

CITY OF BRIGHTON  
CITY COUNCIL MEETING  
CITY HALL  
June 7, 2012

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

**REGULAR SESSION - 7:30 P.M.**

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

**Consent Agenda**

8. Conduct first reading of a [proposed ordinance to amendments to Chapter 98, Article XXV Temporary Land Uses, Section 98-700](#) as recommended by the Planning Commission
9. Conduct first reading of a [proposed ordinance to amendments to Chapter 98, Article XXI LIP Districts](#) as recommended by the Planning Commission
10. Approval of a [resolution](#) for the [annual fee schedule update](#)
11. Approval of a [resolution](#) to [commit fund balance for future capital improvements including equipment replacement](#)
12. Approval of the fiscal year 11-12 year-ending Budget Amendment
13. Consider approval of the Mayor's recommended appointment to the ZBA

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

14. Receive Administrative Non-Union pay study report and presentation from the MML Consultant and consider action to formally approve the related recommended new administrative non-union pay grades
15. Receive DDA construction projects status/update report and presentation from the DDA Executive Director/Community Development Director
16. Receive the updated 6-year Financial Forecast report and presentation from the Finance Director
17. Receive and discuss a report from the City Manager regarding possible ballot proposal language & related recommendations from the City's Bond Counsel for a possible Community Improvements Bond Issue Proposal election
18. Receive updated Current Year City Council-adopted Goals Progress Dashboard Report from the City Manager

**Other Business**

19. Information for City Customers
20. Receive updates from Council Member Liaisons to other Boards and Commissions
21. Conduct Closed Session to receive and discuss a confidential and privileged written opinion from the City Labor Attorney regarding collective bargaining related obligations.
22. Call to the Public
23. Adjournment

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

**BLUE SKY SESSION**

The Council conducted a Blue Sky Session at 5:30 p.m. Present were Mayor Muzzin, Mayor Pro-Tem Cooper, Councilmembers Bandkau, Bohn, Pipoly and Roblee. The Council reviewed the information regarding the current list of assumptions used by staff for the latest 6-year financial forecast and consider a related discussion about what modifications are needed to the subject list of assumptions and 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, Pipoly, Roblee and Bohn. Also in attendance were Attorney Paul Burns and Staff members Dana Foster, Kelly Hanna, Jennifer Burke, Diana Lowe, Amy Cyphert, Matt Schindewolf, Tom Wightman and an audience of 8. Press and Media included Jim Totten from the Livingston Press & Argus, Tom Tolen from WHMI and Nicole Krawcke from The Patch.

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

**AGENDA APPROVAL**

It was moved by Mayor Pro-Tem Cooper, seconded by Pipoly to approve the Agenda as amended. Delete item #17, Collective Bargaining Closed Session. Motion passed 6-0-1.

**POLICE OFFICER OF THE YEAR AWARD**

Police Chief, Tom Wightman presented Mike Arnst with a Police Officer of the Year Award.

**MINUTES APPROVAL**

It was moved by Mayor Pro-Tem Cooper, seconded by Bandkau to approve the Regular Meeting minutes of May 3, 2012 as corrected. Page 1, Heading should read: MAY 3, 2012 and Page 4, 2012-2013 City Budget should read: Resolution 12-07. Motion passed 6-0-1.

It was moved by Mayor Pro-Tem Cooper, seconded by Roblee to approve the Closed Session minutes from the May 3, 2012 City Council meeting. Motion passed 6-0-1.

**CITIZEN INQUIRIES**

None.

### **CALL TO THE PUBLIC**

Mayor Muzzin opened the Call to the Public at 7:38 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. A roll call vote was taken. Yes: Bohn, Cooper, Muzzin, Bandkau, Roblee, Pipoly. No: none. Absent: Schillinger. Motion passed 6-0-1.

The following item was approved on the Consent Agenda:

1. Approved the results of the RFP Bid process supporting that BCBS is the best available carrier to provide Medical and Rx benefits based on the City of Brighton's current benefit plan structure for the Active and Retiree segments.
2. Approved Resolution 12-08, City's official support of Brighton residents and other Michigan citizens being able to Opt Out of the planned DTE Smart-meter program.
3. Approved Resolution 12-09, Establish the levy and authorize the collection of taxes, penalties and fees for FY 2012-13.

### **LIST OF ASSUMPTIONS**

City Manager, Dana Foster discussed the Key Assumptions for the General Fund 6-year forecast and the General Fund Summary Six Year Financial Forecast as of May 17, 2012. He discussed the proposed \$40,000 value and below Personal Property Tax elimination.

It was moved by Mayor Pro-Tem Cooper, seconded by Bohn for the Continuation of Operating Millage at Headlee Lid beyond year 2 is added to the list of assumptions. Motion passed.

