

CITY OF BRIGHTON
CITY COUNCIL MEETING
CITY HALL
April 18, 2013

Early Blue Sky: 6:00 pm: Field Demonstration of New Sewer Line Inspection Camera Equipment

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

REGULAR SESSION - 7:30 P.M.

1. Call to order
2. Pledge of Allegiance
3. Roll Call
4. Consider approval of the Agenda
5. Approval of [minutes: Regular Meeting of April 4th](#) and [Budget Worksessions of March 25,26,27](#)
6. Mayor's Reading of Citizen Inquiries received since the last City Council Meeting
7. Mayor's presentation of a Proclamation honoring the Brighton High School Hockey Team
8. Police Chief's Presentation of the Brighton Police Department's Officer of the Year Award
9. City Manager's Recognition of a City Employee's Retirement
10. Call to the Public

Consent Agenda

11. Consider approval of a [civic event application for the new Taste of Brighton civic event](#)
12. Consider approval of a [civic event application for the Brighton Area Fire Authority's 9/11 Memorial 5K Run/Walk](#)
13. Consider approval of staff-recommended [bid-award for the Challis Water Plant Iron-removal Filtration Tanks repainting](#)
14. Consider approval of staff-recommended bid award for a new janitorial services contract
15. Consider approval of the Police Chief's recommended [resolution](#) recommending State LCC approval of a [liquor license transfer from Pizza Hut, Inc. at 8300 W. Grand River in Brighton Township to Great Dane Ventures, Inc., at 423 W. Main Street including change in classification of license from Tavern to Class C.](#)
16. Consider of an [intergovernmental agreement](#) with Hamburg Township for the transfer of ownership of equipment to the [Brighton Police Department](#)

Policy Development & Customer Communications' action item

17. Conduct [public hearing for the second reading of fireworks' ordinance amendments](#) that staff has drafted for compliance with changes in fireworks-related state laws.
 - 17a. After the conclusion of the public hearing, consider a motion to adopt the proposed fireworks ordinance amendments
18. Conduct [public hearing as required by the City Charter on the City's proposed City Budget for Fiscal Year 13-14 to receive input on the proposed budget from the public prior to the adoption of a budget for FY 13-14 at the May 2, 2013 City Council Meeting](#)
19. Receive status report regarding work on a proposed Residential Rental Inspection Program and related ordinance

Other Business

20. Information for City Customers
21. Receive updates from Council Member Liaisons to other Boards and Commissions
22. Call to the Public
23. Adjournment

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON APRIL 4, 2013 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 Bohn, Bandkau, Schillinger, Roblee and Pipoly.

City Manager, Dana Foster updated the Council on the amendments to the proposed Fiscal Year 13-14 City Budget and the Revised 6-Year Forecast.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 5:46 p.m. The following comments were heard:

Tim Corrigan, DDA Member, would like to see the budget approved as presented by Manager Foster.

Nick Palizzi, Downtown Main, representing 11 Downtown Brighton Restaurants stated he agrees with the current usage of the DDA and PSD funds, as the Downtown is bringing people to the community.

Keith Karp, Oh My Lollie, customers say that the reason they come to Brighton is because of the vibrant downtown and he supports the DDA and PSD.

Sophia Freni, Brighton Area Chamber of Commerce, introduced Jen Ling as a Representative of the Chamber and PSD. She was present on behalf of Pam McConeghy. She thanked the City and expressed the importance of the downtown events, which is an advantage to our community and maintains the quality of life in the City of Brighton.

Chris Tobbe, 725 W. Main Street, stated he moved to Brighton because of the merchants, festivals and restaurants, the City must be innovative and draw people to the community and he supports the DDA.

Hearing no further comment, Mayor Muzzin closed the Call to the Public at 5:57 p.m.

COUNCIL DISCUSSION

The Council conducted a Budget Worksession.

City Manager, Dana Foster introduced JT. He is an unpaid intern from Michigan State Graduate Program. He stated he has helped him with Budget presentations. He is here by Thailand National Government. He will assist Thailand with a transition to Local Level Government.

The Council reviewed the agenda items.

REGULAR SESSION

Mayor Muzzin called the regular meeting to order at 7:30p.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 Steven Mann from Plante & Moran, Ryan Bendzinski from Bendzinski & Company, Attorney Paul Burns and Brad Maynes, Staff members Dana Foster, Matt Schindewolf, Kelly Hanna, Jennifer Burke, Diana Lowe, Amy Cyphert, Matt Modrack and Tom Westendorf and an audience of 33. Press and Media included Jim Totten from the Livingston County Press & Argus and Tom Tolen of WHMI.

AGENDA APPROVAL

It was moved Mayor Pro-Tem Cooper, seconded by Bandkau to approve the agenda as amended. Add item #9a, 2013 Water Storm Refunding Bonds and item #9b, Intergovernmental Agreement for Building Official Services. Move from Action Agenda to Consent Agenda item #10, Fireworks Ordinance. Motion passed 7-0.

MINUTES APPROVAL

It was moved by Councilmember Roblee seconded by Cooper to approve the Regular Meeting minutes of March 21, 2013 with the following correction: Page 3, Fiscal Year 13-14 City Budget, fifth paragraph should read: \$20,000,000, not \$20,000. Mayor Muzzin abstained. Motion passed 6-0-1.

It was moved by Mayor Pro-Tem Cooper, seconded by Pipoly to approve the Closed Session minutes of March 21, 2013 as presented. Mayor Muzzin abstained. Motion passed 6-0-1.

CITIZEN INQUIRIES

Mayor Muzzin read an inquiry from Pat Cole: Please explain the Public Hearing to Change Regular Election Schedule for City Offices.

Attorney Paul Burns state law allows for this under certain circumstances.

Mayor Muzzin read an inquiry from Deb Carley of Beverly Raes. She expressed the need for the DDA and it is crucial to have a vibrant downtown.

Mayor Muzzin read an inquiry from resident Nate Geinzer. He expressed the importance of the DDA and the matching grant funds that they have provided.

RECOGNITION OF VOLUNTEERS

City Manager, Dana Foster stated the Historical Society's Village Cemetery Cleanup Day and restoration will be May 4th. He read a letter to all Historical Society Volunteers thanking them for all of their work on this project.

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Jim Vichich, Historical Society, introduced Bob Knight, Larry Lawrence and Don Thomas. He stated the May 4th Cleanup is from 9:00 a.m. to 1:00 p.m. and stated that the Headstone Preservation Project dedication will occur at 11:00 a.m. He gave a slide presentation of the restored headstones. He thanked all of the volunteers and stated the Historical Society has donated over \$4,000 for the project. People that want to volunteer can call 810-250-7276.

City Council thanked the Historical Society for their contribution to the City.

City Manager, Dana Foster stated the Imagination Station Spring Workday will be April 13th from 9:00 a.m. to noon. He read a letter for Renee Pettengill and volunteers thanking them for their hard work on the Imagination Station.

CALL TO THE PUBLIC

Mayor Muzzin opened the Call to the Public at 8:03 p.m. The following comments were heard:

Jeff Newbacker, Marion Township, stated he presented a petition for the second amendment.

City Manager, Dana Foster stated this subject will be on the April 18, 2013 City Council agenda.

Reid Kittredge stated the DDA has given the City an environment of growth and encourages Council to continue to support the DDA.

Mack Miller, 307 W. Main, expressed the importance of the DDA.

Bill Beltz, Impulse Clothing store, stated we cannot lose the DDA funding in this City and expressed the importance of the DDA.

Chuck Ishlighter, Marion Township, expressed the importance of keeping local elections on odd years.

Mark Binkley, 713 Fairway Trails, PSD and DDA Member, stated the PSD receives funds from the DDA and he asked that the City approve the DDA and thus the PSD budget.

Bill Spencer, 5549 Silverbend Drive, stated the DDA contributes much to the business in a City and we have the best downtown and all of the shops are full. He hopes the city will keep funding the DDA.

Don Botka, owns two buildings on Main Street, he stated the DDA represents our future and expressed the importance of grants and he hopes the funding continues.

Andrew and Annette Jacoby, 106 and 108 Main Street, he stated Brighton has a forward thinking DDA.

Ann Belser, Genoa Township, stated it is a joy to come to Brighton and please keep up the good work.

Cathy Dedakis, 7600 Wisteria, Sassafra Gifts, express her support of the DDA and what it has done for the City.

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Kristy Koryzno, White Dress, stated she loves downtown Brighton and she gets many compliments from her customers about the downtown.

Mondi Miller, 307 W. Main Street, stated the DDA can bring a new generation into the City of Brighton.

Dan Szymanski, 312 W. Main Street stated that he was grateful that Matt Modrack helped acquire a grant for his façade restoration and a parking lot on Second Street.

Hearing no additional comment, the Call to the Public was closed at 8:30 p.m.

CONSENT AGENDA

It was moved by Mayor Pro-Tem Cooper, seconded by Pipoly to approve the Consent Agenda. A roll call vote was taken. Yes: Schillinger, Bohn, Cooper, Muzzin, Bandkau, Roblee, Pipoly. No: none. Motion passed 7-0.

