

CITY OF BRIGHTON
CITY COUNCIL MEETING
CITY HALL
March 7, 2013

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

REGULAR SESSION - 7:30 P.M.

1. Call to order
2. Pledge of Allegiance
3. Roll Call
4. City Manager's Recognition Presentation for and to DDA Board members, and City CD / Planning Staff for a recent Streetscape Project Award received for the recently-completed West Street and Main Street streetscape project
5. Consider approval of the Agenda
6. Approval of [minutes: Regular Meeting](#) and closed session of [February 21, 2013](#)
7. Mayor's Reading of Citizen Inquiries received since the last City Council Meeting
 - 7a. Mayor's Reading of Citizen Inquiries deferred from the 02/21/13 City Council Meeting
8. Call to the Public

Consent Agenda

Policy Development & Customer Communications' action item

9. Consider approving a motion to authorize the City Clerk and City Manager to [publish summaries of City Council Meeting Minutes vs. publication of complete Council Meeting minutes for cost reduction purposes.](#)
10. Consider approving a motion to authorize the City Clerk and City Manager to [publish summaries of proposed and adopted ordinances/ordinance amendments with said summaries including directions/information for obtaining full copies at City Hall and on the City's website for cost reduction purposes.](#)
11. Consider a policy discussion for purposes of giving direction to the City Manager and City Attorney regarding [possible fireworks' ordinance amendments that staff has drafted for compliance with changes in fireworks-related state laws. Direction is needed to complete an ordinance preparation for a near-future first reading.](#)

Other Business

12. Information for City Customers
13. Receive updates from Council Member Liaisons to other Boards and Commissions
14. Call to the Public
15. Conduct a closed session regarding an attorney-client privileged opinion from the City Attorney
16. Adjournment

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON FEBRUARY 21, 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, Roblee and Pipoly. The Council reviewed the agenda items.

REGULAR SESSION

Mayor Muzzin called the regular meeting to order at 7:32 p.m. Following the Pledge of Allegiance, the roll was called, there being present were Mayor Muzzin, Mayor Pro-Tem Cooper, Councilmembers Bandkau, Schillinger, Pipoly, Roblee and Bohn. Also in attendance were Attorney Paul Burns and Brad Maynes, Staff members Dana Foster, Matt Schindewolf, Kelly Hanna, Jennifer Burke, Diana Lowe, Amy Cyphert, Laurie French and Tom Wightman and an audience of 5. Press and Media included Nicole Krawcke from the Patch and Tom Tolen from WHMI.

EAGLE SCOUT PROCLAMATION

Mayor Muzzin read an Eagle Scout proclamation for Jack Wisbiski.

Jack Wisbiski stated his Eagle Scout project consisted of construction of a 104 foot board walk at the Brighton Recreation Center, which is wide enough to accommodate two wheel chairs. He stated that 41 people put in 450 hours to help accomplish the project. He also stated he fundraised and saved on his own all of the funds for the project.

AGENDA APPROVAL

It was moved by Mayor Pro-Tem Cooper, seconded by Pipoly to approve the agenda as amended. Add item #15a, Pending Litigation Closed Session. Move to Consent Agenda from Action Agenda item #10, Spiral sculpture. Motion passed 7-0.

MINUTES APPROVAL

It was moved by Councilmember Bandkau, seconded by Roblee to approve the Regular Meeting minutes of February 7, 2013 as presented. Motion passed 6-0-1, with Mayor Pro-Tem Cooper abstaining.

It was moved by Councilmember Roblee, seconded by Pipoly to approve the Closed Session minutes of February 7, 2013 as presented. Motion passed 6-0-1, with Mayor Pro-Tem Cooper abstaining.

CITIZEN INQUIRIES

City Manager stated three citizens' inquiries were received regarding pending litigation.

City Attorney, Paul Burns suggested the reading and response of the inquiries be deferred to next City Council meeting.

It was moved by Mayor Pro-Tem Cooper, seconded by Pipoly to defer the reading and response of the three citizen inquiries to the next City Council meeting. Motion passed 7-0.

CALL TO THE PUBLIC

Mayor Muzzin opened the Call to the Public at 7:42 p.m. Hearing no comment, the Call to the Public was closed.