### **POSSIBLE BOND ISSUE PROPOSAL**

City Manager, Dana Foster reported on the planning process for a possible Community Improvements Bond Issue Proposal election for City Voters in November of 2012 and a preliminary proposed plan for what and where to invest the possible bond issue funding. He stated there would be two separate Bond Issue Proposals and Ballot questions: #1. \$5.0 million for Core Projects, which would be millage neutral and #2. \$1.5 million for Quality of Life Projects, could result in a net millage rate increase of 0.32 mills if both bond issue proposals were approved by voters. He discussed Funding, Possible Proposal assuming the elimination of all Personal Property Tax, Bond Issue Proposal #1 would include curb, gutter, street, sidewalk, infrastructure improvements and Police Car video system replacements. He explained how the Neighborhood Infrastructure Partnership projects would work. Bond Issue Proposal #2 would include Grand River Pedestrian Bridge, sidewalk gap installation, camera monitoring update, right-of-way tree plantings, Village Cemetery monument restoration and cemetery pavement overlays. He

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discussed the average annual tax bill, feedback received to date, suggested next steps for the August 1<sup>st</sup> decision deadline and addressed the possible question of: Should we ask the City taxpayers for a continuation of such a millage in light of the recently passed school bond millage?

Council consensus was to keep moving on the possible bond issue proposal.

### **PROPOSED BOND ISSUE PLAN SURVEY**

Council directed Staff to place a brief survey about the proposed projects in the City Manager's preliminary proposed community improvements bond issue plan on the City's website and utilizing the City's end of May, 2012 utility billing statements to encourage City utility customers to visit the City's website to respond to the online survey, removing #5 and #6, add a comment section for other improvements you would like to see and add a link for the presentation.

### **CITY CUSTOMER INFORMATION**

Department of Public Services Director, Matt Schindewolf gave an update on the chip and seal projects and the process. He discussed a street repair at Rickett and Sisu Knoll.

City Manager, Dana Foster suggested to schedule ride-alongs with City Councilmembers and Police Patrol Officers to see what is involved with their daily operations.

It was moved by Councilmember Roblee, seconded by Bandkau to cancel the July 5, 2012 City Council meeting. Motion passed 6-0-1.

Mayor Pro-Tem Cooper gave a ZBA update.

Councilmember Bandkau gave a Veteran's Memorial improvement schedule.

Councilmember Roblee gave an Imagination Station Volunteer update stating the volunteer coordination is working very well. She asked about Girl Scout proclamations.

Councilmember Pipoly gave a DDA update stating their projects have been progressing.

Mayor Muzzin stated there is an opening on the Zoning Board of Appeals and for applicants to submit a letter of interest to City Hall.

### **ATTORNEY/CLIENT PRIVILEGE OPINION UTILITY SERVICE REQUEST CLOSED SESSION**

It was moved by Councilmember Pipoly, seconded by Cooper to go into Closed Session to discuss written Attorney/Client privilege opinion letter from the City Attorney regarding recently-received utility service requests from two neighboring township governments pursuant to MCL 15.268(h) at 9:34 p.m. A roll call vote was taken. Yes: Bohn, Cooper, Muzzin, Bandkau, Roblee, Pipoly. No: none. Absent: Schillinger. Motion passed 6-0-1.

The Council convened into Closed Session at 9:35 p.m.

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The Council reconvened the Regular meeting at 10:04 p.m.

**MICHIGAN TAX TRIBUNAL LITIGATION CLOSED SESSION**

It was moved by Mayor Pro-Tem Cooper, seconded by Roblee to go into Closed Session regarding Michigan Tax Tribunal litigation pursuant to MCL 15.268(e) at 10:05 p.m. A roll call vote was taken. Yes: Bohn, Cooper, Muzzin, Bandkau, Roblee, Pipoly. No: none. Absent: Schillinger. Motion passed 6-0-1.

The Council convened into Closed Session at 10:05 p.m.

The Council reconvened the Regular meeting at 10:14 p.m.

**CLOSED SESSION ACTION**

It was moved by Councilmember Pipoly, seconded by Bandkau to authorize the City Attorney and City Assessor to execute the proposed settlement agreements for Ansara 6 Investments, LLC. Motion passed 6-0-1.

**CALL TO THE PUBLIC**

Mayor Muzzin gave a Call to the Public at 10:15 p.m. Hearing no comment, the Call to the Public was closed.

**ADJOURNMENT**

It was moved by Mayor Pro-Tem Cooper, seconded by Roblee to adjourn the meeting at 10:15 p.m. Motion passed 6-0-1.

