:

At the April 16, 2012 meeting, the Planning Commission will review and discuss a site plan for façade improvements at 408-420 W. Main Street. City Staff is not assuming any particular action by Planning Commission at this point but we are facilitating a "business friendly" option for the applicant, if Planning Commission approves the plans on April 16th. This option would allow the applicant to start working on the project soon.

A Council Policy Report will be generated on April 17, 2012.

Attachments:

1. Site Plan



MAYDAY

CHEESE MARKET

WILBY

CREST TOWN

MAYDAY JAM
COUNTRY
RESTAURANT

POLICY REPORT: SPRINGHILL LOT 16 AMENDMENT #12-004

April 19, 2012

Prepared by:

Amy Cyphert
Planning & Zoning Director

Reviewed by:

Dana Foster
City Manager

STAFF ADVISORY:

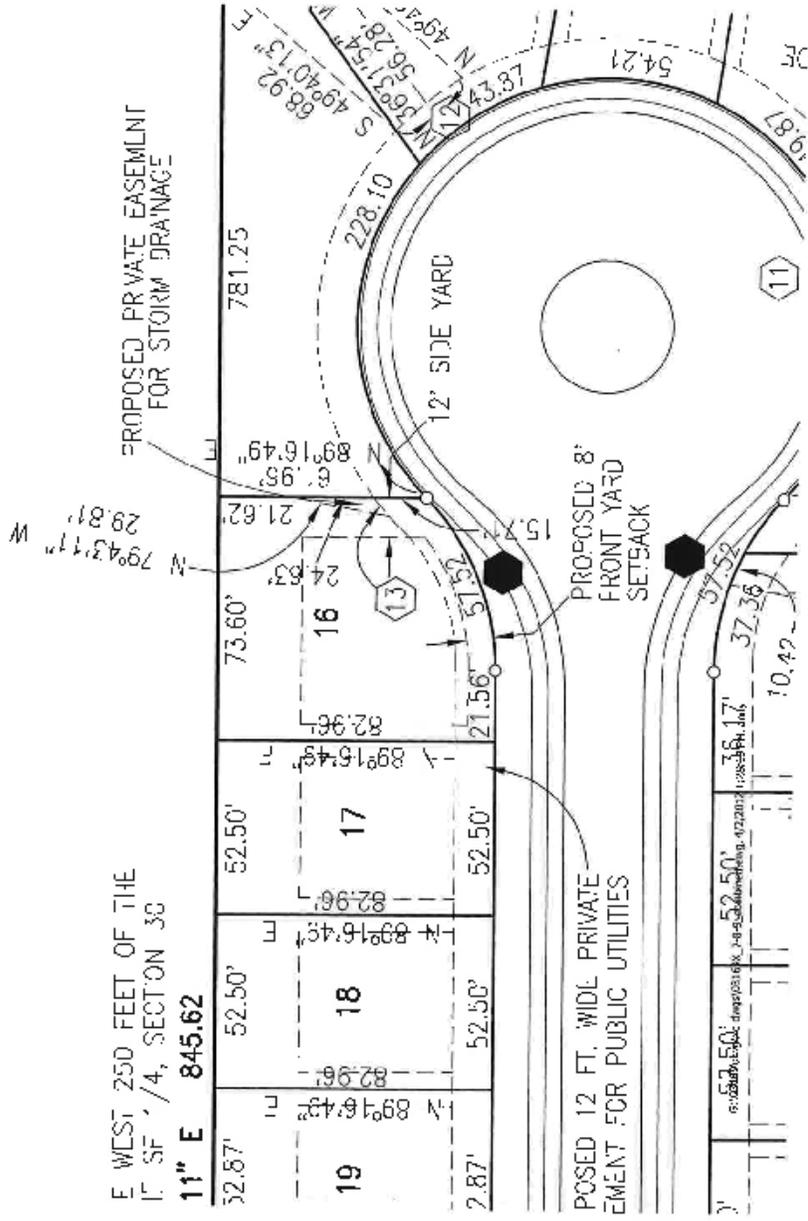
At the April 16, 2012 meeting, the Planning Commission will review and discuss a site plan amendment for Springhill residential development Lot 16. City Staff is not assuming any particular action by Planning Commission at this point but we are facilitating a "business friendly" option for the applicant, if Planning Commission approves the plans on April 16th. This option would allow the applicant to start working on the home sooner.

A Council Policy Report will be generated on April 17, 2012.

Attachments:

1. Site Plan

UNPLATTED



E WEST 250 FEET OF THE
1/4 SECTION 30
11" E 845.62

PROPOSED PRIVATE EASEMENT
FOR STORM DRAINAGE

PROPOSED 12 FT. WIDE PRIVATE
EASEMENT FOR PUBLIC UTILITIES

PROPOSED 8'
FRONT YARD
SETBACK

12' SIDE YARD

50' WIDE PUBLIC EASEMENT FOR UTILITIES

11

16

17

18

19

FINANCE POLICY REPORT

Consider a Request from the Livingston Educational Service Agency to Collect all of their Operating Property Taxes on the City's Summer 2012 Tax Bills

April 19, 2012

Prepared by:

Reviewed by:

Kelly Hanna
Finance Director

Dana William Foster
City Manager

ISSUE:

Consider a Request from the Livingston Educational Service Agency to collect their operating property taxes on the City's Summer 2012 Tax Bills.

STAFF RECOMMENDATION:

It is staff's recommendation to approve the attached request from the Livingston Educational Service Agency (LESA) to collect all of their operating property taxes on the City's Summer 2012 Tax Bills, per the terms and conditions of the attached contractual agreement between the City and Livingston Educational Service Agency (LESA).

BACKGROUND:

State law allows for the City to charge a fee for the collection of school taxes in the summer to recoup the treasury and assessing costs associated with providing this service. It has been determined and agreed to that \$3.00 per parcel is an acceptable fee for this service

BUDGET IMPACT:

Of the approximate 4,200 taxable parcels, there are approximately 2,164 parcels (real & personal) in the City, which at \$3.00 per parcel will generate \$6,492 of revenue for the City's General Fund in FY 2012-13, which is reflected in the City Manager's Proposed FY 2012-13 Budget.

RELATIONSHIP TO GOALS:

Related to the City's Previous Goal of Responding to Formal Service Requests through Regional Cooperation.

