

CITY OF BRIGHTON  
CITY COUNCIL MEETING  
CITY HALL  
December 19, 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 December 5, 2013, Special Council Meeting of December 7 & 8, 2013, Special Council Meeting of December 8, 2013, and Closed Session of December 8, 2013](#)
6. Mayor's Reading of Citizen Inquiries received since the last City Council Meeting

7. Call to the Public

**Consent Agenda**

8. Appointment of Council Member liaison members to Boards, Commissions, and Subcommittees
9. Consider approval of a [request from the Brighton Area Schools for the City to collect the School District's Operating Property Taxes \(non-principal residence\) on the City's Summer 2014 Property Tax Bills](#)

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

10. Conduct a public hearing for the second 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 the Planning Commission. (Mayor closes the regular Council Meeting and opens the public hearing to ask for public comment and or questions, then closes the public hearing to resume the regular Council meeting and discussion . Consider a motion to approve the proposed amendments.)
11. Conduct a public hearing for the second reading of **amendments** to [Chapter 98, Article II. Districts and General Regulations, Section 98-49. Accessory Buildings](#) as recommended by the Planning Commission. (Mayor closes the regular Council Meeting and opens the public hearing to ask for public comment and or questions, then closes the public hearing to resume the regular Council meeting and discussion . Consider a motion to approve the proposed amendments.)
12. Conduct a public hearing for the second reading of **amendments** to [Chapter 98, Article II. Districts and General Regulations, Section 98-38. Fences](#) as recommended by the Planning Commission. (Mayor closes the regular Council Meeting and opens the public hearing to ask for public comment and or questions, then closes the public hearing to resume the regular Council meeting and discussion. Consider a motion to approve the proposed amendments.)
13. Mayor's Report of the annual performance evaluation of the City Manager conducted by the City Council on December 8th

**Other Business**

14. Information for City Customers
15. Receive updates from Council Member Liaisons to other Boards and Commissions
16. Call to the Public
17. Closed Session regarding pending litigation
18. Closed Session regarding pending litigation
19. Possible action regarding pending litigation
20. Adjournment

**MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON**  
**HELD ON DECEMBER 5, 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, Mayor Pro-Tem Pipoly, Councilmembers Bohn, Bandkau, Tobbe, Willis and Cooper. 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, Mayor Pro-Tem Pipoly, Councilmembers Bandkau, Willis, Tobbe, Cooper and Bohn. Also in attendance were Attorney Paul Burns, Staff members Dana Foster, Amy Cyphert, Patty Thomas, Jennifer Burke, Patty Thomas and Tom Wightman and an audience of 3. Press and Media included Tom Tolen from WHMI.

**AGENDA APPROVAL**

It was moved by Council Bohn, seconded by Mayor Pro-Tem Pipoly to approve the agenda as amended. Move item #12, Biennial City Service Survey and item #13, Recent Communications to MDOT to the Consent Agenda. Delete items #17, Closed Session and item #18, Closed Session Action. Motion passed 7-0.

**EAGLE SCOUT PROCLAMATION**

Mayor Muzzin read an Eagle Scout Proclamation to Thomas Hill.

Thomas Hill's Eagle Scout project was Horses Haven in Howell to care for abused and neglected animals, which included seeding, benches, picnic tables, landscaping, edging and plants.

**MINUTE APPROVAL**

It was moved by Councilmember Cooper, seconded by Tobbe to approve the Regular Meeting minutes of November 21, 2013 as presented. Motion passed 7-0.

**CITIZEN INQUIRIES**

None.

**CALL TO THE PUBLIC**

Mayor Muzzin opened the Call to the Public at 7:38 p.m.

Hearing no comments, the Call to the Public was closed at 7:38 p.m.

### **CONSENT AGENDA**

It was moved by Councilmember Cooper, seconded by Tobbe to approve the Consent Agenda as presented. Motion passed 7-0.

The following item was approved:

1. Received a report regarding the planned Budget-Accounting structure for the new voter-approved Law Enforcement and Public Safety equipment & technology Millage
2. Received a report on the Biennial City Services Survey Process
3. Receive report from City Manager regarding recent communications from MDOT

Motion passed 7-0.

### **MORATORIUM ON SMOKING RELATED STORES, BARS AND LOUNGES PUBLIC HEARING**

Mayor Muzzin opened up the Public Hearing for the second reading of an ordinance establishing a moratorium on new smoking lounges, smoking bars, and smoking related retail stores until language addressing these uses can be added to the zoning ordinance. Hearing no comment, the Public Hearing was closed.

Planning and Zoning Director, Amy Cyphert stated it needs to be determined where the smoking related establishments would be best suited and to look at the approval process. The Planning Commission is looking at adding language to the ordinance and where they should be designated in a zoning district.

It was moved by Mayor Pro-Tem Pipoly, seconded by Tobbe to approve Ordinance 565, Chapter 22. Businesses Article XII. Smoking Lounges, "Hookah Bars" and Smoking Related Stores, Sec. 22-342. Moratorium. A roll call vote was taken. Yes: Willis, Bohn, Pipoly, Muzzin, Bandkau, Cooper, Tobbe. Motion passed 7-0.

### **BRIGHTON-BASED DISTRICT COURT**

City Manager, Dana Foster gave an overview on the operations of the Brighton-based Livingston County Court, which will be reduced on December 18<sup>th</sup>.

City Attorney, Paul Burns stated that based on population, the District Judge has an office in Brighton. He received notice a few weeks ago that the clerical staff would be leaving the Brighton location. He discussed staffing issues with Police and overtime with officers being out of town.

Debra Kubitskey, Court Administrator stated they would merge the courts to improve efficiency, they are not closing the Brighton District Court, Judge Brennan will be handling civic/circuit court dockets, there has been a decline in the use of the building and caseloads, a Magistrate will be sent to Brighton for traffic related informal hearings and they will reevaluate the situation.

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December 5, 2013  
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**CITY CUSTOMER INFORMATION**

City Manager, Dana Foster, presented the Goals Progress Dashboard and gave an update.