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Diana Lowe, City Clerk

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Jim Muzzin, Mayor

**POLICY REPORT: CHAPTER 98, ARTICLE XXV. TEMPORARY LAND USE,  
SECTION 98-700 - AMENDMENTS**

**June 7, 2012**

Prepared by:

Amy Cyphert  
Planning & Zoning Director

Reviewed by:

Dana Foster  
City Manager

**ISSUE:**

To consider the First Read and setting of a public hearing for the proposed amendments to Chapter 98, Article XXV. Temporary Land Use, Section 98-700 pursuant to the Planning Commission recommendation on March 19, 2012.

**STAFF RECOMMENDATION:**

Staff concurs with the Planning Commission's recommendation.

**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) Except as provided in this act, a local unit of government shall not enact or enforce an ordinance, code, or regulation pertaining to or in any manner regulating the sale, display, storage, transportation, or distribution of fireworks regulated under this act.
- (2) 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.

The above statement requires a change to the existing Temporary Land Use, which currently prohibits the sale of fireworks. Attached you will find the proposed amendment removing the fireworks language from the section to bring our zoning ordinance into conformance with Public Act 256 of 2011.

**DISCUSSION**

Attached are the proposed ordinance to amendments to Chapter 98, Article XXV. Temporary Land Use, Section 98-700.

**BUDGET IMPACT:** N/A

**RELATIONSHIP TO 2011/2012 GOALS:** N/A

**COUNCIL ACTION:**

Introduce the proposed amendments to Chapter 98, Article XXV. Temporary Land Use, Section 98-700 recommended by the Planning Commission and set a public hearing for July 19, 2012.

**Attachments:**

1. Proposed amendments to Chapter 98, Article XXV. Temporary Land Use, Section 98-700
2. Draft Planning Commission Meeting Minutes

Article XXV. Temporary Land Uses

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**Sec. 98-700. - Temporary land uses.**

The city council shall only have the authority to grant permits authorizing temporary land uses for the sale of produce, firewood and ~~Christmas trees~~ subject to the following conditions:

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- (1) The sale of the products shall be restricted to nonresidential zoning districts. The sale of products shall not be permitted in residential transitional districts.
- (2) The owner of the property shall apply for the temporary use permit on a form to be provided by the City of Brighton. The application shall include a drawing, in triplicate, drawn to scale, which depicts the following:
  - a. The shape, location and dimensions of the lot.
  - b. The shape, size, and location of all buildings or other structures existing on the lot.
  - c. A layout of existing and proposed off-street parking.
  - d. The location of designated fire lanes.
  - e. The shape, size and location of all temporary facilities to be erected or located upon the lot, including all tents, tables, stands, or display racks.
  - f. The materials to be utilized in the construction of any temporary facilities.
  - g. The proposed flow of automobile and pedestrian traffic to and from the lot and any adjacent thoroughfares.
- (3) A temporary use permit for the sale of ~~Christmas trees and related items~~ shall be effective for thirty days or less. No more than one temporary use permit for the sale of ~~Christmas trees or related items~~ shall be issued for any given location within a single calendar year.
- (4) A temporary use permit for the sale of produce, firewood, or other similar products shall be effective for 90 days or less. No more than one temporary use permit for such products shall be issued for any given location within a single calendar year.
- (5) A temporary use permit shall only be granted if the city council determines as follows:
  - a. That there is adequate automobile and pedestrian traffic flow.
  - b. That there is adequate off-street parking.
  - c. That there is adequate access for fire and police protection.
  - d. That the use is compatible with the physical character of the surrounding neighborhood.
  - e. That the use complies with all zoning regulations for the district in which the use is located, including all requirements pertaining to lot size, height, set-back, open space ratio, maximum percentage of covered lot area, and off-street parking.
- (6) The temporary use permit shall be in writing and shall stipulate all of the conditions of issuance such as, the term of the permit, the nature of the permitted use and the manner in which any facilities located on the lot shall be removed upon termination of the temporary use permit.
- (7) Prior to granting a temporary use permit, the city council shall hold a public hearing. Notice of the public hearing shall be given to owners to real property located within 300 yards of the property upon which the temporary use is proposed. The notice to the adjoining lot owners shall be in writing, by regular mail and shall be mailed at least ten calendar days prior to the scheduled public hearing. Additionally, the notice of the public hearing shall be published in the Brighton Argus at least one week prior to the scheduled public hearing.

