

CITY OF BRIGHTON
CITY COUNCIL MEETING
CITY HALL
June 16, 2011

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

REGULAR SESSION - 7:30 P.M.

1. Call to order
2. Pledge of Allegiance
3. Roll Call
4. Approval of minutes: [Regular Meeting](#) and Closed Sessions of June 2, 2011, Closed Session [minutes](#) of May 19, 2011
5. Call to the Public
6. Mayor's Reading of Citizen Inquiries received since the last City Council Meeting
7. City Manager's Response to Citizen Inquiries to City Council received at this City Council Meeting or prior meetings
8. Consider approval of the Agenda

Consent Agenda

9. Consider approval of [Year-end Budget Amendments](#) for Fiscal Year 2010-2011
10. Consider approval of the [Fee Schedule resolution](#) for Fiscal Year 2011-2012
11. Consider approval of a [resolution](#) for [outdoor liquor sales for the Brighton Bar & Grill for sidewalk café operations](#)
12. Consider approval of the Mayor's recommended appointment to the SELCRA Board
13. Consider approval of the Mayor's recommended reappointments to the Officers Compensation Board
14. Consider approval of the Mayor's recommended reappointments to the Planning Commission
15. Consider approval of the Mayor's recommended reappointments to the DDA Board
16. Consider approval of a [resolution](#) for [declaring July as National Parks and Recreation month](#) as requested by SELCRA
17. Approval of the [September 11th Memorial Civic Event](#) as recommended by the Civic Event Committee.

Policy Development & Customer Communications' action item

18. Conduct public hearing for the consideration of approval of an [IFT Resolution](#) for a [7-year tax abatement on personal property as requested by TG Fluid Systems for business expansion related investment and increased employment](#)
 - a. Mayor closes regular meeting to ask for public input on the subject IFT Resolution and application
 - b. Mayor closes the public hearing and resumes the regular City Council Meeting and discussion
 - c. Consider a motion to approve the proposed resolution
19. Consider [first reading of a proposed ordinance](#) to amend Chapter 98, Article 1, Section 98-3 of the City Code of Ordinances for "Home occupation and adding new definitions for "Home Occupation", "Marihuana", Marihuana Dispensary or Dispensary", "Marihuana Collective or Cooperative" and "Medical Use of Marihuana" as recommended by the Planning Commission

20. Consider a motion to amend the Fiscal Year 2011-2012 City Budget and the related allocation to SELCRA

21. Consider a motion to approve updated SELCRA Bylaws and related recommendations from the City Attorney

Other Business

22. Information for City Customers

23. Receive updates from Council Member Liaisons to other Boards and Commissions

24. Call to the Public

25. Conduct closed session at the request of the City Labor Attorney to receive an update regarding pending collective bargaining labor negotiations

26. Consider possible motions or actions as may be recommended by the City Labor Attorney regarding pending collective bargaining negotiations

27. Conduct closed session at the request of the City Attorney regarding an attorney-client privilege opinion letter

28. Conduct closed session at the request of the City Attorney regarding an attorney-client privilege opinion letter

29. Conduct closed session at the request of the City Attorney regarding an attorney-client privilege opinion letter

30. Adjournment

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON JUNE 2, 2011 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 Bandkau, Councilmembers Schillinger, Muzzin, Bohn, Roblee and Pipoly. The Council reviewed the agenda items.

REGULAR SESSION

Mayor Bandkau 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 Bandkau, Councilmembers Schillinger, Bohn, Muzzin, Roblee and Pipoly. Also in attendance were Attorney Paul Burns and Staff members Dana Foster, Diana Lowe, Jennifer Burke, Matt Schindewolf, Tom Wightman and an audience of 10. Press and Media included Tom Darling from WHMI and John Branstetter, The Patch.

It was moved by Councilmember Roblee, seconded by Muzzin to excuse Councilmember Cooper from the evening's meeting. Motion passed 6-0-1.

MINUTES APPROVAL

It was moved by Councilmember Muzzin, seconded by Schillinger to approve the Regular Meeting minutes of May 19, 2011 as presented. Motion passed 6-0-1.

It was moved by Councilmember Schillinger, seconded by Pipoly to table the Closed Session minutes of May 19, 2011 as presented. Motion passed 6-0-1.

CALL TO THE PUBLIC

Mayor Bandkau gave a Call to the Public at 7:32p.m. The following comments were heard:

Susan Walters-Steinacker spoke in support of the Bonner's regarding the pending litigation. She discussed the increase in water rates.

Pat Cole, Brighton City stated Councilmember Schillinger should abstain from voting on Corrigan issues.

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

Mayor Pro-Tem Bohn stated the motion that Councilmember Schillinger voted on in December was for a property donation from Corrigan.

Councilmember Muzzin stated it is standard not to comment on pending litigation and that Ms. Walters-Steinacker works for the Bonner's/Attorney Dubuc.

CITIZEN INQUIRIES

Susan Walters-Steinacker, 907 Brighton Lake Road, In the event of a weather emergency during a downtown civic event, what is the cities policy/procedure for protecting the health, safety and welfare of those in attendance?

Police Chief, Tom Wightman stated any Police officer on duty during a Civic Event would receive information regarding a weather emergency from Livingston County Central Dispatch and would contact the event holder which may close down the event and sending people home or take cover in the City Council Chambers.

Cathy Levinson, 9 Newfield Dr, Buffalo Grove, Illinois, is it possible to get a 50th anniversary greeting from the Mayor of Brighton, sent to my aunt and uncle who are residents there?

Mayor Bandkau stated she would be more than happy to send an anniversary card to Ms. Levinson's aunt and uncle.

AGENDA APPROVAL

It was moved by Mayor Pro-Tem Bohn, seconded by Muzzin to approve the Consent Agenda as amended. Delete item #10a, Officer's Compensation Commission appointment and item #10b, SELCRA Representative appointment. A roll call vote was taken. Yes: Schillinger, Bohn, Bandkau, Muzzin, Roblee, Pipoly. No: none. Absent: Cooper. Motion passed 6-0-1. The following items were approved:

1. Approved Traffic Control Order #160 for Flint Road and #161 for Challis Road.
2. Approved Resolution 11-09, Adopt a Title VI Plan to incorporate the City of Brighton's existing non-discrimination policies into a new "Title VI Non-Discrimination Plan".

It was moved by Councilmember Schillinger, seconded by Roblee to approve the Action Agenda as amended. Delete item #11, SELCRA allocation and #12, SELCRA Bylaws. Replace item #11, with Approval of an application for an Industrial Facilities Tax Exemption Certificate for Personal Property for TG Fluids. Add item #15a, Prescription Card and Co-pay Plan. Motion passed 7-0.

TG FLUID SYSTEMS IFT APPLICATION

City Manager, Dana Foster stated he toured the TG Fluid Systems USA Corporation of Brighton. He stated this corporation produces tubing for various locations and has recently won a contract for additional car manufacturers. If the Council votes to approve the proposed application, it will help the Brighton facility to have the new contract, equipment and employees as opposed to a Kentucky facility. This would also help achieve some of the City Council's goals of the 8 Assets of the 21st Century Communities.

Scott Maly, TG Fluid Systems gave a presentation regarding the Corporation. He described their various locations, gave an overview of sales, employees, investment, parts, history, quality awards, new programs and gave a plant summary.

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It was moved by Councilmember Muzzin, seconded by Pipoly to direct staff to publish a notice for a Public Hearing on the Proposed TG Fluid Systems USA Corporation Industrial Facilities Tax (IFT) Exemption Certificate Application and for possible approval at the June 16, 2011 Council meeting. Motion passed 6-0-1.

City Manager, Dana Foster thanked Finance Director, Kelly LaLonde and Assessor Kathy Lupi for crunching the numbers with Mark Allen to get the information ready for this evening's meeting.

USER FEE ORDINANCE

City Attorney, Paul Burns stated there is currently no provision in the Refuse User Fee Ordinance for an opt-out. He stated the City Council does not have to provide an opt-out added to the Ordinance.

It was the consensus of Council to leave the Refuse User Fee Ordinance as it is.

DOWNTOWN RELATED PROJECTS AND DDA ACTIVITY

DDA Executive Director, Matt Modrack gave a presentation regarding the status of Downtown related projects and related DDA activity. He discussed the sale of the 675 W. Grand River property, the purchase of 131 Hyne Street and options for the property, the completion of the Old Village Cemetery Parking Lot, 205 West Building, the St. Paul Park, pending Main & North/West Streetscape Project, Barton Property, proposed parking lot, the Façade Renovation Program Building Inventory, Loan Process, Façade Improvement Program Loan Priority Criteria, various buildings to be improved and Leveraging Partners.

PROPOSED DOWNTOWN FAÇADE IMPROVEMENT PROGRAM WITH TWO BANKS

DDA Executive Director/Community Development Director, Matt Modrack requested preliminary authorization for Funding Source for proposed Downtown Façade Improvement with two banks, as this is authorized DDA activity and Use of Other Funding Source requires City Council approval.

It was moved by Councilmember Muzzin, seconded by Pipoly to preliminarily approve for the DDA's use of a private source of funding for a Façade Improvement Program pursuant to the DDA Development Plan, and with the condition that the final partnership agreements are provided to the City Council prior to final Council authorization. Motion passed 5-1-1, with Councilmember Bohn voting "no".

PERScription CARD COPAY AND PLAN CHANGE

Human Resource Director, Jennifer Burke briefed the City Council on the proposed prescription card and co-pay plan for Administrative Non-Union employees and Administrative Non-Union Retirees for an annual savings of \$53,000, which would consist of a three-tiered co pay plan.

