



CITY OF ALBION CITY COUNCIL MEETING AGENDA

Meetings: First and Third Mondays – 7:00 p.m.

City Council Chambers ♦ Second Floor ♦ 112 West Cass Street ♦ Albion, MI 49224

COUNCIL-MANAGER
GOVERNMENT

Council members and
other officials normally in
attendance.

Garrett Brown
Mayor

Maurice Barnes, Jr.
Council Member
1st Precinct

Lenn Reid
Council Member
2nd Precinct

Sonya Brown
Mayor Pro-Tem
Council Member
3rd Precinct

Marcola Lawler
Council Member
4th Precinct

Jeanette Spicer
Council Member
5th Precinct

Andrew French
Council Member
6th Precinct

Sheryl L. Mitchell
City Manager

The Harkness Law Firm
Atty Cullen Harkness

Jill Domingo
City Clerk

NOTICE FOR PERSONS WITH
HEARING IMPAIR-MENTS
WHO REQUIRE THE USE OF A
PORTABLE LISTENING DEVICE

Please contact the City
Clerk's office at
517.629.5535 and a listening
device will be provided
upon notification. If you
require a signer, please
notify City Hall at least five
(5) days prior to the posted
meeting time.

AGENDA

COUNCIL MEETING Tuesday, February 20, 2018

7:00 P.M.

PLEASE TURN OFF CELL PHONES DURING MEETING

- I. CALL TO ORDER
- II. MOMENT OF SILENCE TO BE OBSERVED
- III. PLEDGE OF ALLEGIANCE
- IV. ROLL CALL
- V. MAYOR AND COUNCIL MEMBER'S COMMENTS
- VI. CITY MANAGER REPORT
- VII. PRESENTATIONS
 - A. Update on Superior Street
 - B. Certificates of Appreciation for Cardboard Classic Sled Race, Eric Worley and Stacey Levin
- VIII. PUBLIC HEARINGS
- IX. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to **agenda items only** and to no more than three (3) minutes. Proper decorum is required.)
- X. CONSENT CALENDAR (VV) (Items on Consent Calendar are voted on
 - A. Approval Regular Session Minutes, January 16, 2018
 - B. Approval Regular Session Minutes, February 5, 2018
- XI. ITEMS FOR INDIVIDUAL DISCUSSION
 - A. Request Approval 2nd Reading and Adoption of Ordinance # 2018-01, An Ordinance to Authorize Medical Marihuana Facilities Licensing and Regulations and Create Article V of Chapter 22 of the Albion Code of Ordinances (RCV)



CITY OF ALBION

CITY COUNCIL MEETING AGENDA

Meetings: First and Third Mondays – 7:00 p.m.

City Council Chambers ♦ Second Floor ♦ 112 West Cass Street ♦ Albion, MI 49224

- B. Discussion of Marijuana Facility License Fees
- C. Request Approval of Amendment to Council Rules to Add Appendix A; Roles & Responsibilities of City Officials
- D. Request Approval of Amendment to Council Rules to Add Mayor/Manager Weekly Consultations (RCV)
- E. Request Approval for Authorization of Funds for Attorney Smith for Council Rules Review (RCV)
- F. Request Approval Boards & Commissions Appointments (RCV)
 - Jacqueline Slaby, Initial Appointment, Planning Commission, Term to Expire 12-31-2020
 - William Rfaill, Initial Appointment, Albion District Library, Term to Expire 12-31-2021
- G. Discussion-Austin Avenue
 1. Abatements
 2. Demolition
 3. City's Financial Ability for Demolition
- H. Discussion-Social Media Policy
- I. Discussion-City Awards & Recognitions and Key to the City
- XII. Future Agenda Items
- XIII. Motion to Excuse Absent Council Member(s)
- XIV. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to no more than three (3) minutes. Proper decorum is required.)
- XV. ADJOURN



CITY OF ALBION
Office of the City Manager
Sheryl L. Mitchell

112 West Cass Street ♦ Albion, MI 49224
517.629.7172 ♦ smitchell@cityofalbionmi.gov

MEMO

TO: Honorable Mayor and City Council
FR: Sheryl L. Mitchell, City Manager
DA: February 20, 2018
RE: **City Manager's Report**

- **MML – Capital Conference** – March 20-21 in Lansing. Some council members have expressed interest in attending. Registration Rate is \$225 before Feb. 28 and \$300 afterwards.
- **Boards & Commissions Orientation** – As part of the RRC certification process, it was recommended that the City develop information to share for Boards and Commissions regarding recruiting, the application process, orientation, and training. A copy of the document that was prepared primarily by Stacey Levin and Jill Domingo is at your desks for your review and comment.
- **Zoning Ordinance Update** – the first meeting on the updating of the ordinance was held in January. The next meeting is scheduled for March 15 at 7pm in the Mayor's Conference Room. The meetings are open to the public.
- **2017 Audit** – the auditing firm, Stevens, Kirinovic & Tucker, PC are planning to be on site during the last full week in March – the week of March 26th; and returning the 3rd week in April – the week of April 16th. They have provided the Council with a letter overviewing their responsibilities, planned scope, and timing of the audit.
- **Year-end Budget Report** – The report provided in your packet reflects preliminary numbers. There are still a lot of year-end adjusting entries that need to be made – some that will have a major impact on the final numbers (most of which are related to some of the grants).
- **North Country Trail Signage** – Met on Feb. 14th with Larry Pio, Director of North Country Trail Association, along with Eric Worley, Gregg Strand, and Mark Lelle, to discuss placement of trail markers where the trail coincides with the Albion River Trail. Discussed steps in having Albion designated as a Trail Town.
- **Michigan Economic Development Advisory Committee** – The Michigan Municipal League and Michigan Economic Development Corporation have jointly formed an advisory committee of local government leaders to offer advice on existing and future community development priorities, policies, and programming. I have been invited to serve on this advisory committee to share our local perspective.

- **Regional Health Alliance Leadership Cabinet** – Discussed commitment and strategy for health equity and developing tools to strengthen organizational effectiveness to address health disparities for disadvantaged groups. Will be implementing a more interactive web-based platform for the county report card (TCC) on MiCalhoun. First phase expected to roll out in Spring 2018.
- **Community Partners Committee** – There will be community presentations on the Big Albion Plan on Feb. 21 at 3pm and Feb. 22 at 10am in the EDC Conference room. As part of the Zoning update, Albion College was invited to review relative and offer comments relative to the College District. The Economic Forecast is scheduled for March 1st at 5pm at the Courtyard Marriott. Presenters will include Mayor Garrett Brown, Amy Deprez (EDC) and Eric Worley (Chamber), in addition to Upjohn Institute representative.
- **Albion EDC** – held meeting on Feb. 1, 2018. The EDC Board authorized the sale of 2 lots in the Industrial Park, with a contingency based on implementation of the Medical Marijuana Ordinance in Albion. Krista Trout-Edwards gave a presentation on the “Transform This Commercial Property” program that will be implemented shortly. The Revolving Loan Fund Committee was re-established in anticipation of the receipt of applications. The AEDC offices will be relocating to the Albion Community Foundation office on Eaton Street. They are entering into a 2 year rental agreement. The building at 309 S. Superior, which is owned by the ABA, is on the market and may require some repairs.
- **City Hall Closed** – because of the President’s Day Holiday observance, city offices will be closed on Monday, Feb. 19, 2018.
- **Mayor/City Manager Report** – City Manager was included on conference call between the Mayor and Attorney Scott Smith regarding the solicitation of a quote for his review of the Council Rules of Procedure.

City of Albion
Council Session Minutes
January 16, 2018

I. CALL TO ORDER

Mayor Brown called the meeting to order at 7:00 p.m.

II. MOMENT OF SILENCE TO BE OBSERVED

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

PRESENT: Sonya Brown (3), Marcola Lawler (4) Jeanette Spicer (5), and Andrew French (6) and Mayor Brown.

