

CITY OF BRIGHTON
CITY COUNCIL MEETING
CITY HALL
April 4, 2013

Early Blue Sky: 5:30 pm: Budget Review Worksession

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

REGULAR SESSION - 7:30 P.M.

1. Call to order
2. Pledge of Allegiance
3. Roll Call
4. Consider approval of the Agenda
5. [Approval of minutes: Regular Meeting](#) and closed session of [March 21, 2013](#)
6. Mayor's Reading of Citizen Inquiries received since the last City Council Meeting
7. City Manager's Announcement & Recognition of Upcoming Volunteers' Work Projects: Imagination Station Spring Workday and Historical Society's Village Cemetery Cleanup Day
8. Call to the Public

Consent Agenda

9. Consider approval of [annual civic event applications](#)

Policy Development & Customer Communications' action item

10. Consider [first reading of fireworks' ordinance amendments that staff has drafted for compliance with changes in fireworks-related state laws.](#)
11. Conduct public hearing on a proposed **Resolution** changing the [regular election schedule for City offices from odd-year to even-year elections to assist with the City's ongoing cost reduction efforts](#)
 - 11a. Consider a motion to approve the proposed resolution
12. Consider approval of a motion to provide direction to the City Manager and Finance Director on what changes to make to the City Manager's Proposed Fiscal Year 13-14 City Budget and then to include those changes in the preparation of the public notice for the City Charter-required public hearing on the City Council's Proposed Fiscal Year' 13-14 City Budget on April 18, 2013

Other Business

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

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON MARCH 21, 2013 AT THE BRIGHTON CITY HALL
200 N. 1ST STREET, BRIGHTON, MICHIGAN

BLUE SKY SESSION

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

REGULAR SESSION

Mayor Pro-Tem Cooper called the regular meeting to order at 7:30p.m. Following the Pledge of Allegiance, the roll was called, there being present were Mayor Pro-Tem Cooper, Councilmembers Bandkau, Schillinger, Pipoly, Roblee and Bohn. Also in attendance were Attorney Paul Burns and Brad Maynes, Staff members Dana Foster, Matt Schindewolf, Kelly Hanna, Jennifer Burke, Diana Lowe, Amy Cyphert, Matt Modrack and Jon Westendorf and an audience of 6. Press and Media included Tom Tolen from WHMI.

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

AGENDA APPROVAL

It was moved Councilmember Pipoly, seconded by Roblee to approve the agenda as amended. Delete item #13, Fireworks Ordinance. Move from Consent Agenda to Action Agenda item #9, Principal Shopping District. Motion passed 6-0-1.

MINUTES APPROVAL

It was moved by Councilmember Bandkau, seconded by Bohn to approve the Regular Meeting minutes of March 7, 2013 as presented. Councilmember Schillinger abstained. Motion passed 6-0-1.

It was moved by Councilmember Bohn, seconded by Bandkau to approve the Closed Session minutes of March 7, 2013 as presented. Councilmember Schillinger abstained. Motion passed 6-0-1.

CITIZEN INQUIRIES

None.

CALL TO THE PUBLIC

Mayor Pro-Tem Cooper opened the Call to the Public at 7:33 p.m. The following comment was heard:

Mark Binkley, 713 Fairway Trails Drive, Chairperson of the Principal Shopping District, asked Council to consider approving the extension of the Principal Shopping District.

Hearing no additional comment, the Call to the Public was closed at 7:35 p.m.

CONSENT AGENDA

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

The following items were approved:

1. Renamed the DDA-owned property at 202 E. Main Street/Cobb Hall site, to be the “Brighton Arts & Culture Commission Sculpture Garden”.
2. Approved the reappointments of Ted Richardson to the Officer’s Compensation Commission and Nick Palizzi, Lisa Nelson and Claudia Roblee to the Principal Shopping District.