It was moved by Mayor Pro-Tem Bohn, seconded by Muzzin to approve a change in the Prescription Card and Co-pay Plan for Administrative Non-Union employees and Administrative Non-Union Retirees to achieve related cost savings as outlined in a Letter from the City's Health Insurance Consultants. Motion passed 6-0-1.

CITY CUSTOMER INFORMATION

Pro-Tem Bohn stated the City Council Budget and Finance Subcommittee met with the Bond Counsel and staff regarding funding proposed CIP projects.

Councilmember Muzzin added he appreciated the insight he received at the above referenced meeting with staff working with Bond Counsel.

Councilmember Roblee invited everyone to the upcoming Block Party to Meet Friends and Neighbors on June 6th from noon to 11 at the Hyne Street parking lot.

CALL TO THE PUBLIC

Mayor Bandkau gave a Call to the Public at 9:42 p.m.

Mark Binkley, stated the Bonner home properties have been a problem for several years. He also stated has served on the DDA since the beginning and Matt Modrack has done more in the past 18 months than since the beginning of the DDA.

Susan Walters-Steinacker stated the Bonner's have asked eight times to receive permits to fix their homes.

Pat Cole stated Councilmember Schillinger needs to abstain from voting on Corrigan projects.

Hearing no further comment, the Call to the Public was closed at 9:50 p.m.

PENDING MICHIGAN TAX TRIBUNAL CLOSED SESSION

It was moved by Muzzin, seconded by Pipoly to go into Closed Session to receive information regarding a pending Michigan Tax Tribunal matter. A roll call vote was taken. Yes: Schillinger, Cooper, Bohn, Bandkau, Muzzin, Roblee, Pipoly. No: none. Absent: Cooper. Motion passed 6-0-1.

The Council convened into Closed Session at 9:52 p.m.

The Council reconvened the Regular meeting at 10:00 p.m.

It was moved by Councilmember Muzzin, seconded by Bohn to authorize the execution of the Consent Judgment with Target as proposed by the City Attorney. Motion passed 6-0-1.

ATTORNEY-CLIENT PRIVILEGE OPINION LETTER CLOSED SESSION

It was moved by Roblee, seconded by Muzzin to go into Closed Session to receive written attorney-client privilege communication. A roll call vote was taken. Yes: Schillinger, Bohn, Bandkau, Muzzin, Roblee, Pipoly. No: none. Absent: Cooper. Motion passed 6-0-1.

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The Council convened into Closed Session at 10:02 p.m.

The Council reconvened the Regular meeting at 10:17 p.m.

ADJOURNMENT

It was moved by Councilmember Pipoly, seconded by Muzzin to adjourn the meeting at 10:17 p.m. Motion passed 6-0-1.

Diana Lowe, City Clerk

Ricci Bandkau, Mayor

POLICY REPORT – FINANCE 11-

Consideration of Amending the Fiscal Year 2010-11 Budget Appropriations

June 16, 2011

Prepared by:

Reviewed by:

Kelly LaLonde
Finance Director

Dana William Foster
City Manager

ISSUE:

Consider approving the attached Resolution to amend the FY 2010-11 Budget Appropriations. The City has routinely amended its Budget Appropriations to avoid noncompliance with the Uniform Budgeting and Accounting Act.

STAFF RECOMMENDATION:

It is the recommendation of staff that the City approve the attached Resolution to make the necessary fourth quarter amendments to the FY 2010-11 budget.

BACKGROUND:

The City's budget has been adopted on an activity basis; in the General, Special Revenue and Debt Service Funds. Expenditures at the activity level in excess of amounts budgeted is a violation of Michigan law. The attached financial information represents a proposed amendment to the FY 2010-11 budget. The proposed amendment is in compliance with the Uniform Budgeting and Accounting Act (PA 2 of 1968) as amended by PA 621 of 1978. The financial reports were used to examine all the Funds and it was determined the General Fund, Local Street Fund, Arts & Cultural Commission Fund, Capital Improvement Fund and DDA Fund required adjustments, due to expenditures to be greater than the current budget. The following summarizes the salient aspects of the proposed amendment and analysis:

GENERAL FUND:

REVENUE:

The \$129,405 or 1.61% increase in total revenue from the current budget primarily reflects projected increases in property taxes, licenses & permits (building dept), state revenue sharing, and other revenue (insurance reimbursements), partially offset by decreases in federal grants (Medicare Subsidy Grant), service charges (refuse user fee started in August), fines & forfeits (decline in ordinance fines), investment earnings (low interest rates/less available funds for investments), and rents & royalties (less rental income from Community Center). The increase in revenue is \$1,011 more than what was projected in April 2011 when the last financial forecast was submitted to the City Council.

EXPENDITURES:

The \$230,181 decrease in total expenditures reflects a 2.85% decrease over the current budget. Total expenditures are \$132,431 less than what was projected in April 2011 when the financial forecast was submitted to the City Council. The Contingencies/Cuts

Activity expenditures are projected to increase by 5% or more over the current budget. At the time the budget was prepared, the undefined cuts were budgeted in this activity. The actual expenditures are reflected in each individual department.

SUMMARY:

The proposed amendment reflects the ending unreserved fund balance increasing by \$344,986 or 39% from the beginning fund balance, for a projected total year-end balance of \$1,233,577, which is 19% of operating expenditures. This is \$133,442 higher than what the year-end projections represented when the financial forecast was presented to City Council in April 2011. However, the actual effect to fund balance will not be known until the annual audit is complete in October 2011.

LOCAL STREET FUND:

REVENUE:

The \$31,112 or 14.81% increase in total revenue from the current budget reflects primarily more projected appropriations from the Major Street Fund to fund street pavement repairs.

EXPENDITURES:

The \$46,511 or 22.14% increase in total expenditures reflects primarily increased routine maintenance for street pavement repairs.

SUMMARY:

The proposed amendment reflects the ending unreserved fund balance decreasing by \$15,399 or 100% from the beginning fund balance, for a projected total year-end balance of \$0, which is what was projected when the FY 2011-12 proposed budget was presented to City Council in March 2011.

ARTS & CULTURAL FUND:

REVENUE:

The \$23,522 or 1,176% increase in total revenue from the current budget reflects additional State Grant revenue and an appropriation from the DDA fund for the grant match.

EXPENDITURES:

The \$28,250 or 565% increase in total expenditures reflects the additional purchase or sculptures and artist stipends.

SUMMARY:

The proposed amendment reflects the ending unreserved fund balance decreasing by \$7,728 or 55% from the beginning fund balance, for a

projected total year-end balance of \$6,383, which is \$2,758 lower than what the year-end projections represented when the FY 2011-12 proposed budget was presented to City Council in March 2011.

CAPITAL IMPROVEMENT FUND:

REVENUE:

The \$68,203 or 23.7% increase in total revenue from the current budget reflects an increase in State Grant Revenue the Police Department received for Enforcement Technology, insurance reimbursements and revenue from the sale of miscellaneous assets.

EXPENDITURES:

The \$42,574 or 14.8% increase in total expenditures reflects the related purchase of the Enforcement Technology, insurance related replacement equipment, and unbudgeted emergency computer equipment.

SUMMARY:

The proposed amendment reflects the ending unreserved fund balance increasing to \$26,602, which is \$20,765 higher than what the year-end projections represented when the FY 2011-12 proposed budget was presented to City Council in March 2011.

DDA FUND:

REVENUE:

The \$888,738 or 90.41% increase in total revenue from the current budget reflects primarily unbudgeted revenue from the MEDC grant (Cemetery Parking Lot & Streetscape), investment earnings (additional funds to earn interest), other revenue (sale of Mexican Jones site), and other financing sources (Chamber Land Contract), partially offset by decreased tax revenue.

EXPENDITURES:

The \$879,962 or 65.61% increase in total expenditures reflects primarily increased services and project costs related to the Cemetery Parking Lot and Streetscape project, purchase of Chamber of Commerce site, debt service for the Mexican Jones and Chamber site, and Other financing uses (appropriation to the Brighton Arts & Culture Commission for a MEDC Rural Arts Grant match)

SUMMARY:

The proposed amendment reflects the ending unreserved fund balance decreasing by \$349,457 or 63% from the beginning fund balance, for a projected total year-end balance of \$202,822, which is \$43,482 less than what the year-end projections represented when the FY 2011-12 proposed budget was presented to City Council in March 2011.

BUDGET IMPACT:

Provides the authority to amend the City's budget in a legally permissible manner.

RELATIONSHIP TO GOALS:

Provides an up-to-date financial picture of the projected FY 2010-11 year-end balance's to ensure that next year's Goals are fundable.

ACTION/MOTION:

Approve the attached Resolution to amend the FY 2010-11 budget appropriations.

RESOLUTION 2011-

TO AMEND THE FY 2010-11 BUDGET APPROPRIATIONS

WHEREAS, the Brighton City Council has previously adopted the original Fiscal Year 2010-11 Budget; and

WHEREAS, it is appropriate that periodically the Council adjust the appropriation levels in the City's Funds on the basis of actual and anticipated year-end expenditures; and

WHEREAS, the City Manager has recommended certain amendments to the City's Funds;

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

- 1. The Council amends the FY 2010-11 Budget appropriation levels pursuant to the recommendations of the City Manager, as provided in the attached sheets, which are made a part of this Resolution.**

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

This Resolution was _____ this ____ day of June 2011.

