

CITY OF BRIGHTON
CITY COUNCIL MEETING
CITY HALL
February 21, 2013

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

REGULAR SESSION - 7:30 P.M.

1. Call to order
2. Pledge of Allegiance
3. Roll Call
4. Eagle Scout proclamation presentation
5. Consider approval of the Agenda
6. [Approval of minutes: Regular Meeting](#) and closed session of [February 7, 2013](#)
7. Mayor's Reading of Citizen Inquiries received since the last City Council Meeting
8. Call to the Public

Consent Agenda

9. Consider approval of a [Redevelopment Liquor License application related resolution](#) for Two-Brothers Coffee

Policy Development & Customer Communications' action item

10. Consider approval of the Brighton Arts and Culture Commission's recommendation to [accept private donations for the purchase of the sculpture "Spiral" by Maureen Voorheis](#)
11. Consider approval of a [civic event application for a St. Patrick's Day Tent & related event](#) from "The Pound"
12. Budget Prep Process Status Update Report & related Financial Forecasting Preview report from the City Manager

Other Business

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

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON FEBRUARY 7, 2013 AT THE BRIGHTON CITY HALL
200 N. 1ST STREET, BRIGHTON, MICHIGAN

BLUE SKY SESSION

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

REGULAR SESSION

Mayor Muzzin called the regular meeting to order at 7:30 p.m. Following the Pledge of Allegiance, the roll was called, there being present were Mayor Muzzin, Councilmembers Bandkau, Schillinger, Pipoly, Roblee and Bohn. Also in attendance were Attorney Brad Maynes, Staff members Dana Foster, Matt Schindewolf, Kelly Hanna, Jennifer Burke, Diana Lowe, Matt Modrack and Jon Westendorf and an audience of 11. Press and Media included Nicole Krawcke from the Patch and Tom Tolen from WHMI.

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

AGENDA APPROVAL

It was moved by Councilmember Schillinger, seconded by Bohn to approve the agenda as amended. Add item #16a, Pending MTT Litigation Closed Session and item #16b, Possible Action on Pending MTT Litigation Closed Session. Motion passed 6-0-1.

MINUTES APPROVAL

It was moved by Councilmember Pipoly, seconded by Bandkau to approve the Regular Meeting minutes of January 17, 2013 as corrected. Page two, Consent Agenda, #1, Approved Resolution 13-01 and Page three, City Customer Information, 1st paragraph, should read: defibrillator. Motion passed 5-0-1-1, with Councilmember Roblee abstaining.

It was moved by Councilmember Bohn, seconded by Bandkau to approve the Closed Session minutes of January 17, 2013 as presented. Motion passed 5-0-1-1, with Councilmember Roblee abstaining.

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

CITIZEN INQUIRIES

None.

CALL TO THE PUBLIC

Mayor Muzzin opened the Call to the Public at 7:34 p.m. The following comment was heard:

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Fred Feldman, Stonefire, gave an update on the pending Liquor License transfer for 440 W. Main Street.

Hearing no further comments, Mayor Muzzin closed the Call to the Public at 7:35.

CONSENT AGENDA

It was moved by Councilmember Roblee, seconded by Bandkau to approve the Consent Agenda as presented. Motion passed 6-0-1.

The following items were approved:

1. Approved an intergovernmental agreement for inspection services with the Livingston County Building Department as recommended by staff and subject to final review and approval by the City Attorney.
2. Approved the quarterly investment report.
3. Approved a Special Land Use Permit to allow the expansion of the St. Patrick Church Cemetery at 215 Brighton Lake Road.

QUOTA LIQUOR LICENSE PUBLIC HEARING

Mayor Muzzin opened the Public Hearing for a new available Quota Liquor License at 7:36 p.m. The following comments were heard:

Jenny Cozinski, Kathleen's Cookies, stated they are leasing the Leaf, Barley and Vine building and intend to put in a bakery, retail and to host events at their new location.

Debra Skorupski, Two Brothers Coffee, asked on what basis is the vote being taken on for this license and what priority are candidates given for this license.

Jennifer Saum, Main Street Cheese Market, stated her business has grown each year they have been in business in the City of Brighton.

Stan Schaefer, Scotty Simpsons, stated they have invested much into this community and to take this into consideration when awarding this license.

Mayor Muzzin stated he received a letter from Mark Binkley stating Scotty Simpsons should receive the Quota Liquor License.

Hearing no further comment, Mayor Muzzin closed the Public Hearing at 7:45 p.m.

Attorney Brad Maynes stated that everyone receives notice and everyone is considered for an available Quota Liquor License according to the Ordinance.

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City Manager, Dana Foster stated the decision would be made on he referenced the proposed Resolution, which states the Findings of Fact. The portion of the relevant Ordinance was referenced in the notice published in the notice.

QUOTA LIQUOR LICENSE

Mayor Muzzin stated the other three applicants have the ability to apply for a Redevelopment Liquor License and Scotty Simpson's does not.