ACTION/MOTION:

Motion to approve the attached Agreement for Collection of Livingston Education Service Agency Property Taxes.



April 2, 2011

Dear Township/City Treasurer,

Please find enclosed the summer Tax Collection Agreement for your signature and board approval if necessary.

Please return the signed agreement as soon as possible, but no later than April 30, 2011.

If you have any questions, please don't hesitate to contact me.

Thank you,

A handwritten signature in blue ink that reads "Chris Gray". The signature is written in a cursive, flowing style.

Chris Gray
Budget Supervisor
Livingston Educational Service Agency
517-540-6866
chrisgray@livingstonesa.org

enc

SUMMER TAX COLLECTION AGREEMENT

The City of Brighton with offices located at 200 N. First., Brighton, Michigan (the "city") pursuant to 1976 PA 451, as amended, for the purposes of providing for the collection by the City of a summer levy of Livingston Educational Service Agency, Michigan (the "Agency") property taxes for the year 2012 and hereafter as provided below:

The Agency and the City agree as follows:

1. The City agrees to collect 100% of the total millage in the summer as certified by the Agency for levy on all taxable property in addition to and not within the K-12 school district summer tax collection, including principal residence and other exempt property not subject to the 18 mill levy within the Brighton Area Schools.
2. ~~Interest earned on the investment of said taxes collected by the City prior to the payment to the Agency shall be transferred to the Agency when the taxes are transferred to the Agency.~~
3. All interest and penalties, other than collection fees, that are imposed prior to the date the taxes are returned delinquent and that are attributable to school taxes, shall belong to the Agency.
4. The Agency agrees to pay the City costs of assessment and collection at \$3.00 per parcel which represents reasonable expenses incurred by the City in assessing and collecting Agency taxes, to the extent that the expenses are in addition to the expenses of assessing and collecting other taxes at the same time.
5. No later than June 15 of each year, the Agency shall certify to the City Treasurer the school millage to be levied on taxable property for summer collection.
6. The City Treasurer shall account for and deliver summer school tax collections to the Agency within ten (10) business days from the 1st and 15th of each month via electronic transfer, if and when possible.
7. In the event that state law is amended necessitating changes to this Agreement, the parties agree to negotiate changes to the Agreement in good faith to conform the Agreement to state law. Collection of summer taxes and payment for said collection shall not be disrupted or delayed due to the negotiation of or revision to this Agreement.
8. By execution of this Agreement, both parties certify and represent that the Agreement is authorized by the laws of the State of Michigan, that the individuals responsible for collecting the Agency taxes are and will be in compliance with all laws pertaining to their duties and responsibilities as a tax collecting agent, and that the signors are authorized by their respective governing bodies to execute this Agreement.

9. This Agreement is effective on the date of its execution and shall expire on June 30, 2013.

IN WITNESS WHEREOF, the parties have executed this Agreement on the respective dates indicated below.

LIVINGSTON EDUCATIONAL SERVICE AGENCY, MICHIGAN

By _____

Its _____

Dated _____

CITY OF BRIGHTON: _____

By _____

Its _____

Dated _____

**PUBLIC HEARING PURSUANT TO MICHIGAN ECONOMIC
DEVELOPMENT CORPORATION (MEDC) COMMUNITY
DEVELOPMENT BLOCK GRANT REQUIREMENTS TO REVIEW AND
CLOSE OUT MEDC GRANT NO. MSC 209119-CDI, DOWNTOWN
PARKING LOT AND STREETScape**

April 19, 2012

Prepared by:

Reviewed by:

Matt Modrack
DDA/Comm. Dev. Dir.

Dana Foster
City Manager

COUNCIL ACTION REQUESTED:

One of the concluding actions required for all CDBG grants is for the governing body, i.e., the City of Brighton, to hold a public hearing to formally review what was done with the grant funds and that the project was completed in compliance with the CDBG rules and regulations. Consequently, on April 5, 2012, City Council approved setting a public hearing for April 19, 2012 to conclude the public participation requirements for the above noted grant.

BACKGROUND:

There are currently several grant funded capital improvements programs underway, planned or recently completed in downtown Brighton: the recently completed Cemetery Parking Lot and Pocket Park adjacent to the new 205 West building; the recently completed West St. Parking Lot adjacent to Studio West Gallery and Bagger Dave's; seven (7) on-street parking spaces on the north side of North St. expected to be completed by May 2012; the West/North/Main Streetscape Project to be completed in fall 2012; and two Facade Improvement Projects (Champ's & Mayday building) expected to be completed this fall.

Following is a summary of the completed Downtown Parking Lot and Streetscape Project grant (MSC 209119-CDI) which is the subject of tonight's public hearing:

- The term of work performance was May 1, 2010 through April 30, 2012, plus additional time to meet reporting or other procedural requirements. The construction phase of the project was completed in August 2011.
- We were authorized to spend up to \$399,600 in CDBG funds from the State; total CDBG funds expended was \$393,766.15. The DDA provided local match funds of \$61,301, and private funds expended was \$1,887,231.
- The project was expected to create 34 new jobs, 18 of which were to be held by low and moderate-income persons. We are still collecting income certification documentation from the 205 West tenants, but we expect that the job creation target will be attained.

- The grant funded construction of a new public 41-space parking lot adjacent to the St. Paul Cemetery. A retaining wall was installed and the east side of the cemetery was cleared of brush and other obstructions, allowing a clear view of the cemetery from Grand River.
- Streetscape improvements to the corner of St. Paul and Grand River were completed, including new street trees, sidewalk pavers and streetlamps.
- A “pocket park” adjacent to the new 205 West office building was constructed to provide an additional seating area. Three new benches were added and three sculpture pedestals were included for three commissioned sculptures paid for through an MEDC grant with a DDA match.

The overall effect of the streetscape plan tied together the Main/4 intersection (all four corners), the new Tim Horton’s development on the east side of Grand River, and the new commercial development at St. Paul/Grand River Ave. with a visually appealing pedestrian route to the Millpond.

BUDGET IMPACT: The DDA match for the subject grant was \$61,301 which was paid out of the DDA Fund. There was no impact to the City’s General Fund.