Diana Lowe, City Clerk

**CITY OF BRIGHTON
FY 2010-11 BUDGET AMENDMENT
GENERAL FUND**

	<u>ADOPTED BUDGET</u>	<u>CURRENT BUDGET</u>	<u>6/16/2011 REVISED BUDGET</u>	<u>6/16/2011 BUDGET REVISION</u>	<u>% CHANGE</u>
REVENUES					
Property Taxes	6,139,828	6,139,828	6,186,789	46,961	0.76
Tax Penalties, Interest & Fees	226,575	226,575	243,088	16,513	7.29
Licenses & Permits	289,833	289,833	330,250	40,417	13.94
Federal Grants	9,500	9,500	8,500	(1,000)	-10.53
State Grants	18,500	18,500	26,577	8,077	43.66
State Shared Revenue	465,592	465,592	489,169	23,577	5.06
Local Unit Contribution	92,000	92,000	94,459	2,459	2.67
Service Charges	180,187	180,187	162,619	(17,568)	-9.75
Fines & Forfeits	101,530	101,530	73,393	(28,137)	-27.71
Investment Earnings	25,100	25,100	15,096	(10,004)	-39.86
Rents & Royalties	73,850	73,850	71,600	(2,250)	-3.05
Other Revenue	54,000	54,000	104,360	50,360	93.26
Other Financing Sources	<u>374,206</u>	<u>374,206</u>	<u>374,206</u>	<u>-</u>	<u>0.00</u>
TOTAL REVENUES	8,050,701	8,050,701	8,180,106	129,405	1.61
EXPENDITURES					
City Council	32,793	33,808	31,979	(1,829)	-5.41
City Manager	114,155	114,155	108,611	(5,544)	-4.86
Legal Services	243,272	243,272	247,961	4,689	1.93
City Clerk	189,613	188,598	161,736	(26,862)	-14.24
Human Resources	121,663	121,663	119,866	(1,797)	-1.48
Finance	662,437	662,437	595,078	(67,359)	-10.17
Information Systems	141,250	141,250	144,669	3,419	2.42
Police	2,452,973	2,452,973	2,359,533	(93,440)	-3.81
Public Services	1,982,078	1,996,678	1,952,917	(43,761)	-2.19
Community Development	413,415	413,415	408,853	(4,562)	-1.10
Post Employment Benefits	255,112	255,112	148,062	(107,050)	-41.96
Contingencies/(Cuts)	(43,875)	(43,875)	75,000	118,875	-270.94
Transfers Out	<u>1,485,815</u>	<u>1,485,815</u>	<u>1,480,855</u>	<u>(4,960)</u>	<u>-0.33</u>
TOTAL EXPENDITURES	8,050,701	8,065,301	7,835,120	(230,181)	-2.85
FUND BALANCE-BEGINNING*	888,591	888,591	888,591	-	-
FUND BALANCE-ENDING*	888,591	873,992	1,233,577	359,585	41.1
USE OF FUND BALANCE	-	(14,599)	344,986		
PERCENTAGE CHANGE IN FUND BALANCE	0%	-2%	39%		

* Reflects Total Unreserved Fund Balance

**CITY OF BRIGHTON, MICHIGAN
FISCAL YEAR 2010-11 BUDGET AMENDMENT
LOCAL STREET FUND**

	ADOPTED <u>BUDGET</u>	CURRENT <u>BUDGET</u>	6/16/2011 REVISED <u>BUDGET</u>	6/16/2011 BUDGET <u>REVISION</u>	% <u>CHANGE</u>
REVENUES					
Licenses & Permits	3,015	3,015	3,000	(15)	(0.50)
State Shared Revenue	97,100	97,100	97,100	-	-
Fines & Forfeits	-	-	-	-	#DIV/0!
Investment Earnings	50	50	42	(8)	-
Other Financing Sources	<u>109,865</u>	<u>109,865</u>	<u>141,000</u>	<u>31,135</u>	28.34
TOTAL REVENUES	210,030	210,030	241,142	31,112	14.81
EXPENDITURES					
General Administration	3,928	3,928	3,139	(789)	(20.09)
Engineering Services	-	-	-	-	-
Street Construction	-	-	-	-	-
Routine Maintenance	86,628	86,628	141,127	54,499	62.91
Trust Fund Maintenance	7,687	7,687	6,096	(1,591)	(20.70)
Traffic Services	39,598	39,598	36,028	(3,570)	(9.02)
Winter Maintenance	<u>72,189</u>	<u>72,189</u>	<u>70,151</u>	<u>(2,038)</u>	(2.82)
TOTAL EXPENDITURES	210,030	210,030	256,541	46,511	22.14
FUND BALANCE-BEGINNING	15,399	15,399	15,399	-	-
FUND BALANCE-ENDING	15,399	15,399	-	(15,399)	(100.00)
USE OF FUND BALANCE	-	0	(15,399)		
PERCENTAGE CHANGE IN FUND BALANCE	0%	0%	-100%		

**CITY OF BRIGHTON, MICHIGAN
FISCAL YEAR 2010-11 BUDGET AMENDMENT
ARTS & CULTURAL COMMISSION FUND**

	ADOPTED	CURRENT	6/16/2011 REVISED	6/16/11 BUDGET	%
REVENUES	<u>BUDGET</u>	<u>BUDGET</u>	<u>BUDGET</u>	<u>REVISION</u>	<u>CHANGE</u>
State Grants	-	-	10,000	10,000	#DIV/0!
Investment Earnings	-	-	22	22	#DIV/0!
Other Revenue	2,000	2,000	500	(1,500)	(75.00)
Other Financing Sources	<u>-</u>	<u>-</u>	<u>15,000</u>	<u>15,000</u>	#DIV/0!
 TOTAL REVENUES	 2,000	 2,000	 25,522	 23,522	 1,176.10
 EXPENDITURES					
Purchased Services	<u>5,000</u>	<u>5,000</u>	<u>33,250</u>	<u>28,250</u>	565.00
 TOTAL EXPENDITURES	 5,000	 5,000	 33,250	 28,250	 565.00
 FUND BALANCE-BEGINNING	 14,111	 14,111	 14,111	 -	 -
 FUND BALANCE-ENDING	 11,111	 11,111	 6,383	 (4,728)	 (42.55)
 USE OF FUND BALANCE	 (3,000)	 (3,000)	 (7,728)		
 PERCENTAGE CHANGE IN FUND BALANCE	 -21%	 -21%	 -55%		

**CITY OF BRIGHTON, MICHIGAN
FISCAL YEAR 2010-11 BUDGET AMENDMENT
CAPITAL IMPROVEMENT FUND**

	ADOPTED <u>BUDGET</u>	CURRENT <u>BUDGET</u>	6/16/2011 REVISED <u>BUDGET</u>	6/16/2011 BUDGET <u>REVISION</u>	% <u>CHANGE</u>
REVENUES					
Licenses & Permits	4,017	4,017	4,017	-	-
State Grants			15,525	15,525	#DIV/0!
Investment Earnings	-	-	20	20	-
Rents & Royalties	-	-	-	-	#DIV/0!
Other Revenue	-	-	52,658	52,658	-
Other Financing Sources	<u>284,284</u>	<u>284,284</u>	<u>284,284</u>	<u>-</u>	<u>-</u>
TOTAL REVENUES	288,301	288,301	356,504	68,203	23.66
EXPENDITURES					
Capital Projects	60,850	60,850	102,210	41,360	67.97
Debt Service	<u>227,451</u>	<u>227,451</u>	<u>228,665</u>	<u>1,214</u>	<u>0.53</u>
TOTAL EXPENDITURES	288,301	288,301	330,875	42,574	14.77
FUND BALANCE-BEGINNING	973	973	973	-	-
FUND BALANCE-ENDING	973	973	26,602	25,629	2,634.02
USE OF FUND BALANCE	-	-	25,629		
PERCENTAGE CHANGE IN FUND BALANCE	0%	0%	2634%		

**CITY OF BRIGHTON, MICHIGAN
FISCAL YEAR 2010-11 BUDGET AMENDMENT
DDA FUND**

	ADOPTED	CURRENT	6/16/2011 REVISED	6/16/2011 BUDGET	% CHANGE
REVENUES	<u>BUDGET</u>	<u>BUDGET</u>	<u>BUDGET</u>	<u>REVISION</u>	
Property Taxes	957,000	957,000	916,489	(40,511)	(4.23)
Federal Grants**	-	-	399,600	399,600	-
Investment Earnings	3,000	3,000	3,900	900	30.00
Other Revenue***	-	-	328,749	328,749	-
Other Financing Sources***	<u>22,972</u>	<u>22,972</u>	<u>222,972</u>	<u>200,000</u>	870.63
TOTAL REVENUES	982,972	982,972	1,871,710	888,738	90.41
EXPENDITURES					
Professional & Tech Services	38,925	38,925	93,392	54,467	139.93
Purchased Property Services	67,692	67,692	72,305	4,613	6.81
Other Purchased Services	9,230	9,230	9,469	239	2.59
Utilities	2,400	2,400	529	(1,871)	(77.96)
Property***	85,000	85,000	870,000	785,000	923.53
Debt Service	855,224	855,224	877,738	22,514	2.63
Other Financing Uses	<u>282,734</u>	<u>282,734</u>	<u>297,734</u>	<u>15,000</u>	5.31
TOTAL EXPENDITURES*	1,341,205	1,341,205	2,221,167	879,962	65.61
FUND BALANCE-BEGINNING	552,279	552,279	552,279	-	-
FUND BALANCE-ENDING	194,046	194,046	202,822	8,776	4.52
CHANGE IN FUND BALANCE	(358,233)	(358,233)	(349,457)		
PERCENTAGE CHANGE IN FUND BALANCE	-65%	-65%	-63%		

* Does not include depreciation.