CONSENT AGENDA

It was moved by Councilmember Bandkau, seconded by Roblee to approve the Consent Agenda as presented. Motion passed 7-0.

The following items were approved:

1. Approved Resolution 13-03, Great Dane Ventures, Inc., d/b/a Two Brothers Coffee, 429 W. Main Street, Brighton, MI for a Redevelopment District Liquor License pursuant to PA 501 of 2006.
2. Accepted the donations from Lawrence Auto Body, Corrigan Oil, Stew-Hort, Inc. (Tim Horton's), and Dana Foster for purchase of the sculpture "Spiral" by Maureen Voorheis in the amount of \$1,585.

ST. PATRICK'S DAY CIVIC EVENT AT "THE POUND"

Department of Public Services Director, Matt Schindewolf and Police Chief, Tom Wightman briefed the Council on the St. Patrick's Day Civic Event at "The Pound". There will be a single point of entry into the tent and doors are required for emergency exits.

There was Council discussion regarding security guards, location of tent, access to the tent from outside of The Pound restaurant, extra insurance and the number of people allowed into the tent at one time.

It was moved by Councilmember Schillinger, seconded by Cooper to approve a civic event application for a St. Patrick's Day Tent & related event from "The Pound", with all conditions noted by the Civic Event Committee be complied with. Motion passed 7-0.

BUDGET PREP PROCESS STATUS UPDATE

City Manager, Dana Foster gave a budget preparation status update and financial forecasting preview report. In his PowerPoint presentation he highlighted Budget Prep Process "Reset", Possible Revenue Proposals, Possible Expenditure Proposals, Baseline Priority Services lists, updated 6-year Forecast, Overall Budget Package, 2012 Retreat direction, Elements of the Manager's 6-Year Forecast & Deficit Elimination Plan, Multi-year Revenue Proposal of the Manager's 6-year Plan and Alternate 6-Year Plan. He stated the Budget & Finance Subcommittee provides him with feedback regarding the budget. He thanked staff for all their work on this presentation.

CITY CUSTOMER INFORMATION

Mayor Pro-Tem Cooper gave a Zoning Board of Appeals update. He gave a SELCRA update stating they are working on a possible joint use with the Brighton Area School Board.

Councilmember Bandkau stated they are moving forward with the Veteran's Memorial and you can access additional information through their website at brightonveteransmemorial.org.

Councilmember Roblee stated she attended a press conference at the Detroit Institute of Arts regarding their Inside Out program. She stated the City of Brighton will be receiving seven pieces of art this summer for display around the City.

Councilmember Pipoly gave a DDA Budget Subcommittee update stating they are addressing the upcoming 6-years forecast.

Mayor Muzzin summarized a letter from the Director of Risk Management of the MML regarding our Workers Compensation Fund Group rate. He stated the City of Brighton's modifier was the 5th lowest of all 862 members, which is a huge cost savings.

Councilmember Pipoly explained the discount for the Workers Compensation policy, stating this rating is excellent.

City Manager, Dana Foster stated the above is a reflection of what goes on in each department regarding safety.

Mayor Muzzin gave a DDA update stating the Development Subcommittee has also met. He gave a Brighton Area Fire Authority update stating they are working with Howell Public Schools for a Fire Academy for junior firefighters. He also stated they conducted their Annual Soup-Out.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 8:43 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 Pipoly to go into Closed Session to discuss pending Circuit Court and Michigan Tax Tribunal Litigation. A roll call vote was taken. Yes: Schillinger, Bohn, Cooper, Muzzin, Bandkau, Roblee, Pipoly. No: none.

The Council convened into Closed Session at 8:46.m.

The Council reconvened the Regular Meeting at 9:18 p.m.

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ADJOURNMENT

It was moved by Mayor Pro-Tem Cooper, seconded by Roblee to adjourn the meeting at 9:18 p.m. Motion passed 7-0.

