

CITY OF BRIGHTON  
CITY COUNCIL MEETING  
CITY HALL  
May 1, 2014

**EARLY Blue Sky : 6:30 – 7:00 p.m.** : Review discussion of the pending proposed PSD S.A.D. process

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. Eagle Scout Award Presentation
6. Approval of [minutes: Regular Meeting](#) and closed [session of April 17, 2014](#)
7. Call to the Public

**Consent Agenda**

8. Consider approval of a [site plan amendment to the Parker Property Mixed Use Development Amendment and the Hampton Inn site plan at 8068 Challis Road](#) (same parcel as Homewood Suites) as recommended by the Planning Commission
9. Consider approval of the Mayor's recommended appointment to the PSD Board
10. Consider approval of changes to the existing Charles H. Orndorf Drive road easement to facilitate the expansion of Eberspaecher North America, Inc. as recommended by staff

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

11. Conduct [public hearing regarding the creation of the Principal Shopping District \(PSD\) special assessment district and cost estimates](#). If less than 2/3rds of the affected property owners and property owners with more than 50% of the apportioned assessments object, then the Council may proceed to the next step.
  - a. Mayor closes regular meeting and opens the public hearing to ask for comments, questions and/or objections to the proposed Special Assessments
  - b. Mayor closes public hearing and resumes the regular meeting and related Council discussion
  - c. Determination/Calculation of level of objection relative to City Charter requirements
  - d. Dependent upon the result of the calculation of the level of objection, consider adoption of a resolution for determination to make the improvement, create the PSD special assessment district and direct preparation of the special assessment roll. This resolution directs (1) the preparation of final plans, specifications and cost estimates; (2) the apportionment of cost and the designation of properties to be assessed; and (3) the terms and parameters of the installment payments.
12. Conduct public hearing for the [second reading and adoption of amendments to Chapter 98, Article I. In General, Section 98-3. Definitions and Chapter 98, Article XIII. C2 Districts, Section 98-357. Use Regulations](#) as recommended by Planning Commission.
  - a. Mayor closes regular meeting and opens the public hearing to ask for comments or questions
  - b. Mayor closes the public hearing and resumes the regular meeting and related City Council discussion
  - c. Consider a motion to adopt the subject proposed Zoning Ordinance Amendments

13. Consider a motion to adopt the [Fiscal Year 14-15 City Budget](#)

**Other Business**

14. Information for City Customers
  - a. Report from the City Manager on responses to Citizens Inquiries to City Council received since the last Council Meeting
  - b. Progress updates from the City Manager on City Council-adopted goals
15. Receive updates from Council Member Liaisons to other Boards and Commissions
16. Call to the Public
17. Adjournment

**MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON**  
**HELD ON APRIL 17, 2014 AT THE BRIGHTON CITY HALL**  
**200 N. 1ST STREET, BRIGHTON, MICHIGAN**

**BLUE SKY SESSION**

The Council conducted a Blue Sky Session at 7:00 p.m. Present were Mayor Muzzin, Mayor Pro-Tem Pipoly, Councilmembers Bandkau, Tobbe, Bohn, Cooper and Willis. The Council reviewed the agenda items.

**REGULAR SESSION**

Mayor Muzzin called the regular meeting to order at 7:33 p.m. Following the Pledge of Allegiance, the roll was called. Present were Mayor Muzzin, Mayor Pro-Tem Pipoly, Councilmembers Bandkau, Tobbe, Willis, Cooper and Bohn. Also in attendance were Attorney Paul Burns, Staff members Dana Foster, Denise Meier, Tim Krugh, Dave Blackmar, Jennifer Burke, Tim Krugh, Tom Wightman and an audience of 22. Press and Media included Tom Tolen from WHMI.

**AGENDA APPROVAL**

It was moved by Councilmember Cooper seconded by Bandkau to approve the agenda as presented. Motion passed 7-0.

**VETERAN'S MEMORIAL PRESENTATION**

Bill Rubin presented a plaque to the City for the Veteran's Memorial, stating cooperation from all City Departments was appreciated, Phase II is being started.

Mayor Muzzin stated much work was put into the Veteran's Memorial and it looks great.

**BRIGHTON POLICE OFFICER OF THE YEAR AWARD**

Police Chief, Tom Wightman presented the Officer of the Year award to Officer James Meldrum, stating he was recommended by his peers and then selected by Committee.

Mayor Muzzin congratulated officer Meldrum.

**MINUTE APPROVAL**

It was moved by Councilmember Bandkau, seconded by Willis to approve the Regular Meeting minutes of April 3, 2014 as presented. Motion passed 5-0-2, with Councilmember Tobbe and Bandkau abstaining.

**CALL TO THE PUBLIC**

Mayor Muzzin opened the Call to the Public at 7:45 p.m. The following comments were heard:

Paul Russo, Northridge Hills, commented on losing revenue, water and review staffing.

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Steve Monet stated May 3<sup>rd</sup> is Gleaner's Food Bank Fill Gazebo Food Drive from 9:00 a.m. to 1:00 p.m.

Joyce Powers, 982 Hickory Drive, stated she failed her responsibility to do due diligence, she is aware of problem Main Street Theater and discussed the sign next Ciao Amici's future home of 5<sup>th</sup> 3<sup>rd</sup> Theater.

Nancy Stamp discussed information regarding the agenda, stating she could not tell what was passed on agenda.

Hearing no further comment, Mayor Muzzin closed the Call to the Public at 8:05 p.m.

### **CONSENT AGENDA**

It was moved by Mayor Pro-Tem Pipoly, seconded by Cooper to approve the Consent Agenda as presented. Motion passed 7-0.

The following items were approved:

1. Approval a Civic Event for the Brighton Community Reunion event.
2. Reappointed John Okoniewski to the PSD Board.

### **FISCAL YEAR 14-15 BUDGET PUBLIC HEARING**

Manager Foster discussed the FY 14/15 Budget, General Fund Forecast, Refuse user fee & cost analysis. He gave an overview of the Utilities Fund.

Mayor Muzzin opened the Public Hearing for the City of Brighton Fiscal Year 14-15 Budget at 8:57 p.m. Hearing no comment, the Public Hearing was closed.

### **CITY CUSTOMER INFORMATION**

Department of Public Works Director, Dave Blackmar gave an update on street sweeping starting next week.

Mayor Pro-Tem Pipoly gave a DDA update regarding the proposed Theater and 6 year DDA budget forecast.

Mayor Muzzin stated nothing has been approved for the theater and a feasibility study is being conducted.

Councilmember Cooper gave a SELCRA update.

### **CALL TO THE PUBLIC**

Mayor Muzzin gave a Call to the Public at 9:20 p.m. Hearing no comment, the Call to the Public was closed.

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**MICHIGAN TAX TRIBUNAL CLOSED SESSION**

It was moved by Councilmember Cooper, seconded by Willis to go into Closed Session at 9:20 p.m. to discuss pending Michigan Tax Tribunal litigation pursuant to MCL 15.268(e). A roll call vote was taken. Yes: Willis, Bohn, Pipoly, Muzzin, Bandkau, Cooper, Tobbe. No: none. Motion passed 7-0.

The Council convened into Closed Session at 9:22 p.m.

The Council reconvened the Regular Meeting at 9:24 p.m.

**CLOSED SESSION ACTION**

It was moved by Cooper, seconded by Bandkau to approve the proposed settlement for Brighton Holdings LLC and Stuart Easy Storage Inc. Michigan Tax Tribunals as recommended. Motion passed 7-0.

**ADJOURNMENT**

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

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Jennifer Burke, City Clerk

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Jim Muzzin, Mayor

**POLICY REPORT: MIXED USE AMENDMENT & SITE PLAN – PARKER  
PROPERTY MIXED USE DEVELOPMENT AMENDMENT AND  
HAMPTON INN SITE PLAN AT 8068 CHALLIS ROAD (SAME PARCEL  
AS HOMEWOOD SUITES) #13-014**

**MAY 1, 2014**

Prepared by:

\_\_\_\_\_  
Amy Cyphert  
Planning & Zoning Director

Reviewed by:

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

**ISSUE:**

To consider granting conditional site plan approval for a Parker Property Mixed Use Development Amendment and Hampton Inn site plan at 8068 Challis Road (same parcel as Homewood Suites) #13-014 as recommended by the Planning Commission.

**STAFF RECOMMENDATION:**

Staff concurs with the Planning Commission's recommendation.

**BACKGROUND:**

At its meeting of April 21, 2014, the Planning Commission reviewed and discussed a site plan for a new 57,648 square foot, three story hotel at 8068 Challis Road (same parcel as Homewood Suites). The proposed site plan includes site improvements and the following building materials: split-face concrete block, brick, cast stone accent, metal coping, and EIFS. At the Planning Commission meeting, the applicant said that they would give the existing trees/landscaping to the City for City use, versus trying to keep the landscaping alive for 7 months to a year during construction with the likelihood that the landscaping would not survive.

The Planning Commission recommended site plan approval with the following conditions:

1. That this approval includes the approval of changes to the Parker Property mixed use development as shown on Sheet SP-06.
2. That all signage comply with applicable ordinances or variances are obtained.
3. That the applicant must address any outstanding Fire Code requirements with the Fire Department during the construction review.
4. That the applicant must address any outstanding City Engineer requirements during the construction review.
5. That right of way permits are obtained from the Department of Public Services for work within the right of way.
6. That any damages done to the existing sidewalks or Homewood Suites parking lot be repaired.
7. That the easement documents for the public sidewalk and public utilities be filed with Livingston County once completed.
8. That the building materials of the new dumpster enclosure match those of the existing dumpster.
9. That the new parking lot lighting match the existing parking lot lighting at the Homewood Suites site.
10. That the type of proposed screens and fences; height, typical elevation and vertical section of screens, showing materials and dimensions be reviewed during the construction plan review.

**For a more detailed review of the site plans, please refer to the attached Planning Report.**

**BUDGET IMPACT:** N/A

**RELATIONSHIP TO 2013/2014 GOALS:** N/A

**COUNCIL ACTION:**

Motion by \_\_\_\_\_ to approve conditional site plan for Hampton Inn #13-014 as depicted on plans prepared by Giffels Webster, project no. 18403.00, sheets SP-01 through SP-16, LA-01, LA-02, last dated 4-16-14 and plans prepared by Gasser Bush Associates, Drawing No. #13-21276-V3, dated 12-18-13 and plans prepared by Victor Saroki & Associates Architects PC, dated 12-30-13 sheets Ground Level Floor Plan, Second Level Floor Plan, Third Level Floor Plan, South Elevation, West and East Elevation, and North Elevation subject to the following:

1. That this approval includes the approval of changes to the Parker Property mixed use development as shown on Sheet SP-06.
2. That all signage comply with applicable ordinances or variances are obtained.
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supported by \_\_\_\_\_.

**Attachments:**

1. Planning Commission Report
2. Site Plan

**CITY OF BRIGHTON  
PLANNING COMMISSION  
PLANNING REPORT**

**TO:** Planning Commission Members

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

**DATE:** April 21, 2014

**RE:** Hampton Inn – 8068 Challis Road #13-014

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### **Background**

In 2004, the Homewood Suites site plan was approved. The site plan included a future site for a 6,000+ square foot restaurant. The property is zoned IA, Light Industrial and part of a mixed use plan called Parker Property. The Parker Property includes the First National Bank site, the Homewood Suites site and a vacant parcel with an expired Candlewood Suites hotel site plan.

The property owner is proposing a new three-story 57,648 total square foot hotel building with 79 rooms. The proposed site plan includes site improvements and the following building materials: split-face concrete block, brick, cast stone accent, metal coping, and EIFS.

### **Parking & Drive Requirements**

Sheet SP-08 details the parking space requirements for the two hotels. These calculations require 1 space per guestroom plus one for each employee on the largest work shift. The site plan requires 100 parking spaces for Homewood Suites (92 rooms + 8 employees) and 83 spaces for Hampton Inn (79 rooms + 4 employees). The site plan provides a total of 189 parking spaces including 8 barrier free spaces.

The site currently has an entrance off Challis Road and Library Drive. Both entrances will remain.

### **Site Modifications**

#### Landscaping:

- The proposed site plan includes the removal of the existing berm, shrubs and 44 trees.
- City Staff has requested that the engineers consider utilizing the existing plants within the new Hampton Inn site. The plans do not include this request.
- City Staff has requested that the landscape plan should be cohesive with the landscaping at the Homewood Suites site. The plans do not include this request.
- The site plan includes the installation of 47 trees, 186 shrubs, and 35 perennials.
- All landscape areas are proposed to be irrigated.

#### Signage:

- Wall signage is shown on the north and south elevation.
- There is an existing ground sign is near the Challis drive aisle.
- The ordinance allows for one wall sign. The site plan includes a notation that the additional wall sign will require a variance.

- The signage will be reviewed with the submittal of sign permits and must meet the requirements of the Sign Ordinance.

Dumpster:

- The site plan includes a new dumpster enclosure next to the existing dumpster enclosure for Homewood Suites.
- The site plan is proposing the following dumpster building materials: EIFS, face cedar and gates.
- The new dumpster enclosure should match the existing dumpster enclosure and be constructed out of concrete block, brick and wood gates.

Retaining Wall:

- A ~285 lineal foot retaining wall is proposed along the wetland. A detail is shown on sheet SP-03.

Sidewalk:

- A public sidewalk was installed within the site connecting Challis and Library Drive with the construction of the Homewood Suite site.
- The existing sidewalk will be removed and a new sidewalk is proposed to connect Challis and Library Drive.
- Easement documents for the public sidewalk will need to be filed with Livingston County once completed.

## Utilities

Tetra Tech has reviewed the site plan and provided revisions. Tetra Tech provided comments pertaining to the site plan/revisions in their letters dated November 21, 2013 and April 4, 2014. The letter discussed additional details and revisions that were needed. Tetra Tech will review the construction plans for any outstanding requirements.

## Fire Department

The Brighton Area Fire Authority reviewed the site plan and provided comments pertaining to the requirements of the current International Fire Code. The majority of the requirements have been addressed. As always, the construction drawings will be reviewed and approved by the fire department prior to a permit being issued.

