

CITY OF BRIGHTON  
CITY COUNCIL MEETING  
CITY HALL  
February 7, 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](#) and Closed Session of [January 17, 2013](#) and Closed Session of January 3, 2013
6. Mayor's Reading of Citizen Inquiries received since the last City Council Meeting
7. Call to the Public

**Consent Agenda**

8. Consider approval of an [intergovernmental agreement for inspection services with the Livingston County Building Department](#) as recommended by staff and subject to final review and approval by the City Attorney
9. Consider approval of a [quarterly investment report](#) from the Finance Director
10. Consider approval of a [Special Land Use Permit to allow the expansion of the St. Patrick Church Cemetery at 215 Brighton Lake Road](#) as recommended by the Planning Commission and supported by the Planning Commission Finding of Facts.

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

11. Conduct a [public hearing to obtain public inputs about a new available Quota Liquor License](#)
12. Consider possible approval of a [resolution](#) that recommends MLCC approval of an application for one of the applications for the new available Quota Liquor License
13. Conduct the [annual public hearing to obtain public inputs about the City's Cemeteries' Services and Regulations](#)

**Other Business**

14. Information for City Customers
15. Receive updates from Council Member Liaisons to other Boards and Commissions
16. Call to the Public
17. Adjournment

**MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON**  
**HELD ON JANUARY 17, 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, Schillinger and Pipoly. 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, Mayor Pro-Tem Cooper, Councilmembers Bandkau, Schillinger, Pipoly and Bohn. Also in attendance were Attorney Brad Maynes and Paul Burns, Staff members Dana Foster, Matt Schindewolf, Kelly Hanna, Jennifer Burke, Denise Meier, Tim Krugh, Todd Bennett, Brian Lieberman, Colleen Barton, Diana Lowe and Tom Wightman and an audience of 11. Press and Media included Nicole Krawcke from the Patch and Tom Tolen from WHMI.

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

**AGENDA APPROVAL**

It was moved by Mayor Pro-Tem Cooper, seconded by Bandkau to approve the agenda as amended. Add item #6a, Employee Recognition and item #15a, Pending Litigation Closed Session. Delete item #11, Quota Liquor License Policy Resolution. Change the wording of item #12 to: Consider setting a date and publishing a notice of public hearing for the new Quota Liquor License. Motion passed 6-0-1.

**MINUTES APPROVAL**

It was moved by Mayor Pro-Tem Cooper, seconded by Bandkau to approve the Regular Meeting minutes of January 3, 2013 as presented. Motion passed 6-0-1.

It was moved by Councilmember Pipoly, seconded by Cooper to table the Closed Session minutes of January 3, 2013. Motion passed 6-0-1.

**CITIZEN INQUIRIES**

None.

**EMPLOYEE RECOGNITION**

City Manager, Dana Foster stated Water Utility employees received a Water Fluoridation Quality Award. He recognized Matt Schindewolf, Tim Krugh, Todd Bennett and Brian Lieberman.

City Council  
January 17, 2013  
Page 2

Todd Bennett, Water Department Crew Leader, stated that he and Brian are both State certified Water Operators and they monitor the water daily. He stated they are honored to get this award.

Tim Krugh stated the contents of this award are special and unexpected from the Federal level. He explained the responsibility of the Water Treatment Plant.

Department of Public Services Director, Matt Schindewolf commended the Water Treatment Operators for achieving this award.

City Manager, Dana Foster recognized Hal Steurer and the Water Treatment Operators family members in the audience.

Mayor Muzzin congratulated the Water Treatment Operators on this award.

City Manager, Dana Foster recognized Kelly Hanna and Denise Meier for receiving the Government Finance of America Distinguished Budget Award.

Assistant Finance Director, Denise Meier stated that earning this award is very time consuming. It involves City Council, City Manager, Department Directors and Staff to achieve this award. The City is only one of eight entities in Michigan to receive this award, as well as the CAFR Award. She explained the purpose of the award in order to learn more from GFOA on how to improve our budget process.

Finance Director, Kelly Hanna further explained the purpose of the award. She recognized Denise for her work in obtaining the information for this award. She stated the Department will continue to submit for a future award.

City Manager, Dana Foster stated the City submits for this award to see what we need to do to improve on this process.

### **CALL TO THE PUBLIC**

Mayor Muzzin opened the Call to the Public at 8:02 p.m. Hearing no comment, the Call to the Public was closed.

### **CONSENT AGENDA**

It was moved by Mayor Pro-Tem Cooper, seconded by Bandkau to approve the Consent Agenda as presented. Motion passed 6-0-1.

The following items were approved:

1. Approved the request by DSAD Pub, Inc. owned by David C. Norman to sell alcohol at 125 E. Grand River Avenue in accordance with the City of Brighton code of ordinances 6-31 through 6-41.
2. Approved opting in to the Brighton Area School District and Livingston Educational Service Agency (LESA) Intermediate School District Election Coordination Committee Initial Reports to the State of Michigan.

3. Reappointed Claudia Roblee for a two-year term and Kris Tobbe for a one-year term and appointed Shanda Willis to the Brighton Arts and Culture Commission.

### **CLASS C QUOTA LIQUOR LICENSE**

City Manager, Dana Foster briefed the Council on the available Quota Liquor License. He stated per the City's Attorney's recent advice that the City's existing Ordinance establishes the criteria for decision making and requires a separate Public Hearing for Liquor Licenses.

It was moved by Councilmember Bohn, seconded by Schillinger to direct staff publish a notice in the local paper of record, establishing a Public Hearing on liquor license at the next City Council meeting in accordance with Section 6-37 of the Brighton City Code and to solicit additional possible proposals for the new Quota Liquor License. Motion passed 6-0-1.

### **CITY CUSTOMER INFORMATION**

Police Chief, Tom Wightman thanked Tetra Tech for their donation of a deliberator to the Police Department.

Department of Public Services Director, Matt Schindewolf stated the contractor looked at the timing of the signals at North Street and Main Street at Grand River and made a correction.

Councilmember Bandkau stated she attended Governor Snyder's speech today at Crystal Gardens with Dana Foster and Jim Muzzin and it was an excellent speech.

Mayor Muzzin gave a DDA update stating the officer's will stay the same this year and they approved the flower program for this year. He gave a Brighton Area Fire Authority update stating the officer's will stay the same for the upcoming year.

### **CALL TO THE PUBLIC**

Mayor Muzzin gave a Call to the Public at 8:21 p.m. Hearing none, the Call to the Public was closed.

### **PENDING LITIGATION CLOSED SESSION**

It was moved by Mayor Pro-Tem Cooper, seconded by Bohn to go into Closed Session to discuss Michigan Tax Tribunal Pending Litigation. A roll call vote was taken. Yes: Schillinger, Bohn, Cooper, Muzzin, Bandkau, Pipoly. No: none. Absent: Roblee. Motion passed 6-0-1.

The Council convened into Closed Session at 8:24 p.m.

The Council reconvened the Regular Session at 8:36 p.m.

City Council  
January 17, 2013  
Page 4

**CLOSED SESSION ACTION**

It was moved by Councilmember Pipoly, seconded by Bohn to authorize the settlement of the Michigan Tax Tribunal cases as directed by City Attorney. Motion passed 6-0-1.

**ADJOURNMENT**

It was moved by Mayor Pro-Tem Cooper, seconded by Bandkau to adjourn the meeting at 8:37 p.m. Motion passed 6-0-1.

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Diana Lowe, City Clerk

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Jim Muzzin, Mayor

# **POLICY REPORT: RECOMMENDATION TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH LIVINGSTON COUNTY FOR PLUMBING, MECHANICAL AND ELECTRICAL PERMITTING/INSPECTIONS**

**February 7, 2013**

Prepared by:

Amy Cyphert  
Planning & Zoning Director

Reviewed by:

Dana Foster  
City Manager

## **ISSUE:**

Consider approval of an intergovernmental agreement for plumbing, mechanical and electrical permitting and inspection services with the Livingston County Building Department as recommended by staff and subject to final review and approval by the City Attorney.

## **BACKGROUND:**

- On May 2, 2012, Dave Murray, our plumbing/mechanical inspector, submitted a letter stating that his retirement date would be June 28, 2012.
- The City posted the position and received three applications, none of which met the requirements for the position. Dave agreed to push his retirement until we found a replacement or no later than January 31, 2013.
- City Staff worked to fill Dave Murray's contract position for 9 months and found that replacing the plumbing and mechanical inspector(s) was difficult due to code requirements and the inability to provide full time employment.
- Due to the difficulty of finding a qualified plumbing and mechanical inspector(s), we started discussions with Jim Rowell, the Livingston County Building Official. Livingston County has full time inspectors and is in the process of hiring an additional full time or two part time inspectors. Inspections are performed on a daily basis by the County versus three days a week by the contracted City inspectors.
- It is Livingston County's preference to take over the permitting and the inspections for the three trade permits.
- Livingston County has agreed to start handling the City's plumbing, mechanical and electrical permitting and inspections effective February 1, 2013.
- City Staff has worked with the County staff to assign new county permit numbers for open permits. Letters will be mailed to all open permit holders giving them their new permit number and instructions for inspections, etc.
- City Staff has reviewed the paid permit fees for each open permit and the remaining balances from unperformed inspections will be transferred to the County to cover the cost of the County conducting the remaining inspections.
- As Council is aware, the City currently holds a contract with Livingston County for building inspections and building plan review. The existing agreement with the County has been an overall positive experience and their staff members are dependable.

**BUDGET IMPACT:**

As noted above, City Staff has reviewed the paid permit fees for each open permit and the remaining balances from unperformed inspections will be transferred to the County to cover the cost of the County conducting the remaining inspections.

The City Manager has advised that at this time he is estimating a budget-neutral impact on the General Fund budget as a result of the subject trade permit fee revenue, direct costs for the subject trade inspectors' contracts, and administrative costs incurred by the City for direct oversight of these given inspections all being shifted from the City to the County.

**STAFF RECOMMENDATION:**

Staff recommends the approval of an intergovernmental agreement for plumbing, mechanical and electrical permitting and inspection services with the Livingston County Building Department.

**COUNCIL ACTION:**

Consider motion to approve the recommendation of City Staff to enter into an intergovernmental agreement for plumbing, mechanical and electrical permitting and inspection services with the Livingston County Building Department subject to final review and approval by the City Attorney.

**ATTACHMENTS:**

Draft Intergovernmental Agreement

**INTERGOVERNMENTAL AGREEMENT**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of February, 2013, by and between the CITY OF BRIGHTON, located at 200 N. First Street, Brighton, Michigan 48116 (hereinafter, the “City”) and LIVINGSTON COUNTY, located at 304 East Grand River Ave., Suite 202, Howell, MI 48843, on behalf of the LIVINGSTON COUNTY DEPARTMENT OF BUILDING AND SAFETY ENGINEERING, located at 2300 E. Grand River Ave., Howell, MI 48843 (hereinafter, the “County”).

WHEREAS, the City is transferring the responsibility for issuing plumbing, mechanical, and electrical permits and inspections to the County; and,

WHEREAS, the County is willing and able to undertake the duties and responsibilities of the City’s plumbing, mechanical, and electrical permits and inspections.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, IT IS AGREED by the parties as follows:

- I. DESIGNATION OF AGENCY. The City authorizes the County to function as the designated agency to discharge the responsibility of administering, applying, and enforcing the electrical, mechanical and plumbing codes within the boundaries of the City and transfers its authority for the enforcement of these Codes to the County’s Building Official.
- II. SCOPE OF SERVICES. The County shall enforce the electrical, mechanical and plumbing codes adopted by the City, hold preconstruction meetings, review plans, issue plumbing, mechanical, and electrical permits, conduct plumbing, mechanical, and electrical inspections, collect plumbing, mechanical, and electrical permit and inspection fees, maintain records, and enforce code violations.
- III. TERM AND TERMINATION. The term of this Agreement shall commence on the \_\_\_\_ day of February, 2013, and shall continue until terminated by either of the parties for any reason by providing the other party with one hundred twenty (120) calendar days prior written notification. Any such termination of this Agreement shall not relieve either of the parties of the obligations incurred prior to the effective date of such termination. The City will transfer to the County the remaining permit fees associated with any outstanding active permits assumed by County.
- IV. COMPLAINT WITH THE LAW. This Agreement shall be construed according to the laws of the State of Michigan. The parties and their officers, employees, servants, and agents shall perform all their respective duties and obligations under this Agreement in compliance with all applicable Federal, State and local laws, ordinances rules, and regulations.
- V. NONDISCRIMINATION. Each party shall abide by all application federal, state, and local laws prohibiting discrimination. The parties, as required be law, shall not discriminate against a person to be served or an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or matters directly or indirectly related to

employment because of race, color, religion, national origin, age, sex, disability that is unrelated to the individual’s ability to perform the duties of a particular job or position, height or marital status. Breach of this section may be regarded as a material breach of this Agreement.

VI. RELATIONSHIP OF THE PARTIES. This Agreement shall not be constructed to establish any principal/agent relationship between the City and the County. County employees shall not be deemed to be employees of the City.