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Article XXV. Temporary Land Uses

(8) The person(s) to whom the permit has been issued must comply with the terms and conditions of the permit and all applicable ordinances and state statutes. Failure to comply with the terms and conditions of the permit, ordinances of the City of Brighton, and statutes of the State of Michigan shall result in revocation of the permit by the city manager or his designee. Notice of revocation of the permit shall be given in writing and shall either be posted at the site of the temporary land use or shall be personally served upon the person(s) to whom the permit was issued. The use shall terminate immediately upon posting of the notice of revocation of the permit or upon personal service of the notice of revocation of the permit. In the event the use is not immediately terminated upon notice of revocation, the city manager or his designee shall be permitted to enter upon the site and close the temporary use.

(9) No temporary use permit shall be issued for the sale of ~~appliances, furniture, artwork, crafts,~~ clothing or other similar products.

Deleted: fireworks,

(Ord. No. 424, § I, 5-21-98)

**Sec. 98-701. - Exemptions.**

Exempted from the requirements of this article are the following:

- (1) Outside sales of products approved by the city council as part of site plan approvals;
- (2) All civic events approved by the city council, including, but not limited to the Farmer's Market, Art Fair and sidewalk sales; and
- (3) Sale of products by the owner of a business which is incidental to their principal business and occurs within 15 feet of the building in which the business is operated.
- (4) The sale of hot dogs, hamburgers, snow cones, peanuts, chips and/or other non-alcoholic beverages or other similar products as determined by the city manager or his/her designee from a temporary/portable stand. The sale of such products must comply with all requirements of the Livingston County Health Department.

(Ord. No. 424, § I, 5-21-98; Ord. No. 434, § 1, 7-15-99)

**Sec. 98-702. - Prohibition of premanufactured buildings or sales trailers.**

The use of premanufactured buildings or trailers as temporary sales offices is prohibited.

(Ord. No. 424, § I, 5-21-98)

**Secs. 98-703—98-720. - Reserved.**



Memorial, last dated 4-3-2012, as drawn by Lindhout Associates, job #1229, subject to the following conditions:

1. That irrigation is provided for the new planting beds.
2. That right of way permits be obtained from the Department of Public Services, if applicable.
3. That any damages done to the existing public sidewalk be repaired to current condition.
4. That an engineering review be conducted during the building permit process, if applicable.

**Motion carried 6-0-3.**

**9. Master Plan Review and Possible Motion to Send to City Council for Distribution**

Ms. Cyphert reviewed the background of this project as discussed in Blue Sky. As discussed, this topic is not on the City Council agenda until May 3 (instead of April 19), so the timing on the Master Plan Adoption Schedule will be adjusted as required. She thinks it could be approved in early August 2012. There was discussion about how changes could be communicated; Ms. Cyphert asked that any changes be sent in an email to her. She noted that Planning Commission would be voting to send a draft Master Plan to City Council for distribution to the surrounding governments, county, public utility companies and railroads and that there is a 63 day comment period. She recommended that any comments received during the comment period be read into the Planning Commission public hearing. She also indicated that she would distribute the draft Master Plan Update in electronic format instead of printing copies.

**Motion** by Mr. Pawlowski, supported by Mr. Petrak, to request City Council approve the distribution of the DRAFT document in an electronic format to the surrounding governments, county, public utility and railroads. **Motion carried 6-0-3.**

**10. Discussion and Possible Setting of a Public Hearing Date for Amendments to Chapter 98, Article XXV, Temporary Land Uses**

As discussed in Blue Sky, Ms. Cyphert noted that a new State law, Public Act 56 of 2011, permits the purchase, sale, possession and use of fireworks with regulations established in the public act. This legislation requires a change to the existing Temporary Land Use, which currently prohibits the sale of fireworks. The proposed amendment, removing the fireworks language from the section, will bring our zoning ordinance into conformance with Public Act 256 of 2011.

**Motion** by Mr. Bryan, supported by Mr. Wells, to accept the changes to the proposed amendments and set a public hearing date for May 21, 2012. **Motion carried 6-0-3.**

**11. Discussion and Possible Setting of a Public Hearing Date for Amendments to Chapter 98, Article XXI, LIP Districts**

As discussed in Blue Sky, Ms. Cyphert noted that a new State law, Public Act 56 of 2011, permits the purchase, sale, possession and use of fireworks with regulations established in the public act. This legislation requires a change to the existing LIP, Light Industrial Park District, which currently prohibits fireworks or explosive manufacturing or storage. The proposed amendment, removing the fireworks language from the section, will bring our zoning ordinance into conformance with Public Act 256 of 2011.

**Motion** by Mr. Schillinger, supported by Mr. Pawlowski, to accept the changes to the proposed amendments by adding #29, Fireworks or explosive manufacturing and #30, Explosive storage except fireworks, and set a public hearing date for May 21, 2012. **Motion carried 6-0-3.**

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**City of Brighton**  
**Planning Commission**  
**Minutes**  
**May 21, 2012**

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

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

David McLane	Robert Pawlowski
Steve Monet	John Wells
Dave Petrak	Al Wirth
Larry Schillinger	

Absent: Matt Smith. Bill Bryan

**Motion** by Mr. Wirth, supported by Mr. Wells, to excuse Commission Members Bryan and Smith from tonight's meeting. **Motion carried 7-0-2.**

Also present were Amy Cyphert and Lauri French from Staff.