**MEDC Cemetery Parking Lot/Pocket Park

***Proceeds from sale of Mexican Jones property

****Includes \$200,000 for proceeds of Chamber site loan (Land Contract)

****Includes entire purchase price of Chamber Site. Loan amount of \$200,000 reflected in revenue

POLICY REPORT - FINANCE

Consideration of Adopting the Proposed FY 2011-12 Fee Schedule

June 16, 2011

Prepared by:

Reviewed by:

Kelly LaLonde
Finance Director

Dana W. Foster
City Manager

ISSUE:

Consider Resolution 11- (attached) to adopt the proposed City of Brighton Fee Schedule for FY 2011-12.

STAFF RECOMMENDATION:

It is the recommendation of staff that the City Council consider Resolution 11- to set the fees and charges for FY 2011-12.

BACKGROUND:

The City's fees and charges are reviewed at least annually and amended where warranted. Resolution 11- is staff's recommendation for adjusting the existing fee schedule. The recommended FY 2011-12 Fee Schedule is the same as the current FY 2010-11 Fee Schedule with the following exceptions:

Licenses & Permits –

Sidewalk Café Permit Inspection fee - Increase from \$50 to \$75

Planning, Zoning, & Building Fees -

Addressing Fee - Increase from \$15 to \$25

Variance Residential – Increase from \$125 to \$150

Police Department Fees –

Special Duty, Regular Officer - Increase \$46 to \$50

Special Duty, Reserve Officer - Increase \$32 to \$35

Utility Fees -

Sewer Fees (as reflected in the FY 2011-12 Adopted Budget):

Increase the Connection Fee by \$360 or 6% to \$6,478 per REU.

Decrease the Commodity usage charge for in-City customers by \$0.10 per 1,000 gallons to \$3.38 per 1,000 gallons. Decrease the bi-monthly Administrative Charge by \$3.82 per meter to \$8.26 per meter. Increase the bi-monthly Debt Service charge by \$4.60 per ¾" meter to \$43.58 per ¾" meter. **The total user**

fees for typical in-City customers in FY 2011-12 would be decreased on average by \$0.82 or 1% to \$105.92 bi-monthly.

Water Fees (as reflected in the FY 2011-12 Adopted Budget):

Increase the Connection Fee by \$140 or 6% to \$2,522 per REU.

Increase the Commodity usage charge for in-City customers by \$0.56 per 1,000 gallons to \$2.71 per 1,000 gallons. **The total user fees for typical in-City customers in FY 2011-12 would be increased on average by \$8.96 or 26% to \$43.36 bi-monthly.**

Combined Sewer and Water Connection Fees would increase by \$500 or 6% to \$9,000 per REU. Combined Sewer and Water User Fees in FY 2011-12 for a typical in-City customer would increase on average by \$8.14 or 5.8% to \$149.28 bi-monthly.

See the attached comparison of utility connection and user fees between FY 2010-11 and FY 2011-12.

Refuse Collection & Disposal

Refuse User Fee – Increase from \$1.91 per month to \$13.64 per month

BUDGET IMPACT:

The recommended fee and charge schedule will support the FY 2011-12 City of Brighton budget.

RELATIONSHIP TO GOALS:

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

ACTION/MOTION:

Consider Resolution 11- to approve the recommended Fee and Charge schedule for FY 2011-12.

RESOLUTION 11-

A RESOLUTION ADOPTING THE SCHEDULE OF FEES AND CHARGES FOR THE CITY OF BRIGHTON FOR FY 2011-12

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

WHEREAS, City staff has reviewed the revenue needs of the City for Fiscal Year 2011-12 and has proposed to the City Council a fee and charge schedule to meet those needs; and

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

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

1. The Council accepts the recommendations of City staff as they relate to the proposed fee and charge schedule.
2. The proposed fee and charge schedule is adopted as presented.
3. City staff is directed to implement the fee and charge schedule effective July 1, 2011.

AYES: _____
NAYS: _____
ABSTAIN: _____
ABSENT: _____

This Resolution was ____ this ____ day of June 2011.

Diana Lowe, City Clerk



FY 2011-12 Adopted Budget

CITY OF BRIGHTON
 UTILITY RATE COMPARISON
 ACTUAL FY 2010-11 VS
ADOPTED FY 2011-12

	<u>FY 2010-11</u>	<u>FY 2011-12</u>	<u>\$ VARIANCE</u>	<u>% VARIANCE</u>
Connection Fee Per REU:				
Sewer	\$6,118	\$6,478	\$360	6%
Water	\$2,382	\$2,522	140	6%
Total	\$8,500	\$9,000	\$500	6%

	<u>FY 2010-11</u>	<u>FY 2011-12</u>	<u>\$ VARIANCE</u>	<u>% VARIANCE</u>	<u>FY 2010-11</u>	<u>FY 2011-12</u>	<u>\$</u>	<u>%</u>
	<u>UNIT CHRG.</u>	<u>UNIT CHRG.</u>			<u>Bi-monthly</u>	<u>Bi-monthly</u>	<u>VARIANCE</u>	<u>VARIANCE</u>
					<u>Charge</u>	<u>Charge</u>		
User Fees:								
Sewer -								
Commodity/1,000 gal.	\$3.48	\$3.38	(\$0.10)	-3%	\$55.68	\$54.08	(\$1.60)	-3%
Administration/Meter/Mo.	\$6.04	\$4.13	(\$1.91)	-32%	12.08	\$8.26	(\$3.82)	-32%
Debt/3/4" Meter/Mo.	\$19.49	\$21.79	\$2.30	12%	38.98	\$43.58	\$4.60	12%
Total	\$29.01	\$29.30	\$0.29	1%	\$106.74	\$105.92	(\$0.82)	(1%)
Water -								
Commodity/1,000 gal.	\$2.15	\$2.71	\$0.56	26%	\$34.40	\$43.36	\$8.96	26%
Debt/1,000 gal.	\$0.00	\$0.00	\$0.00	-	-	-	-	-
Total	\$2.15	\$2.71	\$0.56	26%	\$34.40	\$43.36	\$8.96	26%
TOTAL SEWER AND WATER					\$141.14	\$149.28	\$8.14	5.8%

**POLICY REPORT NO. BPD 11-06
REQUEST TO APPROVE OUTDOOR LIQUOR SERVICE
BRIGHTON BAR AND GRILL
400 W. MAIN ST., BRIGHTON
June 16, 2011**

Prepared by:

Thomas Wightman
Chief of Police

Reviewed by:

Dana W. Foster
City Manager

ISSUE:

Brighton Bar & Grill Enterprise, LLC is requesting City Council approval to conduct outdoor sales of liquor on the City walkway adjacent to their building as part of their outdoor café service.

BACKGROUND:

Brighton Bar & Grill Enterprise, LLC recently obtained ownership of the Class C liquor license at 400 W. Main Street (BB&G) through a license transfer approved by the City of Brighton and the Michigan Liquor Control Commission (MLCC). Following that process it was discovered that local legislative approval had not been previously obtained for placement of the sidewalk café along the east side of the building on the City owned walkway.

On a related matter, City staff has reviewed and approved the applicant's request for sidewalk café pending final processing by the MLCC.

BUDGET IMPACT:

None.

COUNCIL ACTION:

A City Council resolution is required to approve outdoor sales of liquor on City owned property. This action is a requirement of the MLCC and is independent of the City's sidewalk café approval process.

STAFF RECOMMENDATION:

The Police Department recommends approval of the request.

ATTACHMENTS:

- Location diagram.
- MLCC local approval resolution.

Curb Main Street

Crossing sign

Trash can

Tree

mulch

restroom

Entrance

Brighton Bar & Grill

400 W. Main St.
 Brighton, Mi, 48116
 810-229-4115
 Kevin Borg
 28715 Hovey Ln
 New Hudson, Mi
 48165
 734-255-4818

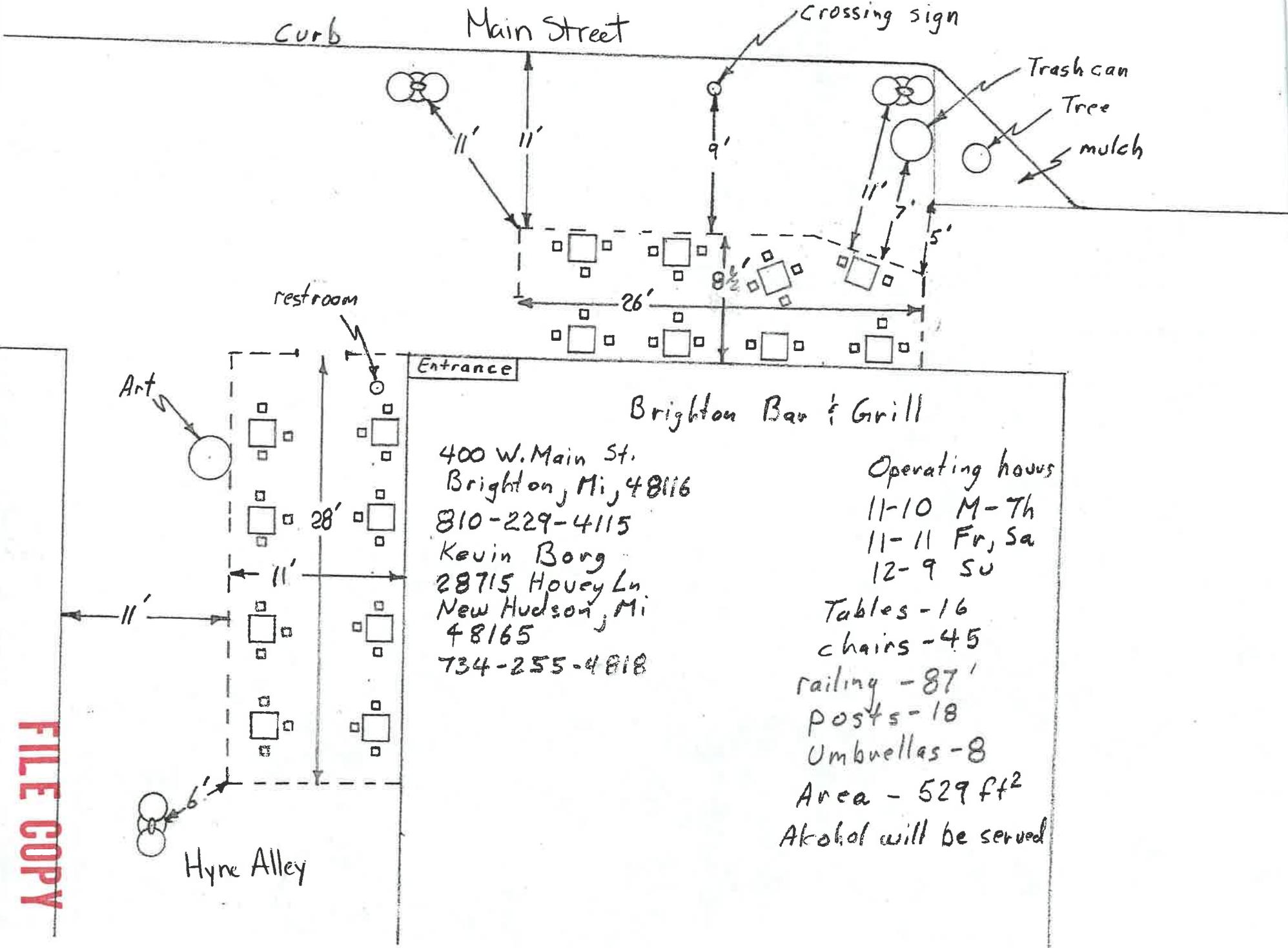
Operating hours
 11-10 M-Th
 11-11 Fr, Sa
 12-9 Su

