



Brighton City Council Meeting

Contact Information: City Hall • 200 N First St. • Brighton, Michigan 48116
(810) 227-1911 • www.brightoncity.org • info@brightoncity.org

This meeting will be conducted electronically.
Please visit the City website or the notice posted at City Hall for Zoom Meeting login instructions.

Regular Meeting March 4, 2021 – 7:30 p.m.

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Consider Approval of the Agenda
5. Consider Approval of Consent Agenda Items

Consent Agenda Items

- a. Approval of Minutes: [Study Session of February 18, 2021](#)
- b. Approval of Minutes: [Regular Session of February 18, 2021](#)
- c. Approval of Minutes: Closed Session of February 18, 2021
- d. [Acceptance of Quarterly Finance and Investment Reports](#)
- e. [Approval of the purchase of a Lobeline Waste Activated Sludge \(W.A.S.\) Pump and Motor from Hesco Industrial in the amount of \\$21,105](#)

Correspondence

6. Call to the Public
7. Staff Updates
8. Updates from Councilmember Liaisons to Various Boards and Commissions

Public Hearing

9. [Conduct a Public Hearing and Consider Adoption of Ordinance #595, Amendments to Chapter 22 and Chapter 98 of the City of Brighton Code of Ordinance](#)

New Business

10. [Consider Issuing a Purchase Order for Storm Line Video Inspection of Grand River Avenue to Advanced Underground Inspection, LLC for an amount not to exceed \\$30,000](#)
11. [Consider Approval of Bid for 2021 Right of Way Tree Maintenance to Arbor Master Tree Service Inc. in the Amount of \\$16,433](#)
12. [Consider Staff and Planning Commission Direction Regarding Marijuana Related Land Uses](#)

Other Business

13. Call to the Public
14. Adjournment



City Council Study Session

200 N First St • City Hall Council Chambers • Brighton, Michigan 48116
(810) 227-1911 • www.brightoncity.org

This meeting was conducted electronically.

MINUTES OF THE STUDY SESSION OF THE BRIGHTON CITY COUNCIL HELD ON FEBRUARY 18, 2021

Call to Order

Mayor Pipoly called the Study Session to order at 6:30 p.m.

Roll Call

Present were Mayor Pipoly and Mayor Pro Tem Gardner, Councilmembers: Bohn, Emaus, Muzzin, Pettengill, and Tobbe, all of whom disclosed their locations of City of Brighton, County of Livingston, State of Michigan. City Manager Nate Geinzer, City Clerk Tara Brown, Community Development Manager Mike Caruso, Finance Director Gretchen Gomolka, DPS Director Marcel Goch, Human Resources Manager Michelle Miller, Management Assistant Henry Outlaw, DPS Superintendent Daren Collins, DPS Compliance Officer Josh Bradley, Police Chief Rob Bradford, Detective Mike Arntz, and Attorney Paul Burns. There were seven persons in the audience.

Consider Approval of the Agenda

Motion by Councilmember Bohn, seconded by Mayor Pro Tem Gardner approved the agenda as presented. **The motion carried without objection by roll call vote.**

Call to the Public

Mayor Pipoly opened the Call to the Public at 6:33 p.m. Hearing and seeing no comment, Mayor Pipoly closed the Call to the Public.

Discussion of Police Investigations with Detective Arntz

Chief Bradford and Detective Arntz presented a detailed PowerPoint analyzing police activity and the need for a uniformed detective based on growing complexity of crimes and investigation. The proposed move is to be more proactive than reactive especially in light of growing complexity of caseloads and work involved with investigations.

Call to the Public

Mayor Pipoly opened the Call to the Public at 7:23 p.m. Hearing and seeing no comment, Mayor Pipoly closed the Call to the Public.

Adjournment

Motion by Councilmember Pettengill, seconded by Councilmember Tobbe to adjourn the Study Session at 7:24 p.m. **The motion carried without objection by roll call vote.**

Tara Brown, City Clerk

Shawn Pipoly, Mayor



Brighton City Council Meeting

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This meeting was conducted electronically.

MINUTES OF THE REGULAR MEETING OF THE BRIGHTON CITY COUNCIL HELD ON FEBRUARY 18, 2021

Minutes

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

Present were Mayor Pipoly and Mayor Pro Tem Gardner, Councilmembers: Bohn, Emaus, Muzzin, Pettengill, and Tobbe, all of whom disclosed their locations of City of Brighton, County of Livingston, State of Michigan. City Manager Nate Geinzer, City Clerk Tara Brown, Community Development Manager Mike Caruso, Finance Director Gretchen Gomolka, DPS Director Marcel Goch, Human Resources Manager Michelle Miller, Management Assistant Henry Outlaw, DPS Superintendent Daren Collins, DPS Compliance Officer Josh Bradley, Police Chief Rob Bradford, Tetra Tech Engineer Steve Magnan, and Attorney Paul Burns. There were seven persons in the audience.

4. Consider Approval of the Agenda

Motion by Councilmember Pettengill, seconded by Councilmember Bohn to approve the agenda as amended, deleting item 10, moving item f to New Business, and combining the closed sessions. **The motion carried without objection by roll call vote.**

5. Consider Approval of Consent Agenda Items

Motion by Mayor Pro Tem Gardner, seconded by Councilmember Pettengill to approve the revised consent agenda items. **The motion carried without objection by roll call vote.**

Consent Agenda Items

- a. Approval of Minutes: Special Retreat Sessions of January 26, 27, & 28, 2021
- b. Approval of Minutes: Study Session of February 4, 2021
- c. Approval of Minutes: Regular Session of February 4, 2021
- d. Approval of Minutes: Closed Sessions of February 4, 2021
- e. Approval of Reappointment to the City of Brighton Arts and Culture Commission
- f. ~~Approval of Texting Services Agreement with RAVE Mobile Safety (moved to New Business)~~
- g. Approve the Issuance of a Purchase Order to NOAR Technologies in the Not to Exceed Price of \$20,000.00 a Police Department Drone and All Peripheral Equipment
- h. Approve Amending a Purchase Order for Police Department HVAC and the Related Budget Amendment
- i. Approve the Purchase of a Cold Patch Machine from Falcon Asphalt Repair Equipment in the Amount of \$24,015.57

Correspondence

6. Call to the Public

Mayor Pipoly opened the Call to the Public at 7:36 p.m.

Susan Bakhaus asked to clarify items on the agenda listed as items 12.

Hearing and seeing no additional comment, Mayor Pipoly closed the Call to the Public at 7:38 p.m.

Motion by Mayor Pro Tem Gardner, seconded by Councilmember Pettengill to number the second agenda item 12 as 12a. **The motion carried by roll call vote, with Councilmember Muzzin voting no.**

7. Staff Updates

Director Goch remarked that he has been busy with bid openings with more coming up therefore City Council will see several items on the agenda soon such as parking lot repairs, tree trimming, and other items.

Director Gomolka was happy to report that the City of Brighton was just awarded a CTG grant for safety measures in an amount of \$17,445.67 with the potential of more grants coming soon.

8. Updates from Councilmember Liaisons to Various Boards and Commissions

Mayor Pro Tem Gardner reported the Brighton Arts and Culture Commission was presented with the new concept for the CEC by Assistant to the City Manager Henry Outlaw. Overall the feedback from the Commission was favorable.

Councilmember Pettengill and the ZBA met to discuss and ultimately grant a variance at 1101 Rickett Road. Ms. Pettengill thanked Director Goch and his team for all their work during the snow storm.

Councilmember Bohn asked Director Gomolka about an assessment issue with a neighbor and the most recent increase in the assessment. Director Gomolka stated that she will look into the exact address and email Councilmember Bohn.

Councilmember Muzzin stated the Brighton Area Fire Authority met on February 11, 2021 to establish a two-person committee to vet new attorneys. The Station 33 a site plan is slated to be presented to the next Brighton Township Planning Commission meeting in March for approval. Mr. Muzzin also noted that BAFA has also discussed the transfer of ownership of the Grand River station similar to the Genoa Township fire stations that have been transferred to BAFA. Councilmember Muzzin stated the Webber Road station is owned by BAFA.

Councilmember Emaus noted the Brighton Veterans Memorial Committee has not met; however, he asked that all who are interested in donating to a great cause visit www.greatbikegiveaway.com/chuckschulke. Chuck Schulke is a young boy who has autism, this fundraiser is to generate funds for Chuck to receive a specially made bike.

Mayor Pipoly stated the DDA discussed Put Your Town on the Map grant and the Streetscape strategy for marketing to assure customers that the merchants are open on Main Street during construction.

New Business

8a. Approval of Texting Services Agreement with RAVE Mobile Safety

Councilmember Pettengill asked for this item to be moved from the Consent Agenda and for the motion to include a dollar amount.

Motion by Councilmember Pettengill, seconded by Mayor Pro Tem Gardner to approve texting services agreement with RAVE Mobile Safety for a total of \$3,600.00 per year for five years. **The motion carried without objection by roll call vote.**

9. Consider Approval of Tetra Tech Scope of Work for Bidding and Construction Engineering for the Northwest Neighborhoods Project

Director Goch began the discussion of the agenda item noting the intention is to start the project in May of this year. This agenda item will enable Tetra Tech to begin the bidding process and construction engineering for the Northwest Neighborhoods project after two years of working with residents, City Council, and CSX with the design.

Councilmember Bohn asked if a contingency should be added in light of other projects going over the amount

approved. Mr. Magnan assured City Council that he has been assigned to oversee the project and to confirm that engineering and survey work is accurate. Director Goch stated the price for engineering has been discussed at length and feels confident that the requested amount is accurate.

Councilmember Tobbe asked about the intentions for dewatering in light of the lengthy time it took to dewater the 2nd Street Project.

Motion by Mayor Pro Tem Gardner, seconded by Councilmember Pettengill to approve of the Tetra Tech scope of work for bidding and construction engineering services for Phases One, Two, and Three of the Northwest Neighborhoods Street Reconstruction Project in an amount not to exceed \$742,000. **The motion carried without objection by roll call vote.**

~~**10. Consider Staff Direction Regarding Postponing the Rickett Road Phase 2 Construction Project Until the 2022 Construction Season Due to Recently Secured MDOT Funding (deleted)**~~

11. Consider Approving and Extending the 2019 Sidewalk Maintenance Program Contract Pricing from Rotondo Construction for the 2021 construction season

Director Goch introduced the agenda item by stating the extension of the contract pricing from 2019 from Rotondo Construction to continue sidewalk maintenance.

Mayor Pro Tem Gardner remarked about the fantastic job Rotondo did last summer and hopes that they will continue the excellent work this summer.

Councilmember Pettengill asked where the focus would be this season. Director Goch said the focus would be in the north east Grand River area near Church Street and Nelson Street. Ms. Pettengill asked if there is a completion list or a percentage of repairs that have been completed to better judge the progress. Director Goch stated about twenty-five percent of the needed repairs have been completed.

Councilmember Bohn noted his concern about continuing to borrow from the next fiscal year and would recommend that instead of borrowing from the next fiscal year, a budget amendment is made to keep the funds in the same fiscal year.

Manager Geinzer noted the agenda item is only to extend the contract pricing and not to approve work to be done. Funding will be discussed during the approval of the repair that will be brought back to City Council; however, if Council wishes, clarification can be added to the motion.

Motion by Councilmember Bohn, seconded by Councilmember Emaus approval to extend the 2019 Sidewalk Maintenance Program contact pricing from Rotondo Construction for the 2021 construction season and any construction work that takes place in this fiscal year be funded by a budget amendment with an allocation from the General Fund. **The motion carried without objection by roll call vote.**

12. Consider Entering into Closed Session Regarding Pending Litigation Pursuant to MCL 15.268(e) and to Receive Written Attorney-Client Privileged Communication Pursuant to MCL 15.268(h)

Motion by Mayor Pro Tem Gardner to enter into closed session regarding pending litigation pursuant to MCL 15.268(e) and to receive written attorney-client privileged communication pursuant to MCL 15.268(h) at 8:25 p.m. **The motion carried without objection by roll call vote.**

12a. Consider Possible Action Resulting from Closed Session

No action taken.

13. Consider Approval of Issuing a Request for Qualifications for Municipal Attorney Services and Appointing a City Council Task Force to Vet Finalists for City Council Interviews

Mayor Pipoly began discussions by relaying that City Attorney Paul Burns has submitted a letter of resignation. Manager Geinzer noted his willingness to help in any capacity City Council should require during the process.

Mayor Pro Tem Gardner and Councilmember Pettengill are in favor of appointing a task force to seek qualifications. Councilmember Pettengill recommended Councilmembers Emaus and Bohn to the task force.

Councilmember Bohn asked not to be appointed to the task force and recommends the same task force that was charged with seeking new labor counsel.

Councilmember Muzzin thanked Attorney Burns for his forty years of dedication to the City and asks that Councilmember Emaus and Mayor Pipoly be on the task force; however, he does not wish to be on the task force. Further Councilmember Muzzin asked that City staff be a part of the process as they work closely with the attorneys.

Councilmember Tobbe stated that he is sad to see Attorney Burns retire and remarked that he is willing to serve on the task force.

Councilmember Emaus stated he is willing to serve on the task force and believes that the process should be led by City Council however would ask that anyone in the City with input for City Attorney, give their recommendation.