VII. AMENDMENT. Provisions of this Agreement may be amended with the mutual written approval of the parties.

VIII. COMPLETENESS OF THIS AGREEMENT. This agreement, and any additional and supplementary documents incorporated herein by specific reference contain all the terms and conditions agreed upon by all of the parties, and no other agreements, oral or otherwise, regarding the subject matter of this Agreement or any part thereof shall have any validity or bind any of the parties hereto.

IX. SEVERABILITY AND INTENT. If any provision of this Agreement is found to be in conflict with Federal or State law, that provision will be subordinate to the law. The other provisions of the Agreement shall not be affected thereby, except where the invalidity of the provision would result in the illegality and/or unenforceability of this Agreement. This Agreement is not intended to be a third party beneficiary contract and confers no rights on anyone other than the parties hereto.

X. CERTIFICATION. The persons signing this Agreement certify that they are duly authorized to sign this Agreement on behalf of their respective entity, and that this Agreement has been properly authorized by their respective entity.

IN WITNESS WHEREOF, the authorized representatives of the parties have fully executed this Agreement on the day and the year first above written.

WITNESSES BY: CITY  
\_\_\_\_\_  
Date

OF BRIGHTON  
By: \_\_\_\_\_  
Dana Foster, City Manager

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Diana Lowe, City Clerk

**DRAFT**

COUNT

Y OF LIVINGSTON

\_\_\_\_\_

Date

By: \_\_\_\_\_

\_\_\_\_\_

Date

By: \_\_\_\_\_

MEMORANDUM

To: Dana Foster, City Manager

From: Kelly Hanna, Finance Director



Date: January 28, 2013

**Subject: The City's Quarterly Investment Report as of December 31, 2012**

Attached you will find the City's Quarterly Investment Report as of December 31, 2012.

In comparison to the quarter ended September 30, 2012, the City's total investment/bank balance has decreased by \$928,170 or 11% to \$7,313,669, which is generally indicative of the fact that the majority of the City's tax revenue levied is collected in the first quarter of the fiscal year, while expenditures are relatively more constant throughout the year. In comparison to the same quarter a year ago, i.e., the quarter ended December 31, 2011, the City's total investment/bank balance has increased by \$370,449 or 5%. This is reflective of projected higher ending fund balances.

In comparison to the quarter ended September 30, 2012, the City's average rate of return on investments decreased from 0.43% to 0.41%. The decrease is reflective of decreased rates on Money Market accounts. The City continues to earn more than the benchmark 3-month Treasury Bill Rate and Fed Funds Rate.

Since September 30, 2012, the City's investment in FDIC insured CD's decreased by \$950,250. The City's collateralized deposits/investments with JP Morgan Chase Bank totaled approximately \$1,838,574 or approximately 25% of the City's overall portfolio.

Attached you will find a quarterly investment report prepared by the City Treasurer, per the Adopted Investment Policy. We continue to work within the primary objectives of the City's Investment Policy, which, in priority order, are; safety, liquidity and return on investment.

Let me know if you have any questions.

## MEMO

To: City Council  
From: Fern Jackson, Treasurer   
Subject: 4th Quarter investment report  
Date: January 18, 2013

The City of Brighton currently has 16 certificates of deposits with various Michigan banks within a 1-year maturity or less. There were four CD maturities this quarter in the general fund as we wage the cost of keeping our funds liquid vs. low rate of return rate from pooled money market accounts.

The interest rates of these outstanding certificates range from .35% to a maximum of .80% and will vary in amounts from \$100,000 to \$250,000. Laddering the investments out provides an on going steady interest income, which is an additional revenue to the City budget. This also protects the interest revenue from market declines in the money market accounts. The general fund currently hold CD's in the amount of \$3,340,359.16, which is from the tax revenue received from the tax bills due August 15 of each year. The Utilities fund currently holds 2 CD's in the amount of \$500,672.22.

Our current financial institutions which we hold money market accounts with are providing .20% to .349% interest rates on 30.40% of our total investments. These funds are completely liquid in nature and are available to use on demand. Certificates of Deposit require a penalty in interest; normally one month is forfeited, if they are needed prior to their maturity. Municipalities are allowed to only use Michigan banks for investment purposes.

Also now that the Dodd-Frank Deposit Insurance Provision expiration on Dec. 31, 2012, the FDIC insurance has expired on the checking accounts for unlimited amounts; this would mean all funds we have in the checking accounts are limited to \$250,000 per institution. Previously, the FDIC insured all non-interest bearing account balances regardless of the amount.

Currently, it appears First National Bank in Howell is changing its holding company. There was a notice in the local paper on Sunday which names the new partners who are adding capital and comments on the merger to the Reserve Bank. This will be good news for them as well as us. We have been very limited in the transactions we have been able to do with FNBH because of the low Bauer star rating and 1% limitation on equity capital.

The economy next year is forecast to expand 2%, according to the median estimate in a Bloomberg survey of economists, compared with an average of 3% in the 10 years through 2007. While housing and auto sales have picked up, business spending and exports—2 drivers of the 3-yr. expansion—have cooled amid closing global growth.

Just a day past deadline, congressional Republicans blinked and, with the help of congressional Democrats, passed a fiscal cliff bill. The deal averted most—but not all—of the tax increases set to begin in 2013. The most significant comes from the loss of the payroll tax cut. But the deal did not address the spending cuts threatened by the sequester, instead just postponing them by two months. Nor did it raise the debt ceiling, which will soon become a binding restraint on government spending, also in about two months. Congress must act as early as mid-February to prevent a default and the dispute may reprise a similar 2011 episode that led to a downgrade of the US credit rating.

Employment growth held up well in December despite all the fears about the fiscal cliff. The 155,000 increase in employment was roughly in line with the 153,000 average for the year 2012 overall, which in turn was the same as the 2011 average.

CITY OF BRIGHTON  
 QUARTERLY INVESTMENT REPORT  
 AS OF DEC. 31, 2012\*

| <u>Investment Account</u>                               | <u>Account Balance</u> | <u>Maturity Date</u> | <u>Current %<br/>Interest Rate</u> | <u>Average<br/>R.O.R.</u> |
|---|------------------------|----------------------|------------------------------------|---------------------------|
| JP Morgan Chase & Co. - A/P                             | 357,506.41             | Immediate            | 0.00%                              | 0.00%                     |
| JP Morgan Chase & Co. - Payroll                         | 15,269.97              | Immediate            | 0.00%                              | 0.00%                     |
| JP Morgan Chase & Co. - Employee FSA                    | 10,186.79              | Immediate            | 0.00%                              | 0.00%                     |
| JP Morgan Chase & Co. - Tax                             | 275,032.92             | Immediate            | 0.00%                              | 0.00%                     |
| JP Morgan Chase & Co. - Escrow                          | 104,225.28             | Immediate            | 0.20%                              | 0.00%                     |
| JP Morgan Chase & Co. - Payroll MM                      | 432,511.48             | Immediate            | 0.20%                              | 0.01%                     |
| JP Morgan Chase & Co. - Money Market                    | 643,841.64             | Immediate            | 0.20%                              | 0.02%                     |
| Total Chase Bank  | 1,838,574.49           |                      |                                    |                           |
| Michigan Commerce - Police Forfeiture                   | 17,953.72              | Immediate            | 0.15%                              | 0.00%                     |
| Michigan Commerce - Juvenile                            | 1,346.72               | Immediate            | 0.00%                              | 0.00%                     |
| Michigan Commerce - Tax account                         | 17.29                  | Immediate            | 0.00%                              | 0.00%                     |
| Total Michigan Commerce Bank                            | 19,317.73              |                      |                                    |                           |
| First National Bank-tax account                         | 116,661.67             | Immediate            | 0.25%                              | 0.00%                     |
| Total 1st Natl Bank                                     | 116,661.67             |                      |                                    |                           |
| Level 1-Money Market                                    | 1,042,871.51           | Immediate            | 0.349%                             | 0.05%                     |
| Level 1-U/B checking                                    | 51,533.71              | Immediate            | 0.00%                              | 0.00%                     |
| Total Level 1   | 1,094,405.22           |                      |                                    |                           |
| LOTUS BANK  | 201,969.02             | Immediate            | 0.40%                              | 0.01%                     |
| Total Lotus Bank  | 201,969.02             |                      |                                    |                           |
| FIRST NATIONAL BANK OF AMERICA                          | 201,709.05             | Immediate            | 0.50%                              | 0.01%                     |
| Total First National Bank of America                    | 201,709.05             |                      |                                    |                           |
| CD-FLAGSTAR   | 250,000.00             | 4/12/2013            | 0.65%                              | 0.02%                     |
| CD-FLAGSTAR   | 100,007.78             | 6/27/2013            | 0.70%                              | 0.01%                     |
| CD-TCF BANK   | 250,672.22             | 2/25/2013            | 0.80%                              | 0.03%                     |
| CD-UNITED BANK  | 250,000.00             | 6/6/2013             | 0.55%                              | 0.02%                     |
| CD-UNITED BANK  | 250,000.00             | 7/25/2013            | 0.65%                              | 0.02%                     |
| CD-BANK OF ANN ARBOR                                    | 250,000.00             | 1/24/2013            | 0.35%                              | 0.01%                     |
| CD-BANK OF ANN ARBOR                                    | 250,000.00             | 2/21/2013            | 0.40%                              | 0.01%                     |
| CD-MERCANTILE BANK                                      | 250,000.00             | 2/25/2013            | 0.50%                              | 0.02%                     |
| CD-MERCANTILE BANK                                      | 250,000.00             | 3/21/2013            | 0.50%                              | 0.02%                     |
| CD-THE PRIVATE BANK                                     | 250,000.00             | 4/4/2013             | 0.45%                              | 0.02%                     |
| CD-THE PRIVATE BANK                                     | 250,000.00             | 5/2/2013             | 0.45%                              | 0.02%                     |
| CD-THE PRIVATE BANK                                     | 250,000.00             | 5/13/2013            | 0.55%                              | 0.02%                     |
| CD-ANN ARBOR STATE BANK                                 | 250,000.00             | 5/30/2013            | 0.70%                              | 0.02%                     |
| CD-ANN ARBOR STATE BANK                                 | 250,000.00             | 6/13/2013            | 0.70%                              | 0.02%                     |
| CD-HURON VALLEY   | 250,351.38             | 8/29/2013            | 0.55%                              | 0.02%                     |
| CD-FIRST PLACE BANK                                     | 240,000.00             | 5/30/2013            | 0.70%                              | 0.02%                     |
| Total Certificate of Deposits                           | 3,841,031.38           |                      |                                    |                           |
| <b>TOTAL</b>  | <b>7,313,668.56</b>    |                      | <b>11.45%</b>                      | <b>0.4105%</b>            |
| Avg. three Month Treasury Bill Rate                     |                        |                      |                                    | <b>0.0898%</b>            |
| Average three Month Fed Funds Rate                      |                        |                      |                                    | <b>0.1610%</b>            |
| City's Avg. R.O.R. over/(under) the 3-month T-Bill Rate |                        |                      |                                    | 0.32%                     |
| City's Avg. R.O.R. over/(under) the Avg. Fed Funds Rate |                        |                      |                                    | 0.25%                     |

\* From the website below

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

\*\* From the website below

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

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

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

# **POLICY REPORT: SPECIAL LAND USE PERMIT - EXPANSION OF THE ST. PATRICK CHURCH CEMETERY AT 215 BRIGHTON LAKE ROAD**

**February 7, 2013**

Prepared by:

Amy Cyphert  
Planning & Zoning Director

Reviewed by:

Dana Foster  
City Manager

**ISSUE:** To consider approval of a Special Land Use permit to allow the expansion of the existing St. Patrick Church cemetery to include 215 Brighton Lake Road as recommended by the Planning Commission.

## **STAFF RECOMMENDATION:**

Staff concurs with the Planning Commission's recommendation.

## **BACKGROUND:**

The Roman Catholic Bishop of the Diocese of Lansing has owned 215 Brighton Lake Road since November 25, 1980. The parcel is roughly 1.1 acres, has a garage located on it and is zoned R-1, Single Family Residential. Section 98- 202 of the R-1 zoning district allows the following uses:

1. Single-family dwellings.
2. Home occupations provided the name plate used in connection with such use does not exceed one square foot in area.
3. Accessory buildings or uses customarily incidental to any of the above permitted uses,

Per Section 98-202.5 the following uses require a special land use permit application and review process:

- (1) Places of worship and accessory uses where assembly (i.e., meeting halls, recreational facilities, etc.) and/or non-single-family housing occurs, provided that the following conditions are met:
  - a. No building shall be closer than 35 feet to any property line.
  - b. Any building or structure that exceeds 25 feet in building height is required to be setback a minimum of 40 feet from any property line.
  - c. There shall be no parking in front yard, nor closer than 35 feet from any side or rear lot line.
  - d. In the event that sufficient landscaping, screen walls, other methods or combinations thereof can be utilized to effectively screen parking from adjacent residential uses, the city council, upon recommendation from the planning commission, may permit parking closer than 35 feet, but not less than ten feet, from any side or rear lot line.
  - e. Adjacent single-family residential development shall be screened from viewing all parking through the use of dense landscaping consisting of a variety of plant types, screen walls or other acceptable screening methods, or combinations thereof, to create a six feet high solid visual barrier.
  - f. That off-street parking in accordance with article III is provided.