RELATIONSHIP TO 2011/2012 GOALS: The subject project, i.e., 205 West, Cemetery Parking Lot, and St. Paul Street pocket park are entirely consistent with the MML’s 21st Century Communities development philosophy adopted by City Council, particularly with regard to the Physical Design & Walkability and Cultural Economic Development components of the Eight Assets.

COUNCIL ACTION: Conduct a public hearing on April 19, 2012 to summarize the project and take questions and comments from the public.

POLICY REPORT - FINANCE

Conduct a Public Hearing on the Proposed FY 2012-13 City Budget

April 19, 2012

Prepared by:

Reviewed by:

Kelly Hanna, Finance Director

Dana Foster, City Manager

ISSUE:

The City Council must conduct a public hearing prior to the adoption of the City's FY 2012-13 Budget.

STAFF RECOMMENDATION:

To formally conduct the public hearing on the City's proposed FY 2012-13 Budget, to receive input from the public prior to the adoption of the Budget.

BACKGROUND:

Based on the requirements of Chapter 8, Section 3 of the City Charter, the attached public notice of the said public hearing has been published in the Livingston County Press & Argus issues of April 13 and April 15, 2012. The notice reflects the City Manager's originally proposed FY 2012-13 Budget with the following Council changes:

General Fund

1. Reduce health care premiums \$20,671
2. Increase Millpond Algae Treatment \$4,000
3. Increase appropriation to Major Street Fund for Pavement Marking, \$20,000
4. Increase appropriation to Major Street Fund for ROW Tree Maintenance and Plantings \$10,000
5. Increase Conferences and Training for staff \$16,000.
6. Increase MML Conferences and Training for City Council \$1,500.
7. Fund an Equipment Replacement Fund for Non-utilities equipment, \$57,139.
8. Increase Downtown Police Services overtime, \$25,000

Major Street Fund

1. Increase funding for Pavement Marking, \$20,000
2. Increase funding for ROW Tree Maintenance and Plantings, \$10,000

DDA Fund

1. Increase appropriation to the General Fund for Downtown Police Services Overtime, \$25,000

Utilities Fund

1. Reduce the debt service expenditures and service charge revenue per the recent bond refinancing
2. Reduce health care premiums \$3,731
3. Increase Capital Assets by \$120,000 for Challis Plant painting and Sewer Camera

RELATIONSHIP TO GOALS:

The budget document funds, through appropriations, the goals of the City.

BUDGET IMPACT:

The City Council shall consider the public's input when finalizing the FY 2012-13 Budget.

ACTION/MOTION:

Hold the public hearing on the proposed FY 2012-13 Budget.

CITY OF BRIGHTON
 NOTICE OF PUBLIC HEARING
 ON PROPOSED FY 2012-13
 CITY BUDGET

The City of Brighton will hold a public hearing at 7:30 p.m. on Thursday, April 19, 2012 in the City Council Chambers, 200 North First Street, Brighton, for the purpose of receiving written and oral comment concerning the City of Brighton's proposed budget for fiscal year 2012-13 which is summarized below.

All interested citizens are encouraged to attend and/or submit comments.

SUMMARY OF PROPOSED 2012-13 BUDGET CITY OF BRIGHTON

<u>Source:</u>	<u>Revenue</u>
Property Taxes, Penalties, Interest & Fees	\$ 6,833,954
Licenses & Permits	325,930
Federal Grants	8,500
State Grants	389,543
State Shared Revenue	967,582
Local Unit Contribution	92,340
Service Charges	3,939,172
Fines & Forfeits	125,650
Investment Earnings	23,075
Rents & Royalties	71,680
Other Revenue	231,865
Other Financing Sources	2,282,104
Net Use of Fund Balance and Working Capital	75,606
Less: Appropriations Between Funds	<u>(1,963,088)</u>
TOTAL REVENUE	<u>\$ 13,403,913</u>

<u>Fund:</u>	<u>Expenditures</u>
General	\$ 7,830,851
Streets (including capital improvements)	982,027
PSD	39,575
Arts/Cultural Commission	5,000
Imagination Station Maintenance	16,000
Street Debt	987,823
Capital Improvements (including debt)	280,826
Building Authority (including debt)	123,900
Downtown Development Authority (including debt)	1,342,248

Local Development Finance Authority (including debt)	65,681
Utilities (including capital and debt less depreciation)	3,693,070
Less: Appropriations Between Funds	<u>(1,963,088)</u>
TOTAL EXPENDITURES	<u>\$ 13,403,913</u>

An increase of 13 cents per month (a 1 % increase) in the residential refuse collection & recycling service user fee to be charged to support the proposed budget will also be a subject of this hearing.

A copy of the proposed budget is available for public inspection from 8:00 a.m. to 5:00 p.m., Monday - Friday, at 200 North First Street, Brighton in the office of the City Clerk. Specific questions on the budget should be addressed to the City Manager or Finance Director.

Diana Lowe
City Clerk
City of Brighton

To obtain this notice in alternative formats contact David Blackmar, ADA Coordinator at 810-225-8001.

BA 04/13/12, 04/15/12

CITY OF BRIGHTON
GENERAL FUND SUMMARY
SIX YEAR FINANCIAL FORECAST (as of April 5, 2012)

	11-12 Year End <u>Projection</u>	12-13 Proposed <u>Budget</u>	13-14 <u>Forecast</u>	14-15 <u>Forecast</u>	15-16 <u>Forecast</u>	16-17 <u>Forecast</u>	17-18 <u>Forecast</u>
Revenue	8,087,152	7,836,686	7,261,520	7,249,871	7,274,459	7,346,433	7,464,517
Less: Expenditures	8,024,815	7,830,851	7,681,613	7,966,526	8,292,176	8,515,106	8,896,152
Funds Available	62,336	5,835	(420,094)	(716,655)	(1,017,717)	(1,168,673)	(1,431,635)
Add: Beginning Unreserved Fund Balance	1,327,365	1,389,702	1,395,536	975,442	258,788	(758,929)	(1,927,602)
Ending Unreserved Fund Balance	1,389,702	1,395,536	975,442	258,788	(758,929)	(1,927,602)	(3,359,237)
Minimum Target Unreserved Fund Balance (15%):	963,655	956,106	985,150	1,025,394	1,068,452	1,111,799	1,162,209
Unreserved Fund Balance Over/(Under)							
Minimum Target Fund Balance	426,047	439,431	(9,708)	(766,607)	(1,827,381)	(3,039,401)	(4,521,446)
Fund Balance as a % of Operating Expend.	22%	22%	15%	4%	-11%	-26%	-43%