Motion by Councilmember Bohn, seconded by Councilmember Pettengill to issue a request for qualifications for municipal attorney services and appointing a City Council task force of Mayor Pipoly and Councilmember Emaus and Tobbe to bring back a list of qualified candidates and to vet finalists for City Council interviews. **The motion carried without objection by roll call vote.**

Other Business

14. Call to the Public

Mayor Pipoly opened the Call to the Public at 9:18 p.m.

Susan Bakhaus questioned why City Council was not aware of the funding source for the previous sidewalk projects as it relates to item 11 from the agenda.

Mayor Pipoly closed the Call to the Public at 9:20 p.m.

Manager Geinzer noted the funding source of the City sidewalk project was clearly listed in the City Manager Report to City Council when the item was approved.

~~15. Consider Entering into Closed Session to Receive Written Attorney-Client Privileged Communication Pursuant to MCL 15.268(h) (combined with item 12)~~

16. Consider Possible Action Resulting from Closed Session

No action taken.

17. Adjournment

Motion by Councilmember Muzzin, seconded by Councilmember Emaus to adjourn the meeting at 9:20 p.m. **The motion carried without objection by roll call vote.**

Tara Brown, City Clerk

Shawn Pipoly, Mayor



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL MARCH 4, 2021

SUBJECT: QUARTERLY FINANCIAL REPORT FOR THE PERIOD ENDING DECEMBER 31, 2020

ADMINISTRATIVE SUMMARY

- This report is for the second quarter of the fiscal year and it is still very early in the year, budgeted items overall are trending in line with budget. For items/departments that we know are trending favorably or unfavorably have been noted on the attached report.
- We will continue to monitor the budget and make City Council aware of any significant budget variances if they should arrive prior to next quarters report.

Prepared by: Gretchen Gomolka, Finance Director

Approved by: Nate Geinzer, City Manager

FINANCIAL REPORT FOR CITY OF BRIGHTON - GENERAL FUND
PERIOD ENDING 12/31/2020

Favorable compared to Budget
 Materially In line with Budget
 Monitoring
 Unfavorable compared Budget

	2020-21 ORIGINAL BUDGET	2020-21 AMENDED BUDGET	YTD BALANCE 9/30/2020	OVER/ (UNDER) BUDGET	NOTES
REVENUE					
PROPERTY TAXES	6,680,310.00	6,680,310.00	6,606,023.64	(74,286.36)	We will not be made whole on delinquent real property tax until May of 2021, additionally we are not made whole by the County on delinquent personal property tax. The City will continue collection on delinquent personal property tax over the next several years.
TAX PENALTIES, INTEREST & FEES	253,700.00	253,700.00	237,434.82	(16,265.18)	We have yet to collect the tax admin fee on the winter tax bills. We are trending in line with budget.
LICENSES & PERMITS	407,550.00	407,550.00	169,493.55	(238,056.45)	Revenues in this area appear to be on target. Franchise fees are on a lag and we have only received the 1st quarter's payment. Building Permit fees, the largest part of this line item, won't pick up until the spring, so we will have a better idea of how these compare to budget later in the fiscal year. Liquor licenses revenue has already met the annual budet.

Favorable compared to Budget
 Materially In line with Budget
 Monitoring
 Unfavorable compared Budget

	2020-21 ORIGINAL BUDGET	2020-21 AMENDED BUDGET	YTD BALANCE 9/30/2020	OVER/ (UNDER) BUDGET	NOTES
STATE SHARED REVENUE	712,000.00	712,000.00	412,601.32	(299,398.68)	This account includes the annual PPT reimbursement budgeted at \$100K. We receive this in two annual payments. The first payment received in October was for \$136,343.32. So we will be well over budget in that line item when we received our second payment in May. Traditional State Shared revenue is paid bi-monthly on a lag. We have received the first two bi-monthly payments through the 2nd quarter. Due to Covid-19 we reduced the budgeted revenue. Based on the the first two payments we appear to be trending very favorable at year end.
INVESTMENT EARNINGS	88,000.00	88,000.00	13,144.36	(74,855.64)	Due to the unknown market changes with COVID-19 we reduced the budget for investment earnings over the prior year. Even with the reduced budget we will fall short of the budget this year.
RENTS & ROYALTIES	72,620.00	72,620.00	1,200.00	(71,420.00)	This majority of this line item represents charges to Major and Local streets for employees working on street projects and gets booked at year end.
OTHER REVENUE	63,750.00	63,750.00	41,077.52	(22,672.48)	Includes our dividend payment from our purchasing card and reimbursements to the City for retiree health savings account pre-funding.
OTHER FINANCING SOURCES	247,500.00	317,500.00	70,000.00	(247,500.00)	This represents appropriation from DDA, Drug Forfeiture, and Utility Funds. The Drug Forfeiture transfer is based on actual K-9 unit costs, and will be processed at year end. The other transfers will be done throughtout the year.

Favorable compared to Budget
 Materially In line with Budget
 Monitoring
 Unfavorable compared Budget

	2020-21 ORIGINAL BUDGET	2020-21 AMENDED BUDGET	YTD BALANCE 9/30/2020	OVER/ (UNDER) BUDGET	NOTES
SERVICE CHARGES	670,250.00	670,250.00	342,720.84	(327,529.16)	This is primarily refuse collection user fees, and revenue is inline with the prior year and current budget through December.
FINES & FORFEITS	44,825.00	44,825.00	17,793.65	(27,031.35)	Primarily police related fines, that come in sporadically throughout the year.
FEDERAL GRANTS	2,000.00	2,000.00	188,581.50	186,581.50	COVID relief grants for police wages are recorded here.
LOCAL UNIT CONTRIBUTION	88,000.00	88,000.00	34,889.29	(53,110.71)	This account is for the liaison officer payments and police for sporting events. We are trending in line with budget but may have a shortfall this year as the schools have reduced or eliminated sporting events or potential future shutdowns of the school.
STATE GRANTS	6,400.00	6,400.00	6,890.37	490.37	Act 302 payments are received in October and May, additionally we received a
TOTAL REVENUES	9,336,905.00	9,406,905.00	8,141,850.86	(1,265,054.14)	

EXPENDITURES

CITY COUNCIL	30,762.00	30,762.00	5,545.82	(25,216.18)	Primary expense is Per Diems, which are paid at the end of the year.
CITY MANAGER	242,593.00	242,593.00	133,990.97	(108,602.03)	Includes City Manager and Assistant to the City Manager as well as contractual services for SPARK employee. Allocations for the Assistant to the City Manager were changed from the original budget and a higher percentage is being charged to City Manager. Subsequent to the end of the second quarter a reallocation of previously charged expenses was completed with adjustment in the Communication, Clerk, and Human Resources departments as well as here. You will see this on the next quarterly report.
COMMUNICATIONS	49,463.00	49,463.00	0.00	(49,463.00)	You will see a reallocation of the Assistant to the City Manager being charged here due to changes in allocations.
LEGAL SERVICES	258,112.00	258,112.00	78,547.06	(179,564.94)	General and Labor attorney retainers and other expenses

Favorable compared to Budget
 Materially In line with Budget
 Monitoring
 Unfavorable compared Budget

	2020-21 ORIGINAL BUDGET	2020-21 AMENDED BUDGET	YTD BALANCE 9/30/2020	OVER/ (UNDER) BUDGET	NOTES
CITY CLERK	178,046.00	178,046.00	81,065.68	(96,980.32)	Election costs and per diems as well as general operating exp. Expecting slight favorable outcome due to reallocation of the Assistant to the City Manager.
HUMAN RESOURCES	141,232.00	141,232.00	72,870.85	(68,361.15)	General operations. Change in employee benefit elections offset by savings from reallocation of the Assistant to the City Manager.
FINANCE	701,560.00	701,560.00	367,367.93	(334,192.07)	General operations
INFORMATION SYSTEMS	114,967.00	114,967.00	70,734.05	(44,232.95)	General operations
POLICE	3,043,628.00	3,043,628.00	1,399,210.75	(1,644,417.25)	General operations, could possible see a favorable outcome in the department at year end.
PUBLIC WORKS	2,245,917.00	2,271,678.78	1,178,155.08	(1,093,523.70)	General operations covering all city buildings and public spaces
COMMUNITY DEVELOPMENT	449,818.00	449,818.00	194,825.71	(254,992.29)	General operations
POST EMPLOYMENT BENEFITS	441,917.00	441,917.00	244,382.82	(197,534.18)	Healthcare for retirees, lower than anticipated renewal rates for January 2020, coupled with a favorable renewal for January 2021. Annual Deductibles are paid up front in January each year, making year to date through 6 months look high.
TRANSFERS-OUT AGENCIES	156,200.00	156,200.00	0.00	(156,200.00)	425 Agreement payment to Genoa Township based on the Taxable Value for the parcels in the agreement were paid in February 2021 (not in this report through December 2020) and came in \$10K higher than estimated in the budget. The appropriations to SPARK, and the Historical Society will be paid closer to year end. We will be \$10K over budget.

Favorable compared to Budget
 Materially In line with Budget
 Monitoring
 Unfavorable compared Budget

	2020-21 ORIGINAL BUDGET	2020-21 AMENDED BUDGET	YTD BALANCE 9/30/2020	OVER/ (UNDER) BUDGET	NOTES
TRANSFERS-OUT OTHER FUNDS	1,382,369.46	1,397,369.46	592,425.25	(804,944.21)	Appropriations to other funds are made as expenditures in those funds as they occur.
TOTAL EXPENDITURES	9,436,584.46	9,477,346.24	4,419,121.97	(5,058,224.27)	

Net of Revenues VS Expenditures (99,679.46) (70,441.24) 3,722,728.89

It is too early in the year to make final projections. Overall revenues and expenditures are materially inline with the budget. Note the budgeted use of fund balance is due to the transfer of fund balance to the new capital reserve fund and the boiler repair at the community center.



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL MARCH 4, 2021

SUBJECT: QUARTERLY INVESTMENT REPORT AS OF DECEMBER 31, 2020

ADMINISTRATIVE SUMMARY

- The City's total investment/bank balance has decreased by \$589,652 or 3.8% over last quarter to \$15,070,173.
- This decrease follows the normal cash flow of the City as the majority of tax revenue is collected in the first quarter of the fiscal year, while expenditures tend to be constant throughout the year.
- Compared to the same quarter a year ago, the City's total investment/bank balance has increased by \$1,646,983 or 12.3%. This increase is due to increased cash flow and fund balance from the new streets millage.
- The City's average rate of return on investments has increased from 0.15% to 0.16% over the last quarter. Amidst declining interest rates due to the COVID-19 pandemic we have maintained that same interest rate over the last quarter with a very slight increase.
- The City's earnings are slightly higher than the benchmark 3-month Treasury Bill Rate and the Fed Funds Rate. This is due to all but one of our accounts still paying interest at rates higher than the benchmarks. The City did not renew any certificates of deposit when they matured because the interest rates were extremely low and we didn't want to tie up funds at low rates in the case of an improving economy over the next several months. The City continues to properly diversify funds in order to obtain the most FDIC insurance coverage at possible. We achieve this through a single lower interest bearing investment that spreads our money across several different banks. This relieves the burden of the City tracking 40 or more different financial institutions.
- The City's deposits/investments with Flagstar Bank, The State Bank, Independent Bank, and Michigan Class total 34.0%, 10.4%, 29.8%, and 17.3%, respectively, of the City's overall portfolio. The high ratio of deposits held in Flagstar is due to the receipt of tax revenue that had yet to be invested in other institutions.
- We continue to work within the primary objectives of the City's Investment Policy, which, in priority are; safety, liquidity, and return on investment.

Prepared by: Gretchen M. Gomolka, Finance Director

Approved by: Nate Geinzer, City Manager



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL MARCH 4, 2021

SUBJECT: CONSIDER APPROVAL OF THE PURCHASE OF A LOBELINE WASTE ACTIVATED SLUDGE (W.A.S.) PUMP AND MOTOR FROM HESCO INDUSTRIAL IN THE AMOUNT OF \$21,105

BACKGROUND

- Currently at the Wastewater Treatment Plant, there are three Lobeline Waste Activated Sludge (W.A.S.) pumps that are used for regulating the microorganisms in the oxidation ditches. These pumps help maintain effective treatment of the sanitary effluent and keep the plant from violating the City’s National Pollutant Discharge Elimination System (NPDES) Permit through the State of Michigan. While there has been regular maintenance performed on these pumps, there is a limit to how much maintenance can be performed before they may need replacement. Last year one of the pumps was leaking excessively, so staff was able to rebuild the unit in-house with spare parts, which afforded us enough time to budget funds to replace the pump this fiscal year. The current Lobeline W.A.S. pump is almost 20 years old and the motor that operates the pump is 32 years old.

ADMINISTRATIVE SUMMARY

- Hesco Industrial is the sole source provider for the Swaby Lobeline MR45 pump which is the pump the City is currently using. Purchasing the identical pump eliminates the need to retrofit piping and keeps additional cost to a minimum. This is an important consideration when replacing pumps because changes with piping can have a negative effect on the pump’s efficiency. Previous plant administrators have preferred the Lobeline pump because it meets all pumping criteria necessary for its application at our plant, including the pumping head, PSI, volume, etc.

A quote was submitted by Hesco Industrial on Tuesday, February 2, 2021. The chart below outlines the cost of the components necessary for replacement.