The following items were approved:

1. Approved the 2013 Annual Civic Events applications.
2. Approved Resolution 13-05, to provide for the issuance and sale of Not to exceed \$880,000 of City of Brighton County of Livingston, State of Michigan, Limited Tax General Obligation, Refunding Bonds, Series 2013B.
3. Approved an Intergovernmental Agreement for Building Official Services with Livingston County.
4. Approved First Reading of the proposed Ordinance amendments to Chapter 54, Article V, Division 1. Section 54-121, Discharge of fireworks and set a Public Hearing and Second Reading date for April 18, 2013.

EVEN-YEAR ELECTIONS

It was moved by Councilmember Bohn, seconded by Bandkau to release the Attorney-Client Privilege regarding Even-Year Elections. Motion passed 7-0.

Mayor Muzzin opened up the Public Hearing to receive public input related to changing the local election schedule for City offices from odd-year to even-year elections at 8:39 p.m.

Chuck Ishlighter asked how much a local election would cost.

City Clerk, Diana Lowe stated approximately \$5,000 per election.

Hearing no further comment, Mayor Muzzin closed the Call to the Public at 8:40 p.m.

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FISCAL YEAR 13-14 CITY BUDGET

City Manager, Dana Foster briefed the Council on the changes to his proposed Fiscal Year 13-14 City Budget.

It was moved by Mayor Pro-Tem Cooper, seconded by Roblee to adopt the City budget as presented in the City Manager's Amended Proposed Baseline Fiscal Year 13-14 Budget as he transmitted to City Council in his related email report of April 1, 2013 as the City Council's proposed Fiscal Year 13-14 Budget for the April 18th public hearing public notice.

After Council discussion, a roll call vote was taken. Yes: Cooper, Muzzin, Bandkau, Roblee, Pipoly. No: Schillinger, Bohn. Motion passed 5-2.

CITY CUSTOMER INFORMATION

Police Chief, Tom Wightman spoke about recently received grants for \$12,000 for Tactical Team heavy body armor replacement and \$15,000.00 for police camera system upgrades.

Councilmember Bandkau stated they are moving forward on the Brighton Veteran's Memorial and that the bricks they are selling are tax deductible. The official dedication will be Veteran's Day of this year. If you have any questions please call 810-227-7664.

City Manager, Dana Foster stated many donations have been received for the Brighton Veteran's Memorial and asked if anyone knows of granite suppliers in the area.

CALL TO THE PUBLIC

Mayor Pro-Tem Cooper gave a Call to the Public at 9:26 p.m. Hearing none the Call to the Public was closed.

ADJOURNMENT

It was moved by Councilmember Bandkau, seconded by Roblee to adjourn the meeting at 9:26 p.m. Motion passed 7-0.

Diana Lowe, City Clerk

Jim Muzzin, Mayor

**MINUTES OF THE BUDGET WORKSESSION OF THE
CITY COUNCIL, HELD ON MARCH 25, 2013 AT THE
BRIGHTON CITY HALL, 200 N. 1ST STREET, BRIGHTON, MICHIGAN.**

ROLL CALL

Mayor Muzzin called the Budget Worksession to order at 6:30 p.m. The roll was called, there being present were Mayor Muzzin, Mayor Pro-Tem Cooper, Councilmembers Bohn, Schillinger, Bandkau, Pipoly and Roblee. Also in attendance were Attorneys Paul Burns and Staff members Dana Foster, Jennifer Burke, Kelly Hanna and Denise Meier.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public a 6:31 p.m. Hearing none, the Call to the Public was closed.

DISCUSSION

City Manager, Dana Foster discussed the General Fund Baseline Forecast & Assumptions used for the Baseline Forecast, Manager's 6-year Forecast & 6-year combined Revenue & Expenditures Plan, Multi-year Phased in Revenue proposal, Proposed Organizational changes, Service Delivery Changes & expenditure cuts and variations from the Baseline Forecast that are in Future Deficits' Elimination plan, Mini-CIP, Manager's verbal overview of his Internal Equity related Compensation and Benefits Proposals, Manager's Alternative 6-year Forecast, Manager's Preliminary Service Reductions Impacts Summary and DDA Fund related expenditure allocations.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:30 p.m.

Jennifer Burke, Deputy City Clerk

Jim Muzzin, Mayor

**MINUTES OF THE BUDGET WORKSESSION OF THE
CITY COUNCIL, HELD ON MARCH 26, 2013 AT THE
BRIGHTON CITY HALL, 200 N. 1ST STREET, BRIGHTON, MICHIGAN.**

ROLL CALL

Mayor Muzzin called the Budget Worksession to order at 6:30 p.m. The roll was called, there being present were Mayor Muzzin, Mayor Pro-Tem Cooper, Councilmembers Bohn, Schillinger, Bandkau, Pipoly and Roblee. Also in attendance were Attorneys Paul Burns and Staff members Dana Foster, Jennifer Burke, Diana Lowe, Amy Cyphert, Matt Schindewolf, Tom Wightman, Kelly Hanna, Matt Modrack and Denise Meier. Press and Media included Tom Darling of WHMI.

AGENDA APPROVAL

It was moved by Councilmember Roblee, seconded by Bandkau to approve the evening's agenda. Motion passed 7-0.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 6:30 p.m. The following comment was heard:

Tom Darling stated he endorses the seating arrangements for the Worksession.

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

DISCUSSION

City Manager, Dana Foster highlighted the Six-Year Baseline Forecast, City Manager's baseline forecast, City Manager's draft preliminary service reduction impacts for the City Manager's 6-year financial plan alternative if no new revenue sources are implemented, Fiscal Year 2013-14 Proposed Budget and City Manager Deficit Elimination Plans, attrition and possible Headlee override millage.

Council discussed the following:

- Backfilling employee positions
- Part-time cemetery maintenance
- Seasonal employees
- As-needed basis for cemetery duties
- Cemetery lot sales being moved to Department of Public Services
- CAFR and Budget Award
- Bond Rating
- Interest rates

City Council Budget Worksession

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- Priorities on Quality of Life; Public Safety, Utilities, Charter and stated law, debt obligations, maintaining the General Fund, no new debt without bonding to support, City Services, City Infrastructure, Technology, Fair Wages for employees, contribution to fund balance
- Bottom priorities: Economic Development and recreation
- Equality in MERS contributions
- Health care cost increases for employees
- Services that are important to citizens
- Heart and Soul of the community
- City Services
- Civic Event Costs and possible fees
- Chamber of Commerce Civic Events
- Annual contribution to SELCRA
- DDA contributions to the City
- DDA Fund
- DDA reimbursement to the General Fund for salaries
- DDA and grant dollars
- Property values in District Two
- Critical needs for CIP
- Need for quality employees
- Property values
- A dynamic downtown,
- Job consolidation with other municipalities.

City Manager, Dana Foster discussed the long history of bonding and projects, All Funds Expenditures, 2013/142013/14 General Fund, Expenditures, Headlee override millage – 1 mill per year increase, distribution and ballot language structure.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 8:29 p.m. Hearing none, the Call to the Public was closed.

ADJOURNMENT

It was moved by Councilmember Bandkau, seconded by Cooper to adjourn the Budget Worksession at 8:30 p.m. Motion passed 7-0

Diana Lowe, City Clerk

Jim Muzzin, Mayor

**MINUTES OF THE BUDGET WORKSESSION OF THE
CITY COUNCIL, HELD ON MARCH 27, 2013 AT THE
BRIGHTON CITY HALL, 200 N. 1ST STREET, BRIGHTON, MICHIGAN.**

ROLL CALL

Mayor Muzzin called the Budget Worksession to order at 6:30 p.m. The roll was called, there being present were Mayor Muzzin, Mayor Pro-Tem Cooper, Councilmembers Bohn, Schillinger, Bandkau, Pipoly and Roblee. Also in attendance were Attorneys Paul Burns and Staff members Dana Foster, Diana Lowe, Jennifer Burke, Kelly Hanna, Denise Meier and Matt Modrack.

AGENDA APPROVAL

It was moved by Mayor Pro-Tem Cooper, seconded by Bandkau to approve the evening's agenda. Motion passed 7-0.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 6:30 p.m. Hearing none the Call to the Public was closed.

DISCUSSION

City Manager, Dana Foster and Finance Director, Kelly Hanna highlighted Utility Rate Comparison, User Fee History and Projection, Utilities Equipment Replacement Fund, Working Capital, Financial Summary Utilities Fund, Baseline Forecast, Major Street Fund, Local Street Fund, City Manager Deficit Elimination Plan Revenue and Pay as you go Capital Equipment.

Council discussed the following:

- Road reconstruction
- Funding
- Headlee override millage designated for road improvements
- Set aside funds for street fund

City Manager, Dana Foster discussed the City Manager's DDA Fund Summary Six Year Financial Forecast, Bombardier, Downtown Police Patrols, DDA Districts 1 and 2 Taxable Value, Tax Increment Revenue, Percent Change from Prior Year, Map of DDA Districts 1, 2 and 3, Transition to eliminate General Fund support of Administrative Staffing for DDA activities and downsizing of staff.

