



CITY OF BURTON
BURTON CITY COUNCIL MEETING
DECEMBER 4, 2017
AGENDA

Council Chambers

Regular Meeting

7:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

A. INVOCATION LED BY: STEVE HEFFNER

B. THE PLEDGE OF ALLEGIANCE IS LED BY: STEVE HEFFNER

C. ROLL CALL

D. STAFF PRESENT

E. APPROVAL OF MINUTES

1. City Council - Regular Meeting - Oct 16, 2017 7:00 PM

F. ADMINISTRATIVE REPORTS

G. COMMITTEE REPORTS

H. AUDIENCE PARTICIPATION

Now is the time set-aside for members of the audience to address the Burton City Council. I would ask each individual to give their name and address for the record and to limit their comments to three (3) minutes and to speak on the topics germane to City business.

I. COUNCIL DISCUSSION

J. COUNCIL ACTION

1. Approve and Authorize the Attorney Billing (A. Doyle) 11-15-17 to 11-28-17 in the amount of \$4,935.50.
2. Approve and authorize the Amy Street Capital Projects Shortfall Elimination Plan.
3. Approve and authorize the attached Corrective Action Plan regarding budget variances.
4. Approve and authorize the "_____" Resolution 2017-__ regarding the cost sharing model set forth in State of Michigan Public Act 152 of 2011. (Choose "opt out" or "hard cap" or "80/20").

5. Budget Amendment (Budget #1991-1992) Approve and authorize the following 2017-2018 budget amendment: Decrease (1001-0000-390.0000 Unappropriated Surplus) by \$24,000.00 ; Increase (1001-2065-956.0401 Payment on Pension UAL) by \$24,000.
6. MERS Lump Sum Approve and authorize the City Treasurer to pay MERS a lump sum of \$976,000.00 via wire transfer by 12/31/2017 to be applied to the unfunded liability of the City of Burton.
7. Approve and Authorize an addition to the fee book for the Commercial Medical Marijuana Transaction Facilities fee as follows: Application fee in the amount \$50.00 / Annual License Fee in the amount of \$5,000 / Renewal License Fee in the amount of \$4,000 / Renewal Late Fee in the amount of \$500
8. Approve and authorize the Treasurer to adjust the City of Burton's water usage commodity charge from \$6.48 to \$6.67 per 100 cubic feet (includes system losses) in accordance with the pass through increase from Genesee County Water and Waste of \$0.18 per 100 cubic feet of usage, and to adjust the Readiness To Serve charge per meter on all active domestic metered water accounts to be increased \$3.98 monthly.

K. TABLED ITEMS

1. Approve and Authorize the Mayor and Clerk to enter into an agreement with WHG, the Woodhill Group, 20145 Woodhill Dr. Northville, MI 48167, to conduct rate studies for the purpose of setting both the water and sewer rates, for a cost not to exceed \$13,110.00.

L. FIRST READING OF ORDINANCE

1. Approve and authorize the first reading of an ordinance to repeal Chapter 153, the City of Burton Sign Ordinance, and to replace it with a new Chapter 153, which shall regulate signs within the City of Burton and which provides for the penalty for the violation thereof.

2. Approve and authorize the first reading of an ordinance to add Chapter 152, the Wireless Communication Facilities Ordinance, to the City of Burton Code of Ordinances to regulate Distributed Antenna Systems (DAS)/small cell wireless facilities located in city roads right-of-ways.
3. Approve and Authorize the first reading of an ordinance amending the City of Burton Code of Ordinances by the addition of Chapter 33 - City Property, generally, and by adding section 33.01 regarding the display of flags on city-owned property and providing the penalties for violation thereof.
4. Approve and authorize the first reading of an ordinance to amend Chapter 92 of the City of Burton Code of Ordinances to regulate fire prevention for commercial medical marijuana facilities.

M. SECOND READING OF ORDINANCE

1. Approve and authorize first reading of Ordinance 2017-____-116.05, an Ordinance Amending Chapter 116 by the addition of Section 05 providing for the PILOT program extension for Burton Place Apartments.
2. Approve and Authorize first reading of an ordinance for Zoning Case #318, amend chapter 157, the zoning ordinance, of the code of ordinances of the City of Burton to regulate Commercial Medical Marijuana Transaction Facilities



CITY OF BURTON

BURTON CITY COUNCIL MEETING

OCTOBER 16, 2017

MINUTES

Council Chambers**Regular Meeting****7:00 PM**

**4303 S. CENTER ROAD
BURTON, MI 48519**

This meeting was opened by President Steven Heffner at 7:00 PM.

A. INVOCATION LED BY: DENNIS O'KEEFE

B. THE PLEDGE OF ALLEGIANCE IS LED BY: DENNIS O'KEEFE

C. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Councilman	Present	
Duane Haskins	Councilman	Present	
Steven Heffner	President	Present	
Steven Hatfield	Councilman	Present	
Christina Conley	Councilwoman	Present	
Dennis O'Keefe	Councilman	Present	
Vaughn Smith	Councilman	Present	

D. STAFF PRESENT

Rik Hayman, Chief of Staff
Sue Warren, Human Resources
Bob Slattery, DPW Director
Charles Abbey, Deputy DPW Director
Amanda Doyle, City Attorney

E. APPROVAL OF MINUTES

1. City Council - Special Meeting - Oct 5, 2017 6:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Haskins, Heffner, Hatfield, Conley, O'Keefe, Smith

F. ADMINISTRATIVE REPORTS

Mr. Hayman we are still waiting for the cost estimates for the Sewer Rate Study. The DDA Public Hearing for tonight was cancelled due to the lack of proper publication. It will be rescheduled. The Potter Road restoration was delayed due to rain but should be up and running this week. Fall street sweeping will start this week. They will start with the major streets and then do the local streets. Weather permitting they should be finished before Thanksgiving. Bristol Road bridge is scheduled to reopen for traffic early November. The

Minutes Acceptance: Minutes of Oct 16, 2017 7:00 PM (APPROVAL OF MINUTES)

City of Burton section of Fenton Road from the South Flint Plaza to Bristol Road is now complete. City road crews have been aggressively cracksealing local streets. The Policeman's Ball and Project Heat's On is this Saturday.

1. Revenue and Expenditure Report September 2017

G. COMMITTEE REPORTS

Councilwoman Conley spoke regarding the Parks & Recreation Trick or Treat Trail on October 28th at Bentley High School. She thanked this year's sponsors; Mayor Paula Zelenko, Councilman Vaughn Smith, Creekwood Dental, Honorable Judge Jennifer Manley, Attorney Amanda Doyle, Honorable Judge Frank Manley, State Representative Tim Sneller, Family Care Plus Physical Therapy, NEA Building and Design, Zito Construction, Captain Corners, Walmart, Our Risen Lord Lutheran Church and myself. The Burton Library will have a book sale on October 26th.

Councilman Vaughn Smith said the Veteran's Run is November 4th. The money raised from this event goes to the Burton DAV. Projects Heats On is this weekend by Goyette Mechanical. This is our ninth year. They are able to help 40 to 50 Burton residents with their heating issues.

Mr. Heffner stated the money that is raised goes toward the Veterans that need transportation to medical appointments, etc.

Mr. Hatfield thanked Sue Warren for taking the Parks & Recreation Director position and keeping these events going.

Bob Wilson of Parks & Recreation and DAV said the money is used to support various Veterans programs and helping Veterans who are in need. We also need a newer vehicle to transport these Veterans in need.

Mr. Haskins said he would like to meet with the legislative board November 9th before the council meeting to discuss legislative issues.

H. AUDIENCE PARTICIPATION

Jan Bolen from Howe Road in Burton spoke regarding the condition of the road. The cul-de-sac is falling apart. The cracks aren't filled in, tar was put in the cracks but there is grass growing through it. I have pictures to show you.

Mr. Abbey said he will look at this in the morning.

Raymond Freiberger from Burton said he thinks Burton Place should be paying a higher amount in taxes.

I. COUNCIL DISCUSSION

Mr. O'Keefe said Burton Fire Department did an excellent job on their open house. Is there an update on Potter Road, it is bad. It needs to be done before the bad weather hits.

Mr. Hayman said they will be fixing it as soon as the weather breaks. We have had too much rain. The County said they will get it done before snow hits.

Mr. Slattery explained what the County was going to do by section. He said he would have an inspector on that job.

Mr. Heffner said the section from Belsay to Vassar Road needs to be as good as shape or better when they are done. The County should pay for everything.

Mrs. Conley said Carman and Camden near the Senior Center is very bad and needs immediate attention.

Mr. Smith asked about the \$100.00 owed to Mr. Kilbreath for advertisement of the race on his radio show.

Mr. Hayman stated they have researched this and have not seen an invoice for this yet. We are still researching this.

Mr. Hatfield thanked the Council, the administration and the public for the support given while he was here.

Mr. Haskins asked Mr. Hayman about his FOIA request regarding the Mayor's Attorney bill and asked for an explanation on how this was paid.

Attorney Doyle stated she will research this and let them know.

Mr. Smith said anything over \$10,000 should go before Council. This was broken up between the Fiscal Year 2016-2017 Budget and the Fiscal year 2017-2018 Year Budget. The invoice should be dated for the same year's budget.

Mr. Hayman stated there is no need for Council to FOIA this, but we would like it in writing exactly what you are asking for.

Mr. Haskins stated he would like copies of the invoices and billings for the Mayor's Attorney regarding the lawsuit against the Council and a copy of the contract or engagement letter that was signed by the Attorney.

Mr. Smith stated we already have the invoices.

Mr. Haskins asked Attorney Doyle if the internal audit review process has now been taken care of and moving forward.

Attorney Doyle said yes it is.

1. Motion to move Tabled Item 1. Approve and authorize Resolution 2017-9 extending the Burton Place PILOT Program for Burton Place Apartments to the agenda as Item #6

David McCarthy and Jay McGee of Johnathon Rose Company spoke regarding the extension of the Burton Place Pilot Program.

Mr. Haskins said we do not have the information we requested from the last meeting and the Assessor is not here. My concern is with the residents. Why not revisit this in 2026 instead of tacking on from 2026 to 2052. This was adopted in 1978, it is now 2017 and I am concerned about the taxes that have been paid.

Mr. O'Keefe asked why the Pilot Percentage is the same now as in 1978.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Steven Hatfield, Councilman
SECONDER:	Tom Martinbianco, Christina Conley
AYES:	Martinbianco, Haskins, Heffner, Hatfield, Conley, O'Keefe, Smith

2. Motion to add Item #7 to pass a resolution to direct the City Clerk to put the question of Charter Revision on the November 2018 ballot.

Mr. Hatfield said I would like to see a Charter Revision question on the ballot. This would start the Charter Revision process. This would follow up by law with an election of Charter Commission, which would begin the process officially. Over my period of time on this Council we have had repeated arguments of the interpretation of certain portions of the Charter. This needs to be updated and modernized to suit our current needs.

RESULT:	CARRIED [4 TO 3]
MOVER:	Steven Hatfield, Councilman
SECONDER:	Dennis O'Keefe, Councilman
AYES:	Martinbianco, Hatfield, O'Keefe, Smith
NAYS:	Haskins, Heffner, Conley

Motion to add item #8, the deletion of Section 8 of Ordinance 30.03 first reading.

Mr. Hatfield stated with the contract changes we have asked the city employees to make, I do not feel that Council should receive benefits for a part time job. I do not believe in my history of employment that I have ever seen a part time job that provides health care, group life, and retirement, dental and optical benefits.

The motion failed for lack of support.

Mr. O'Keefe said back in the 90's I was asked to serve on the Salary Commission. The Salary Commission analyzes and makes recommendations on the Council's and the Mayor's Salary. I think we are too close to this, and having someone else, without a vested interest, to look at this would be a better way.

Mr. Martinbianco said it's been demonstrated in the past that the Salary Commission can only dictate what happens to the salaries of those elected positions. They may use what benefits are already in place through ordinance as part of their justification for raising or lowering the salaries.