St. Patrick Church has submitted a special land use application to seek approval to utilize 215 Brighton Lake Road as a place of worship and cemetery including, but not limited to, the burial of human remains and cremated ashes. Approval of their request would allow the church to incorporate the 215 Brighton Lake Road

parcel into the existing cemetery parcels. At this time, no improvements are planned; however, in the future, the church may extend the existing black ornamental fence or add a structure. The fence extension would require a building permit and the construction of any structures would require site plan approval.

At its meeting of January 28, 2013, the Planning Commission held a public hearing regarding the Special Land Use request. As noted in the attached draft minutes, a representative of the church spoke during the hearing. One other comment was made during the call to the public in support of the project. After the hearing was closed, the Planning Commission discussed the request, conducted a finding of fact based on the ordinance requirements for granting a special land use and then voted to recommend approval of the Special Land Use permit.

There is additional information contained in the attached Planning Reports.

**BUDGET IMPACT:** N/A.

**STAFF RECOMMENDATION:**

Staff agrees with the finding of facts developed by the Planning Commission. Staff recommends the approval of the special land use permit for the expansion of the existing cemetery to include 215 Brighton Lake Road. This approval will allow the church to expand their existing cemetery burial grounds.

**COUNCIL ACTION:**

Consider a motion to accept the Planning Commission's finding of facts and evaluation of Article V standards and grant the requested Special Land Use permit for the St. Patrick Church cemetery expansion to 215 Brighton Lake Road.

Or

Schedule a public hearing date for a second public hearing on the requested Special Land Use permit for the St. Patrick Church cemetery expansion to 215 Brighton Lake Road.

**Attachments:**

1. Draft Planning Commission Minutes
2. Planning Report
3. Special Land Use Application & Attachments

City of Brighton  
Planning Commission  
Minutes  
January 28, 2013

**DRAFT**

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

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

Al Wirth Larry Schillinger  
Steve Monet Dave Petrak  
Matt Smith John Wells  
Robert Pawlowski

**Motion** by Mr. Wells, supported by Mr. Schillinger, to excuse Planning Commission members Bryan and McLane. **The motion carried 7-0-2.**

Also present were Amy Cyphert and Lauri French from Staff and an audience of 12.

2. **Approval of the December 17, 2012 Regular Meeting Minutes**

**Motion** by Mr. Wirth, supported by Mr. Pawlowski, to approve the November 19, 2012 regular meeting minutes as presented. **The motion carried 7-0-2.**

3. **Approval of the January 28, 2013 Agenda**

**Motion** by Mr. Smith, supported by Mr. Petrak, to approve the agenda as presented. **The motion carried 7-0-2.**

4. **Call to the Public**

The call to the public was made at 7:33 p.m. Paul Jermanus, 3511 Oak Knoll, Brighton Township, spoke in support of the special use request by St. Patrick Church. He is a member of the parish and noted the church membership is over 3,000 families. With the increased population in the city and townships, there is a need for additional burial space at the St. Patrick Cemetery, and he supports the special land use request. Hearing no further response, call to the public was closed at 7:35 p.m.

**Public Hearings**

**Motion** by Mr. Pawlowski, supported by Mr. Smith, to close the regular session and go into the Public Hearing at 7:35 p.m. **The motion carried 7-0-2.**

Mr. Robert Gardella, attorney for the applicant, briefly reviewed the special land use request which will be used for additional burial plots at the St. Patrick Cemetery. He noted that the purpose for the property when the Church purchased it was always for burial plots and that the house on the property had been demolished. He addressed a question regarding parking by noting that traffic for funeral processions and burials can be accommodated using the existing drives and pathway. He also noted the property in the request is a small part of the cemetery's overall acreage. He introduced Mary Lou Shaw, Cemetery Administrator, and Gary Nichols, Cemetery Maintenance Administrator, from St. Patrick Church.

Hearing no further comments, Chairperson Monet closed the public hearing at 7:40 p.m. and resumed the regular session. Ms. Cyphert noted there are 14 items in the Special Land Use Ordinance Review Requirements that have been provided as a handout for Planning Commission's use for this request. The items were reviewed and the Planning Commission's comments are in italics as follows:

- (1) The proposed use and its parking must be consistent with the spirit and intent of this article. – *Planning Commission finds no issues with this article.*

- (2) The proposed use and its parking must be compatible with adjacent uses of land, the natural environment and the capabilities of affected public services and facilities. – *Planning Commission finds no issues with this article as the proposed use is compatible with the existing adjacent uses of land.*
- (3) The proposed use and its parking must be consistent with the public health, safety and welfare of the community. – *Planning Commission noted there is sufficient existing parking and finds no issues with this article.*
- (4) The proposed use and its parking shall be in conformance with the objectives and specific elements of the current adopted comprehensive plan of the city and with any special studies adopted as amendments thereto. – *Planning Commission finds no issues with this article.*
- (5) The proposed use and its parking must be compatible in size, location and character, viewed within the context of surrounding land uses and land use planning for such area, the proposed use and its parking shall not be incompatible nor inharmonious, as determined by the application of generally accepted planning standards and/or principles, with (1) the surrounding uses; (2) the orderly development of the surrounding neighborhood and/or vicinity; and/or future uses reasonably anticipated in the area. – *The proposed use is consistent with the neighboring area and Planning Commission finds no issues with this article.*
- (6) The proposed use and its parking shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing. – *Planning Commission noted there do not appear to be any traffic flow issues that would be more hazardous than is normal and finds no issues with this article.*
- (7) The proposed use and its parking shall not unreasonably impact upon surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light and/or vibration, and shall not unreasonably impact upon a person perceiving the operation in terms of aesthetics. Where such concerns can be remedied by way of design, construction and/or use, the proposed use and its parking shall be designed, constructed and used so as to eliminate the effects of the use which would otherwise substantiate denial thereof, taking into consideration the location, size, intensity, layout and periods of operation of such use and its parking. – *The proposed use will not unreasonably impact upon surrounding property and Planning Commission finds no issues with this article.*
- (8) The proposed use and its parking shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land buildings or unreasonably affect their value. – *As there are no structures being erected as part of the special land use request, Planning Commission finds no issues with this article.*
- (9) The proposed use and its parking shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits,

convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the city. – *The proposed use is consistent with the area and Planning Commission finds no issues with this article.*

- (10) The proposed use and its parking shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district and/or the present and/or intended character of the area. – *The proposed use will not cause substantial injury to the property values in the neighborhood. There were no written responses and only one phone call in response to tonight's public hearing advertisement and mailing and the person who called was not opposed. Planning Commission finds no issues with this article.*
- (11) The proposed use and its parking shall not result in an impairment, pollution and/or destruction of the air, water, natural resources and/or public trust therein. – *Planning Commission finds no issues with this article.*
- (12) The proposed use and its parking shall not unreasonably burden the capacity of public services and/or facilities. – *There will not be an unreasonable burden on public services and/or facilities and Planning Commission finds no issues with this article.*
- (13) The proposed use and its parking is consistent with the city's growth management plan/master plan. – *The proposed use is consistent with the City's Master Plan and Planning Commission finds no issues with this article.*
- (14) The proposed use and its parking will have adequate service by public services and facilities, and shall not unduly burden public sewers and facilities. – *There will be no impact to public sewers and facilities and Planning Commission finds no issues with this article.*

Chairperson Monet requested that Attachment 1 of the application, the applicant's findings of fact, be adopted as part of the record.

**Motion** by Mr. Schillinger, supported by Mr. Pawlowski, to recommend approval by City Council for the Special Land Use Permit request for the St. Patrick Church Cemetery Expansion at 215 Brighton Lake Road #12-019 based on findings of fact and Attachment I, applicant's findings of fact, and to set a public hearing date if City Council believes it is required. **The motion carried 7-0-2.**

### **Unfinished Business**

### **New Business**

### **Other Business**

6. **Staff Updates** – Ms. Cyphert noted that if there is a meeting in February, it will be on February 25, 2013, which is one week later than normal due to the Presidents Day holiday. She will notify the Planning Commission members if a meeting is required.
7. **Commissioner Concerns** – Ms. Cyphert discussed potential projects in the City and Mr. Petrak noted that Vail Resorts had recently purchased Mt. Brighton.
8. **Call to the Public**

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

**DRAFT**

9. **Adjournment**

**Moved** by Mr. Smith, supported by Mr. Petrak, to adjourn the meeting at 7:55 p.m. **The motion carried 7-0-2.**

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*John Wells, Secretary*

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*Lauri French, Recording Secretary*

## Attachment #1

### **Describe how the proposed use is consistent with the spirit and intent of the Special Use Regulations:**

1. The proposed use as a cemetery for human remains, with burial plots for this parcel, a storage area for cemetery equipment and driveways for motor vehicles, would expand the already existing cemetery which touches on its south side and east side. The proposed use would involve (a) parking of cemetery grounds maintenance equipment and burial plot digging equipment near an existing equipment storage garage, (b) temporary parking of motor vehicles during religious funeral ceremonies during funeral processions and (c) occasional visitation of burial plots by friends and family members of decedents is consistent with the spirit and intent of Sec. 98-127.
2. The proposed use as a cemetery, with limited parking as described above, is compatible with the adjacent use of land as an existing cemetery on the south side and the east side of the parcel.
3. The proposed use as a cemetery for human remains is a necessity for the public health and general welfare of the community. Members of the City of Brighton community and surrounding areas need cemetery burial plots as a necessity. Parking is limited and the proposed use would involve (a) parking of cemetery grounds maintenance equipment and burial plot digging equipment near an existing equipment storage garage, (b) temporary parking of motor vehicles during religious funeral ceremonies during funeral processions and (c) occasional visitation of burial plots by friends and family members of decedents is consistent with the spirit and intent of Sec. 98-127.
4. The proposed use and parking are in conformance with the objectives and specific elements of the city plans.
5. The proposed use and parking are compatible in size, location and character in relation to the already existing cemetery parcels that exist to the immediate south side and immediate east side of the parcel at issue in this application. The existing cemetery has existed for a long-period of time at the current location, which is positioned next to railroad tracks off of Brighton Lake Road. The residential parcels to the west and north of the parcel have existed harmoniously with the existing cemetery parcels.
6. The proposed use and its related parking have already been tested by the existing cemetery usage. Funeral processions have occurred without incident at the already existing cemetery. The vehicle driveway entrance to the parcel at issue would use the existing driveway entrance on Brighton Lake Road that is use for access to Parcel 4718-31-300-002.
7. The proposed use and parking will not unreasonably impact the surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light and/or vibration and will not unreasonably impact aesthetics. The existing cemetery parcels are already operated with beautifully maintained grounds and dignified religious funeral processions.
8. The proposed use and parking shall be such that the structures, buildings, walls, fences and landscaping will follow the style and design of the cemetery that exists on the adjoining

cemetery parcel. Due to the fact that the existing cemetery already has existed for many years, this parcel being used as a cemetery would not unreasonably affect the values of adjacent land or buildings.

9. The proposed use and its related parking related harmoniously with the physical and economic aspects of adjacent land uses due to the fact that the parcels to the south and east of the parcel at issue are already used as a long-time functioning human cemetery.
10. The proposed use and parking will follow the style and design of the cemetery that exists on the adjoining cemetery parcel. Due to the fact that the existing cemetery on the adjoining parcel has existed for many years, this parcel being used as a cemetery would not unreasonably affect the values of adjacent land or buildings and would not affect the intended character of the area.
11. The proposed use and its parking will not result in an impairment, pollution and/or destruction of the air, water, natural resources and/or public trust of the parcel or the general area.
12. The proposed use and its parking will not unreasonably burden the capacity of public services and/or facilities, due to the fact that the parcel will only be used as a human cemetery.
13. The proposed use and its parking is consistent with the City of Brighton growth management plan and/or master plan, as the proposed use is the same as the adjoining parcels to the south and east.
14. The proposed use and its parking are already adequately served by public services and facilities, the use and parking will not unduly burden public sewers and facilities.