There was Council discussion regarding:

- DDA District Industrial breakdowns
- Employee time being spent on DDA activity

City Council Budget Worksession

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- Looking at the whole City
- SEMCOG chart on the change in taxable value (non residential)
- 2011 City Service Survey results and what is important
- Business owners are thankful for the DDA
- Value of the DDA
- Additional cut backs

City Manager, Dana Foster stated we will need a Closed Session with Council regarding current Union negotiations. He discussed the City Manger's Phased-In Headlee Millage Lid Override Election Proposal and estimated annual tax bill impacts.

Finance Director, Kelly Hanna discussed Personal Property regulations and exemptions, IFT information and residential property taxes.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 8:30 p.m. Hearing none, the Call to the Public was closed.

ADJOURNMENT

It was moved by Mayor Pro-Tem Cooper, seconded by Bandkau to adjourn the Budget Worksession at 8:30 p.m. Motion passed 7-0

Diana Lowe, City Clerk

Jim Muzzin, Mayor

**POLICY REPORT NO. DPS –12-06
DEPARTMENT OF PUBLIC SERVICE**

A Taste of Brighton and BAFD 5K Run/Walk Civic Events

Prepared by:

**Matthew J. Schindewolf
Public Service Director**

Reviewed by:

**Dana W. Foster
City Manager**

ISSUE: To consider the approval of two Civic Events – A Taste of Brighton and BAFD 5K Run/Walk.

STAFF RECOMMENDATION: To approve the A Taste of Brighton and BAFD 5K Run/Walk the Civic Event as approved by the Civic Event Committee.

BACKGROUND: The City of Brighton Civic Events Committee has reviewed both of the submitted Civic Events and recommends approval.

A Taste of Brighton

This is the first year for this proposed event; however, it is a replacement for the previously-held Summerfest and Sidewalk Sales. The event will be held on Main Street, which will need to be closed from Grand River to North First Street from 5 am on Friday, July 12th through 10 pm on Saturday, July 13th. The PSD will provide roaming security throughout the event as well as overnight.

There are 3-4 proposed locations for music tents. The proposed tent sizes and locations will be reviewed and approved at future pre-event meetings to be held as the event date nears.

This event will include additional outside vendor assistance such as provided by Waste Management and KW Electric.

Brighton Area Fire Department 5K Run/Walk

This is the second year for this event and there were no issues last year.

BUDGET IMPACT: Police presence will be needed for A Taste of Brighton and police will be at the Smokin' Jazz & BB Blues Festival, which is being held the same day as the proposed BAFD 5K Run/ Walk. There will be minimum staffing by DPS personnel at all Civic Events pursuant to the Collective Bargaining Unit Agreement between the City of Brighton and the Teamsters Union. Additional support staff necessary for these events will be determined based on specific requests of event sponsors on an as-needed basis.

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

COUNCIL ACTION: Approval of the A Taste of Brighton and BAFD 5K Run/Walk the Civic Event as approved by the Civic Event Committee.

ATTACHMENTS: A Taste of Brighton Civic Event Application
BAFD 9/11 5K Run/Walk Civic Event Application



Civic Event Application

City of Brighton

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

OFFICE USE ONLY
4-1-13
Date Received
By

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

03/28/2013	Primary Shopping District	J-Thaddeus P McGaffey	
Application Date	Name of Organization	Name of Applicant	

323 West Main St., Suite 201	Brighton	MI	48116
Street Address	City	State	Zip

810.588.2832	810.299.5549	810.360.0854	810.360.0859
Cell Phone	Home Phone	Work Phone	Fax

Email Address j-thaddeus.p.mcgaffey@ampf.com & thaddeus.mcgaffey@gmail.com

A Taste of Brighton

Event Title

Main Street/Downtown Brighton

Event Location

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

DATE	Day of Week	Beginning Time	Ending Time
07/12/2013	Friday	noon	10pm
07/13/2013	Saturday	noon	10pm

11am/Friday	10-midnight/Saturday	TBD
Set up Time/Day	Tear down Time / Day*	Rain Date (if applicable)

* Tear down time will be strictly enforced. It is the applicant's responsibility to ensure the teardown of all materials with their on-site vendors, sponsors, etc. is complete by the teardown time given above.

ORGANIZATION / APPLICANT INFORMATION

Applications for Civic Events in the City of Brighton shall NOT be approved for applicants in default to the City. Therefore, each Application for Civic Events shall be routed to the Finance Department for a determination of any defaults to the City. In the event a default to the City exists, the Application shall be disapproved by the Finance Department, with the nature of the default described as the reason of the disapproval.

TAX IDENTIFICATION NUMBER: 38-6004526

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

Positively Supporting Downtown The Principal Shopping District (PSD) was created through

City Council resolution. The PSD's primary responsibilities are to promote Downtown Brighton.

The Board was appointed to oversee Downtown Brighton's promotional efforts.

IS THE ORGANIZATION NON-PROFIT? YES NO
If yes, attach a copy of the organizations Sales Tax Exempt Certificate.

DOES YOUR GROUP PRESENTLY HAVE LIABILITY INSURANCE? YES NO

GENERAL LIABILITY INSURANCE IS REQUIRED NAMING THE CITY OF BRIGHTON AS ADDITIONAL INSURED. IF FOOD IS BEING SERVED, PRODUCT LIABILITY MUST BE INCLUDED. LIMITS OF LIABILITY SHOULD BE NO LESS THAN \$1,000,000 COMBINED SINGLE LIMIT FOR BODILY INJURY AND PROPERTY DAMAGE.

PLEASE GIVE A DESCRIPTION OF THE PROPOSED CIVIC EVENT. (Attach additional pages if necessary)

A chance to showcase the unique restaurants, shops and boutiques downtown. "For Brighton,

About Brighton, By Brighton." Set 4 performance areas and stagger music so that people will

move between stages and experience summer sidewalk sales and downtown dining.

ANNUAL EVENT: Is this event expected to occur next year? YES NO

If Yes, you can reserve a date for next year with this application). To reserve dates for next year, please provide the following information:

Normal Event Schedule (e.g., third weekend in July): Second weekend of July

or
Next year's specific date(s): TBD to make sure no overlap w/AnnArbor Art Fair

PROCEEDS OF THIS EVENT WILL BE USED FOR:

All proceeds are expected to go into providing for the event. If there are additional proceeds

beyond that they will be used to provide for next year's event and other Merchant Driven events

Downtown (within the PSD boundaries)

IF THE PROPOSED CIVIC EVENT IS A PARADE OR RUN/WALK EVENT, PLEASE LIST THE POINT OF ORIGIN, PATH, TERMINATION POINT, NUMBER OF ENTRIES AND TRAFFIC CONTROL PLAN AS NECESSARY. (Use attached map to clarify the route)

ARE YOU PLANNING TO CHARGE AN ADMISSION FEE?

YES

NO

IF YES, WHAT KIND AND HOW MUCH?

DO YOU PLAN ON UTILIZING VENDORS AND/OR EXHIBITORS FOR SALES OF ANY KIND?

YES

NO

IF YES, COMPLETELY FILL OUT THE ATTACHED VENDOR CONTACT INFORMATION SHEET(S).

WHAT IS THE FEE CHARGED FOR EACH VENDOR? Based on type (see attached)

DO YOU PLAN TO CONTRIBUTE REVENUES RECEIVED FROM THIS EVENT TO LOCAL ORGANIZATIONS AND/OR COMMUNITY GROUPS?

YES

NO

IF YES, TO WHOM AND HOW MUCH?

The PSD will use any revenues for planning and funding future Downtown Merchant Driven events

WHAT IS THE EXPECTED ATTENDANCE FOR THIS EVENT?

8,000 based on previous

DO YOU PLAN ON SUPPLYING ADDITIONAL RESTROOM FACILITIES? YES NO

NUMBER OF VOLUNTEERS / STAFF? TBD, coordinating multiple organization

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

This event is designed to replace SummerFest and/or Americana and continue to provide residents the Civic Event Summer Party with outdoor shopping that they have come to expect over many years.

ELECTRICAL SERVICES REQUIRED (Please Be as Accurate as Possible)

Non-Main St restaurants will need to connect for outdoor cooking.

OTHER UTILITIES REQUIRED (Please Be as Accurate as Possible)

NA

CITY FACILITIES REQUESTED (Please Be as Accurate as Possible)

Street Closure

DO YOU PLAN TO UTILIZE OFF-SITE PARKING FACILITIES YES NO

IF SO, WHAT LOCATION IS PLANNED? _____

WHAT IS YOUR PLAN FOR TRANSPORTATION FROM THE PARKING AREA TO THE EVENT LOCATION?

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

Number of Signs _____

Types of Signs _____

Locations of Signs _____

Date Signs Posted _____

Date Signs Removed _____

PLEASE ATTACH LIST OF EQUIPMENT; STAGE, TENTS, VEHICLES, ETC.. THAT YOU PROPOSE TO USE IN THE EVENT OR BRING ONTO CITY PROPERTY, STREETS OR PARK AREAS - (ALL SUBJECT TO APPROVAL).