## STAFF RECOMMENDATION

The Zoning Ordinance IA mixed use development section of the ordinances is to permit: *Maximum choices of land uses available to a developer allowing a development that would not be possible under the strict application of the other sections of this chapter, a creative approach to the use of land and related physical facilities that result in better development and design, an efficient use of the land that results in more economical networks of utilities, streets and other facilities, a land use which promotes the public health, safety, comfort, morals and welfare which contributes substantially to the tax base of the community and opportunities for employment without making undue demands on community services, a reasonable balance between the interests of the property owner and developing freely his own property and the interests of owners of surrounding properties and other citizens of the community, protection of the environment both in the area itself and in the surrounding area, and a development incorporating two or more uses which are planned and developed as an integrated unit.*

The following are goals from the City of Brighton Master Plan: *encourage the development of new businesses and the redevelopment of existing sites which will enhance the tax base and meet service needs*

*of present residents without requiring extensive city services.*

Since it appears that the site plan is supported by the adopted Master Plan and it complies with the pertinent City ordinances, it is recommended that the site plan be approved, subject to the conditions below.

## **COMMISSION ACTION**

Consider granting site plan approval for the project with the following motion:

Motion by \_\_\_\_\_ to recommend conditional site plan for Hampton Inn #13-014 as depicted on plans prepared by Giffels Webster, project no. 18403.00, sheets SP-01 through SP-16, LA-01, LA-02, last dated 4-16-14 and plans prepared by Gasser Bush Associates, Drawing No. #13-21276-V3, dated 12-18-13 and plans prepared by Victor Saroki & Associates Architects PC, dated 12-30-13 sheets Ground Level Floor Plan, Second Level Floor Plan, Third Level Floor Plan, South Elevation, West and East Elevation, and North Elevation subject to the following:

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supported by \_\_\_\_\_.

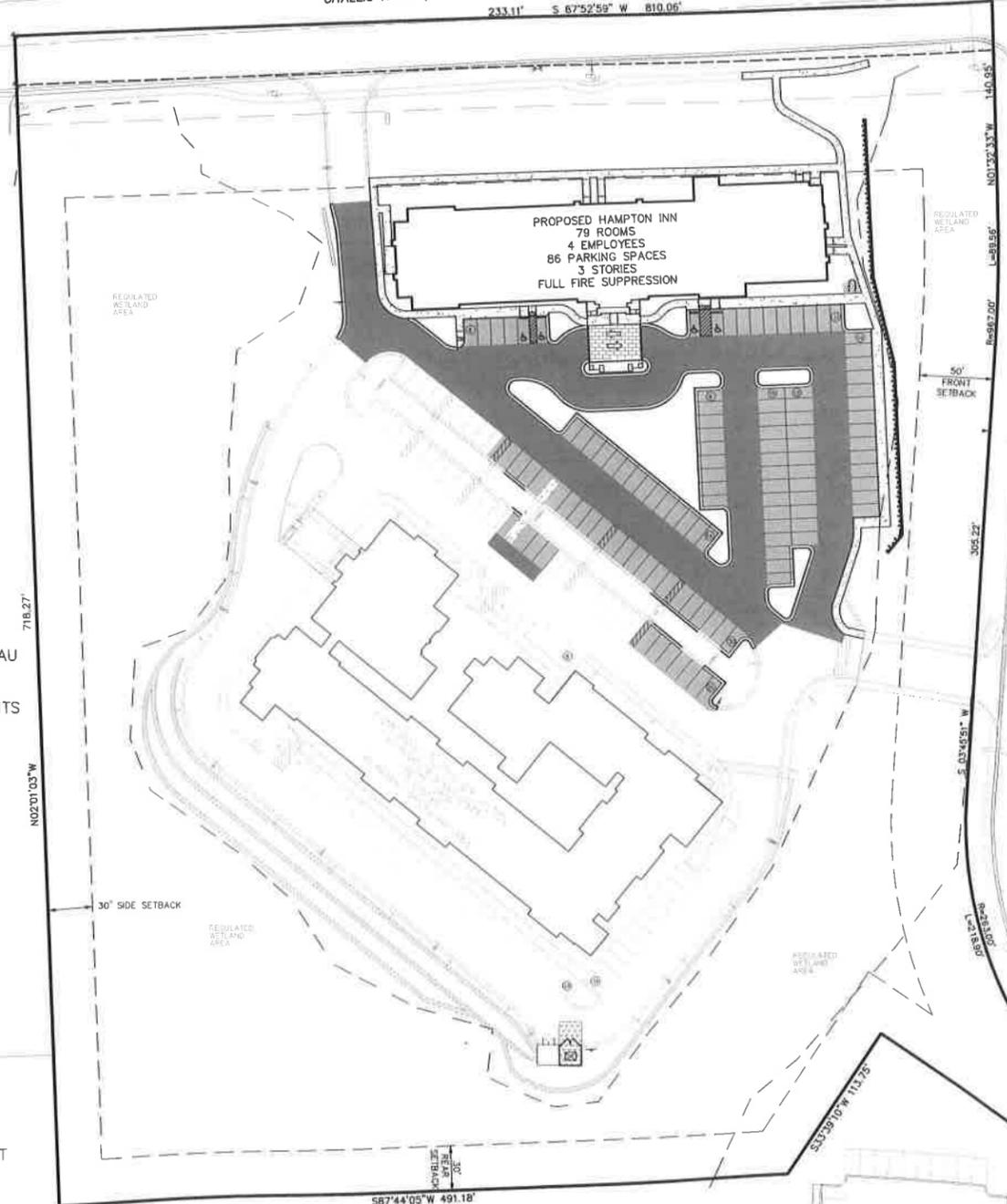
### **Attachments:**

1. Site Plan

# PARKER COMMERCIAL DEVELOPMENT

OWNER: TARGET CORPORATION  
 USE: COMMERCIAL  
 ZONED: OR

CHALLIS ROAD (VARIABLE WIDTH)  
 233.11' S 67°52'59" W 810.06'



OWNER: SHIECHAU LIU PROPERTY MANAGEMENT  
 USE: APARTMENTS  
 ZONED: R4

OWNER: HIGH POINT OFFICES LLC  
 USE: COMMERCIAL CONDOS  
 ZONED: RM

OWNER: BRIGHTON DISTRICT LIBRARY  
 USE: BRIGHTON LIBRARY  
 ZONED: IA

OWNER: FIRST NATIONAL BANK OF HOWELL  
 USE: FIRST NATIONAL BANK OF HOWELL  
 ZONED: IA

VACANT  
 ZONED: IA

BRIGHTON POST OFFICE  
 ZONED: IA

BIG BOY  
 ZONED: C1

STANDARD FEDERAL  
 ZONED: C1

RED ROBIN  
 ZONED: C1

ABC WAREHOUSE  
 ZONED: IA



LOCATION MAP  
 (NOT TO SCALE)

**giffels webster**

Engineers  
 Surveyors  
 Planners  
 Landscape Architects  
 Environmental Specialists

6303 26 Mile Road  
 Suite 100  
 Washington, MI 48094  
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 f (586) 781-8951  
 www.giffelswebster.com

Executive: PM  
 Manager: AW  
 Designer: DNDR  
 Quality Control: TC  
 Section: 30  
 T-2-N R-6-E

Professional Seal



SCALE: 1" = 50'  
 0 25 50 100

DATE	ISSUE
11.15.13	SITE PLAN SUBMITTAL
01.15.14	OWNER REVIEW
02.17.14	SITE PLAN SUBMITTAL
04.16.14	SITE PLAN SUBMITTAL

Developed For:  
**SAROKI ARCHITECTURE**

430 N. OLD WOODWARD AVE.  
 BIRMINGHAM, MI 48009

(248) 258-5707  
 (248) 258-5515

## OVERALL DEVELOPMENT PLAN

BRIGHTON HAMPTON INN  
 8068 CHALLIS RD.

CITY OF BRIGHTON  
 LIVINGSTON COUNTY  
 MICHIGAN

Date: 11.15.2013  
 Scale: 1"=50'  
 Sheet: SP-06  
 Project: 18403.00

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OWNER: TARGET CORPORATION  
 USE: COMMERCIAL  
 ZONED: OR

**giffels  
 webster**

Engineers  
 Surveyors  
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 www.giffelswebster.com

Executive:	PM
Manager:	AW
Designer:	DNDR
Quality Control:	TC
Section:	30
	T-2-N R-6-E



SCALE: 1" = 40'

DATE	ISSUE
11.15.13	SITE PLAN SUBMITTAL
01.15.14	OWNER REVIEW
02.17.14	SITE PLAN SUBMITTAL
04.16.14	SITE PLAN SUBMITTAL

Developed For:  
**SAROKI ARCHITECTURE**  
 430 N OLD WOODWARD AVE.  
 BIRMINGHAM, MI 48009  
 (248) 258-5707  
 (248) 258-5515

**SITE PLAN**

**BRIGHTON HAMPTON INN**  
 8068 CHALLIS RD.  
 CITY OF BRIGHTON  
 LIVINGSTON COUNTY  
 MICHIGAN

Date:	11.15.2013
Scale:	1"=40'
Sheet:	SP-08
Project:	18403.00

**BENCH MARK DATA**

( N.G.V.D. 29 ) DATUM  
 BENCHMARK NO. 1  
 FINISHED FLOOR OF HOMEWOOD SUITES BY HILTON,  
 8060 CHALLIS, AT EAST ENTRANCE,  
 ELEVATION=938.00'  
 BENCHMARK NO. 2  
 CHISELED SQUARE ON TOP OF CONCRETE BASE OF A  
 LIGHT POLE IN WEST PORTION OF ISLAND LOCATED 200  
 FEET SOUTH OF CHALLIS ROAD,  
 ELEVATION=937.61'

**BUILDING INFORMATION**

SITE AREA: 11.43  
 EXISTING ON SITE:  
 GROUND FLOOR AREA: 29,956 SQ. FT.  
 PERCENT COVERAGE: 6%  
 TOTAL FLOOR AREA: 70,882 SQ. FT.  
 PROPOSED BRIGHTON HAMPTON INN:  
 GROUND FLOOR AREA: 19,216 SQ. FT.  
 PERCENT COVERAGE: 3.9%  
 TOTAL FLOOR AREA: 57,648 SQ. FT.  
 PROPOSED TOTAL ON SITE:  
 GROUND FLOOR AREA: 49,172 SQ. FT.  
 PERCENT COVERAGE: 9.8%  
 TOTAL FLOOR AREA: 128,530 SQ. FT.

**LOADING**

(VARIANCE REQUESTED)  
 NO LOADING ZONE REQUIRED BY FRANCHISE  
 DELIVERIES TO BE VIA UPS/FEDEX IN FRONT DRIVE.

**PARKING REQUIREMENTS**

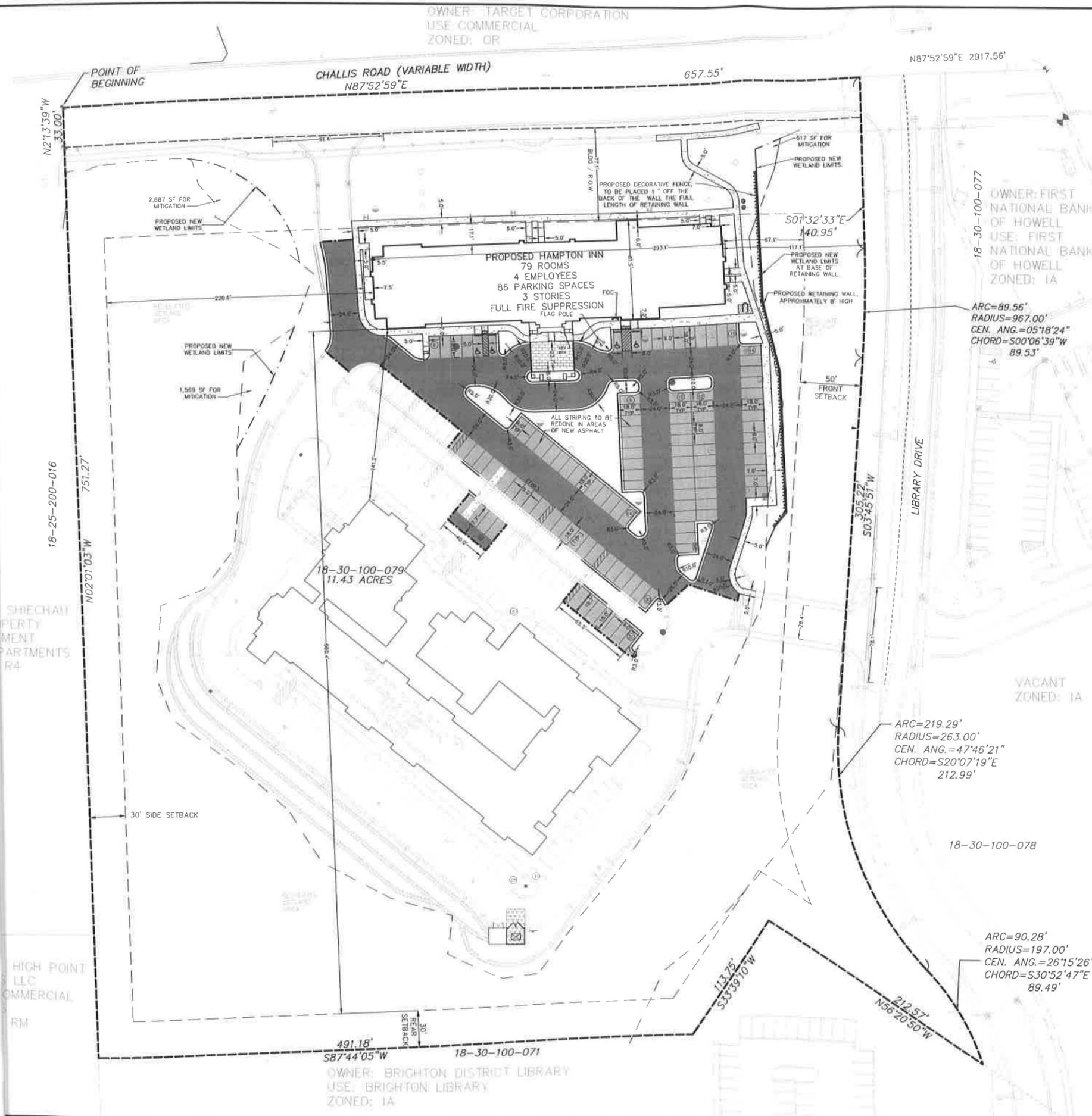
PARKING REQUIRED = 1 SPACE PER GUEST ROOM + 1  
 SPACE PER EMPLOYEE ON LARGEST TYPICAL SHIFT  
 HAMPTON INN = 79 ROOMS  
 + EMPLOYEES  
 REQUIRED 83 SPACES  
 TOTAL HAMPTON INN SPACES PROVIDED = 84  
 HOMEWOOD SUITES SPACES PROVIDED = 105  
 TOTAL HOMEWOOD SUITES & HAMPTON INN SPACES: 189