**CITY OF BRIGHTON, MICHIGAN
MAJOR STREET FUND**

<u>ACCOUNTS</u>	<u>ACTUAL</u>	<u>PROJECTED</u>	<u>PROPOSED</u>
	<u>10-11</u>	<u>YEAR-END</u>	<u>BUDGET</u>
		<u>11-12</u>	<u>12-13</u>
REVENUES:			
Licenses & Permits	21,913	21,500	21,860
Federal Grants	61,124	-	-
State Grants	14,693	-	-
State Shared Revenue	290,846	310,637	323,164
Fines & Forfeits		-	-
Investment Earnings	1,014	900	950
Other Revenue	135,005	114,638	96,341
Other Financing Sources	336,953	281,749	215,075
TOTAL REVENUES	861,548	729,424	657,390
EXPENDITURES:			
General Administration	18,799	18,677	19,077
Engineering Services		-	-
Street Construction	1,775	76,433	10,000
Routine Maintenance	113,977	113,759	134,259
Trust Fund Maintenance	6,449	7,591	7,591
Traffic Services	47,322	47,656	45,619
Winter Maintenance	138,181	124,459	170,405
Stormwater	17,279	24,948	18,396
Transfers-Out Other Funds	449,180	374,968	366,779
TOTAL EXPENDITURES	792,962	788,491	772,127
FUND BALANCE-BEGIN.	286,100	354,686	295,619
FUND BALANCE-ENDING	354,686	295,619	180,882
Reserved for future SAD Payments		185,980	163,775
Unreserved Fund Balance		109,639	17,107
Ending F.B. as a % of Expend.	44.83%	15.40%	2.24%

**CITY OF BRIGHTON, MICHIGAN
DDA FUND**

ACCOUNTS	PROJECTED PROPOSED		
	ACTUAL 10-11	YEAR-END 11-12	BUDGET 12-13
REVENUES			
Property Taxes	913,399	863,550	850,783
State Grants	252,818	326,312	361,043
Tax penalties, interest & fees	3,544	3,950	2,650
Investment Earnings	3,856	3,100	3,100
Other Revenue	33,635	449,962	-
Other Financing Sources	22,972	21,920	28,850
TOTAL REVENUES	1,230,224	1,668,794	1,246,426
EXPENDITURES			
Professional & Tech Services	52,795	158,782	84,525
Purchased Property Services	70,571	78,491	85,546
Other Purchased Services	10,168	22,370	11,248
Depreciation	-	-	-
Utilities	376	396	-
Property	687,523	525,664	507,668
Debt Service	520,811	738,875	553,261
Other Financing Uses	297,734	70,000	100,000
TOTAL EXPENDITURES*	1,639,978	1,594,578	1,342,248
* Exclusive of Depreciation			
FUND BALANCE-BEGINNING	552,279	142,525	216,741
FUND BALANCE-ENDING	142,525	216,741	120,919
Min. Target F.B. = 20% of Debt Service	104,162	147,775	110,652
Ending F.B. Over/(Under) Target	38,363	68,966	10,267

**CITY OF BRIGHTON
FINANCIAL SUMMARY
UTILITIES FUND**

	ACTUAL	YEAR-END PROJECTED	FINANCIAL PLAN
	<u>FY 2010-11</u>	<u>FY 2011-12</u>	<u>FY 2012-13</u>
REVENUES			
Service Charges	3,264,212	3,440,749	3,374,813
Other Revenue	64,242	84,748	59,936
Fines & Forfeits	45,479	53,585	46,450
	<hr/>		
Total Operat. Revenue	3,373,933	3,579,082	3,481,199
Investment earnings	4,702	2,700	2,500
TOTAL REVENUES	3,378,635	3,581,782	3,483,699
<hr/>			
EXPENSES			
Sewer	2,207,315	2,132,066	2,108,143
Water	1,289,311	1,365,123	1,404,018
StormWater	106,113	106,113	106,113
	<hr/>		
Total Oper. Expenses	3,602,739	3,603,302	3,618,274
Bond Issuance Cost	1,985	2,785	2,785
Interest Expense	492,768	468,305	324,486
	<hr/>		
TOTAL EXPENSES	4,097,492	4,074,392	3,945,545
INCOME/(LOSS) Before Operating Transfe	(718,857)	(492,610)	(461,846)
Lines Donated by Developers	-	-	-
Net Operating Transfers	(173,948)	(217,547)	(336,094)
NET INCOME/(LOSS)	(892,805)	(710,157)	(797,940)
<hr/>			
DEPRECIATION ON CAPITAL ASSETS ACQUIRED BY FEDERAL GRANTS	374,461	374,461	374,461
INCREASE/(DECREASE) IN RETAINED EARNINGS/(ACCUMULATED DEFICIT)	(518,344)	(335,696)	(423,479)
CAPITAL ASSETS (less restricted portion)	(640,246)	-	(120,000)
OTHER COSTS	630,000	-	-
DEPRECIATION/AMORTIZATION	1,186,145	1,196,308	1,196,308
CURRENT PORTION OF N/Y L.T. DEBT CONTRIBUTED CAPITAL	284,102	198,391	141,837
GRANT PROCEEDS	-	-	-
PROCEEDS OF LONG-TERM DEBT	-	-	-
PAYMENT OF LONG-TERM DEBT	(772,200)	(812,200)	(862,200)
	<hr/>		
CHANGE IN WORKING CAPITAL	169,458	246,803	(67,534)
WORKING CAPITAL-BEGINNING	339,072	508,530	755,333
WORKING CAPITAL-ENDING	508,530	755,333	687,799
<hr/>			
WC as a % of Expenses less Depreciation	19%	28%	25%
WC as a % of Expenses with Depreciation	12%	18%	16%

POLICY REPORT: AMENDMENTS TO CHAPTER 66, ARTICLE I, SECTION 66-2, DEFINITIONS, SECTION 66-4, EXEMPT SIGNS AND THE ADDITION OF 66-100, DOWNTOWN BUSINESS DISTRICT (DBD)

April 19, 2012

Prepared by:

Amy Cyphert
Planning & Zoning Director

Reviewed by:

Dana Foster
City Manager

ISSUE:

Conduct second read and make a decision on the proposed amendments to Chapter 66, Article I, Section 66-2, Definitions, Section 66-4, Exempt Signs and the addition of 66-100, Downtown Business District (DBD) signage requirements pursuant to the Planning Commission recommendation on March 19, 2012.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation.