J. COUNCIL ACTION

1. Approve and authorize the Attorney Billing (A. Doyle) 09/27/17 to 10/10/17 in the amount of \$5,250.65.

RESULT: CARRIED [UNANIMOUS]
MOVER: Duane Haskins, Councilman
SECONDER: Dennis O'Keefe, Councilman
AYES: Martinbianco, Haskins, Heffner, Hatfield, Conley, O'Keefe, Smith

2. Approve and authorize the Attorney Billing (Masud) 09/01/17 - 09/29/17 in the amount \$6,845.74.

RESULT: CARRIED [UNANIMOUS]
MOVER: Dennis O'Keefe, Councilman
SECONDER: Christina Conley, Councilwoman
AYES: Martinbianco, Haskins, Heffner, Hatfield, Conley, O'Keefe, Smith

3. Approve and authorize the sale of Vacant Lot - Term St., Parcel No. 59-21-577-074, to give first and final approval for the sale of this improved parcel to Stephen Smith, 2498 S. Term St., Burton, MI 48519 for the sum \$750 cash or its equivalent and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

RESULT: CARRIED [UNANIMOUS]
MOVER: Duane Haskins, Councilman
SECONDER: Dennis O'Keefe, Councilman
AYES: Martinbianco, Haskins, Heffner, Hatfield, Conley, O'Keefe, Smith

4. Approve and authorize the Mayor's reappointment of Robert E. Wilson, 4059 Grand Oaks Court, Burton, MI 48519 to the City of Burton Parks and Recreation Commission for a term expiring in October 2020.

RESULT: CARRIED [UNANIMOUS]
MOVER: Christina Conley, Councilwoman
SECONDER: Duane Haskins, Councilman
AYES: Martinbianco, Haskins, Heffner, Hatfield, Conley, O'Keefe, Smith

5. Approve and authorize the Mayor and Clerk to enter into an agreement with HUBBELL, ROTH & CLARK, INC., 555 Hulet Drive Bloomfield Hills, MI 48302-0360, to provide contract administration services for the completion of the Center Road CMAQ Signal Interconnect Projects, for a Not-To-Exceed fee of \$25,000.00.

Mr. Martinbianco asked how the agreement will be amended that we had originally with Rowe.

Mr. Slattery stated they were disqualified from this agreement because they couldn't do the CMAQ project.

RESULT: CARRIED [UNANIMOUS]
MOVER: Steven Hatfield, Councilman
SECONDER: Christina Conley, Councilwoman
AYES: Martinbianco, Haskins, Heffner, Hatfield, Conley, O'Keefe, Smith

6. MotionTo Approve and Authorize Resolution 2017-9 extending the Burton Place PILOT Program for Burton Place Apartments.

RESULT: CARRIED [UNANIMOUS]
MOVER: Tom Martinbianco, Councilman
SECONDER: Christina Conley, Councilwoman
AYES: Martinbianco, Haskins, Heffner, Hatfield, Conley, O'Keefe, Smith

7. Resolution to direct the City Clerk to add the question of a Charter Revision to the November 2018 General Election ballot.

This motion was amended to read Resolution to direct the City Clerk to add the question of a Charter Revision to the November 2018 General Election ballot.

RESULT: CARRIED [4 TO 3]
MOVER: Tom Martinbianco, Steven Hatfield
SECONDER: Christina Conley, Vaughn Smith
AYES: Martinbianco, Hatfield, O'Keefe, Smith
NAYS: Haskins, Heffner, Conley

K. TABLED ITEMS

1. Approve and Authorize the Mayor and the City Clerk to enter into an agreement for the purpose of conducting a sewer rate study with _____ for an amount not exceed \$_____ and to be delivered to the city no later than Oct. 15, 2017.

L. FIRST READING OF ORDINANCE

1. Approve and Authorize first reading of Ordinance 2017-____-116.05, an Ordinance Amending Chapter 116 by the addition of Section 05 providing for the PILOT program extension for Burton Place Apartments.

RESULT: CARRIED [UNANIMOUS]
MOVER: Tom Martinbianco, Dennis O'Keefe
SECONDER: Christina Conley, Councilwoman
AYES: Martinbianco, Haskins, Heffner, Hatfield, Conley, O'Keefe, Smith

Meeting was adjourned at 9:20 PM.

Amanda Doyle

702 Church Street
Flint, MI 48502

PHONE: (810) 767-6860 FAX: (810) 767-2817 702attorneys@gmail.com

MONTHLY BILLING INVOICE

INVOICE NUMBER: 185

INVOICE DATE: NOVEMBER 29, 2017

City of Burton
Teresa Karsney, Clerk
4094 Manor Drive
Burton, MI 48519

DATE	PROJECT	DESCRIPTION	QTY	RATE	AMOUNT
NOV-16-17	Prosecutorial Work	Receipt and review of Appearance and Demand for Discovery; Correspondence regarding same (City of Burton v Dawn Gilmore)	0:15	\$125.00	\$31.25
NOV-16-17	Prosecutorial Work	Receipt and review of Police Report; Correspondence regarding same (City of Burton v Dawn Gilmore)	0:15	\$125.00	\$31.25
NOV-16-17	Prosecutorial Work	Prep for / attendance at Burton Ct. Pretrials/ formal hearings	3:00	\$125.00	\$375.00
NOV-16-17	Prosecutorial Work	Attention to Burton Ct PTS/ formal hearings(MJ)	3:30	\$125.00	\$437.50
NOV-16-17	Prosecutorial Work	Phone call with victim advocate re Burton v MAtthew McCarrick child abuse case(MTJ)	0:15	\$125.00	\$31.25
NOV-16-17	Prosecutorial Work	Call w/ Detective and review of complaint/ report re: 3 domestic assaults; disorderly; R/ O matter; authorize on all and transmittal of same	0:45	\$125.00	\$93.75
NOV-16-17	Warrants	Review/ authorize warrants/ complaints	31.00	\$4.00	\$124.00
NOV-17-17	Prosecutorial Work	Call from/with Officer re: PWID denied by county; charging on possession; review of ordinance and follow up re: same	0:15	\$125.00	\$31.25
NOV-17-17	Prosecutorial Work	Preparation for/attendance at Burton Court PTs/ Non Jury Trials	3:30	\$125.00	\$437.50
NOV-17-17	Prosecutorial Work	Attention to Burton Court PTs/NJTs (MJ)	3:30	\$125.00	\$437.50
NOV-17-17	Prosecutorial Work	Rec/rev police report/complaint re: old DV matter (Gross); authorize on same and transmittal via email to Detective	0:15	\$125.00	\$31.25
NOV-17-17	Prosecutorial Work	Call from/with victim/witness re: subpoena in RF matter (Rite Aid); discussion re: on-call; officer witnesses, etc.	0:30	\$125.00	\$62.50
NOV-18-17	Prosecutorial Work	Rec/rev emailed complaint and 2 part warrant from Detective re: in jail DV suspect; review and authorize warrant and transmittal of same to Detective	0:15	\$125.00	\$31.25
NOV-20-17	Prosecutorial Work	Receipt and review of Appearance and Request for Discovery; Correspondence regarding same (City of Burton v Jennifer L. England)	0:15	\$125.00	\$31.25

Attachment: 2017-11-29 Invoice_185 (3372 : Attorney Billing (A. Doyle))

DATE	PROJECT	DESCRIPTION	QTY	RATE	AMOUNT
NOV-20-17	Prosecutorial Work	Receipt and review of Police Report; Correspondence regarding same (City of Burton v Jennifer L. England)	0:15	\$125.00	\$31.25
NOV-20-17	Prosecutorial Work	Rec/rev letter and cashier's check to BGs party store as restitution for MDOP matter; prepare correspondence and forward to BGs; call w/ BGs and defendant/defendant's mother re: same	0:45	\$125.00	\$93.75
NOV-20-17	Victim Notice	City of Burton v Wyatt A. Rich - Preparation and transmittal of victim notice; forwarding to YWCA	1.00	\$10.00	\$10.00
NOV-21-17	Prosecutorial Work	Receipt and review of documentation and supporting claims for Motion to Set Aside Default Judgment and Order, Civil Infraction (City of Burton v Anthony Wilson)	0:30	\$125.00	\$62.50
NOV-22-17	Prosecutorial Work	Conference w/ Detectives re: pending complaint/investigations: larceny/NSF matter (checks); May 2017 larceny of purse complaint review; Denial due to burden; discussion re: PWID v. possession locally	0:45	\$125.00	\$93.75
NOV-22-17	Warrants	Review/authorize complaint/warrants	26.00	\$4.00	\$104.00
NOV-27-17	Prosecutorial Work	Receipt and review of Appearance and Demand for Discovery; Correspondence regarding same (City of Burton v Grey Cruz Ramirez)	0:15	\$125.00	\$31.25
NOV-27-17	Prosecutorial Work	Receipt and review of Police Report; Correspondence regarding same (City of Burton v Grey Cruz Ramirez)	0:15	\$125.00	\$31.25
NOV-27-17	Prosecutorial Work	Review report/complaint; call w/ Detective re: defendant statements and prior DV arrest of victim	0:15	\$125.00	\$31.25
NOV-27-17	Prosecutorial Work	Review A&B surveillance video (Gamboa, L)	0:15	\$125.00	\$31.25
NOV-27-17	Prosecutorial Work	Review video / dashcam re: OWI, DWLS, False Info matter (McKinzie); email correspondence w/ BPD/evidence tech re: results of blood draw; call/follow up w/ BPD re: same	0:30	\$125.00	\$62.50
NOV-27-17	Prosecutorial Work	Review dashcam evidence - False Info charge (Johnson, J.); review interview and victim statement	0:30	\$125.00	\$62.50
NOV-27-17	Prosecutorial Work	Call from/with Lt/Det/Ct re: OUID/accident; felony v. misdemeanor charges	0:30	\$125.00	\$62.50
NOV-27-17	Prosecutorial Work	Call / conference w/ Lt. re: warrant reissuance; court process from central; creating log of same from BPD	0:15	\$125.00	\$31.25
NOV-27-17	Victim Notice	City of Burton v Eric J. Roberson - Preparation and transmittal of victim notice; forwarding to YWCA	1.00	\$10.00	\$10.00
NOV-28-17	Prosecutorial Work	Receipt and review of Appearance and Demand for Discovery; Correspondence regarding same (City of Burton v Nicholas Richmond)	0:15	\$125.00	\$31.25

Attachment: 2017-11-29 Invoice_185 (3372 : Attorney Billing (A. Doyle))

INVOICE NUMBER: 185

DATE	PROJECT	DESCRIPTION	QTY	RATE	AMOUNT
NOV-28-17	Prosecutorial Work	Receipt and review of Police Report; Correspondence regarding same (City of Burton v Nicholas Richmond)	0:15	\$125.00	\$31.25
NOV-28-17	Prosecutorial Work	Preparation for/attendance at Central Court Pretrials	3:00	\$125.00	\$375.00
NOV-28-17	Prosecutorial Work	Attention to Central Court Pretrials and follow up re: same (MJ)	3:00	\$125.00	\$375.00
NOV-28-17	Prosecutorial Work	Call from/with Atty Manley re: MDOP/possible domestic warrant; call w/ BPD re: same	0:15	\$125.00	\$31.25
		Total hours for this invoice	28:15		
		Total amount of this invoice			\$3,779.25

Attachment: 2017-11-29 Invoice_185 (3372 : Attorney Billing (A. Doyle))

Amanda Doyle

702 Church Street
Flint, MI 48502

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MONTHLY BILLING INVOICE

INVOICE NUMBER: 186

INVOICE DATE: NOVEMBER 29, 2017

City of Burton
Teresa Karsney, Clerk
4094 Manor Drive
Burton, MI 48519

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
NOV-15-17	Non-Prosecutorial	Calls w/ Lt. and to prosecutor's office for status on Clerk matter	0:15	\$125.00	\$31.25
NOV-15-17	Non-Prosecutorial	Calls w/ AA re: effective date of MMFLA ordinance amendments; publication of same; discussion re: fees for various permits/applications/renewals; review file re: same	0:45	\$125.00	\$93.75
NOV-16-17	Non-Prosecutorial	Call w/ Lt. Odette, Atty Leadford, APA Bograkos; discussion w/ Gen Co. Pros. Atty re: clerk matter; call to Atty Leadford re: same	0:30	\$125.00	\$62.50
NOV-20-17	Non-Prosecutorial	Preparation of correspondence to Michael T. Gormely regarding 2017 Refunding Bonds	0:15	\$125.00	\$31.25
NOV-20-17	Non-Prosecutorial	Preparation for/attendance at City Council Meeting and Swearing In	1:45	\$125.00	\$218.75
NOV-20-17	Non-Prosecutorial	Email and telephone correspondence from/with Atty regarding Burton Place Ordinance and its effective date, 2nd reading, etc.	0:30	\$125.00	\$62.50
NOV-20-17	Non-Prosecutorial	Review email and correspondence received from controller; prepare letter based on same; call w/ controller re: same (2017 Bond Refunding)	0:45	\$125.00	\$93.75
NOV-21-17	Non-Prosecutorial	Review Agreement for Controller re: Forecast5 contract; conference w/ MJ re: same and correspondence w/ Controller re: approval	0:45	\$125.00	\$93.75
NOV-22-17	Non-Prosecutorial	Call from/with Mayor re: pass through ordinance and percentage cap; review files (2002-2008) regarding same	1:00	\$125.00	\$125.00
NOV-22-17	Non-Prosecutorial	Rec/rev add'l email from controller requesting email opinion on Forecast5 agreement; provide same (N/C)	0:00	\$125.00	\$0.00
NOV-24-17	Non-Prosecutorial	11/24-11/27: Rec/rev email w/ attached purchase agreements from purchasing dept; review PAs, prepare covenant deeds for same (Farley and Donovan Streets); correspondence and transmittal of same	0:30	\$125.00	\$62.50