**WETLAND MITIGATION CALCULATION**

WETLANDS DISTURBED: 1,603 SQ. FT.  
 PROPOSED NEW MITIGATION: 5,073 SQ. FT. - USING A 3:1 REPLACEMENT RATIO

**GENERAL NOTES:**

- ALL LIGHTING ON THE SITE SHALL BE SHIELDED AND NOT ENCLOSED UPON ADJUTING PROPERTIES OR RIGHT-OF-WAYS. THE LIGHT POLES SHALL BE NO HIGHER THAN 20 FT. ALL GLARE SHALL BE ELIMINATED FROM ALL LIGHT FIXTURES. UPWARD DIRECTED LIGHTING SHALL NOT BE PERMITTED.
- ALL LANDSCAPED AREAS SHALL BE AUTOMATICALLY IRRIGATED.
- ALL BARBED WIRE AND SUPPORTS FOR BARBED WIRE ARE PROHIBITED ON THE SITE.
- CONSTRUCTION SHALL CONFORM TO CURRENT CITY OF BRIGHTON STANDARDS.
- NO WORK SHALL BE PERFORMED WITHOUT INSPECTION.
- A PERMIT FROM THE DPW IS REQUIRED FOR ALL CONSTRUCTION WITHIN CITY ROW. NO EQUIPMENT OR MATERIAL STORAGE WILL BE PERMITTED IN THE ROW.
- ALL CITY STREETS MUST BE MAINTAINED DURING CONSTRUCTION. STREETS SHALL BE KEPT FREE OF MUD, DIRTY CONSTRUCTION DEBRIS, DIRT AND THE LIKE. IF CLEAN-UP IS NOT PERFORMED WITHIN 24 HOURS OF NOTIFICATION, THE CITY RESERVES THE RIGHT TO PERFORM THE WORK AND CHARGE THE DEVELOPER ACCORDINGLY.
- WORKING HOURS (INCLUDING RUNNING OF ANY MACHINERY) SHALL BE RESTRICTED TO MONDAY THROUGH SATURDAY, 7:00 AM TO 7:00 PM; SUNUP TO SUNDOWN, WHICHEVER IS LESS. CONSTRUCTION OPERATIONS BEYOND THE PERIODS MENTIONED ABOVE SHALL BE PERMITTED ONLY AFTER WRITTEN APPROVAL OF THE MAYOR OR HIS DESIGNEE.
- ALL MATERIALS AND MANUFACTURERS SHALL CONFORM TO THE STANDARD DETAILS.
- UTILITY STRUCTURES SHALL NOT BE LOCATED IN DRIVEWAYS, AND WHERE POSSIBLE, SHALL NOT BE LOCATED IN PAVED AREAS.
- THE CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES IN ACCORDANCE WITH ACT 53 OF P.A. OF 1974 AND ALSO MISS DIG 1-800-482-7171 OR 811 THREE (3) WORKING DAYS BEFORE THE START OF ANY CONSTRUCTION.
- THE CONTRACTOR SHALL PROVIDE NECESSARY SIGNS, BARRICADES AND LIGHTS TO PROTECT TRAFFIC AND THE WORK AS DIRECTED BY THE ENGINEER. SUCH DEVICES SHALL BE PLACED PRIOR TO STARTING WORK IN AFFECTED AREAS.
- ALL SOIL EROSION AND SEDIMENTATION CONTROLS SHALL BE IN ACCORDANCE WITH THE LIVINGSTON COUNTY STANDARDS AND DETAILS. THE CONTRACTOR SHALL FOLLOW LOCAL RULES AND REGULATIONS FOR SOIL EROSION AND SEDIMENTATION CONTROL FOR ALL MATERIALS THAT ARE DISPOSED OF OFF OF THE PROJECT SITE.
- ALL SOIL EROSION MEASURES MUST BE PROPERLY PLACED PRIOR TO GRADING OR OTHER CONSTRUCTION ACTIVITIES.
- FIELD CHANGES TO THE APPROVED PLAN SHALL BE BROUGHT TO THE ATTENTION OF THE INSPECTOR ON SITE, WHO WILL DETERMINE WHETHER THE CHANGE IS CONSIDERED "SIGNIFICANT". "SIGNIFICANT" FIELD CHANGES SHALL BE SUBMITTED TO THE CITY BY THE DESIGN ENGINEER. THE CITY SHALL NOT BE HELD RESPONSIBLE FOR DELAYS IN APPROVAL OF CHANGES TO THE APPROVED SITE IMPROVEMENT (ENGINEERING) PLAN.
- WHERE POSSIBLE, PUBLIC UTILITIES SHALL NOT BE PLACED UNDER PAVEMENT. THE CITY OF BRIGHTON SHALL NOT BE RESPONSIBLE FOR PAVEMENT, CURB, OR OTHER RESTORATION OF PERMANENT FACILITIES LOCATED WITHIN THE MUNICIPAL EASEMENT.
- 3 WORKING DAYS PRIOR TO STARTING CONSTRUCTION, CONTACT THE CITY ENGINEERING DEPARTMENT TO SCHEDULE INSPECTION. THE CITY SHALL INSPECT ALL SITE IMPROVEMENTS INCLUDING UNDERGROUND UTILITY INSTALLATION, EARTHWORK OPERATIONS, RETAINING WALLS, PAVEMENT IN CITY R.O.W., ALL SIDEWALKS OR SAFETY PATHS IN ANY PUBLIC R.O.W. AND ANY ADDITIONAL ITEMS NOTED DURING REVIEW OR AT THE PRE-CONSTRUCTION MEETING. FINAL OCCUPANCY MAY BE AFFECTED IF PROCEDURES ARE NOT FOLLOWED FOR PROPER INSPECTION.
- PROVIDE FIRE DEPARTMENT KEY BOX (KNOX BOX) PER CITY OF BRIGHTON STANDARDS.
- OPEN STORAGE OF MATERIALS SHALL NOT BE PERMITTED ON THE SITE EXCEPT WHERE INDICATED ON SITE PLAN.
- MONITORING WELLS ON SITE ARE EXISTING AND IN PLACE DUE TO THE NATURE OF THE FORMER OCCUPANTS USE.
- A TRASH ENCLOSURE, MEASURING A MINIMUM OF 10'X10' SHALL BE CONSTRUCTED OF SIX (6) HIGH BRICK EMBOSSED POURED CONCRETE WALLS WITH 45° ANGLE CAP, HAVE SCREENED GATES AND BE PLACED UPON A MINIMUM 10'X18' CONCRETE PAD THAT PROVIDES AND 5' WIDE APRON. MASONRY BLOCK SHALL NOT BE USED AS A CONSTRUCTION MATERIAL.
- CONTRACTOR TO RE-STRIPE ALL ASPHALT.



SHIECHAU  
 OPERTY  
 PARTMENTS  
 R4

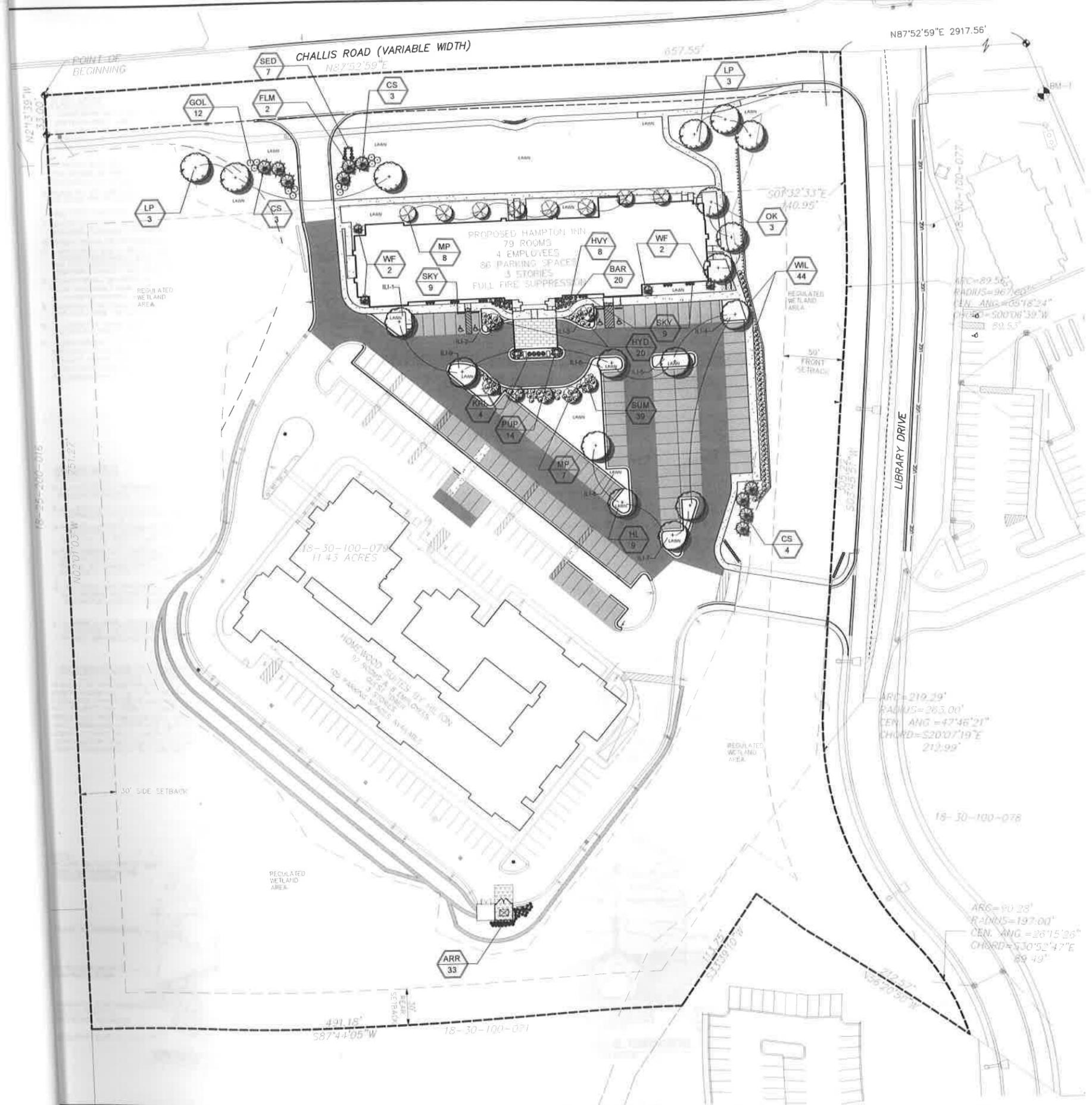
HIGH POINT  
 LLC  
 COMMERCIAL  
 RM

OWNER: BRIGHTON DISTRICT LIBRARY  
 USE: BRIGHTON LIBRARY  
 ZONED: IA

Professional Seal:



LOCATION MAP  
(NOT TO SCALE)



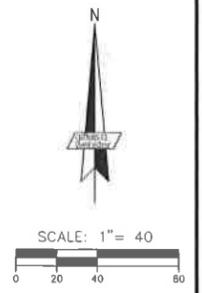
PLANT LIST:

NO.	COMMON NAME	BOTANICAL NAME	SIZE	SYMBOL
<b>PERENNIALS:</b>				
2	FLAME GRASS	MISCANTHUS SINENSIS PURPURESCENS	2 GAL POT	FLM
14	OBIDIAN CORAL BELLS	HEUCHERA 'OBIDIAN'	1 GAL POT	PUP
8	HEAVY METAL SWITCH GRASS	PANICUM VIRGATUM 'HEAVY METAL'	2 GAL POT	HVY
7	ANGELINA SEDUM	SEDUM RUPESTRE 'ANGELINA'	1 GAL POT	SED
4	KARL FOERSTER'S FEATHER REED GRASS	CALAMAGROSTIS X ACUTIFOLIA 'KARL FOERSTER'	1 GAL POT	NRL
<b>SHRUBS:</b>				
20	CRIMSON PYGMY BARBERRY	BARBERIS THUNBERGII 'A NANA'	3 GAL POT	BAR
18	SKYROCKET JUNIPER	JUNIPERUS VIRGINIANA 'SKYROCKET'	3 GAL POT	SKY
20	LITTLE HONEY OAKLEAF HYDRANGEA	HYDRANGEA QUERCIFOLIA 'LITTLE HONEY'	3 GAL POT	HYD
12	MISS KIM LILAC	SYRINGA PATULA 'MISS KIM'	3 GAL POT	GOL
38	GRACIOUS SUMAC	Rhus AROMATICA 'GRACIOUS'	3 GAL POT	SUM
33	BLUE ARROW JUNIPER	JUNIPERUS VIRGINIANA 'BLUE ARROW'	3 GAL POT	ARR
44	WHITE WILLOW	SALIX ALBA	3" HT. BAB	WIL
<b>TREES:</b>				
15	GREENCOLUMBIA BLACK MAPLE	ACER NIGRUM 'GREENCOLUMBIA'	2-1/2" CAL. BAB	MP
10	COLORADO SPRUCE	PICEA PUNGENS	8' HT. BAB	CS
4	WHITE FIR	ABIES CONCOLOR	8' HT. BAB	HL
9	HONEY LOCUST	QUERCUS TRACANTHOS INERMIS	2-1/2" CAL. BAB	HL
3	SWAMP WHITE OAK	QUERCUS BICOLOR	2-1/2" CAL. BAB	OK
8	LONDON PLANE TREE	PLATANUS X ACERIFOLIA	2-1/2" CAL. BAB	LP