• Item	Price
Swaby Lobeline MR45 Pump	\$17,995.00
ADDER Motor 5 HP	\$2,170.00
Freight to Jobsite	\$980.00
Total	\$21,105.00

- The above cost includes materials only; Wastewater personnel will perform assembly and installation in-house.



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL MARCH 4, 2021

BUDGET INFORMATION

- City Council approved \$25,000 in the 2020/2021 Capital Improvements budget for the purchase of a replacement W.A.S. Pump. This amount will allow for the purchase of one Swaby Lobeline MR45 pump, one TEFC 1200 rpm 5hp motor, and the cost of freight for delivery.

RECOMMENDATION

Approve the purchase of a Lobeline Waste Activated Sludge (W.A.S.) Pump and Motor from Hesco Industrial in the amount of \$21,105.

Prepared by: Josh Bradley, Regulatory Compliance Superintendent

Reviewed by: Marcel Goch, DPS Director

Approved by: Nate Geinzer, City Manager

Attachment: Hesco Industrial Quote



QUOTE



Knowledgeable • Professional • Attentive • Likeable

23905 Freeway Park • Farmington Hills, MI 48335
Phone: 586.978.7200 • Fax: 586.978.2200
www.hesco-mi.com

TO: Josh Bradley
City of Brighton
200 North First Street
Brighton MI 48116

Tuesday, February 2, 2021

QUOTE #: QT-386/1
SALESPERSON: Glenn Hummel

BradleyJ@brightoncity.org

SWABY Pump & Motor

LINE ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	LINE TOTAL
1.00	SWABY MR45 - BARE PUMP Swaby Lobeline™ size MR45 ductile iron rotor case, with: urethane coated ductile iron rotors, hardened steel replaceable radial and rear wear plates, ductile iron gear case, air gap between rotor case and gear case, (2) Single mechanical seals, product lubricated, front pullout design. Suction and discharge flanges, size 4", integrally cast to the rotor case.	1		17,955.00	\$17,955.00
2.00	ADDER for MOTOR TEFC, IEEEE842, 1200 rpm, 5 hp	1		2,170.00	\$2,170.00
3.00	FREIGHT TO JOBSITE Estimated Freight to Jobsite. Actual will be pre-paid and added at cost.	1		980.00	\$980.00
				SUBTOTAL:	21,105.00
				MI SALES TAX:	0.00
				TOTAL:	

Ship Via:	Best Way FOB Factory	Shipping Terms:	Included as Line Item
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Payment Terms:		Quote Valid Through:	02/09/2021
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Lead Time:	Shop Drawing Submittals: N/A Shipment: 5-6 Weeks ARA
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We have "Ship to" as Hamburg Road
We have "Bill to" as City Offices, 200 North First Street Brighton MI 48116

If favored with a Purchase Order, please issue it to:
HESCO
23905 Freeway Park Drive
Farmington Hills, MI 48335

END QUOTE



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL MARCH 4, 2021

**SUBJECT: CONDUCT A PUBLIC HEARING AND CONSIDER APPROVAL OF PROPOSED ORDINANCE NUMBER 595:
AMENDMENT TO CHAPTER 22 AND CHAPTER 98 OF THE CITY OF BRIGHTON CODE OF ORDINANCES.**

ADMINISTRATIVE SUMMARY

During the City Council study session on January 21, 2021, staff first presented a draft of proposed ordinance revisions to Chapter 22 of the municipal code, and Chapter 98 the zoning ordinance. A final draft of the proposed Ordinance 595 has been prepared for consideration of adoption. The following is a list of amendments proposed in Ordinance 595:

- Chapter 22, Businesses
Adding Article XIV, "Seasonal Outdoor Sales & Activities," and adding Article XV, "Temporary Outdoor Sales & Activities."
- Chapter 98, Zoning

Article 2, Definitions.	Text amendment to Section 98-2.2, "Definitions."
Article 4, Use Standards.	Add Section 98-4.43, "Seasonal Outdoor Sales and Activities." and 98-4.44, "Accessory Temporary Events and Activities."
Article 5, Site Standards.	Text amendment to Section 98-5.16, "Accessory Buildings and Uses and add Section 98-5.17, "Development Standards."
Article 6, Development Procedures.	Text amendment to Section 98-6.1(K), "Bonding Requirements."
Article 7, Administration/Enforcement	Text amendment to Section 98-7.11, "Public Hearings" and 98-7.13, "Temporary Land Uses."
- The Planning Commission conducted a public hearing and gave a recommendation of approval at their meeting held on January 25, 2021.
- The City Attorney has reviewed the proposed ordinance amendments.
- City Council conducted a first reading of the draft ordinance at their meeting held on February 4, 2021.

RECOMMENDATION

Staff recommends that City Council conduct a public hearing regarding the proposed amendments, and to consider adoption of ordinance 595.

Prepared by: Michael Caruso, Community Development Manager

Approved by: Nate Geinzer, City Manager

Attachments: 1. Consultant Memo's and Proposed Amendments.
2. Ordinance No. 595 (Draft)
3. Planning Commission Minutes

memorandum

DATE: December 16, 2020
TO: Michael Caruso, Community Development Manager
FROM: Jill Bahm, Giffels Webster
SUBJECT: Temporary Uses & Structures

Recent Action

August 17, 2020 Planning Commission Meeting

- The Planning Commission asked to clarify the time limits on temporary use licenses and the renewal process for a license. Section 22-435 has been updated to include items g and h that allow seasonal outdoor sales for up to 30 days with a new license required for any subsequent use.
- In terms of a duration for temporary outdoor sales and activities, due to the health-related restrictions, the current language of Section 22-461 allows the city to establish the duration, rather than setting this into ordinance language. The city may wish to consider a policy for these uses and review it annually.

July 20, 2020 Planning Commission Meeting

- The Planning Commission discussed the second draft and asked for Section 7.13 to be further clarified. The current text is largely addressed by the new amendments and is so noted in this section. The prohibition on temporary sales trailers has been retained.
- Section 22-437 on exemptions were removed per the Planning Commission's request.
- Section 22-458 was revised to indicate the city clerk will forward applications to the city manager.

June 15, 2020 Planning Commission Meeting

- The Planning Commission discussed the review and regulations of temporary uses as outlined in the memo below. There was general support for refinement to existing zoning and municipal code language to support the needs of businesses in the city.
- The attached list of uses has been updated based on proposed regulation and code updates.
- Draft ordinance amendments address the following:
 - Amendments to the municipal code, Chapter 22 – businesses to create two new articles that allow the city manager to review and provide licenses for:
 - Seasonal Outdoor Sales and Activities: Intended for uses such as Christmas tree sales, pumpkin sales and temporary nursery stands. These are uses that are independent and not extensions of existing on-site businesses.
 - Temporary Outdoor Events and Activities: Intended for accessory events/activities taking place at existing businesses. These events may include grand opening/reopening and other special events and would be considered accessory uses to a principal use.
 - Zoning amendments to provide standards appropriate for these types of temporary uses. These are intended to supplement the license standards in Chapter 22 and focus on Zoning amendments to allow a process for other types of temporary uses.

The remainder of this memo is provided as background for this topic.

Introduction

What prompted this zoning discussion?

- From time to time, retailers, restaurants and other businesses have temporary events and activities that may require city approval.
- With the occupancy limitations associated with the COVID-19 pandemic, there may be an increased need for businesses into outdoor areas.
- The city wants to ensure public safety and maintain conditions associated with site plan approvals, while being responsive to the needs of local businesses.
- Too many and too frequent tents and outdoor displays may become unsightly.

Current Language

What does the Zoning Ordinance say?

- The Zoning Ordinance regulates land development through the site plan review process, intended for permanent improvements and also through the provisions for temporary uses in Section 7.13. However, subsection A provides standards for only the outside sales of produce, Christmas trees and firewood. Subsection B exempts the following:
 - Outside sales of products approved by the City Council as part of site plan approvals;
 - All civic events approved by the City Council, including, but not limited to, the Farmer's Market, Art Fair and sidewalk sales;
 - Sale of products by the owner of a business which is incidental to their principal business and occurs within 15 feet of the building in which the business is operated;
 - The sale of hot dogs, hamburgers, snow cones, peanuts, chips and/or other nonalcoholic beverages or other similar products as determined by the City Manager or designee from a temporary/portable stand. The sale of such products must comply with all requirements of the Livingston County health department.
- Aside from the outside sale of products allowed through site plan review, the other exempted activities in 7.13.B do not provide any process for approval.
- Outdoor dining on public property is permitted from May 1 – November 2 with approval by the city manager and is further regulated in Section 22.87-98.
- Although primary focus is on non-residential uses, it should be noted that garage sales are not mentioned in the municipal code and it may be worth considering if any regulation is needed at this time.

Background on Issue

Why consider an amendment?

- The city continuously strives to refine the development review process for consistency and efficiency.
- There may be other types of temporary activities and events that should be included.
- The process for review/approval could be easier and more clear for businesses.

Recommendation

The attached table identifies some of the uses commonly seen in the city, whether they may be ancillary to an existing business or a separate business, where they are typically located and the typical duration of the activities. Potential review processes are included for discussion. In addition, the following issues should be considered:

- **Size and location.** Where are temporary uses and structures appropriate, both for visibility and access by the public and how big should structures be?
- **Parking and access.** The impact to parking should be considered with temporary activities. Applicants should ensure that vehicle and pedestrian access and circulation will not be impacted by temporary structures and activities. In the case where businesses are accommodating existing customer levels through the addition of outdoor space, additional parking may not be needed; however, for activities intended to serve more than typical customer levels, parking should be considered. ADA-accessibility should also be considered.
- **Impact on other uses.** Temporary uses and structures should not impede vehicular or pedestrian circulation to other land uses on site or adjacent to the transit stop. Parking required for existing uses should be maintained.
- **Lighting, signage and waste.** These items should be part of any review for temporary uses/structures.
- **Property owner authorization.** Applications for temporary uses and structures should be approved by the property owner, who may not be the applicant.
- **Insurance and public safety.** All uses should be reviewed to ensure public safety can be maintained. In addition, for uses on public property, insurance should be required.

AN ORDINANCE TO AMEND THE CITY OF BRIGHTON CODE OF ORDINANCES FOR PURPOSES OF AMENDING THE CITY'S LICENSING AND ZONING REGULATIONS APPLICABLE TO SEASONAL OUTDOOR SALES BY AMENDING CHAPTER 22, "BUSINESSES," AND ADDING ARTICLE XIV, "SEASONAL OUTDOOR SALES," AND ARTICLE XV "TEMPORARY OUTDOOR SALES," AND BY AMENDING CHAPTER 98, "ZONING," SECTIONS 98-2.2, "DEFINITIONS," AND 98-7.13.A., "TEMPORARY USES," AND BY ADDING THE FOLLOWING NEW SECTIONS: 98-4.43, "SEASONAL OUTDOOR SALES & ACTIVITIES," AND 98-4.44 "ACCESSORY TEMPORARY EVENTS AND ACTIVITIES" TO CHAPTER 98, "ZONING."

Chapter 22, Article XIV Seasonal Outdoor Sales & Activities

Sec. 22-431 – Intent.

It is the intent of this article to promote the health, safety, and welfare of the public by providing certain performance standards to allow for the short-term outdoor sales of seasonal goods not otherwise associated with an existing related business.

Sec. 22-432. - Definitions.

"Seasonal outdoor sales" is the temporary sale of agricultural products and other goods, as regulated by the City of Brighton City Code.

Sec. 22-433. - Required license.

It shall be unlawful for any person to engage in the business of seasonal outdoor sales on any open lot in the city without first obtaining a license from the city manager.

Sec. 22-434. - Application.

Applications for seasonal outdoor sales licenses shall be made to the city manager, and shall include all of the following:

1. The name and address of the applicant;
2. All of the partners, if the applicant is a partnership;
3. All of the officers and directors, if the applicant is a corporation;
4. The present resident addresses of all such persons;
5. The address or parcel identification number(s) at which the sales activity is to be conducted;
6. The exact nature of the sales, types and quantity of products to be sold and stored on site, and plans for display and storage of merchandise and products;
7. The date(s) of the sales activity and the hours during which the activity will take place on each day;
8. Information as to whether the applicant owns or occupies the property at which the sales activity will occur, and, if the applicant does not own the property, the applicant shall also furnish written consent from the owner of the property;
9. Plans showing the layout of the sales activity area, which plans shall identify all existing structures and improvements on the property where the sales activity is to occur, and shall identify the location and describe all sales activity-related temporary structures, tents, stands, ingress and egress, parking, signs, lighting, electrical equipment, sound equipment, mechanical equipment, portable toilets, and any other information related to the sales activity that may be

requested by the city in order to make an informed decision regarding the issuance of a license for the sales activity;

10. Plans for security at the sales activity site during operating and non-operating hours;
11. Copies of required state licenses; and
12. Such other information to determine compliance with section 22-435 and as may be required by applications on forms as designated by the city, which shall be completed prior to such application being considered.
13. Clean-up deposit and non-refundable review fee based on fee schedule approved by city council.

The completed application shall be submitted at least thirty (30) days in advance of the sales activity. The city may, but is in no way obligated to, consider an application submitted late, if the city manager determines in his or her discretion that exceptional circumstances exist and there is sufficient time for reviews, inspection and decisions to be made under this Code.

Sec. 22-435 - Conditions for issuance.