PRINCIPAL SHOPPING DISTRICT

Councilmember Bohn expressed his concerns on how the Principal Shopping District markets only for the Downtown Area and not the entire City and that the organization should be self funded.

There was Council discussion regarding marketing businesses outside of the downtown area, four point redevelopment approach, the marketing brings awareness to the City and the fact that merchants have contributed to the PSD by a Special Assessment District.

DDA Director, Matt Modrack gave a slide presentation, highlighting the Request to Extend Operation of the Principal Shopping District Board, the Market Study, PSD Boardmembers, some of the advertising they have done, 2011-12 Accomplishments and the strength of the downtown drawing an investment from Vail, Colorado in our neighboring township.

City Manager, Dana Foster stated he had requested Matt Modrack to give this additional information on the PSD.

It was moved by Councilmember Pipoly to approve Resolution 13-04, Extending the Principal Shopping District for another three years. A roll call vote was taken. Yes: Schillinger, Bohn, Cooper, Bandkau, Roblee, Pipoly. No: none. Absent: Muzzin. Motion passed 6-0-1.

MILL POND DREDGING & IMPROVEMENT PROJECT

Department of Public Services Director, Matt Schindewolf explained the dredging process, weed harvesting, sampling of the bottom of the Mill Pond, the importance of aerators, taking the dredged material out, testing of the organic content and working with a Consultant during this process. He also stated that there are other options to improve the Mill Pond that do not involve dredging.

City Manager, Dana Foster discussed the funding of the Mill Pond Dredging and Improvement project, stating it will be \$700,000 if the material has to be taken to a special landfill. He stated this is a public/private partnership with Corrigan Oil and Development Company who is offering to contribute \$300,000 if there is not any contamination of the material and if it is not required to be landfilled.

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City Attorney, Paul Burns expressed his concerns if hazardous waste is found in the Mill Pond boring samples, as it may be very expensive to clean-up. He suggested that the City Engineer be involved in this process.

It was moved by Councilmember Pipoly, seconded by Roblee to authorize the City Manager to consult with the City Engineer regarding the proposed Mill Pond dredging before moving any further. Motion passed 6-0-1.

FISCAL YEAR 13-14 CITY BUDGET

City Manager, Dana Foster presented the proposed 2013-2014 Fiscal Year City Budget. He highlighted the Baseline Forecast, Six Year Financial Forecast Assumptions, Alternative Six Year Forecasts and the upcoming Budget calendar.

Mayor Pro-Tem Cooper gave a Budget and Finance Subcommittee update regarding decisions that will have to be made and the level of service.

Councilmember Bohn stated we are running into a deficit and asked what the City Manager's priorities are?

City Manager, Dana Foster gave a slide presentation explaining his groups of priorities. He highlighted People Want to Live & Work Here; Public Safety, Infrastructure, Arts & Culture, Quality Place to Live & Work, Business Facilitation and City Government with Integrity & Excellence. He thanked the City's volunteer intern, JT from Michigan State University attending from Thailand, for his help with preparing the presentation.

Councilmember Schillinger stated the \$20,000 investment Vail spent was for two facilities, not just the one in Genoa Township

Council thanked Staff for their work on the proposed budget.

CITY CUSTOMER INFORMATION

Councilmember Bandkau stated they are moving forward on the Brighton Veteran's Memorial and that the bricks they are selling are tax deductible.

Councilmember Roblee stated they received response from the Detroit Institute Arts for the Inside-Out Program. They will be meeting again and have decided where the pieces of art will be placed.

Councilmember Pipoly gave a DDA update.

Mayor Pro-Tem Cooper gave a SELCRA update and Zoning Board of Appeals update.

CALL TO THE PUBLIC

Mayor Pro-Tem Cooper gave a Call to the Public at 9:35 p.m. Hearing none the Call to the Public was closed.

ATTORNEY-CLIENT PRIVILEGED WRITTEN COMMUNICATION CLOSED SESSION

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

The Council convened into Closed Session at 9:36 p.m.