STREET CLOSURE

ARE YOU REQUESTING A STREET CLOSURE FOR YOUR EVENT? YES NO
If yes, detail the street(s) you would like closed, and the location of the closure(s) on the attached map.

ALCOHOL

DO YOU WANT TO SELL AND/OR SERVE ALCOHOL? YES NO

IF YES, PLEASE SEE THE ATTACHED SHEET TITLED "ALCOHOL" AND FILL IN THE QUESTIONS COMPLETELY AND IN DETAIL.

SECURITY

If the event requires the overnight setup or storage of goods, equipment, etc. security is the responsibility of the event applicant.

IF YOUR EVENT REQUIRES OVERNIGHT SECURITY. PLEASE PROVIDE THE FOLLOWING DETAILS OF YOUR SECURITY PLAN:

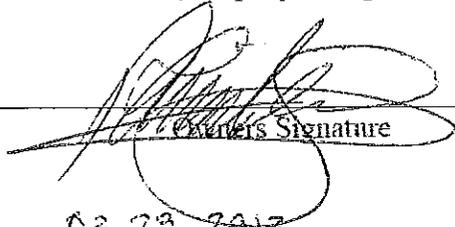
ON SITE REPRESENTATIVES NAMES AND CONTACT NUMBERS:

<u>Name</u>	<u>Contact number</u>
NA	NA
_____	_____
_____	_____
_____	_____

OWNER(S) AFFIDAVIT *

I, Principal Shopping District, have authorized Matthew P. McGahey as My
(company or organization owner) (Civic Event Applicant)

Representative for the purpose of obtaining a Civic Event permit(s) from the City of Brighton Public
Services Department for my organization located at 200 N. 1st St
(company or organization address)



Owners Signature

03 29 2013

Date

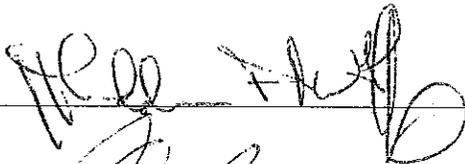
INDEMNIFICATION AGREEMENT

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

Brighton, Michigan, from any claim, demand, suit, loss, cost of expense, or any damage that may be
asserted, claimed or recovered against or from the PSD/City of Brighton and/or the City of
(business/organization)

Brighton, by reason of any damage to property, personal injury or bodily injury, including death,
sustained by any person whomsoever and which damage, injury or death arises out of or is incident to or
in any way connected with the performance of this contract, and regardless of which claim, demand,
damage, loss, cost of expense is caused in whole or in part by the negligence of the City of Brighton or
by third parties, or by the agents, servants, employees or factors of any of them.

Signature



Date

03 29 2013

Witness



Date

3-29-2013

ALCOHOL

PLEASE GIVE A BRIEF DESCRIPTION OF THE TYPE OF ALCOHOL TO BE SOLD / SERVED

Restaurants on Main will apply to the LCC to expand their outdoor dining/cafe area and expand onto Main. Performance stages will be located proximate to these areas

WHO WILL BE THE ALOCHOL LICENSE HOLDER?

Each restaurant will provide for uniform fencing of their area and hold license

ON THE ATTACHED MAP, DETAIL THE LOCATIONS WHERE ALOCHOL WILL BE SOLD / SERVED.

DESCRIBE IN DETAIL YOUR ALCOHOL MANAGEMENT PLAN

Each restaurant will provide for uniform fencing of there outdoor cafe serving area.

No alcohol will be permitted outside of these designated areas. Each restaurant already has and maintains licence and management plans for their alcohol sales.

The event itself will hold no liability or responsibility for the alcohol sales.

**** IF ALCOHOL SALES OR SERVICE IS APPROVED BY THE CITY COUNCIL AS PART OF THIS EVENT, THE APPLICANT MUST ALSO RECEIVE APPROVAL FROM THE LIQUOR CONTROL COMMISSION**

**** IF ALOCHOL SALES OR SERVICE IS APPROVED, EVENT INSURANCE MUST INCLUDE AN ADDITIONAL INDEMINATION FOR ALOCHOL**



Downtown Brighton Event Commitment Form

A Taste of Brighton
July 12-13th Noon – 10pm

Business Name: _____

Contact Name: _____

Email: _____

Address: _____

Phone: _____ Sales Tax # _____

On-Site Contact # _____ Fax# _____

To maintain the theme of “A Taste of Brighton” and allow everyone to experience the unique and diverse Downtown that we have all worked so hard to develop we are encouraging Merchants and Restaurants to showcase their business at the event. For Restaurants, consider sampler sizes of your signature dishes at low price points along with your other offerings (people can literally experience a taste of Brighton by sampling things from all of the participating restaurants). For Merchants, consider reimagining the idea of sidewalk sales to outdoor shopping and display the unique things in your store that people may not have known you carried – move your window front display out to the street and Wow shoppers (people can experience a taste of all the Downtown has to offer with the wide array of unique boutiques and shops).

Live music and performances will continue through 10pm. Your commitment to participating in the event means that we need your commitment to keeping your outside sale area open (even if you decide to close the store) so that everyone visiting experiences everything we have to offer the entire time the event is open, we can’t have an empty street with musicians playing and expect anyone to stay.

Fees for participation are needed to make this event occur. There is not a fundraising component to the event so all fees will go directly towards providing for the event. The Downtown Merchants are coordinating with the City, the PSD and The Chamber of Commerce to make this event possible. Checks should be made payable to “The City of Brighton – PSD”. If it is easier feel free to break the payment into multiple smaller payments between now and the event.

Merchant \$200 _____ Restaurant on Main \$500 _____ Restaurant off Main \$200 _____

Size of Tent or display space (you must supply any tent): Frontage _____ Depth _____

Power requirement: 110v _____ 220v _____

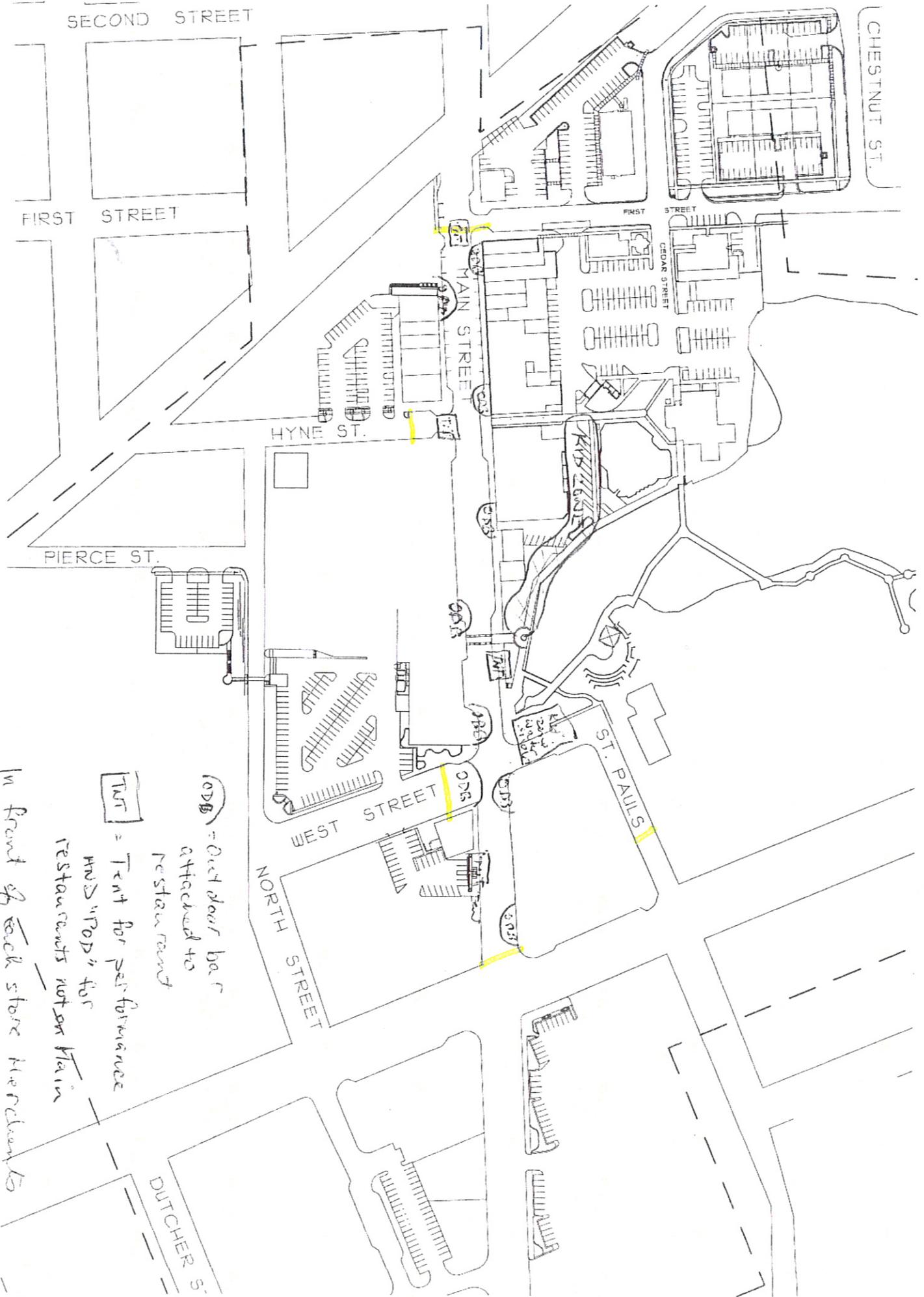
- All Food Vendors must have a valid Livingston County Health Department Permit
- All Main Street Restaurants must apply for an extension for their outdoor seating liquor license from the LCC.
- ~~All participants must submit a copy of a valid sales tax license.~~
- ? • After acceptance all participants must provide a valid certificate of liability insurance naming the City of Brighton as additional insured for this specific event.
- All participants requiring access to power must supply their own, properly rated outdoor power cords (minimum 100ft) and are required to secure any cords properly for safety purposes.
- Set up will begin one hour prior to the event.

