

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

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

REGULAR SESSION - 7:30 P.M.

1. Call to order
2. Pledge of Allegiance
3. Roll Call
4. Consider approval of the Agenda
5. Approval of [minutes: Regular Meeting of November 7, 2013](#) and [Biennial Election Meeting of November 12, 2013](#)
6. Mayor's Reading of Citizen Inquiries received since the last City Council Meeting
7. Call to the Public

Consent Agenda

8. Consider approval of the Mayor's recommended appointments to a new nonprofit Brighton Housing Corporation as recently approved by the State of Michigan
9. Consider conditional [site plan amendment approval of the back lot parking west of 775 N. 2nd Street](#) as recommended by the Planning Commission
10. Consider [first reading of amendments to Chapter 98, Article I. In General, Section 98-3. Definitions and Chapter 98, Article XXV. Temporary Land Uses, Section 98-700. Temporary land uses](#) as recommended by Planning Commission
11. Consider [first reading of amendments to Chapter 98, Article II. Districts and General Regulations, Section 98-49. Accessory Buildings](#) as recommended by Planning Commission
12. Consider [first reading of amendments to Chapter 98, Article II. Districts and General Regulations, Section 98-38. Fences](#) as recommended by Planning Commission
13. Consider approval of appointments and designations of City Council Member Liaisons to City Boards and Commissions

Policy Development & Customer Communications' action item

14. Receive possible alternative General Fund forecasts from the City Manager and Finance Director to include financing for the Northwest Neighborhoods' infrastructure improvements
15. Consider approval a resolution required for an Asset Management Grant Application to the DEQ
16. Consider approval of a [moratorium on new smoking lounges, "hookah bars" and smoking related retail stores until language addressing these uses can be added to the zoning ordinance](#) as requested by the Planning Commission
17. Consider possible authorization of litigation or other actions by the City Attorneys regarding pending code violations

Other Business

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

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

BLUE SKY SESSION

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

REGULAR SESSION

Mayor Muzzin called the regular meeting to order at 7:31 p.m. Following the Pledge of Allegiance, the roll was called. Present were Mayor Muzzin, Councilmembers Bandkau, Pipoly, Schillinger, Roblee, Cooper and Bohn. Also in attendance were Attorney Paul Burns, Staff members Dana Foster, Kelly Hanna, Amy Cyphert, Dave Blackmar, Diana Lowe, Tim Krugh and Tom Wightman and an audience of 8. Press and Media included Tom Tolen from WHMI.

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

AGENDA APPROVAL

It was moved by Mayor Pro-Tem Cooper, seconded by Pipoly to approve the agenda as amended. Delete item #19, Code Violations and item #23, Closed Session. Motion passed 6-0-1.

MINUTE APPROVAL

It was moved by Mayor Pro-Tem Cooper, seconded by Bandkau to approve the Regular Meeting minutes of October 17, 2013 as presented. Motion passed 6-0-1.

It was moved by Mayor Pro-Tem Cooper, seconded by Roblee to approve the Closed Session minutes of October 17, 2013 as presented. Motion passed 6-0-1.

It was moved by Councilmember Bandkau, seconded by Bohn to approve the Special Meeting minutes of October 22, 2013 as presented. Councilmembers Muzzin and Cooper abstained. Motion passed 4-0-1-2.

It was moved by Councilmember Pipoly, seconded by Bohn to approve the Special Meeting minutes of October 29, 2013 as presented. Councilmembers Cooper and Roblee abstained. Motion passed 4-0-1-2.

EAGLE SCOUT PROCLAMATION

Mayor Muzzin presented an Eagle Scout Proclamation to Mason A. Lane.

Mason A. Lane stated his final Eagle Scout project he constructed a 24 x 24 foot pavilion at the Howell Nature Center.

MAYORAL PRESENTATIONS

Mayor Muzzin read a plaque for Larry Schillinger for his years of service to the City of Brighton.

Mayor Muzzin read and presented a plaque to Claudia Roblee for her years of service to the City of Brighton.

Councilmember Roblee thanked the citizens of Brighton for electing her as Councilmember, Council and Staff for the opportunity to serve.

CITIZEN INQUIRIES

None.

CALL TO THE PUBLIC

Mayor Muzzin opened the Call to the Public at 7:45 p.m. Hearing none, the Call to the Public was closed.

CONSENT AGENDA

It was moved by Mayor Pro-Tem Cooper, seconded by Pipoly to approve the Consent Agenda as amended. Move to Action Agenda item #12, Officers Compensation Commission. Motion passed 6-0-1.

The following items were approved:

1. Reappointed Jenny Fredenburg to the Board of Review
2. Reappointed Lisa Farquhar to the Election Commission.
3. Approved the Quarterly Investment Report.
4. Approval of the Pavement Marking 2013 RFP to PK Contracting in the amount of \$12,437.25.
5. Approval Resolution 13-23, Amendment to the fee schedule for residential rental registration & inspection fees.