**2. Approval of the April 16, 2012 Regular Meeting Minutes**

Ms. Cyphert noted that with the absences of Commission Members Bryan and Smith tonight that there are not enough votes to approve the meeting minutes from April 16. **Motion** by Mr. Pawlowski, supported by Mr. Petrak, to table the April 16, 2012 regular meeting minutes until the June meeting. **The motion carried 7-0-2.**

**3. Approval of the May 21, 2012 Agenda**

**Motion** by Mr. McLane, supported by Mr. Wells, to approve tonight's agenda as amended. **The motion carried 7-0-2.**

**4. Call to the Public**

The call to the public was made at 7:32 p.m. Hearing no response, call to the public was closed at 7:32 p.m.

**Public Hearings**

**5. Public Hearing for Possible Action on Amendments to Chapter 98, Article XXV, Temporary Land Uses**

Ms. Cyphert noted that a new State law, Public Act 56 of 2011, permits the purchase, sale, possession and use of fireworks with regulations established in the public act. This legislation requires a change to the existing Temporary Land Use, which currently prohibits the sale of fireworks. The proposed amendment, removing the fireworks language from the section, will bring our zoning ordinance into conformance with Public Act 256 of 2011.

Chairperson Monet opened the Public Hearing at 7:34 p.m. Hearing no comments, the public hearing was closed and the regular meeting resumed at 7:34 p.m.

**Motion** by Mr. Wells, supported by Mr. Pawlowski, to forward the proposed amendments to City Council for their approval and setting of a public hearing date. **Motion carried 7-0-2.**

**POLICY REPORT: CHAPTER 98, ARTICLE XXI. LIP DISTRICT, SECTION 98-597 - AMENDMENTS**

**June 7, 2012**

Prepared by:

Amy Cyphert  
Planning & Zoning Director

Reviewed by:

Dana Foster  
City Manager

**ISSUE:**

To consider the First Read and setting of a public hearing for the proposed amendments to Chapter 98, Article XXI. LIP District, Section 98-597 pursuant to the Planning Commission recommendation on March 19, 2012.

**STAFF RECOMMENDATION:**

Staff concurs with the Planning Commission's recommendation.

**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) Except as provided in this act, a local unit of government shall not enact or enforce an ordinance, code, or regulation pertaining to or in any manner regulating the sale, display, storage, transportation, or distribution of fireworks regulated under this act.
- (2) 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.

The above statement requires a change to the existing Temporary Land Use, which currently prohibits the sale of fireworks. Attached you will find the proposed amendment removing the fireworks language from the section to bring our zoning ordinance into conformance with Public Act 256 of 2011.

**DISCUSSION**

Attached are the proposed ordinance to amendments to Chapter 98, Article XXI. LIP District, Section 98-597.

**BUDGET IMPACT:** N/A

**RELATIONSHIP TO 2011/2012 GOALS:** N/A

**COUNCIL ACTION:**

Introduce the proposed amendments to Chapter 98, Article XXI. LIP District, Section 98-597 - Amendments recommended by the Planning Commission and set a public hearing for July 19, 2012.

**Attachments:**

1. Proposed amendments to Chapter 98, Article XXI. LIP District, Section 98-597 - Amendments
2. Draft Planning Commission Meeting Minutes

Article XXI. – LIP DISTRICTS

**Sec. 98-596. - Scope.**

The regulations set forth in this article, or set forth elsewhere in this chapter when referred to in this article, are the district regulations in the LIP light industrial park districts.

(Code 1981, § 51.183)

**Sec. 98-597. - Use regulations.**

A building or premises in the LIP district may be used for any purposes except the following:

- (1) Abattoirs
- (2) Acetylene gas manufacture or storage
- (3) Acid manufacture
- (4) Ammonia, bleaching powder or chlorine manufacture
- (5) Arsenal
- (6) Asphalt manufacture or refining
- (7) Blast furnace
- (8) Boiler works
- (9) Brick, tile or terra cotta manufacture
- (10) Burlap manufacture
- (11) Bag cleaning
- (12) Candle manufacture
- (13) Celluloid manufacture
- (14) Cement, lime, gypsum or plaster of Paris manufacture
- (15) Coke ovens
- (16) Coal tar products manufacture
- (17) Commercial uses, except for integrated automobile sales, service and repair use that have a minimum of 200 feet of frontage on a public street
- (18) Crematory
- (19) Creosote treatment or manufacture
- (20) Disinfectants
- (21) Distillation of bones, coal or wood
- (22) Dwellings, all types
- (23) Dyestuff manufacture
- (24) Exterminator and insect poison manufacture
- (25) Emery cloth and sandpaper manufacture
- (26) Fat rendering
- (27) Fertilizer manufacturing and bone grinding
- (28) Fireworks or explosive manufacture
- (29) Explosive storage, except fireworks
- (30) Fish and meat smoking and curing
- (31) Forge plant
- (32) Gas illuminating or heating manufacture or storage
- (33) Glue, size or gelatine manufacture
- (34) Gunpowder manufacture or storage
- (35) Incineration or reduction of garbage, dead animals, offal or refuse
- (36) Foundries of all types

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Article XXI. – LIP DISTRICTS

- (37) Lamp black manufacture
- (38) Oil cloth or linoleum manufacture
- (39) Oiled or rubber goods manufacture
- (40) Ore reduction
- (41) Paint, oil, shellac, turpentine or varnish manufacture
- (42) Paper and pulp manufacture
- (43) Petroleum products, refining or wholesale storage of petroleum
- (44) Plating works
- (45) Potash works
- (46) Printing ink manufacture
- (47) Pyroxlin manufacture
- (48) Rock crusher
- (49) Rolling mill
- (50) Rubber or gutta-percha manufacture or treatment
- (51) Salt works
- (52) Sauerkraut manufacture
- (53) Sausage manufacture
- (54) Shoe blacking manufacture
- (55) Smelting, or melting of ferrous or nonferrous metals
- (56) Soap manufacture
- (57) Soda and compound manufacture
- (58) Stockyards or slaughter of animals
- (59) Stone mill or quarry
- (60) Storage or baling of scrap paper, except where connected with a paper mill; iron, bottles, rags or junk
- (61) Except when wholly carried on within a fully enclosed building, the wrecking, dismantling or junking of automobiles and/or other vehicles, the storage of automobiles and/or other vehicles for wrecking, dismantling or junking, or the salvaging or selling of parts therefrom
- (62) Stove polish manufacture
- (63) Tallow, grease or lard manufacture or refining from animal fat, except in connection with the ordinary operation of a retail meat market
- (64) Tanning, curing or storage of rawhides or skins
- (65) Tar distillation or manufacture
- (66) Tar roofing or waterproofing manufacture
- (67) Tobacco (chewing) manufacture or treatment
- (68) Vinegar manufacture
- (69) Wool pulling or scouring
- (70) Yeast plant
- (71) And in general, those uses which have been declared a nuisance in any court of record, or which may be obnoxious or offensive by reason of the emission of odor, dust, smoke, gas, nuclear radiation, noise, fumes, vibration or by reason of the accumulation of unsightly waste material.

(Code 1981, § 51.184)

Memorial, last dated 4-3-2012, as drawn by Lindhout Associates, job #1229, subject to the following conditions:

1. That irrigation is provided for the new planting beds.
2. That right of way permits be obtained from the Department of Public Services, if applicable.
3. That any damages done to the existing public sidewalk be repaired to current condition.
4. That an engineering review be conducted during the building permit process, if applicable.

**Motion carried 6-0-3.**

**9. Master Plan Review and Possible Motion to Send to City Council for Distribution**

Ms. Cyphert reviewed the background of this project as discussed in Blue Sky. As discussed, this topic is not on the City Council agenda until May 3 (instead of April 19), so the timing on the Master Plan Adoption Schedule will be adjusted as required. She thinks it could be approved in early August 2012. There was discussion about how changes could be communicated; Ms. Cyphert asked that any changes be sent in an email to her. She noted that Planning Commission would be voting to send a draft Master Plan to City Council for distribution to the surrounding governments, county, public utility companies and railroads and that there is a 63 day comment period. She recommended that any comments received during the comment period be read into the Planning Commission public hearing. She also indicated that she would distribute the draft Master Plan Update in electronic format instead of printing copies.

**Motion** by Mr. Pawlowski, supported by Mr. Petrak, to request City Council approve the distribution of the DRAFT document in an electronic format to the surrounding governments, county, public utility and railroads. **Motion carried 6-0-3.**

**10. Discussion and Possible Setting of a Public Hearing Date for Amendments to Chapter 98, Article XXV, Temporary Land Uses**

As discussed in Blue Sky, Ms. Cyphert noted that a new State law, Public Act 56 of 2011, permits the purchase, sale, possession and use of fireworks with regulations established in the public act. This legislation requires a change to the existing Temporary Land Use, which currently prohibits the sale of fireworks. The proposed amendment, removing the fireworks language from the section, will bring our zoning ordinance into conformance with Public Act 256 of 2011.