Mayor Muzzin announced the Goal Setting Retreat at the Community Center on Saturday and the Police Department on Sunday.

**CALL TO THE PUBLIC**

Mayor Muzzin gave a Call to the Public at 8:44 p.m. Hearing no comment, the Call to the Public was closed.

**ADJOURNMENT**

It was moved by Councilmember Cooper, seconded by Pipoly to adjourn the meeting at 8:44 p.m. Motion passed 7-0.

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Jennifer Burke, Deputy City Clerk

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Jim Muzzin, Mayor

**MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON**  
**HELD ON DECEMBER 7, 2013 AT THE BRIGHTON COMMUNITY CENTER**  
**555 BRIGHTON STREET, BRIGHTON, MICHIGAN AND**  
**DECEMBER 8, 2013 AT THE BRIGHTON POLICE STATION**  
**440 S 3<sup>RD</sup> STREET, BRIGHTON, MICHIGAN 48116**

**DECEMBER 7, 2013**

Mayor Muzzin called the Special Meeting to order at 8:00 a.m. Present were Mayor Muzzin, Mayor Pro-Tem Pipoly, Councilmembers Bohn, Bandkau, Willis, Tobee and Cooper. Also present were City Attorney Paul Burn and Brad Maynes, Staff members Dana Foster, Amy Cyphert, Dave Blackmar, Tim Krugh, Patty Thomas, Matt Modrack, Lauri French and Diana Lowe and an audience of 0.

**Call to the Public**

Mayor Muzzin gave a Call to the Public at 8:01 a.m. Hearing no comment, the Call to the Public was closed.

**Council Discussion**

The Council discussed the City's website redesign, the Lindbom School site, Johnson and CSX parking lots and Ordinance Amendments.

It was moved by Councilmember Bohn, seconded by Bandkau to recess at 9:45 a.m. Motion passed 7-0.

It was moved by Councilmember Bandkau, seconded by Pipoly to reconvene the Special Meeting at 10:00 a.m. Motion passed 7-0.

The Council discussed the vacant St. Joes site, the vacant Davis Office Center site, the unfunded CIP list, Street pavement, DBD Building height, various upcoming developments and Brighton Community Initiative.

Police Chief, Tom Wightman arrived at 10:59 a.m.

It was moved by Councilmember Cooper, seconded by Tobbe to recess the Special meeting at 11:49 p.m. for lunch. Motion passed 7-0.

Mayor Muzzin reconvened the Special Meeting at 12:15 p.m.

After Council discussion, it was moved by Councilmember Tobbe, seconded by Bandkau to recess the Special Meeting at 2:00 p.m. Motion passed 7-0.

Mayor Muzzin reconvened the Special Meeting at 2:10 p.m.

Finance Director, Kelly Hanna arrived at 12:45 p.m.

Council and Staff resumed discussion on various inputs/retreat discussion topic requests of City Council Members and staff members submitted to the City Manager prior to the goal-setting retreat.

It was moved by Mayor Pro-Tem Pipoly, seconded by Willis to recess the Special meeting at 3:50 p.m. Motion passed.

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### **DECEMBER 8, 2013**

Mayor Muzzin called the recessed Special Meeting to order at 8:00 a.m. All seven Council Members and City Manager Dana Foster were present.

Council and staff resumed discussion on various inputs / retreat discussion topic requests of City Council Members and staff members submitted to the City Manager prior to the goal-setting retreat.

It was moved by Councilmember Cooper, seconded by Pipoly to recess the Special Meeting at 10:05 a.m. Motion passed 7-0.

Mayor Muzzin reconvened the Special Meeting at 10:20 a.m.

Council and staff resumed discussion on various inputs / retreat discussion topic requests of City Council Members and staff members submitted to the City Manager prior to the goal-setting retreat.

Preliminary Goals' statements developed by City Council during the goal-setting discussion are contained in a document attached to these Special City Council Meeting for Goal-setting Minutes.

Near the conclusion of the goal-setting discussion, Mayor Muzzin then facilitated a City Council discussion about City Council Liaison appointments to other City Boards and Commissions that need to be made at the upcoming December 19, 2013 City Council Meeting.

### **Call to the Public**

Mayor Muzzin gave a Call to the Public at 10:50 a.m. Hearing no comment, the Call to the Public was closed.

### **Adjourn**

It was moved by Councilmember Bandkau, seconded by Pipoly to adjourn the meeting at 10:55 p.m. Motion passed 7-0.

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Dana W. Foster, City Manager

**Former Lindbom school site redevelopment & related Robertson Brothers' preliminary residential redevelopment plan :**

- Quick development and adoption of a PUD related Zoning Ordinance Amendment is the preferred process as opposed to pursuit of a Variance from the ZBA in order to address the developer's expressed development density objectives
- Also keep and remember the City's Business-Friendly related goals / objectives during the review process with the developer

**"SWOT" analysis for each City Department :**

- Consider City Manager directing a "SWOT" analysis to be done by each department director to identify strengths, weaknesses, and risk exposures for city services and consider the analyses to be submitted to City Council as a component of the City Manager's Proposed FY 14-15 Budget submitted to City Council in March of 2014

**Business Roundtable outreach program for Northern Grand River Avenue Corridor Businesses :**

- During the first quarter of calendar year 2014, conduct a business roundtable discussion for businesses located in the northern Grand River corridor and Grand River/Challis intersection area businesses to inform them about the upcoming US 23 & I-96 interchange project and related planned temporary Spencer Road overpass bridge closure ( & related detours ) and to ask what else the subject businesses may need assistance on from our City government

**DBD Zoning District's Height & Density related Zoning Ordinance regulations :**

- Consider allowing taller downtown buildings and increased density in downtown in order to help facilitate additional redevelopment and increased residential land uses in the downtown

**"CSX -west" + "Johnson / North Street" properties and related off-street parking regulations :**

- Staff , Planning Commission, and City attorneys should proceed forward to develop zoning ordinance amendments to allow alternative / optional surfaces such as grass & or refined gravel/stone

**Brighton Community Initiative for Regular Scheduled Recreational Activities on Sunday Afternoons in Downtown Brighton :**