**CITY OF BRIGHTON  
PLANNING COMMISSION  
PLANNING REPORT**

**TO:** Planning Commission Members

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

**DATE:** January 28, 2013

**RE:** **Special Land Use – St. Patrick Church Cemetery Expansion #12-019**

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### **Background**

The Roman Catholic Bishop of the Diocese of Lansing has owned 215 Brighton Lake Road since November 25, 1980. The parcel is roughly 1.1 acres, has a garage located on it and is zoned R-1, Single Family Residential. The Section 98- 202 of the R-1 zoning district allows the following uses:

1. Single-family dwellings.
2. Home occupations provided the name plate used in connection with such use does not exceed one square foot in area.
3. Accessory buildings or uses customarily incidental to any of the above permitted uses,

Per Section 98-202.5 the following uses require a special land use permit application and review process:

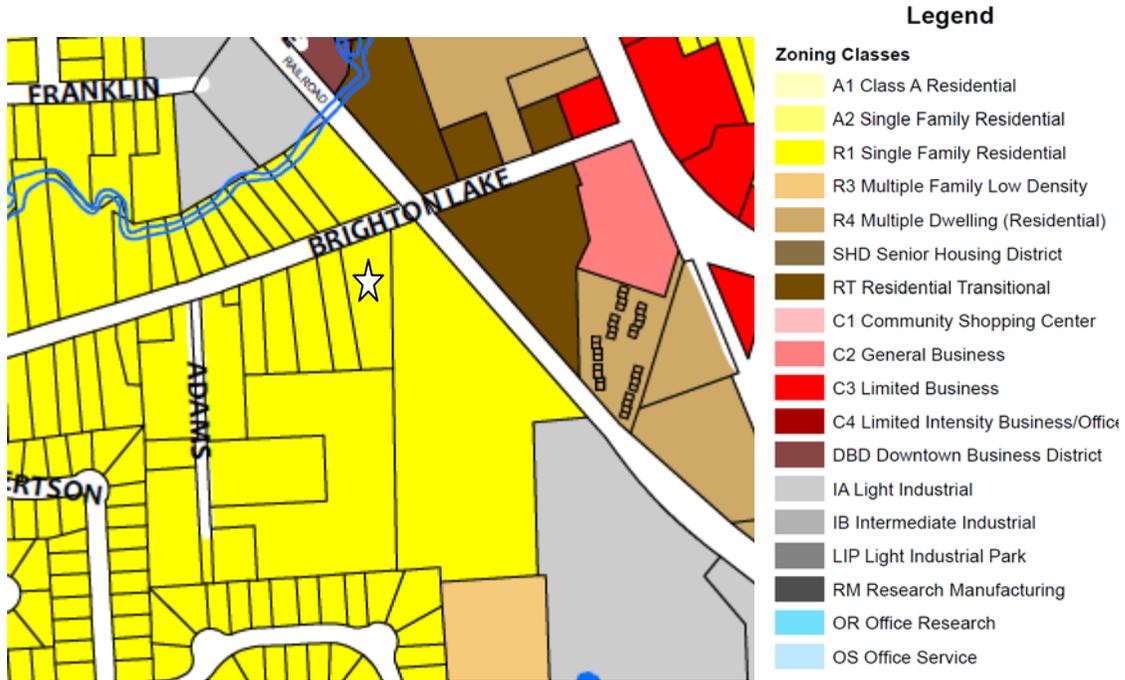
(1) Places of worship and accessory uses where assembly (i.e., meeting halls, recreational facilities, etc.) and/or non-single-family housing occurs, provided that the following conditions are met:

- a. No building shall be closer than 35 feet to any property line.
- b. Any building or structure that exceeds 25 feet in building height is required to be setback a minimum of 40 feet from any property line.
- c. There shall be no parking in front yard, nor closer than 35 feet from any side or rear lot line.
- d. In the event that sufficient landscaping, screen walls, other methods or combinations thereof can be utilized to effectively screen parking from adjacent residential uses, the city council, upon recommendation from the planning commission, may permit parking closer than 35 feet, but not less than ten feet, from any side or rear lot line.
- e. Adjacent single-family residential development shall be screened from viewing all parking through the use of dense landscaping consisting of a variety of plant types, screen walls or other acceptable screening methods, or combinations thereof, to create a six feet high solid visual barrier.
- f. That off-street parking in accordance with article III is provided.

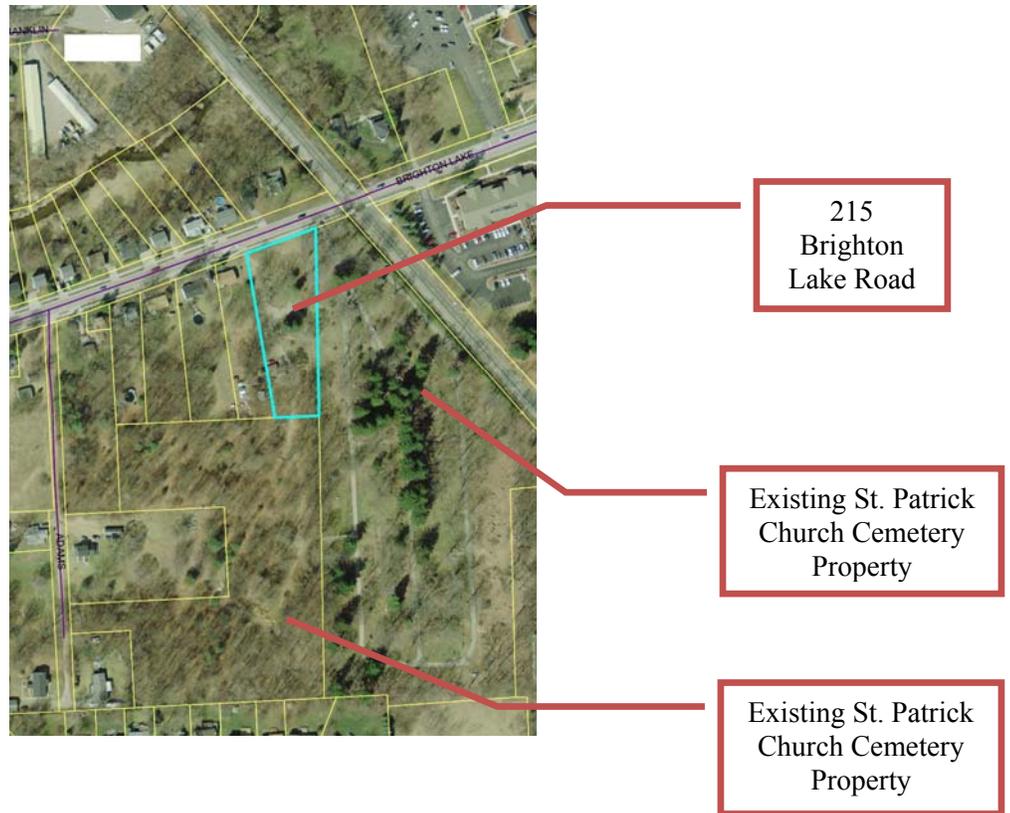
St. Patrick Church has submitted a special land use application to seek approval to utilize 215 Brighton Lake Road as a place of worship and cemetery including but not limited to the burial of human remains and cremated ashes.

## Surrounding Zoning

215 Brighton Lake Road (starred) is surrounded on four sides by parcels zoned R-1, Single Family Residential.



## Property Aerial



## Discussion Points

St. Patrick Church has submitted a special land use application to seek approval to utilize 215 Brighton Lake Road as a place of worship and cemetery including but not limited to the burial of human remains and cremated ashes. Their request would allow the church to incorporate the 215 Brighton Lake Road parcel into the existing cemetery parcels. At this time, no improvements are planned; however, in the future, the church may extend the existing black ornamental fence or add a structure. The fence extension would require a building permit and the construction of any structures would require site plan approval.

Per Section 98-127, a special land use shall meet the following minimum standards:

- (1) The proposed use and its parking must be consistent with the spirit and intent of this article.
- (2) The proposed use and its parking must be compatible with adjacent uses of land, the natural environment and the capabilities of affected public services and facilities.
- (3) The proposed use and its parking must be consistent with the public health, safety and welfare of the community.
- (4) The proposed use and its parking shall be in conformance with the objectives and specific elements of the current adopted comprehensive plan of the city and with any special studies adopted as amendments thereto.
- (5) The proposed use and its parking must be compatible in size, location and character, viewed within the context of surrounding land uses and land use planning for such area, the proposed use and its parking shall not be incompatible nor inharmonious, as determined by the application of generally accepted planning standards and/or principles, with (1) the surrounding uses; (2) the orderly development of the surrounding neighborhood and/or vicinity; and/or future uses reasonably anticipated in the area.
- (6) The proposed use and its parking shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.
- (7) The proposed use and its parking shall not unreasonably impact upon surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light and/or vibration, and shall not unreasonably impact upon a person perceiving the operation in terms of aesthetics. Where such concerns can be remedied by way of design, construction and/or use, the proposed use and its parking shall be designed, constructed and used so as to eliminate the effects of the use which would otherwise substantiate denial thereof, taking into consideration the location, size, intensity, layout and periods of operation of such use and its parking.
- (8) The proposed use and its parking shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land buildings or unreasonably affect their value.
- (9) The proposed use and its parking shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the city.

- (10) The proposed use and its parking shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district and/or the present and/or intended character of the area.
- (11) The proposed use and its parking shall not result in an impairment, pollution and/or destruction of the air, water, natural resources and/or public trust therein.
- (12) The proposed use and its parking shall not unreasonably burden the capacity of public services and/or facilities.
- (13) The proposed use and its parking is consistent with the city's growth management plan/master plan.
- (14) The proposed use and its parking will have adequate service by public services and facilities, and shall not unduly burden public sewers and facilities.

The applicant has addressed why their proposed use is consistent with the above special land use requirements of the zoning ordinance (see attachment #1).

### **Reviews**

Tetra Tech, DPS Staff, the Brighton Area Fire Department and Police Department have reviewed the special land use application and they didn't provide any comments that would prevent the approval of the special land use.

### **Recommendations & Commission Action**

Conduct the required public hearing for the special land use request.

Review and discuss the fourteen requirements for granting a Special Land Use and review the applicant's Attachment, that details why they believe they meet the fourteen requirements.

Make a motion to approve or deny the special land use request detailing why each of the fourteen requirements has been met or not.

Attachments:

1. Application



**CITY OF BRIGHTON**  
Community Development/Planning Department

|             |          |
|-------------|----------|
| Date        | 11/15/12 |
| Check #     | 2627     |
| Amount      | *1130.00 |
| Site Plan # | 12-019   |

**SPECIAL LAND USE APPLICATION**

**Project Address:** 215 Brighton Lake Road, Brighton, Michigan 48116

**Petitioner:** Earl A. Boyea, Jr, Roman Catholic Bishop of the  
Diocese of Lansing

**Petitioner Address:** 228 North Walnut, Lansing, Michigan 48933

**General Information:**

Property Address: 215 Brighton Lake Road, Brighton, Michigan 48116

Parcel(s) tax ID number(s): 47-18-31-300-004

Lot Dimensions: N 149.97', E 431', S 90.68', W 391.43'

Net Acreage of site: 1.12 acres

Current Site Zoning: R-1

Adjacent Zoning of Surrounding Properties:

N R-1, E R-1

S R-1, W R-1

Proposed Use:

Applicant proposes that this real property be utilized as a place of worship and cemetery, including, but not limited to, burial of human remains and cremated ashes. This parcel adjoins real property that is currently used as a cemetery.

**Special Land Use Standards:**

Sec. 98-126. - Intent.

Special land uses are uses of land or buildings which may be appropriately permitted in specific locations within a district if special measures are taken to mitigate aspects of the use which could create incompatibilities between the special land use and uses generally permitted throughout the district. This article authorizes establishment of certain special land uses in particular districts when compliance is found with specified standards.



# CITY OF BRIGHTON

Community Development/Planning Department

## Sec. 98-127. - Standards.

A special land use must meet general standards which involve judgment and leave room for interpretation. In general, special land uses are of larger scale or intensity with a potential impact which goes beyond the subject site and abutting uses. All special land uses shall meet the following minimum standards:

- (1) The proposed use and its parking must be consistent with the spirit and intent of this article.
- (2) The proposed use and its parking must be compatible with adjacent uses of land, the natural environment and the capabilities of affected public services and facilities.
- (3) The proposed use and its parking must be consistent with the public health, safety and welfare of the community.
- (4) The proposed use and its parking shall be in conformance with the objectives and specific elements of the current adopted comprehensive plan of the city and with any special studies adopted as amendments thereto.
- (5) The proposed use and its parking must be compatible in size, location and character, viewed within the context of surrounding land uses and land use planning for such area, the proposed use and its parking shall not be incompatible nor inharmonious, as determined by the application of generally accepted planning standards and/or principles, with (1) the surrounding uses; (2) the orderly development of the surrounding neighborhood and/or vicinity; and/or future uses reasonably anticipated in the area.
- (6) The proposed use and its parking shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.
- (7) The proposed use and its parking shall not unreasonably impact upon surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light and/or vibration, and shall not unreasonably impact upon a person perceiving the operation in terms of aesthetics. Where such concerns can be remedied by way of design, construction and/or use, the proposed use and its parking shall be designed, constructed and used so as to eliminate the effects of the use which would otherwise substantiate denial thereof, taking into consideration the location, size, intensity, layout and periods of operation of such use and its parking.
- (8) The proposed use and its parking shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land buildings or unreasonably affect their value.
- (9) The proposed use and its parking shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the city.
- (10) The proposed use and its parking shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district and/or the present and/or intended character of the area.
- (11) The proposed use and its parking shall not result in an impairment, pollution and/or destruction of the air, water, natural resources and/or public trust therein.
- (12) The proposed use and its parking shall not unreasonably burden the capacity of public services and/or facilities.
- (13) The proposed use and its parking is consistent with the city's growth management plan/master plan.
- (14) The proposed use and its parking will have adequate service by public services and facilities, and shall not unduly burden public sewers and facilities.