It was moved by Mayor Muzzin, seconded by Schillinger to approve Resolution 13-02, as presented in by the City Attorney, granting the available Class C quota Liquor License to Gen Jan, LLC, 150 N. 1st street. A roll call vote was taken. Yes: Bandkau, Muzzin, Schillinger. No: Bohn, Roblee. Abstain: Pipoly. Absent: Cooper. Motion passed 3-2-1-1.

There was Council discussion regarding the difficult decision of awarding this Quota Liquor License.

CITY CEMETERY SERVICES AND REGULATIONS PUBLIC HEARING

Mayor Muzzin opened the Public Hearing for the City's Cemeteries' Services and Regulations input at 8:01 p.m. Hearing no comment, Mayor Muzzin closed the Public Hearing.

Councilmember Roblee stated she had received a compliment that the City Cemeteries are in good shape.

CITY CUSTOMER INFORMATION

Councilmember Bandkau gave a Brighton Veteran's Memorial Committee update, stating they are hoping to have the dedication this fall. Go to brightonveteransmemorial.org for additional information.

Councilmember Roblee gave a PSD update stating they are planning events for the upcoming season.

Mayor Muzzin stated the Brighton Area Fire Authority had their Annual Fire Awards presentation. He stated the Fire Fighter of the year was awarded to Rick Boisvert.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 8:08 p.m. The following comment was heard:

Fred Feldman, Stonefire, thanked the Council for their decision on the Liquor License.

Hearing no further comment, Mayor Muzzin closed the Call to the Public at 8:09 p.m.

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PENDING MTT LITIGATION CLOSED SESSION

It was moved by Councilmember Pipoly, seconded by Roblee to go into Closed Session to discuss pending Michigan Tax Tribunal Litigation. A roll call vote was taken. Yes: Schillinger, Bohn, Muzzin, Bandkau, Roblee, Pipoly. No: none. Absent: Cooper.

The Council convened into Closed Session at 8:10 p.m.

The Council reconvened the Regular Meeting at 8:25 p.m.

PENDING LITIGATION CLOSED SESSION ACTION

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

ADJOURNMENT

It was moved by Councilmember Roblee, seconded by Bohn to adjourn the meeting at 8:26 p.m. Motion passed 6-0-1.

Diana Lowe, City Clerk

Jim Muzzin, Mayor

Request from James R. Starnes, President, Great Dane Ventures, Inc., d/b/a Two Brothers Coffee, 423 W. Main Street, Brighton, Michigan for City Council Approval to make Application to the Michigan Liquor Control Commission for a Class C Liquor License pursuant to Public Act 501 of 2006 (Development District Liquor Licenses) and Specifically the Provisions of 436.1521a(1)(b) of the Michigan Compiled Laws.

February 21, 2013

Prepared by:	Reviewed	by:	Approved	by:
Lauri French, Deputy Dir., Planning & Zoning		Matthew Modrack, DDA Exec. Dir., C/D Dir.		Dana W. Foster City Manager

The Request:

James R. Starnes, President, Great Dane Ventures, Inc., d/b/a Two Brothers Coffee, is requesting City Council approval to make application to the Michigan Liquor Control Commission for a Redevelopment Liquor License pursuant to Public Act 501 of 2006 in order to provide liquor service for his existing business, which currently serves assorted beverages, specializing in coffee drinks, baked goods and other commodities located at 423 W. Main Street. Mr. Starnes intends to change and upgrade the interior seating area and build a covered outdoor patio with seating at the rear entrance. The proposed changes have not yet been reviewed by Staff for further action.

As Council is aware, Mr. Starnes was one of four applicants for an additional quota license that was awarded to Scotty Simpson's (Gen-Jan) on February 7, 2013. Mr. Starnes had originally applied for a redevelopment liquor license in December 2012 but withdrew that application when he learned that a quota license was available at a much lower cost. After the quota license was awarded to Scotty Simpson's, Mr. Starnes requested that his redevelopment liquor license application be considered by Council at the earliest possible date.

This request comes to the City subsequent to the City Council action on April 5, 2007 establishing the Downtown Development Authority district as the City's "Development Authority District" as required by the provisions of Section 521a(1)(b) of the new law.

Submittal Requirements:

In order to qualify for consideration by the Michigan Liquor Control Commission for a Redevelopment License the owner of Great Dane Ventures, Inc., d/b/a Two Brothers Coffee, must meet certain minimum requirements:

1. The subject business must be located within an established Development District, which in this case, is the City's DDA district. *The subject site, 423 W. Main Street, is located within the City's DDA.*
2. The applicant must have expended at least \$75,000 for the rehabilitation or restoration of the building, or committed the same amount for capital investment. *Per the attached letter dated January 8, 2013, the applicant has advised that the investment over the past five years is in*

excess of \$75,000. He further advises that planned new capital investment will exceed \$100,000.