The business of seasonal outdoor sales may be carried on only upon a lot or parcel of property having frontage upon a major or secondary thoroughfare in accordance with the following conditions:

- a. The licensee must be the owner of the property or obtain written permission of the owner to use the property for seasonal outdoor sales.
- b. The licensee must provide space for off-street parking of not less than five (5) automobiles at any one (1) time.
- c. If electrical lights are used, a minimum electrical permit fee shall be obtained and the lighting system must be approved by the city electrical inspector.
- d. Upon receipt of an application, the city manager shall distribute the application for review and comment by the planning and community development department, engineering division, police and fire department.
- e. Hours of operation shall be limited to anytime between 9:00 a.m. and 10:00 p.m.
- f. Seasonal outdoor sales shall also be comply with subsection 98-4.43 of the Zoning Ordinance.
- g. **Seasonal outdoor sales shall not be permitted for a period longer than 90 days.**
- h. **A license shall not be renewed; subsequent outdoor sales for different seasonal products shall require a new license application.**

Sec. 22-436. - Timely setup and cleanup of premises; refund of deposit.

Each licensee under this division shall have up to five (5) days to establish the temporary use including erection of tents, placement of merchandise, and placement of temporary signs. In addition, each licensee shall clean up the licensed premises and remove unsold items and debris. This shall occur on or before the fifth day following recognized holiday for which sales are proposed. It shall be unlawful for a licensee to abandon licensed premises without such cleaning and removal. If any licensee fails to do such cleaning and removing, the director of planning and community development or persons designated by the director shall enter upon the premises, do such cleaning and removing, and charge the cost thereof to the deposit. The remainder of the deposit, if any, shall be refunded. Any licensee who performs his or her obligations as required by this section shall be refunded the deposit following cleanup after the designated holiday, as described above.

Municipal Code

Chapter 22, Article XV Temporary Outdoor Sales & Activities

Sec. 22-451. - Intent.

It is the intent of this article to promote the health, safety, and welfare of the public by providing certain standards to allow for temporary outdoor sales and activities as an accessory use to an otherwise permitted use.

Sec. 22-452. - Definitions.

Temporary outdoor sales and activities includes, but is not limited to, whether for profit or not, outdoor sales, sidewalk sales, outdoor grand openings, temporary outdoor dining and events, and similar type activities, that are in connection with and on the same property as a permanent retail or restaurant business or other permanent principal use, and are temporary and of such a nature as to be acceptable to the general public with regard to morals, health, safety features, and the conduct of the event participants.

Sec. 22-453. - Prohibited events.

After investigation by the city, no event judged to be a nuisance, safety hazard or otherwise not conforming to public welfare or morals shall be permitted and no license shall be issued to such event, nor permits granted for operation in the city.

Sec. 22-454. - Operation; public conduct.

The operation of any temporary outdoor sales event must be orderly and in keeping with the nature of the event, and any approval of the event. The event, and all persons attending the event, must comply with all applicable laws and ordinances at all times. Persons attending such event shall not create a disturbance, and the licensee shall not operate the event in such a way as to permit or encourage the creation of disturbances or breaches of the peace.

Sec. 22-455. - Exception.

This article shall not apply to seasonal outdoor sales regulated and licensed under article XIV of this chapter. Permanent outdoor activities may be permitted consistent with chapter 98.

Sec. 22-456. – License Required.

No person shall conduct or operate a temporary outdoor sales or activities event without having first procured a license for the event.

Sec. 22-457. - Application; fee.

- a. Applications for such licenses shall be made to the city manager, and shall include all of the following information:
 1. The name and address of the applicant;
 2. All of the partners, if the applicant is a partnership;
 3. All of the officers and directors, if the applicant is a corporation;
 4. The present resident addresses of all such persons;
 5. The address or parcel identification number(s) at which the event is to be conducted;
 6. The exact nature of the event;
 7. The date(s) of the event and the hours during which the event will take place on each day;
 8. Information as to whether the applicant, or any of its officers, directors or partners if it is a company, has ever been convicted of a felony;

9. Information as to whether the applicant owns or occupies the property at which the event is to be held, and, if the applicant does not own the property, the applicant shall also furnish written consent from the owner of the property and shall provide proof that written notice has been given within seven (7) days of the date of submission of the application to the city to all other tenants, if any, on the property of the proposed event and applicant's intent to submit its application for a license to the city;
10. Plans showing the layout of the event area, which plans shall identify all existing structures and improvements on the property where the event is to occur, and shall identify the location and describe all event-related temporary structures, tents, stands, ingress and egress, parking, traffic circulation, signs, lighting, electrical equipment, sound equipment, mechanical equipment, portable toilets, and any other information related to the event that may be requested by the city in order to make an informed decision regarding the issuance of a license for the event; and
11. Such other information as may be required on forms as designated by the city, which shall be completed prior to such application being considered.
 - b. A nonrefundable license fee shall be paid at the time the application is approved. The amount of the fee shall be determined by the city council.
 - c. The completed application shall be submitted at least thirty (30) days in advance of the event. The city may, but is in no way obligated to, consider an application submitted late, if the city manager determines in his or her discretion that exceptional circumstances exist and there is sufficient time for reviews, inspection and decisions to be made under this Code.

Sec. 22-458. - Investigation.

The city clerk shall refer such applications to the city manager, who shall instruct the various city departments to make an investigation of and report with recommendations concerning all aspects of the proposed event.

Sec. 22-459. - Zoning compliance.

When located on private property, temporary outdoor sales shall comply with the regulations of chapter 98 of this code. No license shall be issued for the operation of any temporary outdoor sales event at any location where such principal use is not permitted under chapter 98 of this Code.

Sec. 22-460. - License approval; issuance.

- a. Following receipt of the departmental reports and investigations, the city manager, or his or her designee, may approve, approve with conditions, or deny license applications for temporary outdoor sales events. An applicant aggrieved by the decision of the city manager under this subsection shall have the right to file an appeal of the decision to the zoning board of appeals within twenty-one (21) days of the city manager's decision in the manner provided under chapter 98 of this Code.
- b. If an application for a license is approved, the city manager will issue the appropriate license with a statement of any applicable conditions upon completion of all requirements under this article and payment of the required license fee. The amount of such fee shall be established by resolution of the city council.

Sec. 22-461. - Duration of license.

Such license shall be issued for a period to be established by the city. Licenses issued hereunder are not renewable.

Sec. 22-462. - Bond required.

It shall be a condition precedent to the issuance of any license under this article that the applicant post with the city a valid liability insurance certificate and a clean-up bond deposit in amounts to be determined by a resolution of the city council. The condition of such deposit shall be that the licensee shall obey all of the laws of the State of Michigan and the ordinances of the City of Brighton in connection with the event, shall cease all event activities on or before the expiration of the license, and shall remove all goods, equipment, tents, paraphernalia and other personal property related to the event from the premises on or before the expiration of the license.

Sec. 22-463. - Permits.

In addition to the requirement for obtaining a license for the event, other required permits for events under this article shall include, but not be limited to, the following areas:

- a. *Health facilities.* A permit from the Livingston County Health Department, if required by law, shall be obtained for any and all sanitary, water and food service facilities.
- b. *Electricity.* A permit from the city is required for all temporary generator or electric supply sources. All electrical work shall be done by a licensed electrical contractor.
- c. *Fire hazards.* Certification by the fire department of flame spread rates of all canvass and/or other cloth enclosures is required. Also, all fire department inspections and approvals required under applicable fire codes shall be obtained.
- d. *Inspections; certificate of use.* Fees shall be charged and paid for all inspections of the premises by the City of Brighton. If the event and all inspections have been approved, the building division will issue a temporary certificate of use for the time period designated.

Zoning Ordinance

Section 98-2.2 Definitions

Seasonal outdoor sales means the temporary sale of agricultural products and other goods, as regulated by the City of Brighton City Code.

Temporary outdoor sales and activities event or event means activities that include, but are not limited to, whether for profit or not, outdoor sales, sidewalk sales, outdoor grand openings, temporary outdoor events, and similar type activities, that are in connection with and on the same property as a permanent retail or restaurant business or other permanent principal use, and are temporary and of such a nature as to be acceptable to the general public with regard to morals, health, safety features, and the conduct of the event participants.

34-4.43 Seasonal outdoor sales

There are certain uses that are both temporary and seasonal in nature. They are uses which may not be permitted within the zoning district where proposed but may be considered acceptable because nearby areas are vacant or because the characteristics of the use are not incompatible with existing uses in the area. These uses shall be regulated as follows:

- A. Seasonal outdoor sales may take place not more than 2 times per calendar year on a lot or parcel (i.e., two sales events per year per lot). The total duration of a sales event shall not exceed 30 days. There shall be at least fifteen (15) days between any two seasonal sales events on a lot or parcel. These time limits may be expanded by city council in the event of a state of emergency, where additional outdoor activity is consistent with furtherance of the health, safety and welfare.
- B. Seasonal outdoor sales may be carried on only upon a lot or parcel of property having frontage upon a major or secondary thoroughfare.
- C. If seasonal outdoor sales is proposed to be conducted in the parking lot of an active use, the applicant shall demonstrate that there is ample space for the seasonal outdoor sales, any principal uses, and parking for both the seasonal outdoor use and any other use on the subject site.
- D. The seasonal outdoor sales use shall have up to 5 days to establish the temporary use including erection of tents, placement of merchandise, and placement of temporary signs.
- E. Seasonal outdoor sales may include up to 1 primary temporary tent plus 1 additional temporary tent or temporary storage container or trailer. Sales and storage shall be limited to the approved tent(s) and, when provided, storage container. No tent shall exceed 2,400 square feet in area nor shall it be greater than 20 feet in height.
- F. If a seasonal outdoor sales use has a temporary storage container or trailer for the purpose of temporary storage of related merchandise, sales or a combination of storage and sales, the exterior design, appearance and color scheme of the container / trailer shall be in keeping with the general color scheme of the surrounding development or a neutral color. For example, a bright yellow or orange container / trailer located in a shopping center with a brick façade shall not be permitted. When both a container / trailer and tent are proposed, the container / trailer shall not be placed closer to public street than the tent.
- G. Each temporary use may have one sign attached to a tent or other structure on the site. The sign area shall not exceed 75 square feet. For corner lots, one additional sign of up to 75 square feet may be permitted. In addition, signs required by law designating fire routes, tent entrances and exits shall be permitted. Also, directional signs up to 4 square feet in area and not greater

than 3 feet in height may be permitted at driveways serving the site and up to 4 additional directional signs may be placed at locations within the site if necessary for wayfinding and / or traffic safety. No balloons, festoons, inflatables or other similar devices designed to attract attention to the site or use shall be permitted.

- H. Seasonal outdoor sales shall comply with all applicable laws and ordinance regulations of the City including obtaining a license under Chapter 22, Article XIV of the City Code.

Section 98-4.44 Accessory Temporary Events and Activities

Temporary events and activities. From time to time, existing businesses may hold temporary events and activities, including grand openings, sidewalk sales, temporary expanded outdoor dining and other special outdoor events. These are temporary uses which are permitted within the zoning district, and are accessory to, and consistent with, the principal use. These uses shall be regulated as follows:

- A. Temporary events and activities may take place not more than 4 times per calendar year on a lot or parcel (i.e., four sales events per year per lot). The total duration of a sales event shall not exceed 5 days. There shall be at least fifteen (15) days between any two temporary events and activities on a lot or parcel. These time limits may be expanded by city council in the event of a state of emergency, where additional outdoor activity is consistent with furtherance of the health, safety and welfare.
- B. When temporary events and activities are proposed to be conducted in the parking lot of an active use, the applicant shall demonstrate that there is ample space for the temporary event or activity, any principal uses, and parking for all uses on the subject site. Parking may be provided within 500 ft of the subject site, with approval of property owner(s) of associated site(s).
- C. Temporary events and activities shall be established within five days of the event or activity, including erection of tents, placement of merchandise, and placement of temporary signs.
- D. Temporary events and activities may include up to 1 primary temporary tent plus 1 additional temporary tent. No tent shall exceed 2,400 square feet in area nor shall it be greater than 20 feet in height.
- E. Signage shall be permitted consistent with the city's sign ordinance.

Temporary events and activities shall comply with all applicable laws and ordinance regulations of the City including obtaining a license under Chapter 22, Article XIV of the City Code.