The Council reconvened the Regular Meeting at 9:50 p.m.

CLOSED SESSION ACTION

It was moved by Councilmember Bohn, seconded by Pipoly to amend the agenda to add Closed Session Action. Motion passed 6-0-1.

It was moved by Councilmember Pipoly, seconded by Bohn to authorize the Staff to set a Public Hearing and proposed Resolution at the April 4, 2013 City Council meeting regarding changing the date in which the City holds regular election for local offices to the November even year election date. Motion passed 6-0-1.

ADJOURNMENT

It was moved by Councilmember Bandkau, seconded by Roblee to adjourn the meeting at 9:56 p.m. Motion passed 6-0-1.

Diana Lowe, City Clerk

Chad Cooper, Mayor Pro-Tem

POLICY REPORT NO. DPS –12-05
DEPARTMENT OF PUBLIC SERVICE
Civic Event Schedule 2013

Prepared by:

Matthew J. Schindewolf
Public Service Director

Reviewed by:

Dana W. Foster
City Manager

ISSUE: To consider the Civic Event Schedule for 2013.

STAFF RECOMMENDATION: To recommend the Civic Event Schedule for 2013 as approved by the Civic Event Committee, with contingent approval on noted events.

BACKGROUND: The City of Brighton Civic Events Committee has reviewed all of the submitted event applications for the 2013 event season. The Committee has recommended approval for all 25 of the events.

This year's applications for Civic Events were reviewed using criteria developed for the Civic Events Policy and Application. All applicants for events were e-mailed the adopted application and asked to provide all information as per the policy.

All of the Civic Events for this year were submitted and reviewed by the Civic Event Committee. Many of the events are similar in scope to those held last year, with the exceptions that will follow. The next step in the process will be the City Council approval. The Committee will then hold pre-event meetings with the applicants to finalize details of the event as well as to ensure that they have complied with any conditions noted.

This is the second year that SELCRA has applied for their Summer Series at the Millpond; however, they have reduced it to only two events and have changed the themes. These events are:

- Play date at the Millpond– This is an event geared toward 3-7 year old children. They are proposing to have “themed” sections throughout the Tridge and Millpond area, where the children will listen to stories and participate in activities.
- Adventure Day at the Millpond – This is similar to last year's event; however, they are proposing to have a zip line along Main Street. The Committee will meet with the applicant to discuss this aspect of the event in depth and determine its feasibility.

The Committee is anticipating applications being received from the Alzheimer's Association for their “Walk to End Alzheimer's”; however, their event date has not been determined so their application has not been submitted.

Additionally, Swingfusion is wishing to hold their swing dancing events at the gazebo again this year; however, after numerous reminders to the event coordinator, an application has not yet been submitted.

When and if these applications are received and reviewed, the Committee will make a recommendation to City Council.

Below are listed the events as of the date of this Policy Report:

**Civic Event List
2013**

<u>Event Title</u>	<u>Date</u>
Farmers Market	Saturdays – May through October
Flower Day	Saturday, May 18 th
Memorial Day Parade	Monday, May 27 th
St. Pat's 5K Run	Saturday, June 1 st
Thursday Night Music Series @ Downtown Main	Thursdays – June 6 th through September 26 th
Art in the Millpond	Thursdays – June 6 th through September 26 th
Optimists Club Fishing Derby	Saturday, June 8 th
Livingston Concert Band Concerts	Tuesdays, June 11 th through July 30 th
Tour De Cure	Saturday, June 15 th
SELCRA Play date at the Millpond	Saturday, June 22 nd
4 th of July Hungry Duck Run	Thursday, July 4 th – 7:00 am
4 th of July Parade	Thursday, July 4 th – 10:00 am
Millpond Duck Race	Thursday, July 4 th – after parade
Gazebo Concerts	Sunday nights – July 7 th through August 25 th
Terrific Tuesday Children Reading	Tuesdays, July 9 th through August 27 th
Fine Art & Acoustic Music Festival	Friday through Sunday, August 2 nd , 3 rd , & 4 th
SELCRA Adventure Day at the Millpond	Saturday, August 24 th
Smokin' Jazz & BBQ Blues Fest	Friday and Saturday, September 6 th and 7 th
Pregnancy Helpline Walk	Saturday, September 21 st
Harvest Fest	Saturday, September 28 th
BHS Homecoming Parade	Friday, October 11 th
Crop Walk	Sunday, October 20 th