**INTERIOR LANDSCAPE ISLANDS (ILI)**

NUMBER	AREA OF ISLAND (SQ. FT.)
ILI - 1	338
ILI - 2	235
ILI - 3	304
ILI - 4	285
ILI - 5	342
ILI - 6	192
ILI - 7	542
ILI - 8	350
ILI - 9	481

**PARKING LOT CALCULATIONS:**  
1 DECIDUOUS OR EVERGREEN TREE EVERY 250 SQ. FT.  
2596 SQ. FT. / 250 = 11 TREES REQUIRED & PROPOSED  
9 HONEY LOCUST AND 2 GREENCOLUMBIA BLACK MAPLE  
TOTAL PARKING LOT AREA = 48,940 SQ. FT.  
TOTAL LANDSCAPE IN PARKING LOT = 5.2%



DATE	ISSUE
11.15.13	SITE PLAN SUBMITTAL
01.15.14	OWNER REVIEW
02.17.14	SITE PLAN SUBMITTAL
04.16.14	SITE PLAN SUBMITTAL

Developed For:  
**SAROKI ARCHITECTURE**  
430 N. OLD WOODWARD AVE  
BIRMINGHAM, MI 48009  
(248) 258-5707  
(248) 258-5515

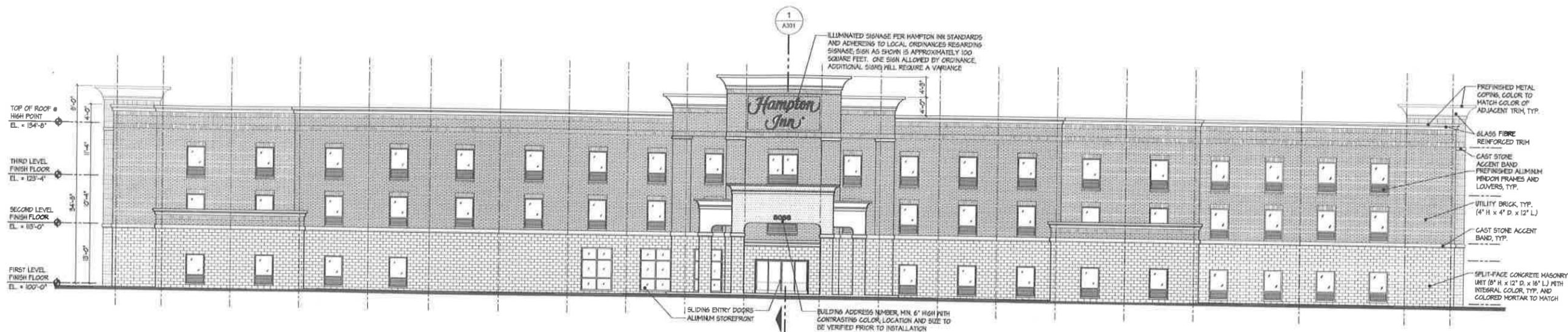
**LANDSCAPE PLAN**

BRIGHTON HAMPTON INN  
8068 CHALLIS RD.

CITY OF BRIGHTON  
LIVINGSTON COUNTY  
MICHIGAN

Date: 11.15.2013  
Scale: 1"=40'  
Sheet: LA-01  
Project: 18403.00

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South Elevation



8068 Challis Road  
Brighton, Michigan

Brighton Hotel Suites Inc.

South Elevation

Scale: 3/32" = 1'-0"

December 20, 2013

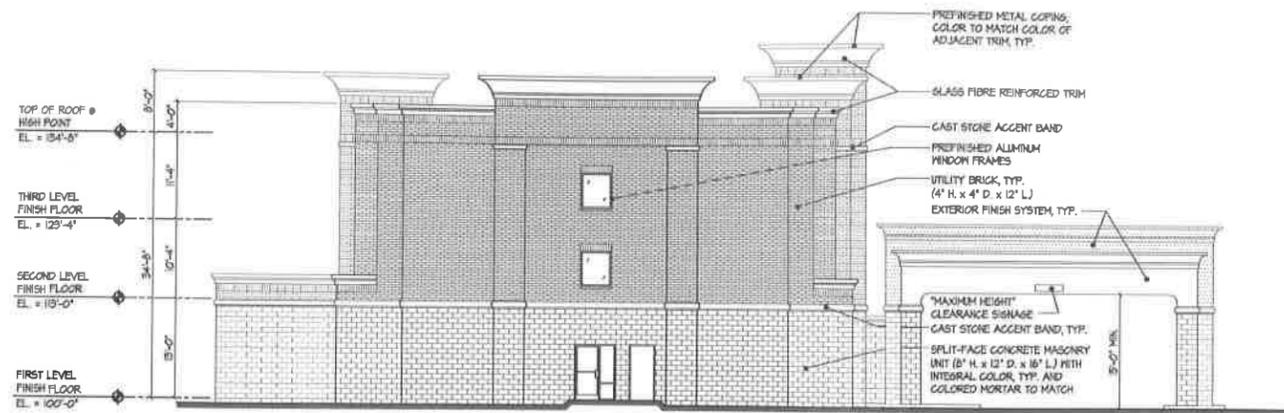
Site Plan Approval

Victor Saroki & Associates ARCHITECTS PC

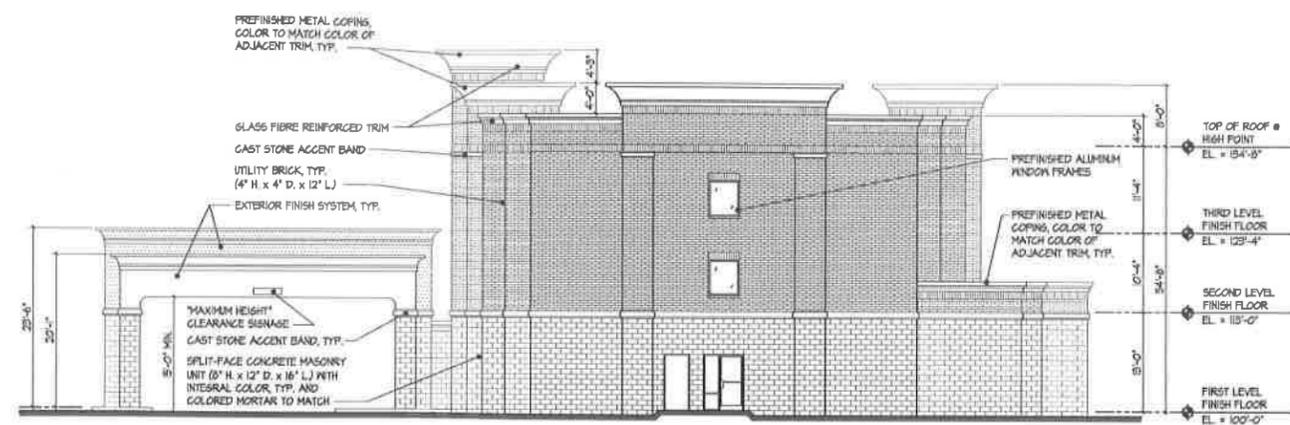
430 N. Old Woodward Avenue / Birmingham, MI 48009

T: 248.258.5707 F: 248.258.5515





West Elevation



East Elevation



8068 Challis Road  
Brighton, Michigan

Brighton Hotel Suites Inc.

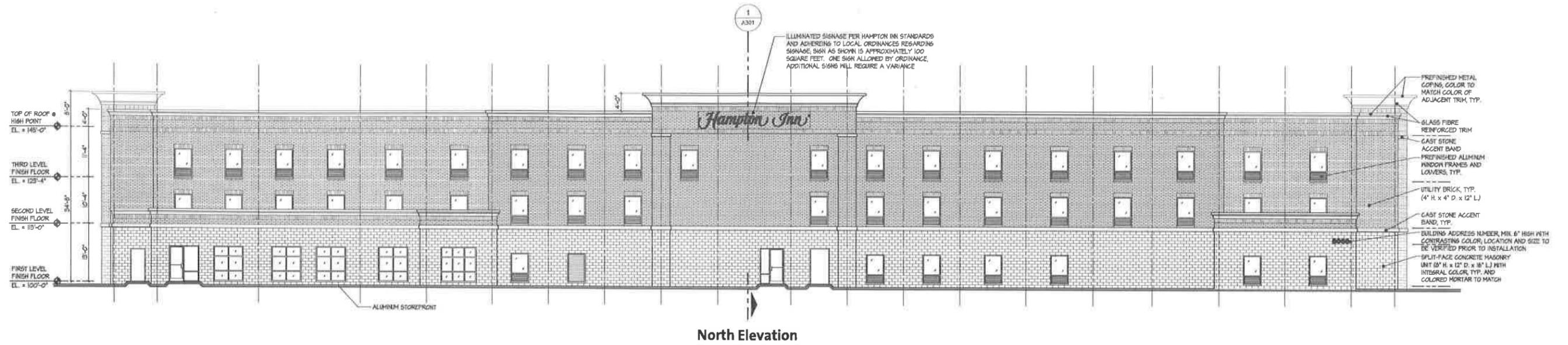
West and East Elevations

Scale: 3/32" = 1'-0"  
December 20, 2013  
Site Plan Approval



Victor Saroki & Associates ARCHITECTS PC

430 N. Old Woodward Avenue / Birmingham, MI 48009  
T: 248.258.5707 F: 248.258.5515



8068 Challis Road  
Brighton, Michigan

**Brighton Hotel Suites Inc.**

North Elevation

Scale: 3/32" = 1'-0"  
December 20, 2013  
Site Plan Approval

**Victor Saroki & Associates ARCHITECTS PC**

430 N. Old Woodward Avenue / Birmingham, MI 48009  
T: 248.258.5707 F: 248.258.5515



POLICY REPORT NO. CD-02-14

PRINCIPAL SHOPPING DISTRICT BOARD REQUEST TO HOLD THE HEARING ON NECESSITY OF SPECIAL ASSESSMENT FOR THE PRINCIPAL SHOPPING DISTRICT (PSD) PROJECT AND CONSIDER ADOPTING THE 2<sup>ND</sup> RESOLUTION TO DETERMINE TO INITIATE THE PROJECT, CREATE THE SPECIAL ASSESSMENT DISTRICT AND DIRECT THE PREPARATION OF THE SPECIAL ASSESSMENT ROLL

MAY 1, 2014

Prepared by:

Lauri French  
Community Dev.,  
Plng. & Zoning  
Deputy Dir.

Reviewed by:

Matt Modrack  
Community Dev. Dir.,  
DDA Exec. Director

Reviewed by:

Dana W. Foster  
City Manager

**ISSUE/RECOMMENDATION:**

Staff recommends that the Council hold the public hearing on necessity of special assessment for the PSD Project. **If more than two-thirds (2/3) of the number of owners of record of privately owned real property to be assessed for the Project object, in writing, at or prior to the public hearing, or if the owners of record of privately owned real property to be assessed for the Project who will be required to pay more than fifty percent (50%) of the amount of such special assessment shall object, in writing at or prior to the hearing, then the Project cannot be undertaken.** Otherwise, the Council can move forward in the SAD process. Staff will have a tabulation of objections received to-date at the beginning of the Council meeting, and, if necessary, will adjust the tabulation at the meeting for those written objections received at the meeting.

The formal request from the PSD board has been modified per a special session of the PSD Board held on April 22, 2014, where 15 out of 17 parcels in Zone 2 ("Blue Zone") were removed due to objections as to the direct impact of PSD marketing and promotions for the businesses in that zone. The requested modification was made via a letter dated April 22, 2014 from its chairperson, Mark Binkley, to City Manager Foster.

If the Council decides to continue the PSD SAD process, then Staff recommends adopting the attached 2<sup>nd</sup> Resolution in the PSD SAD process, which directs the preparation of final plans, specifications and cost estimates; directs the apportionment of cost and the designation of properties to be assessed; and directs the terms and parameters of the installment payments. The Resolution also directs the preparation of the Special Assessment Roll.

**BACKGROUND:**

On April 3, 2014 the City Council adopted the 1<sup>st</sup> Resolution in the PSD SAD process which determined the tentative necessity to initiate the Project and scheduled the first public hearing on the Project and directed the issuance of the statutory notice.

**BUDGET IMPACT:**

No direct budget impact.

**RELATIONSHIP TO 2013/2014 GOALS:**

Planning for an updated PSD-related Special Assessment District, which may include funding for part of the future maintenance and repairs of the city's public parking lots, is a specific 2013/2014 City Council goal as expressed in the 2013 Council Retreat Goals and Objectives.

**COUNCIL ACTION/MOTION TO CONSIDER:**

1. Hold the public hearing on necessity of special assessment for the PSD Project. If not more than two-thirds (2/3) of the number of owners of record of privately owned real property to be assessed for the Project object, in writing, at or prior to the public hearing, or if the owners of record of privately owned real property to be assessed for the Project who will be required to pay more than fifty percent (50%) of the amount of such special assessment shall object, in writing at or prior to the hearing, then;
2. Adopt the 2<sup>nd</sup> Resolution in the PSD SAD process, which directs the preparation of final plans, specifications and cost estimates; directs the apportionment of cost and the designation of properties to be assessed; and directs the terms and parameters of the installment payments; and also directs the preparation of the Special Assessment Roll.