- Consider forwarding the proposal recently submitted to the Mayor from a former School District Board Member to the SELCRA Executive Director to include in future SELCRA activities/events' planning

**Principal Shopping District (PSD) Special Assessment District planning :**

- The PSD Board and staff should continue moving forward with planning already underway for development of an updated PSD-related Special Assessment District which may include funding for part of the future maintenance & repairs of the city's public parking lots

**Capital Improvements Program (CIP) and Infrastructure Planning :**

- Consider development of a formal due care plan for the Mill Pond Tridge and include related projected future maintenance / replacement costs in the next updated 6-year CIP
- Staff to continue its work on producing an updated 6-year CIP that will include an updated listing of presently unfunded capital needs for Planning Commission and City Council to consider
- Consider using additional software tools for quantifying the existing conditions all City streets and to quantify/estimate the future maintenance / repair costs for all of the streets ( including an escalator to show future cost increases caused by deferral of maintenance/repairs that are presently needed )

**Response to Residents' concerns / complaints about City water content & impact on residents' appliances :**

- Consider implementing a public education and information program to assist residents on how to adjust settings on home appliances to mitigate the impacts of the City's hard water/non-softened water content

**Budget Preparation / Financial Forecasts, and related Revenue / Expenditure Change options :**

- City Manager should include a possible separate Refuse Service Millage proposal as part of the Manager's Proposed FY 14-15 Budget when submitted to City Council in March of 2014 .
- City Manager should also include additional City Council budget decision options in the Proposed FY 14-15 Budget for maintaining the City's projected General Fund fund balance at or above 15 % of operating expenditures ( per the City's official fund balance policy ) throughout all six years of the updated six-year forecast timeline



### **Response to possible related service extension requests :**

- Assemble an inventory or matrix of the City's existing intergovernmental utilities' service agreements for services currently provided outside of the City for City Council's review
- Direct the City Engineer to develop an updated analysis of REUs needed inside the City for remaining undeveloped areas of the City that will also factor in plans for increased height and related increased density in the DBD Zoning District, and that shows how those projected future in-city capacity needs relates to the remaining unused capacity in the City's water and wastewater treatment plants
- City Manager should meet with the Green Oak Township Supervisor in the near future in response to a recent request received by the City Manager from the Township Supervisor to conduct a preliminary discussion about possible City sanitary sewer service extension to Green Oak Township residences near the Lee and Rickett Road intersection
- Consider contacting Genoa Township officials to ascertain possible interest in negotiating an expansion of the existing City of Brighton and Genoa Township intergovernmental Act 425 Land Transfer Agreement
- City Manager should pursue best deal possible at most favorable terms for the City while also being able to obtain a win-win outcome for any intergovernmental negotiations
- Consider obtaining assistance from a State Government-provided Shared-Services negotiator to assist with intergovernmental negotiations on future possible requests from neighboring township governments for City service extensions outside of the city

### **Citizen Outreach / Citizen Engagement :**

- Consider conducting an "Envision Brighton" type of forum for each residential geographic quadrant of the city
- Consider planning / scheduling "Walk-arounds" in each residential area of the city by Council Members and City Staff Members with advance notices being sent out, press release, or informational notices posted on the City website to inform residents of when the "walk-arounds" will occur
- Conduct occasional surveys via an E-newsletter and via city website on 1 or 2 specific topics or questions to obtain additional citizen input
- Consider starting an ongoing City service highlights email newsletter & related website informational posting to get more info to the public at large about city services and projects
- Issue press releases announcing new outreach/engagement processes
- Consider any combination of the above measures for the purpose of overtly seeking more input and feedback than what the City service survey results provide, and as a means of resolving disconnects which may exist between various sectors of the city or between citizens and our city government

**Mill Pond Park Master Plan Update including the Repurposing of the existing City Hall as a community center/art center, and Community Theater project planning processes :**

- Consider finalizing the formal review / adoption actions by the DDA Board, Planning Commission, and City Council of the updated Mill Pond Park Master Plan during the next few months
- Staff to continue exploring options for the relocation of City administrative offices from the existing City Hall including but not limited to the upper floor of a new community theater building located on West Main Street in downtown
- Staff to work on future sequencing plan for future DDA TIFA Bond Issues and DDA TIFA Bond-financed projects for the DDA Board and City Council to consider

**Legislative Relations / Communications :**

- Focus on obtaining legislative updates from the Michigan Municipal League (MML) and at MML-related conferences
- Schedule/conduct regular meetings with our U.S. Representative and U.S. Senators at their Michigan-based offices when a subject matter warrants in-person “face-time”
- Schedule / conduct regular meetings with State Legislators at their Lansing, Michigan offices or in Brighton when a subject matter warrants in-person “face-time”

**City Council Education / Training :**

- Attend MML Conferences in the Fall and Spring of each year ( Spring Capital Cities Conference , Annual MML Conference in the Fall )

**MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF BRIGHTON**  
**HELD ON DECEMBER 8, 2013 AT THE BRIGHTON CITY HALL**  
**200 N. 1ST STREET, BRIGHTON, MICHIGAN**

**REGULAR SESSION**

Mayor Muzzin called the Special meeting to order at 11:04 a.m. Following the Pledge of Allegiance, the roll was called, there being present were Mayor Muzzin, Mayor Pro-Tem Pipoly, Councilmembers Bandkau, Bohn, Willis, Tobbe and Cooper. Also in attendance was City Manager, Dana Foster.

**CALL TO THE PUBLIC**

Mayor Muzzin gave a Call to the Public at 11:05 a.m. Hearing no comment, the Call to the Public was closed.

**CITY MANAGER EVALUATION**

City Manager, Dana Foster requested to have his evaluation in Closed Session.

It was moved by Councilmember Tobbe, seconded by Pipoly to go into Closed Session for the City Manager's annual evaluation. A roll call vote was taken. Yes: Bohn, Cooper, Muzzin, Bandkau, Willis, Tobbe, Pipoly. No: none. Motion passed 7-0.

The Council convened into Closed Session at 11:07 a.m.