ABSENT: Council Members Maurice Barnes (1) and Lenn Reid (2)

STAFF PRESENT:

Sheryl Mitchell, City Manager; Cullen Harkness, City Attorney; Jill Domingo, City Clerk; Scott Kipp, Chief Public Safety; Stacey Levin, Assistant City Manager; John Tracy, Director Planning, Building & Code Enforcement and Jim Lenardson, Director Public Services

Mayor Brown asked to amend to the agenda to include Recognition of the Harrington Elementary School MLK Jr. Essay Contest Winners.

Brown moved, French supported, CARRIED, to amend the Agenda to Include Recognition of the Harrington Elementary School MLK Jr. Essay Contest Winners. (5-0, vv)

V. MAYOR AND COUNCIL MEMBER'S COMMENTS

Comments were received from Council Members Spicer and French

VI. CITY MANAGER REPORT

City Manager Mitchell updated the Council on the following items:

- Updated general fund report-Chapter 5 for 2018 Budget books was passed out to Council.
- MDOT is aware of the brick problem on Superior Street and are investigating.

- January 29th, 2018 there will be a MLK Jr. presentation at the Bohm Theatre at 7:00 p.m. The NAACP will be hosting a reception prior to the presentation at the Ludington Center.
- The EDC will be hosting the Economic Forecast on February 1st, 2018 at 5:00 p.m. at the Ludington Center.

VII. PRESENTATIONS

A. Oaklawn Hospital-Richard Lindsay & Dr. Teleah Phillips

Richard Lindsay and Dr. Teleah Phillips presented the following update on Oaklawn Hospital:

- Oaklawn is one of just four hospitals in Michigan and 102 U.S. hospitals to earn five stars- the highest possible – in a new ranking by Centers for Medicare & Medicaid Services (CMS) and the only one in Calhoun or Jackson County.
- The Albion-Marshall Connector talks have made progress in working toward a long term solution. It will take approximately three years to have a county wide plan put in place. A grant has been received to provide additional funding.
- Oaklawn Hospital and Albion Health Care Alliance created the Connector and continue to support its operation.
- Oaklawn and Albion College are working toward providing a Clinic in Albion. They have received an \$850,000 grant to support the clinic. A building is currently being sought for the clinic. They may use the Calhoun County Health Building as a short term solution.
- Oaklawn was happy to participate in the job fair held by the Albion Economic Development Corporation. The AEDC did a great job of putting together partners for the job fair. Due to the success of the Albion job fair, a similar job fair will be held in Marshall.
- Oaklawn's 28th benefit auction will be held on March 10, 2018, in the ballroom of FireKeepers Casino Hotel. This event will be held from 5:30 p.m.-10:30 p.m. This is Oaklawn's largest fundraising event.
- Mr. Lindsay stated he was part of the Leadership of Cooderating Council and is interested in a member of the Albion City Council participating in the group.
- Oaklawn has incorporated an Outward Mindset that provides:
 - Provide personalized high quality care.
 - To exceed the expectations of our patients.
 - Foster our culture of Oaklawn excellence.
 - Be a visionary healthcare and corporate leader.
 - Expand as an integrated health care system.
 - Remain locally governed and organizationally independent.
 - Be a responsible corporate citizen.
 - Provide charitable care to those in need.
 - Attract and retain a diverse team of quality physicians and employees.

- Be financially strong and cost competitive.
- Provide excellent facilities and technologies.
- Be a leader in healthcare information technology.
- Be a hospital of choice to patients, physicians & employees.
- Achieve state and national recognition for health care delivery
- It is an honor to serve the Albion community

B. Cardboard Classic Sled Race-Eric Worley & Stacey Levin

Eric Worley, President Greater Albion Chamber of Commerce stated those who hosted the Martin Luther King Jr. Community Dinner did a great job. It was wonderful to see so many community members come out for the event.

Eric Worley, President Greater Albion Chamber of Commerce and Stacey Levin, Assistant City Manager provided the following update on the Cardboard Classic Sled Race:

- The Greater Albion Chamber of Commerce along with the City of Albion's Department of Public Safety and Recreation Department are teaming up to host the 28th Annual Cardboard Classic Sled Race and will be held on Saturday, February 3, 2018
- Check in and open registration will be from 10:00-11:00 a.m.
- Sled design judging will take place at 11:15 a.m.
- Racing will begin at noon
- The contingency date will be February 17, 2018
- On Saturday, January 27, 2018 there will be a sled building and pre-registration event. This will be held at Marshall Opportunity High School Cafeteria. You may pick up cardboard and sled supplies, build a sled or pre-register for the race.
- They thanked the following event sponsors:
 - Knauf Insulation
 - Decker Manufacturing
 - AAUW
 - Ashley Reniger Realtor
 - Albion College Student Volunteer Bureau & Campus Programs & Organizations
 - Albion Heritage Bed & Breakfast
 - Biggby
 - Boy Scout Troop 158
 - Calhoun County Recycling Center
 - Dickerson Music
 - Granger
 - Haas Trucking
 - The Harkness Law Firm, PLLC
 - Homestead Savings Bank
 - Lion's Club
 - Oaklawn Hospital
 - Team 1 Plastics

- Tractor Supply Co.
- Yesterday's News

Comments were received from City Manager Mitchell.

C. Water Tower Presentation-Ira Gabin, Dixon Engineering

Ira Gabin, Dixon Engineering presented the following information on the water tower:

- Dixon Engineering is the consulting firm working with Wightman & Associates.
- The bids have gone out for the water tower and the bid opening will be January 31, 2018
- The work will include completely painting the inside and outside of the tank along with lettering and logos.
- A large baggie will cover the entire tower during the process with a large vacuum system on the ground.
- Most municipalities are using a two tone paint system. This helps to hide the mold that is generally seen around the bottom of the tank.
- Any type of font and logo can be painted on the tank.
- Would like for the Council to determine color and logo prior to the January 31st bidding opening so an addendum can be sent to potential bidders.

Comments were received from Mayor Brown.

D. Recognition of the Harrington Elementary School MLK Jr. Essay Contest Winners

Mayor Brown stated the MLK Jr. Essay Contest began with previous Mayor William Wheaton.

Mayor Brown read the proclamation aloud and presented the proclamation to Ana'e Gabrielle Gibson, Kaya Oswald, Ashtyn Ridley-Melton and Diara Burch.

Mayor Brown asked to amend the agenda to include an Albion District Library presentation from Director Cindy Stanczak.

French moved, Brown supported, CARRIED, to amend the agenda to include an Albion District Library presentation from Director Cindy Stanczak. (5-0, vv)

E. Library Update-Cindy Stanczak

Albion District Library Director Cindy Stanczak gave the following update on the library:

- Due to the Library's millage renewal which included a small increase, the Albion District Library will once again be open on Sunday's from 1-5 p.m.
- The increase will also be used to increase book purchases and electronic materials.
- The library has an all new catalog.
- The library is looking for a part-time office coordinator.
- The library has a City Board position available. This is a very active Board and along with monthly meetings, Board Members must also participate one of the four sub-committees.
- The Library is competing for a \$2500.00 grant to help digitize The Recorder and are one of the five (5) finalists.
- There are two ways to vote:
 - Postcards- you must submit a postcards that include a Michigan image and #DigAlbion written on the postcard. The library has 2500 postcards from Maggie LaNoue that has the current snowstorm in Albion and the blizzard of '78 on the back. Postcards must be postmarked by **January 20th, 2018**. You can put your postcards in the Library's drop box (found in the alley behind the Library) by 11:30am and we will still be able to mail them! Please be sure to address them to Clarke Historical Library, 250 E. Preston St., Mt. Pleasant, MI 48859. Each postcard is worth 10 points.
 - Tweets- Beginning Monday, January 22, you are free to tweet through Saturday, January 27. Just tweet your vote at #DigAlbion

VIII. PUBLIC HEARINGS-None

IX. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to **agenda items only** and to no more than three (3) minutes. Proper decorum is required).

Comments were received from John Face, 812 N. Eaton Street.