3. The applicant must demonstrate that the business has a seating capacity of not less than 25 persons. *The current seating capacity is 25 and will increase to 35 with planned interior changes. The planned outdoor patio will also increase seating capacity.*
4. The total private/public investment in the Development Authority District is at least \$200,000 over the preceding five-year period. *The public/private investment in the City's selected Development Authority District was recently updated for the period January 1, 2007 through December 31, 2011. The investment totals \$18.9 million and was confirmed by the City Assessor per the attached affidavit.*

Great Dane Ventures, Inc., d/b/a Two Brothers Coffee, appears to meet the minimum requirements for consideration by the LC C for a Redevelopment Liquor License within an established Development District.

Local Policy Guide:

On December 18, 2008 the City Council adopted Resolution 08-33, a policy guide for consideration of applications for liquor licenses pursuant to Act 50 of 2006. This resolution is comprised of four benchmarks for consideration:

1. The request is a use permitted by right in the DBD or business zoning district. *The subject location is zoned DBD and the proposed use is specifically permitted by right per Sec. 98-462 a (1) h.*
2. The request is supported by the Master Plan, DDA Development Plan, Downtown Blueprint, PSD Tactical marketing Plan, or other development guides applicable to the Development District. *Restaurant uses are specifically targeted as desirable businesses in the 2003 Downtown Blueprint, Master Plan and PSD Tactical Marketing Plan.*
3. The applicant does not have any current or outstanding code violations. *Renee Leija, Building Clerk, advises that the subject site does not have any outstanding code violations.*
4. The applicant does not have any outstanding City taxes or other City fees.

Based on the foregoing, Community Development & Planning staff concludes that Great Dane Ventures, Inc., d/b/a Two Brothers Coffee, meets the local criteria for consideration for a Redevelopment Liquor License pursuant to Resolution 08-33 adopted December 18, 2008.

Staff Recommendation:

This office recommends the City Council support and approves the request from James R. Starnes on behalf of Great Dane Ventures, Inc., d/b/a Two Brothers Coffee, at 439 W. Main Street, for a Redevelopment Liquor License based on the following:

City Council approval at this stage of the process enables Great Dane Ventures, Inc., d/b/a Two Brothers Coffee, to submit their application and required documentation to the Liquor Control Commission in

order for the LCC to begin their standard investigation. The Brighton Police Department has already completed its background investigation as part of the quota license application process.

Relationship to 2012/13 Adopted Council Goals:

Council action will advance City Council's goal of maintaining a "Business Friendly" posture and fits neatly into the MML-endorsed "**Eight Assets for 21st Century Communities**" used to develop Council's 2013 goals at the retreat in November 2012.

Budget Impact:

To the extent that the applicant has identified wine and beer services as a necessity for a successful restaurant, the requested action could have a positive impact on the tax base for the City as well as enhancing the State revenue from liquor sales taxes.

Recommended Council Action:

To pass the accompanying resolution which approves Great Dane Ventures, Inc., d/b/a Two Brothers Coffee, 429 W. Main Street, Brighton, MI for a Redevelopment District Liquor License pursuant to PA 501 of 2006.

Attachments:

Correspondence from James Starnes dated January 8, 2013

Affidavit of Public and Private Investment dated December 20, 2012

Resolution No. _____

GREAT DANE VENTURES DBA TWO BROTHERS COFFEE

January 8, 2012

City of Brighton

Re: New Class C Quota Liquor License Request

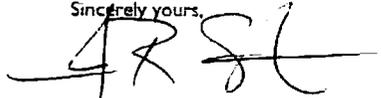
Dear City Council,

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

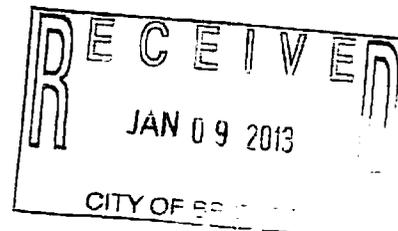
1. The estimated dollar amount of capital investment by Great Dane Ventures dba Two Brothers Coffee in the City of Brighton over the last five years has been in excess of \$256,000.00. Two Brothers Coffee currently employs 7 people.
2. Currently my business, Two Brothers Coffee, provides assorted beverages,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

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

Sincerely yours,



James Starnes
CEO Great Dane Ventures
dba Two Brothers Coffee



AFFIDAVIT OF PUBLIC AND PRIVATE INVESTMENT
IN THE QUALIFIED DEVELOPMENT DISTRICT AREA
FOR THE CITY OF BRIGHTON

I, Colleen D. Barton, am the City Assessor for the CITY OF BRIGHTON. I have examined the assessment records, accounting records and building permit records for the City of Brighton and made the following determination as to the public and private investment in the City of Brighton qualified development district (Downtown Development Authority District). Based on my review of these records, I have determined that the total amount of public and private investment in real and personal property within the qualified development district over the preceding five (5) year period, January 1, 2007 through December 31, 2011, is \$18,931,838, an amount that exceeds the minimum required by Public Act 501 of 2006m, Section 521a(1)b. I have made this determination to the best of my knowledge and ability on this day of December 20, 2012, in Livingston County, Michigan.

