

PROPOSED AGENDA

**CHARTER TOWNSHIP OF BRIGHTON
BOARD OF TRUSTEES
4363 BUNO ROAD
BRIGHTON, MI 48114**

**JUNE 25, 2020
SPECIAL MEETING
6:30 P.M.
(810) 229.0560**

SPECIAL NOTICE: Due to Governor Whitmer's Stay Home Stay Safe Executive Order and to Minimize the Spread of COVID-19, this meeting will be held electronically.
See instructions below for participating in this ZOOM video conference

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL
- D. CALL TO THE PUBLIC
- E. CONSENT AGENDA
 - 1. Approval of Agenda
- F. BUSINESS
 - 1. State of Emergency (suspension of enforcing of zoning rules) – Consideration of Adoption of Resolution – “Temporary Use–Special Event Permit for Outdoor Commercial Use”
- G. CALL TO THE PUBLIC
- H. ADJOURNMENT

INSTRUCTIONS FOR ALL PERSONS TO PARTICIPATE

To Join Zoom Meeting

Go to <https://us02web.zoom.us/j/86789788502>

Meeting ID: 867 8978 8502

One tap mobile

+13126266799,,86789788502# US (Chicago)

+16465588656,,86789788502# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 867 8978 8502

Find your local number: <https://us02web.zoom.us/u/kdJoS2PsS0>

Michigan Relay is a communications system that allows hearing persons and deaf, hard of hearing, or speech-impaired persons to communicate by telephone. Users may reach Michigan Relay by dialing 7-1-1 and then connection with Zoom conference number above. There is no additional charge to use this service. Please contact Manager@brightontwp.com with any other requests for accommodations. Public comments can also be submitted by email clerk@brightontwp.com to be shared with the Board.

Board Packets are available on our website: www.brightontwp.com. The Charter Township of Brighton will provide necessary reasonable auxiliary aids and services such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting to individuals with disabilities at the meeting. Individuals should contact the Charter Township of Brighton by writing or contacting: Township Manager, 4363 Buno Road, Brighton, Michigan 48114. Telephone: (810) 229.0550.

PROPOSED AGENDA
(continued)

**CHARTER TOWNSHIP OF BRIGHTON
BOARD OF TRUSTEES
4363 BUNO ROAD
BRIGHTON, MI 48114**

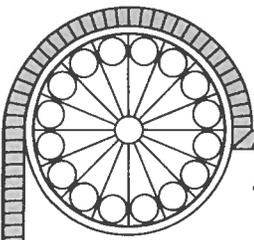
**JUNE 25, 2020
SPECIAL MEETING
6:30 P.M.
(810) 229.0560**

According to the Attorney General, interrupting a public meeting in Michigan with hate speech or profanity could result in criminal charges under several State statutes relating to Fraudulent Access to a Computer or Network (MCL 752.797) and/or Malicious Use of Electronics Communication (MCL 750.540).

According to the US Attorney for Eastern Michigan, Federal charges may include disrupting a public meeting, computer intrusion, using a computer to commit a crime, hate crimes, fraud, or transmitting threatening communications.

Public meetings are being monitored and violations of statutes will be prosecuted.

The Charter Township of Brighton will provide necessary reasonable auxiliary aids and services such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting to individuals with disabilities at the meeting. Individuals should contact the Charter Township of Brighton by writing or contacting: Township Manager, 4363 Buno Road, Brighton, Michigan 48114. Telephone: (810) 229.0550.



CHARTER TOWNSHIP OF BRIGHTON

4363 Buno Rd. • Brighton, Michigan 48114-9298 • Telephone: (810) 229-0550 Fax: (810) 229-1778
www.brightontwp.com

June 19, 2020

Brighton Township Board of Trustees

As Supervisor for the Charter Township of Brighton, I do hereby declare a state of emergency pursuant to MCL 30.410(1)(b).

In doing so, The Charter Township of Brighton has created emergency rules to protect life and property – temporarily suspending enforcement of zoning rules for outdoor seating and create temporary new rules for outdoor seating pursuant to MCL 30.410(1)(d).