SELCRA Halloween Spooktacular	Thursday, October 31 st
Veterans Day Parade	Sunday, November 11 th
Holiday Glow	Saturday, November 23 rd

BUDGET IMPACT: Police presence will be needed at the four parade events– namely, Memorial Day Parade, 4th of July Parade, Homecoming Parade, and Veterans Day Parade as well as events that are serving alcohol – namely, Fine Art & Acoustic Music Festival and Smokin Jazz & BBQ Blues Festival. They will also assist with the walks that require intersections to be blocked off for the beginning of the event and those events will use on-duty officers. There will be minimum staffing by DPS personnel at all Civic Events pursuant to the Collective Bargaining Unit Agreement between the City of Brighton and the Teamsters Union. Additional support staff necessary for these events will be determined based on past history, nature of the event, and specific requests of event sponsors on an as-needed basis.

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

COUNCIL ACTION: Approval of the Civic Event Schedule for 2013 as proposed and approved by the Civic Event Committee.

ATTACHMENTS: Signed Civic Event Approval List

2013 Civic Event Approval List

Event Name	Event Date	Applicant	Address	PD	DPS	BAFD	Finance
Farmers Market	May – October	Chamber of Commerce	218 E. Grand River	<i>EW</i>	<i>EW</i>		
Flower Day	May 18 th	Chamber of Commerce	218 E. Grand River	<i>EW</i>	<i>EW</i>		
Memorial Day Parade	May 27 th	VFW Post 4357	10590 E Grand River	<i>EW</i>	<i>EW</i>		
St. Patrick Shamrock Festival 5K Run/Walk	June 1 st	St. Patrick Catholic Church	711 Rickett Road	<i>EW</i>	<i>EW</i>		
Art in the Millpond	June through September	Brighton Art Guild	4449 Golf View Drive	<i>EW</i>	<i>EW</i>		
Thursday Night Music Series @ Downtown Main	June through September	Downtown Main Martini Bar	201 W Main Street	<i>EW</i>	<i>EW</i>		
Optimists Fishing Derby	June 8 th	Optimist Club	845 Devonshire	<i>EW</i>	<i>EW</i>		
Tues Evening Concerts in the Park	June through July	Livingston County Concert Band	PO Box 774, Howell	<i>EW</i>	<i>EW</i>		
Tour de Cure	June 15 th	American Diabetes Association	30200 Telegraph Road, Bingham Farms	<i>EW</i>	<i>EW</i>		
Family Summer Series @ the Millpond	June 22 nd & August 24 th	SEL CRA	125 S. Church Street	<i>EW</i>	<i>EW</i>		