Tables - 16
 chairs - 45
 railing - 87'
 posts - 18
 Umbrellas - 8
 Area - 529 ft²
 Alcohol will be served

Art

Hyne Alley

FILE COPY





Michigan Department of Licensing and Regulatory Affairs
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

FOR MLCC USE ONLY

Request ID # 612276

Business ID # 135347

LOCAL APPROVAL NOTICE

[Authorized by MCL 436.1501]

May 31, 2011

TO: BRIGHTON CITY COUNCIL
ATTN: CLERK
200 N FIRST STREET
BRIGHTON, MI 48166-1593

APPLICANT: BRIGHTON BAR & GRILL ENTERPRISE, LLC

Home Address and Telephone No. or Contact Address and Telephone No.:

CONTACT: HANA LJUCOVIC, 248-797-3137 OR 810-229-4115

The MLCC cannot consider the approval of an application for a new or transfer of an on-premises license without the approval of the local legislative body pursuant to the provisions of MCL 436.1501 of the Liquor Control Code of 1998. For your information, local legislative body approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT AND TOPLESS ACTIVITY PERMITS AND FOR OFFICIAL PERMITS FOR EXTENDED HOURS FOR DANCE AND/OR ENTERTAINMENT pursuant to the provisions of MCL 436.1916 of the Liquor Control Code of 1998.

For your convenience a resolution form is enclosed that includes a description of the licensing application requiring consideration of the local legislative body. The clerk should complete the resolution certifying that your decision of approval or disapproval of the application was made at an official meeting. **Please return the completed resolution to the MLCC as soon as possible.**

If you have any questions, please contact the Retail Licensing Division as (517) 636-4634.

**PLEASE COMPLETE ENCLOSED RESOLUTION AND RETURN
TO THE LIQUOR CONTROL COMMISSION AT ABOVE ADDRESS**

een

RESOLUTION

At a _____ meeting of the _____
(Regular or Special) (Township Board, City or Village Council)

called to order by _____ on _____ at _____ P.M.

The following resolution was offered:

Moved by _____ and supported by _____

That the request by BRIGHTON BAR & GRILL ENTERPRISE, LLC TO ENLARGE EXISTING OUTDOOR SERVICE AREA HELD IN CONJUNCTION WITH 2011 CLASS C LICENSED BUSINESS WITH DANCE-ENTERTAINMENT LOCATED AT 400-, 402 W MAIN, BRIGHTON 48116, LIVINGSTON COUNTY

be considered for _____
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: _____

Yeas: _____

Nays: _____

Nays: _____

Absent: _____

Absent: _____

It is the consensus of this legislative body that the application be:

_____ for issuance
(Recommended or Not Recommended)

State of Michigan _____)

County of _____)

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

adopted by the _____ at a _____
(Township Board, City or Village Council) (Regular or Special)

meeting held on _____
(Date)

(Signed) _____
(Township, City or Village Clerk)

SEAL

(Mailing address of Township, City or Village)

Resolution

Designation of July as Park and Recreation Month

WHEREAS parks and recreation programs are an integral part of communities throughout this country, including City of Brighton; and

WHEREAS our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS City of Brighton recognizes the benefits derived from parks and recreation resources

NOW THEREFORE, BE IT RESOLVED BY City of Brighton that July is recognized as Park and Recreation Month.

Diana Lowe, City Clerk

I, Diana, City Clerk for the City of Brighton, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Brighton City Council at a regular meeting held on November 2, 2006.

Diana

Lowe, City Clerk

**POLICY REPORT NO. DPS –11-04
DEPARTMENT OF PUBLIC SERVICE**

September 11th Memorial Civic Event

Prepared by: **Reviewed**

by:

Matthew J. Schindewolf
Public Service Director

City

Dana W. Foster
Manager

ISSUE: To consider the approval of the September 11th Memorial Civic Event.

STAFF RECOMMENDATION: Approval of the September 11th Memorial Civic Event as recommended by the Civic Event Committee.

BACKGROUND: The Brighton Area Fire Department submitted a Civic Event Application for the September 11th Memorial to be held on Sunday, September 11, 2011. The event will consist of the unveiling of the World Trade Center Memorial. The event is being proposed to be held at the Fire Station located at 615 W. Grand River, and they are requesting a Grand River road closure. They originally requested all 5 lanes of Grand River from Main to Cross Street be closed; however, after discussing this further with the BAFD, it was agreed by them to have the southernmost eastbound lane of Grand River from St. Paul to Cross Street closed to allow for the parking of fire trucks. The BAFD will use the appropriate illuminated emergency equipment / lights for this lane closure.

RELATIONSHIP TO 2011/2012 GOALS: Continued allowance of various Civic Events under controlled conditions to promote the Downtown City of Brighton area.

COUNCIL ACTION: Approval of the September 11th Memorial Civic Event as proposed and approved by the Civic Event Committee.

Attachments:

Civic Event Application



Civic Event Application
City of Brighton
 200 N. 1st Street
 Brighton, Michigan 48116
 (810) 227-1911

OFFICE USE ONLY
5-25-11 Date Received
<i>[Signature]</i> By

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

May 25, 2011 Brighton Area Fire Dept. Chief Larry Lane
 Application Date Name of Organization Name of Applicant

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

989-305-1897 Home Phone 810-229-6640 Work Phone 810-229-1619 Fax
 Cell Phone

LLane@brightonareafire.com
 MOBRIAN@brightonareafire.com
 Email Address

Sept. 11 - Memorial
 Event Title

Brighton Fire - Station 31 - 615 W. Grand River Ave.
 Event Location

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

DATE	Day of Week	Beginning Time	Ending Time
9-11-11	Sunday	program 8:00am	10:30 am
7:00 am			
Set up Time/Day	Tear down Time / Day*		Rain Date (if applicable)

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

ORGANIZATION / APPLICANT INFORMATION

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

TAX IDENTIFICATION NUMBER: 38-3538846

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

9-11 Memorial Service and unveiling of World Trade Center Steel memorial.

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)

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): Sept. 11th
or
Next year's specific date(s): _____

POLICY REPORT - FINANCE

**Consider an Applications submitted by
TG Fluid Systems for an
Industrial Facilities Tax Exemption Certificate**

June 16, 2011

Prepared by:

Reviewed by:

Kelly LaLonde
Finance Director

Dana W. Foster
City Manager

Kathy Lupi
City Assessor

ISSUE:

Consider Approval of an application for an Industrial Facilities Tax Exemption Certificate for Personal Property.

STAFF RECOMMENDATION:

It is the recommendation of staff that the City Council consider a Resolution to approve the application for personal property in the amount of \$3,972,950 at a 50% tax rate for seven (7) years.

BACKGROUND:

On November 18, 2004 the Brighton City Council adopted Resolution No. 04-24, which granted an Industrial Facilities Tax (IFT) Exemption Certificate for 6 years on Personal Property valued at \$5,281,110 to TG Fluid Systems USA Corporation.

On December 21, 2006 the Brighton City Council adopted Resolution No. 06-35, which granted an Industrial Facilities Tax (IFT) Exemption Certificate for 12 years on Personal Property valued at \$3,238,768 to TG Fluid Systems USA Corporation.

On June 1, 2011 TG Fluid System USA Corporation has filed an application, including payment of the appropriate filing fee, for a new IFT Exemption Certificate on \$3,972,950 of new personal property. The request is for a 50% tax abatement for 7 years. The personal property, which has a useful life of at least 10 years, would be installed beginning in 2011 through 2013, therefore, the exemption, if granted would begin in 2012.

An exemption may be granted if the local assessor receives applications and attachments within six (6) months of commencement of the project. Since installation of the personal property falls within the specified time period, staff is recommending City Council consider

approval of the application for personal property. All applications must be received by the STC by October 31 to insure processing and certification for the following tax year.