X. CONSENT CALENDAR (VV)
(Items on the Consent Calendar are voted on as one unit)

- A. Approval Study Session Minutes-December 14, 2017
- B. Approval Study Session Minutes-December 18, 2017
- C. Approval Regular Session Minutes, December 18, 2017

Brown moved, Lawler supported, CARRIED, To Approve Consent Calendar as presented. (5-0, vv)

XI. ITEMS FOR INDIVIDUAL DISCUSSION

A. Request Approval for Suggested Date to Replace the January 3rd, 2018 Regular Meeting (RCV)

Mayor Brown suggested Monday, January 22, 2018 as the replacement date for the January 3rd, 2018 cancelled meeting.

Comments were received from Council Member French.

French moved, Brown supported, CARRIED, to Approve Monday, January 22, 2018 as Date to Replace the January 3rd, 2018 Regular Meeting. (5-0, rcv).

B. Request Approval 2nd Approval of Council Rules of Procedures (RCV)

Comments were received from Lawler, Brown and French.

French moved, Lawler supported, CARRIED, to Approve 2nd Approval of Council Rules of Procedures as presented. (5-0, rcv)

C. Request Approval for Purchase of 2012 Vactor Truck for \$210,000 (RCV)

Comments were received from Council Members Brown, Spicer and French; Mayor Brown; City Manager Mitchell and Director of Public Services Lenardson.

French moved, Lawler supported, CARRIED, to Approve Purchase of 2012 Vactor Truck for \$210,000 as presented. (5-0, rcv)

Mayor Brown asked to amend the agenda to combine Agenda Items D, E, F, & G Approval of City of Albion Union Contracts.

Comments were received from Council Member Brown.

French moved, Lawler supported, CARRIED, to amend the agenda to combine Agenda Items D, E, F, & G Approval of City of Albion Union Contracts. (5-0, vv)

D. Request Approval Contract with the Albion Clerical Alliance (ACA), Effective October 1, 2017 thru September 30, 2020; Police Officers Association of Michigan (POAM), Effective October 1, 2017 thru September 30, 2020; American Federation of State, County, and Municipal Employees (AFSCME), Effective October 1, 2017 thru December 31, 2020; Albion Command Officers Association (ACOA), Effective October 1, 2017 thru September 30, 2020 (RCV)

Comments were received by Council Member French and City Manager Mitchell.

French moved, Spicer supported, CARRIED, to Approve Contract with the Albion Clerical Alliance (ACA), Effective October 1, 2017 thru September 30, 2020; Police Officers Association of Michigan (POAM), Effective October 1, 2017 thru September 30, 2020; American Federation of State, County, and Municipal

Employees (AFSCME), Effective October 1, 2017 thru December 31, 2020;
Albion Command Officers Association (ACOA), Effective October 1, 2017 thru
September 30, 2020 as presented. (5-0, vv)

H. Discussion-Ordinance # 2018-01, Medical Marijuana Ordinance

City Attorney Harkness discussed the following items on the Medical Marijuana Ordinance:

Section 22-203: License Allocation and Annual Fees:

- City Attorney recommends allowing five (5) licenses for Grower, Processor, Secure Transporters & Safety Compliance Facilities. Because this type of licensing is all new, City Attorney Harkness would like the City to err on the side of caution as it is unknown the amount of time involved in administering the licenses. Additional licenses can be added at a later time. The consensus of the Council is to move forward with allowing for five (5) licenses for Grower, Processor, Secure Transporters & Safety Compliance Facilities.
- Section 22-212: Does the Council want to place specific criteria on type of fencing and height? Also would like direction on the current distances the City Attorney has added to the ordinance. The ordinance designates the following distances:
 - No facility shall be located within 500 feet of real property comprising a public or private elementary, licensed child care facility, vocational or secondary school.
 - No facility shall be located within 250 feet of real property comprising a public park. Any facility located more than 250 feet but less than 1,000 feet of real property comprising a public park shall be surrounded by a fences as required by City ordinance.
 - No facility shall be located within 250 feet of real property comprising a place of religious worship. Any facility located more than 250 feet but less than 1,000 feet of real property comprising a public park shall be surrounded by a fences as required by City ordinance.
- License and application fees with also need to be determined.
- The City Attorney also recommends the ordinance not address stacking licenses.
- The first reading of the ordinance would be at the February 5th, 2018 Council meeting and the second reading would be on the February 20th, 2018 Council meeting. The ordinance would then go into effect on March 19th, 2018.

Comments were received from Council Members Spicer, Brown and French; Mayor Brown; City Manager Mitchell and Director of Planning, Building & Code Enforcement Tracy.

The consensus of the Council is to add Discussion of the Medical Marijuana Ordinance to the January 22, 2018 to allow for additional research.

I. Request Approval Resolution # 2018-01, Performance Resolution for Governmental Agencies (RCV)

Comments were received from City Manager Mitchell.

French moved, Brown supported, CARRIED, to Approve Resolution # 2018-01, Performance Resolution for Governmental Agencies as presented. (5-0, rcv)

J. Request Approval Resolution # 2018-02, Appointment of Kenneth Snyder as City of Albion Representative to the Calhoun County Consolidated Dispatch Authority-January 1, 2018-December 31, 2019 (RCV)

Comments were received from Council Member Brown

French moved, Spicer supported, CARRIED, To Approve Resolution # 2018-02, Appointment of Kenneth Snyder as City of Albion Representative to the Calhoun County Consolidated Dispatch Authority-January 1, 2018-December 31, 2019 as presented. (5-0, rcv)

K. Request Approval Boards & Commissions Reappointment (RCV)

- Nidia Wolf, Reappointment, DDA, Term to Expire 12-31-2018

French moved, Spicer supported, CARRIED, to Approve Boards & Commissions Reappointment, Nidia Wolf, DDA, Term to Expire 12-31-2018 as presented. (5-0, rcv)

XII. Future Agenda Items

- Council Member Brown asked for the following items:
 - Discussion on next steps following meeting with Attorney Scott Smith
 - Discussion on the Medical Marijuana Ordinance
 - Update on snow removal and street conditions
- Council Member Spicer asked for 2018 street projects

Comments were received from City Manager Mitchell.

XIII. Motion to Excuse Absent Council Member (s) (VV)

French moved, Brown supported, CARRIED, to Excuse Council Members Maurice Barnes (1) and Lenn Reid (2). (5-0, vv)

XIV. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to no more than three (3) minutes. Proper decorum is required).

Comments were received from Duane Stiger, 871 Woodbridge Rd, Battle Creek; Janice Best, 710 S. Eaton St; Juanita Solis-Kidder, 1211 Edwards; Gary Tompkins, Calhoun County Commissioner and Jay Loomis, 408 W. Ash St.

XV. ADJOURNMENT

Brown moved, French supported, CARRIED, to ADJOURN Regular Council Session. (5-0, vv).

Mayor Brown adjourned the Regular Session at 9:00 p.m.

Date

Jill Domingo
City Clerk

City of Albion
Council Session Minutes
February 5, 2018

I. CALL TO ORDER

Mayor Brown called the meeting to order at 7:00 p.m.

II. MOMENT OF SILENCE TO BE OBSERVED

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

PRESENT: Lenn Reid (2), Sonya Brown (3), Marcola Lawler (4), Jeanette Spicer (5) and Andrew French (6) and Mayor Brown.

ABSENT: Council Members Maurice Barnes (1).

STAFF PRESENT:

Stacey Levin, Assistant City Manager; Cullen Harkness, City Attorney; Jill Domingo, City Clerk; Scott Kipp, Chief Public Safety; Jim Lenardson, Director of Public Services and John Tracy, Director Planning, Building & Code Enforcement.

V. MAYOR AND COUNCIL MEMBER'S COMMENTS

Comments were received from Council Members Reid, Lawler and French.

VI. CITY MANAGER REPORT

Assistant City Manager Levin updated the Council on the following items:

- **City Manager** – Sheryl Mitchell is on vacation! Assistant City Manager Stacey Levin will be on hand to address any questions or concerns.
- **Employee of the Month** – AmeriCorp/Vista member Lauren Freeman, who is assigned to City Hall was selected at the Employee of the Month.
- **Diversity Breakfast** – Hosted by Albion College President Mauri Ditzler and Harry Bonner for the Diversity Committee, with representatives from the communities of Albion and Marshall who are working very hard to become communities that respect each other regardless of race, culture, or social-economic status.