Agreed to by: _____ Date: _____

Print Name: _____

Contact: J-Thaddeus P McGaffey, RFC®
Office: 810.360.0854 Cell: 810.588.2832
Fax: 810.360.0859

PLEASE RESPOND NO LATER THAN Friday, April 19th



SECOND STREET

FIRST STREET

CHESTNUT ST.

MAIN STREET

HYNE ST.

PIERCE ST.

ST. PAULS

WEST STREET

NORTH STREET

DITCHER S.

Tent

= Tent for performance
and "POD" for
restaurants not on Main

ODS = Out door bar
attached to
restaurant

In front of each store merchandise
set up "outdoor shopping" or sidewalk sales



Civic Event Application

City of Brighton

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

**OFFICE USE
ONLY**

Date Received _____

By _____

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

04-09-13 Brighton Area Fire Authority Michael O'Brian
Application Date Name of Organization Name of Applicant

615 W. Grand River Avenue Brighton MI 48116
Street Address City State Zip

810-459-0116 810-229-6640 810-229-1619
Cell Phone Home Phone Work Phone Fax

Email Address mobrian@brightonareafire.com

9/11 Memorial 5K Run/Walk

Event Title

Downtown Brighton to Fire Station 31

Event Location

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

DATE	Day of Week	Beginning Time	Ending Time
9/7/13	Saturday	8:00 a.m.	11:00 a.m.
_____	_____	_____	_____
_____	_____	_____	_____

9/7/12 - 7:30 a.m. 9/7/12 - 12:00 noon None
Set up Time/Day Tear down Time / Day* Rain Date (if applicable)

* Tear down time will be strictly enforced. It is the applicant's responsibility to ensure the teardown of all materials with their on-site vendors, sponsors, etc. is complete by the teardown time given above.

ORGANIZATION / APPLICANT INFORMATION

Applications for Civic Events in the City of Brighton shall NOT be approved for applicants in default to the City. Therefore, each Application for Civic Events shall be routed to the Finance Department for a determination of any defaults to the City. In the event a default to the City exists, the Application shall be disapproved by the Finance Department, with the nature of the default described as the reason of the disapproval.

TAX IDENTIFICATION NUMBER: 38-3538846

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

The Brighton Area Fire Authority is the premier fire organization in the area and provides
fire and rescue services.

IS THE ORGANIZATION NON-PROFIT? YES NO
If yes, attach a copy of the organizations Sales Tax Exempt Certificate.

DOES YOUR GROUP PRESENTLY HAVE LIABILITY INSURANCE? YES NO

GENERAL LIABILITY INSURANCE IS REQUIRED NAMING THE CITY OF BRIGHTON AS ADDITIONAL INSURED. IF FOOD IS BEING SERVED, PRODUCT LIABILITY MUST BE INCLUDED. LIMITS OF LIABILITY SHOULD BE NO LESS THAN \$1,000,000 COMBINED SINGLE LIMIT FOR BODILY INJURY AND PROPERTY DAMAGE.

PLEASE GIVE A DESCRIPTION OF THE PROPOSED CIVIC EVENT. (Attach additional pages if necessary)

This is a 5K Run/Walk which will begin in Downtown Brighton and finish at Station 31.

The event will raise funds for our 9/11 memorial.

ANNUAL EVENT: Is this event expected to occur next year? YES NO

If Yes, you can reserve a date for next year with this application). To reserve dates for next year, please provide the following information:

Normal Event Schedule (e.g., third weekend in July): 1st Saturday of September

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

PROCEEDS OF THIS EVENT WILL BE USED FOR:

Proceeds will be used to fund the the 9/11 memorial project at Station 31.

IF THE PROPOSED CIVIC EVENT IS A PARADE OR RUN/WALK EVENT, PLEASE LIST THE POINT OF ORIGIN, PATH, TERMINATION POINT, NUMBER OF ENTRIES AND TRAFFIC CONTROL PLAN AS NECESSARY. (Use attached map to clarify the route)

See attached map

ARE YOU PLANNING TO CHARGE AN ADMISSION FEE? YES NO

IF YES, WHAT KIND AND HOW MUCH?

For runners/walkers

DO YOU PLAN ON UTILIZING VENDORS AND/OR EXHIBITORS FOR SALES OF ANY KIND?
YES NO

IF YES, COMPLETELY FILL OUT THE ATTACHED VENDOR CONTACT INFORMATION SHEET(S).

WHAT IS THE FEE CHARGED FOR EACH VENDOR? _____

DO YOU PLAN TO CONTRIBUTE REVENUES RECEIVED FROM THIS EVENT TO LOCAL ORGANIZATIONS AND/OR COMMUNITY GROUPS? YES NO

IF YES, TO WHOM AND HOW MUCH?

Brighton Area Fire Authority - 100%

WHAT IS THE EXPECTED ATTENDANCE FOR THIS EVENT? 200-300

DO YOU PLAN ON SUPPLYING ADDITIONAL RESTROOM FACILITIES? YES NO

NUMBER OF VOLUNTEERS / STAFF? 40

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

Promote ongoing Jazz Blues Festival while promoting a stronger community.

ELECTRICAL SERVICES REQUIRED (Please Be as Accurate as Possible)

110v outlet at starting location at Main at Grand River Avenue

OTHER UTILITIES REQUIRED (Please Be as Accurate as Possible)

CITY FACILITIES REQUESTED (Please Be as Accurate as Possible)

DO YOU PLAN TO UTILIZE OFF-SITE PARKING FACILITIES YES NO

IF SO, WHAT LOCATION IS PLANNED? Downtown

WHAT IS YOUR PLAN FOR TRANSPORTATION FROM THE PARKING AREA TO THE EVENT LOCATION?

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

Number of Signs Route signs - 15

Types of Signs Lawn signs

Locations of Signs At various turns

Date Signs Posted Day of event

Date Signs Removed Day of event

PLEASE ATTACH LIST OF EQUIPMENT; STAGE, TENTS, VEHICLES, ETC., THAT YOU PROPOSE TO USE IN THE EVENT OR BRING ONTO CITY PROPERTY, STREETS OR PARK AREAS - (ALL SUBJECT TO APPROVAL).

STREET CLOSURE

ARE YOU REQUESTING A STREET CLOSURE FOR YOUR EVENT? YES NO
If yes, detail the street(s) you would like closed, and the location of the closure(s) on the attached map.

ALCOHOL

DO YOU WANT TO SELL AND/OR SERVE ALCOHOL? YES NO

IF YES, PLEASE SEE THE ATTACHED SHEET TITLED "ALCOHOL" AND FILL IN THE QUESTIONS COMPLETELY AND IN DETAIL.

SECURITY

If the event requires the overnight setup or storage of goods, equipment, etc. security is the responsibility of the event applicant.

IF YOUR EVENT REQUIRES OVERNIGHT SECURITY, PLEASE PROVIDE THE FOLLOWING DETAILS OF YOUR SECURITY PLAN:

ON SITE REPRESENTATIVES NAMES AND CONTACT NUMBRs:

<u>Name</u>	<u>Contact number</u>
_____	_____
_____	_____
_____	_____

OWNER(S) AFFIDAVIT *

I, Michael O'Brian, have authorized Michael O'Brian as My
(company or organization owner) (Civic Event Applicant)

Representative for the purpose of obtaining a Civic Event permit(s) from the City of Brighton Public
Services Department for my organization located at Brighton Area Fire Authority.
(company or organization address)



Owners Signature

4/10/13

Date

INDEMNIFICATION AGREEMENT

The Brighton Area Fire Authority
(business/organization) agree(s) to defend, indemnify, and hold harmless the City of

Brighton, Michigan, from any claim, demand, suit, loss, cost of expense, or any damage that may be asserted, claimed or recovered against or from the Brighton Area Fire Authority and/or the City of
(business/organization)

Brighton, by reason of any damage to property, personal injury or bodily injury, including death, sustained by any person whomsoever and which damage, injury or death arises out of or is incident to or in any way connected with the performance of this contract, and regardless of which claim, demand, damage, loss, cost of expense is caused in whole or in part by the negligence of the City of Brighton or by third parties, or by the agents, servants, employees or factors of any of them.