In approving IFT applications, the City Council reviews the request in the context of its Policy Statement for IFT Abatements. The Policy Statement states, "The City believes that Industrial Facility Tax Exemptions can benefit the entire community if it can be clearly established that the granting of the abatement will result in:

1. The promotion of a stable diversified light industrial community. **We believe the abatement promotes a stable, diversified light industrial community for the City of Brighton.**
2. The retention and provision of a significant number of new high quality jobs for the residents of Brighton. **According to TG Fluid Systems, 18 new jobs are expected to be created within two years of project completion.**
3. The location of new, clean, environmentally safe industrial operations in the City. **To our knowledge, the TG Fluid System USA Corporation's facility is and will continue to be a clean and environmentally safe industrial location.**
4. The continuation of a sound tax base by encouraging industrial capital investment for new industrial construction or rehabilitation of existing obsolete facilities. **As evidenced by the request, TG Fluid System USA Corporation's is increasing its capital investment by over \$3.9 million for personal property, which in turn, will increase property tax revenue for the City of Brighton.**
5. The increase in tax collections resulting from an overall higher level of economic activity in the City of Brighton. **TG Fluid System USA Corporation's personal property additions will generate approximately \$9,500 more in property taxes for the city in 2012, and approximately \$13,000 more in property taxes for the city in 2013, when fully installed.**
6. The continued productive use of vacated property, if an existing facility is vacated in the City for a newer, larger facility also in the City. **N/A.**
7. A long-term commitment to the City of Brighton as the location for the applicant's operations. **We believe TG Fluid System USA Corporation's past and current development evidences their commitment to the City and believe TG Fluid System USA Corporation's is serious about keeping their long-term commitment. However, if TG Fluid System's chooses to leave the City of Brighton without permission for relocation prior to the end of the term of the IFT, the City Council has the right to recapture from TG Fluid System USA Corporation's up to and including the total amount of the taxes abated by the IFT. TG Fluid System USA Corporation's has specifically acknowledged this and has reiterated that it does not plan to move out of the City, but rather desires to remain a strong manufacturer within the City for many years to come.**

8. The development of a facility within one of the targeted industrial areas of the City. **We believe this has been accomplished by TG Fluid System USA Corporation's development.**

The Policy Statement also states that the City will not grant an application for an Industrial Facilities Exemption Certificate if:

1. The applicant cannot demonstrate that the tax abatement is a significant element for the success of the project. **We believe TG Fluid System USA Corporation's current success within the community has been demonstrated and the existing IFT Certificate's are a significant element for that success.**
2. The total previously issued facilities exemption certificates in addition to the exemption for which application is made when compared to the City's current Taxable Value (TV), including the additional TV which would be afforded the community through the project for which exemption is sought, shall not impede or impair the City's ability to operate or do harm to the financial soundness of to the City of Brighton. **If the TG Fluid Systems USA Corporation's request for personal property exemption were granted, the aggregate total of Equivalent IFT Taxable Value would be an approximate 3.5% of the City's total current Taxable Value, which is within the <5% the State considers appropriate.**

TG Fluid Systems is current on its property tax payments to the City of Brighton.

BUDGET IMPACT of Approval:

FY 2011-12: No Impact.

FY 2012-13: The additional equivalent taxable value will result in a net gain in property tax revenue. The FY 2012-13 estimated additional tax revenue will be approximately \$9,500. The estimated additional total tax revenue over the entire 7 years will be approximately \$68,471.

RELATIONSHIP TO GOALS:

Related to the City's overall Business-friendly goals.

ACTION/MOTION:

1. **Adopt the Resolution to approve TG Fluid's application for personal property in the amount of \$3,972,950 at a 50% tax rate for seven (7) years**

RESOLUTION NO. 11-

Resolution Approving the Application of TG Fluid Systems USA Corporation, for an Industrial Facilities Tax Exemption Certificate for construction and installation of Personal Property for a New Facility.

WHEREAS, pursuant to P.A. of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on July 3, 1986, this Council by resolution established Industrial Development District No. 7, as requested by Joseph Industrial Development; and

WHEREAS, TG Fluid Systems USA Corporation has filed an application for an Industrial Facilities Exemption Certificate with respect to additional new personal property machinery and equipment to be constructed, acquired, and installed within the Industrial Development District No. 7; and

WHEREAS, before acting on said application, the City of Brighton held a public meeting on June 16, 2011 at the City Council Chambers, 200 N. First Street, Brighton, MI at 7:30 p.m., at which meeting the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, construction, acquisition and installation of new machinery and equipment had not begun earlier than six (6) months before June 2, 2011, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Brighton; and

WHEREAS, the aggregate Taxable Value (TV) of real and personal property exempt from ad valorem taxes within the City of Brighton, after granting this certificate, will not exceed 5% of an amount equal to the sum of the TV of the unit, plus the TV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED BY the Council of the City of Brighton that:

- The City Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 shall not have the effect of substantially impeding the operation of the City of Brighton, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Brighton
- The application of TG Fluid Systems USA Corporation for an Industrial Facilities Exemption Certificate with respect to personal property (machinery & equipment) to be constructed, acquired and installed on the following described parcel of real property situated within Industrial Development District No. 7, to wit:

SEC 30 T2N R6E DESC AS BEG AT THE W CORNER OF SEC 30, TH N 1* 34' E 238 FT TH S 88* 38' E 652.67 FT TH S1* 54' W 289.01 TH ALG NLY LINE OF ADVANCE STREET (60' PUBLIC ROW) THE FOLLOWING THREE COURSES; N 88* 38' W 205.39 FT ALG CURVE TO THE NORTH CHORD N 62* 4' 6" W 44.72 FT TH NWLY 46.36 FT ON CURVE LEFT CHORD S 61*08' 33" W 99.33 FT TH SWLY 145.48 FT ALG ARC OF SAID CURVE OF NWLY LINE OF ADVANCE ST ROW TH N 88* 38' W 247.31 FT TH S1* 54' W 244.59 FT TO A POINT ON THE NELY LINE OF RR ROW TH ALG CURVE CHORD N 44* 14' 59" W 436.47 FT TH NWLY 436.85 FT AND THE ARC OF SAID CURVE, TO ITS INTERSECTION WITH THE E AND W LINE OF SEC 25 T2N R5E TH S 88* 20' 41" E 241.77 FT TO THE E COR OF SEC 25 TH N 1* 45' 42" E 21.50 FT TO POB, D.D.A.2 CONT. 5.4182 AC SPLIT ON 04/21/2004 FROM 47-18-30-300-028;

be and the same is hereby approved pending signing of the "Written Agreement" by TG Fluid Systems USA Corporation and the City of Brighton.

- The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of seven (7) years beginning December 31, 2011 and ending December 31, 2017. If it is determined that the following conditions are not complied, the certificate will be revoked and TG Fluid Systems USA Corporation shall repay to the City of Brighton and all affected taxing units, that amount of taxes and interest and penalties so exempted within 30 days of revocation:
 1. Completion of the new personal property is calculated and will at the time of issuance of the certificate will retain 218 jobs and create at least **18** new full time jobs.
 2. The investment in the community is estimated to be **\$3,972,950** with this project.
 3. The estimated date of completion is March 31, 2013 with the owner making a 7-year commitment to the City of Brighton.
 4. There is no public financing and a financial need is shown.
 5. There will be no negative impact on City services.
 6. Certificate holder will not allow taxes to be delinquent.
 7. TG Fluid Systems USA Corporation shall notify the assessing officer and the State Tax Commission of the date of completion. The notification of completion shall be filed within 30 days of completion. The final costs of the new personal property shall be filed with the assessing officer and the State Tax Commission within 90 days after completion.

AYES:

NAYS:

ABSTAIN:

ABSENT:

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City of Brighton, County of Livingston, Michigan, at a regular meeting held on June 16, 2011.

Diana Lowe, City Clerk

LETTER OF AGREEMENT

TG Fluid Systems USA Corporation hereinafter referred to as the "Company" has submitted an application to the City Council for the granting of an Industrial Facilities Exemption Certificate (IFEC) PURSUANT TO Michigan Public Acts 198, of 1974, as amended.

To encourage the granting of the IFEC, and in recognition of the investment the City of Brighton, hereinafter referred to as the "City," will be making toward the economic growth of the Company, and thus the economic growth of the City, I hereby agree on behalf of the Company to the following:

1. The Company will furnish notification of the completion of the facility to the City Assessor and the State Tax Commission, within 30 days of the date of completion.
2. Within 90 days of the date of completion, the Company will report;
 - a. The final cost of the facility to the City Assessor and the State Tax Commission; and a detailed listing of the new personal property acquired for the facility, including description, type, identification, year of acquisition and cost after purchase and installation.
 - b. The number of new jobs created by completion of the facility, not including jobs transferred from other locations.

If the actual project costs are more than 10% less than the estimated costs given in the application or if the number of new jobs created is less than the number estimated in the application the Company will provide an explanation.

3. The Company further agrees to submit a report regarding status of employment every two years beginning two years after submission of the report required in Item 1, on or before December 31 of that year. If employment has not remained or exceeded the number given in the application, an explanation for this shall be included.

The Company understands that if employment has not been retained or reached as stated in the application or the construction and/or expansion project has not been completed or expenditures made as described in the application, the City Council may, upon reasonable grounds, reduce the term, revoke the IFEC or take other appropriate action.

4. The Company agrees to remain within the City for the period of the IFEC in order to retain the benefits of the IFEC unless permission for relocation is granted by the City Council of the City. The Company further understands that if it chooses to leave the City without permission for relocation prior to the end of the term of the IFEC, the City Council has the right to recapture from the Company up to and including the total amount of the taxes abated including any interest and penalties by the IFEC.
5. The Company agrees and understands that the City Council, at its discretion, has the right to revoke the abatement certificate if the Company files an appeal with the Michigan Tax Tribunal under the following circumstance:
 - a. If the Company appeals the initial and/or subsequent assessed/taxable value of the IFT exempted personal property after the 2014 date of completion, (said value is derived from the annually reported acquisition costs of the personal property approved with the IFT).