- **Zoning Ordinance Update** – the first meeting on the updating of the ordinance was held. The next meeting is scheduled in March. The meetings are open to the public.
- **Civic Democracy Project** - the Albion Community Foundation, City of Albion and MSU Extension are partnering on a new multi-year project around the topics of civic democracy and civic engagement. A meeting was held on January 26th. Albion will be leading the way in this pilot project that could have statewide and nationwide impacts. The project is looking to explore all ways in which to share ideas and ways to increase positive public engagement in Albion over the next 2-3 years.
- **Neighborhood Planning Councils** – AmeriCorp/Vista member Andrew Texel is working on a draft for a resolution and bylaws for council to consider that will authorize establishing the Neighborhood Planning Councils based on voting precincts.
- **Albion Building Authority** - has entered into a listing agreement with Dave Brigham Real Estate for the sale of the property located at 309 N. Superior Street. The Albion EDC is expected to move by the end of February. The Albion Community Foundation has already relocated to their new building on Eaton.
- **Albion EDC** – held a meeting with local business owners to discuss opportunities as part of the Big Albion Plan, which involves working with MEDC on plan to redevelop up to 22 vacant/blighted buildings in the downtown. ARC is working on fundraising for the project. Information was shared on local, state and federal programs that provide grants/loans for local businesses.
- **New City Positions** – Deputy Clerk/Treasurer position has been posted and applications are being accepted. Job descriptions for the Code Enforcement positions and Clerical for City Manager are being finalized.
- **Rental Registration** – meet with John Tracy regarding moving forward with resolution. This will likely require a study session to provide the newer council members with an overview of the program, as well as a proposal to initiate a vacant building registration program.
- **Social Media Policy** – staff and the city attorney are working on updating and expanding the “Computer/Electronics Policy” to include a policy to address the use of Social Media by employees and city officials.
- **Assessor** – in early discussions with the City of Marshall and Calhoun County regarding options for future collaborations on Assessing services.

- **Next Council Meeting** – because of the President's Day Holiday observance, the next Council meeting will be on Tuesday, Feb. 20, 2018.
- **Mayor/City Manager Report** – talked on Jan. 23rd and discussed MSU Citizen Engagement Project, Vactor Truck purchase, Albion Marshall Connector contract and request to provide street repair estimates for 1st, 2nd, 3rd, and Wild Streets. Talked on Jan. 31st and discussed council agenda and Council Rules of Procedure.
- **Updates**
- **Cardboard Sled Race** – snow date announcement

VII. PRESENTATIONS

A. Oaklawn Benefit Auction-Sara Jeffery

Sara Jeffery, Oaklawn Hospital gave the following presentation on the Oaklawn Benefit Auction:

Every year, Oaklawn holds its annual benefit auction, which attracts hundreds of attendees and accumulated close to \$100,000 in donations last year alone. This year's event is slated for March 10th at FireKeepers Casino, and with a superhero theme and promises to be an entertaining night.

WHY DOES THE AUCTION MATTER?

Oaklawn does several fundraising events throughout the year, but the benefit auction is by far the largest. In fact, they've been doing this for 28 years! Every donation and ticket sold not only goes towards helping to provide medical care to those who can't afford it, but it also contributes to bringing services and equipment to Oaklawn that allow us to provide the highest quality of care to our community.

Oaklawn is Marshall's largest employer and a top-rated hospital in the region. When you have convenient access to high-level care in your backyard, it's easy to take it for granted until you find yourself in a position where it's no longer there. Imagine all of the individuals who would be impacted if the hospital didn't exist. From a lack of top-notch healthcare to a serious deprivation of jobs, if the hospital didn't exist our health and the city of Marshall as we know it would take a serious hit. This is clearly a cause worth supporting.

HOW CAN YOU HELP?

Luckily, Oaklawn has made it very easy for people to support this wonderful event, so there's really no excuse NOT to make a contribution, regardless of how big or small it might be.

Be a sponsor or donate an item

Being that this is an auction, they need to have items for people to bid on. If you're interested in being a sponsor or donating an item to be auctioned off at the event, then please contact Oaklawn's Development office at (269) 789-3942.

Attend the event

Regardless of the number of donations they secure, the auction wouldn't be a success without all of the generous people who attend it. You don't have to bid on an item, just by purchasing a ticket, you're making a contribution. If you [purchase your ticket online](#) in advance, you can save \$10 with code REALHERO. At the event, aside from bidding on items, you can also purchase raffle tickets that will contribute to the overall money raised.

There will be music, games and a great selection of food and drinks.

5:30 p.m. Doors Open

6:00 p.m. Silent Auction

8:30 p.m. Live Auction

9:00 p.m. Raffle Winners Announced

Tickets are \$40.00 per person up till March 8th, 2018, prices then will be \$50.00 per person.

Make a donation online

If you would rather not attend the event, but you still want to make a contribution, then [head to Oaklawn's website](#) or call Oaklawn's Development office at (269) 789-3942.

B. Sister City-Introduction of French Chef Frédéric Théry

Mary Slater introduced Chef Frédéric Théry, France. Chef Théry owns Chateau de Nanteuil which is a bed and breakfast in France. Chef Théry has a busy week in Albion. It was a week-long celebration of food held last week by the Albion Sister City Committee and co-sponsored by Albion College.

Chef Théry visited Harrington Elementary School, Albion College, Lewis Chapel AME Church, Ismon House, and made a gourmet dinner for a fund raiser held at the Albion Food Hub.

Chef Théry thanked Albion stating it was a wonderful trip.

C. Financial Empowerment Fair Outcome-Linda LaNoue

Linda LaNoue, Project Coordinator, Albion-Marshall Resilient Communities Project gave the following presentation on the Financial Empowerment Fair Outcome:

What was the "Own It - Albion - Financial Empowerment Fair"?

This event originated with Homestead Savings Bank reaching out to Starr based on the community collaboration generated through the Albion-Marshall Resilient Communities Project (AMRCP). Homestead wanted to provide information to the community about resources they offer to build/sustain homeownership and general financial literacy information. As Homestead and AMRCP connected with the Albion Branch NAACP and the Build Albion AmeriCorps VISTA team, the event concept grew into a fair to showcase related programs/services that participants could connect with on the spot.

On Saturday, January 20th Homestead Savings Bank had their staff facilitate three workshops during three different time slots throughout the afternoon. With this format, someone could go to all three workshops, while others could drop in and attend any one of the three. Workshop topics were:

1. Homeownership/Mortgage Lending;
2. Budgeting/Credit Repair and Counseling;
3. Financial and Elder Abuse/Predatory Lending, Retirement & Investment Planning

The following twelve local organizations were also at the fair:

- Team 1 Plastics
- Albion Branch NAACP
- Build Albion AmeriCorps VISTA Initiative
- Neighborhood Planning Councils
- Albion Interfaith Ministries
- Albion Health Care Alliance - Navigation Services
- Community Action
- Forks Senior Center
- Albion Community Gardens, Inc.
- Albion District Library
- Marshall Public Schools - Great Start Readiness Program
- Kellogg Community College

What was the outcome?

While the exact number of participants is unclear due to many people coming and going, at one-point Homestead staff counted 90 people in attendance. Almost everyone who came went to at least one workshop. Several people came at the beginning and stayed for the entire afternoon.

We received positive feedback from many participants and the participating organizations. People appreciated the opportunity to network with a unique blend of people and institutions.

What can the community expect going forward?

- The VISTAs are working with the Southwest Michigan Community Development Corporation to provide credit management workshops on Tuesday, Feb. 13 from 1 - 3PM at the Snyder Building and Thursday, Feb. 22 from 5:30 - 7:30PM at the Library's Naomi Lane Room.

- Community Action is beginning to provide one-on-one financial empowerment sessions as an extension to their emergency services provided at 101 N. Albion Street.