Signature  Date 4/10/13

Witness  Date 4-10-13

Memorandum

To: Dana W. Foster, City Manager
From: Matthew J. Schindewolf, Public Service Director
Date: April 11, 2013
Re: Water Utility Painting – Recommendation of Award

The five bids that were received on Monday, April 11, 2013 for the surface preparation and application of customized coating systems for each of the four pressure filter tanks, two stand pipes and concrete tank at the Challis Road Water Plant, and the lower cone of the Northstar Elevated Storage Tank have been evaluated. The bid totals are tabulated below:

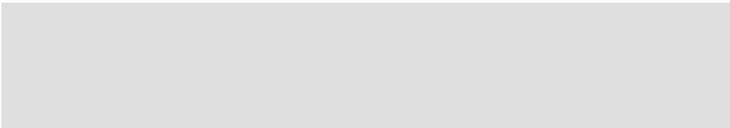
Quality Maintenance Contractors, Inc.	\$45,000
Seven Brothers Painting, Inc.	\$45,200
Fedewa, Inc.	\$76,500
Niles Industrial Coatings, LLC	\$81,700
Industrial Painting Contractors, Inc.	\$90,700

The low bid was submitted by Quality Maintenance Contractors, Inc. out of Muskego, MI. All of the bids received reflected the labor and material costs associated with the listed bid items. Each bid was complete and acceptable, and no mathematical errors were found. The references have been contacted and positive feedback regarding similar projects was received. Based upon this information, it is recommended that contract be awarded to **Quality Maintenance Contractors, Inc. in the amount of \$45,000.00.**

Once the award is made, the contract documents will be forwarded to Quality Maintenance Contractors, Inc. for execution, and a project schedule will accompany their submittals. Pending City Council approval at the April 18, 2013 meeting, it is anticipated that the Formal Notice of Award will be given on April 19th, and the Notice to Proceed will follow on April 22nd. After receipt and review of the submittals, the projected start date is May 1st, with a final completion no later than June 30, 2013.

The bid tabulation is attached for your review.

Cc: Tim Krugh, Utilities Superintendent



WATER UTILITY PAINTING PROPOSALS

BID TABULATION

BIDS RECEIVED BY CITY CLERK

2:00 PM, MONDAY APRIL 1, 2013

Brighton City Hall

200 North First Street, Brighton, Michigan

BIDDER	BASE BID	ALTERNATE 1 (Water Tower)	ALTERNATE 2 (Concrete Tank)	TOTAL	BID BOND
Fedewa Inc.	\$58,800	\$7,800	\$9,900	\$76,500	Yes
Seven Brothers Painting, Inc.	\$37,000	\$5,500	\$2,700	\$45,200	Yes
Quality Maintenance Contractors, Inc.	\$28,800	\$6,350	\$9,850	\$45,000	Yes
Industrial Painting Contractors, Inc.	\$79,200	\$6,300	\$5,200	\$90,700	Yes
Niles Industrial Coatings, LLC	\$41,800	\$36,000	\$3,900	\$81,700	Yes

**POLICY REPORT NO. BPD 13-04
REQUEST FOR TRANSFER OF LIQUOR LICENSE
423 W. MAIN STREET, BRIGHTON
APRIL 18, 2013**

Prepared by:

Thomas Wightman
Chief of Police

Reviewed by:

Dana W. Foster
City Manager

ISSUE:

Great Dane Ventures, Inc. (dba Two Brothers Coffee), 423 W. Main Street is requesting transfer and change of classification of the liquor license held by Pizza Hut, Inc. 8300 W. Grand River in Brighton Township.

BACKGROUND:

Great Dane Ventures, Inc. (dba Two Brothers Coffee) is entirely owned by James R. Starnes of Commerce, Michigan. He will be purchasing the liquor license from Pizza Hut, Inc. and transferring the location to his current business at 423 W. Main Street. The license being purchased for transfer is currently a Tavern license (beer & wine) but will be converted to a standard Class C (beer, wine, & spirits) upon transfer.

This will be the first liquor license held by Mr. Starnes, so he has no previous history record with the Michigan Liquor Control Commission. A criminal record check reveals no criminal arrests or convictions of any type.

BUDGET IMPACT:

None.

COUNCIL ACTION:

Generally, the Michigan Liquor Control Commission no longer requires a local resolution prior to their approval of a license transfer, although Brighton city ordinance requires City Council approval of any person or business selling liquor within the City. This case is somewhat unique in that it involves the change in classification of a license from Tavern to Class C, which does require a local resolution. Note that the wording indicates local approval for ***change of classification***, but not for the transfer of location or ownership. That is because it is only the change of classification aspect of the transfer process that requires local legislative approval. The attached resolution also includes approval in accordance with the City of Brighton alcohol ordinance.

STAFF RECOMMENDATION:

The Police Department recommends approval of the request.

Business ID: _____

Request ID: _____
(for MLCC use only)

RESOLUTION #13- _____

At a regular meeting of the Brighton City Council called to order by Mayor Jim Muzzin on April 18, 2013
at 7:30 p.m., the following resolution was offered:

Moved by _____ and supported by _____

the application from Great Dane Ventures, Inc. (dba Two Brothers Coffee), 423 W. Main St., Brighton, MI 48116

for the following license(s): Transfer of classification from Tavern license (formerly owned by Pizza Hut of America, Inc., 8300 W. Grand River, Brighton, MI 48116) to Class C license

and the following permits, if applied for: Dance Permit Entertainment Permit Topless Activity Permit

Extended Hours Dance Permit Hours Required: _____

Extended Hours Entertainment Permit Hours Required: _____

To be located at 423 W. Main St., Brighton, MI 48116

To be considered for approval

Approval Disapproval _____

Yeas: _____ **Yeas** _____

Nays: _____ **Nays** _____

Absent _____ **Absent** _____

It is the consensus of this body that it recommends this application be considered for approval by
(recommends/does not recommend)
the Michigan Liquor Control Commission.

Furthermore, it is the consensus of this body that the applicant is approved to sell alcohol at the above listed address in accordance with the City of Brighton code of ordinances 6-31 through 6-41.

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

Brighton City Council at a regular meeting held on April 18, 2013.
(regular or special)

Name and title of authorized officer (please print): _____

Signature and date of authorized clerk: _____

Phone number and e-mail of authorized officer: _____

**POLICY REPORT NO. BPD 13-05
INTERLOCAL AGREEMENT WITH HAMBURG TOWNSHIP
APRIL 18, 2013**

Prepared by:

Thomas Wightman
Chief of Police

Reviewed by:

Dana W. Foster
City Manager

BACKGROUND:

The Brighton Police Department recently provided training to the Hamburg Township Police Department in the use of new Tasers.

Hamburg PD recently purchased new model Tasers for all of their officers. The new models required training from instructors with more advanced training experience than that available to Hamburg PD through its own instructors. Brighton PD instructors were able to provide that training. In exchange for the training Hamburg PD offered to provide four of their older model Tasers to Brighton PD. These Tasers are the same model as that currently carried by most Brighton officers and will be assigned for use by Brighton reserve officers, who currently do not have such equipment available to them.

ISSUE:

Hamburg Township requests that the City of Brighton execute an agreement acknowledging the transfer of the equipment and accepting responsibility for them.

BUDGET IMPACT:

The receipt of the Tasers alleviates the City of Brighton for the need to purchase four Tasers for use by Reserve Officers, which if purchased new would be approximately \$5,500.00.

COUNCIL ACTION:

If approved by City Council, the Mayor and the City Manager should sign the agreement on behalf of the City.

STAFF RECOMMENDATION:

The Police Department recommends approval of the request.

ATTACHMENTS:

Proposed agreement between City of Brighton and Hamburg Township for the transfer of four Tasers with cartridges.

AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 2013, by and between Hamburg Township and the City of Brighton. Hamburg Township and Brighton agree to the following:

1. Hamburg Township agrees to, and hereby does, convey ownership of four (4) model X26 TASER Conducted Electrical Weapons (hereafter "TASER"), four (4) model X26 cartridges, and four (4) model X26 TASER holsters to Brighton. The TASERs and cartridges being specifically described as follows:

TASERs:

- A. Model X26, Serial# X00-181446
- B. Model X26, Serial# X00-578481
- C. Model X26, Serial# X00-580594
- D. Model X26, Serial# X00-071715

Cartridges:

- A. Model X26, 25-foot cartridge, Serial# C41027XTE
- B. Model X26, 25-foot cartridge, Serial# C41029YWP
- C. Model X26, 25-foot cartridge, Serial# C41029WRA
- D. Model X26, 25-foot cartridge, Serial# C41027XDC

2. The conveyance of the TASERs, cartridges and holsters is in consideration for services rendered by Brighton to and for the benefit of Hamburg Township. To wit: Brighton provided training to members of the Hamburg Township Police Department on February 19, 2013 and February 20, 2013 in the use of the model X2 TASER.
3. Brighton accepts all the TASERs, cartridges and holsters from Hamburg Township in an "as is" condition and agrees to defend, pay on behalf of, indemnify, and hold harmless Hamburg Township, its elected and appointed officials, employees and volunteers, and others working on behalf of Hamburg Township against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from Hamburg Township, by reason of personal injury, including bodily injury or death and/or property damage, which arises out of, or is in any way connected or associated with the use or operation of the TASERs, cartridges or holsters received from Hamburg Township.