Provided that, in either case, the Company and/or its representative and the City Assessor are first given the opportunity to address the Council as to the merits of the appeal.

6. The Company further agrees to pay its abated personal property taxes timely and without penalty and to inform the City Assessor and City Treasurer of any plans to relocate the Company outside of the City of Brighton, 60 days prior to the relocation. In addition, the Company will notify the City Assessor and City Treasurer of any change in the ownership of Company's real or personal property assets or a majority share of the Company's stocks. The Company further agrees to abide by all other city ordinances, building, and zoning codes during operation of the facility.

By the signatures of representatives of both the Company and the City below, it is understood that both the Company's investment in the project and the City's investment through the granting of an IFEC is to encourage the economic growth of all. It is also acknowledged that certain economic conditions can, at times, prohibit the maintenance of the Company's targeted status. It is understood that if such conditions exist at the time of the designated Company reports, the City Council of the City will carefully evaluate the Company's situation and will inform the Company if any action is considered in order to give the Company an opportunity for correction.

Witness

Company:

B

y: _____
Its: President

Date: _____

Acknowl

edged By the City of Brighton

B

y: _____
Its: Mayor

Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of Public Act 198 of 1974, as amended. Filing is mandatory.

.STRUCTIONS: File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form or would like to request an informational packet, call (517) 373-3272.

To be completed by Clerk of Local Government Unit	
Signature of Clerk	▶ Date received by Local Unit
STC Use Only	
▶ Application Number	▶ Date Received by STC

APPLICANT INFORMATION
All boxes must be completed.

▶ 1a. Company Name (Applicant must be the occupant/operator of the facility) TG Fluid Systems USA Corporation	▶ 1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 3089	
▶ 1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 740 Advance Street, Brighton MI 48116	▶ 1d. City/Township/Village (indicate which) City of Brighton	▶ 1e. County Livingston
▶ 2. Type of Approval Requested <input checked="" type="checkbox"/> New (Sec. 2(4)) <input type="checkbox"/> Transfer (1 copy only) <input type="checkbox"/> Speculative Building (Sec. 3(8)) <input type="checkbox"/> Rehabilitation (Sec. 3(1)) <input type="checkbox"/> Research and Development (Sec. 2(9))	▶ 3a. School District where facility is located Brighton	▶ 3b. School Code 47010
▶ 4. Amount of years requested for exemption (1-12 Years) 7		

5. Per section 5, the application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the equipment that will be part of the facility. Attach additional page(s) if more room is needed.

New production equipment used to support new sales growth. Anticipating sales growth from \$52 million in FY10 to be t \$68 million by 2013 and \$75 million in 2015 through new program additions.

6a. Cost of land and building improvements (excluding cost of land) * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	▶ \$0.00 Real Property Costs
6b. Cost of machinery, equipment, furniture and fixtures * Attach itemized listing with month, day and year of beginning of installation, plus total	▶ \$3,972,950.00 Personal Property Costs
6c. Total Project Costs * Round Costs to Nearest Dollar	▶ \$3,972,950.00 Total of Real & Personal Costs

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

	Begin Date (M/D/Y)	End Date (M/D/Y)	
Real Property Improvements ▶	_____	_____	▶ <input type="checkbox"/> Owned <input type="checkbox"/> Leased
Personal Property Improvements ▶	4/1/11	3/31/13	▶ <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Leased

▶ 8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. Yes No

▶ 9. No. of existing jobs at this facility that will be retained as a result of this project. 220	▶ 10. No. of new jobs at this facility expected to create within 2 years of completion. Approximately 18
--	---

11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation.

a. TV of Real Property (excluding land)	_____
b. TV of Personal Property (excluding inventory)	_____
c. Total TV	_____

▶ 12a. Check the type of District the facility is located in:

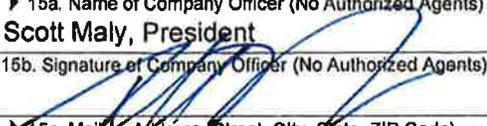
Industrial Development District Plant Rehabilitation District

▶ 12b. Date district was established by local government unit (contact local unit) 7/3/86	▶ 12c. Is this application for a speculative building (Sec. 3(8))? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
--	---

APPLICANT CERTIFICATION - complete all boxes.

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

13a. Preparer Name Mark Allen	13b. Telephone Number (810) 534-1118	13c. Fax Number (810) 534-1161	13d. E-mail Address mark.allen@tggroupna.com
14a. Name of Contact Person Same	14b. Telephone Number (810) 534-1118	14c. Fax Number (810) 534-1161	14d. E-mail Address Same
▶ 15a. Name of Company Officer (No Authorized Agents) Scott Maly, President			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number (810) 534-1161	15d. Date 6-1-11
▶ 15e. Mailing Address (Street, City, State, ZIP Code) 740 Advance Street, Brighton MI 48116		15f. Telephone Number (810) 534-1101	15g. E-mail Address scott.maly@tggroupna.com

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

▶ 16. Action taken by local government unit <input type="checkbox"/> Abatement Approved for _____ Yrs Real (1-12), _____ Yrs Pers (1-12) After Completion <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Denied (Include Resolution Denying)	16b. The State Tax Commission Requires the following documents be filed for an administratively complete application: Check or Indicate N/A if Not Applicable <input type="checkbox"/> 1. Original Application plus attachments, and one complete copy <input type="checkbox"/> 2. Resolution establishing district <input type="checkbox"/> 3. Resolution approving/denying application. <input type="checkbox"/> 4. Letter of Agreement (Signed by local unit and applicant) <input type="checkbox"/> 5. Affidavit of Fees (Signed by local unit and applicant) <input type="checkbox"/> 6. Building Permit for real improvements if project has already begun <input type="checkbox"/> 7. Equipment List with dates of beginning of installation <input type="checkbox"/> 8. Form 3222 (if applicable) <input type="checkbox"/> 9. Speculative building resolution and affidavits (if applicable)
16a. Documents Required to be on file with the Local Unit Check or Indicate N/A if Not Applicable <input type="checkbox"/> 1. Notice to the public prior to hearing establishing a district. <input type="checkbox"/> 2. Notice to taxing authorities of opportunity for a hearing. <input type="checkbox"/> 3. List of taxing authorities notified for district and application action. <input type="checkbox"/> 4. Lease Agreement showing applicants tax liability.	
16c. LUCI Code	16d. School Code
17. Name of Local Government Body	▶ 18. Date of Resolution Approving/Denying this Application

Attached hereto is an original and one copy of the application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time.

19a. Signature of Clerk	19b. Name of Clerk	19c. E-mail Address
19d. Clerk's Mailing Address (Street, City, State, ZIP Code)		
19e. Telephone Number	19f. Fax Number	

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

Local Unit: Mail one original and one copy of the completed application and all required attachments to:

State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, MI 48909-7971

(For guaranteed receipt by the STC, it is recommended that applications are sent by certified mail.)

STC USE ONLY				
▶ LUCI Code	▶ Begin Date Real	▶ Begin Date Personal	▶ End Date Real	▶ End Date Personal

POLICY REPORT: AMENDMENTS TO CHAPTER 98, ARTICLE 1, SECTION 98-3

JUNE 16, 2011

Prepared by:

Amy Cyphert
Acting Planning & Zoning
Director

Reviewed by:

Dana Foster
City
Manager

ISSUE:

To consider the First Read and setting of a public hearing for the proposed amendments to Chapter 98, Article 1, Section 98-3 pursuant to the Planning Commission recommendation on April 18, 2011.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation.

BACKGROUND:

On November 4, 2008, 63% of Michigan voters approved the Michigan Medical Marihuana Act, Proposal 08-1. In the City of Brighton, 63.5% of the voters voted for the state proposal. This proposal was "a legislative initiative to permit the use and cultivation of marihuana for specified medical conditions. The proposal law would:

- permit physician approved use of marihuana by registered patients with debilitating medical conditions including cancer, glaucoma, HIV, AIDS, hepatitis C, MS and other conditions as may be approved by the Department of Community Health.
- Permit registered individuals to grow limited amounts of marihuana for qualifying patients in an enclosed, locked facility.
- Require Department of Community Health to establish an identification card system for patients qualified to use marihuana and individuals qualified to grow marihuana.
- Permit registered and unregistered patients and primary caregivers to assert medical reasons for using marihuana as a defense to any prosecution involving marihuana.

On August 19, 2010, City Council adopted a six month moratorium on the issuance of permits, certificates or licenses for businesses that involve the sale or dispensing of medical marihuana. On February 3, 2011, City Council voted to extend the existing moratorium for another six month.

DISCUSSION

- Attached are proposed amendments to the Definitions section of the zoning ordinance. The proposed amendments include removing the existing definition for "Home occupation" and adding new definitions for "Home Occupation," "Marihuana," "Marihuana Dispensary or Dispensary," "Marihuana Collective or Cooperative" and "Medical Use of Marihuana."

- The proposed amendments are modeled after the ordinance amendments adopted by the City of Grand Rapids in 2010.

BUDGET IMPACT: N/A

RELATIONSHIP TO 2010/2011 GOALS: N/A

COUNCIL ACTION:

Introduce the proposed amendments to Chapter 98, Article 1, Section 98-3 for First Read as recommended by the Planning Commission and set a public hearing for July 7, 2011.