Attachments:

1. Copy of draft April 22, 2014 PSD special session meeting minutes
2. Copy of PSD Chairperson Mark Binkley's letter to City Manager Foster dated 4/22/14
3. 4/3/14 PSD Special Assessment District Boundary Map (Zones 1 and 2)
4. 4/22/14 Revised PSD Special Assessment District Boundary Map (Zone 1 and revised Zone 2)
5. 2nd Resolution which directs the preparation of final plans, specifications and cost estimates; directs the apportionment of cost and the designation of properties to be assessed; and directs the terms and parameters of the installment payments; and also directs the preparation of the Special Assessment Roll.
6. Exhibit A-1 (attachment to 2<sup>nd</sup> Resolution), Lots and Parcels of Property
7. Proposed Revised Annual PSD Assessment (revised April 22, 2014)

**City of Brighton**  
**Principal Shopping District Board Meeting Minutes**  
**Tuesday, April 22, 2014 – 8:00 a.m. Special Session**

1. Meeting called to order by Mark Binkley at 8:00 a.m.

Those in Attendance:

Mark Binkley	Y	Lisa Nelson	Y (arr. at 8:10)
Nick Palizzi	Y	Thaddeus McGaffey	Y (arr. at 7:44)
Cheryl Mayday	Y	John Okoniewski	Y
Sheryl Kemmerling	Y (left at 9:05)	Peggi Mintz	Y (arr. at 8:10)
Shanda Willis	Y		

Staff:

Matt Modrack, Lauri French, Jen Ling

Audience: 2

2. **Approval** of April 22, 2014 agenda

Motion by Nick Palizzi, seconded by Sheryl Kemmerling, to approve the April 22, 2014 agenda as presented. Motion carried 7-0-2.

3. Call to the Public

Call to the public was made at 8:05 a.m. Hearing no response, call to the public was closed.

4. New Business

- a. Discuss April 3, 2014 City Council meeting resolution regarding necessity of PSD special assessment – Mark Binkley reviewed the outcome of the April 3 City Council meeting. City Council voted 3-2 to pass the resolution of necessity for the PSD Special Assessment District (there were two absent Council members). Mark noted that a vote of at least five Council members will be required for the May 1 meeting in order to pass the special assessment. Matt Modrack noted that this was one of the “triggers” in the City Charter for SADs. Mark stated that the two Council members who voted against the resolution of necessity were concerned about additional taxes in general and the “blue zone” in the SAD in particular. He also noted that Council wants to see the proposed budget with the SAD included at the May 1, 2014 Council meeting. Matt noted that we are preparing a short presentation for the meeting that will include the budget. He will also include what other nearby cities are doing, and they're not standing still! Everyone wants to be the shopping and dining destination that Brighton has become! Ms. Willis pointed out that the April 3 Council meeting kind of went off track several times and that the purpose of the resolution was to approve the necessity of the PSD SAD, not to get bogged down in the rates and zone detail.

- b. Discuss rates, zones and other elements of the proposed PSD special assessment to fund marketing and promotions in the district in anticipation of the May 1, 2014 public hearing on the PSD SAD – Mark Binkley reminded the board that the original 3-year assessment was for \$75,000. The questions before the board today are: 1) do we keep the proposed SAD rates as recommended to Council? 2) Do we delete or reduce the blue zone? He

reminded the board that the Christmas Lights came out of the PSD budget last year, but if the SAD provides less income than planned, will this money still be available for the Christmas lights? If not, we will have to find another funding source for the lights.

Scott Griffith and Shawn Pipoly, who own property in the blue zone, were invited to speak to the board regarding their concerns about the SAD. Mr. Griffith said he was supportive of the PSD and the first SAD but he does not see a direct benefit for his realty business since it is located in a non-walkable part of Grand River and there is no crosswalk at that location. Mr. Pipoly, who noted that he was a former member of the PSD board, said that his business had not been asked to participate in any co-op advertising by either Adams Outdoors for the billboards or the Marketeer for print ads. He stated that one of the reasons he opted not to continue as a member on the PSD board was that the emphasis was always on “downtown” which doesn’t, in his opinion, include the businesses on Grand River, particularly on the east side, just the businesses on Main Street. Mark Binkley commented that this is a business decision, and the SAD is to market downtown Brighton. Everyone pays a little and the PSD uses it to benefit everyone.

Thaddeus McGaffey stated that since there seems to be at least an indirect benefit to the Zone 2 businesses, what would it take and how can we convince those businesses to participate in the SAD? Mr. Pipoly was not convinced that the PSD would include his side of Grand River in the future if they had not done so in the past seven years the PSD has been in existence. Mr. Pipoly reminded the board that some of these Grand River businesses pay for parking lot upkeep, and for their own snow removal, which is done by the City for businesses on Main Street. Adding the SAD on top of those things makes it another expense and he doesn’t think is worth it. John Okoniewski stated that his business may not see the foot traffic as Main Street does, but he believes that having a successful downtown makes it worth it for his business on Grand River.

Mr. Binkley suggested that a revised recommendation to City Council prior to the May 1 public hearing could modify the “blue” district (Zone 2) by eliminating the parcels from Lawrence Auto Body northwest to the vacant parcel just beyond Mill Pond Park (before the Rite-Aid parcel in the yellow zone). There was discussion about the impact of taking these parcels out of the SAD and it was noted that they would not be included in the Services directory section of the PSD website or on any PSD maps in the future.

*Motion by Peggi Mintz, supported by John Okoniewski, to send a revised recommendation to City Council to modify the PSD Special Assessment District to remove parcels in the “blue zone” from Lawrence Auto Body northwest to Mill Pond Park, including the vacant parcel right before the Rite Aid shopping plaza. The parcels containing Tim Horton’s, Bloom Baby & Kids and the BP gas station would remain in Zone 2. **Motion carried 8-0-1.***

Mr. Modrack noted that the May 1 Council meeting starts with an early Blue Sky session at 6:30 p.m. and the regular meeting at 7:30 p.m. He encouraged the PSD board members to attend if their schedules permit.

5. Call to the Public – No response. Call to the public was closed at 9:15 a.m.
6. Adjournment - Motion by Nick Palizzi, seconded by John Okoniewski, to adjourn the meeting at 9:15 a.m. Motion carried 8-0-1.

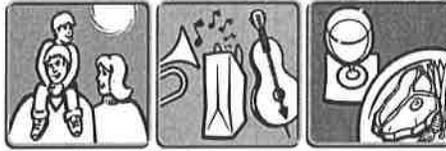
Principal Shopping District Board Draft Meeting Minutes – Special Session  
April 22, 2014

Respectfully submitted,

Lauri French, Recording Secretary  
April 22, 2014

**Reminder: Next regular PSD meeting is May 6, 2014 at 7:30 a.m.**

DRAFT



# Downtown Brighton

**Principal Shopping District  
Board Members**

April 22, 2014

**Mark K. Binkley, Sr.,**  
Chairperson  
Cooper & Binkley Jewelers

Dana Foster, Brighton City Manager  
200 N. First Street  
Brighton, Mi 48116

**Lisa Nelson**  
Vice-Chairperson  
Hush Intimate Apparel

Dear Mr. Foster:

**Nick Palizzi,**  
Treasurer  
Downtown Main Martini Bar

Please be advised that the PSD held a special meeting this morning at City Hall at 8:00 a.m. to discuss any proposed modifications to the Principal Shopping District Special Assessment District originally recommended to City Council. The PSD board is aware that the City Council held the first required meeting on the PSD on April 3, 2014 and voted affirmatively to make a "finding of necessity" for the Special Assessment District as proposed by the PSD. Let me make clear that the PSD Board is extremely grateful for this initial first step on the part of City Council.

**Shanda Willis, Secretary**  
Council Member  
City of Brighton

**Cheryl Mayday**  
Alterations Unlimited

Subsequent to discussion as well as public input at the meeting this morning, the Principal Shopping District Board approved a motion to recommend to City Council that the area affected by the Special Assessment District be diminished in size by removing those businesses on the east side of Grand River Ave. beginning with Lawrence Auto Body, 306 W. Grand River, and ending with the vacant parcel owned by Perry Jones, 910 W. Grand River. As you are aware, this area comprises most of what is now commonly referred to as the "Blue Zone".

**John Okoniewski**  
F.A.O. Jewelers

**Sheryl Kemmerling**  
Jack's Custard & Cakes

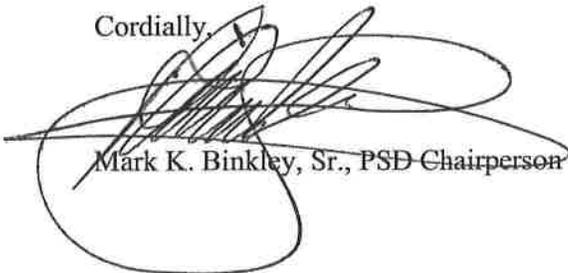
As the meeting was just held this morning, the draft minutes will be forwarded to you as soon as possible and certainly prior to the May 1, 2014 City Council meeting.

**Peggi Mintz**  
United Bank & Trust

Let me take this opportunity to thank you for your assistance with the somewhat involved SAD process and thank the City Council for considering this most recent SAD modification.