Attachment: 2017-11-29 Invoice_186 (3372 : Attorney Billing (A. Doyle))

INVOICE NUMBER: 186

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
NOV-27-17	Non-Prosecutorial	Call from/with Zoning re: Center Rd C-2/ landscaping matter; stop work order/ nuisance abatement / civil infraction ticket discussion and plan re: same	0:30	\$125.00	\$62.50
NOV-28-17	Non-Prosecutorial	11/27-11/28: Prepare amendments/follow up notes/ answers to ordinance matters per legislative committee: DAS; Flag; Sign; etc. Discussion re: application fees in MMFLA ordinance; Correspondence w/ zoning/AA re: same	1:30	\$125.00	\$187.50
NOV-28-17	Non-Prosecutorial	Call from/with Council President re: council events; ordinance review; etc.	0:15	\$125.00	\$31.25
		Total hours for this invoice	9:15		
		Total amount of this invoice			\$1,156.25

Attachment: 2017-11-29 Invoice_186 (3372 : Attorney Billing (A. Doyle))

City of Burton Legislative Body Resolution and Deficit Elimination Plan:

WHEREAS City of Burton's **Amy Street Capital Project Fund** has a \$146,885.09 deficit fund balance on June 30, 2017; and

WHEREAS, Act 275 of the Public Acts of 1980 requires that a Deficit Elimination Plan be formulated by the local unit of government and filed with the Michigan Department of Treasury:

NOW THEREFORE, IT IS RESOLVED that the City of Burton's legislative body adopts the following as the **Amy Street Capital Project Fund** Deficit Elimination Plan:

BE IT FURTHER RESOLVED that the City of Burton's Mayor submits the Deficit Elimination Plan to the Michigan Department of Treasury for certification.

Fund 4146 - AMY ST PAVING CAP PROJ 13-008-P					
	2018	2019	2020	2021	2022
Unrestricted Net Position (Deficit) July 1	\$ (146,886)	\$ (130,886)	\$ (116,086)	\$ (100,786)	\$ (85,086)
Revenue					
TRANSFER IN FROM FUND 3146 AMY SAD Collections	\$ 21,600	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000
Total Revenue	\$ 21,600	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000
Expenditures					
INTEREST ON LOAN	\$ 5,600	\$ 5,200	\$ 4,700	\$ 4,300	\$ 3,825
Total Expenditures	\$ 5,600	\$ 5,200	\$ 4,700	\$ 4,300	\$ 3,825
Add Back Depreciation	n/a	n/a	n/a	n/a	n/a
Unrestricted Net Position (Deficit) June 30	\$ (130,886)	\$ (116,086)	\$ (100,786)	\$ (85,086)	\$ (68,911)
	2018	2019	2020	2021	2021
CA-CL (Deficit) July 1	24,446.91	40,446.90	55,246.90	70,546.90	86,246.90
Revenues	\$ 21,600	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000
Expenditures	\$ 5,600	\$ 5,200	\$ 4,700	\$ 4,300	\$ 3,825
Add Back Depreciation	\$ -	\$ -	\$ -	\$ -	\$ -
CA-CL (deficit) June 30	\$ 40,446.90	\$ 55,246.90	\$ 70,546.90	\$ 86,246.90	\$ 102,421.90

ADD CLERK'S CERTIFICATION

Amy Street Capital Project Fund

Shortfall \$146,885.09

Solution: The City will be collecting assessments from the Amy Street residents over a term of 15 years. The assessment will end in the year 2028. The City found it more cost effective to borrow money from its Sewer Fund than to go out to bond for such a small project. The City had a deficit in this fund for prior years. Until the City finds another funding source, this will continue into the future.

INTEROFFICE MEMORANDUM

TO: MAYOR ZELENKO
FROM: GINGER BURKE-MILLER, CONTROLLER
SUBJECT: PA 152 OF 2011 FOR FISCAL YEAR 2018-2019
DATE: NOVEMBER 27, 2017

It is that time of year again whereby City Council needs to choose between the health insurance choices of: Opt Out, Hard Cap or 80/20. There is a health insurance requirement for obtaining Act 51 dollars. This requirement states that if a municipality complies with PA 152 of 2011, then Act 51 dollars will continue uninterrupted. Attached you will find a copy of the analysis of the Hard Cap versus 80/20 options. As in prior years, I have included the amount to come out of paychecks on a weekly basis (council member data is on a monthly basis). I have also included a box showing the annual out-of-pocket expenses for the employees. This number includes the co-insurance amounts of \$1,000 per single employee and \$2,000 per couple and \$2,000 per family.

If Council members have questions prior to the December 4, 2017 meeting or need further clarification, they can direct their questions to me through your office as per proper protocol.

Thank you.

Attachment: hard cap 2018 memo (3367 : Hard Cap 80/20 PA 152)

**RESOLUTION
CITY OF BURTON
GENESEE, COUNTY**

RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF BURTON, A
MUNICIPAL CORPORATION OF GENESEE COUNTY, DOES HEREBY:

Approve and authorize the Treasurer to adjust the City of Burton's water usage commodity charge from \$6.48 to \$6.67 per 100 cubic feet (includes system losses) in accordance with the pass through increase from Genesee County Water and Waste of \$0.18 per 100 cubic feet of usage. Also, to adjust the Readiness To Serve charge per meter on all active domestic metered water accounts to be increased \$3.98 monthly. Example — 5/8 meter will increase from \$17.04 monthly to \$21.02.

CERTIFICATION

I, Teresa Karsney, City Clerk of Burton, do certify that the above Resolution was duly adopted in conformance with Act 267 Public Acts of Michigan, 1976, at a Regular Council Meeting of the City of Burton Council held at City Hall, November 9, 2017 by the following vote:

Ayes:
Nays:
Absent:

Date:
Prepared by Teresa Karsney
City of Burton
4303 S. Center Rd.
Burton, MI 48519

Teresa Karsney, City Clerk

To: Paula Zelenko, Mayor
From: Dave Marshke, Utilities Superintendent
Date: October 23, 2017

Re: Memo of Explanation for Agenda ID # 3310
Regular Council Meeting of November 9, 2017

Resolution to adjust the City of Burton's water use charges in accordance with pass-through

Madam Mayor,

Agenda language:

Approve and authorize the Treasurer to adjust the City of Burton's water usage commodity charge from \$6.48 to \$6.67 per 100 cubic feet (includes system losses) in accordance with the pass through increase from Genesee County Water and Waste of \$0.18 per 100 cubic feet of usage, and to adjust the Readiness To Serve charge per meter on all active domestic metered water accounts to be increased \$3.98 monthly.

BACKGROUND

The Genesee County Drain Commissioner has increased water rates to its wholesale water customers on all bills issued by the county agency after September 2, 2017. These increases will affect the Commodity Rate as well as the Readiness To Serve charges to the City of Burton. **This increase being proposed to City Council addresses this “pass thru” cost only, and does NOT reflect any future adjustments that may be necessary for cost recovery on the operation and maintenance of Burton’s distribution system.** These increases from Genesee County will impact the current 2017-18 operating budget in the amount of approximately an additional \$374,000.00 expenditure.



October 3, 2017

Paula Zelenko, Mayor
City of Burton
4303 S. Center Rd.
Burton, MI 48519

Re: Sanitary Collection System Rate Study for the City of Burton

This proposal for outside consulting services to the City of Burton ("City") from The WoodHill Group LLC ("WHG") for the sanitary collection system.

1. Introduction & Background

Our municipal experts have in excess of 160 years combined management experience with accounting systems, municipal financial reporting, budgeting, audit preparation, fee and cost analysis, tax collection, payroll and benefits administration, investment administration, debt administration, grant administration and reporting, utility rate studies, labor negotiations, as well as conducting pension and other in depth financial analyses.

After discussion with Burton's management, WHG is pleased to offer outside services in the capacity outlined below.

2. Objective(s)

To provide the City with a comprehensive rate structure allowing for full cost recovery and a self-sustaining utility management program. The basis for this structure would be a versatile rate model to examine various impacts of executable decisions on a go-forward basis.

3. Scope

The following services are offered in this proposal:

- Sanitary Sewer Utility rate study and proposal

Building a comprehensive, self-sustaining rate structure considers capital cost recovery for asset depreciation, operations and maintenance as well as positioning the fund reserve balance for future capital improvements.

To accomplish this, the following actionable items are required:

- 1) Review of annual budgets and operational variances
- 2) Review of Capital Improvement Plan (CIP), current assets and Asset Management Plan (AMP)
 - o Current list of assets and remaining useful life (to be provided by engineering)

- Fixed assets depreciation schedules (to be provided by finance or auditing)
- Planned capital expenditures to determine effects on proposed rate
- Current capital reserves
- 3) Review of historical flow (purchased and billed)
- 4) Review and analysis of existing rate structure
- 5) Review and analysis of proposed rate structure
- 6) Financial pro-forma projecting impacts of proposed rates and future capital improvements
- 7) Draft report and analysis for review with City staff and/or Council
- 8) Final report and presentation for City staff and Council

NOTE: The proposed rate structure should be reviewed with the City's legal counsel for compliance with city ordinances and potential changes to resolutions.

4. Timeline

Completion of the financial analysis committed for October 29th, 2017.

5. Assumptions

- With reasonable exceptions, the City's finances are in a fundamentally functional and accessible state of good standing

6. Additions to Scope

WHG offers a full suite of financial, accounting and project services of which the following is a non-inclusive list of services that have not been considered for this current engagement:

- Ownership of accountancy operations and data entry, including: cash receipting, accounts payable and purchase orders, payroll processing, ledger entries and overall book management
- Ownership of treasury operations and cashflow, including responsibility for: signing checks, cash handling, initiating ACH or wire transfers, non-operational investment decision-making
- Managing software implementation or expansion projects and operational migrations beyond the functionality of current scope (e.g. accounting software implementations)
- Raw data cleansing or ownership of software not currently in-use
- Formal internal / external audit services

7. Deliverables

- Customized rate model so annual sewer rate analysis and updates can be performed by City of Burton staff (xls)
- Draft report and analysis (pdf/word)
- Final report and presentation (pdf/word)

8. Risks / Constraints

- Issues uncovered during engagement requiring immediate attention outside the intended scope of services managed according to the Change Management Governance documented below

9. Commercials

For the City of Burton, WHG proposes to offer a dedicated Senior Associate with Principal oversight. Based on previous experience, the anticipated cost breakdown and fee structure would be as follows for Sanitary Sewer. If the City wished to add the Water Distribution System into the study the additional cost breakdown is provided for a cumulative system rate study.

Function	Sanitary Collection System			+ Water Distribution System =			W&S
	Hours	Rate	Cost est	Hours	Rate	Cost est	Cost est
Data gathering	16	\$100	\$1,600	8	\$100	\$800	\$2,400
Rate model and review	24	"	\$2,400	16	"	\$1,600	\$4,000
Draft report	10	"	\$1,000	6	"	\$600	\$1,600
Report Review	6	"	\$600	2	"	\$200	\$800
Finalize Report & review	6	"	\$600	2	"	\$200	\$800
WHG Principal Review	8	150	\$1,200	4	150	\$600	\$1,800
Totals	70	-	\$7,400	38	-	\$4,000	\$11,400
<i>Max Cost (115% Total)</i>			<i>\$8,510</i>			<i>\$4,600</i>	<i>\$13,110</i>

Fee Structure: Service fees will be based on actual staff time billed on an hourly basis, not to exceed "Max Cost" listed above. Time costs incurred for travel will be a pass-through to the City at half-time.

Invoice Frequency: Monthly
 Payment Terms: Due on receipt
 Address for Correspondence: The WoodHill Group
 20145 WoodHill Drive
 Northville, MI 48167

10. Governance

Service Level Governance: Project review of incurred costs as requested by client, activities and future engagement plans with the service sponsor(s) and/or management stakeholder(s) with the engagement Principal(s) and/or Senior Executive(s) from WHG.

Change Management Governance: To assist the City with any potential shift in needs and to ensure cost controls are in place, a change in scope that would have a material impact on anticipated efforts and time commitment beyond that anticipated in the cost breakdown above requires express approval with reference to the primary engagement scope to be approved by the service sponsor(s) and/or management stakeholder(s).