OFFICERS COMPENSATION COMMISSION

It was moved by Councilmember Cooper, seconded by Bandkau to accept the Officers Compensation Commission report and to not implement the recommendation to increase the Council per diem. Motion passed 6-0-1.

TEMPORARY LAND USE APPLICATON FOR CHRISTMAS TREE SALES

Mayor Muzzin opened the Public Hearing for the Temporary Land Use Permit request for St. Patrick Catholic Church for Christmas Tree Sales at 711 Rickett Road at 7:55 p.m. Hearing no comment, the Public hearing was closed.

David Koster, Representative from St. Patrick's Church, explained storage and parking on the site.

It was moved by Mayor Pro-Tem Cooper, seconded by Bandkau to approve the Temporary Land Use Permit for St. Patrick Catholic Church for Christmas Tree Sales at 711 Rickett Road from November 29, 2013 through December 15, 2013. Motion passed 6-0-1.

FINANCIAL FORECAST FOR GENERAL FUND AND DDA FUND

Finance Director, Kelly Hanna presented an updated 6-year Financial Forecast for the General Fund and DDA Fund. She highlighted the General Fund Financial Forecast Update, Forecast Summary Spreadsheet, Forecast Unreserved Fund Balance, DDA Financial Forecast Update, DDA Financial Forecast Expenditures and the DDA Financial Forecast Summary.

City Manager, Dana Foster highlighted the General Fund Forecast Unreserved Fund Balance, DDA Financial Forecast Updates, Personal Property revenue reductions and critical construction needs.

Councilmember Bohn suggested receiving a schedule of debt that rolls off per year and interest saving for the next 10 years in graph format.

CITY CUSTOMER INFORMATION

City Manager, Dana gave a Veteran's Memorial update. He stated he thanked Councilmembers Roblee and Schillinger for their service and time. He thanked Councilmember Roblee for her kind words regarding City Staff.

Mayor Pro-Tem Cooper stated it has been a pleasure working with Councilmember Roblee.

Councilmember Bandkau gave a Veteran's Memorial update, stating it looks wonderful. Dedication will be at 12:30 this Saturday, with over \$67,000 in donations have been given and there are additional pavers to be sold.

Councilmember Roblee stated she will miss everyone and congratulated the Veteran's Memorial Committee.

Councilmember Bohn thanked Councilmember Roblee for her service.

Councilmember Pipoly congratulated to Kris Tobee and Shanda Willis for their election to City Council and Ricci Bandkau for being reelected. He thanked Councilmember Roblee for her service to the City of Brighton.

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Mayor Muzzin thanked the two new Councilmembers Kris Tobee and Shanda Willis for their willingness to serve and Ricci Bandkau and Shawn Pipoly being reelected. He thanked Claudia Roblee and Larry Schillinger for their years of service to the City of Brighton.

City Manager, Dana Foster thanked City Council, Staff and Consultants for all their time and effort with regards to the four millage proposals and process.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 8:39 p.m. Hearing no comment, the Call to the Public was closed.

ADJOURNMENT

It was moved by Councilmember Roblee, seconded by Bandkau to adjourn the meeting at 8:40 p.m. Motion passed 6-0-1.

Diana Lowe, City Clerk

Jim Muzzin, Mayor

MINUTES OF THE SPECIAL/BIENNIAL ELECTION MEETING OF THE CITY COUNCIL OF BRIGHTON HELD NOVEMBER 12, 2013, AT THE BRIGHTON CITY HALL, 200 N 1ST STREET, BRIGHTON, MICHIGAN.

SPECIAL ELECTION MEETING

Mayor Muzzin called the Special Session to order at 8:00 p.m. Following the Pledge of Allegiance, the roll was called, present were Mayor Muzzin, Mayor Pro-Tem Cooper, Councilmembers Pipoly, Roblee, Bandkau, Schillinger and Bohn. Also in attendance were Attorney Paul Burns and Brad Maynes, Staff Members: Dana Foster, Jon Westendorf, Kelly Hanna, Matt Modrack, Jennifer Burke, Amy Cyphert, Lauri French, Patty Thomas, Dave Blackmar, Tim Krugh and Diana Lowe and an audience of 12. Press and Media consisted of Tom Tolen from WHMI and Jim Totten from the Livingston County Press & Argus.

STATE OF THE CITY

Mayor Muzzin gave the State of the City address (following).

CALL TO THE PUBLIC

Mayor Muzzin gave a call to the public at 8:32 p.m. Hearing no comment, the Call to the Public was closed.

ADJOURNMENT

It was moved by Councilmember Cooper, seconded by Bandkau to adjourn the Special meeting at 8:32 p.m.