Diana Lowe, City Clerk

Jim Muzzin, Mayor

**POLICY REPORT
PUBLICATION COST REDUCTIONS
JULY 19, 2012**

PREPARED BY:

REVIEWED BY:

**Diana Lowe
City Clerk**

**Dana Foster
City Manager**

ISSUE:

To authorize the City Clerk and City Manager to publish summaries of City Council meeting minutes and/or adopted ordinances/amendments.

STAFF RECOMMENDATION:

Recommend to authorize the City Clerk and City Manager to publish summaries of City Council meeting minutes and adopted ordinances/amendments with directions for obtaining full copies at City Hall and on the City's website for cost reduction purposes.

BACKGROUND:

The following is a chart of Legal Notice expenses for the City of Brighton since 2011:

| | |
|------|----------------------|
| 2011 | \$17,000 |
| 2012 | 25,000 |
| 2013 | 20,000 (approximate) |

Publishing summaries of minutes and ordinances would result in cost savings of approximately 50%.

BUDGET IMPACT:

Approximately \$10,000 of Legal Notice publication related cost savings per year going forward if the staff recommendation is approved.

COUNCIL ACTION:

Authorized the City Clerk and City Manager to publish summaries of City Council meeting minutes and adopted ordinances/amendments with directions for obtaining full copies at City Hall and on the City's website.

**POLICY REPORT: CHAPTER 54. ARTICLE V, DIVISION 1. SECTION 54-121
DISCHARGE OF FIREWORKS**

MARCH 7, 2013

Prepared by:

Amy Cyphert
Planning & Zoning Director

Reviewed by:

Dana Foster
City Manager

ISSUE:

To consider the First Reading and setting of a public hearing for the proposed amendment to Chapter 54, Article V, Division 1. Section 54-121, Discharge of fireworks.

BACKGROUND:

On January 1, 2012, Public Act 256 of 2011 went into effect. This public act repealed laws that regulated the purchase, sale, possession and use of fireworks and put into effect new regulations.

Public Act 56 of 2011 permits the purchase, sale, possession and use of fireworks with regulations established in the public act. In addition, the public act states the following:

Sec. 7. (1) A local unit of government may enact an ordinance regulating the ignition, discharge, and use of consumer fireworks. However, an ordinance enacted under this subsection shall not regulate the use of consumer fireworks on the day preceding, the day of, or the day after a national holiday.

Currently, Sec. 54-121 Discharge of fireworks, states “it shall be unlawful for any person in the city to fire, discharge, display or possess any fireworks except those which are permitted by state law and the provisions of this Code.”

Fire Department and Police Department staff met with the Planning and Zoning Director and developed two possible ordinance amendments to Sec. 54-121 which would either limit the discharge of fireworks to the day preceding, the day of, or the day after a national holiday or limit the hours discharge can occur.

Attached you will find the two proposed amendments to Sec. 54-121.

BUDGET IMPACT: N/A

RELATIONSHIP TO 2012/2013 GOALS: N/A

COUNCIL ACTION:

Introduce the proposed two amendment options to Chapter 54, Article V, Division 1. Section 54-121, provide guidance on which option City Council believes would be best for the City and set a public hearing date for said option.

Or

Introduce the proposed two amendment options to Chapter 54, Article V, Division 1. Section 54-121, provide guidance on which option with revisions City Council believes would be best for the City and request revisions for the next meeting.

Attachments:

1. Proposed amendments to Chapter 54, Article V, Division 1. Section 54-121

Chapter 54 - OFFENSES AND MISCELLANEOUS PROVISIONS
ARTICLE V. - OFFENSES AGAINST PUBLIC SAFETY
DIVISION 1. - GENERALLY

Sec. 54-121. - Discharge of fireworks.