11. Engagement Framework

WHG staff is available to perform the scope of services listed above subject to the terms, limitations and conditions to be set forth in the Letter of Engagement and Professional Services Agreement.

Respectfully,

The WoodHill Group LLC

Authorization & Approval

The undersigned formally accept the above statement of work.	
On behalf of:	City of Burton
Name:	
Designation:	
Date:	/ /
On behalf of:	The WoodHill Group LLC.
Name:	
Designation:	Principal
Date:	/ /

To: Paula Zelenko, Mayor
From: Robert Slattery, DPW Director
Date: November 6, 2017

Re: Memo of Explanation for Agenda ID # 3338
Regular Council Meeting of November 9, 2017

Water and Sewer Rate Studies

Madam Mayor,

Agenda language:

Approve and Authorize the Mayor and Clerk to enter into an agreement with WHG, the Woodhill Group, 20145 Woodhill Dr. Northville, MI 48167, to conduct rate studies for the purpose of setting both the water and sewer rates, for a cost not to exceed \$13,110.00.

BACKGROUND

We received quotes from two companies in response to our request for proposals for a sewer rate study: WHG, the Woodhill Group, out of Northville, and H.W. Umbaugh & Associates out of Okemos. Having reviewed these proposals the consensus from DPW is to recommend WHG, the Woodhill Group, and have them do rate studies for BOTH sewer and water. We're going to have to do both anyway. And WHG proposes to do both for less than the cost that Umbaugh proposes for just sewer.

David W. Marshke

From: Tom Traciak <traciak@umbaugh.com>
Sent: Thursday, October 12, 2017 3:32 PM
To: David W. Marshke
Subject: SAW AMFP Engagement / *RATE STUDY*
Attachments: SAW financial scope.pdf

David,

It was good to talk to you earlier today. I have reviewed the profile of the community including your most recent audit. Based on this information, my fee quote is \$18,000 for an Asset Management Financial Plan ... see attached scope of services.

Let me know if you have any questions.

UMBAUGH

Tom Traciak
Principal

H.J. Umbaugh & Associates
Certified Public Accountants, LLP
2150 Association Drive, Suite 100
Okemos, MI 48864
517-321-0110
traciak@umbaugh.com
www.umbaugh.com

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Attachment: Proposal for Water and Sewer Rate Studies - Umbaugh (3338 : Water and Sewer Rate Studies)

UMBAUGH

H. J. Umbaugh & Associates
 Certified Public Accountants, LLP
 2150 Association Drive
 Suite 100
 Okemos, MI 48864
 Phone: 517-321-0110
 Fax: 517-321-8866
 www.umbaugh.com

Historical and Current Financials

Historical operating expenses are reviewed using audit and budget information.

- Three years audits.
- Current and proposed budgets.

A "Test Year" is developed that reflects a baseline operating cost.

- Based on current budget with leveling for base operating cost.
- Determination of anticipated changes to operating cost.

Customer Base

The customer base is reviewed, including the number of billable customers and volumetric sales.

- The accuracy of this data is verified by applying it to the current rate structure and compared to "Test Year" revenue.
- Other operating and non-operating revenues evaluated.

Forecasting

Assumptions are made regarding the customer base through the forecasted period.

- Prediction of customer and volume counts (may include more than one scenario).
- Trending in system utilization, particularly for industry.

Projection of operating cost.

- Anticipated inflation by expense category.
- Determination of any additions or reductions based on changing operations.

Compilation of existing debt.

- Existing annual debt service by debt issue.
- Debt is separated by revenue support, in particular, debt that is paid from rates.
- Refinancing and/or restructuring possibilities are explored.

Asset Management Funding

The Asset Management System will identify the estimated asset investment cost by year for a selected forecast period of time.

- The annual investment cost is evaluated and scenarios developed for cash funding and debt financing.
- Funding asset investment from cash balances is weighed against potential efficiency of grouping certain cost together for purposes of debt financing.
- Financing options are considered including State and Federal agency funding sources as well as open market bonds. Open market options will be effected by the size of the borrowing as well as other aspects such as credit and security.

The projected cash flow is solved to a cash and investment balance.

- Actual cash and investments are analyzed.
- A cash balance policy is developed that identifies a targeted upper limit as well as a minimum balance. These balances encompass legal commitments and good business practices.
- The policy includes flexibility for temporary reductions below the minimum balance based on a plan to attain the level within a given period.
- Separate capital improvement funds are considered. If utilized, policy is developed as to whether they are to be restricted, and if so, whether by resolution or ordinance.

Rate management may be accomplished with more than one approach as to rate structuring and rate adjustment timing.

- The elements of a rate structure, including the proportion of revenue generated from ready to serve and commodity charge are determined by allocation of fixed and variable cost, and other customer base characteristics.
- Rate adjustment over time may be incremental or one time in nature.

CITY OF BURTON
GENESEE COUNTY, MICHIGAN

ORDINANCE NO. 2017- -153

AN ORDINANCE TO REPEAL CHAPTER 153, THE CITY OF BURTON SIGN ORDINANCE, AND TO REPLACE IT WITH A NEW CHAPTER 153, WHICH SHALL REGULATE SIGNS WITHIN THE CITY OF BURTON AND WHICH PROVIDES FOR THE PENALTY FOR THE VIOLATION THEREOF

THE CITY OF BURTON ORDAINS:

SECTION I

Chapter 153 of the Code of ordinances of the City of Burton shall be and is hereby repealed and is replaced with the following:

§ 153.01 PURPOSE.

This Chapter is intended to:

- (A) Enhance and protect the physical appearance of the City of Burton.
- (B) Promote and maintain visually attractive, residential, commercial and industrial areas.
- (C) Promote the economic well-being of the community by creating a favorable physical image.
- (D) Ensure that signs are located and designed to:
 - (1) Provide an effective means of way-finding in the community;
 - (2) Afford the community an equal and fair way to advertise and promote its products and services;
 - (3) Reduce sign clutter and the distractions and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment;
 - (4) Minimize the disruption of the scenic views which when maintained protect important community values; and
 - (5) Afford businesses, individuals, and institutions a reasonable opportunity to use signs as an effective means of communication.

(E) Provide review procedures that assure that signs are consistent with the City's objectives and within the City's capacity to efficiently administer the regulations.

(F) Prohibit all signs not expressly permitted by this Chapter.

§ 153.02 SUBSTITUTION CLAUSE.

A protected noncommercial message of any type may be substituted, in whole or in part, for the message displayed on any sign for which the sign structure or mounting device is legal without consideration of message content. This provision applies to all signs, including outdoor general advertising devices (billboards), allowed under this ordinance. Such substitution of message may be made without any additional approval, permitting, registration or notice to the City.

§ 153.03 DEFINITIONS.

BANNER. Sign intended to be hung, displayed, or mounted in the ground either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic, vinyl or fabric of any kind. Banners shall be considered to be temporary signs under the terms of this Chapter and, where applicable, subject to the regulations thereof.

BILLBOARD. A sign advertising products not made, sold, used, or served on the premise displaying the sign or that conveys an informational or noncommercial message.

COMMERCIAL SIGN. A sign which identifies, advertises, or directs attention to a business or is intended to induce a purchase of a good, property, or service, including, without limitation, any sign naming a brand of good or service and any sign which is not a noncommercial sign.

ELECTRONIC SIGN. A sign that is capable of displaying words, symbols, figures or images and that can be electronically or mechanically changed by remote or automatic means.

NAME PLATE. A building sign not exceeding two (2) square feet indicating the street number, name of the person, business, profession or activity occupying the lot, building or part thereof; or other information pertaining to the use on the lot.

NONCOMMERCIAL SIGN. A sign which in no way identifies, advertises, or directs attention to a business or is intended to induce a purchase of a good, property, or service, or portrays or symbolizes a good, property, or service, especially, but, without limitation, a brand or trade name, an identifiable container shape, or a trademark.

SIGN. A visual communication display, object, device, graphic, structure or part, situated outdoors, or attached to, painted on or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, product, place, activity, person, institution, organization or business or the like, by means of letters, words, model, banner, flag, pennant, insignia, device, designs, colors, symbols, fixtures, images, illuminations or representation used as, or which is in the nature of, an announcement, direction or advertisement.

SIGN, BUILDING. A sign, or any portion thereof, erected, constructed or affixed to the roof, wall of building, awning or window, whether the principal support for the sign is on the roof, wall, window, or any other structural element of the building.

SIGN, FREESTANDING. A sign, or any portion thereof, erected, constructed or projecting upon a parcel of land which includes a sign structure permanently installed in the ground.

SIGN, INFLATABLE. An inflatable shape or figure designed or used to attract attention to a business event or location. Inflatable promotional devices shall be considered to be temporary signs under the terms of this Chapter and, where applicable, subject to the regulations thereof.

SIGN, TEMPORARY. A sign that is designed to be used only temporarily and is not intended to be permanently attached to a building wall or sign structure or permanently installed in the ground.

§ 153.04 EXEMPTIONS FROM REGULATIONS.

The following signs are permitted in all zoning districts and are exempt from regulations:

- (A) Signs placed, constructed, erected or displayed by any entity of federal, state, or local government, or signs required to be placed, constructed, erected or displayed by such entity(ies), including but not limited to public notice signs and any sign which conforms or is required by law to conform to the Manual of Uniform Traffic Control Devices.
- (B) Signs placed, constructed or erected on any parcel of property or right-of way owned or maintained by any entity of federal, state, or local government.
- (C) Traffic control signs and other signs related to public safety that the City installs or requires to be installed.

§ 153.05 EXEMPTIONS FROM PERMITS.

The following signs are permitted in all zoning districts and are exempt from the permit requirements of this section, but shall in all other respects comply with the requirements of this code unless expressed below:

- (A) A sign not exceeding sixteen square feet on property in which construction work is being done to warn of danger or hazardous conditions. Such sign is also exempt from the setback, limitation on number of freestanding signs, and total sign area regulations of this section.
- (B) A work of art that in no way identifies or advertises a product, service, or business or impedes traffic safety.

(C) A private traffic directional signs within a property that does not exceed three square feet per face in area and six feet in height, does not contain any advertising or trade name identification, and is not illuminated, internally illuminated, or indirectly illuminated.

(D) Signs that are not visible from abutting property or public rights of way.

§ 153.06 GENERAL RESTRICTIONS AND REQUIREMENTS.

(A) No sign shall be erected, constructed, or maintained within the City without obtaining the prior permission of the owner or the person in possession of the property upon which it is placed.

(B) A sign permit shall be required for the erection, construction, or alteration of any sign, except as provided in 153.05, and all such signs shall be approved by the Zoning Administrator or their designee as to compliance with the requirements of the zoning district wherein the sign or signs are to be located and the requirements of this section.

(C) No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device or in such a manner as to interfere with, mislead, or confuse traffic. Nor shall any sign, signal, marking, or device be placed, erected, or operated in such a manner as to interfere with the necessary free and unobstructed view of vehicular or pedestrian traffic.

(D) Unless otherwise specifically provided in this ordinance, no sign, except those placed and maintained by the City, County, or State, shall be erected or placed in the public right-of-way, nor be allowed to project further than 15 inches into the public right-of-way without special approval from the DPW Director or his designee based on the following conditions:

- (1) The lower edge thereof is 10 feet or more above the ground level;
 - (2) That a sign shall not extend over any part of the public right-of-way used for vehicular traffic;
 - (3) Existing utilities and/or existing structures; and
 - (4) Setback or lot line requirements.
- (E) No light pole, utility pole, telephone pole or other similar type structure shall be used for the placement of any sign.
- (F) Signs must be maintained so as not to endanger life, property, or be in a state of disrepair in the opinion of the Code Enforcement Officer or Building Inspector. Any sign which, through lack of maintenance or type of construction or otherwise, imperils life or

property, or leaves any portion of the sign exposed to weather when typically would be covered, shall be deemed a nuisance.

§ 153.07 COMMERCIAL SIGNS.