BACKGROUND:

On February 10, 2011, the Zoning Board of Appeals directed City Staff to begin work on a downtown sign ordinance because our current ordinance is based on the General Commercial district, not the Downtown District.

City Staff researched other communities with downtowns and their downtown signage regulations. City Staff then compiled the existing C2/C4 City of Brighton sign ordinance and the sign ordinances from other communities to create the first draft of the DBD sign ordinance.

On May 5, 2011, City Staff presented the draft DBD sign ordinance to the DDA Design Committee. The Design Committee provided some suggested amendments to the first draft. Those suggestions have been included in the attached proposed ordinance. On May 17, 2011, City Staff presented the proposed DBD sign ordinance to the DDA Board and to the PSD Board on June 7, 2011. Both Boards supported the proposed DBD sign ordinance.

On September 19, 2011, the Planning Commission reviewed the draft ordinance amendments and provided revisions. Those revisions have been included in the attached draft.

A public hearing was held on October 17, 2011. Several comments and potential revisions were made during the public hearing. The Planning Commission requested several revisions which were made to the document.

The City Attorney took the time to review to "button up" the proposed ordinance amendments. The Planning Commission held a second public hearing on March 19, 2012 and no public comments were

made. The Planning Commission then made the motion to forward the amendments and additional ordinance section to City Council for review and adoption.

On April 5, 2012, City Council introduced the proposed amendments and addition during the first reading and set a public hearing for April 19, 2012.

DISCUSSION

Attached are the proposed ordinance to amendments to Chapter 66, Article I, Section 66-2, Definitions, Section 66-4, Exempt Signs and the addition of 66-100, Downtown Business District (DBD).

BUDGET IMPACT: N/A

RELATIONSHIP TO 2011/2012 GOALS: N/A

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 amendments Chapter 66, Article I, Section 66-2, Definitions, Section 66-4, Exempt Signs and the addition of 66-100, Downtown Business District (DBD) signage requirements.

Or

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 signage in a future zoning ordinance amendment.

Attachments:

1. Proposed amendments to Chapter 66, Article I, Section 66-2, Definitions, Section 66-4, Exempt Signs and the addition of 66-100, Downtown Business District (DBD)

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF BRIGHTON, MICHIGAN, BY ADDING A NEW SECTION 66-100, Downtown Business District, OF CHAPTER 66, ARTICLE IV OF THE CODE.

THE CITY OF BRIGHTON, LIVINGSTON COUNTY, HEREBY ORDAINS:

I. That the current definitions for “Area of sign”, “Canopy or marquee”, “Canopy or marquee sign”, “Projecting signs”, “Under canopy or marquee sign”, and “Window sign” located in Section 66-2 of Article I of Chapter 66 are deleted.

II. That new definitions are hereby added to Section 66-2 of Article I of Chapter 66, to be placed in alphabetical order with the existing definitions, and shall read as follows:

Area of Sign. The area of a sign shall be measured within a single, continuous rectilinear perimeter composed of straight lines which encloses the extreme limits of the advertising message, together with any frame or other material or color forming an integral part of the display, message, drawing, or similar device, or used to differentiate same from the background against which it is placed, excluding the necessary supports, braces and/or uprights of the sign.

For signs consisting of individual letters, figures, or symbols applied directly onto a building or structure, the sign area shall be that area enclosed within the smallest regular geometric figure needed to completely encompass all letters, figures, or symbols.

Canopy means a permanent roof-like structure extending from part or all of a building face over a public right-of-way and constructed of some durable material such as metal, glass, canvas or plastic.

Canopy sign means any sign attached to a canopy.

Charitable purpose corporation means a nonprofit corporation that meets any of the following: (a) Is exempt or qualifies for exemption under section 501(c)(3) of the internal revenue code, 26 USC 501. (b) Is a corporation whose purposes, structure, or activities are exclusively those that are described in section 501(c)(3) of the internal revenue code, 26 USC 501. (c) Is a corporation organized or held out to be organized exclusively for 1 or more charitable purposes.

Indoor illuminated open signs means an illuminated sign on the interior of the building indicating a commercial/restaurant/office use is open for business.

Marquee means a permanent roof-like structure extending from part or all of a building face over a public right-of-way and constructed of some durable material such as metal, glass or plastic with changeable lettering.

Marquee sign means any sign attached to, part of, or on a marquee.

Non-profit corporation means a corporation incorporated to carry out any lawful purpose or purposes not involving pecuniary profit or gain for its directors, officers, shareholders, or members.

Projecting sign means a sign other than a wall sign, which is perpendicularly attached to, and projects from a structure or building wall not specifically designed to support the sign.

Rear entry sign means a wall sign which is located near the rear entry door on a building.

Sidewalk and sandwich board sign means an a-frame construction designed for placement on the sidewalk in front of the place of business being advertised and is generally two (2) sided.

Temporary banner sign means a sign which is not permanently affixed, is constructed out of cloth, canvas, fabric, plastic, sticker, supergraphics or digital wraps or other light temporary material and intended for a limited period of display.

Under canopy sign means a sign suspended from the underside of a canopy.

Window sign means a temporary or permanent sign that is affixed to the interior or the exterior of the windows and/or doors or located within 3 feet of the window and/or doors. Window signs will be permitted but may not exceed 25 percent of the glass area on which they are displayed. Window signage includes signage, other than product or decorative display.

III. Section 66-4 shall be replaced in its entirety with a new Section 66-4, which shall read as follows:

Section 66-4. - Exempt signs. The provisions of this shall not apply to the following:

- (1) *Construction signs.* One construction sign per construction project not exceeding 32 square feet in sign area in residential districts or 64 square feet in commercial or industrial districts, provided that such signs shall be erected no more than seven days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed seven days after completion of construction and prior to occupancy.
- (2) *Directional or instructional signs.* Signs which provide direction or instruction and are located entirely on the property to which they pertain and do not in any way advertise a business and do not exceed four square feet in area, signs identifying rest rooms, public telephones, walkways, or signs providing direction such as parking lot entrance and exit signs and those of similar nature. The maximum permitted height of parking lot entrance and exit signs is four feet.
- (3) *Flags.* The flags, emblems or insignia of any nation or political subdivision or corporation flag.
- (4) *Governmental signs.* Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs

of public service companies indicating danger and aids to service or safety which are erected by or on the order of, a public officer in the performance of his public duty.