**Motion** by Mr. Bryan, supported by Mr. Wells, to accept the changes to the proposed amendments and set a public hearing date for May 21, 2012. **Motion carried 6-0-3.**

**11. Discussion and Possible Setting of a Public Hearing Date for Amendments to Chapter 98, Article XXI, LIP Districts**

As discussed in Blue Sky, Ms. Cyphert noted that a new State law, Public Act 56 of 2011, permits the purchase, sale, possession and use of fireworks with regulations established in the public act. This legislation requires a change to the existing LIP, Light Industrial Park District, which currently prohibits fireworks or explosive manufacturing or storage. The proposed amendment, removing the fireworks language from the section, will bring our zoning ordinance into conformance with Public Act 256 of 2011.

**Motion** by Mr. Schillinger, supported by Mr. Pawlowski, to accept the changes to the proposed amendments by adding #29, Fireworks or explosive manufacturing and #30, Explosive storage except fireworks, and set a public hearing date for May 21, 2012. **Motion carried 6-0-3.**

**6. Public Hearing for Possible Action on Amendments to Chapter 98, Article XXI, LIP Districts**

Ms. Cyphert noted that a new State law, Public Act 56 of 2011, permits the purchase, sale, possession and use of fireworks with regulations established in the public act. This legislation requires a change to

the existing LIP, Light Industrial Park District, which currently prohibits fireworks or explosive manufacturing or storage. The proposed amendment, removing the fireworks language from the section, will bring our zoning ordinance into conformance with Public Act 256 of 2011.

Chairperson Monet opened the Public Hearing at 7:35 p.m. Hearing no comments, the public hearing was closed and the regular meeting resumed at 7:35 p.m.

**Motion** by Mr. Wirth, supported by Mr. Petrak, to forward the proposed amendments to City Council for their approval and setting of a public hearing date. **Motion carried 7-0-2.**

**Unfinished Business**

**New Business**

**Other Business**

**7. Staff Updates**

a. Award Discussion – Ms. Cyphert noted that this topic was discussed at last month's meeting but that no decision had been made about renaming the Siford award. Staff's research revealed that Sally Noeker served the longest continuous term on Planning Commission. Ms. Cyphert stated that this could be put on next month's agenda along with several other items. There was discussion about when the Noeker family should be notified if the Commission decides to rename the award. Chairperson Monet stated that the two items that should be discussed regarding this topic at the June meeting are whether to keep all three awards and whether to rename the Siford award to the Noeker award.

Ms. Cyphert advised that City Council approved distribution of the draft Master Plan update for the 63 day comment period to the surrounding townships and other entities. The update is on target for final approval by late summer.

Mr. Wirth asked for an update on Excelda. Ms. Cyphert stated there should be some news within the next few days. Mr. Schillinger stated that Planning Commission should not have to find things out in the media for items which have been approved by the Commission and advised that the Excelda project is temporarily on hold due to some financial issues.

Mr. Wirth asked how the new sign ordinance was working out in regard to sandwich boards. Ms. Cyphert noted that the ordinance just went into effect last week. She is still working on the fee that will be included in the FY 12-13 fee schedule to be approved by Council next month. She is also working on using a sticker for those sandwich boards that have been approved; if there is no sticker, that means they have not submitted an application nor paid the fee.

**8. Commissioner Concerns**

**9. Call to the Public**

The call to the public was made at 7:45 p.m. Hearing no response, call to the public was closed.

## POLICY REPORT - FINANCE

### Consideration of Adopting the Proposed FY 2012-13 Fee Schedule

June 7, 2012

Prepared by:

Reviewed by:

\_\_\_\_\_  
Kelly Hanna  
Finance Director

\_\_\_\_\_  
Dana W. Foster  
City Manager

#### **ISSUE:**

Consider Resolution to adopt the proposed City of Brighton Fee Schedule for FY2012-13.

#### **STAFF RECOMMENDATION:**

It is the recommendation of staff that the City Council consider a Resolution to set the fees and charges for FY 2012-13.