- The Albion Interfaith Ministries (AIM) currently provides the following informational sessions:
 - Establishing and Maintaining Credit
 - Small Business Ownership
 - Homeownership

- Other Transitional Classes for Job/Career Preparation

- The Albion-Marshall Resilient Communities Project is preparing for its second year of programming, which may be more similar to the Financial Empowerment Fair, than the previous year of events. A goal for year two is to reach a wider range of people by putting more resources and strategy into fewer events. Please stay tuned for more information about an upcoming calendar of events for AMRCP.

Mayor Brown presented certificates to the following sponsors:

- Troy Kase-Albion College
- Elizabeth Carey-Starr Commonwealth
- Mae Ola Dunklin-Albion Branch NAACP
- Andrew French-Build Albion AmeriCorps VISTA
- Scott Evans-Homestead Savings Bank

Comments were received from Council Member French.

VIII. PUBLIC HEARINGS-None

IX. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to **agenda items only** and to no more than three (3) minutes. Proper decorum is required).

Comments were received from Travis Copenhaver, 520 N. Main St., Royal Oak; Wayne Arnold, 906 Hall St and Justin Fisher, 275 Preservation Dr., Ada.

X. CONSENT CALENDAR (VV)
(Items on the Consent Calendar are voted on as one unit)

A. Approval Regular Session Minutes-January 22, 2018

French moved, Spicer supported, CARRIED, To Approve Consent Calendar as presented. (6-0, vv)

XI. ITEMS FOR INDIVIDUAL DISCUSSION

A. Request Approval 1st Reading Ordinance # 2018-01, An Ordinance to Authorize Medical Marihuana Facilities Licensing and Regulations and Create Article V of Chapter 22 of the Albion Code or Ordinances (RCV)

City Attorney Harkness stated the 2nd reading date needs to be changed to February 20, 2018 which will make the ordinance effective date March 20, 2018.

Comments were received from Council Member French and Mayor Brown.

Council Member French made a motion to amend Section 22-203 of Ordinance 2018-01, Medical Marihuana Ordinance to read-The City Clerk, after approval from the City Council, shall issue up to 20 licenses for the following types:

- Grower Facilities
- Processor Facilities
- Secure Transporters
- Safety Compliance Facilities.

French moved, Reid supported, CARRIED, to **Amend** Section 22-203 of Ordinance 2018-01, Medical Marihuana Ordinance to read-The City Clerk, after approval from the City Council, shall issue up to 20 licenses for the following types Grower Facilities, Processor Facilities, Secure Transporters and Safety Compliance Facilities. (6-0, rcv)

Brown moved, Spicer supported, CARRIED, To Approve 1st Reading Ordinance # 2018-01, An Ordinance to Authorize Medical Marihuana Facilities Licensing and Regulations and Create Article V of Chapter 22 of the Albion Code or Ordinances including the amendment to Section 22- to read-The City Clerk, after approval from the City Council, shall issue up to 20 licenses for the following types Grower Facilities, Processor Facilities, Secure Transporters and Safety Compliance Facilities (6-0, rcv)

B. Discussion-2018 Council Goal Setting Sessions

Council Member Brown stated she would like to start the Council goal setting sessions before the end of the month.

Mayor Brown asked Assistant City Manager Levin to send out a doodle pool of available dates for the goal setting sessions.

C. Request Approval Boards & Commissions Appointments & Reappointments (RCV)

- Holly Zblewski, Reappointment, Zoning Board of Appeals, Term to Expire 12-31-2020
- Richard Lewin, Reappointment, Board of Review, Term to Expire 12-31-2019
- John Williams, Reappointment, Building Board of Appeals, Term to Expire 12-31-2022

Comments were received from Council Member Lawler.

French moved, Brown supported, CARRIED, for the Reappointment of Holly Zblewski to the Zoning Board of Appeals with a term to expire of 12-31-2020 as presented. (6-0, rcv)

Comments were received from Mayor Brown.

French moved, Reid supported, CARRIED, for the Reappointment of Richard Lewin to the Board of Review with a term to expire of 12-31-2019 as presented. (6-0, rcv)

French moved, Reid supported, CARRIED, for the Reappointment of John Williams to the Building Board of Appeals with a term to expire of 12-31-2022 as presented. (6-0, rcv)

D. Request Approval Resolution # 2018-05, A Resolution to Approve Albion Department of Public Services Purchase and Financing of 2012 Vactor Truck (RCV)

Comments were received from Council Members Brown, Spicer and French, Mayor Brown and Director of Public Services Lenardson.

French moved, Reid supported, CARRIED, To Approve Resolution # 2018-05, A Resolution to Approve Albion Department of Public Services Purchase and Financing of 2012 Vactor Truck as presented. (6-0, rcv)

E. Request Approval of WWTP Pump Repair (RCV)

Council Member Brown for a resolution to approve these types of expenditures in the future.

Comments were received from Council Members Lawler, Spicer and Brown; Mayor Brown and Director of Public Services Lenardson.

Council Member French made a motion to **Amend** the motion to Add Approval of Quote from Kennedy Industries for \$5, 895.00.

French moved, Lawler supported, CARRIED, to Add Approval of Quote from Kennedy Industries for \$5, 895.00. (6-0, rcv)

French moved, Reid supported, CARRIED, To Approve WWTP Pump Repair for \$5,895.00 Quoted from Kennedy Industries. (6-0, rcv)

XII. Future Agenda Items

Council Member French asked for the following items to be added to the next agenda:

- Approval of Amendment to the Council Rules of Procedures
- Approval of Funding for the Albion-Marshall Connector

City Attorney Harkness asked for Application & License Fees for the Medical Marihuana Ordinance be added to the next agenda.

Mayor Brown asked for approval for Council sub-committee to work with Attorney Smith on the Council Rules of Procedures be added to the next agenda.

XIII. Motion to Excuse Absent Council Member (s) (VV)

French moved, Reid supported, CARRIED, to Excuse Council Member Maurice Barnes (1). (6-0, vv)

XIV. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to no more than three (3) minutes. Proper decorum is required).

Comments were received from Vivian Davis, 901 Huntington Blvd; Robbie Patterson, 412 E. Porter St; Al Smith, 1209 Adams St and Gary Tompkins, Calhoun County Commissioner.

XV. ADJOURNMENT

Brown moved, Spicer supported, CARRIED, to ADJOURN Regular Council Session. (6-0, vv).

Mayor Brown adjourned the Regular Session at 8:15 p.m.

Date

Jill Domingo
City Clerk



CITY OF ALBION
Office of the City Manager
Sheryl L. Mitchell

112 West Cass Street ♦ Albion, MI 49224
517.629.7172 ♦ smitchell@cityofalbionmi.gov

MEMO

TO: Honorable Mayor and City Council
FR: Sheryl L. Mitchell, City Manager
DA: February 20, 2018
RE: **Agenda Summary**

ITEMS FOR INDIVIDUAL DISCUSSION

- A. Request Approval of 2nd Reading and Adoption of Ordinance #2018-01, Medical Marijuana Ordinance.** The ordinance provides for the licensing and regulation of Medical Marijuana Facilities, in accordance with the Michigan Medical Marijuana Facilities Licensing Act. The four (4) facilities would be allowed in Albion: Grower, Processor, Transporter and Safety Compliance. Provisioning Centers (Dispensaries) would not be permitted. A maximum of twenty (20) licenses regardless of category could be issued. All Grower Facilities shall be limited to the M-1-P, M-2, and M-2-P Zoning Districts. Safety Compliance Facilities shall be limited to the B-3, M-1-P, M-2, and M-2-P Zoning Districts. Secure Transporters shall be limited to the B-3, M-1-P, M-2, and M-2-P Zoning Districts. Processor Facilities shall be limited to B-3, M-1-P, M-2, and M-2-P Zoning Districts.
- B. Discussion – Medical Marijuana Applicant and License Fees.** It is recommended that the application fee be set at the maximum permitted by the State of \$5,000 per application annually. Review of other communities indicate that the administrative costs for inspections, attorney, planning, site review, income tax, public safety and the city clerk will exceed this amount. An estimate from the City of Battle Creek is included in your council packet. It would be recommended that Council request staff to adopt a resolution to establish an annual nonrefundable City of Albion Marijuana facility Permit fee in the amount of \$5,000 for each authorized medical marijuana facility within the City to help defray administrative and enforcement costs associated with these facilities. The annual renewal rate would also be the same amount and due on the anniversary date of when the City authorized the facility to operate.
- C. Request Approval of Amendment to Council Rules to Add Appendix A: Roles & Responsibilities of City Officials.** Council requested adding the presentation from Attorney Scott Smith to Rule 1 as Appendix A.