BIENNIAL MEETING

CALL TO ORDER

City Manager, Dana Foster assumed the Chair to act as Temporary Chairperson for the Biennial Election Meeting until the election of the Mayor. He called the meeting to order at 8:33 p.m.

The roll was called, present were Councilmembers Muzzin, Cooper, Bohn and Councilmembers Elect Bandkau, Pipoly, Willis and Tobee.

OATHS OF OFFICE

City Clerk, Diana Lowe, administered the Oath of Office to the newly elected Councilmembers: Ricci Bandkau, Shawn Pipoly, Shanda Willis and Kristoffer Tobee.

NOMINATION FOR MAYOR

City Manager, Dana Foster asked for nominations for Mayor. Councilmember Pipoly nominated Muzzin for Mayor.

There being no further nominations, ballots were distributed, voted and read aloud with the following results:

Councilmembers Bandkau, Bohn, Muzzin, Cooper, Pipoly, Willis and Tobbe voted for Muzzin for Mayor. Councilmember Muzzin was declared Mayor. City Clerk, Diana Lowe administered the Oath of Office to Mayor Muzzin.

NOMINATIONS FOR MAYOR PRO-TEM

Mayor Muzzin assumed the Chair and asked for nominations for Mayor Pro-Tem. Councilmember Cooper nominated Pipoly for Mayor Pro-Tem.

There being no further nominations, ballots were distributed, voted and read aloud with the following results:

Councilmembers Bandkau, Bohn, Cooper, Muzzin, Pipoly, Willis and Tobbe voted for Pipoly for Mayor Pro-Tem. Councilmember Pipoly was declared Mayor Pro-Tem. City Clerk, Diana Lowe administered the Oath of Office to Mayor Pro-Tem Pipoly.

ADJOURNMENT

There being no further business, it was moved by Councilmember Bandkau, seconded by Tobbe to adjourn the meeting at 8:45 p.m. Motion passed.

Diana Lowe, City Clerk

James Muzzin, Mayor

CITY OF BRIGHTON STATE OF THE CITY 2013

Good Evening Citizens of Brighton, Michigan. Thank you for being here and tuning in at home on our Cable TV station. It is my honor and privilege as the current Mayor of this City per the City Charter at this time to deliver the Biennial State of the City address.

First, before I describe what I see and view as the state of our city, I want to thank all of my fellow City Council Members for entrusting me two years ago with serving as Mayor for our City.

It is my view that for our form of government, which is the Council-Manager form of government, the Mayor's role is to serve as the City Council's elected leader and also to serve as a facilitator of the City Council as the policy-making and governing body of our city. Policy-making is a deliberative process which is very dependent upon consensus building amongst and within our City Council.

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With those thoughts in mind; My Fellow Citizens of Brighton, Michigan, I am happy and confident to report to you that the State of our City is very bright. We have challenges to work on and resolve as does any community.

But folks, it is my view as your Mayor --- that our particular community has been able to work through one of the most challenging times that most of us can or ever will remember due to our nation's economic crash of about 5 years ago. And I will go out on a limb here and say that I think our community is now perhaps stronger economically and culturally than ever before.

I will attempt to give you some examples of why I feel I can make such a bold statement.

First, and although we just recently celebrated the Dedication of the new Veterans Memorial in our downtown a few days ago, I want to again take a moment to recognize Council Member and past Mayor Ricci Bandkau for all of her work as the City Council's Liaison to and with the Veterans Memorial Volunteer Committee to champion the project and help to lead it from a conceptual drawing to reality. Please join me in a round of applause at this time for Ricci Bandkau!

Next, it is my view that our community is leading the way in Southeast Michigan for economic redevelopment of previously depressed properties and buildings. That is due to the continued dedication

to implement plans put in place nearly 30 years ago by past City Councils , our DDA Boards , various other City Boards & Commissions, and City employees .

I also think that our city has seen successes that many other communities have not seen ---because of the dedication of our residents, businesses, social service agencies, churches, and educators to continually improve our community and not just accept the status quo.

A good example of what I'm describing here that occurred within the past 2 years was the voter approval of millage proposals for the Brighton Area School District. A strong School District usually means a strong and vibrant community. So that election results alone is, in my view, a great indicator that the State of our City is very good. Congratulations to our School District for all that the District's Leaders and Educators do for us. And thanks to our city's residents and voters who supported that effort to keep our school district strong.

And now folks, I will ask for your indulgence to give you some highlights of what I view as important accomplishments and indicators of progress of our city during the past 2 years by the combination of Community Volunteers, City employees and City Council.