**CITY OF BRIGHTON**  
Community Development/Planning Department

Describe how the proposed use is consistent with the spirit and intent of the Special Land Use Regulations:

See Attachment #1, attached hereto and incorporated herein.

Describe how the proposed use is compatible with adjacent uses of land, the natural environment, and the capabilities of affected public services and facilities:

The proposed use is compatible to the already existing cemetery parcels that are located to the immediate south side and immediate east side of the parcel at issue in this application.

Describe how the proposed use is consistent with the public health, safety and welfare of the community:

The proposed use as a cemetery for human remains is a necessity for the public health and general welfare of the community.

Describe how the proposed use is in conformance with the objectives and specific elements of the current adopted City of Brighton Master Plan and any special studies adopted by the City:

See Attachment #2, attached hereto and incorporated herein.



# CITY OF BRIGHTON

Community Development/Planning Department

## Instructions:

### A. Initial Submittal and Review Meeting:

1. Submit the completed, original special land use application, ten (10) signed and sealed sets of full size (24" x 36") drawings and applicable fees. All submittal documents must be submitted no later than 12:00 noon on the deadline date (see last page of application)  
to: Brighton City Hall  
200 N. First Street  
Brighton, Michigan 48116
2. Review fees, property delinquencies and penalties shall be paid at the time the special land use application and documents are submitted. \* Initial review fees are the minimum fees required. Additional fees may be incurred. \*
3. The meeting at which the Planning Commission will consider the special land use application, drawings and other submittals will be determined when the special land use application is deemed complete. A meeting schedule is included on the last page of this packet. Any special land use application submitted after the monthly deadline will not be considered for that month's agenda.
4. The information required on the special land use application and drawings is the **minimum amount of information** that generally applies to all special land use applications. Additional project specific information may also be required. Failure to submit information and materials will delay consideration of the special land use application until such time they are submitted and found to be in acceptable form.
5. Generally one (1) week after the special land use application submittal deadline, a review meeting will be scheduled to consider staff and consultant input. It will be determined by staff at this meeting whether the applicant will have an additional review meeting with staff and consultants. Additional meetings will be assessed applicable fees indicated on the planning and engineering fee schedules.

## Procedure:

The special land use application and drawings will be reviewed by various entities including, but not limited to, City Staff, the Brighton Area Fire Authority and the City Engineers for compliance with City Codes and other applicable codes. The applicant will be informed which Planning Commission meeting the special land use application will be considered.

The Planning Commission will hold a public hearing on the completed special land use application. The Planning Commission will submit to the City Council a summary of the comments received at the public hearing, its findings of fact in terms of the application of the standards of the Special Land



# CITY OF BRIGHTON

Community Development/Planning Department

Use Regulations, its recommendations and any proposed conditions together with the application and documents.

The City Council shall act upon the proposed special land use permit after receipt of all the materials described above. The City Council may conduct another public hearing, preceded by public notice. The City Council may require reasonable conditions.

### **Property Delinquencies:**

City Charter provisions prohibit the review of any petition for rezoning, special land use, site plan review, building permits or extension of water and sewer service to properties which are in default to the City. This includes, but is not limited to, tax delinquencies, special assessment delinquencies and water and wastewater payment delinquencies.



# CITY OF BRIGHTON

Community Development/Planning Department

**Warranty of Petitioner (MUST BE COMPLETED BY PETITIONER):**

The special land use application submitted contains the minimum amount of information required by the City. I understand that the special land use application will not be considered by the Planning Commission until such time that the plan contains at least the minimum amount of information required by the City.

I understand that if the Planning Commission and City Council approve the proposed special land use application that I am bound to construct/manage the project in strict compliance with the approved application/plan. The attached special land use application represents my intentions to develop the proposed project.

I (we) the undersigned, hereby make application for special land use approval for the following described property:

Property Address: 215 Brighton Lake Road, Brighton, Michigan 48116

Parcel(s) tax ID number(s): 47-18-31-300-004

I warrant to the City that neither I (we) or the subject property are in default to the City and that if a search of City records indicates a default of any kind, that the deficiency will be resolved prior to the Planning Commission's consideration of the special land use application.

Paul D. GARRIÉRY  
for Bishop EARL BOYCE  
Signature of Owner(s)  
Paul D. GARRIÉRY  
DIRECTOR OF PROPERTY MANAGEMENT  
Print Name of Owner(s)

Date: Nov 13, 2012

Address: 228 N. Walnut  
Lansing 48833

Phone: 517-342-2534

Cell: \_\_\_\_\_

Fax: 517-342-2468

Email: pgarriery@dioceseoflansing.org

Karl Pung  
Signature of Petitioner(s)  
Karl Pung  
Print Name of Petitioner(s)

Date: 11-14-2012

Address: 711 Rickett Road  
Brighton, Michigan 48116

Phone: 810-229-9863

Cell: \_\_\_\_\_

Fax: 810-220-0730

Email: pastor@stpurchurch.org

## Attachment #1

### Describe how the proposed use is consistent with the spirit and intent of the Special Use Regulations:

1. The proposed use as a cemetery for human remains, with burial plots for this parcel, a storage area for cemetery equipment and driveways for motor vehicles, would expand the already existing cemetery which touches on its south side and east side. The proposed use would involve (a) parking of cemetery grounds maintenance equipment and burial plot digging equipment near an existing equipment storage garage, (b) temporary parking of motor vehicles during religious funeral ceremonies during funeral processions and (c) occasional visitation of burial plots by friends and family members of decedents is consistent with the spirit and intent of Sec. 98-127.
2. The proposed use as a cemetery, with limited parking as described above, is compatible with the adjacent use of land as an existing cemetery on the south side and the east side of the parcel.
3. The proposed use as a cemetery for human remains is a necessity for the public health and general welfare of the community. Members of the City of Brighton community and surrounding areas need cemetery burial plots as a necessity. Parking is limited and the proposed use would involve (a) parking of cemetery grounds maintenance equipment and burial plot digging equipment near an existing equipment storage garage, (b) temporary parking of motor vehicles during religious funeral ceremonies during funeral processions and (c) occasional visitation of burial plots by friends and family members of decedents is consistent with the spirit and intent of Sec. 98-127.
4. The proposed use and parking are in conformance with the objectives and specific elements of the city plans.
5. The proposed use and parking are compatible in size, location and character in relation to the already existing cemetery parcels that exist to the immediate south side and immediate east side of the parcel at issue in this application. The existing cemetery has existed for a long-period of time at the current location, which is positioned next to railroad tracks off of Brighton Lake Road. The residential parcels to the west and north of the parcel have existed harmoniously with the existing cemetery parcels.
6. The proposed use and its related parking have already been tested by the existing cemetery usage. Funeral processions have occurred without incident at the already existing cemetery. The vehicle driveway entrance to the parcel at issue would use the existing driveway entrance on Brighton Lake Road that is use for access to Parcel 4718-31-300-002.
7. The proposed use and parking will not unreasonably impact the surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light and/or vibration and will not unreasonably impact aesthetics. The existing cemetery parcels are already operated with beautifully maintained grounds and dignified religious funeral processions.
8. The proposed use and parking shall be such that the structures, buildings, walls, fences and landscaping will follow the style and design of the cemetery that exists on the adjoining

cemetery parcel. Due to the fact that the existing cemetery already has existed for many years, this parcel being used as a cemetery would not unreasonably affect the values of adjacent land or buildings.

9. The proposed use and its related parking related harmoniously with the physical and economic aspects of adjacent land uses due to the fact that the parcels to the south and east of the parcel at issue are already used as a long-time functioning human cemetery.
10. The proposed use and parking will follow the style and design of the cemetery that exists on the adjoining cemetery parcel. Due to the fact that the existing cemetery on the adjoining parcel has existed for many years, this parcel being used as a cemetery would not unreasonably affect the values of adjacent land or buildings and would not affect the intended character of the area.
11. The proposed use and its parking will not result in an impairment, pollution and/or destruction of the air, water, natural resources and/or public trust of the parcel or the general area.
12. The proposed use and its parking will not unreasonably burden the capacity of public services and/or facilities, due to the fact that the parcel will only be used as a human cemetery.
13. The proposed use and its parking is consistent with the City of Brighton growth management plan and/or master plan, as the proposed use is the same as the adjoining parcels to the south and east.
14. The proposed use and its parking are already adequately served by public services and facilities, the use and parking will not unduly burden public sewers and facilities.

## Attachment #2

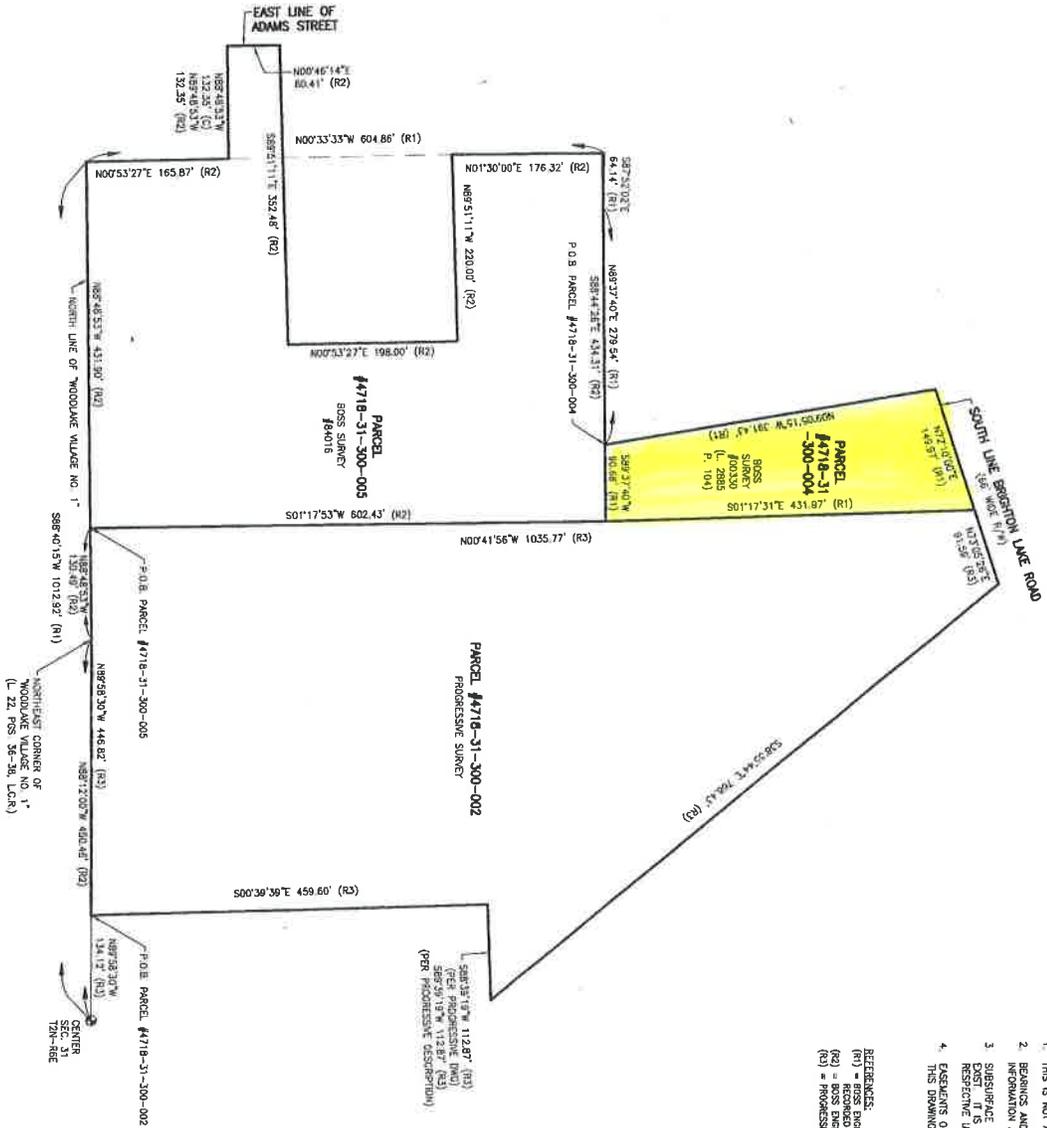
**Describe how the proposed use is in conformance with the objectives and specific elements of the current adopted City of Brighton Master Plan and any special studies adopted by the City:**

1. Under the category entitled "Future land Use Plan" of the Brighton Master Plan is a section entitled "Land Use Plan Categories." It states under the heading "Community Service" the following:

This category includes land uses such as public schools, cemeteries, parks and other publicly owned land owned and operated for a public purpose. Only uses of this type which occupy relatively large areas and that are relatively long term in nature are included in this category. Although this category does not correspond to any specific zoning district, it is included in recognition of the special nature and longevity of these uses. The creation of a zoning designation to cover this land use could be considered in the future.

2. As pointed out on page 58 of the Master Plan, under the "Brighton as a Place to Live – Population and Housing Trends" section, the percentage of older persons in Brighton is rising, and this trend is expected to continue. The need for suitable cemeteries will correspondingly rise as well.
3. The parcel was acquired by the Bishop of the Diocese of Lansing during November 1980 with the goal of utilizing the property as a cemetery due to its location. Two sides of the property adjoin the existing St. Patrick Calvary Cemetery.