				PD	DPS	BAFD	Finance
4 th of July Events	July 4 th	Livingston Sunshine Rotary	403 E. Grand River	<i>EW</i>	<i>EW</i>		
Kiwanis Gazebo Concerts	July 7 th - Aug 25 th	Kiwanis Club of Brighton	PO Box 414	<i>EW</i>	<i>EW</i>		
Terrific Tuesday Children Reading	July through August	Kiwanis Club of Brighton	PO Box 414	<i>EW</i>	<i>EW</i>		
Brighton's Street Food Festival	July 12 th and 13 th	Chamber of Commerce	218 E. Grand River	<i>EW</i>	<i>EW</i>	<i>Cancelled</i>	
Brighton's Fine Art & Acoustic Music Festival	August 2 nd - 4 th	Chamber of Commerce	218 E. Grand River	<i>EW</i>	<i>EW</i>		
Brighton's Smokin' Jazz & BBQ Blues Festival	September 6 th & 7 th	Chamber of Commerce	218 E. Grand River	<i>EW</i>	<i>EW</i>		
Run for Their Lives 5C Walk	September 21 st	Pregnancy Helpline	7743 W. Grand River, Suite 101, 48114	<i>EW</i>	<i>EW</i>		
Harvest Fest	September 28 th	Chamber of Commerce	218 E. Grand River	<i>EW</i>	<i>EW</i>		
Homecoming Parade	October 11 th	Brighton High School	7878 Brighton Road	<i>EW</i>	<i>EW</i>		
CROP Hunger Walk	October 20 th	Church World Services	4199 Brian Dr, 48116	<i>EW</i>	<i>EW</i>		
Tridge-or-Treat Spooktacular	October 31 st	SELCRA	125 S. Church Street	<i>EW</i>	<i>EW</i>		
Brighton's Holiday Glow	November 23 rd	Chamber of Commerce	218 E. Grand River	<i>EW</i>	<i>EW</i>		

Event Name	Event Date	Applicant	Address	PD	DPS	BAFD	Finance
Veterans Day Parade	November 11 th	Brighton VFW Post 4357	10590 Grand River Avenue, Brighton	<i>alw</i>	<i>(W)</i>		

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

MARCH 21, 2013

Prepared by:

Amy Cyphert
Planning & Zoning Director

Reviewed by:

Dana Foster
City Manager

ISSUE:

To consider the First Reading and setting of a public hearing for the proposed amendment to Chapter 54, Article V, Division 1. Section 54-121, Discharge of fireworks.

BACKGROUND:

On January 1, 2012, Public Act 256 of 2011 went into effect. This public act repealed laws that regulated the purchase, sale, possession and use of fireworks and put into effect new regulations.

Public Act 56 of 2011 permits the purchase, sale, possession and use of fireworks with regulations established in the public act. In addition, the public act states the following:

Sec. 7. (1) A local unit of government may enact an ordinance regulating the ignition, discharge, and use of consumer fireworks. However, an ordinance enacted under this subsection shall not regulate the use of consumer fireworks on the day preceding, the day of, or the day after a national holiday.

Currently, Sec. 54-121 Discharge of fireworks, states “it shall be unlawful for any person in the city to fire, discharge, display or possess any fireworks except those which are permitted by state law and the provisions of this Code.”

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

BUDGET IMPACT: N/A

RELATIONSHIP TO 2012/2013 GOALS: N/A

COUNCIL ACTION:

Introduce the proposed amendments to Chapter 54, Article V, Division 1. Section 54-121, Discharge of fireworks and set a public hearing date.

Attachments:

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

Chapter 54 - OFFENSES AND MISCELLANEOUS PROVISIONS
ARTICLE V. - OFFENSES AGAINST PUBLIC SAFETY
DIVISION 1. - GENERALLY FIREWORKS.

~~Sec. 54-121. — Discharge of fireworks.~~

~~(a) — It shall be unlawful for any person in the city to fire, discharge, display or possess any fireworks except those which are permitted by state law and the provisions of this Code.~~

~~(b) — Any person found to violate this chapter shall be guilty of a civil infraction and shall be punished by a fine(s) as set forth in section 1-16(b).~~

~~(Code 1981, § 121.2(15); Ord. No. 479, § I, 7-17-03)~~

~~Secs. 54-122 — 54-130. — Reserved.~~

Sec. 54-121. Definitions.

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

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

APA standard 87-1 means 2001 APA standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, published by the American pyrotechnics association of Bethesda, Maryland.

Consumer fireworks means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States consumer product safety commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks does not include low-impact fireworks.