1. Community Volunteers. I cannot say enough about Community Volunteers accomplish and do for this great community every day. But allow me to mention a few highlights about how Volunteers have helped our city government to move forward on some key goals & needs:

a. Renee Pettengill and Hundreds of Volunteers that she has coordinated & recruited during the past 2 years to provide regular monthly maintenance and cleanup of the Imagination Station which is a true family recreational center in the heart of our downtown and is an incredible activity generator for our community. Renee and her volunteers have, per our City Manager, Dana Foster's estimation, saved our City's taxpayers well north of \$ 10,000 in this calendar year of 2013 alone by doing work such as Resealing of the Wood, Relayering of the Fibar Chips on the Playground floor and other tasks.

b. The Brighton Area Historical Society volunteers , led by its President Jim Vichich with its great work in recent years that has particularly ramped up this year with its complex restoration of historic monuments and markers in our 100 + year old Historic Village Cemetery in our downtown. Here again, the Historical Society volunteers, with investment of their own time & money for the monument restoration supplies & tools ---have already saved our City's taxpayers tens of thousands of dollars by doing restoration work that was sorely needed to help revive a historic and cultural asset of our community.

c. The Hundreds of Volunteers that the Greater Brighton Area of Commerce, led by Pam McConeghy it's' President and CEO has recruited over the years and who form the true engine that drives our Greatest & Highest Profile Civic Events including but not limited to: what Manager Foster has referred to recently as the favorite 6-word phrase of all of Brighton, Michigan: the Smokin' **Jazz** and Barbecue Blues Festival, the Fine Arts & Acoustic Music Festival, the Holiday Glow when we welcome Santa Claus & Mrs. Claus back to our town, the weekly Farmers Markets from May through October and several other events.

d. The many volunteers who came together as organized by our Principal Shopping District Board who organized and produced a great new event for our community during this past Summer called: the Taste of Brighton.

2. Speaking of spending time for the Service of our Community: I also want to commend the many members of our various City Boards & Commissions who spend not only hundreds of hours in meetings each year ---but also volunteer their time, their services, & expertise outside of those meetings to take on special projects and tasks to help this City government implement many goals.

3. It is also important to note that the combination of no less than 3 Boards & Commissions : our DDA Board, the Principal Shopping District Board, and the Arts & Culture Commission have joined together and coordinated with each other to continue implementation of the Marketing Plans & Physical improvements in our downtown that our 2004 Downtown Blueprint Plan recommended . The mere fact that these 3 boards in conjunction with related City staff members providing administrative support ---- have overseen and implemented : additional lighted crosswalks , additional streetscape improvements, creation/installation of a new park called the Sculpture Garden, creation of additional off-street and on-street public parking , creation and implementation of additional downtown civic events that have attracted tens of thousands of visitors to our community, and facilitation of the Relocation & Retention of

the Greater Brighton Area Chamber of Commerce's Headquarters & related new Conference Center in our Downtown are all evidence of that continued commitment to implementing the 2004 Downtown Blueprint Plan which was a plan approved by all of the City Council, Planning Commission, and DDA Board back at that time ---and those activities that I just listed there folks --- are things that have happened just during the past 2 years alone. Again, all of those aforementioned parts of our overall City government -- should be commended for this ongoing commitment to the continued improvement of our community.

Now I would like to take a few minutes to talk about City Staff and Departments:

1. Finance: 2 more unqualified auditor's review opinion letters. Our streak is now at 26 years in a row of receiving unqualified auditor's review opinion letters. We have also received 2 more GFOA Distinguished Budget Awards and 2 more GFOA Financial Report Awards during the past 2 years. The combination of Kelly Hanna and Denise Meier are to be commended for their daily leadership of the Finance Department and in particular for not missing a beat during the past year when Kelly was out of the office for maternity leave. Congratulations Kelly.

Michigan Tax Tribunal (MTT) teamwork of our City Attorneys, Paul Burns, and his staff Brad Maynes, Pam Fisher and Lisa Johnson our City Assessor, Colleen Barton and Finance Director, Kelly Hanna are to be commended for in effect "holding the line" regarding potential erosion of our tax base or really --- our primary revenue base. There have been several MTT settlements which have been negotiated that have been, in our view as City Council, have been fair for both the taxpayers at large and the appealing parties. This is especially important due to the unfortunate effects of the 2008 Economic Crash which caused a huge increase in Assessment Appeals & related MTT appeals for our city and all Michigan local governments

2. Police : Continued excellence with all aspects of our police services which serve as a model for many other city police departments of our size to follow. Chief Wightman, Deputy Chief Westendorf, and other Command Officers of the department are to be commended for their innovative leadership which has included initiative to locate grants to help with equipment funding, a recent initiative to form a new intergovernmental partnership with the Federal Government Drug Enforcement Agency , which the city has assigned Detective Brad Patton to the DEA for 3 years, additional cooperative agreements with

neighboring township police departments, and changes in daily operational procedures to increase on the street foot patrols in our downtown during the past 2 years and public park areas while not decreasing police services and response times for all parts of our City. I would also like to thank Dr. Greg Gray for continuing to support the police liaison officer, at the Brighton High School, Jim Meldrum.