- D. Request Approval of Amendment to Council Rules to Add Mayor/Manager Weekly Consultations.** Council requested adding to Rule 1: (f) The Mayor shall hold regular, weekly meetings or conference calls with the City Manager to confer on city business and upcoming agendas. It is expected that the City Attorney shall be present, as needed to provide legal counsel and perspective. The dates and times are to be set, along with regular council meetings, and announced to council and the community, though flexibility shall be allowed from meeting to meeting.
- E. Request Approval for Authorization of Funds for Attorney Smith for Council Rules Review.** Mayor Brown requested Attorney Smith to provide a quote relative to reviewing the Council's adopted Rules of Procedure and the proposed changes prepared by the Committee.
- F. Request Approval Boards & Commissions Appointments.** Mayor Brown has made the following recommendations for re-appointments:

- **Jacqueline Slaby**, Initial appointment, Planning Commission, Term to Expire 12-31-2020

It should be noted that for the Planning Commission, the State's Planning Act indicates in MCL 125.3815(3) that, *The membership of a planning commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the local unit of government, in accordance with the major interests as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire territory of the local unit of government to the extent practicable.*

The voting members of the planning commission shall be nine (9) in number and shall be comprised of the mayor, a member of the council who shall be appointed by the council annually in the month of December, and an administrative officer of the city to be appointed by the city manager and six (6) persons who possess the qualifications required by this charter for elective officers, and by Act No. 285 of the Public Acts of Michigan of 1931 [MCL 125.31 et seq.], as amended, to be appointed by the mayor subject to the approval by the council; Provided, that with the consent of the council, one of such persons may be a nonresident of the city who has an interest in the planning of the general area of which the City of Albion is a part.

- **William Raffail**, Initial appointment, Albion District Library, Term to Expire 12-31-2021

The Board of the Albion District Library consists of seven (7) voting members: 3 City of Albion, 2 Albion Township and 2 Marshall Public Schools.

- G. Discussion – Austin Avenue – Abatements, Demolition, City’s Financial Ability for Demolition.** This item was requested by Council Member Barnes. John Tracy, Director of Planning, Building and Code Enforcement has provided an update on the properties located at 608, 610, 612, 614, and 618 Austin, that is included in the Council agenda packet.

- H. Discussion – Social Media Policy.** The administration and the city attorney are working on drafting a social media policy for the City. Chief Kipp is working on the first phase with the public safety unions, as there are some items that are specific to their roles.

- I. Discussion – City Awards & Recognitions and Key to the City.** Requested by Mayor Brown.

CITY OF ALBION ORDINANCE 2018-1

AN ORDINANCE TO AUTHORIZE MEDICAL MARIHUANA FACILITIES LICENSING AND REGULATIONS AND CREATE ARTICLE V OF CHAPTER 22 OF THE ALBION CODE OF ORDINANCES

FINDINGS AND PURPOSE: The Michigan Legislature enacted Public Acts 281-283 of 2016 known as the Medical Marihuana Facilities Licensing Act. This Act sets forth the rules, regulations, and standards for five types of medical marihuana facilities authorized under Michigan law. In order for any of those facilities to operate within the City of Albion, the City must first enact an ordinance providing for the same. The City Council has previously authorized the licensing of four of the five allowable facilities. This ordinance outlines the standards, application process, licensing process, and penalties for violations.

THAT THE CODE OF ORDINANCES, CITY OF ALBION, MICHIGAN, IS HEREBY AMENDED BY ADDING ARTICLE V TO CHAPTER 22, WHICH READS AS FOLLOWS:

Section 1:

CHAPTER 22, ARTICLE V: MEDICAL MARIHUANA FACILITIES

22-200. LEGISLATIVE INTENT.

The purpose of this Chapter is to exercise the police regulatory and land use powers of the City of Albion by licensing and regulating, Grower Facilities, Safety Compliance Facilities, Processor Facilities and Secure Transporter to the extent permissible under State of Michigan and federal laws and regulations and to protect the public health, safety and welfare of the residents of the City of Albion; and as such, this Chapter constitutes a public purpose.

The City of Albion finds that the activities described in this Chapter are significantly connected to the public health, safety, security and welfare of its citizens and it is therefore necessary to regulate and enforce safety, security, fire, policing, health and sanitation practices related to such activities and also to provide a method to defray administrative costs incurred by such regulation and enforcement.

It is not the intent of this Chapter to diminish, abrogate or restrict the protections for medical use of Marihuana found in the Michigan Medical Marihuana Act or the Medical Marihuana Facilities Licensing Act.

22-201. DEFINITIONS, INTERPRETATION AND CONFLICTS.

For the purposes of this Chapter:

(A) Any term defined by the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26421 et seq., as amended ("MMMA") or the Medical Marihuana Facilities

Licensing Act, 2016 PA 281, shall have the definition given in the MMMA, as amended, or the Medical Marihuana Facilities Licensing Act, as amended. If the definition of a word or phrase set forth in this Chapter conflicts with the definition in the MMMA or the Medical Marihuana Facilities Licensing Act, or if a term is not defined but is defined in the MMMA or the Medical Marihuana Facilities Licensing Act, then the definition in the MMMA or the Medical Marihuana Facilities Licensing Act shall apply.

(B) Any term defined by 21 USC 860(E) referenced in this Chapter shall have the definition given by 21 USC 860(E).

(C) This Ordinance shall not limit an individual's or entity's rights under the MMMA or the Medical Marihuana Facilities Licensing Act. The MMMA and the Medical Marihuana Facilities Licensing Act supersede this Ordinance where there is a conflict between them.

(D) All activities related to Marihuana, including those related to, a Grower Facility, Secure Transporter, Processor Facility or a Safety Compliance Facility, shall be in compliance with the rules of the Medical Marihuana Licensing Board, the Michigan Department of Licensing and Regulatory Affairs or any successor agency, the rules and regulations of the City of Albion, and the MMMA and the Medical Marihuana Facilities Licensing Act.

(E) Any use which purports to have engaged in the cultivation or processing of Marihuana into a usable form, the transportation of marihuana between licensed facilities, or the testing of Marihuana either prior to or after enactment of this Chapter but without obtaining the required licensing set forth in this Chapter, shall be deemed to not be a legally established use and therefore not entitled to legal nonconforming status under the provisions of this Chapter and/or state law. The City of Albion finds and determines that it has not heretofore authorized or licensed the existence of any Medical Marihuana Facility, as defined herein, in the City of Albion.

(F) The following terms shall have the definitions given:

“Chapter” means this Chapter.

“City” means the City of Albion, Michigan.

“Council” or “City Council” means the City Council of the City of Albion, Michigan.

“Enclosed Locked Facility” means a closet, room, or other comparable, stationary, and fully enclosure, equipped with secured locks or other functioning security devices. Marihuana Plants grown outdoors are considered to be in an Enclosed Locked Facility if they are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure and

are grown within a stationary structure that is enclosed on all sides, except for the base, by chain-link fencing, wooden slats, or similar material that prevents access by the general public and that is anchored, attached, or affixed to the ground and as defined in the MMMA.

“Grower” or “Grower Facility” means a commercial entity that cultivated, dries, trims or cures and packages Marihuana for sale to a Processor or Provisioning Center.

“License Application” refers to the requirements and procedures set forth in Sections 22-204 and 22-205.

“Marihuana Plant(s)” means any plant of the species Cannabis Sativa.

“Marihuana” means that term as defined in section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106.