98-7.13 Temporary land uses

- A. ~~Temporary Land Uses. The City Council shall only have the authority to grant permits authorizing temporary land uses for the sale of produce, firewood and Christmas trees subject to the following conditions:~~
- ~~1. The sale of the products shall be restricted to nonresidential zoning districts. The sale of products shall not be permitted in residential transitional districts.~~
 - ~~2. The owner of the property shall apply for the temporary use permit on a form to be provided by the City of Brighton. The application shall include a drawing, in triplicate, drawn to scale, which depicts the following:
 - ~~a. The shape, location and dimensions of the lot.~~
 - ~~b. The shape, size, and location of all buildings or other structures existing on the lot.~~
 - ~~c. A layout of existing and proposed off-street parking.~~
 - ~~d. The location of designated fire lanes.~~
 - ~~e. The shape, size and location of all temporary facilities to be erected or located upon the lot, including all tents, tables, stands, or display racks.~~
 - ~~f. The materials to be utilized in the construction of any temporary facilities.~~
 - ~~g. The proposed flow of automobile and pedestrian traffic to and from the lot and any adjacent thoroughfares.~~~~
 - ~~3. A temporary use permit for the sale of Christmas trees and related items shall be effective for 30 days or less. No more than one temporary use permit for the sale of Christmas trees or related items shall be issued for any given location within a single calendar year.~~
 - ~~4. A temporary use permit for the sale of produce, firewood, or other similar products shall be effective for 90 days or less. No more than one temporary use permit for such products shall be issued for any given location 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.~~
 - ~~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.~~~~
 - ~~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. Prior to granting a temporary use permit, the City Council shall hold a public hearing. Notice of the public hearing shall be given in accordance with **Section 98-7.11.**~~

8. ~~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 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 shall result in revocation of the permit by the City Manager or designee. Notice of revocation of the permit shall be given in writing and shall either be posted at the site of the temporary land 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.~~
9. ~~No temporary use permit shall be issued for the sale of appliances, furniture, artwork, crafts, clothing or other similar products.~~
10. ~~Renewal of a temporary use permit shall not require a public hearing or City Council approval if there are no documented violations of the permit, and the City has not received any complaints regarding the permitted use and location.~~

~~B. Exemptions. Exempted from the requirements of this Section are the following:~~

1. ~~Outside sales of products approved by the City Council as part of site plan approvals;~~
2. ~~All civic events approved by the City Council, including, but not limited to, the Farmer's Market, Art Fair and sidewalk sales;~~
3. ~~Sale of products by the owner of a business which is incidental to their principal business and occurs within 15 feet of the building in which the business is operated;~~
4. ~~The sale of hot dogs, hamburgers, snow cones, peanuts, chips and/or other non-alcoholic beverages or other similar products as determined by the City Manager or designee from a temporary/portable stand. The sale of such products must comply with all requirements of the Livingston County health department.~~

- A. Temporary land uses, including seasonal outdoor sales, temporary outdoor sales and activities events as defined in Chapter 2.2 are regulated elsewhere in this Chapter and in Chapter 22 of the city code.**
- B. Prohibition of Premanufactured Buildings or Sales Trailers. The use of premanufactured buildings or trailers as temporary sales offices is prohibited.

memorandum

DATE: March 18, 2020
TO: Michael Caruso, Community Development Manager
FROM: Jill Bahm and Rod Arroyo, Giffels Webster
SUBJECT: Zoning for Transit Facilities

Introduction

What prompted this zoning discussion?

- The ordinance provides for permitted uses and special land uses, but it has been noted that the term “conditional use” is used but it is unclear for what purpose.

Current Language

What does the Zoning Ordinance say?

- The Zoning Ordinance mentions conditional uses in Section 98-2.2 Definitions and 98-7.11 Public Hearings. No uses are identified as conditional uses.

Background on Issue

Why consider an amendment?

- Cleaning up the Zoning Ordinance for clarity and consistency is helpful for applicants, reviewing bodies and the community.

Recommendation

Amend the Zoning Ordinance as follows on the next page.

CITY OF BRIGHTON

Ordinance No ____

AN ORDINANCE AMENDING THE ZONING ORDINANCE AS FOLLOWS:

ARTICLE 2 – DEFINITIONS, TO REMOVE THE TERMS “CONDITIONAL USE” and USE, NOT OTHERWISE ALLOWED IN A SPECIFIC USE DISTRICT”

ARTICLE 7 – ADMINISTRATION, TO REMOVE THE TERM “CONDITIONAL USE”

THE CITY OF BRIGHTON, LIVINGSTON COUNTY, HEREBY ORDAINS:

PART 1. AMEND CHAPTER 98, ARTICLE 2, SECTION 2.2 TO REMOVE THE TERMS “CONDITIONAL USE” and “USE, NOT OTHERWISE ALLOWED IN A SPECIFIC USE DISTRICT” AS FOLLOWS:

~~Conditional use means a use specified in this Chapter as permissible in a specific use district only after special conditions are met.~~

~~Use, not otherwise allowed in a specific use district means a use specified in this chapter as permissible in a district only after special conditions are met, and only after public hearing.~~

Part 2. AMEND CHAPTER 98, ARTICLE 7, SECTION 7.11 TO REMOVE THE TERM “CONDITIONAL USE” AS FOLLOWS:

Any public hearing conducted by the Board of Appeals or the City Council in respect to a request for a variance, ~~conditional use permit~~, special use permit, or zoning district boundary change shall only be held after the following conditions have been met: *[no changes to the subsequent text]*

memorandum

DATE: December 16, 2020
TO: Michael Caruso, Community Development Manager
FROM: Jill Bahm, Giffels Webster
SUBJECT: Accessory buildings

Introduction

What prompted this zoning discussion?

- It has been observed that there are many properties in the city, particularly in older parts near downtown, that have lots in which it is challenging for property owners to meet the required zoning setbacks for accessory structures.

Current Language

What does the Zoning Ordinance say?

- **Section 5.16** provides setback standards for accessory buildings. Section 5.16.B.2 allows accessory structures to be set back two feet from a side lot line, but does not provide a setback for the rear lot line, therefore the principal building setback of 35 ft is applicable.

Recommendation

- Minor modifications are made to section A to clarify permitting.
- Section B.1 is proposed to be modified to clarify that if a detached structure is attached to the principal structure, the setbacks of the principal structure apply.
- Section B.2 is proposed to be modified to require a 5' side setback and eliminate the distance between adjacent accessory structures as it would be unnecessary. The additional space will allow for better access to the accessory structure itself for construction and repair as well as to encourage maintenance in these areas between the structure and side lot line. In addition this section provides a rear yard setback of 10 feet.

CITY OF BRIGHTON

Ordinance No. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE AS FOLLOWS:
ARTICLE 5 – SITE STANDARDS, TO AMEND THE SETBACKS FOR ACCESSORY STRUCTURES

THE CITY OF BRIGHTON, LIVINGSTON COUNTY, HEREBY ORDAINS:

PART 1. AMEND CHAPTER 98, ARTICLE 5, SECTION 5.16 TO AMEND THE REQUIRED SETBACK AS FOLLOWS:

98-5.16 Accessory Buildings and Uses

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

A. Permit Requirements:

1. Placement of any accessory building exceeding 50 square feet on private property shall require a **building** permit from the City of Brighton.
2. 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 plot** plan showing the proposed accessory building location.
3. 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.
4. One accessory building under 200 square feet shall be permitted on a parcel of private property.
5. The fee for an accessory building permit issued by the City of Brighton shall be in an amount as set by the City Council.

B. Design Criteria:

1. 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~~ **the setbacks for the principal building are met.**
2. 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~~ **five** feet to the side lot line **and shall follow the minimum rear setbacks as required for the district, except that in the R-1 district, for lots 132 feet or less in depth, the minimum setback shall be 10 feet**. ~~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.~~
3. In residential districts, detached accessory buildings under 200 square feet shall not be closer than five feet to the rear lot line.

C. A detached garage or other legal accessory building or use, shall be located only in the rear yard.

D. Private garages shall be not more than one story or 15 feet (4.5720 meters) in height and no service for profit may be conducted within the structure.

- E. In the A-1, A-2, R-1 and R-1-O districts, accessory buildings and uses are permitted when located on the same or adjoining lot and not involving any business, profession, trade or occupation. One private garage for each residential lot in which there is housed not more than three motor vehicles, not more than one of which may be a commercial vehicle, shall be considered a legal accessory use, provided, however, any such commercial vehicle shall not exceed three-quarters ton capacity.
- F. In the C1, C-2, and C-4 districts, any building used primarily for any of the permitted uses may have not more than 40 percent of the floor area devoted to industry, manufacturing or storage purposes incidental to such primary use. No more than five employees shall be engaged at any time on the premises in the use which is incidental to the primary use.
- G. In the SHD district, accessory buildings must be located on the same or adjoining lot of the permitted use.

memorandum

DATE: December 16, 2020
TO: Michael Caruso, Community Development Manager
FROM: Jill Bahm, Giffels Webster
SUBJECT: Design Standards

Introduction

What prompted this zoning discussion?

- One of the goals of the city's Comprehensive Plan addresses community identity and says, "Maintain a standard of high-quality design and materials on new and redeveloped buildings throughout the city."
- There are three associated action strategies with this goal:
 - Establish architectural design, signage, and landscaping of key entryway features at the city's borders. (Advocacy item)
 - Provide resources that allow enforcement of ordinances that ensure high quality development (Advocacy item)
 - Amend the Zoning Ordinance as needed to ensure intent, uses and development standards are in alignment with the Future Land Use Plan. (Zoning Action Items)

Current Language

What does the Zoning Ordinance say?

- The Zoning Ordinance regulates land development through the site plan review process, intended for permanent improvements and contains standards regulating dimensional setbacks, site improvements (parking, landscaping, etc.) and use conditions. The only districts that include design standards are the Downtown Business District and R5 district.

Background on Issue

Why consider an amendment?

- The city has expressed a desire to see high quality building and site standards. While the Comprehensive Plan provides guidance to the development community, having zoning standards reinforces the importance of thoughtful design that enhances the appearance of the city.
- Having design guidelines in the Zoning Ordinance helps provide consistency and reassurance to the development community that their improvements will be consistent with future improvements.

Recommendation

The attached ordinance provides a simple and clear set of design standards for all development that requires site plan review.

CITY OF BRIGHTON
Ordinance No ____

AN ORDINANCE AMENDING THE ZONING ORDINANCE AS FOLLOWS:
ARTICLE 5 – SITE STANDARDS, TO ADD A DESIGN STANDARDS FOR NON-RESIDENTIAL BUILDINGS.

THE CITY OF BRIGHTON, LIVINGSTON COUNTY, HEREBY ORDAINS:

PART 1. AMEND CHAPTER 98, ARTICLE 5, to add a new Section 5.17 AS FOLLOWS:

Section 5.17. Development Standards. For all development requiring site plan review, the preparation and review of development plans presented pursuant to this ordinance shall be governed by the following guidelines, intended to enhance and maintain the city’s identity as envisioned in the Comprehensive Plan:

1. **Foundations.** All principal and accessory buildings shall be constructed on a permanent foundation. Temporary accessory structures including tents may be permitted as provided elsewhere in this ordinance.
2. **Compatibility with surrounding development.**
 - A. New development or the alteration or enlargement of existing development shall be compatible with the character and quality of surrounding development and shall enhance the appearance of the area in which the development is located.
 - B. New development on a parcel which is subdivided from a larger parcel that is improved with an existing development shall be developed with architectural treatment similar to, and compatible with, the building materials, colors, and architectural style of such existing development unless good cause is demonstrated to the satisfaction of the planning commission. In the event such existing development is in a dilapidated condition or is not developed to current code standards, such new development shall be in accordance with the other design criteria for structures as provided in this chapter.
 - C. The location, configuration, size and design of buildings and structures shall be visually harmonious with their sites and with the surrounding sites, buildings and structures, and should not create pedestrian or vehicular traffic hazards.
3. **Building and hardscape materials.**
 - A. Architectural treatment shall be provided and may consist of, but shall not be limited to, the use of textured concrete, paint, glass panels, horizontal and/or vertical score lines, doors, different forms of masonry construction, building layouts which include configurations other than squares and rectangles or, where applicable, distinguishing differing use areas from other use areas (e.g., office from industrial). Variety in the design of buildings, structures and grounds and the use of architectural treatment shall be required to avoid monotony in the external appearance. Other materials may be considered by the Planning Commission if it can be demonstrated that alternate materials will be durable, attractive and easy to maintain.
 - B. Architectural treatment of buildings and structures and their materials and colors shall be visually harmonious with the natural environment, existing buildings and structures, and surrounding development, and shall enhance the appearance of the area.

- C. Garish, inharmonious, or out-of-character colors shall not be used on any building, face, or roof visible from any public right-of-way or from an adjoining site. Exposed metal flashing or trim shall be anodized or painted to blend with the exterior colors of the building.
 - D. Rooflines on a building or structure should be compatible throughout the building or structure and with existing buildings and structures and surrounding development.
 - E. The design of accessory structures, fences and walls shall be harmonious with the principal building and other buildings on the site. Insofar as possible, the same building materials should be used on all structures on a site.
4. **Landscape and open space.**
- A. Landscaping shall be an integral part of site design, pursuant to the standards of Section 5.7.
 - B. Landscaping areas shall be considered in the total site and architectural design to be harmonious, attractive and well-maintained. Review shall include materials, textures, colors, illumination and landscaping areas.
5. **Mechanical equipment, service areas and utilities.** All mechanical equipment, roof structures, and all other mechanical equipment external to the main or accessory structures shall be screened from public view, and such screening shall be of the same color as the main or accessory structure or, if screening is impracticable, as determined by the community development manager, the applicant must paint or treat such roof structures and mechanical equipment so as to be nonreflective and compatible with the main or accessory structures.
6. **Screen walls.** Unless otherwise required, boundary and other walls and fences should generally be of decorative masonry and/or wrought iron which is complementary in color, texture and material to the development as a whole, although it is recognized that these materials may not be appropriate in all situations.
7. **Circulation.** The site shall be designed to provide safe, comfortable and efficient pedestrian and vehicular circulation. Internal sidewalks shall connect building entrances and other areas intended for the general visiting public to public sidewalks. Pavement markings shall identify safe and efficient pedestrian ways through parking areas.
8. **Sustainability.** Site improvements shall incorporate environmentally sustainable and energy-efficient techniques, materials and designs. This may include the reuse of existing buildings and materials, the conservation of natural resources and reduction of toxins in new construction and substantial rehabilitation of existing buildings through selection of recycled and otherwise environmentally appropriate building materials and methods.

memorandum

DATE: December 16, 2020
TO: Michael Caruso, Community Development Manager
FROM: Jill Bahm, Giffels Webster
SUBJECT: Site Plan Review - Assurances

Introduction

What prompted this zoning discussion?