3. Community Development & DDA Administration: The combination of Matt Modrack , Lauri French, and Amy Cyphert are to be commended for their continued outstanding work at not only procuring grants that private business redevelopments in our downtown qualified our city to receive ---but also for their outstanding administration and implementation of the grants as witnessed by unqualified grant closeout review letters from the State of Michigan MEDC agency during each of the past 2 years.

Such letters are similar to the aforementioned unqualified auditors' review opinion letters as a sign of excellence in operations. These staff members have also continued to do outstanding work in providing administrative support for the DDA Board, the Arts & Culture Commission, and the Principal Shopping District Boards & related operations. This work has enabled our city to continue to advance & implement

the goals of the 2004 Downtown Blueprint Plan & its vision that was approved by the City Council, Planning Commission, and DDA Board back at that time.

4. Planning & Zoning: Amy Cyphert and her staff are to be commended for their work in seamlessly implementing a new and innovative intergovernmental agreement with the County Building Department during the past 2 years which has produced a seamless transition from an in-house building inspections & building permits issuance operation to an intergovernmental operation. Amy and her staff also deserve credit for developing & recently implementing a completely new Residential Rental Inspection program & service that has been a goal of City Councils for several years. The combination of Amy Cyphert and Matt Modrack are also to be commended for the quick teamwork in identifying a recent opportunity for our City to purchase a long-depressed residential property in our city from the State Treasury Department which will enable our City to get that property redeveloped which should in turn help the neighborhood it is located in.

5. DPS & Utilities : The combination of Dave Blackmar, Tim Krugh, Patty Thomas and all of the Crew Leaders of the DPS & Utilities Department are to be commended for accomplishments ranging

from maintaining its American Public Works Association Accreditation , quick responses on emergency infrastructure repairs of recent years including but not limited to the recent South 3rd Street Sanitary Sewer Line break which was a very serious situation in the heart of one of our residential areas, ongoing service delivery and finding new ways of providing services following the retirements in recent years of two longtime Utilities related Crew Leaders. Acting Public Works Director Dave Blackmar in conjunction with our longtime City Engineer Gary Markstrom deserve commendations here also for their work together during the past few months at developing a year by year 10-year plan of infrastructure improvements for the recent Headlee Millage Lid Override Proposal # 1 for our city voters to consider.

6. City Clerk, Human Resources , & Labor Relations : the combination of City Clerk Diana Lowe, Deputy City Clerk / Human Resources Director Jennifer Burke have continued to do outstanding teamwork with the administration of our election processes, City Cemeteries administration and related City Cemeteries' customer service , and daily citizen communications . The combination of H.R. Director Burke and our City Labor Attorney are to be commended for the work they did earlier this year with the concurrent negotiations of new collective bargaining agreements with all four of our Collective Bargaining Agreements that had to be in place by July 1st of this year because they all expired at June 30th of this year. The combination of H.R. Director Burke, our City Labor Attorney Dennis Gabrian, and Finance Director Hanna are also to be commended for the work they've done together as a team during the past few years with working out redesigned Health Insurance Plans to help our city with controlling what could have been higher cost increases for employee & retiree health insurance plans And to help our city quickly come into compliance with new State Government-imposed laws affecting all Michigan local governments that mandated new limits on local governments' share of public employee & retirees health insurance benefits' costs --- and while at the same time complying with requirements of all four of our collective bargaining agreements.

And we cannot forget Manager Foster and all he does for the City of Brighton, I cannot express in words alone what Dana has done and continues to do for this City. Two men who I considered to be instrumental in who I am today are Jim Winchel and Jim Anderson whom both are not with us today, but

I always said that those two gentlemen bleed Brighton blue and I think the same of Dana Foster, he gives his heart and soul to the city, thank you Dana.

Likewise, all of our City employees should be commended for their participation in cost reductions to help our city government keep our overall costs within our rapidly declining revenues from 2008 forward to prevent cash deficits from occurring. Our City employees have endured a 2 year furlough program of 1 day per month without pay that equated to a 5 % decrease for all employees, increases in cost participation in MERS pension costs, increases in health insurance costs including new deductibles, higher co-pays and participation in monthly premium costs, and wage/salary freezes for several years. Our retirees have also participated in this effort by incurring increased participation in health insurance costs. For all of those and many other reasons, our City employees and retirees are to be commended for being a critical part of the solution to reducing and controlling our costs ---to stay within the rapidly