CITY OF BRIGHTON
A Michigan Home Rule City

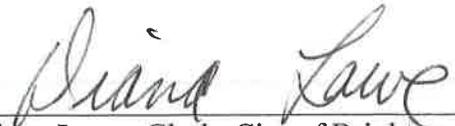
December 20, 2012



Colleen D. Barton, Assessor

I hereby certify that I have read the foregoing Affidavit and find it to be a true determination made by our City Assessor of the public and private investment in the City of Brighton qualified development district based on assessment records, accounting records and building permit records for the period January 1, 2007 through December 31, 2011 to the best of my knowledge on this 20th day of December, 2012 in Livingston County, Michigan.

SEAL



Diana Lowe, Clerk, City of Brighton
200 N. First St., Brighton, MI 48116
810-227-0463

RESOLUTION #13-_____

At a _____ regular _____ meeting of the _____ Brighton City Council _____

called to order by _____ Mayor Jim Muzzin _____ on _____ February 21, 2013 _____ at _____ 7:30 p.m. _____

the following resolution was offered:

Moved by _____ and supported by _____

that the application from _____ Great Dane Ventures, Inc., d/b/a Two Brothers Coffee _____

for the following license(s): Class C non-transferable license under MCLA 436.1521a(1)(b)

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 _____ "above all others?" _____

Approval

Disapproval

Yeas: _____

Yeas _____

Nays: _____

Nays _____

Absent _____

Absent _____

It is the consensus of this body that it _____ Recommends _____ this application be considered for
(Reco mmends/does not recommend)

approval by the Michigan Liquor Control Commission.

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 February 21, 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: BRIGHTON ARTS AND CULTURE COMMISSION'S
(BACC) RECOMMENDATION TO ACCEPT DONATIONS FOR
PURCHASE OF THE SCULPTURE "SPIRAL" BY MAUREEN VOORHEIS**

February 21, 2013

Prepared by:

Reviewed by:

Reviewed by:

Lauri French, Deputy
Planning & Zoning Director

Matt Modrack, DDA Exec.
Dir./Comm. Dev. Director

Dana Foster
City Manager

ISSUE:

To consider granting approval to accept the donations from Lawrence Auto Body, Corrigan Oil, Stew-Hort, Inc. (Tim Horton's), and Dana Foster for purchase of the sculpture "Spiral" by Maureen Voorheis in the amount of \$1,585. The attached signed Bill of Sale dated December 16, 2012 was reviewed by the City Attorney's office prior to being signed by the artist.

STAFF RECOMMENDATION:

Staff concurs with the Brighton Arts and Culture Commission's recommendation.

BACKGROUND:

The purchase of "Spiral" was first discussed at the December 13, 2010 BACC meeting where it was proposed that the Tim Horton's regional or corporate office be approached about purchasing it for donation to the City. Staff sent a letter to the regional office which they forwarded to the Corporate offices in Canada. We received notification in December 2011 that Tim Horton's Corporate office was not interested in purchasing the sculpture. It was proposed that the franchise owner be approached to determine their interest in donating toward the purchase of the sculpture. In June 2012, Larry Lawrence, a BACC member and owner of Lawrence Auto Body, volunteered to contact the owner and offered to donate the balance if the Tim Horton's owner agreed to contribute. It was noted that the sculpture would need to be re-painted, and Staff received a quote from Mob Steel through the sculpture's fabricator for \$500. The BACC earmarked a previous private donation to the BACC for that expense.

The BACC was notified in July 2012 that Maureen Stewart, one of the owners of the Tim Horton's store, was willing to donate \$500. Staff contacted Mike Corrigan, who owns the property on which the sculpture sits, in October 2012 to determine if he would be interested in donating toward the purchase and Mr. Corrigan agreed to contribute \$500. The BACC approved an additional \$500 to re-paint the sculpture after it was purchased and City Manager Foster has donated the \$85 balance to purchase the sculpture. Staff sent a draft Bill of Sale to the City Attorney's office for approval which the artist, Maureen Voorheis, signed and returned on December 16, 2012 (attached). The BACC approved sending the recommendation to purchase "Spiral" to City Council at their meeting on January 14, 2013.

BUDGET IMPACT: The purchase price of “Spiral” is \$1,585 and the BACC has received private donations to cover the entire purchase price. The estimated \$500 to re-paint the sculpture in 2013 will be paid for by a previous private donation to the BACC, so there is no impact to the BACC fund. Upon approval of the sculpture purchase, Staff will request that it be added to the property covered under the City’s insurance policy with Meadowbrook. The BACC will be responsible for future maintenance of the sculpture.

RELATIONSHIP TO 2012/2013 GOALS: The recommendation to purchase the sculpture for the City’s permanent display is not a specific goal for FY 12/13; however, it is consistent with the intent of the Cultural Economic Development portion of the MML’s “Eight Assets for a 21st Century Community” previously adopted by City Council.