(A) General Provisions in all Commercial and Industrial Districts

- (1) Not more than 1 freestanding sign may be erected accessory to any single building, structure, or shopping center regardless of the number of separate parties, tenants, or uses contained therein; provided, however, when any single building, structure, or shopping center is located on a parcel of land that abuts on 2 or more streets, it may have 2 freestanding signs.
- (2) No freestanding accessory signs shall have a surface area exceeding 0.5 square foot for each lineal foot of street frontage. No freestanding accessory sign shall exceed 300 square feet total surface area. No business shall be required by this ordinance to have an accessory sign smaller than 100 square feet. All freestanding signs shall be placed on the same parcel of property as the building or use to which they are accessory; except that billboard freestanding signs shall be permitted only in the industrial districts as noted in subsection (B)(2) of this section.
- (3) The total surface area of all signs erected on any single building or structure shall not exceed 2 square feet for each lineal foot of building frontage, with a maximum permitted surface area of 200 square feet. Building frontage is defined as the front of the principal structure of the building only, and does not include any side walls, roof lines, or other measurements. For uses located in an approved multiple tenant space, the frontage shall be that as defined as the frontage of the unit in which is intended to occupy.
- (4) There shall be no flashing, electronic, oscillating, or intermittent type of illuminated sign or display within 100 feet of any residential district or use, except that those signs shall be permitted adjacent to a residential district when mounted along the face of a building which does not face the residential district, or when the signs face is perpendicular to the residential district or use.
- (5) All illuminated signs shall be so arranged to prevent glare into residential districts.
- (6) All spotlights shall be diffused or shielded to not shine on other properties.
- (7) No sign, unless otherwise permitted, shall exceed the maximum height limitations of the zoning district in which it is located.

- (8) No ground-mounted or free standing sign above a height of 2 feet from the established street grade shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of 25 feet from their point of intersection.
- (9) One "A" frame or sandwich board type sign not exceeding 42 inches in height may be placed in front of a business, provided that such sign shall be set back not closer than 10 feet from any public road, street or right-of-way, and further provided that the sign shall be removed during non-business hours.
- (10) Unless otherwise approved by the Zoning Board of Appeals, temporary signs, banners, or inflatable signs shall not be allowed.

(B) Industrial Districts are permitted as follows:

- (1) No sign so permitted shall be located nearer to the front lot line than $\frac{1}{2}$ the required front setback nor nearer the side lot line than the required side yard setback; and
- (2) Billboard type freestanding signs (off-site advertising), provided that:
 - a. Maximum size be 300 square feet per face, with a limit of 2 faces;
 - b. Maximum height be 25 feet;
 - c. Located not closer than 50 feet of any public right-of-way or nearer than 660 feet to any interstate freeway;
 - d. Have a 10-foot unobstructed clearance from surrounding grade of land and bottom of sign;
 - e. Be no closer than 500 feet to any other non-accessory sign on either side of the street or freeway;
 - f. Not be located on any residentially used or zoned parcel or nearer than 200 feet to any residence even if zoned M-1 or M-2 or 200 feet from any residentially zoned district;
 - g. Must not obstruct view of other existing signs nearby;
 - h. A drawing with specifications approved by a state registered engineer or architect is filed with the Building Inspector for review and approval prior to any construction;

- i. The despoiling of natural features, including trees, vegetation, water, land forms, and scenic views be avoided whenever possible;
- j. All non-accessory signs be approved by the Board of Zoning Appeals in an M-1 or M-2 district after public hearing and determination that the above provisions in subsections(B)(2)(a) - (B)(2)(i) have been met; and
- k. An administrative approval subject to §157.092, site plan review.

(C) Multiple Family Districts are permitted as follows:

- (1) 1 ground or wall sign indicating the name of the multiple housing development in addition to individual dwelling name plates. These signs shall not exceed 64 square feet in area.
- (2) No sign shall be illuminated by other than continuous indirect white light nor shall contain any visible moving parts.

(D) Residential Districts are permitted as follows:

- (1) For permitted principal uses other than dwellings (home occupations approved in §157.100) and for permitted uses after special approval, 1 bulletin or announcement board not exceeding 32 square feet in area.
- (2) No sign so permitted shall be located nearer to the front lot line than $\frac{1}{2}$ the required front yard setback nor nearer the side lot line than the required side yard setback.

§ 153.08 NONCOMMERCIAL SIGNS.

(A) Residential Districts & Multi-family Districts. Noncommercial signs in residential and multi-family districts are regulated as follows:

- (1) Temporary signs
 - a. No temporary sign shall be erected, constructed, or maintained for more than 30 days immediately preceding the function, event, or the completion of purpose for which it is placed. Notwithstanding the above restriction, in no event shall the sign be erected, constructed, or maintained for more than a total of 60 days in any calendar year;
 - b. No such sign erected or maintained on private property immediately adjacent to a state highway or a city major street shall be larger than 16 square feet or which shall exceed a height of 6 feet above the grade at the base of the sign;

- c. No such sign erected or maintained on private property on a city local street, or private drive as designated for the purpose of Act 51 of the State of Michigan shall be larger than 6 square feet nor shall it exceed a height of 3 feet above the grade at the base of the sign.
 - (2) For each dwelling unit, 1 name plate sign displaying the street name and number and name of occupant, not exceeding 2 square foot in area is permitted;
 - (3) In the multiple-family districts, 1 ground or wall sign indicating the name of the multiple housing development in addition to individual dwelling name plates are permitted provided that these signs shall not exceed 64 square feet in area; and
 - (4) No sign shall be illuminated by other than continuous indirect white light nor shall contain any visible moving parts.
- (B) Commercial and Industrial Districts. Noncommercial signs in commercial and industrial districts are regulated as follows:
- (1) No temporary sign shall be erected, constructed, or maintained for more than 30/90/180/# days within a calendar year.
 - (2) A temporary signs erected or maintained on private property immediately adjacent to a state highway, a city major street within the city shall be no larger than 16 square feet nor shall it exceed a height of 6 feet above the grade at the base of the sign;
 - (3) For each unit, 1 name plate sign displaying the street name and number and name of occupant, not exceeding 2 square foot in area; and
 - (4) No sign shall be illuminated by other than continuous indirect white light nor shall contain any visible moving parts.

§ 153.09 VIOLATIONS.

- (A) Any sign that is found to be in violation of §153.06(A), §153.06(E), §153.07(A)(9), and §153.07(A)(10) may be subject to the immediate confiscation, removal and destruction by the City of Burton.
- (B) In the case of commercial advertising signs found to violate §153.06(E), §153.07(A)(9), and §153.07(A)(10), rather than immediately confiscating, removing and destroying a non-conforming sign, the city may, at its option, elect to notify the individual, corporation or other entity advertising its goods or services by first class mail at any address displayed on the sign that the sign is in violation of this ordinance and that in the event the sign is not removed within 5 business days of the date of the mailing of the notice, the individual, corporation or other entity shall be charged with a municipal civil

infraction and shall be subject to such fines and costs as set forth in the City of Burton Code of Ordinances, §131.05, Civil Infraction Penalties.

(C) In the event a sign found to be in violation of §153.06(A), §153.06(E), §153.07(A)(9), or §153.07(A)(10) shall not set forth the address or any business or individual, but shall display a telephone number, the city may elect to place a telephone call to the number displayed and notify any individual who answers such a telephone call, or leave a recording on any recording device, that the sign must be removed within 5 business days of the telephone notification, and that the failure to remove the sign within that time shall result in the issuance of a civil infraction citation.

(D) In the event of a violation of any other section of this ordinance, the City shall notify the individual, corporation or other entity owning the property at which the sign is placed by first class mail, at the address on record with the Assessors office, that the sign is in violation of this ordinance and that in the event the sign is not removed, repaired, or brought into compliance of this ordinance within 10 business days of the date of the mailing of the notice, the individual, corporation or other entity shall be charged with a municipal civil infraction and shall be subject to such fines and costs as set forth in the City of Burton Code of Ordinances, §131.05, Civil Infraction Penalties and/or subject to immediate confiscation, removal and destruction by the City of Burton, in which all costs will be charged to the property owner.

§ 153.10 APPEALS.

Any appeal to this Ordinance shall be heard and action taken by the Zoning Board of Appeals as outlined in §157.151 through §157.155.

§ 153.11 SEVERABILITY

If any section, sentence, clause, or phrase of the Ordinance is for any reason held to be invalid or unconstitutional by a decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION II

All other provisions of this Chapter shall be and are hereby ratified.

SECTION III

The violation of the terms of this Ordinance shall be a municipal civil infraction.

SECTION IV

This Ordinance, or a synopsis thereof, shall be published in a newspaper of general circulation within the City of Burton, Genesee County, Michigan, and shall become effective 30 days after publication.

SECTION V

A copy of this Ordinance may be inspected at the City Hall, 4303 S. Center Road, Burton, Michigan, during regular business hours.

CITY OF BURTON,

By: PAULA ZELENKO, MAYOR

By: TERESA KARSNEY, CLERK

Ordinance introduced on:
Second Reading:
Publication date:
Effective date:

Attachment: Proposed Ord Signs (3330 : Sign Ordinance)

CITY OF BURTON
GENESEE COUNTY, MICHIGAN

ORDINANCE NO. 2017- -152

AN ORDINANCE TO ADD TO CHAPTER 152, THE
WIRELESS COMMUNICATION FACILITIES
ORDINANCE, OF THE CODE OF ORDINANCES OF
THE CITY OF BURTON TO REGULATE
DISTRIBUTED ANTENNA SYSTEMS/ SMALL CELL
WIRELESS FACILITIES LOCATED IN THE CITY
ROAD RIGHT OF WAY

THE CITY OF BURTON ORDAINS:

SECTION I

Section 152.02 of Chapter 152 of the Code of Ordinances of the City of Burton shall be amended by the addition of the following:

§152.02 DEFINITIONS.

DISTRIBUTED ANTENNA SYSTEMS (DAS)/ SMALL CELL WIRELESS FACILITIES.

Structures, antennas and associated equipment installed and/or operated for the provision of telecommunication or wireless services, including without limitation, antennas, supporting structures for antennas, poles, equipment shelters or houses, and any ancillary equipment.

SECTION II

Section 152.13 of Chapter 152 of the Code of Ordinances of the City of Burton shall be amended by the addition of the following:

§152.13 DISTRIBUTED ANTENNA SYSTEMS/ SMALL CELL WIRELESS FACILITIES.

(A) *License Agreement.* No person shall install or operate, in whole or in part, DAS/small cell/wireless facilities or DAS/small cell/wireless network facilities in a city public right-of-way or other public place without first applying for and receiving a DAS/small cell/wireless license from the City in a form and subject to such terms and conditions as is acceptable to the City.

(1) Nothing herein shall be interpreted to require the City to issue a license and the City reserves to itself discretion to grant, deny or modify a request for a license as it determines to be in the best interest of the City and its citizens taking into account such proprietary, safety and fiduciary interests as it deems warranted.

(2) It is the policy of the City to encourage the co-location of antennas and similar facilities first, outside of public rights-of-way and, secondarily, within the public rights-of-way

on existing poles. The co-location of uses shall be a condition of approval of any license granted for a new supporting structure in the public right-of-way.

(B) *Right of Way permit.* No person shall install or operate wireless communication facilities," as defined herein including any part of a DAS/small cell/wireless system constituting wireless communication facilities without first obtaining a right of way permit from the City.

(C) *Design parameters.* The following minimal design parameters shall apply to DAS/small cell/wireless network facilities in City public rights-of-way:

(1) The required map(s) for proposed DAS/small cell/wireless facilities shall be legible, to scale, labeled with streets, and contain sufficient detail to precisely identify the proposed DAS/small cell/wireless network facilities' locations and surroundings. Where applicable, the required map shall include and identify any requested pole height(s), all attachments and detailed drawings of any attachment.

(2) The maximum height of a pole or other supporting structure installed to accommodate a DAS/small cell/wireless network shall be 40 feet. Equipment on a supporting structure may not exceed an aggregate width of four feet (centered on pole) and shall be secured a minimum of ten feet from the ground surface or 18 feet from the ground where equipment may overhang the back of curb line. Ground level equipment or shelters are not permitted.

(3) Unless otherwise permitted in subsection (C)(6), DAS/small cell/wireless facilities shall be located no closer than 18 inches from an existing sidewalk/face of curb or 18 inches from a proposed future sidewalk/face of curb location.

(4) Unless otherwise permitted in subsection (C)(6), DAS/small cell/wireless facilities shall be located no closer than ten feet from any driveway.

(5) In residential areas, DAS/small cell/wireless facilities shall be located in line with a side lot line and not in front of a residence.

(6) The licensee shall field-stake all proposed locations for DAS/small cell/wireless facilities which shall be subject to the advance approval of the City and/or the Michigan Department of Transportation as applicable. All approved DAS/small cell/wireless facilities' locations shall be on a per pole/equipment/other basis. Such approvals shall be memorialized by the City and licensee.

(7) Once precise locations have been approved in accordance with subsection (C)(6), the licensee shall provide latitude and longitude coordinates for the DAS/small cell/wireless facilities' locations to the city's engineering department as well as detailed as-built drawings within 90 days of the completion of installation.

(8) The licensee shall be responsible to obtain such other permits and approvals as required by law.