declining revenues from 2008 on forward . All of those aforementioned measures involving our employees and retirees have already produced cumulative estimated cost savings of over \$ 3 million. Another continued cost reduction is our Workers Compensation, recognition from our MML Workers Compensation Statewide Pool that we are members of that we reported to City Council earlier this year: This is an excerpt from a letter from Michael Fortster, Director of Risk Management at the MML: Well, you've done it again. Brighton's experience mod (.64) is the fifth lowest of the 862 members of the Fund. Your loss control award should be to you by about the end of the month. The efforts of your employees and managers have resulted in rates that are only 64% of that assessed to an "average" Fund member. It certainly is nice for both Brighton and the MML Workers' Comp Fund group as a whole that the significant savings you are generating can be plowed back into the city instead of on insurance premiums. I will also again repeat what I sincerely believe: that although a string of bad luck can certainly cause your experience modification factor to go up, it is much more than luck to have the exceptional record Brighton has had – it as evidence of good management all around - the council, manager, department heads and supervisors. Thank you!

2. Our City Engineers with Tetra Tech are to be commended for recent work with the analysis of the Mill Pond and related identification of a low-cost recommendation to the Manager Foster for economical ongoing Mill Pond weed & algae maintenance to improve the overall condition and appearance of the Mill Pond --- a recommendation which this City Council just recently approved and our staff has recently implemented.

I also wanted to give a special thanks to the friendly faces I always see when I come to City Hall, Dianne Cureton, Laura Hoshaw and Renee Leija whom always smile and ask how my days going.

3. And all of our primary contracted consultants including our City Attorneys, City Engineers, the DDA's Design Consultants, our City Labor Attorney, and other contractors that our city government has relied upon regularly over the years are to be commended for their continued willingness to hold the line on, and even accept reduced payments in order to help our city government reduce overall costs in the past 5 years.

And so , Fellow Citizens of Brighton, I've just finished providing highlights of occurrences of the past couple of years to state why I think the State of our City is very positive and strong. I will conclude with

my view of what's next Or what I see as a few challenges that we as a city government need to think about and work on :

- First; the combination of our City Council and City Staff will need to go to work on determining ways and means to finance and implement current critical infrastructure improvements that have been put on hold since about 2008 .

- Next: the combination of outgoing Council Member Claudia Roblee and other members of the Envision Brighton Committee have done an outstanding job in the past few years developing and conducting the Envision Brighton World Cafe Forum process. That process in turn led to the development of a proposed updated Mill Pond Master Plan ; several elements of which we have already been implementing including the previously referenced Veterans Memorial improvement project & rededication, and the recently-completed Mill Pond weed harvesting .

- We now need a concentrated coordinated effort by the combination of this City Council, the DDA Board, the Planning Commission, and City staff to continue the Envision Brighton spirit and move the proposed updated Mill Pond Master Plan forward from the concept drawing on paper into physical reality and related construction.

- We have successfully implemented many measures during the past 5 years alone to reduce costs through several measures including downsizing of the City's organization through attrition. We implemented those cost-reduction measures in order to keep our costs within our available and declining revenues. As a result , we have maintained a healthy fund balance.

- But as my fellow City Council Members know; we still have financial challenges to face that are caused by continued decline of our taxable values in the short-term, and very little projected growth in our taxable values & real estate values in the longer term future . Therefore, we will continue to need to work on the reduction of our long-term projected expenditures to maintain a healthy fund balance.

- It is my view that we should say a big Thank-You for our residents & voters who recently approved the Millage Proposal for Public Safety & Law Enforcement Equipment & Technology. I think that millage proposal approval tells us that our Voting Taxpayers support a proposal that they are comfortable with in terms of what the purpose of the given funding is for and the method of funding.

- We are very fortunate to have a diverse tax base of which about 50 % is Residential and 50 % is Business ---which includes a variety of businesses including retail, services, and industrial. It seems to

me that our challenges to keep in front of us as a city government include making sure that we continue to keep the Sign that says "Open for Business" turned on and very visible for all to see, and to continue our work on ways and means to preserve our housing stock in all of our neighborhoods so that indeed our city is always viewed as a place where People Want to Live, Work, and Play.

- We should be proud of our incredibly strong downtown due to the great private sector redevelopments & related business investments , our great cultural developments that have provided an increased diversity of activity including the enhancement & expansion of our "public art museum without walls" of several art sculptures, the recently-completed & successful Detroit Institute of Art aka the DIA art exhibit show of this past summer, the increase of Festivals that include art and live music performances, the exhibits & events provided by our volunteers at the CoBACH housed in the Old Town Hall, the educational activities conducted by the Historical Society at our historic Village Cemetery, the expansion & improvement of the historic St. Paul's Church , and the improvement of our Imagination Station .

There are many many communities in Michigan of our size that do not have a strong downtown and are scrambling to try to revive their downtowns.