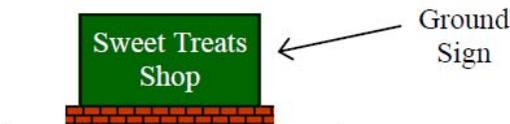
- (5) *Holiday decorations.* Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local or religious holiday; provided that such signs shall be displayed for a period of not more than 60 consecutive days nor more than 60 days in any one year. Such signs may be of any type, number, area, height, illumination or animation; and shall be set back ten feet from all boundary lines of the lot, provided that a clear area be maintained to a height of 72 inches, within 55 feet of the intersection of two streets, a railroad and a street and a street and driveway.
- (6) *House numbers and nameplates.* House numbers and nameplates not exceeding two square feet in area for each residential building.
- (7) *Incidental signs.* One incidental sign may be attached to a freestanding sign structure or to a building wall, but may not be attached perpendicular to the wall. Such signs are restricted to trading stamps, credit cards accepted, official notices of services required by law, or trade affiliations. Area of each sign may not exceed five square feet; the total area of all such signs may not exceed ten square feet.
- (8) *Interior signs.* Signs located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs for and located within the inner or outer lobby, court or entrance of any theatre, that are not visible from the public right-of-way. This does not, however, exempt such signs from the structural, electrical, or material specifications as set out in this chapter.
- (9) *Memorial signs.* Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material.
- (10) *No trespassing or no dumping signs.* No trespassing or no dumping signs not to exceed 1½ square feet in area per sign and not exceeding four in number per lot, except that special permission may be obtained from the administrator for additional signs under proven special circumstances.
- (11) *Occupant signs.* One sign for each dwelling unit not to exceed two square feet in area indicating the name of the occupant, location or identification of a home professional office.
- (12) *Plaques.* Plaques or name plate signs not more than 2½ square feet in area which are fastened directly to the building.

- (13) *Political campaign signs.* Political or campaign signs on behalf of candidates for public office or measures on election ballots provided that such signs are removed within seven days following such election. Political or campaign signs may be located within or over the public right-of-way provided they do not create a safety hazard by blocking clear vision for motorists and pedestrians, and are subject to the limitations set forth in section 66-91
- (14) *Public notices.* Official notices posted by public officers or employees in the performance of their duties.
- (15) *Public and private schools.* Public or private school districts or systems located within the city limits, may advertise a school-sponsored event in any zoning district for a period up to two weeks prior to the event. All signs shall be removed within seven days after the event. Only one, double-faced sign per site or property is permitted and no sign face may exceed 32 square feet in area. No sign shall be located in any right-of-way.
- (16) *Public signs.* Signs required or specifically authorized for a public purpose by any law, statute or ordinance; which may be of any type, number, area, height above grade, location, illumination, or animation, required by the law, statute or ordinance under which the signs are erected.
- (17) *Real estate signs.* One real estate sign on any lot or parcel, provided such sign is located entirely within the property to which the sign applies, is not directly illuminated, does not exceed six square feet in area in a residential district or 24 square feet in area in a nonresidential district, and is removed within seven days after the sale, rental or lease has been accomplished.
- (18) *Temporary event signs for non-profit corporation or charitable purpose corporation.* Non-profit corporations or charitable purpose corporations, located within the city limits, may advertise an event in any zoning district for a period up to one week prior to the event. All signs shall be removed within seven days after the event. Only one banner per site or property is permitted, and no sign may exceed 32 square feet in area. No sign shall be located in any right-of-way or create a safety hazard by blocking clear vision for motorists and pedestrians. In the case of the Downtown Business District (DBD), the sign can be attached to a building, with the permission of the owner, at a minimum of eight feet, six inches above the right of way.
- (19) *Warning signs.* Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary, to be removed upon subsidence of danger.

IV. A new section 66-100 of Chapter 66, Article IV of the code is hereby added as follows:

Sec. 66-100. Downtown Business District. All signs permitted in the Downtown Business District (DBD) district shall meet the following special requirements:

- (1) *Nonconforming Signs.* Signs lawfully erected under Section 66-95 of this Code or other previous ordinance, prior to the effective date of this section, which do not meet standards of this chapter may be maintained except as hereinafter provided.
 - a. No nonconforming sign shall be changed to another nonconforming sign.
 - b. No nonconforming sign shall have any changes made in the words or symbols used or the message displayed on the sign unless the sign is specifically designed for periodic changes of message.
 - c. No nonconforming sign shall be structurally altered so as to prolong the life of the sign or so as to change the shape, size, or type or design of the sign.
 - d. No nonconforming sign shall have the face or faces changed when such sign is a type of construction so as to permit such a complete change of face.
 - e. No nonconforming sign shall be reestablished or maintained after the activity, business or usage to which it relates has been discontinued for 90 days or longer.
 - f. No nonconforming sign shall be repaired or erected after being damaged if the repair or erection of the sign would cost more than 50 percent of the cost of an identical new sign as determined by the city building inspector and assessor.
- (2) *Pole signs.* No pole signs shall be permitted.
- (3) *Ground signs.* Ground signs shall be permitted as follows:



- a. Not more than one ground sign may be erected accessory to any single building, structure, or shopping center regardless of the number of separate parties, tenants or uses contained therein.
- b. The top of a ground sign may be no more than six feet above ground level.
- c. A ground sign shall not extend closer than two feet to any part of the public right-of-way.
- d. No ground sign shall have a single surface area exceeding 40 square feet for a single face sign or 80 square feet for signs of two or more faces.

- e. A ground sign shall be located on the same parcel of property as the building or use to which it is accessory.