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

CITY OF BRIGHTON

HAMB

URG TOWNSHIP

By: _____
James Muzzin Patrick

By: _____
J. Hohl

Its: Mayor Its:

Supervisor

By: _____
Dana Foster

By: _____
James A. Neilson

Its: City Manager Its:

Clerk

Dated: _____

Dated: _____

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

APRIL 18, 2013

Prepared by:

Amy Cyphert
Planning & Zoning Director

Reviewed by:

Dana Foster
City Manager

ISSUE:

Conduct second read and make a decision on the proposed amendments to Chapter 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.”

Attached you will find the proposed amendment to Sec. 54-121 per City Council direction on March 7, 2013 that were reviewed by the City Attorney.

BUDGET IMPACT: N/A

RELATIONSHIP TO 2012/2013 GOALS: N/A

COUNCIL ACTION:

Conduct a public hearing and one of the following:

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

Or

2. Consider second reading and denial of the proposed amendments Chapter 54, Article V, Division 1. Section 54-121

Or

3. Consider second reading and request revisions to the proposed amendments.

Attachments:

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

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF BRIGHTON, MICHIGAN, BY RENAMING CHAPTER 54, ARTICLE V, DIVISION 1. GENERALLY AS CHAPTER 54, ARTICLE V, DIVISION 1, FIREWORKS, AND REPLACING SECTION Sec. 54-121. Discharge of Fireworks, WITH A NEW SECTION WHICH SHALL BE DESIGNATED AS Sec.54-121. Definitions., OF CHAPTER 54, DIVISION 1 OF THE CODE, AND AMENDING CHAPTER 54, ARTICLE V, DIVISION 1 OF THE CODE BY ADDING NEW SECTIONS 54-122, 54-123 AND 54-124.

THE CITY OF BRIGHTON, LIVINGSTON COUNTY, HEREBY ORDAINS:

I. Chapter 54, Article V, Division 1, Generally, is hereby renamed as Chapter 54, Article V, Division 1, Fireworks.

II. Section 54-121 of Division 1 of Article V of Chapter 98 is hereby replaced and shall read as follows:

Sec. 54-121. Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means The Michigan Fireworks Safety Act, Public Act 256 of 2011, MCL 28.451 et seq. and its amendments.

Fire Marshal means the Fire Marshal of the Brighton Area Fire Department or his or her designee.

National Holiday means, as used in this section, the legal public holidays set forth in 5 USC 6103.

Any other terms contained herein that are defined in the Act, as amended, shall be defined as set forth in the Act.

III. New Sections 54-122, 54-123 and 54-124 are hereby added as follows:

Sec. 54-122. Ignition, discharge or use of consumer 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. 54-122 (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 in violation of MCL 28.462(1) or (3), as amended. Violation of those subsections will result in liability as set forth in the Act.
- (c) Ignition, discharge or use of any fireworks shall comply with all applicable state and federal laws and regulations.
- (d) 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. 54-122 (d) shall be guilty of a civil infraction and shall be punished by a fine(s) as set forth in section 1-16(b).
- (e) 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 54-122 (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).
- (f) 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. 54-122 (f) shall be guilty of a civil infraction and shall be punished by a fine(s) as set forth in section 1-16(b).

Sec. 54-123. Ignition, discharge or use of display fireworks.

- a. No person shall discharge any Display fireworks without a permit issued by the City Council. Permits are not transferable and shall not be issued to a minor.
- b. Applicants for permit under this section must file with the city clerk an application in writing on a form to be provided by the Department of Licensing and Regulatory Affairs, as set forth in MCL 28.466.
- c. The fees for the permit required by this section shall be charged by the city clerk in an amount to be established by resolution of the council.
- d. A permit shall not be issued to a nonresident person, firm, or corporation for ignition of articles pyrotechnic or display fireworks until the person, firm, or corporation has appointed in writing a resident member of the bar of this state or a resident agent to be the legal representative upon whom all process in an action or proceeding against the person, firm, or corporation may be served.
- e. Before a permit for articles pyrotechnic or a display fireworks ignition is issued, the person, firm, or corporation applying for the permit shall furnish proof of

financial responsibility by a bond or insurance in an amount, character, and form deemed necessary by the local governing authority to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person, firm, or corporation or an agent or employee of the person, firm, or corporation, and to protect the public.

- f. The City Council shall rule on the competency and qualifications of articles pyrotechnic and display fireworks operators as required by NFPA 1123, as the operator has furnished in his or her application form, and on the time, place, and safety aspects of the display of articles pyrotechnic or display fireworks before granting permits.
- g. In addition to the other conditions set forth in this section, permit applications shall be subject to background investigations to determine whether the applicant has ever been involved in criminal or fraudulent activities, or has ever had a license or permit suspended or revoked for cause. If, as a result of the investigation, the Fire Marshal or Chief of Police has reasonable cause to believe that the applicant may cause or present a danger to public safety if granted a fireworks display permit, the City Council may deny the application.
- h. Cost of policing. Fireworks displays vary in size and scope, and displays of large magnitude cause the city to incur significant additional expenses for police, fire, and emergency services. Therefore, in addition to the nonrefundable application fee, an applicant for a permit to use, discharge, or display fireworks shall deposit with the city, as a condition of enjoying the privileges inherent in receipt of a permit, an amount reasonably calculated to reimburse the city for the cost of additional police and emergency services. The city shall hold such amount, to be determined by the City Council at the time the permit application is considered, in escrow until after the fireworks display. In determining the amount, the City Council may utilize its past experiences and the experiences of other communities. The city shall itemize its additional police and emergency services expenses incurred as a result of the fireworks display and may draw from the escrowed funds to achieve full reimbursement. Remaining funds shall be returned to the permit applicant. In the event that the escrowed funds are insufficient to cover the city's actual costs under this division (8), the city shall serve an invoice upon the permit applicant with a demand for payment. Failure of a permit applicant to comply with any of the provisions of this division (8) shall be a misdemeanor, punishable as provided in section 1-16(b) of this code.
- i. Term.
 - (1) Permits for the use or discharge of display fireworks are valid only for the date(s) and time(s) stated on the permit itself. Each subsequent use or discharge of display fireworks shall require a new permit, and the applicant shall follow the application process set forth in this article.
 - (2) Display permit conditions. The issuance of a permit for the use or discharge of display fireworks shall be conditioned upon compliance with all of the terms and conditions of this article, as well as the International Fire Code. In addition, the issuance of such a permit shall be conditioned upon the following:

- a. The applicant and property owner must execute a written agreement, in a form approved by the City Attorney, to allow police, fire, and emergency personnel designated by the city to be present on the premises before, during, and after the fireworks display for purposes of supervising and inspecting the display and surrounding conditions for public safety hazards and violations of city codes and ordinances; and
- b. The applicant and property owner must execute an indemnification agreement, in a form approved by the City Attorney, to indemnify the city for any and all liability or damages incurred by any person or entity as a result of the fireworks display.

Sec. 54-124. Revocation of display fireworks permit.

A permit issued under this division may be refused, suspended, revoked by the City Council for cause. The term “cause” as used in this section, shall include the doing or omitting of any act or permitting any condition to exist on the premises for which a permit is issued, which act, omission, or condition is contrary to the health, safety, and welfare of the public, is unlawful, irregular, or fraudulent in nature, is unauthorized or beyond the scope of the permit issued, or is forbidden by this division or any applicable law. Cause shall include but not be limited to:

- (a) Fraud or material misrepresentation in the application;
- (b) Fraud or material misrepresentation in the operation of the fireworks display during a safety inspection;
- (c) Any material violation of this division or of the regulations authorized herein;
- (d) Any violation of federal or state law or local ordinance which creates a risk to the health, safety, or welfare of the community;
- (e) Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire, or other applicable regulatory codes;
- (f) Failure by the owner or operator to permit safety inspection by the city's agents or employees in connection with the enforcement of this division;

IV. This Ordinance shall be in full force and effect fifteen (15) days from the adoption as provided by the Brighton City Charter.

 DIANA LOWE, City Clerk

 JAMES MUZZIN, Mayor

First Reading: _____

Brief Publication: _____

Public Hearing: _____

Second Reading: _____

Adoption: _____

Full Publication: _____

POLICY REPORT - FINANCE

Conduct a Public Hearing on the Proposed FY 2013-14 City Budget

April 18, 2013

Prepared by:

Reviewed by:

Kelly Hanna, Finance Director

Dana Foster, City Manager

ISSUE:

The City Council must conduct a public hearing prior to the adoption of the City's FY 2013-14 Budget.

STAFF RECOMMENDATION:

To formally conduct the public hearing on the City's proposed FY 2013-14 Budget, to receive input from the public prior to the adoption of the Budget.