That a special meeting of the Charter Township of Brighton Board of Trustees will be called within seven days to consent to the declaration to continue emergency powers through the adoption of the attached proposed “Temporary Use – Special Event Permit for Outdoor Commercial Use” resolution pursuant to MCL 30.410(1)(b).

This declaration will be promptly filed with the emergency management division of the Michigan State Police pursuant to MCL 30.410 (1)(b).

Sincerely,

Patrick Michel
Supervisor
Charter Township of Brighton

Attachment.

CC: Michigan State Police
Brighton Township Planning Commission
Livingston County Emergency Manager
Livingston County Building Department
Brighton Area Fire Authority

CHARTER TOWNSHIP OF BRIGHTON

**RESOLUTION 20-____
TEMPORARY USE- SPECIAL EVENT PERMIT FOR OUTDOOR COMMERCIAL
USE**

At a regular meeting of the Township Board of the Charter Township of Brighton, Livingston County, State of Michigan, held on _____ 2020, beginning at _____, there were:

PRESENT: _____

ABSENT: _____

Moved by: _____, and supported by: _____ to adopt the following resolution:

RESOLUTION

WHEREAS, there are confirmed cases of Coronavirus (Covid-19), a highly contagious virus, within the state of Michigan, Livingston County and Brighton Township; and,

WHEREAS, the COVID-19 virus is highly communicable, and has caused fatalities throughout the US and other nations; and

WHEREAS, over the past 3 months many Township Businesses have either had to close or significantly alter their operations because of the COVID-19 Virus; and,

WHEREAS, Commercial Businesses play a vital role in making Brighton Township a vibrant community, and they have been economically challenged over the past 3 months due to the COVID-19 Virus, and

WHEREAS, The Brighton Township Board has issued Resolution 20-____ to facilitate the application process for Commercial Businesses to utilize outdoor spaces to help mitigate the likely reduced capacity of these businesses once they are allowed to re-open and to help with economic burdens on this process by temporarily eliminating the fees to process the Temporary Use-Special Event Permit fee.

WHEREAS, The Brighton Township Board has issued Resolution 20-____ to facilitate the application process for Commercial Businesses to utilize outdoor spaces to help mitigate the spread of COVID 19 by eliminating gatherings of persons in a small area waiting for an opportunity to gain entrance the Commercial Business and allowing increased outdoor seating with appropriate social distancing measures.

WHEREAS; the Township Board anticipates that the Governor will issue orders shortly that contemplate the slow/partial reopening of commercial businesses providing goods and services within the Township, likely consistent with the Governor's recent Order authorizing same in certain other areas of the State, as indicated in the Governor's Executive Order 2020-96; and

WHEREAS; the Township Board understands and expects that, like the reopening has occurred elsewhere in the State, the reopened businesses will be subject to limitations on occupancy and requirements for social distancing. In other words, those reopening businesses likely will not be permitted to reopen at full capacity and might therefore not be able to use all their existing space as it was before the Orders described above. Consequently, as those businesses seek to reopen, the Township Board expects that they will contemplate alternative means to provide goods and services to the public, but will find that there are limits imposed by the Township's Zoning Ordinance and other Township Code or land use regulations that might affect or limit their ability to take advantage of those alternatives. By way of example only, these could include limitations on the use of adjacent sidewalks and parking areas for outdoor sales and services and/or outdoor seating for food and beverage service; and

WHEREAS; while there are options available to reopening businesses to seek relief from those regulations, those procedures typically take a significant amount of time to complete, or might not fit the technical requirements for relief, and also require the use of substantial Township resources. For example, requests to the Zoning Board of Appeals for relief from Zoning Ordinance regulations require publishing and mailing public hearing notices, and the scheduling and conducting of public hearings before the Board. Absent some sort of broad relief, the Township believes that this could take a significant amount of time and could impact the ability of business to operate during the summer months when they have the opportunity to use outdoor space; and

WHEREAS; the Township Board seeks to avoid overwhelming the ZBA – as well as the Township's administrative staff and possibly Township Board – with individual applications for relief, and with individual notice and review requirements. The Board has therefore investigated options for addressing these issues on a Township-wide and expedited basis; and

WHEREAS; The Brighton Township Supervisor declared a local state of emergency on the ___ day of June, 2020 pursuant to the Emergency Management Act, MCL 30.401 et. seq.