Display fireworks means large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.

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

Firework or fireworks means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects.

Low-impact fireworks means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

Minor means an individual who is less than 18 years of age.

National Holiday means as used in this section, a national holiday is any of the following: New Years Day (January 1); Birthday of Martin Luther King Jr. (third Monday in January); Washington's Birthday (third Monday in February); Memorial Day (last Monday in May); Independence Day (July 4); Labor Day (first Monday in September); Columbus Day (second Monday in October); Veterans Day (November 11); Thanksgiving Day (fourth Thursday in November); and Christmas Day (December 25).

Novelties means that term as defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 and all of the following:

- I. Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.
- II. Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph (i) are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.
- III. Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.
- IV. Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices.

Person means an individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated organization, or any other legal or commercial entity.

Special effects means a combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production or live entertainment.

Sec. 54-122. Ignition, discharge or use of consumer fireworks.

- (a) It shall be unlawful for any person in the city to ignite, discharge or use any fireworks which are permitted by state law, except on the day preceding, the day of or the day after a national holiday. Any person found to violate Sec. 54-121 (a) shall be guilty of a civil infraction and shall be punished by a fine(s) as set forth in section 1-16(b).
- (b) A person shall not ignite, discharge or use consumer fireworks on public property, school property, church property or the property of another person without that organization's or person's express permission to use those fireworks on those premises.. Any person found to violate Sec. 54-121 (b) is responsible for a state civil infraction and a civil fine of not more than \$500.00.
- (c) An individual shall not use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance. As used in this subsection:
- (1) "Alcoholic liquor" means that term as defined in section 1d of the Michigan vehicle code, 1949 PA 300, MCL 257.1d.
- (2) "Controlled substance" means that term as defined in section 8b of the Michigan vehicle code, 1949 PA 300, MCL 257.8b.
- (d) Ignition, discharge or use of any fireworks shall comply with all applicable state and federal laws and regulations.
- (e) It shall be unlawful for any person in the city to carelessly ignite, discharge or use any fireworks that result in damage to a property or injury to a person. Any person found to violate Sec. 54-121 (a) shall be guilty of a civil infraction and shall be punished by a fine(s) as set forth in section 1-16(b).
- (f) Parental responsibility
- (1) It shall be unlawful for the parent, guardian, or other person having legal care and custody of a minor under the age of 17 years to permit such minor to ignite, discharge or use any fireworks in or upon public streets, highways, alleys, parks, playgrounds, public places, commercial establishments and premises, places of amusement, vacant lots, or other unsupervised places in the city between the hours and under the conditions delineated in section 54-121 (a).
- (2) Any person found to violate this section shall be guilty of a civil infraction and shall be punished by a fine(s) as set forth in section 1-16(b).
- (g) It shall be unlawful for the host or organizers of a gathering or event to allow a guest or visitors to ignite, discharge or use any fireworks except when compliant with all applicable state, federal and local laws and regulations. Any person found to violate Sec. 54-121 (f) shall be guilty of a civil infraction and shall be punished by a fine(s) as set forth in section 1-16(b).