- There are two different standards associated with development assurances, or bonds, required in the Zoning Ordinance and general code of ordinances. For consistency, these standards should be the same.

Current Language

What does the Zoning Ordinance say?

- **Section 6.1.K Bonding Requirements.** The approving body may require the deposit of a performance bond in the form and amount of cash, certified check, irrevocable letter of credit, or surety bond determined by the Community Development Department, to assure the timely, qualitative and quantitative completion of any **public improvements shown on the site plan** [emphasis added], particularly when they are to be performed by a date certain. The Community Development Department shall make rebates against such bond, in appropriate amounts, as specified stages of development are completed. Any rebates shall be subject to the withholding of ten percent (10%) of the amounts by the City. Such ten percent (10%) retainage shall be released by the Community Development Department upon the applicant's final satisfactory completion of all bonded conditions.

What does the general code say?

- Sec. 82-98. Assurance required. (a) At the time a building permit is issued for the construction of a project approved in accordance with this article, the site developer shall provide the city with an irrevocable bank letter of credit drawable by the city, or a cash deposit to be placed in an interest bearing escrow account at a bank of the city's choice, in the **amount equivalent to 100 percent of the related site improvements, to ensure construction of nonbuilding related site improvements as indicated on the approved site plan** [emphasis added]. For the purpose of this section, the term nonbuilding related improvements shall include public and private: sidewalks, curbs and gutters, landscaping, stormwater management facilities, parking lots, parking lot markings, parking lot lighting, potable water service lines, sanitary sewer service lines, solid waste disposal facilities, fences and site signs. The value of nonbuilding related site improvements shall be based on an estimate provided by the site developer and accepted by the city manager or designee. If the estimate is not acceptable to the city manager or designee, the city shall prepare an estimate which shall be final.

Recommendation

The attached ordinance amends the Zoning Ordinance to be consistent with the general code.

CITY OF BRIGHTON

Ordinance No___

AN ORDINANCE AMENDING THE ZONING ORDINANCE AS FOLLOWS:

ARTICLE 6 – DEVELOPMENT REVIEW, TO AMEND THE PROVISIONS FOR BONDING

THE CITY OF BRIGHTON, LIVINGSTON COUNTY, HEREBY ORDAINS:

PART 1. AMEND CHAPTER 98, ARTICLE 6, SECTION 6.1.K TO CLARIFY PROVISIONS FOR BONDING FOLLOWS:

98-6.1.K Bonding Requirements. The approving body may require the deposit of a performance bond in the form and amount of cash, certified check, irrevocable letter of credit, or surety bond determined by the Community Development Department, to assure the timely, qualitative and quantitative completion of any ~~public improvements shown on the site plan~~ **nonbuilding related site improvements as indicated on the approved site plan**, particularly when they are to be performed by a date certain. The Community Development Department shall make rebates against such bond, in appropriate amounts, as specified stages of development are completed.

Any rebates shall be subject to the withholding of ten percent (10%) of the amounts by the City. Such ten percent (10%) retainage shall be released by the Community Development Department upon the applicant's final satisfactory completion of all bonded conditions.

CITY OF BRIGHTON
ORDINANCE NO. 595

AN ORDINANCE OF THE CITY OF BRIGHTON, MICHIGAN; AMENDING CHAPTER 22, "BUSINESSES"; AND CHAPTER 98, "ZONING" OF THE CODE OF ORDINANCE AS FOLLOWS:

CHAPTER 22

ADD NEW ARTICLE XIV "SEASONAL OUTDOOR SALES AND ACTIVITIES"

ADD NEW ARTICLE XV "TEMPORARY OUTDOOR SALES AND ACTIVITIES"

CHAPTER 98

ARTICLE 2-DEFINITIONS, TEXT AMENDMENTS TO SECTION 98-2.2;

ARTICLE 4-USE STANDARDS, ADD NEW LANGUAGE, SECTION 98-4.43 AND 98-4.44;

ARTICLE 5-SITE STANDARDS, TEXT AMENDMENTS TO SECTION 98-5.16;

ARTICLE 5-SITE STANDARDS, ADD NEW LANGUAGE, SECTION 98-5.17;

ARTICLE 6-DEVELOPMENT PROCEDURES, TEXT AMENDMENTS TO SECTION 98-6.1(K);

ARTICLE 7-ADMINISTRATION/ENFORCEMENT, TEXT AMENDMENTS TO SECTION 98-7.11 AND 98-7.13;

THE CITY OF BRIGHTON, LIVINGSTON COUNTY, HEREBY ORDAINS:

Amend Chapter 22, by adding Article XIV, "Seasonal Outdoor Sales and Activities" as follows:

Section. 22-431 – Intent.

It is the intent of this article to promote the health, safety, and welfare of the public by providing certain performance standards to allow for the short-term outdoor sales of seasonal goods not otherwise associated with an existing related business.

Section. 22-432. - Definitions.

"Seasonal outdoor sales" is the temporary sale of agricultural products and other goods, as regulated by the City of Brighton City Code.

Section. 22-433. - Required license.

It shall be unlawful for any person to engage in the business of seasonal outdoor sales on any open lot in the city without first obtaining a license from the city manager.

Section. 22-434. - Application.

Applications for seasonal outdoor sales licenses shall be made to the city manager, and shall include all of the following:

1. The name and address of the applicant;
2. All of the partners, if the applicant is a partnership;
3. All of the officers and directors, if the applicant is a corporation;
4. The present resident addresses of all such persons;
5. The address or parcel identification number(s) at which the sales activity is to be conducted;
6. The exact nature of the sales, types and quantity of products to be sold and stored on site, and plans for display and storage of merchandise and products;
7. The date(s) of the sales activity and the hours during which the activity will take place on each day;

8. Information as to whether the applicant owns or occupies the property at which the sales activity will occur, and, if the applicant does not own the property, the applicant shall also furnish written consent from the owner of the property;
9. Plans showing the layout of the sales activity area, which plans shall identify all existing structures and improvements on the property where the sales activity is to occur, and shall identify the location and describe all sales activity-related temporary structures, tents, stands, ingress and egress, parking, signs, lighting, electrical equipment, sound equipment, mechanical equipment, portable toilets, and any other information related to the sales activity that may be requested by the city in order to make an informed decision regarding the issuance of a license for the sales activity;
10. Plans for security at the sales activity site during operating and non-operating hours;
11. Copies of required state licenses; and
12. Such other information to determine compliance with section 22-435 and as may be required by applications on forms as designated by the city, which shall be completed prior to such application being considered.
13. Clean-up deposit and non-refundable review fee based on fee schedule approved by city council.

The completed application shall be submitted at least thirty (30) days in advance of the sales activity. The city may, but is in no way obligated to, consider an application submitted late, if the city manager determines in his or her discretion that exceptional circumstances exist and there is sufficient time for reviews, inspection and decisions to be made under this Code.

Section. 22-435 - Conditions for issuance.

The business of seasonal outdoor sales may be carried on only upon a lot or parcel of property having frontage upon a major or secondary thoroughfare in accordance with the following conditions:

- a. The licensee must be the owner of the property or obtain written permission of the owner to use the property for seasonal outdoor sales.
- b. The licensee must provide space for off-street parking of not less than five (5) automobiles at any one (1) time.
- c. If electrical lights are used, a minimum electrical permit fee shall be obtained and the lighting system must be approved by the city electrical inspector.
- d. Upon receipt of an application, the city manager shall distribute the application for review and comment by the planning and community development department, engineering division, police and fire department.
- e. Hours of operation shall be limited to anytime between 9:00 a.m. and 10:00 p.m.
- f. Seasonal outdoor sales shall also be comply with subsection 98-4.43 of the Zoning Ordinance.
- g. Seasonal outdoor sales shall not be permitted for a period longer than 90 days.
- h. A license shall not be renewed; subsequent outdoor sales for different seasonal products shall require a new license application.

Section. 22-436. - Timely setup and cleanup of premises; refund of deposit.

Each licensee under this division shall have up to five (5) days to establish the temporary use including erection of tents, placement of merchandise, and placement of temporary signs. In addition, each licensee shall clean up the licensed premises and remove unsold items and debris. This shall occur on or before the fifth day following recognized holiday for which sales

are proposed. It shall be unlawful for a licensee to abandon licensed premises without such cleaning and removal. If any licensee fails to do such cleaning and removing, the director of planning and community development or persons designated by the director shall enter upon the premises, do such cleaning and removing, and charge the cost thereof to the deposit. The remainder of the deposit, if any, shall be refunded. Any licensee who performs his or her obligations as required by this section shall be refunded the deposit following cleanup after the designated holiday, as described above.

Amend Chapter 22, by adding Article XV, “Temporary Outdoor Sales and Activities” as follows:

Section. 22-451. - Intent.

It is the intent of this article to promote the health, safety, and welfare of the public by providing certain standards to allow for temporary outdoor sales and activities as an accessory use to an otherwise permitted use.

Section. 22-452. - Definitions.

“Temporary outdoor sales and activities” includes, but is not limited to, whether for profit or not, outdoor sales, sidewalk sales, outdoor grand openings, temporary outdoor dining and events, and similar type activities, that are in connection with and on the same property as a permanent retail or restaurant business or other permanent principal use, and are temporary and of such a nature as to be acceptable to the general public with regard to morals, health, safety features, and the conduct of the event participants.

Section. 22-453. - Prohibited events.

After investigation by the city, no event judged to be a nuisance, safety hazard or otherwise not conforming to public welfare or morals shall be permitted and no license shall be issued to such event, nor permits granted for operation in the city.

Section. 22-454. - Operation; public conduct.

The operation of any temporary outdoor sales event must be orderly and in keeping with the nature of the event, and any approval of the event. The event, and all persons attending the event, must comply with all applicable laws and ordinances at all times. Persons attending such event shall not create a disturbance, and the licensee shall not operate the event in such a way as to permit or encourage the creation of disturbances or breaches of the peace.

Section. 22-455. - Exception.

This article shall not apply to seasonal outdoor sales regulated and licensed under article XIV of this chapter. Permanent outdoor activities may be permitted consistent with chapter 98.

Section. 22-456. – License Required.

No person shall conduct or operate a temporary outdoor sales or activities event without having first procured a license for the event.

Section. 22-457. - Application; fee.

- a. Applications for such licenses shall be made to the city manager, and shall include all of the following information:

1. The name and address of the applicant;
 2. All of the partners, if the applicant is a partnership;
 3. All of the officers and directors, if the applicant is a corporation;
 4. The present resident addresses of all such persons;
 5. The address or parcel identification number(s) at which the event is to be conducted;
 6. The exact nature of the event;
 7. The date(s) of the event and the hours during which the event will take place on each day;
 8. Information as to whether the applicant, or any of its officers, directors or partners if it is a company, has ever been convicted of a felony;
 9. Information as to whether the applicant owns or occupies the property at which the event is to be held, and, if the applicant does not own the property, the applicant shall also furnish written consent from the owner of the property and shall provide proof that written notice has been given within seven (7) days of the date of submission of the application to the city to all other tenants, if any, on the property of the proposed event and applicant's intent to submit its application for a license to the city;
 10. Plans showing the layout of the event area, which plans shall identify all existing structures and improvements on the property where the event is to occur, and shall identify the location and describe all event-related temporary structures, tents, stands, ingress and egress, parking, traffic circulation, signs, lighting, electrical equipment, sound equipment, mechanical equipment, portable toilets, and any other information related to the event that may be requested by the city in order to make an informed decision regarding the issuance of a license for the event; and
 11. Such other information as may be required on forms as designated by the city, which shall be completed prior to such application being considered.
- b. A nonrefundable license fee shall be paid at the time the application is approved. The amount of the fee shall be determined by the city council.
 - c. The completed application shall be submitted at least thirty (30) days in advance of the event. The city may, but is in no way obligated to, consider an application submitted late, if the city manager determines in his or her discretion that exceptional circumstances exist and there is sufficient time for reviews, inspection and decisions to be made under this Code.

Section. 22-458. - Investigation.

The city clerk shall refer such applications to the city manager, who shall instruct the various city departments to make an investigation of and report with recommendations concerning all aspects of the proposed event.

Section. 22-459. - Zoning compliance.

When located on private property, temporary outdoor sales shall comply with the regulations of chapter 98 of this code. No license shall be issued for the operation of any temporary outdoor sales event at any location where such principal use is not permitted under chapter 98 of this Code.

Section. 22-460. - License approval; issuance.

- a. Following receipt of the departmental reports and investigations, the city manager, or his or her designee, may approve, approve with conditions, or deny license applications for temporary outdoor sales events. An applicant aggrieved by the decision of the city manager under this subsection shall have the right to file an appeal of the decision to the zoning board of appeals within twenty-one (21) days of the city manager's decision in the manner provided under chapter 98 of this Code.
- b. If an application for a license is approved, the city manager will issue the appropriate license with a statement of any applicable conditions upon completion of all requirements under this article and payment of the required license fee. The amount of such fee shall be established by resolution of the city council.