(4) *Wall signs.* Wall signs shall be permitted as follows:



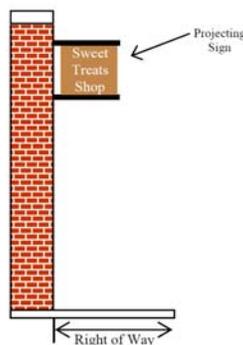
- a. *Multitenant buildings, internal stores.* Each occupant, tenant or user of space whose principal entrance is shared with other tenants and does not allow direct access into the tenant space shall be permitted one wall sign not exceeding 24 square feet in total surface area. This sign may be placed on the main public or primary entrance to the building. In addition, if a wall of the building which does not have a public entranceway is adjacent to a public right-of-way, one wall sign not exceeding 12 square feet in total surface area shall be permitted.
- b. *Multitenant buildings, external stores.* Each occupant, tenant or user of space whose principal entrance is such that a public entrance is provided directly from the outside into the store shall be permitted one wall sign not exceeding 50 square feet in area at that primary entrance or within the plane of the wall where the public entrance is located. Businesses which have in excess of 50 lineal feet of building frontage on a public street, alleyway or parking area, to which there is a public or primary entrance, the wall sign area may be increased by one square foot for each one lineal foot of frontage between 50 and 100 feet not to exceed a total of 100 square feet. In addition, if a wall of the building which does not have a public entranceway or is a secondary entrance, is adjacent to a public right of way, one wall sign not exceeding 50 percent of the total surface area of the above primary wall sign shall be permitted.
- c. *Single tenant building.* The provisions of subsection (4)b. of this section shall apply to single tenant buildings.
- d. *Limitation on placement.* No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.
- e. *Projection and height.* No wall sign shall have a thickness greater than 18 inches measured from the wall to which it is attached to the outer surface

and shall not be attached to a wall at a height of less than eight feet above any sidewalk.

- f. *Projection into right-of-way.* No wall sign shall project into any public right-of-way more than the thickness permitted as provided in subsection (4)e. of this section.
- g. *Vertical dimensions or height.* The vertical dimension of a wall sign shall not be in excess of six feet.

(5) *Roof signs.* No roof signs shall be permitted.

(6) *Projecting signs.* Projecting signs shall be permitted as follows:

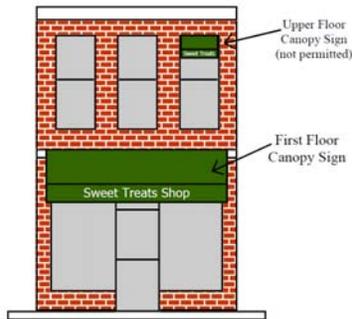


- a. The surface area of a projecting sign shall not exceed twenty (20) square feet on each side or a total of forty (40) square feet, provided, however, that the combined area of any and all wall signs, projecting signs and canopy signs for the business shall not exceed the total amount permitted for wall signs for the relevant district as set forth in Section (4), above.
- b. The bottom of the projecting sign shall be a minimum of eight (8) feet above the surface of the sidewalk or ground area, or otherwise be located so as not to interfere with pedestrian traffic.
- c. A projecting sign shall not project greater than 48 inches beyond the property line. In measuring the sign's projection, the measurement shall be taken from the building from which it protrudes, including any open area between the wall face and the sign face.
- d. A projecting sign shall not project over a public street. For purposes of this section, a public sidewalk is not considered to be a public street.
- e. No projecting/blade/pedestrian/hanging sign shall project into an alley or truck service driveway more than two feet.
- f. If any projecting sign is suspended over a public property, sidewalk or alley, the owner shall at all times carry liability insurance in such amounts as are satisfactory to the City, and issued by companies acceptable to the City, licensed in the State of Michigan naming the City as an additional insured on any such policy. The owner will file with the City certificates or policies evidencing such insurance coverage. The insurance policies or

certificates shall provide that the City shall be given thirty (30) days written notice before a cancellation in coverage may occur.

- g. If at any time the insurance policy obtained pursuant to subsection (f), above, is canceled, the projecting sign shall be immediately removed. In the event the sign is not so removed, the City of Brighton shall have the right to remove the sign and repair the facade at the expense of the property owner.

(7) *Canopy signs.* Canopy signs shall be permitted as follows:



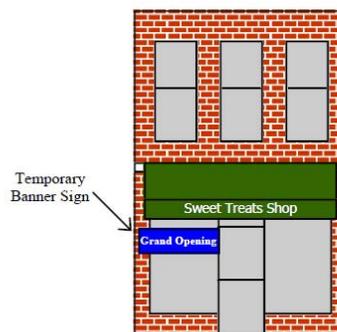
- a. There is no maximum permitted size for a canopy sign, provided, however, that the combined area of any and all wall signs, projecting signs and canopy signs for the business shall not exceed the total amount permitted for wall signs for the relevant district as set forth in Section (4), above.
- b. The canopy shall be constructed of durable material, maintained to continue its original appearance and provide proper safety to the persons and the property it may affect.
- c. Canopies shall be compatible with the architectural integrity of the building to which it is attached.
- d. Canopy signs located on the second floor or higher on a building shall not be permitted.
- e. Canopies may not extend from the wall at a height of less than 8 feet, six inches above the public right of way.
- f. A canopy shall not project over a public street. For purposes of this section, a public sidewalk is not considered to be a public street.
- g. If any canopy sign is suspended over a public property, sidewalk or alley, the owner shall at all times carry liability insurance in such amounts as are satisfactory to the City, and issued by companies acceptable to the City, licensed in the State of Michigan naming the City as an additional insured on any such policy. The owner will file with the City certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the City shall be given thirty (30) days written notice before a cancellation in coverage may occur.

- h. If at any time the insurance policy obtained pursuant to subsection (g), above, is canceled, the canopy shall be immediately removed. In the event the canopy is not so removed, the City of Brighton shall have the right to remove the sign and repair the facade at the expense of the property owner.

(8) *Under-canopy signs.* Under-canopy signs may encroach into the public right-of-way as hereinafter provided in such instances where public or private canopies or structural projections extend into a public right-of-way in such a way as to obstruct, block from view or otherwise hinder the reasonable observance of a complying wall sign. It shall be possible to erect a single under-canopy sign as hereinafter provided:

- a. The sign may not unreasonably obstruct the view of any neighboring sign.
- b. The sign may have a total surface area not exceeding one square foot for each lineal foot of building frontage not to exceed 15 square feet.
- c. The sign may not exceed two feet in height.
- d. The sign shall maintain a ground clearance of at least eight feet, six inches.
- e. The sign shall be thoroughly secured to the building by a single concealed mounting method.
- f. The sign shall not be located over a public street.