“Medical Marihuana Facility(ies)” means any facility, establishment and/or center that is required to be licensed under this Chapter, including a Provisioning Center, Grower, Processor, Safety Compliance Facility, and Secure Transporter.

“Ordinance” means the Ordinance adopting this Chapter.

“Person” means an individual, corporation, limited liability Company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.

“Processor” or “Processor Facility” means a commercial entity that purchases Marihuana from a Grower and that extracts resin from the Marihuana or creates a Marihuana-infused product for sale and transfer in packaged form to a Provisioning Center.

“Provisioning Center” means a commercial entity that purchases Marihuana from a Grower or Processor and sells, supplies, or provides Marihuana to registered qualifying patients, directly or through the patients’ registered primary caregivers. Provisioning Center includes any commercial property where Marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department’s Marihuana registration process in accordance with the MMMA is not a Provisioning Center for the purposes of this Ordinance.

“Restricted/Limited Access Area” means a building, room or other area under the control of the licensee with access governed by the MMMA or other applicable state law.

“Safety Compliance Facility” means a commercial entity that receives Marihuana from a Medical Marihuana Facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the Marihuana to the Medical Marihuana Facility.

“Secure Transporter” means a commercial entity that stores Marihuana and transports Marihuana between Medical Marihuana Facilities for a fee.

“Stakeholder” means with respect to a trust, the beneficiaries, with respect to a limited liability company, the managers or members, with respect to a corporation, whether profit or non-profit, the officers, directors, or shareholders, and with respect to a partnership or limited liability partnership, the partners, both general and limited.

“State” means the State of Michigan.

(G) Any term defined by the MMMA or the Medical Marihuana Facilities Licensing Act and not defined in this Chapter shall have the definition given in the MMMA or the Medical Marihuana Facilities Licensing Act.

22-203. LICENSE ALLOCATION AND ANNUAL FEES.

(A) No Person shall operate a Grower Facility, Processor Facility, Secure Transporter, or Safety Compliance Facility in the City of Albion without first obtaining a license to do so from the City Clerk and the State of Michigan. The City Clerk, after approval from the City Council, may issue up to an aggregate total of twenty (20) marihuana facility licenses. Said licenses may be issued to any of the following types of medical marihuana facilities:

- a. Grower Facilities:
- b. Processor Facilities:
- c. Secure Transporters:
- d. Safety Compliance Facilities

The term of each license shall be one (1) year.

(B) The non-refundable application fee for a Medical Marihuana Facility license shall be established by the City Council by resolution.

(C) No license shall be issued by the City Clerk for the operation of a Provisioning Center within the City of Albion. Operation of a Provisioning Center within the City of Albion is expressly prohibited.

22-204. LICENSE APPLICATIONS SUBMISSION.

(A) Application for each Medical Marihuana Facility license required by this Chapter shall be made in writing to the City Clerk, and must be approved by the City Council after receiving a recommendation submitted by the Planning Commission, and approved by the State of Michigan, prior to commencing operation. Upon the expiration of an existing license, a licensee shall be required to reapply.

(B) An application for a Medical Marihuana Facility license required by this Chapter shall contain the following:

1. The appropriate non-refundable application fee and the refundable licensee fee in the amount per 22-203(B);
2. If the applicant is an individual, the applicant's name, date of birth, physical address, copy of government issued photo identification, email address, and one or more phone numbers, including emergency contact information;
3. If the applicant is not an individual, the names, dates of birth, physical addresses, copy of government issued photo identification, email addresses, and one or more phone numbers of each Stakeholder/shareholder/member of the applicant, including designation of the highest ranking Stakeholder/shareholder/member as an emergency contact person and contact information for the emergency contact person, articles of incorporation, assumed name registration documents, Internal Revenue Service SS-4 EIN confirmation letter, and a copy of the operating agreement of the applicant, if a limited liability company, a copy of the partnership agreement, if a partnership, or a copy of the by-laws or shareholder agreement, if a corporation or;
4. The name and address of the proposed Medical Marihuana Facility and any additional contact information deemed necessary by the City Clerk;
5. For the applicant, for each Stakeholder of the applicant, an affirmation under oath as to whether they are at least eighteen (18) years of age and have never been indicted for, charged with, arrested for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning, or had expunged any criminal offense under the laws of any jurisdiction, either felony or controlled substance related misdemeanor not including traffic violations, regardless of whether the offense has been expunged, pardoned, reversed on appeal or otherwise, including the date, name and location of the court, arresting agency, and prosecuting agency, the case caption, the docket number, the offense, the disposition, and the location and length of incarceration;

6. Before hiring a prospective agent or employee of the applicant, and after, the holder of a license shall conduct a background check of the prospective employee. If the background check indicated a pending charge or conviction within the past ten (10) years for a controlled substance related felony, the applicant shall not hire the prospective employee or agent without written permission from the City Clerk;

7. A signed release authorizing the Albion Department of Public Safety to perform a criminal background check to ascertain whether the applicant, each Stakeholder of the applicant, each managerial employee and employee of the applicant meet the criteria set forth in this Ordinance;

8. The name, date of birth, physical address, copy of photo identification, and email address for any managerial employee or employee of the Medical Marihuana Facility, if other than applicant;

9. An affirmation under oath as to whether the applicant has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action;

10. One of the following: (a) proof of ownership of the entire premises wherein the Medical Marihuana Facility is to be operated; or (b) written consent from the property owner for use of the premises in a manner requiring licensure under this Chapter along with a copy of the lease for the premises;

11. Proof of an adequate premise liability and casualty insurance policy in the amount not exceeding the requirements addressed in the Medical Marihuana Facilities Licensing Act or applicable state laws, covering the Medical Marihuana Facility and naming the City of Albion as an additional insured party, available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees or subcontractors;

12. A description of the security plan for the Medical Marihuana Facility, including, but not limited to, any lighting, alarms, barriers, recording/monitoring devices and/or security guard arrangements proposed for the facility and premises. The security plan must contain the specification details of each piece of security equipment;

13. A floor plan of the Medical Marihuana Facility, as well as a scale diagram illustrating the property upon which the Medical Marihuana Facility is to be

operated, including all available parking spaces, and specifying which parking spaces, if any, are handicapped accessible;

14. An affidavit that neither the applicant nor any Stakeholder of the applicant is in default to the City. Specifically, that the applicant or Stakeholder of the applicant has not failed to pay any property taxes, special assessments, fines, fee or other financial obligations to the City;

15. An affidavit that the transfer of Marihuana to and from Medical Marihuana Facilities shall be in compliance with the MMMA and the Medical Marihuana Facilities Licensing Act or other applicable state laws:

16. A staffing plan;

17. Any proposed text or graphical materials to be shown on the exterior of the proposed Medical Marihuana Facility;

18. A patient education plan;

19. A business plan;

20. A location area map of the Medical Marihuana Facility and surrounding area that identifies the relative locations and the distances (closest property line to the subject Medical Marihuana Facility's building) to the subject Medical Marihuana Facility to the closest real property comprising a public or private elementary, vocational or secondary school; and church or religious institution if recognized as a tax-exempt entity as determined by the City Assessor or County Assessor's office;

21. A facility sanitation plan to protect against any Marihuana being ingested by any person or animal, indicating how the waste will be stored and disposed of, and how any Marihuana will be rendered unusable upon disposal. Disposal by on-site burning or introduction in the sewerage system is prohibited;

22. Verification, with copies of actual bank statements, showing that the applicant has liquid funds in the applicant's name in the amount needed to complete the Medical Marihuana Facility, but in no event less than \$250,000.00, in immediate liquid, available funds;

23. As it relates to a Grower Facility, the following additional items shall be requested:

i. A Grower Plan that includes at a minimum a description of the Grower methods to be used, including plans for the growing mediums, treatments and/or additives;

ii. A production testing plan that includes at a minimum a description of how and when samples for laboratory testing by a state approved Safety Compliance Facility will be selected, what type of testing will be required, and how the test results will be used;

iii. An affidavit that all operations will be conducted in conformance with the MMMA, the Medical Marihuana Facilities Licensing Act or other applicable state laws and such operations shall not be cultivated on the premises at any one time more than the permitted number of Marihuana Plants per the Michigan Medical Marihuana Act, as amended, and the Medical Marihuana Facilities Licensing Act;

iv. A chemical and pesticide storage plan that states the names of pesticides to be used in Growers and where and how pesticides and chemicals will be stored in the facility, along with a plan for the disposal of unused pesticides;

v. All Growers must be performed within an Enclosed Locked Facility which may include indoors or in an enclosed greenhouse.