Attachments:

1. Proposed amendments to Section 98-3 Definitions
2. Planning Commission Meeting Minutes

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF BRIGHTON, MICHIGAN, BY AMENDING CHAPTER 98, ARTICLE I, SECTION 98-3 Definitions, SUBSECTION (d) OF THE CODE BY DELETING THE DEFINITION FOR “Home occupation AND ADDING NEW DEFINITIONS FOR “Home occupation”, “Marihuana”, “Marihuana Dispensary or Dispensary”, “Marihuana Collective or Cooperative” and “Medical Use of Marihuana”.

THE CITY OF BRIGHTON, LIVINGSTON COUNTY, HEREBY ORDAINS:

I. That the current definition for “Home occupation” located in Section 98-3(d) of Article I of Chapter 98 is deleted.

II. That new definitions are hereby added to Section 98-3(d) of Article I of Chapter 98, to be placed in alphabetical order with the existing definitions and shall read as follows:

Home occupation means any occupation in a residentially zoned home which shall not:

- (1) Require the employment of anyone in the home other than the dwelling occupant. The home shall be the legal and principle residence of the occupant, where all activities such as sleeping, eating, entertaining and other functions and activities normally associated with home life are conducted.
- (2) Generate traffic, parking, sewerage, fire and safety hazards, noise, dirt, odor, dust, gas, glare, fumes, vibration or water use in excess of what is normal in a residential neighborhood.
- (3) Result in outside storage or display of anything, including signs, except for those signs normally allowed in that particular residential zone.
- (4) Occupy more than 25 percent of the occupiable square footage of the home.
- (5) Require the delivery of goods or the visit of customers before 6:00 a.m. and after 8:00 p.m.
- (6) Require exterior alterations or involve construction features not customary in dwellings, or require the use of mechanical or electrical equipment which shall create a nuisance to the adjacent neighborhood.
- (7) Require permanent structural alterations to the interior of the dwelling unit that would render it unsuitable for residential use.
- (8) Create a new external entrance to the space devoted to the occupation.
- (9) Violate any and all applicable Building, Housing, Fire and other local or State codes and ordinances.
- (10) In the case of primary caregivers, violate any of the following specific restrictions: A registered primary caregiver, in compliance with the General Rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d) and the requirements of this Chapter, shall be allowed as a home occupation. Nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as

granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with that Act and the General Rules. Also, since Federal law is not affected by that Act or the General Rules, nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. The Michigan Medical Marihuana Act does not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring from Federal prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act. The following requirements for a registered primary caregiver shall apply:

- a. The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;
- b. A registered primary caregiver must be located outside of a one-thousand (1,000)-foot radius from any school, including child care or day care facility, to insure community compliance with Federal "Drug-Free School Zone" requirements;
- c. Not more than one (1) primary caregiver shall be permitted to service qualifying patients on a parcel;
- d. Not more than five (5) qualifying patients shall be assisted with the medical use of marihuana within any given calendar week;
- e. All medical marihuana shall be contained within the main building in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient, as reviewed and approved by the Building Official and the Brighton Police Department;
- f. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marihuana are located;
- g. If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11pm to 7am shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties;

- h. That portion of the residential structure where energy usage and heat exceeds typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Brighton Area Fire Department to insure compliance with the Michigan Fire Protection Code.

Marihuana, also known as *Marijuana*, also known as *Cannabis* meaning given to it in section 7601 of the Michigan public health code, 1978 PAS 368, MCL 333.7106, as is referred to in section 3(d) of The Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d). Any other term pertaining to marihuana used in this Chapter and not otherwise defined shall have the meaning given to it in the Michigan Medical Marihuana Act and/or in the General Rules of the Michigan Department of Community Health issued in connection with that Act.”

Marihuana Collective or Cooperative means any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary care giver, a registered qualifying patient, or a person with an identification card or in possession of an application for an identification card. The term “collective” or “cooperative” shall not apply to a registered primary caregiver that provides necessary care and marihuana for medical use exclusively to his/her five (5) or fewer designated qualifying patients in strict accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, Initiated Law, MCL 333.26423(d); Administrative Rules of the Michigan Department of Community Health; and the Home Occupation rules of Article 9, Section 5.9.13.R. of this Ordinance. A “marijuana collective or cooperative” shall not include the following uses that are in compliance with this Ordinance and all laws and rules of the State of Michigan, and intended for on-site patient use only: a State-licensed health care facility, a State-licensed residential care facility for the elderly or infirmed, or a residential hospice care facility. It is unlawful to establish or operate a profit or nonprofit medical marihuana dispensary, collective or cooperative within the City of Brighton.”

Marihuana Dispensary or Dispensary means Any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary care giver, a registered qualifying patient, or a person with an identification card or in possession of an application for an identification card. The term “dispensary” shall not apply to a registered primary caregiver that provides necessary care and marihuana for medical use exclusively to his/her five (5) or fewer designated qualifying patients in strict accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008; Administrative Rules of the Michigan Department of Community Health; and the Home Occupation rules of Article 9, Section 5.9.13.R. of this Ordinance. A "marihuana dispensary" shall not include the following uses that are in compliance with this Ordinance and all laws and rules of the State of Michigan, and intended for on-site patient use only: a State-licensed health care facility, a State-licensed residential care facility for the elderly or infirmed, or a residential hospice care facility. It is unlawful to establish or operate a profit or nonprofit medical marihuana dispensary, collective or cooperative within the City of Brighton.”

Medical Use Of Marihuana means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under The Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d)."

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

DIANA LOWE, City Clerk

RICCI BANDKAU, Mayor

First Reading: _____

Brief Publication: _____

Public Hearing: _____

Second Reading: _____

Adoption: _____

Full Publication: _____

DRAFT
City of Brighton
Planning Commission
Minutes
April 18, 2011

DRAFT

1. Call to Order/Roll Call

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

Larry Schillinger
William Bryan
John Wells
Steve Monet
Matt Smith
David McLane
Dave Petrak
Bob Pawlowski

Motion by Mr. Wells, seconded by Mr. Schillinger, to excuse Commission Member Wirth from tonight's meeting. **The motion carried 8-0-1.**

Also present were Amy Cyphert, Lauri French, Brad Maynes, and an audience of four.

2. Call to the Public

The call to the public was made at 7:31 p.m. with no response.

3. Approval of the March 21, 2011 Regular Meeting Minutes

Motion by Mr. Schillinger, supported by Mr. Smith, to approve the March 21, 2011 regular meeting minutes as amended. **The motion carried 8-0-1.**

4. Approval of the April 18, 2011 Agenda

Motion by Mr. Pawlowski, supported by Mr. Smith, to approve tonight's agenda as presented. **The motion carried 8-0-1.**

Old Business

5. Public Hearing and Possible Action on amendments to Chapter 98, Article I, Section 98-3. Definitions. – "Home Occupation", "Marihuana", "Marihuana Collective or Cooperative", "Marihuana Dispensary or Dispensary", and "Medical Use of Marihuana".

Chairperson Monet closed the regular meeting and opened the public hearing at 7:34 p.m.

Susan Walters-Steinacker, 950 Brighton Lake Road, noted several examples in the proposed ordinance definitions under Section II where questions could occur and situations were not clear-cut. She has spoken to some residents and they believe this type of business should be put in industrial zoned areas, not in residential neighborhoods.

Dick Dixon, Brighton, stated that he is a medical marijuana patient and that any delay in the ordinance process prevents people from getting their medicinal marijuana. He wanted to know why the Grand Rapids model was used and said if you want to keep it out of neighborhoods, these businesses should be set up like liquor stores.



Hearing no other responses, Chairperson Monet closed the public hearing and resumed the regular meeting at 7:40 p.m.

Brad Maynes from the City attorney’s office responded to Mr. Dixon’s question regarding why the Grand Rapids model was used for the Brighton ordinance. He and Acting Planning/Zoning Director Cyphert reviewed several other communities’ ordinances, from the most restrictive (Livonia) to the most flexible (Ferndale) and chose Grand Rapids’ ordinance as the middle ground as it kept to the intent of the State law of providing a one-on-one caregiver experience, not large-scale enterprises.

Matt Smith and Bill Bryan both agreed that the proposed ordinance is in keeping with the spirit of the law and a small-scale operation. Dave McLane noted that Grand Blanc has an area zoned specifically for medical marijuana (hospital) and requires special land use permits. Bob Pawlowski stated the intent is not to go against the State law, but try to meet the intent of the law by keeping it small (home occupation).

Steve Monet stated that he would probably vote against the proposed ordinance; he does not believe this should be in residential neighborhoods. Matt Smith pointed out that the State law allows for caregivers to grow marijuana in their home for up to five patients, which they can do with or without this ordinance. Larry Schillinger stated the next step is to move this to City Council and let them decide what should be done. John Wells noted we did not want dispensaries due to them being a gathering place. If it’s going to happen we have the opportunity to regulate it to prevent it from getting out of hand.

Motion by Matt Smith, seconded by Bill Bryan, to recommend sending the ordinance amendments as written to City Council for review and adoption. A roll call vote was taken as follows:

Mr. Pawlowski – Yes; Mr. Smith – Yes; Mr. Petrak – Yes; Mr. Monet – No; Mr. McLane – No; Mr. Schillinger – Yes; Mr. Bryan – Yes; Mr. Wirth – Absent; Mr. Wells – Yes. **The motion carried 6-2-1.**

New Business

Other Business

6. **Staff Updates** – There were no staff updates.

7. **Call to the Public**

The call to the public was made at 7:58 p.m. Hearing no response, Call to the Public was closed at 7:58 p.m.

8. **Adjournment**

Moved by Mr. Petrak, supported by Mr. McLane, to adjourn the meeting at 7:58 p.m. **The motion carried 8-0-1.**

John Wells, Secretary

Lauri French, Recording Secretary