# COMPOSITE SKETCH OF ST. PATRICK'S CEMETERY PROPERTY



- GENERAL SURVEY NOTES:**
1. THIS IS NOT A BOUNDARY SURVEY.
  2. BEARINGS AND DISTANCES ARE SHOWN FROM RECORD INFORMATION AND ARE SUBJECT TO FIELD VERIFICATION.
  3. SUBSURFACE UTILITIES NOT LOCATED FOR THIS SURVEY MAY EXIST. IT IS THE RESPONSIBILITY OF THE OWNER OF THE RESPECTIVE UTILITY TO ACCURATELY LOCATE SUCH UTILITIES.
  4. EASEMENTS OR RESTRICTIONS OF RECORD NOT DEPICTED ON THIS DRAWING MAY EXIST.

**REFERENCES:**  
 (R1) = PROGRESSIVE SURVEY (ADJUTANT, DATED 8-18-2003, AS RECORDED IN LIBERTY 2885, PAGE 104, LAMINGTON COUNTY RECORDS)  
 (R2) = BOSS ENGINEERING SURVEY #84016, DATED FEB. 20, 1994.  
 (R3) = PROGRESSIVE SURVEY DRAWING

THE LOCATION AND EXTENSION OF EXISTING SUBSURFACE UTILITIES AS SHOWN ON THESE PLANS IS TO THE BEST OF OUR KNOWLEDGE AND BELIEF. WE DO NOT GUARANTEE THE EXISTENCE, LOCATION, DEPTH OR CHARACTER OF SUCH UTILITIES. THE USER OF THESE PLANS SHALL VERIFY THE EXISTENCE & LOCATION OF SUCH UTILITIES PRIOR TO ANY CONSTRUCTION. THE CONTRACTOR SHALL VERIFY THE EXISTENCE & LOCATION OF SUCH UTILITIES PRIOR TO ANY CONSTRUCTION.



|              |   |          |          |
|--------------|---|----------|----------|
| PROJECT      | <b>ST. PATRICK'S CEMETERY</b>   |          |          |
| PREPARED FOR | <b>ST. PATRICK'S CEMETERY</b><br>711 RICKETT ROAD<br>BRIGHTON, MI 48116<br>810-229-6859 |          |          |
| TITLE        | <b>COMPOSITE SKETCH</b>   |          |          |
| NO.          | BY  | REVISION | PER DATE |
|              |   |          |          |

**BOSS ENGINEERING**  
 ENGINEERS • SURVEYORS • PLANNERS  
 LANDSCAPE ARCHITECTS  
 (E-MAIL: [be@bosseng.com](mailto:be@bosseng.com))  
 3121 E GRAND RIVER AVE.  
 HOWELL, MI 48843  
 (800) 246-6735 FAX (517) 548-1870

|              |           |
|--------------|-----------|
| DESIGNED BY: | ARB       |
| CHECKED BY:  | ARB       |
| SCALE:       | 1" = 100' |
| JOB NO.:     | 12-259    |
| DATE:        | 10-4-12   |
| SHEET NO.:   | 1 OF 1    |

WARRANTY DEED  
STATUTORY FORM

*original under copy*

5

KNOW ALL MEN BY THESE PRESENTS: That Angeline Bretz, survivor of herself & Herman Bretz, deceased whose address is 215 Brighton Lake Rd. Brighton, MI 48116  
Convey and Warrant to Kenneth J. Povish, Roman Catholic Bishop of Diocese of Lansing whose street number and postoffice address is 300 W. Ottawa, Lansing, Michigan 48933

the following described premises situated in the City of Brighton County of Livingston and State of Michigan, to-wit:

SEE ATTACHED DESCRIPTION  
*known as 215 Brighton Lake Rd.  
Brighton MI, 48116*

NANCY HAYLAND  
REGISTER OF DEEDS  
LIVINGSTON COUNTY, MICH.

NOV 26 11 05 AM '80

RECORDED

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, for the sum of Fifty five thousand (\$55,000.00) dollars  
subject to The rights of the public and of any Governmental unit in any part thereof taken, used or deeded for street, road or highway purposes.

Dated this *25th* day of *November* 19 *80*

Signed in the presence of:

Signed by:

*[Signature]*  
Daniel A. Burress

*Angeline Bretz*  
Angeline Bretz

*Barbara A. Budd*  
Barbara A. Budd

STATE OF MICHIGAN }  
COUNTY OF Livingston } ss.

The foregoing instrument was acknowledged before me this 25th day of November

19 80 by Angeline Bretz

My Commission expires December 11 19 82

*Barbara A. Budd*  
Barbara A. Budd  
Livingston Notary Public,  
County, Michigan

County Treasurer's Certificate  
Livingston Coun

STATE OF \_\_\_\_\_ City Treasurer's Certificate.

LIBER 1002 PAGE 596

BURTON ABSTRACT AND TITLE COMPANY HAS OPERATED CONTINUOUSLY SINCE 1866

MAKE YOUR REAL ESTATE TRANSFERS SAFE BY USING BURTON TITLE INSURANCE

Land in the City of Brighton, Livingston County, Michigan, described as:

A part of the East part of the Northwest fractional  $\frac{1}{4}$  of Section 31, in Town 2 North, Range 6 East, Michigan, and described as follows: Beginning 317.46 feet East of the Southwest corner of said East part of the Northwest fractional  $\frac{1}{4}$ ; thence East 432.3 feet; thence North 1036 feet to the South line of highway; thence South 72 degrees 10 minutes West 384.12 feet along the South line of said highway; thence South 0 degrees 50 minutes East 207.4 feet; thence South 83 degrees 10 minutes West 66 feet; thence South 705.6 feet to the place of beginning, excepting A part of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 31, Town 2 North, Range 6 East, Michigan, described as: Beginning at a point in the East and West  $\frac{1}{4}$  line distant West 581.5 feet from the center of Section 31, Town 2 North, Range 6 East, Michigan; thence West 431.9 feet; thence North 605.0 feet; thence East 432.0 feet; thence South 0 degrees 20 minutes West 605.0 feet to the point of beginning, also excepting A part of the East part (or East  $\frac{1}{2}$ ) of the Northwest fractional  $\frac{1}{4}$  of Section 31, Town 2 North, Range 6 East, Michigan, described as follows: Beginning 317.46 feet East and 603.6 feet North of the Southwest corner of said East part of Northwest fractional  $\frac{1}{4}$  thence North 297 feet to the South line of Highway; thence North 72 degrees 10 minutes East 66 feet along the South line of said Highway; thence South 0 degrees 50 minutes East 317.26 feet; thence West 67.12 feet to the place of beginning, also excepting A part of the East  $\frac{1}{2}$  of the Northwest fractional  $\frac{1}{4}$  of Section 31, Town 2 North, Range 6 East, Brighton Township, Livingston County, Michigan, described as follows: Commencing at the center of said Section 31; thence South 89 degrees 40 minutes 15 seconds West along the East-West  $\frac{1}{4}$  line of said Section 31, 1013.40 feet to a point previously described as being East 317.46 feet from the Southwest corner of the East part of the Northwest fractional  $\frac{1}{4}$  of said Section 31; thence North 00 degrees 33 minutes 33 seconds West 604.86 feet (previously described as North 605.00 feet and North 603.6 feet); thence South 87 degrees 52 minutes 00 seconds East 64.14 feet (previously described as East 64.14 feet) to the point of beginning of the parcel to be described; thence North 01 degrees 00 minutes 30 seconds West 316.55 feet to the South line of Brighton Lake (previously described as North 03 degrees 07 minutes 00 seconds West 316.63 feet); thence North 72 degrees 10 minutes 00 seconds East along said South highway line 234.56 feet; thence South 09 degrees 05 minutes 15 seconds East 391.43 feet; thence South 89 degrees 37 minutes 40 seconds West (previously described as West) 279.54 feet to the point of beginning.

-Livingston Coun.  
 Treasurer  
 Tax Certificate  
 No. 53889

HARCY HAVEN, AS  
 REGISTER OF DEEDS  
 LIVINGSTON COUNTY, MICHIGAN

NOV 26 11 05 AM '80

RECORDED

**POLICY REPORT NO. BPD 13-03**  
***Replaces Policy Report BPD 13-02***  
**NEW QUOTA LIQUOR LICENSE**  
**FEBRUARY 7, 2013**

Prepared by:            Reviewed

by:

Thomas Wightman            Dana  
Chief of Police            City

W. Foster  
Manager

**ISSUE:**

An additional Class C quota license became available for the City of Brighton in December of 2011. At present there are four applicants requesting to be recommended for consideration “above all others” to the Michigan Liquor Control Commission to obtain that license.

**BACKGROUND:**

Requests have been received by the following:

- Great Dane Ventures, Inc. (dba Two Brothers Coffee), 423 W. Main St., Brighton, MI
- Gen Jan, LLC, 150 N. First St., Brighton, MI
- Kathleen’s Cookies, LLC, 5769 Borderline, Brighton, MI
- Main Street Cheese Market, Inc., 412 W. Main St., Brighton, MI

Great Dane Ventures and Main Street Cheese Market propose to use of the license at their current addresses. Gen Jan proposes use of the license at Lynn’s Café / Scotty Simpson’s Fish & Chips. Kathleen’s Cookies plans to lease space at 139 E. Grand River (currently Leaf, Barley, & Vine).

The Police Department has conducted investigations of all applicants and has found that none of them have ever received a liquor violation, and criminal record checks reveal no criminal arrests or convictions of any type. All applicants are in compliance with the standards established in Brighton Municipal Code section 6-35.

The City Manager received inquiries from some Council Members regarding the transferability of the current Redevelopment License held at Leaf, Barley, & Vine. As a result, several calls were made to staff at MLCC with the initial response indicating that the license could not be transferred; however, after additional follow-up requests for clarification we were informed that the current Redevelopment License can be transferred to a new owner or leasing tenant at that location. Although, if the new quota license were to be issued for that location the existing Redevelopment License would be cancelled by MLCC.

**BUDGET IMPACT:**

None.

**COUNCIL ACTION:**

City Council may recommend one of the applicants to be considered “above all others” by the MLCC for the available Class C quota license or the Council may choose to not recommend any of the current applicants to the MLCC.

Attachments:

- MLCC Resolution form
- Applicant proposals in response to published notice (4)

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LIQUOR CONTROL COMMISSION

**RESOLUTION**

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

called to order by \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ P.M.

The following resolution was offered:

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

**That the request from:**

be considered for \_\_\_\_\_ **“above all others”**  
(Approval or Disapproval)

**APPROVAL**

**DISAPPROVAL**

Yeas: \_\_\_\_\_

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Absent: \_\_\_\_\_

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

\_\_\_\_\_ for issuance  
(Recommended or not Recommended)

State of Michigan \_\_\_\_\_)

County of \_\_\_\_\_)

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

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

meeting held on \_\_\_\_\_  
(Date)

SEAL

(Signed) \_\_\_\_\_  
(Township, City or Village Clerk)

\_\_\_\_\_  
(Mailing address of Township, City or Village)

---

# GREAT DANE VENTURES

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## DBA TWO BROTHERS

### COFFEE

---

January 8, 2012

City of Brighton

Re: New Class C Quota Liquor License Request

Dear City Council,

Pursuant to the Public Notice regarding the City of Brighton new Quota liquor license, I am hereby renewing my request of November 25, 2012 and December 21, 2012 (please see attached) to obtain the new Quota Liquor license for Two Brother Coffee. The following information is submitted for the Quota liquor license request pursuant to the Public Notice:

1. The estimated dollar amount of capital investment by Great Dane Ventures dba Two Brothers Coffee in the City of Brighton over the last five years has been in excess of \$256,000.00. Two Brothers Coffee currently employs 7 people.
2. Currently my business, Two Brothers Coffee, provides assorted beverages, baked goods and other commodities. We specialize in coffee drinks. We sell bulk coffee, as well as some retail products. We also have been approved by the State of Michigan for Lottery sales. Great Danes Ventures dba Two Brothers Coffee intends to use the quota liquor license at 423 W. Main for the business purpose of including alcohol sales as an option for our customers. I have spoken with well over 100 of our customers and they indicate that they would frequent Two Brothers Coffee and downtown Brighton if alcohol is available for sale at Two Brothers. The customers have stated that they welcome the option to come to Two Brothers Coffee to purchase alcohol and relax in a quiet atmosphere. The customers have also stated that they believe that it would be an added benefit to downtown Brighton and the community.
3. The timetable for implementation of our use of the liquor license is immediate upon MLCC approval.
4. I estimate the dollar amount of planned new capital investment would be in excess of \$100,000.00. I intend to change and upgrade the interior seating area. As I described to the City Council on December 20, 2012, I also intend to build a covered outdoor patio area with seating at the rear entrance of 423 W. Main.
5. The estimated number of new jobs at Two Brothers Coffee would be a minimum of 10 people, due to the extended hours, the need for bartenders and the expected increase in the number of customers.

I have already submitted all information required for the background check, as well as the MLCC application forms provided to my by the City.