- (a) It shall be unlawful for any person in the city to ignite, discharge or use any fireworks which are permitted by state law, except on the day preceding, the day of or the day after a national holiday. Any person found to violate Sec. 54-121 (a) shall be guilty of a civil infraction and shall be punished by a fine(s) as set forth in section 1-16(b).
- (b) A person shall not ignite, discharge or use consumer fireworks on public property, school property, church property or the property of another person without that organization's or person's express permission to use those fireworks on those premises.. Any person found to violate Sec. 54-121 (b) is responsible for a state civil infraction and a civil fine of not more than \$500.00.
- (c) An individual shall not use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance. As used in this subsection:
 - a. "Alcoholic liquor" means that term as defined in section 1d of the Michigan vehicle code, 1949 PA 300, MCL 257.1d.
 - b. "Controlled substance" means that term as defined in section 8b of the Michigan vehicle code, 1949 PA 300, MCL 257.8b.
- (d) Ignition, discharge or use of any fireworks shall comply with all applicable state and federal laws and regulations.
- (e) It shall be unlawful for any person in the city to carelessly ignite, discharge or use any fireworks that result in damage to a property or injury to a person. Any person found to violate Sec. 54-121 (a) shall be guilty of a civil infraction and shall be punished by a fine(s) as set forth in section 1-16(b).
- (f) Parental responsibility
 - (1) It shall be unlawful for the parent, guardian, or other person having legal care and custody of a minor under the age of 17 years to permit such minor to ignite, discharge or use any fireworks in or upon public streets, highways, alleys, parks, playgrounds, public places, commercial establishments and premises, places of amusement, vacant lots, or other unsupervised places in the city between the hours and under the conditions delineated in section 54-121 (a).
 - (2) Any person found to violate this section shall be guilty of a civil infraction and shall be punished by a fine(s) as set forth in section 1-16(b).

Stricter Time Frame for Discharge

- (g) It shall be unlawful for the host or organizers of a gathering or event to allow a guest or visitors to ignite, discharge or use any fireworks except when compliant with all applicable state, federal and local laws and regulations. Any person found to violate Sec. 54-121 (f) shall be guilty of a civil infraction and shall be punished by a fine(s) as set forth in section 1-16(b).

Chapter 54 - OFFENSES AND MISCELLANEOUS PROVISIONS
ARTICLE V. - OFFENSES AGAINST PUBLIC SAFETY
DIVISION 1. - GENERALLY

Sec. 54-121. - Discharge of fireworks.

- (a) It shall be unlawful for any person in the city to ignite, discharge or use any fireworks which are permitted by state law between 10 P.M. and 8 A. M., except on the day preceding, the day of or the day after a national holiday. Any person found to violate Sec. 54-121 (a) shall be guilty of a civil infraction and shall be punished by a fine(s) as set forth in section 1-16(b).
- (b) A person shall not ignite, discharge or use consumer fireworks on public property, school property, church property or the property of another person without that organization's or person's express permission to use those fireworks on those premises. Any person found to violate Sec. 54-121 (b) is responsible for a state civil infraction and a civil fine of not more than \$500.00.
- (c) An individual shall not use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance. As used in this subsection:
 - (1) "Alcoholic liquor" means that term as defined in section 1d of the Michigan vehicle code, 1949 PA 300, MCL 257.1d.
 - (2) "Controlled substance" means that term as defined in section 8b of the Michigan vehicle code, 1949 PA 300, MCL 257.8b.
- (d) Ignition, discharge or use of any fireworks shall comply with all applicable state and federal laws and regulations.
- (e) It shall be unlawful for any person in the city to carelessly ignite, discharge or use any fireworks that result in damage to a property or injury to a person. Any person found to violate Sec. 54-121 (a) shall be guilty of a civil infraction and shall be punished by a fine(s) as set forth in section 1-16(b).
- (f) Parental responsibility
 - (1) It shall be unlawful for the parent, guardian, or other person having legal care and custody of a minor under the age of 17 years to permit such minor to ignite, discharge or use any fireworks in or upon public streets, highways, alleys, parks, playgrounds, public places, commercial establishments and premises, places of amusement, vacant lots, or other unsupervised places in the city between the hours and under the conditions delineated in section 54-121 (a).
 - (2) Any person found to violate this section shall be guilty of a civil infraction and shall be punished by a fine(s) as set forth in section 1-16(b).

Prohibited Night Hours

- (g) It shall be unlawful for the host or organizers of a gathering or event to allow a guest or visitors to ignite, discharge or use any fireworks except when compliant with all applicable state, federal and local laws and regulations. Any person found to violate Sec. 54-121 (f) shall be guilty of a civil infraction and shall be punished by a fine(s) as set forth in section 1-16(b).