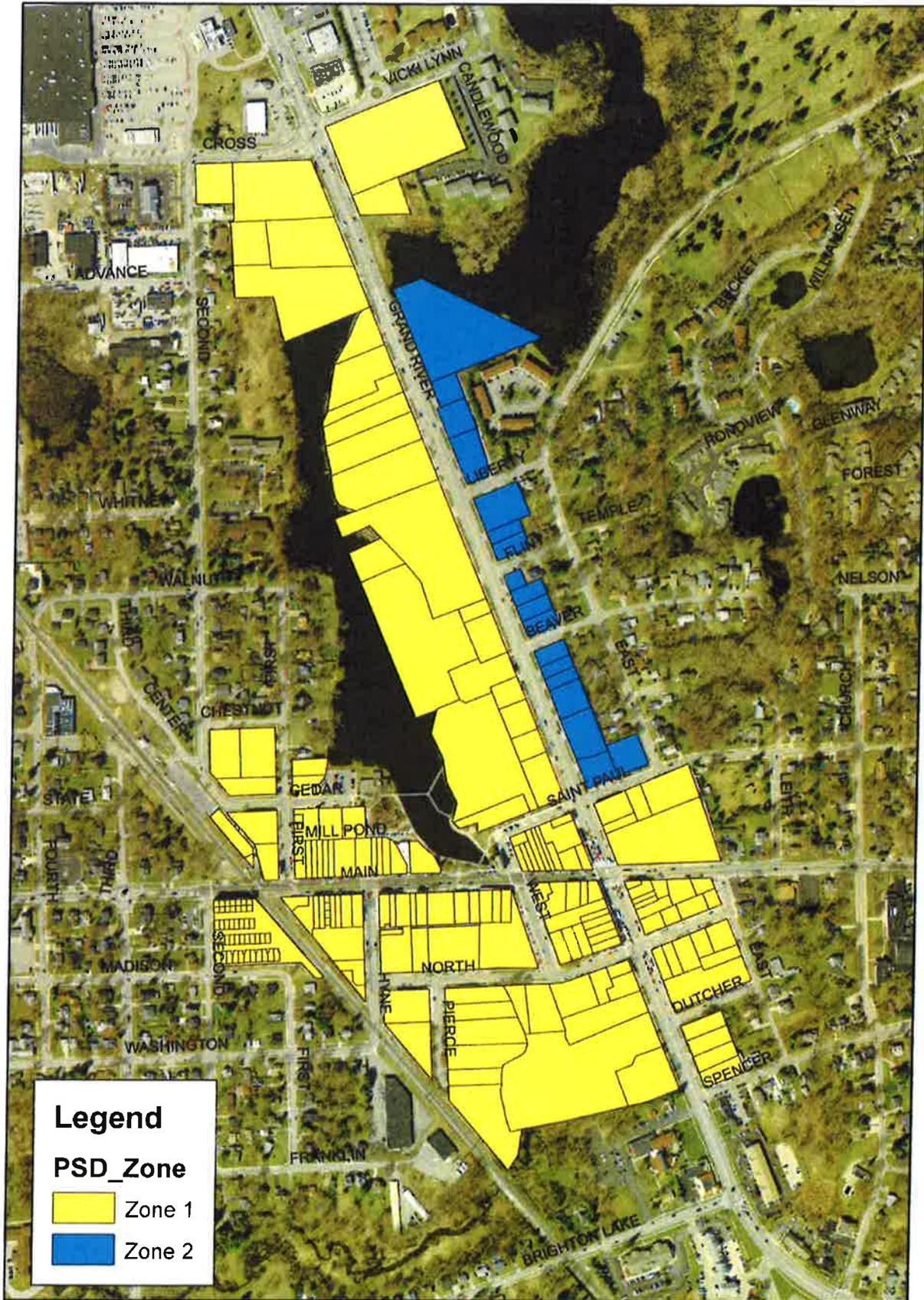
**Thaddeus McGaffey**  
Waddell & Reed

Cordially,



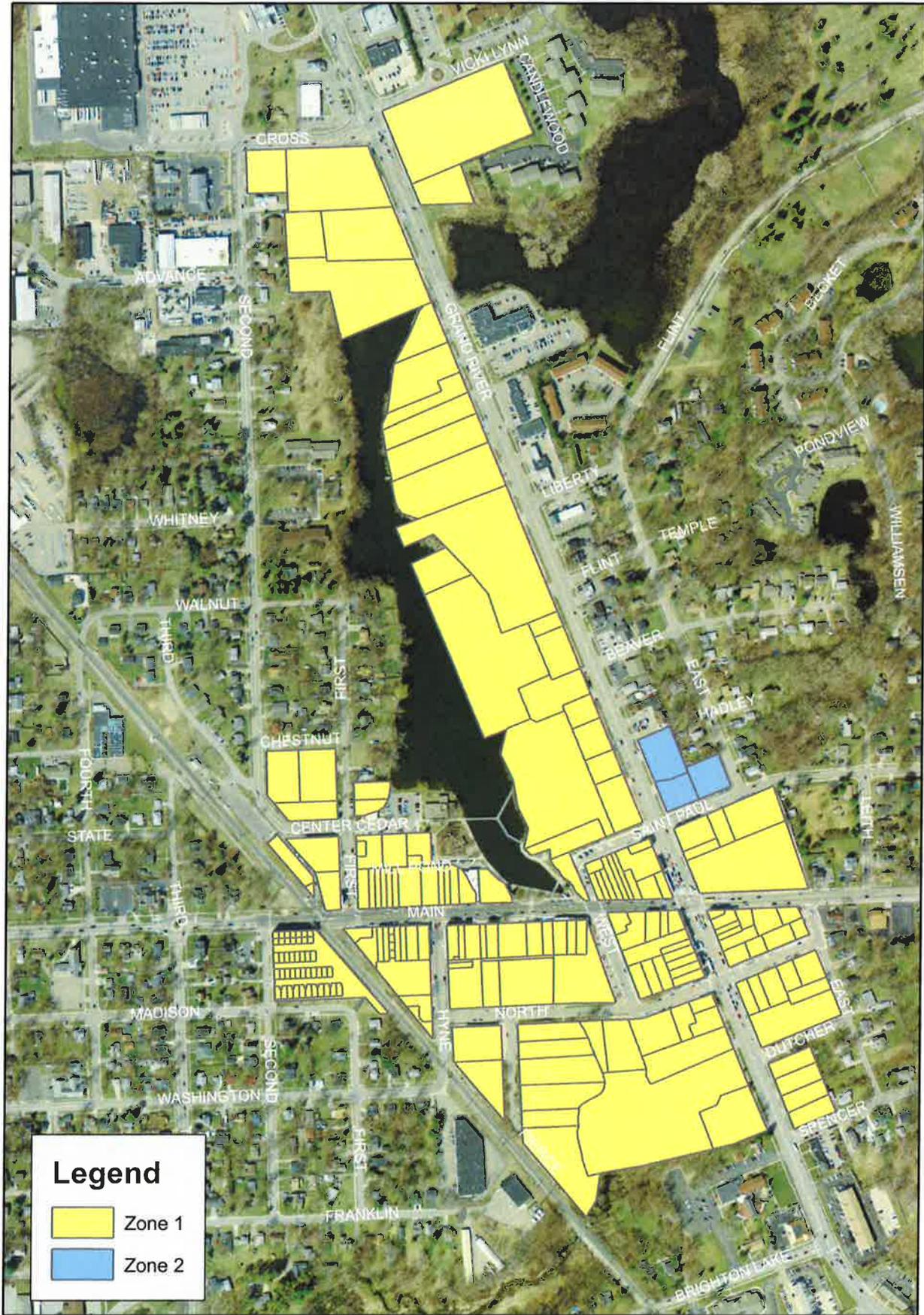
Mark K. Binkley, Sr., PSD Chairperson

# 4/3/14 PROPOSED MAP



Principal Shopping District (PSD) Boundaries





Principal Shopping District (PSD) Boundaries 

RESOLUTION NO. \_\_\_\_\_  
City of Brighton  
County of Livingston, Michigan  
Principal Shopping District Project

Minutes of a regular meeting of the City Council of the City of Brighton, County of Livingston, Michigan, held on the 1st day of May, 2014, at 7:30 o'clock p.m., Eastern Daylight Savings Time.

PRESENT: Members \_\_\_\_\_  
\_\_\_\_\_

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

The following preamble and resolution were offered by Member \_\_\_\_\_  
and supported by Member \_\_\_\_\_:

WHEREAS, the City Council of the City of Brighton, after due and legal notice, has met and heard all interested persons to be affected by the proposed Principal Shopping District Project initiated pursuant to Act 120 of the Public Acts of Michigan of 1961, as amended (the "Project");

WHEREAS, objections in writing to the Project by the requisite number of owners as provided by the City's Special Assessment Ordinance Section 74-8 were not received at or prior to said public hearing; and

WHEREAS, the City Council deems it advisable and necessary to proceed with said Project;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to undertake the Project described above and to defray the cost by special assessment upon the property specially benefited in proportion to

the benefits to be derived. The property specially benefited shall be that property described on Exhibit A-1 attached hereto and made part of hereof.

2. The City Council hereby approves the report of the City Manager respecting the aforesaid project, determines the estimated cost of said Project to be \$81,502 annually, and estimates that said special assessment shall be levied in not more than four (4) annual installments.

3. The City Council determines that of said total estimated cost the sum of \$81,502 be paid by special assessment upon the property specially benefited, as more particularly hereinafter described, and \$0 be paid by the City-at-large.

4. The City Council hereby designates the lots and parcels of land as the property to comprise the special assessment district upon which the special assessments shall be levied as all lots and parcels of property benefiting from the foregoing described Project.

5. The City Council shall cause to be prepared the economic, marketing and promotion plan comprising the Project including final estimates of costs therefore. Provided, however, should the final estimate of cost exceed the preliminary estimate by more than ten percent (10%), the notice of such increase shall be given in the manner provided in the City's Special Assessment Ordinance Sections 74-6 and 74-9.

6. Special assessments to be levied upon property specially benefited shall be payable in annual installments not to exceed four (4) years beginning on a date to be determined by City Council.

7. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district as before designated by the City Council and the Assessor shall assess each such lot or parcel of land such relative portion of the whole

sum to be levied against all the lands in the special assessment district as the benefit to such lot or parcel bears to the total benefits to all such lands in the district in accordance with the City Council's determination, and the amount spread in each case should be based upon the detailed estimates of cost as approved by City Council. There shall also be entered upon such roll the amount which has been assessed to the City at large.

8. When the Assessor shall have completed the assessment roll, the Assessor shall attach thereto, or endorse thereon, the Assessor's certificate to the effect that said roll has been made by the Assessor pursuant to a resolution of the City Council, and that in making the assessments therein the Assessor has, or near as may be, according to his/her best judgment, conformed in all respects to the directions contained in such resolution, and to the City Charter, and the provisions of the City's Special Assessment Ordinance. Thereupon the Assessor shall file same with the City Clerk for presentation to the City Council.

9. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

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

---

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

RESOLUTION DECLARED ADOPTED.

\_\_\_\_\_  
Diana Lowe, City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Brighton, County of Livingston, State of Michigan, at a regular meeting held on May 1, 2014, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, and that minutes of the meeting were kept and will be or have been made available as required by said Act.

---

Diana Lowe, City Clerk

EXHIBIT A-1

LOTS AND PARCELS OF PROPERTY DESCRIBED AS FOLLOWS:

Tax ID #'s

4718-30-300-032	4718-30-308-004	4718-31-102-026
4718-30-303-037	4718-30-308-005	4718-31-102-029
4718-30-303-038	4718-30-308-006	4718-31-102-030
4718-30-303-041	4718-30-308-013	4718-31-104-001
4718-30-303-042	4718-30-308-109	4718-31-104-002
4718-30-303-055	4718-30-308-028	4718-31-104-032
4718-30-304-001	4718-30-308-031	4718-31-104-033
4718-30-304-003	4718-30-308-088	4718-31-104-034
4718-30-304-004	4718-30-308-089	4718-31-104-035
4718-30-304-005	4718-30-308-090	4718-31-104-039
4718-30-304-006	4718-30-308-095	4718-31-104-044
4718-30-304-007	4718-30-308-096	4718-30-100-029
4718-30-304-008	4718-30-308-097	4718-30-300-037
4718-30-304-009	4718-30-308-099	4718-30-300-039
4718-30-304-010	4718-30-308-100	4718-30-304-036
4718-30-304-011	4718-30-308-101	4718-30-304-038
4718-30-304-012	4718-30-308-103	4718-30-304-040
4718-30-304-016	4718-30-308-104	4718-30-304-077
4718-30-304-017	4718-30-308-105	4718-30-308-016
4718-30-304-018	4718-30-308-106	4718-30-308-018
4718-30-304-079	4718-30-310-001	4718-30-308-024
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4718-30-304-083	4718-30-310-008	4718-31-102-019
4718-30-306-049	4718-30-310-009	4718-31-102-020
4718-30-306-050	4718-30-310-012	4718-31-102-023
4718-30-306-051	4718-30-310-014	4718-31-102-024
4718-30-306-052	4718-31-100-087	4718-31-104-006
4718-30-306-053	4718-31-100-088	4718-31-104-009
4718-30-306-054	4718-31-102-001	4718-30-100-031
4718-30-306-055	4718-31-102-010	4718-30-100-049
4718-30-306-057	4718-31-102-011	4718-30-306-064
4718-30-306-058	4718-31-102-012	4718-30-306-092
4718-30-306-059	4718-31-102-013	4718-31-104-010
4718-30-306-060	4718-31-102-014	4718-31-104-042
4718-30-306-061	4718-31-102-015	4718-31-104-017
4718-30-306-090	4718-31-102-016	4718-31-104-018
4718-30-306-091	4718-31-102-017	4718-31-104-019
4718-30-306-094	4718-31-102-021	4718-31-104-020

4718-30-303-056	4718-30-303-057	
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Diana Lowe, City Clerk

**Proposed PSD Updated Yearly Assessment Estimate ( Revised 4/22/14)**  
**Combined former Zone B into Zone A**  
**Eliminated 15 of 17 Parcels in Zone B (Blue Zone)**

**Zone A**

First Floor \$0.160  
 Second Floor + \$0.080

2014

Parcel Number	Owner/Business	Address	Total Sq. Ft.	# of Floors	Class	Sq Ft/ floor	Yearly Assessment	
1	4718-30-300-032	ITALY-AMERICAN II, LLC	306 W MAIN ST	4,107	1	201	4107	\$657.12
2	4718-30-303-037	CANOPY PROPERTIES LLC	204 E ST PAUL ST	9,742	1	201	9742	\$1,558.72
3	4718-30-303-038	PRESIDENTIAL CLEANERS INC.	100 E ST PAUL ST	3,165	1	201	3165	\$506.40
4	4718-30-303-041	BREDOW, KIMBERLY A.	116 W GRAND RVR	3,102	2	201	1551	\$372.24
5	4718-30-303-042	BRIGHTON SHOPPING PL LLC.	106 W GRAND RVR	22,312	1	201	22312	\$3,569.92
6	4718-30-303-055	BOHLEN, ROBERT M.	130 W GRAND RVR	13,132	1	201	13132	\$2,101.12
7	4718-30-304-001	BURNS, PAUL E. & DEBORAH G.	133 W GRAND RVR	2,508	2	201	1254	\$300.96
8	4718-30-304-003	LARUWE, DAVID & DEBORAH	120 W MAIN ST	4,245	1	201	4245	\$679.20
9	4718-30-304-004	RTA PROPERTIES LLC	128 W MAIN ST	3,024	1	201	3024	\$483.84
10	4718-30-304-005	RTA PROPERTIES LLC	E ST PAUL ST	0	0	202	0	\$0.00
11	4718-30-304-006	SHAR-BERT ENTERPRISES L.L.C.	140 W MAIN ST	3,470	2	201	1735	\$416.40
12	4718-30-304-007	SHAR-BERT ENTERPRISES	134 W MAIN ST	1,755	1	201	1755	\$280.80
13	4718-30-304-008	RTA PROPERTIES LLC	130 W MAIN ST	1,889	2	201	944.5	\$226.68
14	4718-30-304-009	CROSS, PAMELA	124 W MAIN ST	2,872	2	201	1436	\$344.64
15	4718-30-304-010	BAIDEL PROPERTIES	116 W MAIN ST	4,564	1	201	4564	\$730.24
16	4718-30-304-011	106 W. MAIN LLC	106 W MAIN ST	3,509	1	201	3509	\$561.44
17	4718-30-304-012	PHILLIPS, ROBERT W.	100 W MAIN ST	3,467	1	201	3467	\$554.72
18	4718-30-304-016	205 WEST LLC	205 W GRAND RVR	13,640	2	201	6820	\$1,636.80
19	4718-30-304-017	TEMA LLC	225 W. GRAND RVR	2,685	1	201	2685	\$429.60
20	4718-30-304-018	MITCHELL, THOMAS E. & JERRY L.	301 W GRAND RVR	5,462	1	201	5462	\$873.92
21	4718-30-304-079	EICHEN ENTERPRISES	321 W GRAND RVR	837	1	201	837	\$133.92
22	4718-30-304-080	OKONIEWSKI, JOHN M. & LISA A.	333 W GRAND RVR	3,661	1	201	3661	\$585.76
23	4718-30-304-081	BMH REALTY, L.L.C.	503 W GRAND RVR	30,366	1	201	30366	\$4,858.56
24	4718-30-304-083	MULLER JOHN F TRUST	117 W GRAND RVR	4,992	1	201	4992	\$798.72
25	4718-30-306-049	S B T II LLC	440 W MAIN ST	9,548	2	201	4774	\$1,145.76
26	4718-30-306-050	434 MAIN LLC	434 W MAIN ST	2,604	1	201	2604	\$416.64
27	4718-30-306-051	GADWA DANIEL D	430 W MAIN ST	1,436	1	201	1436	\$229.76
28	4718-30-306-052	MAIN STREET BRIGHTON LLC	428 W MAIN ST	1,452	1	201	1452	\$232.32
29	4718-30-306-053	HENKEL, ROY V.	424 W MAIN ST	690	1	201	690	\$110.40
30	4718-30-306-054	ROBLEE, CLAUDIA & GOUGHERTY, M	422 W MAIN ST	2,378	1	201	2378	\$380.48
31	4718-30-306-055	MAYDAY KITTREDGE TRUST	408 W MAIN ST	8,650	1	201	8650	\$1,384.00
32	4718-30-306-057	BRIGHTON BAR & GRILL ENTERPRISES	400 W MAIN ST	4,713	1	201	4713	\$754.08
33	4718-30-306-058	MULLER, MICHAEL S & SHARON	334 W MAIN ST	3,305	1	201	3305	\$528.80
34	4718-30-306-059	MOORE, ROBERT A.	332 W MAIN ST	2,558	1	201	2558	\$409.28
35	4718-30-306-060	328 W MAIN LLC	322 W MAIN ST	7,041	1	201	7041	\$1,126.56
36	4718-30-306-061	CDR PROPERTIES	314 W MAIN ST	7,699	1	201	7699	\$1,231.84