#### **BACKGROUND:**

The City's fees and charges are reviewed at least annually and amended where warranted. City staff recently reviewed the Maximus Study and have made recommendations to increase fees based on recommendations from the study or due to material price increases. The attached Resolution is staff's recommendation for adjusting the existing fee schedule. The recommended FY2012-13 Fee Schedule is the same as the current FY2011-12 Fee Schedule with the following exceptions:

#### **Licenses & Permits –**

Peddler Investigation – Increase from \$10 to \$20  
Solicitor's Investigation – Increase from \$5 to \$20  
Taxi Cab License – Increase from \$100 to \$200  
Pawn Shop License – Increase from \$100 to \$150

#### **Sidewalk Café Permit – Previous Fee Structure:**

Application Fee (Tri-Annual) \$150  
Inspection Fee (Annual ) \$75.00

#### **Proposed Fees:**

#### **Sidewalk Café Permit with Alcohol Sales and/or 6+ tables –**

Application Fee (Tri-annual) \$150.00  
Inspection Fee (Annual) \$100.00

**Sidewalk Café Permit without Alcohol Sales and/or Less than 6 tables –**

Application Fee	(Tri-annual)	\$100.00
Inspection Fee	(Annual)	\$50.00

**Planning, Zoning, & Building Fees -**

**Site Plan Fee - Increase from \$900 to \$1,000**

**Utility Fees -**

**Sewer Fees (as reflected in the FY 2012-13 Adopted Budget):**

Decrease the bi-monthly Debt Service charge by 7.25% or \$3.16 per ¾” meter to \$40.42 per ¾” meter. **The total user fees for typical in-City customers in FY 2012-13 would be decreased on average by \$3.16 or 2% to \$146.12 bi-monthly.**

**Sewer Tap:**

6”	Increase from \$2,545.00 to \$2,991.00
8”	Increase from \$2,710.00 to \$3,093.00

**Water Fees:**

**Water Tap:**

¾”	Increase from \$2,915.00 to \$3,464.00
1”	Increase from \$3,080.00 to \$3,666.00
1 1/2”	Increase from \$3,515.00 to \$4,910.00
2”	Increase from \$4,065.00 to \$5,533.00

**Refuse Collection & Disposal**

**Refuse User Fee – Increase from \$13.64 per month to \$13.77 per month**

**BUDGET IMPACT:**

The recommended fee and charge schedule will support the FY 2012-13 City of Brighton budget.

**RELATIONSHIP TO GOALS:**

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

**ACTION/MOTION:**

**Consider Resolution to approve the recommended Fee and Charge schedule for FY 2012-13.**

RESOLUTION 12-

**A RESOLUTION ADOPTING THE SCHEDULE OF FEES AND CHARGES FOR THE CITY OF BRIGHTON FOR FY 2012-13**

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

WHEREAS, City staff has reviewed the revenue needs of the City for Fiscal Year 2012-13 and has proposed to the City Council a fee and charge schedule to meet those needs; and

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

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

1. The Council accepts the recommendations of City staff as they relate to the proposed fee and charge schedule.
2. The proposed fee and charge schedule is adopted as presented.
3. City staff is directed to implement the fee and charge schedule effective July 1, 2012.

AYES: \_\_\_\_\_  
 NAYS: \_\_\_\_\_  
 ABSTAIN: \_\_\_\_\_  
 ABSENT: \_\_\_\_\_

This Resolution was \_\_\_\_ this \_\_\_\_ day of June 2012.

Diana Lowe, City Clerk

POLICY REPORT - FINANCE

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

June 7, 2012

Prepared by:

Reviewed by:

\_\_\_\_\_  
Kelly Hanna  
Finance Director

\_\_\_\_\_  
Dana William Foster  
City Manager

**ISSUE/RECOMMENDATION:**

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

**BACKGROUND:**

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

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

Per City Council's prior motion to set aside \$77,139 for a purpose of future capital improvements including equipment replacement, the attached resolution will place \$20,000 in Committed Fund Balance for the period ending June 30, 2012. The remaining \$57,139 will be committed prior to the end of FY2012/13 by adoption of a resolution by City Council. These funds may later be uncommitted by resolution approval by the City Council.

**RELATIONSHIP TO GOALS:**

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

**BUDGET IMPACT:**

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

**ACTION/MOTION TO CONSIDER:**

**Adopt the attached Resolution** to approve \$20,000 commitment of Fund Balance in accordance with GASB Statement No. 54

RESOLUTION NO. 12-  
CITY OF BRIGHTON  
LIVINGSTON COUNTY, MICHIGAN

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

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

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

**WHEREAS** the City of Brighton City Council recommends that \$20,000 of the General Fund unassigned fund balance be committed solely for the purpose of future capital improvements including equipment replacement, AND;

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

The foregoing resolution was proposed by Council Member \_\_\_\_\_  
and supported by Council Member \_\_\_\_\_.

AYES: Council Members \_\_\_\_\_

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NAYS: Council Members \_\_\_\_\_

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ABSTAIN: Council Members \_\_\_\_\_

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ABSENT: Council Members \_\_\_\_\_

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RESOLUTION DECLARED \_\_\_\_\_

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Brighton City Council, Livingston County, Michigan at a regular meeting held on June 7, 2012

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Diana Lowe, City Clerk