COUNCIL ACTION:

Motion by _____ to recommend approval of the Brighton Arts and Culture Commission’s recommendation to accept the donations of \$500 each from Lawrence Auto Body, Corrigan Oil and Stew-Hort, Inc. (Tim Horton’s) and \$85 from Dana Foster toward purchase of the sculpture “Spiral” in the amount of \$1,585. It is further recommended to approve the executed Bill of Sale signed by artist Maureen Voorheis dated December 16, 2012, to direct Staff to finalize the purchase of “Spiral” by the City and add the sculpture to the City’s insurance policy.

Attachments:

Bill of Sale from artist Maureen Voorheis signed 12/16/12
Photograph of “Spiral”

BILL OF SALE

MAUREEN VOORHEIS ("Voorheis"), whose address is 5872 Shaun Rd., W. Bloomfield, MI 48322, conveys and warrants to the CITY OF BRIGHTON ("Brighton"), a Michigan municipal corporation, whose address is 200 North First Street, Brighton, Michigan 48116, for the full consideration of One Thousand Five Hundred Eighty-Five Dollars (\$1,585.00) any and all ownership interest in the artwork commonly known as "Spiral", and more specifically identified in the attached Exhibit A photograph ("Artwork"), as well as all intellectual property rights to such Artwork, including, but not limited to any and all copyright, trademark and patent rights.

The parties agree and acknowledge that the Artwork may be used by the City of Brighton, the Principal Shopping District (PSD), and the Brighton Arts and Culture Commission (BACC) for promotional purposes related to any permanent or temporary art exhibit and for the downtown or City in general, including, but not limited to, display, and for creation of images of the Artwork for use in promotional materials and advertising such as e-cards, postcards, tee shirts, posters, display advertisements, and the City and Principal Shopping District websites, provided the following accreditation is included:

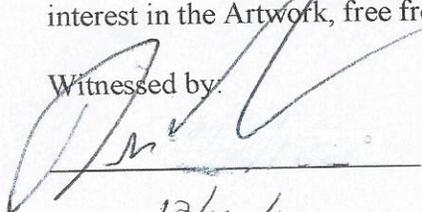
"Spiral" by Maureen Voorheis or "Spiral" by Maureen Voorheis (2009)

The artist will be consulted if the Artwork is damaged and/or if repairs are required.

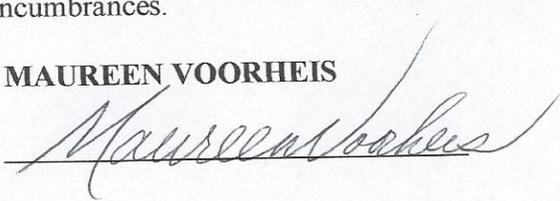
Voorheis agrees to take any and all other necessary steps to transfer and/or assign to Brighton ownership rights in all intellectual property rights to such Artwork, including, but not limited to any and all copyright, trademark and patent rights.

Voorheis has knowledge of the facts, that the consideration for the conveyance was actual and adequate and that the same was given in good faith for the purpose herein set forth, and not for the purpose of security or for defrauding creditors of Voorheis or subsequent purchasers. Voorheis represents and warrants to Brighton that Voorheis has marketable title to all ownership interest in the Artwork, free from liens and encumbrances.

Witnessed by:



MAUREEN VOORHEIS



Dated: 12/16/12, 2012



LAWRENCE
AUTOBODY

07/12/2009

**POLICY REPORT NO. DPS –13-02
DEPARTMENT OF PUBLIC SERVICE**

Prepared by: **Reviewed**

by:

Matthew J. Schindewolf
Public Service Director

City

Dana W. Foster
Manager

ISSUE: To consider the Civic Event Application for the St. Patrick’s Day Tent submitted by The Pound!.

STAFF RECOMMENDATION: To approve the Civic Event Application for the St. Patrick’s Day Tent.

BACKGROUND:

This is the first year that The Pound! will be holding this event. The Civic Event Committee met with the applicant, Kevin Montagano, to discuss the details of the proposed event. There were issues raised from the Brighton Area Fire Department, including:

1. The proposed proximity to the adjacent buildings is a concern, including:
 - o Is the exiting means of egress from adjoining buildings obstructed?
 - o Is the FD access to the buildings blocked
 - o The tent must be at least 20' from parked cars
 - o Where is the security fence (LCC Required) located and what impact with that have on exiting and access.
2. The tent may need up to four exits that are 96" wide depending on the occupancy load limit.
3. The tent is required to be fire resistant in accordance with NFPA 701 with a certification label affixed on the canopy.
4. Illuminated exit signs, emergency lighting, and means of egress illumination are all required.
5. Crowd managers and occupancy controllers are required.

Mr. Montagano understood all of these requests and agreed to meet the requirements.

Additionally, the Committee asked him to provide signatures from the business owners whose customers utilize the public parking lot where the event will be held, stating that they are in favor of the event. Those signatures have been submitted and are attached to the application.

BUDGET IMPACT: There is no budget impact on the City of Brighton for this event as the DPS and Police Department will not be providing any assistance.