37	4718-30-306-090	THE STATE BANK	134 N FIRST ST	11,460	2	201	5730	\$1,375.20
38	4718-30-306-091	BRIGHTON BUILDING INVESTMENTS	500 W MAIN ST	8,742	3	201	2914	\$932.48
39	4718-30-306-094	SBT LLC	150 N FIRST ST	4,302	2	201	2151	\$516.24
40	4718-30-308-004	KRUEGER HOLDINGS LLC	209 W MAIN ST	10,740	2	201	5370	\$1,288.80
41	4718-30-308-005	HARTSHORNE, BRYN & PATRICE	213 W MAIN ST	8,551	2	201	4270	\$1,028.96
42	4718-30-308-006		217 W MAIN ST	5,730	1	201	5730	\$916.80
43	4718-30-308-013	JALCO DEVELOPMENT	321 W MAIN ST	2,537	1	201	2537	\$405.92
44	4718-30-308-109	L.L.B. PROPERTIES LLC	323 W MAIN ST	10,274	2	201	5137	\$1,232.88
45	4718-30-308-028	WBS EQUITIES LLC	401 W MAIN ST	5,100	1	201	5100	\$816.00
46	4718-30-308-031	PARSONS BROTHERS, INC.	409 W MAIN ST	4,400	1	201	4400	\$704.00
47	4718-30-308-088	WOOD-N-THINGS SHOP	200 HYNE ST	2,474	1	201	2474	\$395.84
48	4718-30-308-089	VANTIEM, GAIL	210 HYNE ST	483	1	201	483	\$77.28
49	4718-30-308-090	MC CRIRIE LAW OFFICE	317 W MAIN ST	3,300	2	201	1650	\$396.00
50	4718-30-308-095	VIVIANO SALVATORE & SYLVIA	501 W MAIN ST	2,112	1	201	2112	\$337.92
51	4718-30-308-096	BRIGHTON LIONS CLUB	465 W MAIN ST	1,728	1	901	1728	\$276.48
52	4718-30-308-097	SHIPOSH, DEBORAH	431 W MAIN ST	5,164	2	201	2582	\$619.68
53	4718-30-308-099	SDMD LLC	305 W MAIN ST	2,750	2	201	1375	\$361.92
54	4718-30-308-100	NAIN LLC	307 W MAIN ST	3,892	2	201	1946	\$467.04
55	4718-30-308-101	MONROE MICHAEL & COLLEEN	427 W MAIN ST	4,464	2	201	2232	\$534.56
56	4718-30-308-103	STARNES, RICHARD & ROBIN L.	421 W MAIN ST	2,167	1	201	2167	\$346.72
57	4718-30-308-104	STARNES, RICHARD & ROBIN L.	423 W MAIN ST	1,551	1	201	1551	\$248.16
58	4718-30-308-105	ANDRE'S FINE JEWELRY INC	425 W MAIN ST STE 101	1,197	1	201	1197	\$191.52
59	4718-30-308-106	DW DEVELOPMENT	425 W MAIN ST STE 102	1,323	1	201	1323	\$211.68
60	4718-30-310-001	MAIN STREET RAYDIANCE LLC	537 W MAIN ST	730	1	201	730	\$116.80
61	4718-30-310-004	GIULIANI, MATTHEW P.	533 W MAIN ST	730	1	201	730	\$116.80
62	4718-30-310-005	KOCEVAR, JOEL W & MANDY G	529 W MAIN ST	730	1	201	730	\$116.80
63	4718-30-310-008	LIPON, MITCHELL A \$ SUZANNE M	523 W MAIN ST	730	1	201	730	\$116.80
64	4718-30-310-009	GRJGB, LLC	519 W MAIN ST	730	1	201	730	\$116.80
65	4718-30-310-012	JUERGENS, EUGENE M	515 W MAIN ST	730	1	201	730	\$116.80
66	4718-30-310-014	COULING, MARK E & DENISE D	511 W MAIN ST	730	1	201	730	\$116.80
67	4718-31-100-087	BMH REALTY, L.L.C.	201 W MAIN ST	5,564	1	201	5564	\$890.24
68	4718-31-100-088	JARVIS, JOHN W. & SHIRLEY L.	205 W MAIN ST	2,110	1	201	2110	\$337.60
69	4718-31-102-001	MTL DEVELOPMENTS LLC	102 E GRAND RVR	3,923	2	201	1961.5	\$470.76
70	4718-31-102-010	BARTON DEVELOPMENT LLC	128 W NORTH ST	0	0	202	0	\$0.00
71	4718-31-102-011	BARTON DEVELOPMENT LLC	118 W NORTH ST	0	0	202	0	\$0.00
72	4718-31-102-012	BARTON DEVELOPMENT LLC	114 W NORTH ST	0	0	202	0	\$0.00
73	4718-31-102-013	BEAUCHAMP, NORMA L.	140 E GRAND RVR	3,907	1	201	3907	\$625.12
74	4718-31-102-014	BGR OFFICES LLC	136 E GRAND RVR	1,628	2	201	814	\$195.36
75	4718-31-102-015	LOCONTE LLC	132 E GRAND RVR	3,587	2	201	1793.5	\$430.44
76	4718-31-102-016	AMERICAN PROPERTY INVESTMENT L.L.C.	126 E GRAND RVR	3,415	2	201	1707.5	\$409.80
77	4718-31-102-017	M&M 2 HOLDING COMPANY LLC	118 E GRAND RVR	2,204	1	201	2204	\$352.64
78	4718-31-102-021	206 GR LLC	200 E GRAND RVR	3,016	1	201	3016	\$482.56
79	4718-31-102-026	TORTORA, PATRICK	139 W MAIN ST	3,424	1	201	3424	\$547.84
80	4718-31-102-029	KUDLA, GEORGE & RUTH	111 W MAIN ST	6,399	1	201	6399	\$1,023.84
81	4718-31-102-030	BINKLEY PROPERTIES, LLC	105 W MAIN ST	2,560	1	201	2560	\$409.60
82	4718-31-104-001	MC GIVNEY, JANET M.	210 E. MAIN ST	1,133	2	201	566.5	\$135.96
83	4718-31-104-002	MATTHEWS, NANCY & JAMES	114 E. MAIN ST	1,638	1	201	1638	\$262.08
84	4718-31-104-032	101 GR HOLDING LLC	102 E MAIN ST	3,628	1	201	3628	\$580.48
85	4718-31-104-033	KADELI TRUST	107 E MAIN ST	4,552	1	201	4552	\$728.32

86	4718-31-104-034	THREE TWENTY FIVE 325 L.L.C.	113 E GRAND RVR	3,273	2	201	1636.5	\$392.76
87	4718-31-104-035	DSAD PROPERTIES LLC	125 E GRAND RVR	4,505	1	201	4505	\$720.80
88	4718-31-104-039	M&M 3 HOLDING COMPANY LLC	117 E GRAND RVR	2,165	1	201	2165	\$346.40
89	4718-31-104-044	TALMER WEST BANK	139 E GRAND RVR	5,457	1	201	5457	\$873.12
90	4718-30-100-029	RDC ENTERPRISES LLC	8720 W GRAND RVR	14,356	1	201	14356	\$2,296.96
91	4718-30-300-037	RDC ENTERPRISES II LLC	8722 W GRAND RVR	10,038	1	201	10038	\$1,606.08
92	4718-30-300-039	JANCEVSKI, JOSEF & MILICA	8724 W GRAND RVR	3,907	1	201	3907	\$625.12
93	4718-30-304-036	BRIGHTON EPICURIAN DEVELOPMENT	675 W GRAND RVR	2,311	1	201	2311	\$369.76
94	4718-30-304-038	DSN ASSOCIATES LLC	701 W GRAND RVR	12,600	1	201	12600	\$2,016.00
95	4718-30-304-040	CORCORAN, ROBERT R. & BARBARA	725 W GRAND RVR	3,080	1	201	3080	\$492.80
96	4718-30-304-077	CLEAN WASH, INC.	641 W GRAND RVR	3,282	1	201	3282	\$525.12
97	4718-30-308-016	EXCELDA MANUFACTURING	131 HYNE ST	0	1	201	0	\$0.00
98	4718-30-308-018	FIFTH THIRD BANK	300 W NORTH ST	7,580	1	201	7580	\$1,212.80
99	4718-30-308-024	DETROIT EDISON CO	220 PIERCE ST	1,608	1	301	1608	\$257.28
100	4718-30-308-025	BRIGHTON MASONIC BLDG	315 W NORTH ST	13,104	2	201	6552	\$1,572.48
101	4718-31-102-018	110 EGR ASSOCIATES LLC	108 E GRAND RVR	11,274	1	201	11274	\$1,803.84
102	4718-31-102-019	GREATER BRIGHTON AREA CHAMBER	218 E GRAND RVR	4,127	2	201	2063.5	\$495.24
103	4718-31-102-020	WERNER, GREGG A. ET AL	212 E GRAND RVR	2,400	1	201	2400	\$384.00
104	4718-31-102-023	BRIGHTON DDA	121 W NORTH ST	8,955	0	703	0	\$0.00
105	4718-31-102-024	NORTH STREET PARTNERS	135 W NORTH ST	7,960	1	201	7960	\$1,273.60
106	4718-31-104-006	MCMANUS FAMILY LLC	210 S EAST ST	2,408	2	201	1204	\$288.96
107	4718-31-104-009	MOSES, GEORGE J. & MELANIE	110 E NORTH ST	2,056	2	201	1028	\$255.36
108	4718-30-100-031	PI'S PROPERTY MANAGEMENT	8262 CROSS ST	3,287	1	201	3287	\$525.92
109	4718-30-100-049	CROSS GRAND PLAZA L.L.C.	8707 W GRAND RVR	30,200	1	201	30200	\$4,832.00
110	4718-30-306-064	TRI-STAR INC A MICHIGAN CORP	211 N FIRST ST	5,986	1	201	5986	\$957.76
111	4718-30-306-092	TRI-STAR INC A MICHIGAN CORP	230 N SECOND ST	6,652	1	201	6652	\$1,064.32
112	4718-31-104-010	WITT FAMILY TRUST, THE	201 E GRAND RVR	2,670	1	201	2670	\$427.20
113	4718-31-104-042	GRAND-BRI INVESTMENTS	225 E GRAND RVR	7,700	1	201	7700	\$1,232.00
114	4718-31-104-017	MULLER, JOHN F. TRUST	305 E GRAND RVR	895	1	201	895	\$143.20
115	4718-31-104-018	TERESA'S STYLING SALON, INC.	309 E GRAND RVR	721	1	201	721	\$115.36
116	4718-31-104-019	EDBOB INVESTMENTS	315 E GRAND RVR	1,980	1	201	1980	\$316.80
117	4718-31-104-020	BEDNARZ, LAWRENCE & BETTY	325 E GRAND RVR	3,036	2	201	3036	\$433.44

\$80,850.44

**Zone B**

First Floor	\$0.120
Second Floor	\$0.060

118	4718-30-303-056	BMH REALTY, LLC	222 & 300 W GRAND RVR	3,954	1	201	3954	\$474.48
119	4718-30-303-057	BMH REALTY	204 W GRAND RVR	1,475	1	201	1475	\$177.00

\$651.48

**GRAND TOTAL**

**\$81,501.92**

**POLICY REPORT: AMENDMENTS TO CHAPTER 98, ARTICLE I. IN GENERAL, SECTION 98-3. DEFINITIONS AND CHAPTER 98, ARTICLE XIII. C2 DISTRICTS, SECTION 98-357. USE REGULATIONS.**

**MAY 1, 2014**

Prepared by:

Reviewed by:

\_\_\_\_\_  
Amy Cyphert  
Planning & Zoning Director

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

**ISSUE:**

To consider the second reading and hold a public hearing for the proposed amendments to Chapter 98, Article I. In General, Section 98-3. Definitions and Chapter 98, Article XIII. C2 Districts, Section 98-357. Use Regulations.

**BACKGROUND:**

On December 5, 2013, City Council held a public hearing and adopted a moratorium on the issuance of all city permits, licenses, certificates and any and all other approvals, including building permits, land use permits, and certificates of occupancy or re-occupancy. The moratorium was in regard to land uses associated with smoking lounges, “hookah bars” and smoking related stores for a period not to exceed six months, or until the effective date of the adoption of amendments to the zoning ordinance and any necessary licensing requirements, whichever occurs first.

At the December 16, 2013 Planning Commission meeting, the board members discussed options for ordinance amendments to address smoking lounges, “hookah bars” and smoking related stores. The members present directed City Staff and the City Attorney’s office to draft ordinance amendments that define the uses and include percentage for the uses. The members also provided direction to place smoking lounges, “hookah bars” and smoking related stores as a permitted use in the C2 zoning district.

Attached are the draft ordinance amendments per the direction of the Planning Commission. The definition and percentages were taken from Public Act 368 of 1978 which defines and addresses these types of uses.

Planning Commission questioned the internet sales of products and how they are regulated by the percentage. The City Attorney’s office suggested leaving the definitions from the State Law.

The City Attorneys reviewed the proposed amendments and the draft is attached.

**BUDGET IMPACT:** N/A

**RELATIONSHIP TO 2013/2014 GOALS:** N/A

**COUNCIL ACTION:**

1. Consider second reading and adoption of Ordinance Number \_\_\_\_\_, and publish as appropriate, or
2. Consider second reading and denial of the proposed amendment to Chapter 98, Article I. In General, Section 98-3. Definitions and Chapter 98, Article XIII. C2 Districts, Section 98-357. Use Regulations, or
3. Consider second reading and request revisions to the proposed amendment to Chapter 98, Article I. In General, Section 98-3. Definitions and Chapter 98, Article XIII. C2 Districts, Section 98-357. Use Regulations

**Attachments:**

1. Proposed amendments to Chapter 98, Article I. In General, Section 98-3. Definitions and Chapter 98, Article XIII. C2 Districts, Section 98-357. Use Regulations.
2. PC Draft Minutes

### **Sec. 98-3. Definitions.**

*Cigar* means any roll of tobacco weighing 3 or more pounds per 1,000, which roll has a wrapper or cover consisting only of tobacco as defined by Public Act 368 of 1978 (as amended).