WHEREAS; the Township Board also acknowledges the concept of the “moratorium” under which the Township can potentially suspend enforcement of provisions of an ordinance, and

WHEREAS; the Township Board finds, however, that the most appropriate way to avoid overwhelming the ZBA, Township Board, and Township staff and to address the health, safety, and welfare issues caused by the COVID-19 pandemic in a manner that is not detrimental to the public nor contrary to the overall purpose and goals of the Township's existing ordinances is to create a Temporary Use-Special Event Permit to authorize the extension of certain permitted uses into outdoor spaces not otherwise allowed to be used, because of—and only because of—the occupancy limitations and social distancing requirements necessary to respond to the COVID-19 pandemic, and for no other purpose or duration.

NOW THEREFORE, BE IT RESOLVED by the Township Board of Brighton Township, Livingston, County, Michigan, as follows:

1. The Brighton Township Board hereby affirms Resolution 20-____ regarding the temporary elimination of the fee and relaxing of the regulations for Temporary Use-Special Event Permits regarding outdoor commercial uses.
2. Any and all resolutions and amendments that are in conflict with this Resolution are hereby temporarily repealed.
3. Township Board affirms its existing zoning and land use regulations as reasonable and appropriate in furtherance of the public health, safety, and welfare of the Township, its residents, and businesses.
4. Township Board finds, however, that the 2020 COVID-19 pandemic represents an unusual and unprecedented event that has caused an interruption in the typical operation of businesses within the Township, but particularly the operation of retail and service businesses and restaurants/bars in the Township that rely upon visitors and in-person customers.
5. Township Board finds that a temporary relaxation of certain regulations with respect to the operation of those businesses is an appropriate response to these current unprecedented conditions within the Township, state, and country, and further finds that such temporary relaxation, if properly administered, will not adversely affect the public health, safety, and welfare and will in fact promote public health and benefit both the businesses and the members of the public affected given COVID-19's wide-ranging effects.
6. Township Board hereby determines that it is appropriate to establish, and it hereby does establish, a Temporary Use-Special Event Permit for (i) certain outdoor sales by retail businesses (ii) certain use by outdoor service establishments such as hair and nail salons and (iii) certain outdoor seating and food and beverage service by restaurants/bars under and pursuant to Sec. 13-14 of the Zoning Ordinance, and also in further reliance upon other authorities referred to above, as applicable, and subject to the following requirements:
7. The provisions of this Resolution and the Temporary Use-Special Event Permit are limited to commercial businesses including restaurants/bars, service and retail businesses that can meet the requirements of Temporary Use-Special Event Permit and this Resolution;
8. The Township Zoning Administration has written standards and procedures for receiving and reviewing applications for outdoor sales by retail and service businesses and outdoor seating and food and beverage service by restaurants/bars. Such procedures shall, at a minimum, include:
 - a. Operation as part of an existing business with a valid certificate of occupancy adjacent to the outdoor area.
 - b. Compliance with any and all applicable state and local orders related to COVID-19, including social distancing, party size limitations, masking, etc.
 - c. Area and location limitations.