- However, as your current Mayor, I'm going to go out on a limb here and offer this observation that is **not** based on a scientific analysis : It could be that part of what the results of last year's Bond Issue election & this year's Millage Proposals' election are telling us is that we as a city government ; which includes the City Council, all of our Boards & Commissions, and City Staff --- need to work on finding

ways & means to Improve the overall Interconnectedness of All Sectors of our great community with each other whether it is :

- Connecting our Residents in All Neighborhoods with our Businesses & vice-versa,

- or Connecting our Residents and Businesses with our Social institutions including churches and schools & vice-versa,

-or Connecting All of those Sectors of our City with our Visitors which includes our friends in all 4 of our neighboring townships who visit our city every day and consider downtown Brighton , Brighton's businesses, Brighton's churches, and Brighton High School to be "their town" even though they may live outside of our boundaries.

- Perhaps we will also learn more about what we need to work on as a city government through and in the results of our next biennial City Service Survey which is now underway.

- It was both an honor and privilege to officiate 4 wedding ceremonies over the last 2 years and as far as I know they are all still together.

- I also need to thank my wife Cathy and my two children Beth and Tyler for putting up with the additional time I am away from home, thank you.

Finally, to my Fellow City Council Members: I want to again thank you for entrusting me with serving as your Mayor two years ago. It has been a humbling experience and one which I have thoroughly enjoyed. I love this community which I live and work in. It has been an utmost honor and privilege for me to have served as both a City Council Member and Mayor for this great city.

Thank you for your time and consideration of this State of the City message.

Respectfully Submitted,

James Muzzin , Mayor and City Council Member

**POLICY REPORT: AMENDMENT TO THE BACK LOT PARKING LOT
BEHIND 775 N. SECOND STREET #12-013**

NOVEMBER 21, 2013

Prepared by:

Reviewed by:

Amy Cyphert
Planning & Zoning Director

Dana Foster
City Manager

STAFF ADVISORY:

At the November 18, 2013 meeting, the Planning Commission will review and discuss a site plan amendment for a parking lot addition behind 775 N. Second Street – Corrigan Oil. City Staff is not assuming any particular action by Planning Commission at this point but we are facilitating a "business friendly" option for the applicant, if Planning Commission approves the plans on November 18th.

A Council Policy Report will be generated on November 19, 2013.

POLICY REPORT: AMENDMENTS TO CHAPTER 98, ARTICLE I. IN GENERAL, SECTION 98-3. DEFINITIONS AND CHAPTER 98, ARTICLE XXV. TEMPORARY LAND USES, SECTION 98-700. TEMPORARY LAND USES

November 21, 2013

Prepared by:

Reviewed by:

Amy Cyphert
Planning & Zoning Director

Dana Foster
City Manager

STAFF ADVISORY:

At the November 18, 2013 meeting, the Planning Commission will hold a public hearing and review amendments to Chapter 98, Article I. In General, Section 98-3. Definitions and Chapter 98, Article XXV. Temporary Land Uses, Section 98-700. Temporary land uses. City Staff is not assuming any particular action by Planning Commission at this point.

A Council Policy Report will be generated on November 19, 2013.

**POLICY REPORT: AMENDMENTS TO CHAPTER 98, ARTICLE II.
DISTRICTS AND GENERAL REGULATIONS, SECTION 98-49.
ACCESSORY BUILDINGS**

November 21, 2013

Prepared by:

Reviewed by:

Amy Cyphert
Planning & Zoning Director

Dana Foster
City Manager

STAFF ADVISORY:

At the November 18, 2013 meeting, the Planning Commission will hold a public hearing and review amendments to Chapter 98, Article II. Districts and General Regulations, Section 98-49. Accessory Buildings. City Staff is not assuming any particular action by Planning Commission at this point.

A Council Policy Report will be generated on November 19, 2013.

**POLICY REPORT: AMENDMENTS TO CHAPTER 98, ARTICLE II.
DISTRICTS AND GENERAL REGULATIONS, SECTION 98-38. FENCES**

November 21, 2013

Prepared by:

Reviewed by:

Amy Cyphert
Planning & Zoning Director

Dana Foster
City Manager

STAFF ADVISORY:

At the November 18, 2013 meeting, the Planning Commission will hold a public hearing and review amendments to Chapter 98, Article II. Districts and General Regulations, Section 98-38. Fences. City Staff is not assuming any particular action by Planning Commission at this point.

A Council Policy Report will be generated on November 19, 2013.