Section. 22-461. - Duration of license.

Such license shall be issued for a period to be established by the city. Licenses issued hereunder are not renewable.

Section. 22-462. - Bond required.

It shall be a condition precedent to the issuance of any license under this article that the applicant post with the city a valid liability insurance certificate and a clean-up bond deposit in amounts to be determined by a resolution of the city council. The condition of such deposit shall be that the licensee shall obey all of the laws of the State of Michigan and the ordinances of the City of Brighton in connection with the event, shall cease all event activities on or before the expiration of the license, and shall remove all goods, equipment, tents, paraphernalia and other personal property related to the event from the premises on or before the expiration of the license.

Section. 22-463. - Permits.

In addition to the requirement for obtaining a license for the event, other required permits for events under this article shall include, but not be limited to, the following areas:

- a. *Health facilities.* A permit from the Livingston County Health Department, if required by law, shall be obtained for any and all sanitary, water and food service facilities.
- b. *Electricity.* A permit from the city is required for all temporary generator or electric supply sources. All electrical work shall be done by a licensed electrical contractor.
- c. *Fire hazards.* Certification by the fire department of flame spread rates of all canvass and/or other cloth enclosures is required. Also, all fire department inspections and approvals required under applicable fire codes shall be obtained.
- d. *Inspections; certificate of use.* Fees shall be charged and paid for all inspections of the premises by the City of Brighton. If the event and all inspections have been approved, the building division will issue a temporary certificate of use for the time period designated.

Amend Chapter 98, Article 2, Section 98-2.2, by adding the following definitions:

Seasonal outdoor sales means the temporary sale of agricultural products and other goods, as regulated by the City of Brighton City Code.

Temporary outdoor sales and activities event or event means activities that include, but are not limited to, whether for profit or not, outdoor sales, sidewalk sales, outdoor grand openings, temporary outdoor events, and similar type activities, that are in connection with and on the same property as a permanent retail or restaurant business or other permanent principal use, and are temporary and of such a nature as to be acceptable to the general public with regard to morals, health, safety features, and the conduct of the event participants.

Amend Chapter 98, Article 2, Section 98-2.2, by repealing the following definitions:

Conditional use means a use specified in this Chapter as permissible in a specific use district only after special conditions are met.

Use, not otherwise allowed in a specific use district means a use specified in this chapter as permissible in a district only after special conditions are met, and only after public hearing.

Amend Chapter 98, Article 4, by adding the following:

98-4.43 Seasonal outdoor sales and activities.

There are certain uses that are both temporary and seasonal in nature. They are uses which may not be permitted within the zoning district where proposed but may be considered acceptable because nearby areas are vacant or because the characteristics of the use are not incompatible with existing uses in the area. These uses shall be regulated as follows:

- a. Seasonal outdoor sales may take place not more than 2 times per calendar year on a lot or parcel (i.e., two sales events per year per lot). The total duration of a sales event shall not exceed 30 days. There shall be at least fifteen (15) days between any two seasonal sales events on a lot or parcel. These time limits may be expanded by city council in the event of a state of emergency, where additional outdoor activity is consistent with furtherance of the health, safety and welfare.
- b. Seasonal outdoor sales may be carried on only upon a lot or parcel of property having frontage upon a major or secondary thoroughfare.
- c. If seasonal outdoor sales is proposed to be conducted in the parking lot of an active use, the applicant shall demonstrate that there is ample space for the seasonal outdoor sales, any principal uses, and parking for both the seasonal outdoor use and any other use on the subject site.
- d. The seasonal outdoor sales use shall have up to 5 days to establish the temporary use including erection of tents, placement of merchandise, and placement of temporary signs.
- e. Seasonal outdoor sales may include up to 1 primary temporary tent plus 1 additional temporary tent or temporary storage container or trailer. Sales and storage shall be limited to the approved tent(s) and, when provided, storage

container. No tent shall exceed 2,400 square feet in area nor shall it be greater than 20 feet in height.

- f. If a seasonal outdoor sales use has a temporary storage container or trailer for the purpose of temporary storage of related merchandise, sales or a combination of storage and sales, the exterior design, appearance and color scheme of the container / trailer shall be in keeping with the general color scheme of the surrounding development or a neutral color. For example, a bright yellow or orange container / trailer located in a shopping center with a brick façade shall not be permitted. When both a container / trailer and tent are proposed, the container / trailer shall not be placed closer to public street than the tent.
- g. Each temporary use may have one sign attached to a tent or other structure on the site. The sign area shall not exceed 75 square feet. For corner lots, one additional sign of up to 75 square feet may be permitted. In addition, signs required by law designating fire routes, tent entrances and exits shall be permitted. Also, directional signs up to 4 square feet in area and not greater than 3 feet in height may be permitted at driveways serving the site and up to 4 additional directional signs may be placed at locations within the site if necessary for wayfinding and / or traffic safety. No balloons, festoons, inflatables or other similar devices designed to attract attention to the site or use shall be permitted.
- h. Seasonal outdoor sales shall comply with all applicable laws and ordinance regulations of the City including obtaining a license under Chapter 22, Article XIV of the City Code.

98-4.44 Accessory temporary events and activities.

Temporary events and activities. From time to time, existing businesses may hold temporary events and activities, including grand openings, sidewalk sales, temporary expanded outdoor dining and other special outdoor events. These are temporary uses which are permitted within the zoning district, and are accessory to, and consistent with, the principal use. These uses shall be regulated as follows:

- a. Temporary events and activities may take place not more than 4 times per calendar year on a lot or parcel (i.e., four sales events per year per lot). The total duration of a sales event shall not exceed 5 days. There shall be at least fifteen (15) days between any two temporary events and activities on a lot or parcel. These time limits may be expanded by city council in the event of a state of emergency, where additional outdoor activity is consistent with furtherance of the health, safety and welfare.
- b. When temporary events and activities are proposed to be conducted in the parking lot of an active use, the applicant shall demonstrate that there is ample space for the temporary event or activity, any principal uses, and parking for all uses on the subject site. Parking may be provided within 500 ft of the subject site, with approval of property owner(s) of associated site(s).
- c. Temporary events and activities shall be established within five days of the event or activity, including erection of tents, placement of merchandise, and placement of temporary signs.
- d. Temporary events and activities may include up to 1 primary temporary tent plus 1 additional temporary tent. No tent shall exceed 2,400 square feet in area nor shall it be greater than 20 feet in height.
- e. Signage shall be permitted consistent with the city's sign ordinance.

Temporary events and activities shall comply with all applicable laws and ordinance regulations of the City including obtaining a license under Chapter 22, Article XIV of the City Code.

Amend Chapter 98, Article 5, Section 98-5.16, Subsection (A)(1) to read as follows:

Placement of any accessory building exceeding 50 square feet on private property shall require a building permit from the City of Brighton.

Amend Chapter 98, Article 5, Section 98-5.16, Subsection (A)(2) to read as follows:

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 plot plan showing the proposed accessory building location

Amend Chapter 98, Article 5, Section 98-5.16, Subsection (B)(1) to read as follows:

Attached Accessory Buildings - Accessory buildings may be attached to and made structurally a part of the principal building on private property, provided that the setbacks for the principal building are met.

Amend Chapter 98, Article 5, Section 98-5.16, Subsection (B)(2) to read as follows:

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 five feet to the side lot line and shall follow the minimum rear setbacks as required for the district, except that in the R-1 district, for lots 132 feet or less in depth, the minimum setback shall be 10 feet.

Amend Chapter 98, Article 5, by adding the following:

98-5.17 Development Standards.

For all development requiring site plan review, the preparation and review of development plans presented pursuant to this ordinance shall be governed by the following guidelines, intended to enhance and maintain the city's identity as envisioned in the Comprehensive Plan:

1. *Foundations.* All principal and accessory buildings shall be constructed on a permanent foundation. Temporary accessory structures including tents may be permitted as provided elsewhere in this ordinance.
2. *Compatibility With Surrounding Development:*
 - a. New development or the alteration or enlargement of existing development shall be compatible with the character and quality of surrounding development and shall enhance the appearance of the area in which the development is located.
 - b. New development on a parcel which is subdivided from a larger parcel that is improved with an existing development shall be developed with architectural treatment similar to, and compatible with, the building materials, colors, and architectural style of such existing development

unless good cause is demonstrated to the satisfaction of the planning commission. In the event such existing development is in a dilapidated condition or is not developed to current code standards, such new development shall be in accordance with the other design criteria for structures as provided in this chapter.

- c. The location, configuration, size and design of buildings and structures shall be visually harmonious with their sites and with the surrounding sites, buildings and structures, and should not create pedestrian or vehicular traffic hazards.

3. *Building and Hardscape Materials.*

- a. Architectural treatment shall be provided and may consist of, but shall not be limited to, the use of textured concrete, paint, glass panels, horizontal and/or vertical score lines, doors, different forms of masonry construction, building layouts which include configurations other than squares and rectangles or, where applicable, distinguishing differing use areas from other use areas (e.g., office from industrial). Variety in the design of buildings, structures and grounds and the use of architectural treatment shall be required to avoid monotony in the external appearance. Other materials may be considered by the Planning Commission if it can be demonstrated that alternate materials will be durable, attractive and easy to maintain.
- b. Architectural treatment of buildings and structures and their materials and colors shall be visually harmonious with the natural environment, existing buildings and structures, and surrounding development, and shall enhance the appearance of the area.
- c. Garish, inharmonious, or out-of-character colors shall not be used on any building, face, or roof visible from any public right-of-way or from an adjoining site. Exposed metal flashing or trim shall be anodized or painted to blend with the exterior colors of the building.
- d. Rooflines on a building or structure should be compatible throughout the building or structure and with existing buildings and structures and surrounding development.
- e. The design of accessory structures, fences and walls shall be harmonious with the principal building and other buildings on the site. Insofar as possible, the same building materials should be used on all structures on a site.

4. *Landscape and Open Space.*

- a. Landscaping shall be an integral part of site design, pursuant to the standards of Section 5.7.
- b. Landscaping areas shall be considered in the total site and architectural design to be harmonious, attractive and well-maintained. Review shall include materials, textures, colors, illumination and landscaping areas.

5. *Mechanical equipment, service areas and utilities.* All mechanical equipment, roof structures, and all other mechanical equipment external to the main or accessory structures shall be screened from public view, and such screening shall be of the same color as the main or accessory structure or, if screening is impracticable, as determined by the community development manager, the applicant must paint or

treat such roof structures and mechanical equipment so as to be nonreflective and compatible with the main or accessory structures.

6. *Screen walls.* Unless otherwise required, boundary and other walls and fences should generally be of decorative masonry and/or wrought iron which is complementary in color, texture and material to the development as a whole, although it is recognized that these materials may not be appropriate in all situations.
7. *Circulation.* The site shall be designed to provide safe, comfortable and efficient pedestrian and vehicular circulation. Internal sidewalks shall connect building entrances and other areas intended for the general visiting public to public sidewalks. Pavement markings shall identify safe and efficient pedestrian ways through parking areas.
8. *Sustainability.* Site improvements shall incorporate environmentally sustainable and energy-efficient techniques, materials and designs. This may include the reuse of existing buildings and materials, the conservation of natural resources and reduction of toxins in new construction and substantial rehabilitation of existing buildings through selection of recycled and otherwise environmentally appropriate building materials and methods.

Amend Chapter 98, Article 6, Section 98-6.1 Subsection (K) to read as follows:

Bonding Requirements. The approving body may require the deposit of a performance bond in the form and amount of cash, certified check, irrevocable letter of credit, or surety bond determined by the Community Development Department, to assure the timely, qualitative and quantitative completion of any nonbuilding related site improvements as indicated on the approved site plan, particularly when they are to be performed by a date certain. The Community Development Department shall make rebates against such bond, in appropriate amounts, as specified stages of development are completed.

Amend Chapter 98, Article 7, Section 98-7.11, first paragraph, to read as follows:

Any public hearing conducted by the Board of Appeals or the City Council in respect to a request for a variance, special use permit, or zoning district boundary change shall only be held after the following conditions have been met:

Amend Chapter 98, Article 7, by repealing Section 98-7.13, and replace with the following:

98-7.13 Temporary Land Uses.

- a. Temporary land uses, including seasonal outdoor sales, temporary outdoor sales and activities, and events as defined in Chapter 2.2 are regulated elsewhere in this Chapter and in Chapter 22 of the city code.
- b. Prohibition of Premanufactured Buildings or Sales Trailers. The use of premanufactured buildings or trailers as temporary sales offices is prohibited.

TARA BROWN, City Clerk

SHAWN PIPOLY, Mayor

First Reading: _____

Brief Publication: _____

Second Reading: _____

Public Hearing: _____

Adoption: _____

Full Publication: _____

DRAFT

**City of Brighton
200 N. First St. Brighton, MI 48116
Planning Commission
Regular Meeting Minutes
January 25, 2021**

The Board for the Planning Commission held a Regular Meeting on Monday, January 25, 2021 at 7:00 p.m., conducted virtually.

1. Call to Order/Roll Call

Chairman Smith called the meeting to order at 7:01 p.m.

Commissioners Present: Jim Bohn, Matt Smith, Chuck Hundley, Ken Schmenk, Mike Schutz and Susan Gardner. All members participated remotely and disclosed their locations.