RELATIONSHIP TO 2012/13 GOALS: Continued allowance of various Civic Events under controlled conditions to promote the Downtown City of Brighton area.

COUNCIL ACTION: Approval of as recommended by the Civic Event Committee, with all conditions noted by the Civic Event Committee be complied with.

Attachments: Civic Event Application



Civic Event Application

City of Brighton

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

OFFICE USE ONLY

1-30-13
Date Received

By (signature)

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

1-29-13 139 Main LLC DBA ^{Kevin Montagano} The Pound Bur: Grill
 Application Date Name of Organization Name of Applicant

139 W Main St. Brighton MI 48114
 Street Address City State Zip

248-761-1629
 Cell Phone Home Phone Work Phone Fax

Kevinmontagano@gmail.com
 Email Address

St. Patrick's Day Tent
 Event Title

Parking Lot
 Event Location

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

DATE	Day of Week	Beginning Time	Ending Time
3-17-13	Sunday	7:00 a.m.	2:00 a.m on 3/18/13

Set up Time/Day	Tear down Time / Day*	Rain Date (if applicable)
3-16-13	3-18-13 7:00a.m.	N/A

* 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: 27-3789226

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

St. Patrick's Day Tent to host live bands, dancing, alcohol service.

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)

St. Patrick's Day Tent in parking lot behind the Pound. Will include bands, dancing and alcohol service

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): St Patrick's Day
or
Next year's specific date(s): Monday March 17th

PROCEEDS OF THIS EVENT WILL BE USED FOR:

N/A

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)

N/A

ARE YOU PLANNING TO CHARGE AN ADMISSION FEE?

YES

NO

IF YES, WHAT KIND AND HOW MUCH?

Cash \$5 - \$10

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?

N/A

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?

WHAT IS THE EXPECTED ATTENDANCE FOR THIS EVENT?

TBD

DO YOU PLAN ON SUPPLYING ADDITIONAL RESTROOM FACILITIES? YES NO

NUMBER OF VOLUNTEERS / STAFF? Approximately 30

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

Provide a venue for local residents that wish to celebrate St. Patrick's day a great, safe time with out having to leave downtown

ELECTRICAL SERVICES REQUIRED (Please Be as Accurate as Possible)

Yes

OTHER UTILITIES REQUIRED (Please Be as Accurate as Possible)

N/A

CITY FACILITIES REQUESTED (Please Be as Accurate as Possible)

Parking lot behind the Pound

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

IF SO, WHAT LOCATION IS PLANNED? Customers will use available parking

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

Walking

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

Number of Signs N/A

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: *N/A.*

ON SITE REPRESENTATIVES NAMES AND CONTACT NUMBRS:

<u>Name</u>	<u>Contact number</u>
<i>1</i> _____	_____
_____	_____
_____	_____

OWNER(S) AFFIDAVIT *

I, Kevin Montagano, have authorized 139 Main LLC 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 139 W. Main St. Brighton
(company or organization address)

Kevin Montagano
Owners Signature

1-29-13
Date

INDEMNIFICATION AGREEMENT

The 139 Main LLC 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 139 Main LLC 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 Ken Plante Date 1-29-13

Witness Melissa Montemurro Date 1-29-13

ALCOHOL

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

Beer, Wine, Spirits

WHO WILL BE THE ALOCHOL LICENSE HOLDER?

139 Main LLC

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

DESCRIBE IN DETAIL YOUR ALCOHOL MANAGEMENT PLAN

Tips Certified bartenders and servers
4 Security personnel in tent at all times
Pound manager on site at all times

**** 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**

BAGGER DAVIS PARKING

≈ 75 ft

ROLISON HARDWARE

Porta Johns

60 FT.

BANDS

TENT



BAR

ALT
TENT
15 FT
TENT

ENT TO
POND

ENT
TO
TENT

DRIVE
WAY I.

33 ft

POND
GUARDING

Pond Deck

MAID ST.

The Pound Bar & Grill

Operations Plan for Special One-Day Outdoor Service St. Patrick's Day Event 3/17/2013

It is the intention of the owner and operator of 139 Main LLC, dba The Pound Bar & Grill to temporarily add a service area in the parking lot behind the Pound. We would like to do this by putting up a tent for this service area. This temporary outdoor service area shall be operated only upon approval of the City of Brighton and strictly in accordance with the plan of operation described herein.

Operation Time:

- March 17th 2013 9:00a.m. - 2:00a.m March 18th

Occupancy:

- Area of operation will be limited to the space on the plans as approved by the City of Brighton.
- Occupancy will be in accordance with any capacity limits established by the Brighton Area Fire Authority.

Plan for Supervision and Staffing:

- The Tent will be staffed by security at all times while open. There will be a security person at each entrance/exit. Additionally there will be security stationed in strategic areas throughout the tent.
- The bartenders and wait staff in the tent will be TIPS certified.