POLICY REPORT: MORATORIUM REQUEST FOR SMOKING LOUNGES, “HOOKAH BARS” AND SMOKING RELATED STORES

NOVEMBER 21, 2013

Prepared by:

Reviewed by:

Amy Cyphert
Planning & Zoning Director

Dana Foster
City Manager

ISSUE:

To consider approving a moratorium on the issuance of all city permits, licenses, certificates and any and all other approvals, including building permits, land use permits, and certificate of occupancy or re-occupancy for smoking lounges, “hookah bars” and smoking related stores as recommended by the Planning Commission.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission’s recommendation

BACKGROUND:

In recent years, smoking lounges, “hookah bars” and smoking related stores have grown in popularity. Our office has had many inquiries within the last year for individuals looking to open hookah bars or smoke lounges within the City. Other communities, like Brighton Township, have approved moratoriums for these types of uses until they could add language to their zoning ordinance to address these uses.

At this time, City Staff is requesting City Council approve a moratorium on smoking lounges, “hookah bars” and smoking related stores. This request was supported by the Planning Commission on October 21, 2013 (see attached draft minutes). This would give City Staff and the Planning Commission time to draft language to address what zoning district these types of uses would be permitted within and any other use requirements.

The last moratorium that was approved by City Council was related to sale or dispensation of medical marihuana. That moratorium was for six months or until the effective date of the adoption of amendments to the zoning ordinance and any necessary licensing requirements, whichever occurred first.

COMMISSION ACTION

Introduce the proposed amendment to Chapter 22, Article XII, Smoking lounges, “hookah bars” and smoking related stores and set a public hearing date.

supported by _____.

Attachments:

1. Proposed Moratorium Amendment
2. PC Draft Meeting Minutes

CHAPTER 22. BUSINESSES
ARTICLE XII. SMOKING LOUNGES, “HOOKAH BARS” AND SMOKING
RELATED STORES

Sec. 22-342. Moratorium.

A moratorium is established on the issuance of all city permits, licenses, certificates and any and all other approvals, including building permits, land use permits, and certificate of occupancy or re-occupancy, in regards to land uses associated with smoking lounges, “hookah bars” and smoking related stores for a period not to exceed six months, or until the effective date of the adoption of amendments to the zoning ordinance and any necessary licensing requirements, whichever occurs first.



difference between 1.C.(1) and 1C.(2) and what constituted “structurally altered”. Mr. Modrack noted that all references to “ornamental” have been removed from the ordinance as requested and all references to measurements in “feet” have been changed to “inches”.

Motion by Mr. Wirth, supported by Mr. Bryan, to set a public hearing for November 18, 2013 for amendments to Chapter 98, Section 98-38, Fences. **The motion carried 8-0-1.**

7. Discussion on zoning ordinance amendments pertaining to accessory buildings and set public hearing date

Mr. Modrack reviewed the changes to Sec. 98-49, Accessory buildings, that were made by the City Attorney as discussed at last month’s Planning Commission meeting. The changes included limiting the number of accessory buildings under 200 square feet to one per property and requiring a permit for any accessory building exceeding 50 square feet.

Motion by Mr. Petrak, supported by Mr. Wells, to set a public hearing for November 18, 2013 for amendments to Chapter 98, Sec. 98-49, Accessory buildings. **The motion carried 8-0-1.**

New Business

8. Discussion on a moratorium on smoking lounges, “hookah bars” and smoking related retail stores

Mr. Modrack explained that Ms. Cyphert has been receiving an increasing number of inquiries related to hookah bars and other smoking related stores. She has talked to the City Attorney about the possibility of City Council approving a moratorium for these types of uses until Staff and Planning Commission can research and draft language to address what zoning district these types of uses would be permitted within, similar to what was done with the moratorium related to sale or dispensation of medical marihuana.

Motion by Mr. Wells, supported by Mr. Smith, to recommend that City Council consider a moratorium on smoking lounges, “hookah bars” and smoking related retail stores until language addressing these uses can be added to the zoning ordinance. **The motion carried 8-0-1.**

9. **Staff Updates** – Ms. French noted that a copy of Ms. Cyphert’s response to the review of the Genoa Township Draft Master Plan was included in tonight’s packet, and the response incorporates Planning Commission’s comments from last month’s discussion.

Mr. Modrack passed out copies of a field study done for Little Worden Lake by the Livingston Land Conservancy and Huron River Watershed Council. Mr. Modrack noted this property is called out in the 2010 Master Plan as Exceptional Site #2 under “Sites of Interest”. This property was obtained at auction by Corrigan and donated to the City. Sara Thomas from the Land Conservancy along with Kris Olsson from the Huron River Watershed Council did the field study a few months ago. Ms. Olsson noted that they are interested in stewardship of the property, either through a community program such as the Boy Scouts removing invasive plants, or through the U of M Master’s program. Mr. Modrack thought the Commission might be interested in this information.

Other Business

10. **Commissioner Concerns** – Mr. Smith advised that he would not be present at the November 18, 2013 meeting.

11. **Call to the Public**

The call to the public was made at 8:00 p.m. Hearing no response, call to the public was closed.