(9) Architectural design:

- a. All poles shall be wood unless the City approves or required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or applicable codes, an alternate material such as a galvanized steel, gray or concrete finish or, subject to any applicable standards of the FAA, FCC or such codes, be painted a neutral color so as to reduce visual obtrusiveness.
- b. At all pole sites related equipment shall use materials, colors, textures, screening, and landscaping that will blend the facilities to the natural setting and environment.
- c. All poles shall be of monopole design and construction unless the City approves an alternate design. Disguising or stealthing poles is encouraged.

(D) Modification of design parameters. Upon the written request of an applicant for a license, the City Council may modify the design parameters of subsection (C) at its sole discretion following a hearing and based on its review of factors affecting the public health, safety and welfare including, but not limited to, the following: the presence of existing poles or other structures or equipment in the immediate vicinity; the ability to reasonably comply with the design parameters set forth in subsection (C); the visual and aesthetic impact of the proposed pole, antenna or facilities on the adjacent area; the existing and planned character of the adjacent area; public comment; the scale and scope of the poles, antennas or facilities relative to the existing character of the area; whether granting the modification will adversely impact public safety; and the recommendations of city department heads (if any). Following its review, the City Council may grant, deny or grant with conditions a request to modify the design parameters and shall provide its decision and the basis for the same to the applicant in writing. The applicant shall be responsible to pay all costs of the City associated with the request to modify the design parameters.

(E) Compliance with applicable law. The licensee shall be responsible to comply with all applicable legal requirements and to obtain any permits or approvals otherwise required by law relative to the installation or operation of DAS/small cell wireless facilities in the City's public rights-of-way (e.g., electrical permits). The City, in reviewing and authorizing a permit under the act and/or a license referred to in this section, and the licensee, in the establishment and operation of any DAS/small cell/wireless network facilities, shall comply with all applicable federal and state laws.

(F) Fees. Fees for the required permits and license agreement required shall be established, and from time to time be amended by resolution of the Burton City Council.

(G) Removal. In the event that removal is deemed necessary as outlined in 152.08 (A)(1) and/or (2), it shall be the sole responsibility of the license holder to comply with the removal as outlined in 152.08 (C) and 152.08 (D).

SECTION III

All other provisions of Chapter 152 shall be and are hereby ratified.

SECTION IV

This Ordinance shall be published in a newspaper of general circulation within the City of Burton, Genesee County, Michigan, and shall become effective upon publication.

SECTION V

A copy of this Ordinance may be inspected at the City Clerk's office at the Burton City Hall, 4303 S. Center Road, Burton, Michigan, during regular business hours.

CITY OF BURTON

BY: PAULA ZELENKO, MAYOR

BY: TERESA KARSNEY, CLERK

Ordinance introduced on:

Enacted:

Effective date:

Upon Publication-

CITY OF BURTON
GENESEE COUNTY, MICHIGAN

ORDINANCE NO. 2017- - _____

AN ORDINANCE AMENDING THE CITY OF BURTON CODE OF ORDINANCES BY THE ADDITION OF CHAPTER 33 – CITY PROPERTY, GENERALLY, AND BY ADDING SECTION 33.01 REGARDING THE DISPLAY OF FLAGS ON CITY OWNED PROPERTY AND PROVIDING THE PENALTIES FOR VIOLATION THEREOF

THE CITY OF BURTON ORDAINS:

SECTION I

Chapter _____ of the Code of Ordinances of the City of Burton, City Property – Generally, is hereby added and Section 33.01 shall read as follows:

SECTION 33.01 - DISPLAY OF FLAGS ON CITY OWNED PROPERTY

(A) Flags may be displayed on City owned property subject to the following:

- (1) The American flag, the State of Michigan flag, the City of Burton flag, and the POW-MIA flag (and United States Armed Forces flags) shall be permitted to be displayed on any City owned property;
- (2) No flag not specifically referenced in subsection (1) shall be displayed on any City property.

(B) Violation of this Section shall be a civil infraction and shall further result in the immediate removal of the offending flag by City Department of Public Works, Code Enforcement, or Police Department.

SECTION II

All other provisions of Chapter 33 inconsistent with the provisions of this Ordinance are hereby repealed. All other provisions of Chapter 33 shall be and are hereby ratified.

SECTION III

The various sections and provisions of this Ordinance shall be deemed to be severable and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect the

validity of this Ordinance as a whole or any section hereof other than the section or provisions so declared to be unconstitutional or invalid.

SECTION IV

This Ordinance shall be published in a newspaper of general circulation within the City of Burton, Genesee County, Michigan and shall become effective immediately upon publication.

SECTION V

A copy of this Ordinance may be inspected at the City Clerk's office at the Burton City Hall, 4303 S. Center Road, Burton, Michigan, during regular business hours.

CITY OF BURTON,

By: PAULA ZELENKO, MAYOR

By: TERESA KARSNEY, CLERK

Ordinance introduced on:
Second Reading:
Publication date:
Effective date:

Attachment: draft flag ordinance first (3333 : Flag Ordinance)

CITY OF BURTON
GENESEE COUNTY, MICHIGAN

ORDINANCE NO 2017- -92

AN ORDINANCE TO AMEND CHAPTER 92 OF THE
CODE OF ORDINANCES OF THE CITY OF BURTON
TO REGULATE FIRE PREVENTION FOR
COMMERCIAL MEDICAL MARIJUANA FACILITIES

THE CITY OF BURTON ORDAINS:

SECTION I

Section 92.02 of Chapter 92 of the Code of ordinances of the City of Burton shall be amended by the addition of the following:

§92.02 DEFINITIONS.

MEDICAL MARIJUANA PROVISIONING CENTER. A medical marijuana provisioning center (“Provisioning Center” or “Dispensary”) shall mean a commercial facility that purchases marijuana from a grower or processor and sells, supplies, or provides to registered qualifying patients directly or through the patients’ registered primary caregivers. Provisioning center includes any commercial property where marijuana is sold at retail to registered qualifying patients or registered primary caregivers.

MEDICAL MARIJUANA GROWING FACILITY. A medical marijuana growing facility (“Grow Facility”, “Growing Facility” or “Cultivation Facility”) shall mean an industrial facility that cultivates, dries, trims, or cures and packages marijuana for sale to a processor or provisioning center

MEDICAL MARIJUANA PROCESSING FACILITY. A medical marijuana processing facility (“Processing Facility” or “Oil Extracting Facility”) shall mean an industrial facility that purchases marijuana from a grower and that extracts resin from the marijuana or creates a marijuana infused products for sale and transfer in packaged form to a provisioning center.

MEDICAL MARIJUANA SAFETY COMPLIANCE FACILITY. A medical marijuana safety compliance facility (“Safety compliance facility”, “compliance facility” or “Testing Facility”) shall mean an industrial facility that received marijuana from a marijuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marijuana to the marijuana facility.

SECTION II

Section 92.08 through 92.13 of Chapter 92 of the Code of Ordinances of the City of. Burton shall be amended by the addition of the following:

COMMERCIAL MEDICAL MARIJUANA TRANSACTION FACILITIES

§92.08 OCCUPANCY CLASSIFICATIONS.

The determination of an occupancy classifications of any Commercial Medical Marijuana Transaction Facilities, as defined in the International Building Code (IBC) and the International Fire Code (IFC), shall be determined as follows:

- (A) Medical Marijuana Provisioning Center:
 - (1) M Occupancy; or
 - (2) B Occupancy if there is a patient care similar
- (B) Medical Marijuana Grow Facility:
 - (1) F-1 Occupancy
- (C) Medical Marijuana Processing Facility:
 - (1) H Occupancy when use of propane or butane; or
 - (2) F-1 Occupancy – for all other processes
- (D) Marijuana Safety Compliance Facilities:
 - (1) F-1 Occupancy

§92.09 LOCAL REQUIREMENTS.

Local requirements are provisions that exceed the requirements of International Building Code (IBC) and International Fire Code (IFC) for the purpose of the protection of life, property, and assets of all parties involved including the building and property owners, employees, and first responders.

(A) FIRE PROTECTION.

- (1) Growing Facilities, Processing Facilities and Safety Compliance Facilities shall:
 - a. Be located only in a standalone, single occupancy buildings and shall not share a building with any other related or non-related business
 - b. Be completely suppressed with a fire sprinkler system that complies with NFPA 13.
 - c. Have an FDC located on the side of the building facing the road. There shall be a fire hydrant within 50 feet of the FDC on the same side of the road and or any driveways so that a supply line from the fire hydrant to a fire apparatus will not obstruct any other fire apparatus from entering the drive or facility.
 - d. Have a monitored fire alarm system that complies with NFPA 72.

- (2) Provisioning Centers may be located in multi-occupancy buildings, as allowed under the provisions of City of Burton zoning ordinance.

(B) ACCESS.

- (1) All Commercial Medical Marijuana Transaction Facilities shall:
- Install a Knox Box located within 10 feet of the main entrance into the building.
 - Have approved by the Fire Department any gates that may cross access roads to the property or building and a means of access given to the fire department for the purpose of responding to emergencies at the facility whether or not occupied.
 - Install address numbers on the side of the building facing the road and visible from the road. Numbers shall be at least six (6) inches tall and be a contrasting color from the surface they are mounted on.

(C) HAZARDOUS CONDITIONS.

- Rooms containing fire protection equipment, controls for ventilation equipment, utility controls, and hazardous materials must be adequately marked and identified to make them easily located by firefighters.
- Safety Data Sheets (SDS) shall be located in an organized binder or filing system located inside the building within 15 feet of the main entrance or secured in a weather proof container on the exterior of the building that can be accessed with a key that shall be stored in the Knox Box.

(D) CARBON DIOXIDE (CO₂) ENRICHMENT SYSTEMS.

- The storage, use, and handling of carbon dioxide shall be in accordance with IFC and NFPA 55. All equipment utilized in compressed gas systems shall be compatible with the intended gas and use.
- Natural gas burners that are utilized to generate CO₂ in plant growing applications shall be listed, labeled, and installed in accordance with the manufacturer's installation instructions. Piping systems, combustion and ventilation air and venting for natural gas appliances shall be designed and installed in accordance with approved standards, the International Fuel Gas Code and manufacturer's recommendations.
- Where natural gas burners are located indoors for CO₂ enrichment or CO₂ storage tanks, cylinders, piping, and equipment are located indoors, rooms or areas containing CO₂ storage tanks, cylinders, piping and fittings and grow room/areas where CO₂ is released and can collect shall be provided with an emergency alarm system that shall comply with the following:

- a. Continuous gas detection shall be provided to monitor areas where CO₂ can accumulate. Detection equipment shall be provided to indicate CO₂ levels in each grow cultivation area / room and interior CO₂ storage location. Detectors shall be:
 - (1) Listed or approved devices
 - (2) Permanently mounted
 - (3) Installed at a height of no more than 48 inches above the floor
 - (4) Directly connected to the building electrical supply and fire alarm systems and protected from accidental disconnect or damage
 - (5) Auto calibrating and self “zeroing” devices are not permitted unless they can be zeroed and spanned.
 - (6) Located within manufacturers specified detection range for each point of use and storage location
 - b. Activation of the emergency alarm system shall initiate amber strobes and audible horns provided in the vicinity of each interior storage container, cylinder or tank, at each point of release, and where CO₂ can accumulate. Additional amber strobes and audible horns shall be placed at entrances to below grade locations and confined spaces. The notification devices shall be rated a minimum of 80cd for visible effect and 75 dBA for an audible effect and shall be mounted in accordance with NFPA 72 requirements. Provide audible visual notification devices at the following locations:
 - (1) Inside an interior storage room / area and outside the room / area at each entrance
 - (2) Inside grow cultivation room / areas
 - c. Local alarm set points shall be set at 5,000 PPM – Latching alarm as follows:
 - (1) Visual and audible notification in approved locations at room or area in alarm
 - (2) Activation of automatic system shut off valve
 - (3) Activation of the automatic natural gas control valves to each burner to a closed position stopping the generation of CO₂
 - (4) Evacuate the room and contact a qualified service company to investigate and address the condition
 - (5) Reset of the emergency alarm to be conducted by qualified personnel.
- (4) Signage shall be required adjacent to each horn/strobe as follows:
- a. Storage area / room: **“DO NOT ENTER WHEN LIGHT IS FLASHING – CARBON DIOXIDE LEAK DETECTED”**
 - b. Grow cultivation room / area dispensing: **“FLASHING LIGHT MEANS CARBON DIOXIDE LEAK DETECTED – EVACUATE ROOM”**
 - c. Entrance to below grade location: **“DO NOT ENTER WHEN LIGHT IS FLASHING – CARBON DIOXIDE LEAK DETECTED”**

- d. The sign shall have a minimum 1-inch lettering with a minimum ¼-inch stroke. The sign shall be on a contrasting surface of black on yellow and shall be of durable construction.
- e. Signage on the entrance doors to grow, cultivation, and storage rooms shall be provided as below:



- (5) A minimum of one (1) portable CO₂ meter shall be in use during business hours.