Code Compliance & Inspection:

- The premises will fully comply with all applicable health, safety, building, sanitation, electrical, plumbing and fire codes as well as zoning requirements.
- The premises will be subject to site inspection by the City or its agents.

Music and Dancing:

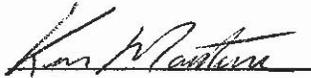
- Live music will be provided in the tent as well as a designated area for dancing.
- Sound levels will be kept in compliance with the city's sound ordinance. Additionally Pound management will cooperate with any request from the police to lower sound volumes if needed.

Liquor license/MLCC approval:

- 139 Main LLC will be responsible for obtaining any temporary authorization required by the MLCC.

Alcohol Management:

- 139 Main LLC will strictly adhere to all rules and regulations of the MLCC and the local ordinances of the City of Brighton.



Kevin Montagano

Date: 1-29-13



Brian Mexico

Date: 1-29-13



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505
Toll Free (866) 813-0011 • www.michigan.gov/lcc

Business ID: _____
Request ID: _____
(For MLCC use only)

Application for Temporary Authorization

(Authorized by R436.1023(2)(3), R436.1403(2), R436.1407 and R436.1419 of the M.A.C.)

A non-refundable inspection fee of \$70.00 is required with the submission of your application.

Part 1: Applicant Information

Name of licensee: 139 Main LLC
Address of business: 139 W. Main St. Brighton Mi. 48114
Name of Contact: Kevin Montagano License type and number: Class C 208824
Business Phone: 248-761-1629 Fax number: _____ E-mail address: kevinmontagano@gmail.com

Part 2: Type of Event

Specifically describe the type of event(s) being held for each date requested:

St. Patrick's Day Tent for the sale of beer, wine & spirits

Please check below if your event will include any of the following:

- Dancing Classic Cars Tournaments Contests Motorcycles Concerts Competitive Fight

*Include this information on your diagram in order to provide an accurate site plan. Enclose a copy (if created) of promotional materials/flyers.

Part 3: Temporary Authorization for Outdoor Service - Please complete, if applicable

Dates requested: 3-17-13

1. What are the dimensions of the proposed area? 60 Ft feet by 75 feet.

2. What is the type and height of the barrier that will be used to enclose the area? Tent 10-12 Ft High

Note: Pursuant to administrative rule R 436.1419(2), the barrier must be well-defined and clearly marked for the proposed outdoor service area.

3. Will the proposed outdoor service area be connected to the licensed premises? Yes No

If you answered "no", what is the distance? _____

4. Is the entrance/exit point(s) for the proposed outdoor service area through the licensed premises? Yes No

5. Are there any dedicated streets or intervening property between the licensed premises and the proposed area? Yes No

If you answered "yes", please explain (and include this information on your diagram): _____

6. Describe the type of security that will be used for the event(s) and how they will be utilized to secure and monitor to prevent sales to minors and sales to visibly intoxicated persons. All servers + Bartenders tips trained.

Security - Check Id's - monitor entering and exit of premise
- Monitor crowd for visibly intoxicated persons

7. Is the location of the proposed area owned, rented or leased by the licensee? Yes No

If you answered "no", you must provide a lease or written permission for the proposed area with this application.

8. Is the location of the proposed area located on property owned by the city, village or township? Yes No

9. Is location of the proposed area in the same governmental unit as the licensed premises? Yes No

If you answered "no", please explain: _____

10. Does your license currently include an Additional Bar Permit? Yes No

If you answered "no", you will be restricted to table service only unless you submit a request for a new additional bar permit.

Part 4. Warning, Authorized Signatures, and Law Enforcement/Local Approvals

WARNING: Section 1003 of the Liquor Control Code of 1998, being MCL 436.2003, provides in part as follows: "A person who makes a false or fraudulent statement to the Commission, orally or in writing, for the purpose of inducing the Commission to act or refrain from taking action, or for the purpose of enabling or assisting a person to evade the provisions of this act is guilty of a violation of this act and is punishable in the manner provided for in section 909..."

I hereby swear that I have read all of the above answers and that they are true and further that I have read and understand the warning.

The licensee, an authorized corporate officer, or member of a limited liability company must sign this application.

Licensee signature Kevin Montagano
Print name and title Kevin Montagano Owner
Print contact name Kevin Montagano
Area code and phone number 248-761-1629
Area code and fax number N/A
E-mail kevinmontagano@gmail.com
Date of Application 1-29-13

The Police Chief or Sheriff who has jurisdiction recommends this request.