- d. Spacing limitations for tables, chairs, registers, and the like.
 - e. If private parking areas are used at least 50% of required parking shall be maintained and handicap parking spaces shall not be blocked.
 - f. Hours of operation for outdoor uses to be between 7:00 AM and 9:00 PM.
 - g. Separation regulations from parking/vehicular traffic.
 - h. ADA compliance.
 - i. Compliance with all other local, state and federal regulations including but not limited to other zoning, building, fire, liquor, and health codes.
 - j. Provision for maintenance of the site including, end of day clean up, litter and waste removal, etc.
9. The requirements for issuance of such Permit Authorization shall be as follows:
- a. A Temporary Use application shall be filed with the Planning and Zoning Department;
 - b. The Temporary Use application shall be on a form provided by the Planning and Zoning Department, and shall include such information as the Zoning Administrator determines is necessary;
 - c. The Temporary Use application shall include an accompanying plan; the plan shall be a scaled layout of premises with the following information on the plan:
 - i. location of all improvements existing and proposed, improvement shall include any permanent structures, sidewalks, parking areas, roadways, temporary structure, seating, registers or other items;
 - ii. location and clearances to maintain access to any fire hydrants, Fire Department connections, and fire routes;
 - iii. location and dimensioned access to means of egress and barrier free entrance routes (pedestrian pathways must be shown and dimensioned on existing shared commercial sidewalks);
 - iv. locations and description of any fencing or seating area enclosures and egress; location of any relocated barrier free parking;
 - v. location and description of facilities for waste and trash; and
 - vi. any other information deemed necessary by the Zoning Administrator.
 - d. If the outdoor commercial area is not on property owned by the business the business shall receive approval of the property owner to apply for the outdoor commercial area permit.
 - e. If the outdoor commercial area is on public land the business shall receive approval of the public entity that controls the land in writing.
 - f. The outdoor sales must be on a property that is commercially zoned or a property that has an approved commercial use on it.

10. The zoning administrator shall review the Temporary Use-Special Event Permits for compliance with this resolution and with Sec. 13-14 of the Zoning Ordinance.
11. Review and approval of the application and accompanying plan shall be by the Zoning Administrator (or designee), with a copy to the Police and Fire Department. The application and plan shall be approved if it provides all of the information and meets the requirements provided herein and shall be denied if it does not.
12. An approval may be revoked by the Zoning Administrator if the applicant fails, neglects, or refuses to fully comply with any and all provisions and requirements set forth in this Resolution or with any and all provisions, regulations, ordinances, statutes, or other law incorporated by reference, including Zoning.
13. Restaurant/bar uses must comply with requirements of the Livingston County Health Department;
14. Additional regulations that involve the sale or consumption of alcoholic beverages shall comply with all requirements of the State Liquor Control law, including administrative regulations, and may require additional review by Township staff and consultants, and may require approval by Township Board.
15. The authorizations set forth in this Resolution shall become effective if and when the Executive Orders referred to above are amended so as to allow operation of retail and service businesses, and restaurants and bars to open to the public and shall expire on October 31, 2020, unless extended by the Township Board, subject to the following:
16. If the Governor revokes the Stay at Home Order, or the Stay at Home Order is otherwise revoked by operation of law or by court order, and the occupancy limitations and social distancing limitations are no longer in force and effect, this authorization shall be null and void, and any activities authorized shall cease immediately.
17. If the Township adopts an ordinance or ordinances relating to the subject matter of this resolution, this Resolution shall be considered revoked upon the effective date thereof.
18. The Township Board may revoke or amend this Resolution at any time, and such revocation or amendment shall be effective immediately.
19. There shall be no fees charged for the submission of the application or the Township's review of the application.
20. The Township Zoning Administrator is directed to review and evaluate the Township's Zoning Ordinance and Township Code provisions in light of the recent events related to COVID-19 and the various orders and limitations imposed in response and report to the Township Board any recommended changes thereto as a result of its evaluation.

21. Violation of the requirements of this Resolution and/or any permit authorized hereunder shall be considered violations of the Township Code.

22. Resolution 20-____ Temporary Use- Special Event Permit for Outdoor Commercial Use, is hereby adopted.

A roll call vote on the foregoing resolution was taken and was as follows:

AYES: _____

NAYS: _____

ABSENT: _____

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
) ss
COUNTY OF LIVINGSTON)

CERTIFICATION

I, _____, being the duly elected Clerk of the Township of Brighton, Livingston County, Michigan, hereby certify that (1) the foregoing is a true and complete copy of a resolution adopted by the Township Board, and the vote was taken thereon, at the meeting described in the introductory paragraph, at which time a quorum was present and remained through; (2) the original of such resolution is on file in the Clerk's office, (3) the meeting was conducted and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended and (4) minutes of such meeting were kept and have been or will be made available as required thereby.

Date: _____

Joseph R. Riker
Township Clerk