BACKGROUND:

Based on the requirements of Chapter 8, Section 3 of the City Charter, the attached public notice of the said public hearing has been published in the Livingston County Press & Argus issues of April 12 and April 14, 2013. The notice reflects the City Manager's amended proposed FY 2013-14 Budget per City Council's adopted motion on April 4, 2013:

General Fund

1. Reduce health care premiums \$89,907
2. Reduce personnel expenditures in the DPS division by not back-filling a Cemetery position & a Street position in the DPS, \$152,000
3. Increase appropriation to Major Street Fund for Roadway Maintenance, \$66,915
4. Reduce OPEB Contributions, \$50,000

Major Street Fund

1. Increase for Roadway Maintenance, \$66,915

Utilities Fund

1. Reduce health care premiums \$45,940

RELATIONSHIP TO GOALS:

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

BUDGET IMPACT:

The City Council shall consider the public's input when finalizing the FY 2013-14 Budget.

ACTION/MOTION:

Hold the public hearing on the proposed FY 2013-14 Budget.

CITY OF BRIGHTON
NOTICE OF PUBLIC HEARING
ON PROPOSED FY 2013-14
CITY BUDGET

The City of Brighton will hold a public hearing at 7:30 p.m. on Thursday, April 18, 2013 in the City Council Chambers, 200 North First Street, Brighton, for the purpose of receiving written and oral comment concerning the City of Brighton's proposed budget for fiscal year 2013-14 which is summarized below.

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

SUMMARY OF PROPOSED 2013-14 BUDGET CITY OF BRIGHTON

<u>Source:</u>	<u>Revenue</u>
Property Taxes, Penalties, Interest & Fees	\$6,336,893
Licenses & Permits	333,353
Federal Grants	7,500
State Grants	28,500
State Shared Revenue	1,040,573
Local Unit Contribution	93,188
Service Charges	3,993,827
Fines & Forfeits	129,630
Investment Earnings	35,009
Rents & Royalties	71,680
Other Revenue	342,653
Other Financing Sources	2,046,530
Net Use of Fund Balance and Working Capital	-183,590
Less: Appropriations Between Funds	<u>-1,745,541</u>
TOTAL REVENUE	<u>\$12,530,205</u>

<u>Fund:</u>	<u>Expenditures</u>
General	7,437,629
Streets (including capital improvements)	959,209
PSD	41,100
Arts/Cultural Commission	5,000
Imagination Station Maintenance	16,000
Street Debt	733,006
Capital Improvements (including debt)	289,611
Building Authority (including debt)	114,142
Downtown Development Authority (including debt)	877,569

Local Development Finance Authority (including debt)	74,975
Utilities (including capital and debt less depreciation)	3,727,505
Less: Appropriations Between Funds	<u>-1,745,541</u>
TOTAL EXPENDITURES	<u>\$12,530,205</u>

An increase in the residential refuse collection user fee to be charged to support the proposed budget will be a subject of this hearing.

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

Diana Lowe
City Clerk
City of Brighton

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

BA 04/12/13, 04/14/13

CITY OF BRIGHTON
 GENERAL FUND SUMMARY
 SIX YEAR FINANCIAL FORECAST (as of April 4, 2013)

	Baseline Forecast									
	11-12	12-13	12-13	13-14	14-15	15-16	16-17	17-18	18-19	
Year End	Actual	Adopted Budget	Year End Projection	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast
Revenue	8,222,622	7,836,686	7,929,618	7,510,008	7,528,472	7,588,979	7,668,866	7,778,934	7,901,923	
Less: Expenditures	7,981,772	7,830,851	7,991,455	7,437,629	7,531,676	7,779,931	7,920,364	8,221,697	8,596,561	
Funds Available	240,850	5,835	(61,836)	72,379	(3,204)	(190,952)	(251,498)	(442,763)	(694,638)	
Less: Committed Fund Balance for future capital	20,000	57,139	57,139	-	-	-	-	-	-	
Funds Available after Committed Fund Balance	220,850	(51,304)	(118,975)	72,379	(3,204)	(190,952)	(251,498)	(442,763)	(694,638)	
Add: Beginning Unreserved Fund Balance	1,327,365	1,389,702	1,548,215	1,429,240	1,501,618	1,498,414	1,307,462	1,055,964	613,201	
Ending Unreserved Fund Balance	1,548,215	1,338,398	1,429,240	1,501,618	1,498,414	1,307,462	1,055,964	613,201	(81,437)	
Minimum Target Unreserved Fund Balance (15%):	953,265	956,106	987,765	943,764	962,496	994,206	1,025,898	1,064,186	1,105,240	
Unreserved Fund Balance Over/(Under)	594,950	382,292	441,475	557,854	535,919	313,256	30,066	(450,985)	(1,186,677)	
Funds Shortage expressed as avg. FTE's					5.34	3.12	0.30	(4.49)	(11.82)	
Fund Balance as a % of Operating Expend.	24%	21%	22%	24%	23%	20%	15%	9%	-1%	
Ending Committed Fund Balance	20,000	77,139	77,139	77,139	77,139	77,139	77,139	77,139	77,139	

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

<u>ACCOUNTS</u>	<u>ACTUAL</u>	<u>PROJECTED</u>	<u>PROPOSED</u>
	<u>11-12</u>	<u>YEAR-END</u>	<u>BUDGET</u>
		<u>12-13</u>	<u>13-14</u>
REVENUES:			
Licenses & Permits	3,875	24,000	24,000
Federal Grants	-	-	-
State Grants	-	-	-
State Shared Revenue	324,842	330,305	330,055
Fines & Forfeits	-	-	-
Investment Earnings	962	800	800
Other Revenue	110,385	96,916	86,816
Other Financing Sources	<u>191,923</u>	<u>215,075</u>	<u>252,877</u>
TOTAL REVENUES	631,987	667,096	694,548
EXPENDITURES:			
General Administration	18,677	18,915	19,319
Engineering Services	-	-	-
Street Construction	1,816	10,000	66,915
Routine Maintenance	115,381	137,060	105,359
Trust Fund Maintenance	11,573	7,591	4,786
Traffic Services	46,527	45,619	45,619
Winter Maintenance	117,015	135,478	135,478
Stormwater	25,778	18,396	19,372
Transfers-Out Other Funds	<u>372,980</u>	<u>366,779</u>	<u>359,020</u>
TOTAL EXPENDITURES	709,747	739,838	755,869
FUND BALANCE-BEGIN.	354,686	276,926	204,184
FUND BALANCE-ENDING	276,926	204,184	142,863
Reserved for future SAD Payme	185,980	163,775	142,371
Unreserved Fund Balance	90,946	40,409	492

**CITY OF BRIGHTON
FINANCIAL SUMMARY
UTILITIES FUND**

	YEAR-END FINANCIAL		
	ACTUAL FY 2011-12	PROJECTED FY 2012-13	PLAN FY 2013-14
REVENUES			
Service Charges	3,485,414	3,440,723	3,415,320
Other Revenue	85,216	63,150	62,276
Fines & Forfeits	56,076	49,800	49,800
Total Operat. Revenue	3,626,706	3,553,673	3,527,396
Investment earnings	3,201	2,016	2,500
TOTAL REVENUES	3,629,907	3,555,689	3,529,896
EXPENSES			
Sewer	2,143,327	2,123,631	2,171,022
Water	1,403,404	1,421,405	1,437,621
StormWater	106,572	106,113	106,572
Total Oper. Expenses	3,653,302	3,651,149	3,715,214
Bond Issuance Cost	55,786	1,992	1,996
Interest Expense	441,635	324,175	282,852
TOTAL EXPENSES	4,150,723	3,977,316	4,000,062
INCOME/(LOSS) Before Operating Transf	(520,816)	(421,627)	(470,166)
Lines Donated by Developers	-	-	-
Net Operating Transfers	(217,547)	(382,330)	(411,665)
NET INCOME/(LOSS)	(738,363)	(803,957)	(881,831)
DEPRECIATION ON CAPITAL ASSETS ACQUIRED BY FEDERAL GRANTS	374,461	374,461	374,461
INCREASE/(DECREASE) IN RETAINED EARNINGS/(ACCUMULATED DEFICIT)	(363,902)	(429,496)	(507,370)
CAPITAL ASSETS (less restricted portion)	-	(119,950)	-
OTHER COSTS	-	-	-
DEPRECIATION/AMORTIZATION	1,204,403	1,197,701	1,183,660
CURRENT PORTION OF N/Y L.T. DEBT	-	-	-
CONTRIBUTED CAPITAL	226,229	313,458	134,399
GRANT PROCEEDS	-	-	-
PROCEEDS OF LONG-TERM DEBT	91,656	-	-
PAYMENT OF LONG-TERM DEBT	(877,200)	(862,200)	(873,900)
CHANGE IN WORKING CAPITAL	281,186	99,513	(63,211)
WORKING CAPITAL-BEGINNING	508,530	789,716	889,229
WORKING CAPITAL-ENDING	789,716	889,229	826,018
WC as a % of Expenses less Depreciation	28%	32%	29%
WC as a % of Expenses with Depreciation	18%	20%	19%