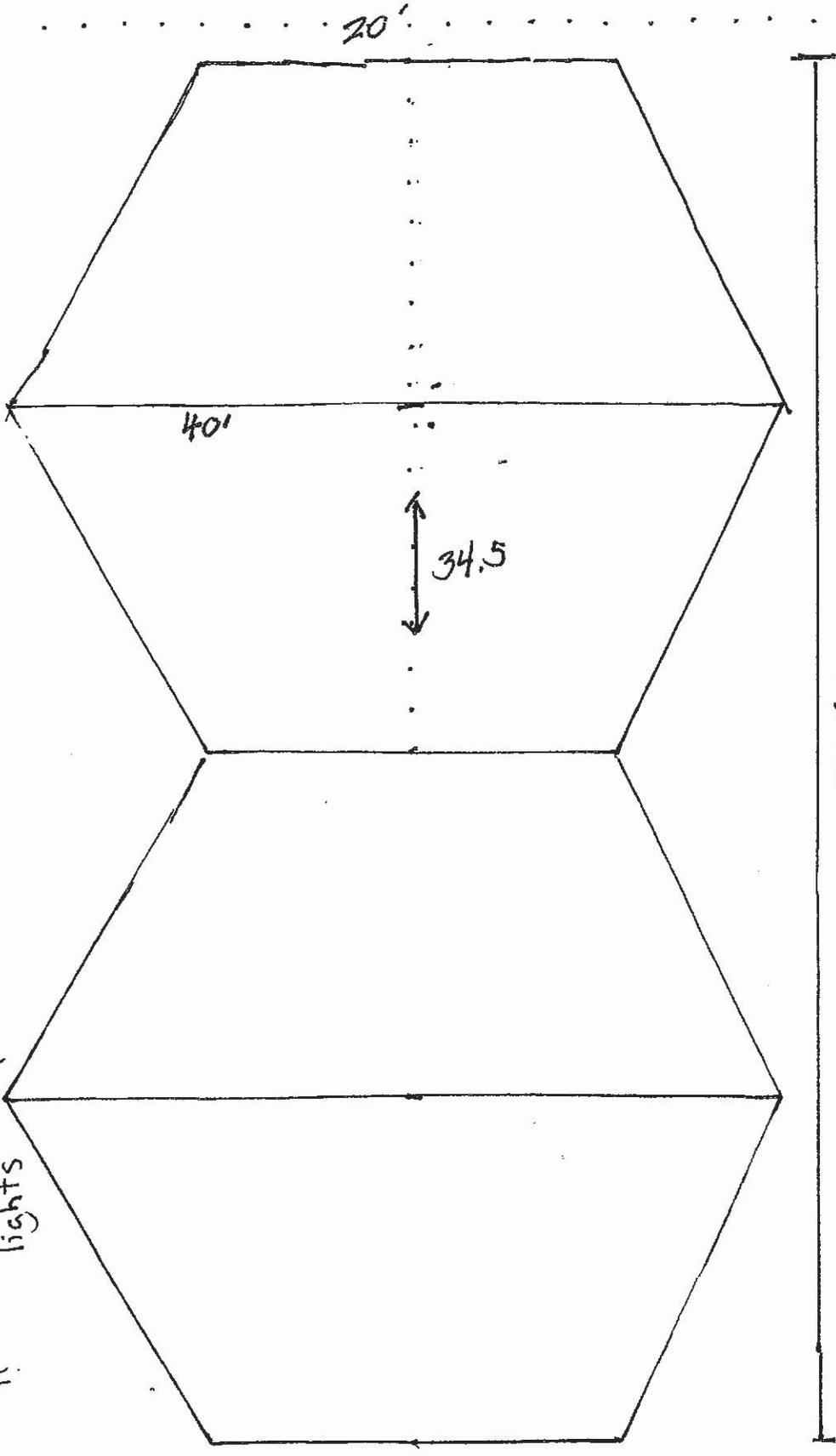
Date of Application 1-29-13
Name and signature of police chief or sheriff Tom Wightman
Print name of police agency City of Brighton Police Dept.
Address of Agency 440 S. 3rd St. Brighton Mi. 48116
Area code and telephone number 810-227-2700
Area code and fax number _____

If requesting a temporary extended hours permit, this application must be signed by the clerk.

This request was approved by the local legislative body on _____
City, village, township clerk signature _____
Print name of clerk _____
Address of city, village, township board _____
Area code and telephone number _____
Area code and fax number _____
Date of Application _____

Classic Tent
Andrew - 734-891-2699

Barrels For Support
\$850.00 Tents + \$200.00 For walls
\$35 1st Pair / \$10 For each additional lights



Cocktail tables
\$40 per table
42in High
30 wide

February 11, 2013

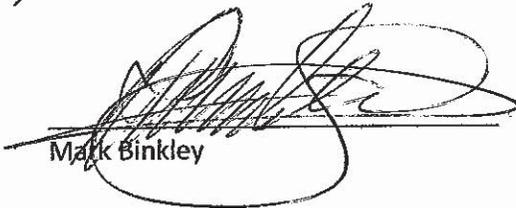
Tom Wightman
Chief of Police
City of Brighton

Regarding parking lot for St. Patrick's Day:

Mr. Wightman,
I have spoken with Kevin Montagano owner of The Pound Bar & Grill regarding their use of the parking lot between Rolison's and The Pound for a St. Patrick's Day tent. I am fine with their use of the parking lot for this purpose on St. Patricks Day of 2013.


John

Date: 2-11-2013


Mark Binkley

Date: 2-11-2013