Sincerely yours,



James Starnes  
CEO Great Dane Ventures  
dba Two Brothers Coffee



---

**From:** Kathleen McKay <kathleen@kathleens-cookies.com>  
**To:** <lowed@brightoncity.org>  
**Date:** 1/9/2013 8:16 AM  
**Subject:** Class C Quota Liquor License Application

---

To: Brighton City Council  
RE: QUOTA LICENSE

I am writing this letter to apply for the Quota License currently available on behalf of my company, Kathleens Cookies & Boutique.

Kathleens Cookies & Boutique has signed a lease agreement with Greg Strouse, current owner of Leaf, Barley, Vine and the building on North St. and Grand River, We will be tenants of this location as of February 1, 2013, with intentions to purchase the building within 6 months. My company will be occupying the entire lower level of the building.

This new location will be a beautiful, appropriate setting for my company. We will continue to be a gourmet cookie company, as well as desserterie and upscale servingware / gift boutique. The desserterie / cafe space in the building will provide seating and serving of gourmet desserts, wine, coffee and other beverages for our customers. Our retail merchandise will be displayed throughout the space. The North Street entrance will comprise our bakery kitchen and service counter. Our merchandise will be mostly exclusive, upscale lines - unique to our area. Kathleens Cookies is a recognized gourmet dessert and gift company, known locally and nationwide - including major corporate customers.

We feel this is a perfect transition from the current wine bar, which is well established in our city. I would like to continue the sale and serving of wine / alcoholic beverages to patrons already familiar with this successful location. This location is known as a gathering place, and we will continue to host events and parties - this license will insure that we are a desirable venue for our city.

The purpose of our company's new location will be to add to the positive vibe of the Brighton community with this unique, niche business - unlike any other in the city and/or surrounding area. We will be a distinctive destination business, bringing new customers to exciting Downtown Brighton, along with our existing clientele.

Kathleens Cookies & Boutique is an established 3 year business, and we have been located in the Kroger shopping center in Brighton Township since 2010.

Items requested in the Public Notice for Class C Quota Liquor License are as follows:

1. Estimated dollar amount of capital investment - \$425,000.00 and number of jobs created by the applicant in the city of Brighton during the past five years - 4 full time and 4 part time
2. The business purpose and location inside the City of Brighton for which the requested places would be used if received  
Purpose: The desserterie / cafe space in the building will provide serving of gourmet desserts, wine, alcoholic beverages, and coffee  
Location: 139 E. Grand River & 111 E. North Street, Brighton, Michigan 48116
3. Timetable for implementation of the proposal plan for use of the liquor license after a possible MLCC approval - IMMEDIATELY
4. The estimated dollar amount of planned new capital investment that would include the applicants

planned activity for which the request liquor license would be used \$250,000.00

5. The estimated number of new jobs for the applicant's planned activity for which the requested liquor license would be used: 6 Full Time, 8 Part Time Employees

Thank you for your consideration.

--

Kathleen McKay

President  
Kathleen's Cookies



[www.kathleens-cookies.com](http://www.kathleens-cookies.com)

P: 810-588-4029

January 22, 2013

TO: City Council, City of Brighton  
FROM: Jennifer Saum, Main Street Cheese Market & Holy Crepe! Creperie  
RE: Proposal and Request for a Quota On-Premises Liquor License

I have read Article II, Section 6-35, 1 – 11 and I am in compliance with the criteria.

Approximately five years ago, I started laying the ground work for a dream that I've had for more than a decade. My vision was so grand, but my budget was not. My budget however, was substantial enough to plant some seeds, with the hopes that they would grow. I chose to plant those seeds on Main Street in Downtown Brighton, in a community that I felt/knew would embrace my unique vision. Because of my loyal local customers, whom we consider our family, including those who drive all the way from South Lyon, Pinckney, Hamburg, Gregory, Fowlerville, Howell, Novi, Northville, Plymouth, Canton, Fenton, Lansing, Ann Arbor, and yes...even Dansville, just to list a few...have not only embraced my vision, but I feel have invested in my dream and Downtown Brighton; And because of their investment, it makes me strive to do more, to push forward, even during times of uncertainty.

After being in business for about a year, I reinvested my loyal customer's investments back into the business, thus adding the Gelato & Sorbetto, and shortly thereafter, I grew the business again adding Holy Crepe! Creperie. This was no easy task though, it required me to sell my home of 10 years, sell my camper, sell my quad and move my son and I into my parents basement for a year, and now we've just recently moved to and are now proud residents of the City of Brighton.

Even in the midst of a sluggish economy, my customers have come to expect the unexpected from the Main Street Cheese Market, constant growth, and I want to keep that momentum going. Well, it is THAT time again...for the Main Street Cheese Market to reinvest and grow Main Street. It is time to take Main Street Cheese Market & Holy Crepe! Creperie to the next level.

Listed below are the reasons why I believe Main Street Cheese Market should be granted the Quota On-Premises Liquor License:

**The Obvious Reasons:**

- 1) Cheese, beer & wine are a match made in Brighton
- 2) Wine is a natural compliment to crepes
- 3) It's long over due
- 4) We already have the wine and beer in-stock, we just need to be able to serve on-premises

**The Business Reasons:**

- 5) It has always been part of the original business plan and vision
- 6) Interest was expressed to Matt Modrack 4 years ago
- 7) The Demand: customers on a daily basis request wine to drink with their crepes & cheese
- 8) On a weekly basis customers ask me to me about Wine Tasting & Cheese events
- 9) Ladies Night and other special events-people walk through our doors expecting that a wine and cheese shop will be offering glasses of wine and cheese for the event

- 10) Currently we have a tour bus scheduled to bring 40 people in to Brighton from out of town in March, and they have selected Main Street Cheese Market as one of their destinations, we will be serving out guests cheese, would be nice to offer wine with the cheese.
- 11) So many cool ideas, but an on-premises license is a must; i.e. How much fun would it be to also add La Fondue Fromagerie to Main Street, but this would definitely require a glass or two of wine or beer. I envision keeping the bright and cheery market atmosphere, but on a grander scale, with a colorful and eclectic feel, and positioned throughout... cozy tables and booths with the proper atmosphere lighting, hand-crafted hanging wine bottle spot lights, a cozy little bar area with people gathering and partaking in beer-cheese fondue, wine-cheese fondue, Raclette Melters and flaming cheese with crusty artisan bread, veggies and fruit; or how about brunch crepes on Saturdays & Sundays with a Mimosa or an after dinner dessert crepe, such as our Banana, butter, brown sugar, caramel & pecans or any of our other 40 crepes, with a glass of wine, beer or possibly even a specialty coffee or dessert wine. Remember when Mario Rizzotti from Food Network's Iron Chef was a special guest for my grand opening almost 4 years ago? I would love to bring him back for special food events, but again would require an on-premises license. There is a quaint cheese shop in Tecumseh, and not long ago business owners John & Erika purchased the building that their cheese market was located in and converted the upper portion of the building to a Bed & Breakfast...Hmmm...the possibilities are endless.

And, most importantly for us....

- 12) It is ESSENTIAL for the Main Street Cheese Market's growth

**The "It's in the Best Interest for the City of Brighton" Reasons:**

- 13) Because the Alcohol **Would NOT be "just an added item to the menu"** in this case....
- 14) Will add to the uniqueness and diversity of Downtown Brighton's Main Street, it's not just another restaurant but a specialty niche, another draw to Brighton
- 15) The growth that the Quota License would create if granted to the Main Street Cheese Market:
  - a. would create the necessity for more seating
  - b. more seating would require more employees, thus creating more jobs
  - c. would hopefully result in Main Street Cheese Market needing a larger facility
  - d. won't take away from the nightlife bars, we are not that
  - e. won't take away from our restaurants...we're not dinner salads, steaks, seafood and pasta...we would be very different than what we already have on Main Street
  - f. A trendy town with many diverse options, brings more people to Brighton, not only casually but permanently

In a Nut Shell: More revenue, More Jobs, help plant **permanent roots** for the Main Street Cheese Market & Holy Crepe! Creperie **on Main Street in Downtown Brighton**; and again **ALCHOHOL - NOT JUST AN ADDED ITEM TO THE MENU!** NEW, EXCITING, UNIQUE AND TRENDY ON THE HORIZON FOR MAIN STREET, THE MAIN STREET CHEESE MARKET AND THE CITY OF BRIGHTON!

Thank you for your professional courtesy and consideration.



City of Brighton  
 City Clerk's Office  
 200 North First Street  
 Brighton, MI 48116

Re: Class C Quota Liquor License

To Whom It May Concern:

The following proposal is being submitted per the requirements outlined in the Public Notice published in the Press & ARGUS on December 30, 2012 and January 2, 2013 in order to be considered by City Council for approval of our application for the available Class C liquor license.

1. Estimated dollar amount of Capital Investment and number of Jobs.

| <u>Capital Investment – 440 W. Main</u>                |                | <u>Jobs</u>                 | <u>Property Taxes Paid</u> |
|--|----------------|-----------------------------|----------------------------|
| SBTII Partners   | \$1,779,240.00 |                             | \$232,268.00               |
| Stonefire  | \$591,672.00   | 40-45 (with liquor license) |                            |
| Wunderlick Securities                                  | \$87,276.00    | 7                           |                            |
| Asset Mortgage   | 0.00           | 3                           |                            |
| TOTAL INVESTMENT -                                     | \$2,458,188.00 | 50 Jobs                     |                            |
| <br>   |                |                             |                            |
| <u>Capital Investment – 150 &amp; 180 First Street</u> |                |                             |                            |
| SBT  | \$764,000.00   |                             | \$141,586.00               |
| Lynn's/Scotty  | \$25,000.00    | 15                          |                            |
| GenJan – Liquor License                                | \$30,878.00    |                             |                            |
| Schafer Construction                                   |                | 4                           |                            |
| TSI Technologies                                       |                | 1                           |                            |
| PJA Holding LLC  |                | 1                           |                            |
| MKV Enterprises LLC                                    |                | 1                           |                            |
| Affiliated Mortgage Company                            |                | 1                           |                            |
| Eagle's Nest Gallery                                   |                | 2                           |                            |
| TOTAL INVESTMET  | \$821,878.00   | 25 Jobs                     |                            |

2. The business purpose of the liquor license would be for a restaurant located at 180 N. First Street to be used by Lynn's/Scotty Simpson's. This license would replace the Class C liquor license we are transferring to 440 W. Main, which was approved at the December 20, 2012 Council Meeting and is under review by the MLCC.
3. The timetable for implementation of the liquor license would be immediately upon approval from the MLCC.
4. No new capital investment is planned at this time.
5. We will not be creating any new jobs but we will be saving 40-45 jobs. The existing restaurant at 440 W. Main will not survive the 5-7 months it takes to establish a new liquor license so we are transferring our existing Class C liquor license at 180 N. First Street which can be completed in about 2 months. The new liquor license would then be established at 180 N. First Street. We would hope to have the new liquor license established at Lynn's/Scotty Simpson's in time to enjoy the outdoor patio and the many summer festivals.

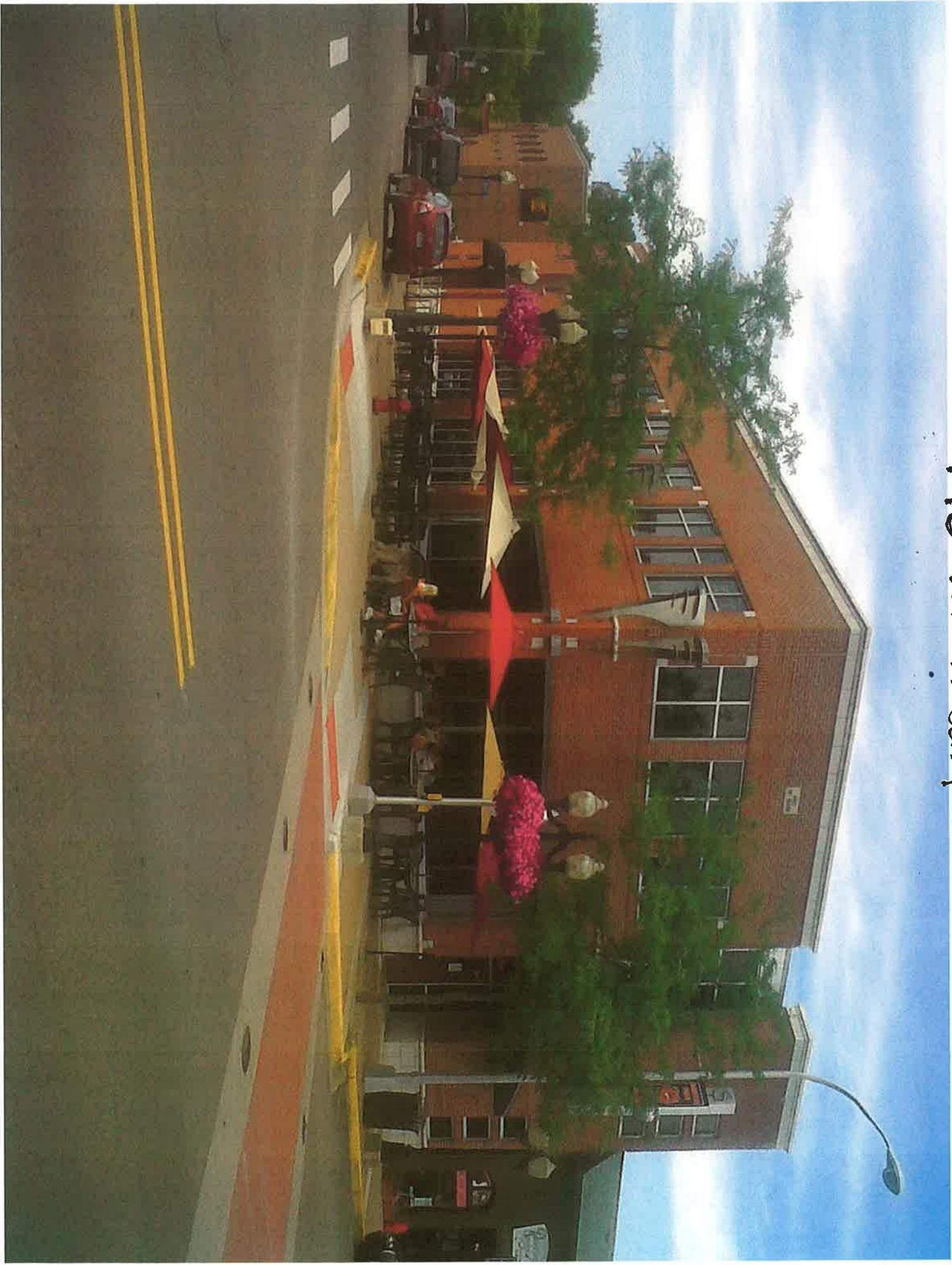
Thank you for consideration of our proposal,

Sincerely,

A handwritten signature in black ink that reads "Stan Schafer". The signature is written in a cursive, flowing style.