(E) CARBON MONOXIDE (CO) DETECTION

- (1) CO gas detection shall be provided to monitor products of combustion continuously. Detectors shall be:
 - a. Listed or approved devices
 - b. Permanently mounted
 - c. Installed per manufacturer's recommendations and directions
 - d. Directly connected to the buildings electrical supply and fire alarm system and protected from accidental disconnection or damage
- (2) CO detection shall be set at 35 PPM and upon activation shall initiate the following:
 - a. Close the automatic valve to each burner
 - b. Activate the mechanical exhaust system
- (3) All CO₂ burner systems shall shut down in the event of a loss of electrical power to the CO detectors
- (4) A minimum of one (1) portable CO meter shall be in use during business hours.

§92.10 INSPECTION AND TESTING.

(A) Semi-Annual fire inspections will be conducted by the City of Burton Fire Inspector, business owner shall pay the nonrefundable inspection fee as shall be established, and from time to time be amended by resolution of the Burton City Council.

(B) All CO and CO₂ detectors, alarms, and CO₂ burners must be visually inspected, calibrated, and tested to determine that the materials, design, fabrication, and installation practices comply with the requirements of this code. Written records of all required inspections, testing, calibration, and maintenance shall be maintained in a log book on the premises containing the three (3) most current years of records and be available for review by City of Burton Fire Inspection personnel as described below:

- (1) **Acceptance testing.** Appliances and equipment shall not be placed in operation until after the detectors, notification devices, automatic gas control valves and mechanical exhaust systems have been tested by a qualified service company. Acceptance testing is required to be witnessed by a fire inspector.
- (2) **Daily inspections.** All detectors and alarms shall be visibly inspected daily. These inspections are permitted to be conducted by trained employees.
- (3) **Monthly inspections.** All CO2 burners shall be visibly inspected monthly. These inspections are permitted to be conducted by trained employees
- (4) **Semi-annual inspections.** Systems shall be visually inspected and gas detectors calibrated in accordance with manufacturer specification semi-annually by a qualified service company.
- (5) **Annual testing.** All detectors, alarms, gas control valves, and mechanical exhaust systems shall be tested annually by a qualified service company.
- (6) **Alterations and repairs.** In the event alterations, repairs, or additions are made, the affected equipment shall receive a new acceptance test.

§92.11 TRAINING.

All employees shall receive annual training in hazard identification, physical properties, inspections, and emergency procedures. Training records shall be maintained on site and be available to inspectors upon request.

§ 92.12 VIOLATIONS.

The violation of the terms of this ordinance shall be deemed a criminal penalty and shall be enforced as provided by section 130.02 of the Code of Ordinances of the City of Burton

§ 92.13 APPEALS.

Any appeal to this Ordinance shall be heard and action taken as provided by Section 109 of the International Fire Code.

SECTION III

All other provisions of Chapter 92 shall be and are hereby ratified.

SECTION IV

This Ordinance shall be published in a newspaper of general circulation within the City of Burton, Genesee County, Michigan, and shall become effective 30 days after publication

SECTION V

A copy of this Ordinance may be inspected at the City Clerk's office at the Burton City Hall, 4303 S. Center Road, Burton, Michigan, during regular business hours.

CITY OF BURTON

BY: PAULA ZELENKO, MAYOR

BY: _____, CLERK

Ordinance introduced on:

Enacted:

Effective date:

Upon Publication-

Richard A. Hayman

From: Amanda Doyle <amandadoylelaw@gmail.com>
Sent: Tuesday, November 07, 2017 12:36 PM
To: Richard A. Hayman
Subject: Burton Place PILOT Extension Ordinance; MSHDA revision
Attachments: 20171107134425.pdf

Mr. Hayman,

As we discussed, Attorney Rypma has requested the PILOT ordinance be modified to comply with MSHDA's additional requirements. MSHDA has prepared a new ordinance, which will have to be placed before the council for first reading. Mr. Rypma has indicated he will be present at Thursday's meeting to explain the changes or if there are any questions.

I have attached his explanatory emails herein.

Please contact me with any questions.

Thank you,
Amanda

--

Amanda N. Doyle
Attorney at Law
702 Church Street
Flint, MI 48502
810-767-6860
810-767-2817 - FAX

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Attachment: Burton Place PILOT Extension Ordinance; MSHDA revision (3347 : Burton Place PILOT Program Ordinance)



Amanda Doyle <amandadoylelaw@gmail.com>

City of Burton - MSHDA Comments to PILOT

Rypma, Steven J. <SRypma@honigman.com>

Thu, Nov 2, 2017 at 12:17 PM

To: "amandadoylelaw@gmail.com" <amandadoylelaw@gmail.com>

Amanda –

I would like to provide a quick update to you on the City of Burton's recently adopted PILOT ordinance and MSHDA's reaction to the same. MSHDA is willing to accept the ordinance with one slight modification/addition, which, fortunately, is consistent with language included in past PILOT ordinances adopted by the City. Do you have a few moments to discuss this afternoon? We would like to get this before the City of Burton as soon as possible – can you let me know when is the next meeting?

Thanks,

Steve

HONIGMAN

Steven J. Rypma

Partner

Honigman Miller Schwartz and Cohn LLP

Attorneys and Counselors

350 East Michigan Avenue, Suite 300

Kalamazoo, MI 49007-3800

Telephone Number: (269) 337-7842

Fax Number: (269) 337-7843

srypma@honigman.com

www.honigman.com

Attachment: BurtonPlaceemail (3347 : Burton Place PILOT Program Ordinance)

This e-mail may contain confidential or privileged information. If you are not the intended recipient, please delete it and notify the sender of the error.



Amanda Doyle <amandadoylelaw@gmail.com>

City of Burton - MSHDA Comments to PILOT

Rypma, Steven J. <SRypma@honigman.com>

Mon, Nov 6, 2017 at 12:52 PM

To: Amanda Doyle <amandadoylelaw@gmail.com>

Amanda –

Per my earlier email, attached is the PILOT ordinance revised per MSHDA's requests and requirements. You will see that this is really just boilerplate language that does not change the substance of the exemption or the in-lieu payments. This language is also similar to what the City of Burton has adopted in past PILOT ordinances. If you have any questions or comments, please feel free to call me and I would be glad to walk you through the language and why MSHDA is requiring it. It is critical that we get this on the agenda for Thursday; due to the potential changes to the tax law in 2018, we may lose this deal if we cannot get closed by the end of the year.

FYI – MSHDA is concurrently reviewing this draft. I don't suspect any further comments but you never know. In the interest of time, I wanted to get this in front of you.

Thanks,

Steve

HONIGMAN

Steven J. Rypma

Partner

Honigman Miller Schwartz and Cohn LLP

Attorneys and Counselors

350 East Michigan Avenue, Suite 300

Kalamazoo, MI 49007-3800

Telephone Number: (269) 337-7842

Fax Number: (269) 337-7843

srypma@honigman.com

www.honigman.com

Attachment: BurtonPlaceemail (3347 : Burton Place PILOT Program Ordinance)



Amanda Doyle <amandadoylelaw@gmail.com>

City of Burton - MSHDA Comments to PILOT

Rypma, Steven J. <SRypma@honigman.com>
To: Amanda Doyle <amandadoylelaw@gmail.com>

Mon, Nov 6, 2017 at 3:24 PM

Amanda – MSHDA made a couple of final minor comment as shown by the attached (these changes show my prior addition of the legal as well). They are otherwise signed off. Let me know if you have any questions or comments; if not, please confirm if we can get on the agenda for Thursday. I will attend the meeting to explain the need for the revised ordinance.

Thanks,

Steve

HONIGMAN

Steven J. Rypma

Partner

Honigman Miller Schwartz and Cohn LLP

Attorneys and Counselors

350 East Michigan Avenue, Suite 300

Kalamazoo, MI 49007-3800

Telephone Number: (269) 337-7842

Fax Number: (269) 337-7843

srypma@honigman.com

www.honigman.com

Attachment: BurtonPlaceemail (3347 : Burton Place PILOT Program Ordinance)

CITY OF BURTON
GENESEE COUNTY, MICHIGAN

ORDINANCE NO. 2017- - 116.05

AN ORDINANCE AMENDING CHAPTER 116 OF THE CITY
OF BURTON CODE OF ORDINANCES BY THE ADDITION OF
SECTION 116.05 PROVIDING FOR THE PILOT PROGRAM
EXTENSION FOR BURTON PLACE APARTMENTS (AMENDING
ORIGINAL ORDINANCE 48(C))

THE CITY OF BURTON ORDAINS:

SECTION I

Chapter 116 of the Code of Ordinances of the City of Burton is hereby amended by the addition of Section 116.05 as follows:

SECTION 116.05 – BURTON PLACE APARTMENTS

(A) Definitions.

- i. Act means the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL 125.1401, *et seq*).
- ii. Authority means the Michigan State Housing Development Authority.
- iii. Contract Rents means the total Contract Rents (as defined by the U.S. Department of Housing and Urban Development in regulations promulgated pursuant to Section 8 of the U.S. Housing Act of 1937, as amended) received in connection with the operation of a housing project during an agreed annual period.
- iv. Mortgage Loan means a loan that is Federally-Aided (as defined in Section 11 of the Act) or a loan or grant made or to be made by the Authority , for the construction, rehabilitation, acquisition and/or permanent financing of the Project, and secured by a mortgage on the Project.
- v. Project means the housing project identified as the Burton Place Apartments and the property on which it is located, described as: the North 383' of NW ¼ of SW ¼ except E 132' Section 22, T7N, R7E, City of Burton, County of Genesee, State of Michigan.
- vi. Sponsor means JRC Burton Preservation Limited Dividend Housing Association, LLC, and any entity that receives or assumes a Mortgage Loan.

- (B) Establishment of Annual Service Charge. The Project shall continue to be exempt from all ad valorem property taxes from and after the commencement of construction or rehabilitation. The City acknowledges that the Sponsor and the Authority have established the economic feasibility of the Project in reliance upon the enactment and continuing effect of this Ordinance, and the qualification of the Project for exemption from all ad valorem property taxes and a payment in lieu of taxes as established in this Ordinance. Therefore, in consideration of the Sponsor's offer to rehabilitate and operate the Project, the City agrees to accept payment of an annual service charge for public services in lieu of all ad valorem property taxes. Subject to receipt of a Mortgage Loan, the annual service charge shall be equal to (i) 4 % of 95% of the Contract Rents actually collected by the Project during each operating year less the costs of fuel, electricity and the service charge, or (ii) thirty thousand dollars (\$30,000.00), whichever is greater. The annual service charge shall be paid on or before August 15 of each year.
- (C) Duration. This Ordinance shall remain in effect and shall not terminate so long as a Mortgage Loan remains outstanding and unpaid.
- (D) Contractual Effect of Ordinance. Notwithstanding the provisions of section 15(a)(5) of the Act to the contrary, a contract between the City of Burton and the Sponsor with the Authority as third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes, as described herein, is effectuated by enactment of this Ordinance.

SECTION II

All other provisions of Chapter 116 inconsistent with the provisions of this Ordinance are hereby repealed. All other provisions of Chapter 116 shall be and are hereby ratified.

SECTION III

The various sections and provisions of this Ordinance shall be deemed to be severable and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect the validity of this Ordinance as a whole or any section hereof other than the section or provisions so declared to be unconstitutional or invalid.

SECTION IV

This Ordinance shall be published in a newspaper of general circulation within the City of Burton, Genesee County, Michigan and shall become effective immediately upon publication.

SECTION V

A copy of this Ordinance may be inspected at the City Clerk's office at the Burton City Hall, 4303 S. Center Road, Burton, Michigan, during regular business hours.

CITY OF BURTON,

By: PAULA ZELENKO, MAYOR

By: TERESA KARSNEY, CLERK

Ordinance introduced on:

Second Reading:

Publication date:

Effective date:

CITY OF BURTON
GENESEE COUNTY, MICHIGAN

ORDINANCE NO. 2017- -157

AN ORDINANCE TO AMEND CHAPTER 157, the ZONING ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF BURTON TO REGULATE COMMERCIAL MEDICAL MARIJUANA TRANSACTION FACILITIES

THE CITY OF BURTON ORDAINS:

SECTION I

Section 157.006 of Chapter 157 of the Code of ordinances of the City of Burton shall be amended by the removal and addition of the following:

§157.006 DEFINITIONS.