(9) *Temporary banner signs.* Temporary banner signs are permitted as follows:



- a. Temporary banner signs shall require a temporary banner sign permit application and upon approval of the administrator the applicant shall pay a temporary banner sign permit fee as specified by the city council.
- b. Each business shall be permitted no more than one temporary banner at any time. A business shall not have any banner or banners erected for a period of more than two weeks during any three-month period.
- c. No temporary banner shall be strung across any public right-of-way nor shall any temporary banner project beyond the property line.

- d. No temporary banner sign may have a single face greater than 20 square feet in area.
- e. Temporary banner signs shall be removed promptly at the end of the display period provided above, unless torn or damaged at which time the sign shall be removed immediately.
- f. Temporary banner signs shall not obstruct any door, window, fire escape, or ventilation opening.
- g. Any temporary banner sign found by the administrator to be in an unsafe condition must be removed by the owner within three days after his receipt of notice to do so by the administrator.

- (10) *Window signs.* Window signs (temporary or permanent) will be permitted but may not exceed 25 percent of the glass area on which they are displayed. Window signage includes signage, other than product or decorative display, affixed to the interior or the exterior of the windows and/or doors or located within 3 feet of the window and/or doors.



- (11) *Indoor Illuminated Open signs.* Indoor Illuminated Open signs are permitted as follows:
- a. No permit required for “open” signs.
 - b. Indoor illuminated open signs shall only be located on the interior of the building window.
 - c. Illumination:
 1. Only illuminated while the business is open to the public and shall be nonilluminated when the business is closed.
 2. The signs shall not flash, blink, oscillate, rotate, intermittently turn on and off, or otherwise vary in illumination, color or intensity.

- (12) *Rear Entry Signs.* Rear Entry Signs are permitted as follows:

- a. Rear entry signs are defined as a wall sign which is located near the rear entry door on a building.
- b. Each occupant, tenant or user of space is permitted one rear entry sign not exceeding 6 square feet in area at the rear entry door.

(13) *Sidewalk/Sandwich Board Signs.* Sidewalk/Sandwich Board Signs are permitted as follows:

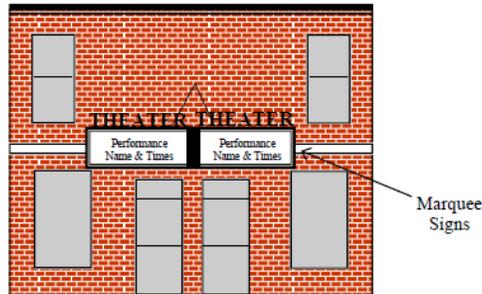
- a. A sidewalk/sandwich board sign must be of A-frame construction with a minimum base spread of two feet and a maximum height of four feet. A sidewalk/sandwich board sign may not exceed eight square feet per side.



- b. Sidewalk/sandwich board signs shall be a quality design that is heavy enough to withstand normal wind and weather conditions. It shall be a writing surface that allows the business to write a message in wet or dry erasable markers or chalk. No plastic changeable lettering or permanent messages are permitted on sidewalk/sandwich board signs.
- c. One sidewalk/sandwich board sign may be permitted per each ground-floor business and shall require an annual sidewalk/sandwich board sign permit application and upon approval of the administrator the applicant shall pay a permit fee as set forth in the annual fee scheduled set by the City Council.
- d. Sidewalk/sandwich board signs on a public right-of-way/sidewalk shall be kept against the building face and within six (6) feet of the building entrance for the business to which the sign pertains and shall not obstruct pedestrian traffic or impede maintenance and/or snow and ice removal.
- e. A sidewalk/sandwich board sign may not be illuminated by any means and may not have any moving parts.
- f. A sidewalk/sandwich board sign must be properly maintained and must not be allowed to become unsightly.
- g. A sidewalk/sandwich board sign may only be in place during the commercial establishment's business hours.
- h. The owner of a sidewalk/sandwich board sign shall at all times carry liability insurance in such amounts as are satisfactory to the City, and issued by companies acceptable to the City, licensed in the State of Michigan naming the City as an additional insured on any such policy. The owner will file with the City certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the City shall be given thirty (30) days written notice before a cancellation in coverage may occur.
- i. If at any time the insurance policy obtained pursuant to subsection (h), above, is canceled, the sidewalk/sandwich board sign shall be immediately removed. In the event the sign is not so removed, the City of Brighton

shall have the right to remove the sign at the expense of the property owner.

- (13) *Marquee Signs.* Marquee signs are permitted for theaters as follows:



- a. The bottom of the marquee sign shall be a minimum of eight (8) feet, six (6) inches above the surface of the sidewalk or ground area, or otherwise be located so as not to interfere with pedestrian traffic.
- b. A marquee shall not project over a public street. For purposes of this section, a public sidewalk is not considered to be a public street.
- c. A marquee sign shall not project greater than 48 inches beyond the property line. In measuring the signs projection, the measurement shall be taken from the building from which it protrudes, including any open area between the wall face and the sign face.
- d. One (1) marquee shall be permitted per street frontage.
- e. The total size of a marquee sign shall not exceed one and one-half (1-1/2) square feet per lineal foot of building frontage. The total square feet of a marquee sign shall be subtracted from the total allowable wall signage square footage for the district.
- f. No marquee sign shall project into an alley or truck service driveway more than two feet.
- g. If any marquee sign is suspended over a public property, public street, sidewalk or alley, the owner shall at all times carry liability insurance in such amounts as are satisfactory to the City, and issued by companies acceptable to the City, licensed in the State of Michigan naming the City as an additional insured on any such policy. The owner will file with the City certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the City shall be given thirty (30) days written notice before a cancellation in coverage may occur.
- h. If at any time the insurance policy obtained to subsection (g), above, is canceled, the marquee shall be immediately removed. In the event the marquee is not so removed, the City of Brighton shall have the right to remove the sign and repair the facade at the expense of the property owner.

V. 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

JAMES MUZZIN, Mayor

First Reading: _____

Brief Publication: _____

Public Hearing: _____

Second Reading: _____

Adoption: _____

Full Publication: _____