Commissioners Absent: Dave Petrak, Bill Bryan and Steve Monet

Also present: Michael Caruso, Community Development Manager; Kelly Haataja Executive Assistant to Community Development and an audience of three (3).

Motion by Gardner, supported by Schutz to excuse Commissioners Petrak, Bryan and Monet for personal reasons. **Motion passed unanimously by a roll call vote.**

2. Consider Approval of Consent Agenda Items

Consent Agenda Items

- a. **Approval of the December 21, 2020 Regular Meeting Minutes**
- b. **Approval of the January 25, 2021 Agenda**

Motion by Bohn, supported by Schmenk to approve the Consent Agenda Items. **The motion carried unanimously by a roll call vote.**

3. Call to the Public

Chairperson Smith opened the Call to the Public at 7:04 p.m.

Hearing no comments, the Call to the Public was closed at 7:05 p.m.

4. Public Hearing – Proposed Zoning Ordinance Amendments

Chairperson Smith opened the Public Hearing at 7:07 p.m. and introduced the following Zoning Ordinance Amendments offering a brief summary of the proposed changes.

Accessory Structures or Use (setbacks)

Site Plan Review (assurance required)

Site Standards (design standards)

Temporary Land Uses (temporary activities and events, use standards)

Definitions (remove “conditional use”)

Hearing no comments from the public, Chairperson Smith closed the Public Hearing at 7:14 p.m. and opened the meeting for board discussion.

The Commissioners had no comments.

Motion by Gardner, supported by Hundley to recommend to City Council for their approval of Proposed Zoning Ordinance Amendments to the following items: Accessory Structures or Uses, Site Plan Review, Site Standards, Temporary Land Uses and Definitions. **Motion passed unanimously by a roll call vote.**

Old Business

5. None

New Business

6. Zoning Ordinance Discussions

Transit Stop Proposed Amendment

Mr. Caruso noted the only addition to the topic since previous discussions is Phased Improvements. The Planning Commission would determine phasing for required furnishings in the event the location is temporary.

The Commission discussed ADA compliance, maximum shelter size and safety. It was decided the maximum size of a shelter would be determined at the time of special land use submittal and depending on the location.

Parking of Vehicles and Trailers in Residential Districts

Mr. Caruso noted the ongoing issues with residents parking on grass and complaints of commercial vehicles and equipment parked in residential districts.

Commissioner Bohn asked what defines a commercial vehicle.

Mr. Caruso stated it is not defined in the ordinance.

Chairperson Smith commented restricting commercial vehicles is too broad, as there are many types and sizes, and it would be hard to put limitations on people who are required to work from home or bring their vehicle home.

The Commission agreed to remove the proposed language to prohibit commercial vehicles from parking in residential districts.

Other Business

7. Staff Updates

Mr. Caruso commented staff is working on a number of ordinance updates and amendments that will be coming to the Commission for discussion soon. He also provided an update on the status of construction projects.

8. Commissioner Report

None

9. Call to the Public

Chairperson Smith opened the Call to the Public at 8:07 p.m.
Hearing no comments, the Call to the Public was closed at 8:08 p.m.

10. Adjournment

Motion by Bohn, supported by Schutz to adjourn the meeting. **Motion passed unanimously by a roll call vote.** Meeting was adjourned at 8:09 p.m.

Matthew Smith, Chairperson

**Kelly Haataja, Executive Assistant
to Community Development**



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL MARCH 4, 2021

**SUBJECT: CONSIDER ISSUING A PURCHASE ORDER FOR STORM LINE VIDEO INSPECTION
 OF GRAND RIVER AVENUE RFP TO ADVANCED UNDERGROUND INSPECTION LLC
 FOR AN AMOUNT NOT TO EXCEED \$30,000**

ADMINISTRATIVE SUMMARY

- In 2017, the City of Brighton received funds from the Huron Valley Federal Aid Committee (HVFAC) for Phase 1 of the rehabilitation of Grand River Avenue from Interstate 96 south to the Ore Creek crossing. The City belongs to the HVFAC with other local municipalities in Livingston County that decide whose street projects warrant funding from the federal government, based on a rating system. The City is again slated to receive funds in 2022 to complete Phases 2 and 3 for the rehabilitation of Grand River Avenue from the Ore Creek crossing south to the City limits. This project will include many of the same parameters as the 2017 project, such as curb replacement, manhole structure maintenance, and road surface replacement.
- Once staff learned that the HVFAC funds were going to be available to the City, discussions were held with our engineer to develop a scope of work for the project. In keeping it relatively the same as the previous Grand River work in 2017, the engineer developed a proposal for design engineering which Council consequentially approved at the July 16, 2020 meeting.
- As the engineer developed the scope of work, staff considered any other areas that may need to be addressed before or during the project to limit any issues that may arise once work on the project has begun. One area that staff knew they wanted to look at was the existing storm sewer system. While no current knowledge of trouble areas is known to exist, staff wants to be thorough and identify any structural issues that may need to be repaired before or during the project next year and avoid any reason that may require damaging new pavement surface in the future.
- The decision was made to perform a video inspection of any storm sewer line that runs under Grand River within the footprint of the project. Staff considered doing the work in-house as the City owns its own camera equipment and often performs troubleshooting of our own sewer lines when needed, but the extensive amount of footage, roughly 8,000 lineal feet, would take too long to finish and would take staff away from higher priority responsibilities.



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL MARCH 4, 2021

- On January 22, 2021 staff published a Request for Proposal (RFP) on the Michigan Intergovernmental Trade Network (MITN) for Storm Sewer video inspection services with approved contract language from the City attorney. Thirty-seven plan document packets were accessed for review and seven RFP sealed bids were received on February 9, 2021. In the table below, you will see that the low bidder is Advanced Underground, LLC. of Westland. This company has performed work for the City previously, most recently during the Storm and Wastewater (SAW) Grant. Staff was satisfied with their performance and has no issues with working with them on this project.

Bidder	Contract Bid	Additional Hourly Cleaning Rate	Additional Hourly Video Rate
Advanced Underground, LLC	\$22,000	\$225	\$200
Safeway Transport	\$23,290	\$275	\$225
M&K Jetting	\$24,000	\$150	\$150
Corby Energy Services	\$30,000	\$275	\$275
Pipetek Services	\$41,300	\$300	\$300
Pipeline Management	\$54,000	\$475	\$375
Elite Pipeline Services	\$68,000	\$225	\$190

- While staff is asking for Advanced Undergrounds contract price of \$22,000, there is the possibility of having to do more sewer cleaning or video inspection to obtain the needed video footage for the project. Staff is requesting an additional \$8,000 to cover extra expenses that may be needed if some of the storm sewer lines are too dirty for the camera to access. Knowing that our storm catch basins were cleaned last year, and that we do not have any areas with specific drainage problems, we feel \$8,000 will be sufficient if additional work is required. Of course, if additional work is needed, the contractor will be required to receive approval from City staff to continue. Funding for this work was budgeted and approved in the 2020/2021 Major Street Fund.



City of Brighton

**REPORT FROM THE CITY MANAGER TO CITY COUNCIL
MARCH 4, 2021**

RECOMMENDATION

Approve the issuance of a Purchase Order to for Storm Line Video Inspection of Grand River Avenue to Advanced Underground Inspection LLC in an amount not to exceed \$30,000 with funds from the Major Streets Fund.

Prepared by: Marcel Goch, DPS Director

Reviewed & Approved by: Nate Geinzer, City Manager



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL MARCH 4, 2021

SUBJECT: CONSIDER AWARDING THE 2021 RIGHT OF WAY TREE MAINTENANCE BID TO ARBOR MASTER TREE SERVICE INC. IN THE AMOUNT OF \$16,433

BACKGROUND

In November of 2019, staff published a Request for Proposals (RFP) for Forestry Services. It was our intention to enter into a contract with a tree service to not only perform the trimmings and removals needed at that time, but also to be our “contractor of record” in order to have a company available to perform emergency tree trimmings and removals. Duke’s Tree Service was awarded the bid in the amount of \$21,610 and they completed the work as outlined in the specifications in the RFP, including additional work that Council requested in March of 2020. Since that time, Duke’s has performed various emergency service work throughout the City.

ADMINISTRATIVE SUMMARY

Being consistent with the last two years of Public Works performing a forestry program, staff developed a list of tree trimmings and removals in January of this year with the intent of having the maintenance performed this winter. Forestry maintenance is generally done in the colder months to reduce tree damage and prevent the spread of disease. Staff contacted Dukes Tree Service to see if they were willing to hold their 2019 pricing to perform the needed maintenance. Unfortunately, once they reviewed the list, they informed us that they could not do that at this time and would need to increase their costs due to the sizes of trees in the list.

Staff determined that the 2021 tree maintenance work needed to be put out to bid. An RFP was published on the Michigan Intergovernmental Trade Network (MITN) website on Friday, February 9, 2021 using bidding documents previously approved by the City Attorney. The list included the trimming of 178 trees and one removal. Twenty-seven bid packets were downloaded for review with four sealed bid packets being submitted on February 16, 2021.

Of the four contractors who submitted proposals, CHOP out of Grand Rapids appeared to be the lowest qualified bidder with Arbor Master of Whitmore Lake being a close second. Efforts were made to contact references for both contractors and positive feedback was received for each company. As staff was reviewing the contract numbers, they found that the submittal from CHOP was incomplete. Within their bid, no trees had a cost listed for maintenance. When those prices were added, it increases CHOP’s proposal \$1,391.53 higher than the second-lowest bidder, Arbor Master Tree Service. The table below reflects the four bids submitted.



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL MARCH 4, 2021

2021 ROW Tree Maintenance Bid Analysis		
No.	BIDDER	Amount
1	Duke's Tree Service, Gregory	\$30,450.00
2	Chop, Grand Rapids *	\$22,125.00 *
3	Arbor Master, Whitmore Lake	\$22,650.00
4	PPM Tree Service, Westland	\$58,900.00

* Incomplete Bid – Estimated Cost with Complete Bid = \$24,041.53

Additionally, after the bids were received, staff recognized that the amount of the contract work was more than the funds available in the current fiscal year budget. Not always knowing when a project could be more than the funds available, staff included language in the bid documents that gives the City the right to reduce the scope of work. In order to award the contract, staff would need to reduce the scope of work by \$6,200. Knowing that Council prefers to stay within an approved budget, staff contacted Arbor Master to confirm they were willing to agree to the project at the reduced scope. They agreed and will perform the work for \$16,433 instead of the original \$22,650.

BUDGET INFORMATION

Funds for tree maintenance are currently available in the Major and Local Streets Funds in the approved 2020/2021 budget. Staff is requesting the \$16,433 needed to complete the reduced scope of work unless otherwise advised by Council to have all of the contract work completed, which would require a budget amendment from the general fund to the Local Streets Fund.

RECOMMENDATION

Approval of 2021 Right of Way Tree Maintenance bid to Arbor Master Tree Service Inc. in the amount of \$16,433 with funds from the Major and Local Streets Funds.

Prepared by: Patty Thomas, Asst. to the DPS Director

Reviewed by: Marcel Goch, DPS Director

Approved by: Nate Geinzer, City Manager



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL MARCH 4, 2021

SUBJECT: CONSIDER STAFF AND PLANNING COMMISSION DIRECTION REGARDING MARIJUANA RELATED LAND USES

ADMINISTRATIVE SUMMARY

During the second day of the City Council retreat held this past January, Jill Bahm, Giffels Webster, presented an update on the Michigan Regulation and Taxation of Marijuana Act (MRTMA), and how communities throughout the State are adapting to the cannabis industry after one year. After the presentation, Council discussed what potential effects could be on the city if they were to approve the licensing of marijuana establishments, or if a petition for a ballot initiative was received and ultimately passed. In summarizing the conversation, staff heard the following key points:

- If City Council passed an ordinance opting into the MRTMA, what would need to be considered:
 - Preparation of a zoning ordinance;
 - Types of license to allow, how many of each license;
 - Location of establishments;
 - License Fees;
 - Legal challenges associated with opting into the MRTMA such as lawsuits from denied license applicants;
- If City Council remained status quo, what would need to be considered:
 - Potentiality of the City being petitioned with a ballot initiative from citizens or the industry;
 - Staff and consultant work with Planning Commission on an ordinance, preparing for a ballot initiative.

One part of the discussion concentrated on what type of licenses would be allowed if Council moved forward with approving commercial establishments. Most of the conversation centered on having only the industrial type licenses such as testing labs and transporting licenses, and not the provisioning centers (retail stores). Understanding that each of those license have the potential to create economic growth and employment opportunity, the exclusion of provisioning centers leaves only the revenue source gained from license fees collected and potential growth in taxable value as revenue streams. These fees could be in the amount up to \$5,000 per license, but because we are a smaller size community, the amount of licenses issued may limit the amount of revenue. Council would need to allow the retail stores to be eligible for tax revenue from the State.

RECOMMENDATION

Pursuant to the MRTMA, City Council passed an ordinance amendment on 12/20/2018 to prohibit marijuana establishments, and one recommendation to Council is the option of remaining status quo. Based on the discussion at the retreat, it appears there is interest in examining the above stated topics at a much greater depth. Staff's alternate recommendation would be to initiate staff and Planning Commission direction regarding marijuana related uses. It would be requested that if Council proceeds with the latter recommendation, that an understanding is recognized in regards to staff first completing current ordinance projects.

Prepared by: Michael Caruso, Community Development Manager

Approved by: Nate Geinzer, City Manager