*Cigar Bars* means an establishment or area within an establishment that is open to the public and is designated for the smoking of cigars, purchased on the premises or elsewhere. The use generates 10% or more of its total gross annual income from the on-site sale of cigars and the rental of on-site humidors as defined by Public Act 368 of 1978 (as amended).

*Hookah lounges/bars/establishments* see *Tobacco Specialty Retail Store*.

*Smoking paraphernalia* means any equipment, apparatus, or furnishing that is used in or necessary for the activity of smoking as defined by Public Act 368 of 1978 (as amended).

*Tobacco product* means a product that contains tobacco and is intended for human consumption, including, but not limited to, cigarettes, noncigarette smoking tobacco, or smokeless tobacco, as those terms are defined in section 2 of the tobacco products tax act, 1993 PA 327, MCL 205.422, and cigars.

*Tobacco Specialty Retail Stores* means an establishment in which the primary purpose is the retail sale of tobacco products and smoking paraphernalia, and in which the sale of other products is incidental. Tobacco specialty retail store does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license. The use generates 75% or more of its total gross annual income from the on-site sale of tobacco products and smoking paraphernalia as defined by Public Act 368 of 1978 (as amended).

### **Sec. 98-357. Use regulations.**

A building or premises in a C-2 district shall be used only for the following purposes:

- (1) Any use permitted in the C-1 neighborhood shopping center districts, with the exception of adult entertainment businesses which are restricted to solely C-1 districts by this Code.
- (2) Advertising signs and billboards that comply with chapter 66.
- (3) Dyeing and cleaning works, providing the cleaning fluid used has a base which is of a nonexplosive material.
- (4) Hotel, motel.
- (5) Laundry employing not more than ten persons on the premises.
- (6) Plumbing shop.
- (7) Printing shop.
- (8) Public garage and automobile sales room.
- (9) Tinsmithing shop.
- (10) Used car sales or storage lots.
- (11) Radio broadcasting and telecasting stations, studios and offices.
- (12) Retail lumber yards.
- (13) A carnival, outdoor circus or migratory amusement enterprise may be permitted by specific approval of the city council; to the application for such a permit shall be attached a letter of consent from the owner or owners of the property to be

used for such purpose and an affidavit that such location is a minimum distance of 200 feet from any existing residential building and a minimum distance of 30 feet from the street or highway right-of-way.

(14) Tobacco Specialty Retail Stores, Cigar Bars, and Hookah lounges/bars/establishments as defined in Sec. 98-3.

(Code 1981, § 51.134; Ord. No. 288, § I, 5-1-86; Ord. No. 546, § I, 10-1-09)

Mr. Smith read the criteria for the Karl H. Greimel Award and noted that the vote was unanimous that the award should go to the Veterans Memorial Committee. Ken Frasheski from the Veterans Committee accepted the award but advised that it had been agreed at the very beginning of the committee that none of the committee members were involved for any personal gain, including awards. He further noted that at their last meeting, after learning that the Veterans Memorial project was receiving an award, the committee members unanimously voted to give the award to Jim Barnas from Contracting Resources, Inc., whose company was responsible for building the memorial. Mr. Barnas thanked Mr. Frasheski and accepted the award, which is his second Greimel award.

6. Presentation and Discussion of Capital Improvements Program 2014-2020 Projects

Ms. Cyphert gave some background for the CIP, which is a state-mandated Planning Commission document. She directed the Planning Commission members to the memo in tonight's packet that contains several changes to the CIP that were not in the original they reviewed. There was discussion about what role the Planning Commission should play for the CIP since Staff and the Department Directors are the experts who put the CIP together, and several commission members did not feel it was in the Planning Commission's purview to make changes to items. Ms. Cyphert reiterated that this is a Planning Commission document per state law and the document is also used for budgeting purposes. Mr. Wirth noted that he would like to see the Fall Tour reinstated so Planning Commission members are more aware of the completed and proposed projects in the City.

**Motion** by Mr. Petrak, supported by Mr. McLane, to approve the 2014-2020 Capital Improvements Program document. **The motion carried 6-0-3.**

7. Discussion on zoning ordinance amendments pertaining to smoking lounges, "hookah bars" and smoking related stores

Ms. Cyphert noted that Planning Commission recommended putting these types of businesses in the C2 zoning district at the last meeting. Through her research, she found that definitions already exist and are governed under state law. There was discussion about whether the current wording might allow stores that do a large volume of internet business to get around the ordinance. Ms. Cyphert will talk to the City attorney to make changes; the revised amendment language will be available to Planning Commission prior to next month's meeting which would also be the first of the two required public hearings.

**Motion** by Mr. Wirth, supported by Mr. McLane to set the public hearing for March 17, 2014. **The motion carried 6-0-3.**

**New Business**

8. Discussion on zoning ordinance amendments pertaining to seasonal event parking – City Council Goal

Ms. Cyphert reviewed the planning report and noted that this is a City Council goal that came out of the December 2013 retreat. She discussed the two alternatives – changing the ordinance to exempt the City from its own ordinance or changing the materials that can be used for parking lot construction. The latter alternative would open up this option for everyone, not just for City-owned property. There was also discussion about whether a special land use permit for overflow parking areas might be a possibility, to include a special event parking permit with civic event applications or have City Council approve overflow parking areas for a specified period of time, possibly up to five years. There was consensus that enforcement could be a problem when the lots are closed on non-event days.

Ms. Cyphert will do some additional research and draft language for the next Planning Commission meeting for overflow parking in City-designated parking areas.

City of Brighton  
Planning Commission  
Minutes  
March 17, 2014

**DRAFT**

1. Call to Order/Roll Call

Chairperson Monet called the meeting to order at 7:32 p.m. The following were present:

Al Wirth	Matt Smith
Bill Bryan	Robert Pawlowski
David McLane	Chad Cooper
Steve Monet	Susan Gardner
Dave Petrak	

Also present was Amy Cyphert and Lauri French from Staff and Brad Maynes from the City Attorney's office.

2. Approval of the February 10, 2014 Regular Meeting Minutes

Mr. Smith noted that the February 10 minutes should reflect a motion to excuse Commission Members Pawlowski, Bryan and Monet and asked that they be corrected.

**Motion** by Mr. Cooper, supported by Mr. Petrak, to approve the February 10, 2014 regular meeting minutes as amended. **The motion carried 6-0-3, with Mr. Pawlowski, Mr. Bryan and Mr. Monet abstaining.**

3. Approval of the March 17, 2014 Agenda

**Motion** by Mr. Smith, supported by Mr. Pawlowski, to approve the agenda as presented. **The motion carried 9-0.**

4. Call to the Public

The call to the public was made at 7:38 p.m. Hearing no response, call to the public was closed at 7:35 p.m.

Commission Member Gardner requested that introductions be done to familiarize her with her fellow Commission members. Each of the members introduced themselves and spoke about their affiliation with the Planning Commission and other boards.

**Public Hearings**

5. Public Hearing to consider amendments to Chapter 98, Article I. In General, Section 98-3. Definitions, and Chapter 98, Article XIII. C2 Districts, Section 98-375. Use Regulations.

Ms. Cyphert reviewed the changes made to the draft ordinance since the February meeting. Mr. Cooper asked if his Internet issues were considered, and Mr. Maynes responded that their office is not recommending any changes since they would not realistically encompass Internet sales due to the difficulty in regulating such sales.

**Motion** by Mr. Cooper, supported by Mr. Smith, to approve the proposed amendments to Chapter 98, Article I. In General, Section 98-3. Definitions, and Chapter 98, Article XIII. C2 Districts, Section 98-375. Use Regulations, as written and forward to City Council for review and adoption. **The motion carried 9-0.**

POLICY REPORT - FINANCE

**Consideration of Adopting the FY 2014-15 Budget**

May 1, 2014

Prepared by:

Reviewed by:

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Kelly Hanna  
Finance Director

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Dana William Foster  
City Manager

**ISSUE:**

Consider the attached resolution to adopt the FY 2014-15 Budget.

**STAFF RECOMMENDATION:**

It is the recommendation of staff that the City Council approve the attached resolution, including Exhibit A, to adopt the City's Budget for FY 2014-15.

**BACKGROUND:**

The City Manager's Proposed FY 2014-15 Budget was presented to the City Council on Thursday, March 20, 2014. The City Council held Budget Work Sessions on Tuesday, March 25, 2014; Wednesday, March 26, 2014; and Thursday, March 27, 2014. On April 3, 2014, the City Council approved a motion directing staff to publish a budget public hearing notice for the Council's proposed FY 2014-15 budget. A public hearing for the purpose of receiving citizen input regarding the Proposed Budget was held earlier on April 17, 2014.

The budget provides for a tax levy and utility fees, which comprise the majority of City determined revenue, to support the expenditures/expenses. The City Council will consider separate resolutions to determine the millage rates and fee schedule, including utility fees at future Council meetings.

**BUDGET IMPACT:**

Provides the authority to appropriate the funds for the operations of the City of Brighton from July 1, 2014 through June 30, 2015.

**RELATIONSHIP TO GOALS:**

This is related to all City Goals.

**ACTION/MOTION:**

**Approve the resolution, including Exhibit A, to adopt the City of Brighton's Budget for FY 2014-15.**

## **RESOLUTION 14-**

### **ADOPTING THE FY 2014-15 BUDGET**

**WHEREAS, the City of Brighton Municipal Charter requires that an annual budget be approved by the City Council; and**

**WHEREAS, said Charter requires the appropriation of funds for the upcoming Fiscal Year; and**

**WHEREAS, the Manager's recommended budget for Fiscal Year 2014-15 was submitted to the City Council of Brighton and a copy thereof placed on file with the City Clerk for public review on March 20, 2014; and**

**WHEREAS, on April 17, 2014 the City Council of Brighton held a public hearing on the proposed budget for Fiscal Year 2014-15; and**

**WHEREAS, estimated revenues and fund balances are sufficient to provide for proposed expenditures and year end reserves required for the 2014-15 Fiscal Year; and**

**NOW, THEREFORE, pursuant to Chapter 8, Section 4 of the City of Brighton Charter, BE IT RESOLVED, that the City Council of Brighton hereby approves the Fiscal Year 2014-15 budget by activity, as presented by the Manager, reviewed by Council, and implemented through the following policies and specifications as the official budget for the City of Brighton for the Fiscal Year beginning July 1, 2014;**

#### **I. ADOPTION BY FUND AND ACTIVITY WITHIN EACH FUND**

**The Budget is hereby adopted and appropriated by fund, and department within each fund, as provided on Exhibit A.**

#### **II. APPROPRIATIONS/TRANSFERS**

**Appropriations made during Fiscal Year 2014-15 pursuant to said budget shall be considered the maximum authorization to incur expenditures and not a mandate to spend, subject to the following conditions:**

- A. Additional appropriations may be made by the City Council from the unappropriated fund balance account of the General Fund for approved reallocations, providing that such appropriations do not cause the unreserved fund balance account to be less than 15% of the total General Fund budgeted operating expenditures.**

- B. Transfers may be made by the City Manager from departmental reserves or surplus of the General Fund to any department of the General Fund in amounts not to exceed five percent of the original total budget for the department receiving the transfer, provided that such transfers shall not exceed the total amount of operating reserves or surplus available at the time of transfer, and providing that such transfers do not cause the unreserved fund balance account to be less than 15% of the total General Fund budgeted operating expenditures.
- C. Transfers may be made by the City Manager from departmental reserves or surplus of the General Fund to any other Fund of the City in amounts not to exceed ten percent of the original total budget for all such transfers, providing that the limitations of Section (B) are not exceeded.
- D. Appropriations in excess of the limitations of Sections (A - C) above may be authorized by the City Council but only if new revenues are available to fund such expenditures.

**III. LIMIT ON OBLIGATIONS AND PAYMENTS**

No obligation shall be incurred against, and no payment shall be made from any appropriation account unless there is a sufficient unencumbered balance in the appropriation, and sufficient funds are or will be available to fund such expenditures.

**IV. CONFORMITY WITH PREVIOUS ACTIONS**

The City Council rescinds any prior actions not in conformity with the above stated policies and specifications.

Ayes: \_\_\_\_\_

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

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

Abstain: \_\_\_\_\_

This Resolution was \_\_\_\_\_ this \_\_\_\_\_ day of May 2014.

\_\_\_\_\_  
Diana Lowe, City Clerk

**EXHIBIT - A**

<u>REVENUE/SOURCES - ALL FUNDS</u>	<u>Budget</u>
Property Taxes, Penalties, Interest & Fees	\$ 6,559,284
Licenses & Permits	326,857
Federal Grants	7,000
State Grants	16,000
State Shared Revenue	1,081,001
Local Unit Contribution	89,000
Service Charges	3,979,431
Fines & Forfeits	113,900
Investment Earnings	27,020
Rents & Royalties	71,950
Other Revenue	258,817
Other Financing Sources (including (fund balance and working capital))	2,731,683
<b>TOTAL REVENUE</b>	<b><u>\$ 15,261,943</u></b>

<u>FUND</u>	<u>DEPARTMENT</u>	<u>APPROPRIATION</u>
	City Council	26,907
	City Manager	95,240
	Legal Services	272,245
	City Clerk	156,623
	Human Resources	132,817
	Finance	620,286
	Information Systems	104,765
	Police	2,483,607
	Public Services	1,691,572
	Community Development	545,510
	Post Employment Benefits	227,101
	Contingencies/(Cuts)	83,000
	Transfers Out	1,340,539
General		7,780,212
Major Street		793,260
Local Street		197,527
Principal Shopping District		35,000
Arts & Cultural Commission		2,965
Imagination Station Maintenance		11,000
Forfeiture Funds		24,170
Street Non-voted Debt		661,519
Capital Improvement		451,942
Law Enforcement/Public Safety		144,940
Building Authority		130,683
Downtown Development Authority		1,101,160
Local Development Finance Authority		75,405
Utilities		5,712,822
<b>TOTAL EXPENDITURES</b>		<b>17,122,604</b>
Less: Depreciation		<b>(1,860,661)</b>
<b>TOTAL EXPENDITURES: Less Depreciation</b>		<b><u>\$ 15,261,943</u></b>