MEDICAL MARIJUANA PROVISIONING CENTER. A medical marijuana provisioning center ("Provisioning Center") shall mean a commercial facility that purchases marijuana from a grower or processor and sells, supplies, or provides to registered qualifying patients directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marijuana is sold at retail to registered qualifying patients or registered primary caregivers.

MEDICAL MARIJUANA GROWING FACILITY. A medical marijuana growing facility ("Grow Facility" or "Growing Facility") shall mean an industrial facility that cultivates, dries, trims, or cures and packages marijuana for sale to a processor or provisioning center

MEDICAL MARIJUANA PROCESSING FACILITY. A medical marijuana processing facility ("Processing Facility") shall mean an industrial facility that purchases marijuana from a grower and that extracts resin from the marijuana or creates a marijuana infused products for sale and transfer in packaged form to a provisioning center.

MEDICAL MARIJUANA SAFETY COMPLIANCE FACILITY. A medical marijuana safety compliance facility ("Safety compliance facility" or "compliance facility") shall mean an industrial facility that received marijuana from a marijuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marijuana to the marijuana facility.

MEDICAL MARIJUANA SECURE TRANSPORTER FACILITY. A medical marijuana secure transporter facility ("Secure Transporter Facility" or "Transporter Facility") shall mean an industrial facility stores marijuana for the purpose of transporting marijuana between commercial medical marijuana transaction facilities.

SECTION II

Section 157.043 of Chapter 157 of the Code of Ordinances of the City of. Burton shall be amended by the removal and addition of the following:

§ 157.043 GENERAL BUSINESS DISTRICT, C-2

(C)(7) Medical Marijuana Provisioning Center, Shall be subject to all requirements as set forth in section 157.092 of this Code for site plan review provided that the provisioning center shall not be permitted:

- (a) Within five hundred (500) feet of any other commercial medical marijuana transaction facility;
- (b) Within two hundred (200) feet of a residential district or use;
- (c) Within one thousand (1000) feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;
- (d) Within one thousand (1000) feet of any church, house of worship or other religious facility or institution; and
- (e) Within one thousand (1000) feet of any public or municipal park.

SECTION III

Section 157.046 of Chapter 157 of the Code of Ordinances of the City of Burton, shall be amended by the removal and addition of the following:

§157.046 LIGHT INDUSTRIAL DISTRICT, M-1.

(B) (5) Medical Marijuana Provisioning Center, Shall be subject to all requirements as set forth in section 157.092 of this Code for site plan review provided that the provisioning center shall not be permitted:

- (a) within five hundred (500) feet of any other commercial medical marijuana transaction facility; if the same applicant has one parcel of land in which they have the ability to co-locate a provisioning center, a grow facility and/or processing center, there may be an exception given to permit these uses on that one parcel of land. Each facility will provide separate applications and will be given separate consideration along with individual annual fees.
- (b) Within two hundred (200) feet of a residential district Or use;
- (c) Within one thousand (1000) feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;
- (d) Within one thousand (1000) feet of any church, house of worship or other religious facility or institution; and
- (e) Within one thousand (1000) feet of any public or municipal park.

(B)(6) Medical Marijuana Growing Facility Shall be subject to all requirements as set forth in section 157.092 of this Code for site plan review provided that the grow facility shall not be permitted:

- (a) Within five hundred (500) feet of any other commercial medical marijuana transaction facility; if the same applicant has one parcel of land in which they have the ability to co-locate a provisioning center, a grow facility and/or processing center, there may be an exception given to permit these uses on that one parcel of land. Each facility will provide separate applications and will be given separate consideration along with individual annual fees.
- (b) Within two hundred (200) feet of a residential district or use;
- (c) Within one thousand (1000) feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;
- (d) Within one thousand (1000) feet of any church, house of worship or other religious facility or institution; and
- (e) Within one thousand (1000) feet of any public or municipal park.

(B)(7) Medical Marijuana Processing Facility: Shall be subject to all requirements as set forth in section 157.092 of this Code for site plan review provided that the processing facility shall not be permitted:

(a) Within five hundred (500) feet of any other commercial medical marijuana transaction facility; if the same applicant has one parcel of land in which they have the ability to co-locate a provisioning center, a grow facility and/or processing center, there may be an exception given to permit these uses on that one parcel of land. Each facility will provide separate applications and will be given separate consideration along with individual annual fees.

(b) Within two hundred (200) feet of a residential district or use;

(c) Within one thousand (1000) feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;

(d) Within one thousand (1000) feet of any church, house of worship or other religious facility or institution; and

(e) within one thousand (1000) feet of any public or municipal park.

(B)(8) Medical Marijuana Safety Compliance Facility: Shall be subject to all requirements as set forth in section 157.092 of this Code for site plan review provided that the safety compliance facility shall not be permitted:

(a) Within five hundred (500) feet of any other commercial medical marijuana transaction facility;

(b) Within two hundred (200) feet of a residential district or use;

(c) Within one thousand (1000) feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;

(d) Within one thousand (1000) feet of any church, house of worship or other religious facility or institution; and

(e) within one thousand (1000) feet of any public or municipal park.

(B)(9) Medical Marijuana Secure Transporter Facility: Shall be subject to all requirements as set forth in section 157.092 of this Code for site plan review provided that the secure transporter facility shall not be permitted:

(a) Within five hundred (500) feet of any other commercial medical marijuana transaction facility;

(b) Within two hundred (200) feet of a residential district or use;

(c) Within one thousand (1000) feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;

(d) Within one thousand (1000) feet of any church, house of worship or other religious facility or institution; and

(e) within one thousand (1000) feet of any public or municipal park.

SECTION IV

Chapter 157 of the Code of Ordinances of the City of Burton shall be amended by the deletion and addition of Section 157.099 to provide as follows:

§157.099 COMMERCIAL MEDICAL MARIJUANA TRANSACTION FACILITIES

It is the intent of this section to regulate any commercial medical marijuana transaction facilities by the following requirements:

(A) Operational Limitations.

(1) A commercial medical marijuana transaction facility shall only operate between 8:00 a.m. and 8:00 p.m. Monday through Saturday and 12:00 noon and 6:00 p.m. Sunday.

(2) A commercial medical marijuana transaction facility shall comply at all times with each and every provision of the State of Michigan Medical Marijuana Act of 2008 (MCL 333.26421, et seq.) and House Bill 4209, 4210 and 4827.

(3) Any permitted activities conducted by a commercial medical marijuana transaction facility must be done inside a fully enclosed structure or building that is kept secured with locks to prevent unintended or uninvited access.

(4) Persons under the age of eighteen (18) years of age are not permitted to be on the property of any commercial medical marijuana transaction facility unless they possess a valid Medical Marijuana Registry Card issued by the State of Michigan or other state.

(5) Advertising and/or marketing for a commercial medical marijuana transaction facility, viewed from the exterior, shall not appeal to or have the effect of appealing to minors, this shall include but is not limited to signage, flyers, banners, etc. as permitted in Chapter 153.10 of the City Code of Ordinances.

(6) Any owners and/or operators of any commercial medical marijuana transaction facility who violates these sections shall be liable for all costs associated with the investigation, prosecution and enforcement of that violation.

(B) Site Plan Requirements.

(1) Any person who wished to operate any commercial medical marijuana transaction facility shall submit an application for site plan review to the City of Burton as set forth in Section 157.092, consistent with the zoning of the property, showing required locational limitations as set forth in Section 157.043(C)(7), Section 157.046 (B)(5), (B)(6), (B)(7), (B)(9), and (B)(10) as they apply, shall pay a nonrefundable fee as shall be established, and from time to time be amended by resolution of the Burton City Council, and which shall include the following:

(a) Security system details which shall include, at the minimum, audible and silent alarms and video surveillance cameras.

(b) Details regarding the building electrical system, power demands of specialized lighting and other necessary equipment, and method proposed to prevent excessive heat build-up and risk of fire within the building.

(c) Ventilation equipment details, including fresh air intake and filtration of exhaust air to prevent offensive odors from leaving the site.

(d) Proposed methods for controlling insects within the building and preventing insects from becoming a nuisance or health hazard, off the site.

(e) A description of the operation of the commercial medical marijuana transaction facility in sufficient detail to permit the City to determine if the operation, as described would be lawful and fully compliant with. The State of Michigan Medical Marijuana Act of 2008 (MCL 333.26421, et seq.) and House Bill 4209, 4210 and 4827.

(2) Once the application is approved and within 30 days, the applicant must then submit any further documentation necessary to receive a certificate of occupancy which shall include but is not limited to building permits, inspections, and audits as deemed necessary by the Department of Public Works. At this time the applicant must also pay an annual, nonrefundable license fee as shall be established, and from time to time be amended by resolution of the Burton City Council.

(3) Annual renewal of the application is required for any commercial medical marijuana transaction facility and must comply with 157.099 (E).

(4) All applicants must provide a copy of the State of Michigan approved operating license before certificate of occupancy can be issued.

(5) Any change of ownership of the property and/or facility or change of use will be considered a new application for all purposes of this ordinance, with the exception of 157.099 (F). In the case in which the existing facility has not vacated the new application will be secured from any new locational limitation.

(C) Periodic Inspections. All approved commercial medical marijuana transaction facilities shall submit and allow authorized City zoning and building inspection and/or law enforcement personnel to make unannounced, periodic inspections for purposes of verifying compliance with all requirements of this Ordinance and Section, and any reasonable conditions placed upon any special land use approval.

(D) Existing Facilities. Commercial medical marijuana transaction facilities (also known as “medical marijuana dispensaries” and “medical marijuana grow facilities”) that have been approved to operate prior to the enactment of this ordinance shall remain approved provided that the facility comply with the following:

(1) Within 90 days of the enactment of this Ordinance, the applicant shall submit an application for site plan review to the City of Burton as set forth in Section 157.099 (B)(1) – (B)(3) and the applicant must pay an annual, nonrefundable license fee as shall be established, and from time to time be amended by resolution of the Burton City Council

(2) Within 90 days of the acceptance of State operating licenses in accordance with MCL 333.27101, the applicant must apply to the State for and operating license as appropriate for the use.

(a) Medical Marijuana Dispensary – must apply for a Medical Marijuana Provisioning Center and;

(b) Medical Marijuana Growing Facility – must apply for a Medical Marijuana Growing Facility

(3) Once the State of Michigan operating licensed is secured, a copy must be submitted to the Department of Public Works and a new certificate of occupancy may be issued.

(4) Any change of ownership of the property and/or facility or change of use will be considered a new application.

(E) Annual Renewal. A site plan approval shall be issued for a 1-year period and is renewable annually.

(1) Except as set forth in this Ordinance, the Department of Public Works shall renew a license if all of the following requirements are met:

(a) The applicant submits a renewal application provided by the City of Burton and pay the an annual, nonrefundable license fee as shall be established, and from time to time be amended by resolution of the Burton City Council; and

(b) The application is received by the City on or before the expiration date of the current approval.

(2) It is the sole responsibility of the applicant to apply for renewal prior to the expiration. Upon or after the date of expiration the City of Burton shall notify the applicant at the last known address on file advising them they have 30 days to apply for renewal and pay any applicable late fees and the annual non-refundable fee. Failure to renew 30 days from date noticed mailed will revoke the facilities certificate of occupancy and require any future application to be considered new.

(3) Renewal shall be considered 1-year from the date in which the annual fee is paid and the site plan is approved.

(4) In its decision on an application for renewal, the City of Burton shall consider any input from the building official, code enforcement officer, fire department and/or police department.

(F) Securing locational limitations. Applications are considered on a first come basis for purpose of required locational limitations as set forth in Section 157.043(C)(7), Section 157.046 (B)(5).(B)(6), (B) (7), and (B) (8). Consideration is only taken when the complete application is submitted to the City of Burton and any required fees are paid in full. Consideration may be taken when there is a pending application to the Zoning Board of Appeals or Planning Commission, as appropriate. Application for a State operating license does not secure any position for locational limitations.

SECTION V

All other provisions of Chapter 157 shall be and are hereby ratified.

SECTION VI

This Ordinance shall be published in a newspaper of general circulation within the City of Burton, Genesee County, Michigan, and shall become effective upon publication.

SECTION VII

A copy of this Ordinance may be inspected at the City Clerk's office at the Burton City Hall, 4303 S. Center Road, Burton, Michigan, during regular business hours.

CITY OF BURTON

BY: PAULA ZELENKO, MAYOR

BY: TERESA KARSNEY, CLERK

Ordinance introduced on:

Enacted:

Effective date:

Upon Publication-