The Council reconvened the Special Meeting at 11:58 p.m.

**CALL TO THE PUBLIC**

Mayor Muzzin gave a Call to the Public at 11:58 a.m. Hearing no comment, the Call to the Public was closed.

**ADJOURNMENT**

It was moved by Councilmember Cooper, seconded by Tobbe to adjourn the meeting at 11:59 a.m. Motion passed 7-0.

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Jim Muzzin, Mayor

## FINANCE POLICY REPORT

Consider a Request from the Brighton Area Schools to Collect their Operating Property Taxes (non-principal residence) on the City's Summer 2014 Tax Bills

December 19, 2013

Prepared by:

Reviewed by:

\_\_\_\_\_  
Kelly Hanna  
Finance Director

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

### ISSUE:

Consider a Request from the Brighton Area Schools to collect their operating property taxes on the City's Summer 2014 Tax Bills.

### STAFF RECOMMENDATION:

It is staff's recommendation to approve the attached request from the Brighton Area Schools (BAS) to collect their (non-principal residence) operating property taxes on the City's Summer 2014 Tax Bills, per the terms and conditions of the attached contractual agreement between the City and Schools.

### BACKGROUND:

State law allows for the City to charge a fee for the collection of school taxes in the summer to recoup the treasury and assessing costs associated with providing this service. It has been determined and agreed to that \$3.00 per parcel is an acceptable fee for this service

### BUDGET IMPACT:

Of the approximate 4,200 taxable parcels, there are approximately 1,138 non-principal residence parcels (real & personal) in the City, which at \$3.00 per parcel will generate \$3,414 of revenue for the City's General Fund in FY 2014-15, which will be reflected in the proposed FY 2014-15.

### RELATIONSHIP TO GOALS:

Related to the City's Previous Goal of Responding to Formal Service Requests through Regional Cooperation.

### ACTION/MOTION:

Motion to approve the attached Agreement for Collection of Summer School Property Taxes.



November 26, 2013

Treasurer  
City of Brighton  
200 N. First Street  
Brighton, MI 48116

Dear Treasurer:

Enclosed is the agreement for collection of summer school property taxes of the Board of Education of Brighton Area Schools, Livingston County, Michigan, whereby the Board, pursuant to statute, has determined to impose a summer property tax levy in 2014 of all annual school district operating property taxes.

The Board of Education requests that the City to collect the district's summer school operating property taxes. The district is willing to enter into the same collection expense agreement for 2013, please sign and return the enclosed copy. If the City will not agree to collect the district's summer tax levy, please notify the Board of Education so other arrangements may be made as the district may agree to have the levy collected by the County Treasurer or collect the taxes itself.

Sincerely,

Maria A. Gisting, PhD, CPA  
Assistant Superintendent of Finance

Enclosures

AGREEMENT FOR COLLECTION OF SUMMER SCHOOL PROPERTY TAXES

AGREEMENT made this \_\_\_\_\_ by and between Brighton Area Schools, with offices located at 125 S. Church St., Brighton, MI 48116 (hereinafter "School District") and \_\_\_\_\_ with offices located at \_\_\_\_\_ (hereinafter "City"), pursuant to 1976 PA 451, as amended, for the purposes of providing for the collection by the City of a Summer levy of School District property taxes for the year 2014.

The parties agree as follows:

1. The City agrees to collect 100% of the total school non-homestead operating property taxes as certified by the School District for levy on July 1, 2014 on property located within the City. Interest earned on said taxes will be retained by the City.
2. The School District agrees to pay the City costs of assessment and collection as follows:

\$ 3.00 per parcel

It is understood that the tax rate as spread by the City would also reflect the sum of 100% of the taxes of the Livingston Education Service Agency.

3. No later than May 31, 2014 the School District shall certify to the City Supervisor the school millage to be levied on property for summer collection in 2014.
4. The City Treasurer shall account for and deliver summer school tax collections as follows:
  - a. Summer Tax collections shall be paid to the School District within ten (10) business days from the 1st and 15th of each month via electronic transfer (wire transfer, ACH, etc.)

SCHOOL DISTRICT

Signature authorized by Board  
of Education Resolution of  
\_\_\_\_\_, 2014

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

CITY

Signature authorized by Board  
of Trustees Resolution of  
\_\_\_\_\_, 2014

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Treasurer

Brighton Area Schools, Livingston County, Michigan (the "District")

A regular meeting of the board of education (the "Board") of the District was held in the BECC Board Room, 125 S. Church Street, Brighton MI 48116, in the District, on the 25 day of November, 2013, at 7 o'clock in the PM.

The meeting was called to order by Miles Vieau, President.

6 Present: Members Miles Vieau, Bill Anderson, Nick Fiani, John Conely, Bill Trombley, Beth Minert

1 Absent: Members Jay Krause

The following preamble and resolution were offered by Member Anderson and supported by Member Minert:

**WHEREAS**, this Board previously adopted a resolution to impose a summer tax levy to collect all of annual school operating property taxes, excluding debt service, upon property located within the school district and continuing from year to year until specifically revoked by the Board.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. This Board, pursuant to 1976 PA 451, as amended (the "Revised School Code"), hereby invokes for 2014 its previously adopted ongoing resolution imposing a summer tax levy of all of annual school operating property taxes, excluding debt service, upon property located within the District and continuing from year to year until specifically revoked by this Board and requests each city and/or township in which this District is located to collect those summer taxes.

2. The Superintendent or designee is authorized and directed to forward to the governing body of each city and/or township in which this District is located a copy of this Board's resolution imposing a summer property tax levy on an ongoing basis and a copy of this resolution requesting that each such city and/or township agree to collect the summer tax levy for 2014 in the amount as specified in this resolution. Such forwarding of the resolutions and the request to collect the summer tax levy shall be performed so that they are received by the appropriate governing bodies before January 1, 2014.

3. Pursuant to and in accordance with Section 1613(1) of the Revised School Code, the Superintendent or designee is authorized and directed to negotiate on behalf of this District with the governing body of each city and/or township in which the District is located for the reasonable expenses for collection of the District's summer tax levy that the city and/or township may bill under MCLA 380.1611 or MCLA 380.1612. Any such proposed agreement shall be brought before the Board for its approval or disapproval.