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

- a. No person shall discharge any Display fireworks without a permit issued by the City Council. Permits are not transferable and shall not be issued to a minor.
- b. Applicants for permit under this section must file with the city clerk a sworn application in writing on a form to be furnished by the city clerk, which shall give the following information:
 - (1) Every applicant for a permit to use or discharge display fireworks shall submit, with a nonrefundable application fee, a current and fully completed application.
 - (2) The fees for the permit required by this section shall be charged by the city clerk shall be established by resolution of the council.
 - (3) A permit shall not be issued to a nonresident person, firm, or corporation for ignition of display fireworks until the person, firm, or corporation has appointed in writing a resident member of the bar of this state or a resident agent to be the legal representative upon whom all process in an action or proceeding against the person, firm, or corporation may be served.
 - (4) All applications shall contain the following information:
 - a. The name, residence address, and telephone number of a resident agent who is a natural person (no post office boxes will be accepted as legal addresses):
 - b. The name, residence address, and telephone number of the applicant:
 - i. If the applicant is a corporation, the name, residence address, and telephone number of each of the officers and directors of the corporation and of each stockholder owning more than 10% of the stock of the corporation if that individual is or will be involved in the management and/or operation of the business. The applicant shall also provide the name, residence address, and telephone number of each individual who will be involved in the management and/or operation of the business, as well as documentation that the corporation is in good standing in the state of incorporation;
 - ii. If the applicant is a partnership, the name of the partnership and the name, residence address, and telephone number of each of the partners having at least a 10% ownership interest, as well as any individual who is or will be involved in the management and/or operation of the business;
 - iii. If the applicant owns stock or has a financial interest in any other business which sells or manufactures fireworks, the name, address, and telephone number of the corporation and the name, address, and telephone number of each such business;
 - c. The address and legal description of the property where the fireworks will be displayed;

discharge of display fireworks shall require a new permit, and the applicant shall follow the application process set forth in this article.

(10) Display permit conditions. The issuance of a permit for the use or discharge of display fireworks shall be conditioned upon compliance with all of the terms and conditions of this article, as well as the International Fire Code. In addition, the issuance of such a permit shall be conditioned upon the following:

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

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

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

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

**POLICY REPORT
EVEN-YEAR ELECTIONS
APRIL 4, 2013**

PREPARED BY:

REVIEW

ED BY:

Diana Lowe
City Clerk

Dana
City

Foster
Manager

ISSUE:

To conduct a Public Hearing and consider adopting a Resolution changing the regular election schedule for City offices from odd-year to even-year elections.

STAFF RECOMMENDATION:

Recommend to adopt a Resolution changing the regular election schedule for City offices from odd-year to even-year elections for cost reduction purposes.

BACKGROUND:

Local elections for City Councilmembers are currently conducted every odd-year, which is usually the only item on the ballot. If a Resolution were adopted by Council to move Local Elections to the even-year election date, a November 2013 Local Election would still be required, as the Resolution would take effect the following year. The expiration dates of the Councilmembers terms would be increased by one year.

City Councilmembers elected in 2013 would have three five-year terms and one three-year term. Councilmember terms that are due to expire in 2015 would be extended to 2016. The next local election for Councilmembers would be in 2016.

BUDGET IMPACT:

Approximately \$5,000 cost savings per election going forward if the staff recommendation is approved.

COUNCIL ACTION:

Conduct a Public Hearing to receive public input related to changing the local election schedule for City offices from odd-year to even-year elections and consider the proposed Resolution.

RESOLUTION
OF THE
CITY OF BRIGHTON

WHEREAS:

1. Public Acts 523 and 551 of 2012 have made comprehensive changes to Michigan Election Law.
2. The Acts provides that cities wishing to change their election date to the even year general election may do so by Resolution.
3. The City of Brighton currently holds its regular election for local offices at the November odd year election date and desires to **change** the date on which it holds its regular election for local offices to the November even year election date.

Terms of office

The terms of the following incumbent Councilmembers shall be extended as indicated:

James Bohn, term due to expire November 2015, to be extended to November 2016
Jim Muzzin, term due to expire November 2015, to be extended to November 2016
Chad Cooper, term due to expire November 2015, to be extended to November 2016

[NOTE: The term of an incumbent trustee may be extended but not shortened. A prospective term may also be extended.]

THEREFORE: The City of Brighton RESOLVES to hold its regular election for local offices at the November even year regular election.

Ayes:

Nays:

Abstain:

Absent:

This resolution was adopted on this day of , 2013.

Diana Lowe, City Clerk

I, Diana Lowe, City Clerk for the City of Brighton, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular City Council meeting held on ,2013.

Diana Lowe, City Clerk