Stan Schafer, President  
Schafer Construction, Inc.

440 W. Main



440 W. Main



04/06/2006



DO I  
ST O  
TRA

150 & 180 N. First Street



**CITY OF BRIGHTON  
NOTICE PUBLIC HEARING**

PLEASE TAKE NOTICE that the Brighton City Council will hold a public hearing at 7:30 p.m., February 7, 2013, at the Brighton City Council Chambers, 200 N 1<sup>st</sup> Street, Brighton, Michigan 48116 for the purpose of soliciting public input and suggestions regarding the City of Brighton-owned Fairview, Brighton Hills, Brighton Hills Veterans Only Section and Old Village Cemeteries.

ALL CONCERNED CITIZENS are invited and encouraged to attend this public hearing.

To comply with the Americans with Disabilities Act (ADA): Any citizen requesting accommodation to attend this meeting/function and/or to obtain this notice in alternate formats, please contact David Blackmar, ADA Coordinator (810) 227-1911.

DIANA LOWE  
CITY CLERK

# **FAIRVIEW, BRIGHTON HILLS AND OLD VILLAGE CEMETERY** **RULES AND REGULATIONS**

## **Statement of Policy**

1. The Rules and Regulations for Fairview, Brighton Hills and Old Village Cemetery are reviewed and approved by the City of Brighton City Council, to serve as governance for the operations and maintenance functions of the City of Brighton owned Cemeteries.
2. These Rules and Regulations have been developed in order to maintain the city owned cemeteries in a condition wherein individual solace and memory may be sought, and the memorial intent of those whom care for those interred can be accommodated to a greatest degree possible without unduly disturbing the peaceful and reverent intent of the City of Brighton Cemeteries.
3. Per the direction of the City of Brighton City Council, these rules and regulations are deemed necessary for the upkeep of the city cemeteries, and are administered on a daily basis by the City's Cemetery Sexton, under the general supervision and direction of the City of Brighton Department of Public Services Director.
4. Cemetery patrons whom may have questions or concerns regarding the administration of these rules and regulations as promulgated can contact the City of Brighton Cemetery Sexton at 810-225-8001, or the Department of Public Services Director at 810-225-8001.

## **A. Decoration of Lots**

Section 1 – Definition – Lot decorations shall be deemed to include all structures, ornaments, planting, or other embellishments, with the exception of monuments and markers or mausoleums which are placed on cemetery lots with the intention of improving their appearance. Because certain types of individual lot decorations are not in harmony with the development of the cemetery as a whole or because they may intensify maintenance problems, the City enforces certain rules regarding the decoration of cemetery lots.

Section 2 – **Decoration of Lots in Upright Marker Sections.** The following rules shall be observed with regard to the decoration of cemetery lots in the upright marker sections of the cemeteries:

- (a) Fencing of any kind, steps, structures of wood or equally perishable material are prohibited. Concrete or brick coping, edging, and curbs will be allowed provided they do not exceed the width of the stone or marker and extend no more than two (2) feet out from the front of the stone or marker. Such area may be used for decoration of the gravesites with landscape materials and/or plantings contained within such boundaries. If such decoration becomes unsightly by reason of neglect or age, they will be removed without prior notice by the Cemetery Sexton for Fairview and Brighton Hills Cemetery. No flowers, plantings or other decorations shall be allowed outside of these boundaries as described above without the express written permission of the Cemetery Sexton. (See attached permission form).
- (b) No elevated mounds shall be built over graves and no lot shall be filled above the grade established by the City.

- (c) Receptacles for cut flowers will be permitted if installed flush with the surface of the lawn. The use of glass jars or bottles as receptacles for cut flowers is strictly prohibited. Artificial flowers made from silk or similar materials will be permitted only as long as properly maintained and confined to receptacles intended for cut flowers. Such flowers shall be removed without prior notice by the Cemetery Sexton for Fairview and Brighton Hills Cemetery when they become unsightly by reason of neglect or age.
- (d) **Winter Decorations may be maintained on graves until April 1<sup>st</sup>. If such decorations are not removed by April 1<sup>st</sup>, they shall be considered abandoned and will be disposed of by the City Cemetery Sexton after review and approval by the City of Brighton's Department of Public Services Director.**
- (e) **Urns shall be permitted only if properly installed and maintained next to a given headstone, (not to be placed in front or in back of subject headstone). Any urns not in use by June 15<sup>th</sup> shall be turned over at the gravesite and left for recovery and proper planting and maintenance. Any urns not recovered and planted/maintained throughout the remainder of the calendar year wherein it was turned over, shall be removed from the gravesite and disposed of the following year on June 15<sup>th</sup>.**
- (f) Arches for hanging baskets or eternal lights are allowed provided:
- The arch is of an approved make acceptable to the Cemetery Sexton;
- The only items acceptable for suspension from the arch are eternal lighting fixtures or hanging baskets for plantings. If such decoration becomes unsightly by reason of neglect or age, they will be removed without prior notice by the Cemetery Sexton for Fairview and Brighton Hills Cemetery. The Cemetery Sexton shall remove items other than those specified without prior notice;
- Urns shall not be suspended from the arch;
- The arch shall be installed by the headstone in such manner as approved by the Cemetery Sexton and so as to not interfere with normal maintenance of the lot;
- Non-approved arches or non-approved decorations suspended from the arches shall be removed at the Cemetery Sexton's discretion without prior notice.
- (g) Toys, stuffed or otherwise manufactured or sculptured animals, statues or statuettes, personal items and/or other unsightly objects that interfere with the maintenance of the lot, as per the discretion of the Cemetery Sexton, will not be permitted as grave decorations except as permitted above in sub set (a), and shall be removed without prior notice by the Cemetery Sexton for Fairview and Brighton Hills Cemetery.
- (h) Plantings shall be permitted only under supervision of the Cemetery Sexton, and after receiving written permission therefore, plantings placed on a lot without a permit will be removed without notice.
- (i) The planting of hedges is strictly prohibited. Existing hedges will be removed whenever they become unsightly or encroach upon an adjoining lot or path.

- (j) The Cemetery Sexton and or cemetery maintenance personnel will remove all flowers, trees, and shrubs, which have become unsightly or dangerous.
- (k) **Memorial Flag holders intended to honor service to the citizens of the United States of America shall be permitted to be sited at a gravesite, at either end of a headstone, or placed within the decorative border as described in subset (a) above. Such flag holders may commemorate service in the military, military organizations, and service to the public at large, (Police Officers, Firefighters, etc.) Such flags will be allowed to remain at a gravesite throughout the year, and shall be required to be maintained in good condition by any given organization or person that shall such place a flag in a given holder.**

**Flag Holders for decorative flags shall be allowed to remain in place at either end of a headstone or within the decorative border throughout the year with or without a flag in place.**

- (l) No deciduous tree or conifer shall be removed or pruned except under the direction and with the consent of the Cemetery Sexton.
- (m) Benches of granite material shall be allowed to be donated to Fairview and Brighton Hills Cemetery for placement by the Cemetery Sexton in areas, which will provide for silent reverie and reflection. Such benches shall be near uniform in appearance and inscriptions shall have the prior approval of the Cemetery Sexton for Fairview and Brighton Hills Cemetery. No form or type of advertising shall be allowed. Benches provided by the City of Brighton for such silent reverie and reflection shall be regulated in like manner.

Section 3 – **Decoration of Lots in Flush Marker Section.** The following rules shall be observed with regard to the decoration of lots in the flush marker sections of the cemeteries.

- (a) No planting shall be made by anyone other than the cemetery employees on flush marker sections. Such planting as may be installed by cemetery employees will be limited to areas set aside for that purpose.
- (b) Cut flowers will be permitted provided they are placed in approved receptacles, installed flush with the lawn surface.
- (c) Potted plants will be permitted to remain on lots from May 29<sup>th</sup> until June 15<sup>th</sup>. If left after this date, they will be removed without notice.
- (d) No other lot decoration of any description will be permitted on lots in flush marker sections, save for shepherds hooks approved by the Cemetery Sexton or provided for in Section 2(k) above.

**B. Location of Markers on a Lot.** Markers shall be placed at the head of grave as platted. In the upright marker sections, only flush markers will be allowed at graves located on lots in other than a platted grave space. No marker shall be placed nearer than 4 inches to a lot line. No more than one marker shall be placed at any one grave. No marker shall embrace two or more graves except on a

two or three grave lot where a double or three-grave marker is permitted. No marker shall be set unless it is first approved by the City Clerk.

- C. **Inscriptions on all Markers** at the same end of a lot shall read from the same direction. Flush markers with raised letters shall be protected with a raised panel one-inch in width.
- D. **Monument and Marker Foundation.** All monuments and markers shall be on a foundation of a depth and size and of a material deemed adequate by the City Clerk. All foundations shall be installed by cemetery personnel. Single lot largest marker size is 36”x 18”; double lot largest marker size is 72” x 18”.
- E. **Installation of Monuments and Markers.** Those persons engaged in placing monuments and markers shall provide planking adequate to protect turf shall remove materials and equipment immediately upon completion of work. The site shall be left in a clean, orderly condition. Markers and monuments will not be permitted to be delivered to lots until a proper order for a foundation installation has been placed with the City Clerk.
- F. **Monuments and Markers for Cremains.** Grave markers in the cremains section of the cemetery shall be limited to flush markers only. Largest foundation marker 8” x 16”.
- G. **Mausoleums.**
  - (a) **Approval of Plans and Location.** Before work on any private mausoleum is begun, the location and complete plans and specifications shall be approved by the City Clerk. Mausoleums may be constructed on suitable sites in any section of a municipal cemetery except those sections designated as flush marker and single grave sections.
  - (b) **Endowment.** Before construction of a mausoleum, a sum of money equal to not less than 15 percent of the estimated cost of such a mausoleum shall be deposited with the City. Income from investments of this sum shall be used for perpetual maintenance of the mausoleum.
  - (c) **General Requirements.** Interments in crypts shall be made in hermetically sealed caskets. Duplicate keys for mausoleums shall be left in the care of the City Clerk.
- H. Children’s section (babyland): Largest foundation size 10” x 20” – upright markers are allowed
- I. Fairview Cemetery, Section 11 (annex): Flush Markers only 24” x 12”
- J. **Cemetery Buyback.** As according to Resolution #96 -23, Cemetery Buyback Price Policy (Attachment 7) the City shall buy back the cemetery grave or \$175.00 per grave. If the grave was purchased within the last 90 days this is considered saleable for 75% of the fee paid whether it was the resident or non-resident price paid.
- K. **Hold Policy.** Lots may be held for 90 days. One lot must be purchased within the 90 days period to continue the Hold Policy.

**Revised and adopted April 15, 2010**

**SPECIAL CEMETERY PLANTING PERMIT**

I, \_\_\_\_\_, Cemetery Sexton for the City of Brighton, do hereby grant permission for a special planting to \_\_\_\_\_ address: \_\_\_\_\_, phone number: \_\_\_\_\_, in the \_\_\_\_\_ Cemetery, Section, \_\_\_\_\_, Lot \_\_\_\_\_, Grave(s) \_\_\_\_\_.

Type of plants/trees: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sexton Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please note: Plantings shall be permitted only under supervision of the Sexton of cemeteries, and after receiving written permission therefore, plantings placed on a lot without a permit will be removed without notice.

Plantings shall be maintained in good condition or shall be subject to removal at the discretion of the Sexton without prior notice.