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

6 Ayes: Members Miles Vieau, Bill Anderson, Nick Fiani,  
John Conely, Bill Trambley, Beth Minert

Nays: Members

Motion declared adopted.

YES

  
Secretary, Board of Education

The undersigned, duly qualified and acting Secretary of the Board of Education of Brighton Area Schools, Livingston County, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by said Board of Education at a regular meeting held on November 25, 2013, the original of which is part of the Board's minutes. The undersigned further certifies that notice of the meeting was given to the public pursuant to the provisions of the "Open Meetings Act" (Act 267, PA 1976, as amended).

  
Secretary, Board of Education

CJI:klg



**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**

**December 19, 2013**

Prepared by:

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

Reviewed by:

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

**ISSUE:**

To consider the Second Reading and hold a public hearing for the proposed amendment 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.

**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) Except as provided in this act, a local unit of government shall not enact or enforce an ordinance, code, or regulation pertaining to or in any manner regulating the sale, display, storage, transportation, or distribution of fireworks regulated under this act. (2) 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.

Earlier this year, Planning Commission reviewed possible ordinance amendments and came to the decision to propose amendments to expand the existing powers of the Zoning Board of Appeals and amend the temporary land use section. A motion was made to pass the proposed amendments onto City Council for review and adoption.

At the July 18, 2013 City Council meeting the following motion was made:

“It was moved by Councilmember Pipoly, seconded by Bohn to remand the Temporary Land Use Ordinance back to the Planning Commission to reconsider and modify the Ordinance amendments as suggested by Planning and Zoning Director, Amy Cyphert, such that the jurisdiction for Temporary Land Use approvals remains with the City Council. Motion passed 6-0-1.”

The proposed draft amendments before you this evening include the direction given by City Council. **The enclosed draft has been reviewed and approved by the City Attorney’s office.**

**BUDGET IMPACT:** N/A

**RELATIONSHIP TO 2012/2013 GOALS:** N/A

**COUNCIL ACTION:**

1. Consider second reading and adoption of Ordinance Number \_\_\_\_\_, and publish as appropriate, or
2. Consider second reading and denial of the proposed amendment to Chapter 98, Article I. In General, Section 98-3. Definitions and Chapter 98, Article XXV. Temporary Land Uses, Section 98-700. Temporary land uses, or
3. Consider second reading and request revisions to the proposed amendment to Chapter 98, Article I. In General, Section 98-3. Definitions and Chapter 98, Article XXV. Temporary Land Uses, Section 98-700. Temporary land uses.

**Attachments:**

1. Proposed 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
2. PC Draft Minutes

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

*Use (temporary)* means a use permitted to exist during a specified period of time for the purpose of commerce, including but not limited to uses in temporary structures including, but not limited to, tents, portable containers, trailers, portable trailers, awnings, or vehicles. Temporary use excludes residential garage or residential yard sales.

**Sec. 98-700. Temporary uses.**

The city council shall only have the authority to grant permits authorizing temporary uses for the purpose of commerce subject to the following conditions:

- (1) Temporary uses shall be restricted to nonresidential zoning districts. Temporary uses shall not be permitted in residential transitional districts.
- (2) The applicant shall apply for a temporary use permit on a form to be provided by the City of Brighton. The application shall be submitted 30 days prior to the city council meeting. The application shall include the following:
  - a. Name of the applicant and business.
  - b. Address and telephone number of the applicant.
  - c. Name of the property owner, if other than applicant.
  - d. Address and telephone number of the property owner, if other than applicant.
  - e. Written authorization for the property owner shall be required where the applicant is not the owner of the affected property.
  - f. Documentation demonstrating compliance with state law, if applicable.
  - g. Proposed hours of operation.
  - h. Proposed signage.
  - i. Copy of certificate of insurance, in an amount deemed satisfactory by the zoning board of appeals.
  - j. Site plan of the property including the following:
    1. Detailing the shape, dimensions and location of the property.
    2. All existing buildings or structures.
    3. Layout of existing off-street parking and parking calculations for existing buildings and structures.
    4. Location of fire lanes and hydrants.
    5. The shape, dimensions and location of all temporary buildings to be erected or located upon the lot, including all tents, tables, stands, or display racks.
    6. The proposed flow of automobile and pedestrian traffic to and from the lot and any adjacent thoroughfares.
- (3) A temporary use permit shall be effective for 30 days or less. No more than one temporary use permit shall be issued for any given location within a single calendar year.
- (4) A temporary use permit for the sale of produce or firewood shall be effective for 90 days or less. No more than one temporary use permit for a type of products shall be issued for any given property within a single calendar year.
- (5) A temporary use permit shall only be granted if the city council determines as follows:
  - a. That there is adequate automobile and pedestrian traffic flow.
  - b. That there is adequate off-street parking for any existing buildings and structures currently located on the property and for the proposed temporary use.
  - c. That there is adequate access for fire and police protection
  - d. That the use is compatible with the physical character of the surrounding neighborhood.
  - e. That the use complies with all zoning regulations for the district in which the use is located, including all requirements pertaining to lot size, height, setback, open

- space ratio, maximum percentage of covered lot area, and off-street parking, as well as all other applicable codes and regulations.
- f. Prior to granting a temporary use permit, the city council shall hold a public hearing. Notice of the public hearing shall be given to property owners and occupants located within 300 feet of the property upon which the temporary use is proposed. The notice to the adjoining lot owners shall be in writing, by regular mail and shall be mailed at least ten calendar days prior to the scheduled public hearing. Additionally, the notice of the public hearing shall be published in the local paper of record at least one week prior to the scheduled public hearing.
- (6) The temporary use permit shall be in writing and shall stipulate all of the conditions of issuance such as the term of the permit, the nature of the permitted use and the manner in which any facilities located on the lot shall be removed upon termination of the temporary use permit.
- (7) The person(s) to whom the permit has been issued must comply with the terms and conditions of the permit and all applicable ordinances and state and federal statutes. Failure to comply with the terms and conditions of the permit, ordinances of the City of Brighton, and statutes of the state of Michigan and United States shall result in revocation of the permit by the city manager or the designee of the city manager. Notice of revocation of the permit shall be given in writing and shall either be posted at the site of the temporary use or shall be personally served upon the person(s) to whom the permit was issued. The use shall terminate immediately upon posting of the notice of revocation of the permit or upon personal service of the notice of revocation of the permit. In the event the use is not immediately terminated upon notice of revocation, the city manager or designee shall be permitted to enter upon the site and close the temporary use.
- (8) No temporary use permit shall be issued for the sale of appliances, furniture, artwork, crafts, clothing or other similar products.
- (9) Any person found to violate this section shall be guilty of a municipal civil infraction and shall be punished by a fine(s) as set forth in section 1-16(b). The imposition of a municipal civil infraction fine, or failure to impose such a fine, under this section shall in no way be construed as to limit the right of the city manager to revoke or suspend a license under (8), above.

(Ord. No. 424, § I, 5-21-98; Ord. No. 560, § I, 7-9-12)

3. Provide a detail of the 6 foot privacy fence within the construction plans.
4. Legal easement documents for construction and maintenance of the private storm sewer lines through 715 N. Second Street and properly filed with Livingston County prior to the issuance of building permits. The documents should also include an easement for the construction and the maintenance of 6 foot wide overflow spillway that extends in the property at 715 N. Second Street.
5. Legal easement documents for construction and maintenance of the private storm sewer line within the City's right-of-way properly filed with Livingston County prior to the issuance of building permits.
6. In the event that 735 N. Second Street is sold, the current owner (BMH Realty) will have to draft and file with Livingston County legal easement documents for the maintenance of the private storm sewer line that extends into 735 N. Second Street.
7. That the applicant provide an ingress/egress easement to the adjacent parcel currently occupied by the Michigan Fence Company, if all parties can come to an agreement. This ingress/egress easement would allow for the Michigan Fence Company traffic to access their parcel from Advance Street instead of Whitney Street (a residential street).

### **Public Hearings**

5. Public Hearing and Possible Action on 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

Chairperson Monet closed the regular session and opened the public hearing at 7:41 p.m. Hearing no responses from the public, the public hearing was closed at 7:42 p.m. and Chairperson Monet re-opened the regular session.

**Motion** by Mr. Petrak, supported by Mr. Pawlowski, to approve 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 and forward the amendments to City Council for review and adoption. **The motion carried 6-0-2.**

6. Public Hearing and Possible Action on Amendments to Chapter 98, Article II. Districts and General Regulations, Section 98-49. Accessory Buildings

Chairperson Monet closed the regular session and opened the public hearing at 7:42 p.m. Hearing no responses from the public, the public hearing was closed at 7:42 p.m. and Chairperson Monet re-opened the regular session.

**Motion** by Mr. Wirth, supported by Mr. Bryan, to approve amendments to Chapter 98, Article II. Districts and General Regulations, Section 98-49. Accessory Buildings and forward the amendments to City Council for review and adoption. **The motion carried 6-0-2.**

7. Public Hearing and Possible Action on Chapter 98, Article II. Districts and General Regulations, Section 98-38. Fences

Chairperson Monet closed the regular session and opened the public hearing at 7:43 p.m. Hearing no responses from the public, the public hearing was closed at 7:43 p.m. and Chairperson Monet re-opened the regular session.

**Motion** by Mr. McLane, supported by Mr. Bryan, to approve amendments Chapter 98, Article II. Districts and General Regulations, Section 98-38. Fences and forward the amendments to City Council for review and adoption. **The motion carried 6-0-2.**

### **Unfinished Business**

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

**December 19, 2013**

Prepared by:

Reviewed by:

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

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

**ISSUE:**

To consider the second reading and hold a public hearing for the proposed amendments to Chapter 98, Article II. Districts and General Regulations, Section 98-49. Accessory Buildings

**BACKGROUND:**

Attached are proposed amendments to the existing accessory building section of the zoning ordinance.

The proposed amendments make it clear that accessory buildings less than 200 square feet require a permit through the City. This allows City Staff to review requests for compliance with the City's zoning ordinance requirements. Currently, the State Building Code does not regulate accessory structures under 200 square feet.

The City Attorneys reviewed the proposed amendments and their revised draft is attached. They reorganized the language so permit requirements are listed before placement requirements. They included language about required fees for the permits and clarified plot plan versus survey requirements.

**BUDGET IMPACT:** N/A

**RELATIONSHIP TO 2012/2013 GOALS:** N/A

**COUNCIL ACTION:**

1. Consider second reading and adoption of Ordinance Number \_\_\_\_\_, and publish as appropriate, or
2. Consider second reading and denial of the proposed amendment to Chapter 98, Article II. Districts and General Regulations, Section 98-49. Accessory Buildings, or
3. Consider second reading and request revisions to the proposed amendment to Chapter 98, Article II. Districts and General Regulations, Section 98-49. Accessory Buildings.

**Attachments:**

1. Proposed amendments to Chapter 98, Article II. Districts and General Regulations, Section 98-49. Accessory Buildings
2. PC Draft Minutes

**Sec. 98-49. Accessory buildings.**

Accessory buildings, including garages, may be erected subject to the requirements of the applicable district regulations, all applicable building codes, and the requirements of this section.

1. Permit Requirements:
  - a. Placement of any accessory building exceeding 50 square feet on private property shall require a permit from the City of Brighton.
  - b. Placement of an accessory building of 50-200 square feet on private property shall require, as a part of the permit process with the City of Brighton, a site plan showing the proposed accessory building location.
  - c. Placement of an accessory building exceeding 200 square feet on private property shall require, as a part of the permit process with the City of Brighton, a boundary survey prepared by a registered and licensed land surveyor showing the proposed accessory building location.
  - d. One accessory building under 200 square feet shall be permitted on a parcel of private property.
  - e. The fee for an accessory building permit issued by the City of Brighton shall be in an amount as set by the City Council.
  
2. Design Criteria:
  - a. Attached Accessory Buildings - Accessory buildings may be attached to and made structurally a part of the principal building on private property, provided that two side yards of not less than five feet each exist for such principal building with attached garage.
  - b. Detached Accessory Buildings - Detached accessory buildings shall not exceed one story, nor ten feet in height to the eaves, shall not occupy more than 30 percent of the area of any rear yard, and shall not be closer than two feet to the side lot line; provided, however, that where there are existing accessory buildings on the same or an adjacent lot, such accessory building shall not be constructed closer than four feet to such existing accessory building.

(Code 1981, § 51.40)

**DRAFT**

3. Provide a detail of the 6 foot privacy fence within the construction plans.
4. Legal easement documents for construction and maintenance of the private storm sewer lines through 715 N. Second Street and properly filed with Livingston County prior to the issuance of building permits. The documents should also include an easement for the construction and the maintenance of 6 foot wide overflow spillway that extends in the property at 715 N. Second Street.
5. Legal easement documents for construction and maintenance of the private storm sewer line within the City's right-of-way properly filed with Livingston County prior to the issuance of building permits.
6. In the event that 735 N. Second Street is sold, the current owner (BMH Realty) will have to draft and file with Livingston County legal easement documents for the maintenance of the private storm sewer line that extends into 735 N. Second Street.
7. That the applicant provide an ingress/egress easement to the adjacent parcel currently occupied by the Michigan Fence Company, if all parties can come to an agreement. This ingress/egress easement would allow for the Michigan Fence Company traffic to access their parcel from Advance Street instead of Whitney Street (a residential street).

### **Public Hearings**

5. Public Hearing and Possible Action on 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

Chairperson Monet closed the regular session and opened the public hearing at 7:41 p.m. Hearing no responses from the public, the public hearing was closed at 7:42 p.m. and Chairperson Monet re-opened the regular session.

**Motion** by Mr. Petrak, supported by Mr. Pawlowski, to approve 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 and forward the amendments to City Council for review and adoption. **The motion carried 6-0-2.**

6. Public Hearing and Possible Action on Amendments to Chapter 98, Article II. Districts and General Regulations, Section 98-49. Accessory Buildings

Chairperson Monet closed the regular session and opened the public hearing at 7:42 p.m. Hearing no responses from the public, the public hearing was closed at 7:42 p.m. and Chairperson Monet re-opened the regular session.

**Motion** by Mr. Wirth, supported by Mr. Bryan, to approve amendments to Chapter 98, Article II. Districts and General Regulations, Section 98-49. Accessory Buildings and forward the amendments to City Council for review and adoption. **The motion carried 6-0-2.**

7. Public Hearing and Possible Action on Chapter 98, Article II. Districts and General Regulations, Section 98-38. Fences

Chairperson Monet closed the regular session and opened the public hearing at 7:43 p.m. Hearing no responses from the public, the public hearing was closed at 7:43 p.m. and Chairperson Monet re-opened the regular session.

**Motion** by Mr. McLane, supported by Mr. Bryan, to approve amendments Chapter 98, Article II. Districts and General Regulations, Section 98-38. Fences and forward the amendments to City Council for review and adoption. **The motion carried 6-0-2.**

### **Unfinished Business**



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

**December 19, 2013**

Prepared by:

Reviewed by:

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

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

**ISSUE:**

To consider the Second Reading and hold a public hearing for the proposed amendment to Chapter 98, Article II. Districts and General Regulations, Section 98-38. Fences.

**BACKGROUND:**

Attached are proposed amendments to the existing fences section of the zoning ordinance.

The proposed amendments clearly state the requirement of a permit to install a fence within the City. Currently, the State Building Code does not regulate fences under 6 feet and our ordinance does not state the requirement of a permit. The amendments would allow the City to verify that proposed fences meet ordinance requirements through the city permitting process.

The amendments include new language that clarifies the requirement of a survey that verifies lot property lines, prohibits chain link fences in the front yard and applies state construction codes for swimming pool fences, etc.

A fence illustration is being proposed to better show the fence requirements. The illustration will greatly improve the ability to explain corner lot requirements through an illustration.

The City Attorneys reviewed the proposed amendments and their revised draft is attached. They reorganized the language so permit requirements are listed before fence requirements. They included language about required fees for the permits and clarified plot plan versus survey requirements.

**BUDGET IMPACT:** N/A

**RELATIONSHIP TO 2012/2013 GOALS:** N/A

**COUNCIL ACTION:**

1. Consider second reading and adoption of Ordinance Number \_\_\_\_\_, and publish as appropriate, or
2. Consider second reading and denial of the proposed amendment to Chapter 98, Article II. Districts and General Regulations, Section 98-38. Fences, or
3. Consider second reading and request revisions to the proposed amendments to Chapter 98, Article II. Districts and General Regulations, Section 98-38. Fences.

**Attachments:**

1. Proposed amendments to Chapter 98, Article II. Districts and General Regulations, Section 98-38.  
Fences
2. PC Draft Minutes

## Sec. 98-38. Fences.

All fences, including walls, within the City of Brighton must conform to the following regulations, in addition to all applicable building codes:

1. Permit Requirements.
  - a. The construction of any fence on private property shall require a permit from the City of Brighton prior to construction.
  - b. The construction of a solid fence (i.e. privacy fence) shall require a footing of no less than 42 inches in depth and a footing inspection by the City of Brighton.
  - c. The following information shall be provided with any permit application for a fence:
    - (1) Plot plan and construction drawings. A plot plan or lot survey shall be provided that includes the location of all existing and proposed fences, structures, easements and setback dimensions. An elevation sketch or photograph of the proposed fence shall also be provided, with appropriate dimensions noted.
    - (2) A boundary survey prepared by a registered and licensed land surveyor showing the location of all existing and proposed fences, structures, easements and setback dimensions, may be required for fences at or near property line.
  - d. The fee for a fence permit issued by the City of Brighton shall be in an amount as set by the City Council.
2. All zoning districts.
  - a. Fences located within the side yard or rear yard in any district shall not exceed a height of seventy-two (72) inches. Fences and walls located in the front yard in any district shall not exceed a height of thirty-six (36) inches and shall be decorative in style. Chain link fences are not allowed within a front yard area.
  - b. Fences shall not be erected within any public right-of-way, and shall not be erected or maintained in such a way so as to obstruct the vision of motorists and pedestrians or create a safety hazard by blocking clear vision for motorists and pedestrians.
  - c. Buried electronic fences are permitted in all districts.
  - d. Fences for pools shall comply with the regulations of the State Construction Code.
  - e. All supporting posts, cross members and protruding bolts, screws and/or hardware of all fences shall face the interior of the parcel, with the finished or decorative side facing the adjacent parcel(s) or public rights-of-way.
3. Residential zoning districts.
  - a. Residential through and interior lots. A fence that does not extend beyond the foremost position of the building on the site shall be not more than seventy-two (72) inches in height, and a fence not more than thirty-six (36) inches in height may be constructed beyond the foremost position of the building.
  - b. Residential corner lots. A fence located within the addressed side of the front yard and within the 25 foot front yard setback may be not more than thirty-six (36) inches in height. A fence located within the nonaddressed side of the front yard that extends beyond the foremost portion of the principal building may be not more than thirty-six (36) inches in height. Fences located within the rear yard as determined by the above

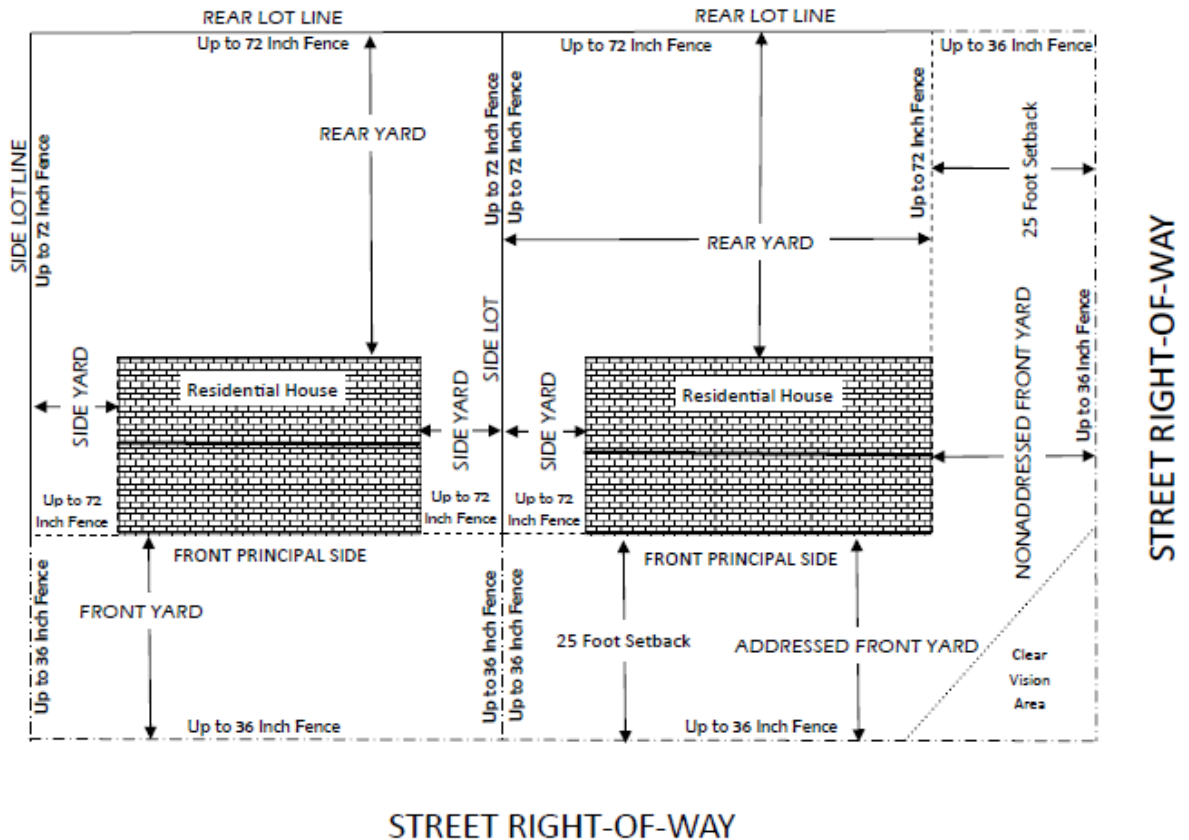
requirements may be not more than seventy-two (72) inches in height as indicated for residential through and interior lots.

4. Non-conforming fences. A non-conforming fence shall not be structurally altered so as to prolong the life of the fence.
5. A person violating this section:
  - a. For the first time is responsible for a municipal civil infraction and is subject to payment of a civil fine of not less than \$50.00, plus costs.
  - b. For the second time is responsible for a municipal civil infraction and is subject to payment of a civil fine of not less than \$100.00, plus costs.
  - c. For the third time is responsible for a municipal civil infraction and is subject to payment of a civil fine of not less than \$200.00, plus costs.
  - d. For the fourth time is responsible for a municipal civil infraction and is subject to payment of a civil fine of not less than \$500.00, plus costs.
  - e. Any person or entity guilty of violating this section shall also be subject to civil proceedings for damages and/or injunctive relief by the city or by any person or entity injured or damaged by such violation. Commencement of any such proceedings shall not constitute an election of remedies.

6. Illustration of Section 98-38 Fences:

**RESIDENTIAL THROUGH  
AND INTERIOR CITY LOTS**

**RESIDENTIAL CORNER  
CITY LOTS**



\* Drawing not to scale

3. Provide a detail of the 6 foot privacy fence within the construction plans.
4. Legal easement documents for construction and maintenance of the private storm sewer lines through 715 N. Second Street and properly filed with Livingston County prior to the issuance of building permits. The documents should also include an easement for the construction and the maintenance of 6 foot wide overflow spillway that extends in the property at 715 N. Second Street.
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### **Unfinished Business**