(C) Upon receipt of a completed Medical Marihuana Facility application meeting the requirements of this Chapter and confirmation that the number of existing licenses does not exceed the maximum number established by resolution pursuant to Section 22-203(A), the City Clerk shall refer a copy of the application to each of the following for their review and approval: the City Attorney or his designee, the Chief of the Albion Public Safety Department or their designee, the Director of Planning and Development, and the City Finance Director or their designee. Once applications are verified by each department to be sufficiently complete and comprehensive, and no sooner, the City Clerk shall forward the applications to the Planning Commission for recommendation to the City Council.

(D) No application shall be approved unless:

1. The Public Safety Department or designee and the Office of Planning and Development or designee, have inspected the plans of the proposed location for compliance with all laws for which they are charged with enforcement;

2. The applicant, each Stakeholder of the applicant, and the managerial employees and employees of the applicant, have passed a criminal background check conducted by the Albion Department of Public Safety;

3. The Director of Planning and Development, has confirmed that the proposed location complies with the Zoning Ordinance;

4. The Finance Director or their designee has confirmed that the applicant and each Stakeholder of the applicant are not in default to the City;

5. The City Attorney or his designee has completed a detailed review of the Medical Marihuana Facility application for compliance with the applicable state laws and City Ordinances.

(E) If written approval is given by each individual or department identified in Subsection (a)-(e), the City Clerk shall submit the application to the Planning Commission for recommendation to the City Council for the issuing of a license to the applicant. All licenses issued are contingent upon the State of Michigan issuing a license for the operation under state law.

(F) Licensees shall report any other change in the information required by Subsection (b) to the City Clerk within ten (10) days of the change. Fees shall be set by Council Resolution for any Stakeholder added after the original Application is filed.

22-205. LICENSE APPLICATIONS EVALUATION.

(A) The City Council and Planning Commission will assess all applications referred to it by the Planning Commission pursuant to Section 4 and 5.

(B) In its application deliberations, the City Council shall assess each application in each of the following categories:

1. The applicant's experience in operating other similarly licensed businesses.
2. The applicant's general business management experience.
3. The applicant's general business reputation.
4. The integrity, moral character, and reputation; personal and business probity; financial ability and experience; and responsibility or means to operate or maintain a Medical Marihuana Facility of the applicant.
5. The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance.
6. The sources and total amount of the applicant's capitalization to operate and maintain the proposed Medical Marihuana Facility.
7. Whether the applicant has been indicted for, charged with, arrested for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning,

or had expunged any relevant criminal offense under the laws of any jurisdiction, either felony or misdemeanor, not including traffic violation, regardless of whether the offense has been expunged, pardoned, or reversed as appealed or otherwise.

8. Past convictions of the applicant involving any of the following, but limited to:

- i. gambling;
- ii. prostitution;
- iii. weapons;
- iv. violence;
- v. tax evasion;
- vi. fraudulent activity; and
- vii. serious moral turpitude.
- viii. Felony Drug Convictions

9. A felony or misdemeanor of such a nature that it may impair the ability of the applicant to operate a licensed business in a safe and competent manner;

10. Whether the applicant has filed, or had filed against it, a proceeding for bankruptcy within the past seven (7) years;

11. Whether the applicant has been served with a complaint or other notice filed with any public body regarding payment of any tax required under federal, state or local law that has been delinquent for one (1) or more years;

12. Whether the applicant has a history of noncompliance with any regulatory requirements in this State or any other jurisdiction;

13. As it related to operation of a Provisioning Center, the applicant's type of service and product that will be offered and the overall theme and atmosphere of the proposed Provisioning Center.

(C) The City Council shall assess each application with aforementioned categories Section 22-205(B)(1) through (13) and issue a license to the applicant most qualified and meets the most categories in this section.

(1) On and after February 1, 2018, the City shall accept applications for authorization to operate a medical marijuana facility within the City. Application shall be made on a City form and must be submitted to the City Clerk "Clerk"). Once the Clerk receives a complete application including the initial annual medical marijuana facility fee, the application shall be time and date stamped. Complete applications shall be considered for authorization in consecutive time and date stamped order. Upon consideration, if the facility type authorization is available within the number

specified above, then the applicant shall receive conditional authorization to operate such medical marihuana facility within the City. Once the limit on the number of an authorized facility is conditionally reached, then any additional complete applications shall be held in consecutive time and date stamped order for future conditional authorization. Any applicant waiting for future conditional authorization may withdraw their submission by written notice to the Clerk at any time.

(2) Within thirty days from conditional authorization from the City or from February 1, 2018, whichever is later, the conditionally authorized applicant must submit proof to the Clerk that the applicant has applied for prequalification from the state for a state operating license or has submitted full application for such license. If the applicant fails to submit such proof, then such conditional authorization shall be canceled by the Clerk and the conditional authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in 22-203(1) herein.

(3) If a conditionally authorized applicant is denied prequalification for a state operating license or is denied on full application for a state operating license, then such conditional authorization will be canceled by the Clerk and the conditional authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in 22-203(1) herein.

(4) A conditionally authorized applicant shall receive full authorization from the City to operate the medical marihuana facility within the City upon the applicant providing to the Clerk proof that the applicant has received a state operating license for the medical marihuana facility in the City and the applicant has met all other requirements of this ordinance for operation including but not limited to any zoning approval for the location of the facility within the City.

(5) If a conditionally authorized applicant fails to obtain full authorization from the City within one year from the date of conditional authorization, then such conditional authorization shall be canceled by the Clerk and the conditional authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in 22-203(1) herein. The City Council shall have authority to extend the deadline to obtain full authorization for up to an additional six months on written request of the applicant, within thirty days prior to cancellation, upon the reasonable discretion of the City Council finding good cause for the extension.

22-206. LICENSES GENERALLY.

(A) To the extent permissible, all information submitted in conjunction with an application for a license or license renewal required by this Chapter is confidential and exempt from disclosure under the Michigan Freedom of Information Act, 1976 PA 442, MCL 15.231 et seq. Furthermore, no personal information concerning the applicant shall be submitted to the City Council.

(B) Licensees may transfer a license issued under this Chapter to a different location upon receiving written approval from the City Clerk. In order to request approval to transfer a license location, the licensee must make a written request to the City Clerk indicating the current license location and the proposed license location. Upon receiving the written request, the City Clerk shall refer a copy of the written request to each of the following for approval: the Albion Department of Public Safety, the Director of Planning and Development, the Finance Director or its designee, and the City Council. No license transfer shall be approved unless each such individual or department gives written approval that the licensee and the proposed license location meet the standards identified in this Ordinance.

(C) Licensees may transfer a license issued under this Chapter to a different individual or entity upon receiving written approval by the City Clerk. In order to request approval to transfer a license to a different individual or entity, the licensee must make a written request to the City Clerk, indicating the current licensee and the proposed licensee. Upon receiving the written request, the City Clerk shall consider the request as a new application for a license and the procedures set forth in this Ordinance and the Act shall be followed.

(D) Licensees shall report any other change in the information required by this Chapter to the City Clerk within ten (10) business days of the change. Failure to do so may result in suspension or revocation of the license.

(E) Licensees shall comply with the Michigan Department of Licensing and Regulatory Affairs (LARA), Bureau of Medical Marihuana Regulation, Emergency Rules governing medical marihuana facilities and any permanent rules promulgated by LARA following the expiration of the Emergency Rules.

22-207. PROVISIONING CENTERS PROHIBITED.

(A) Provisioning Centers are expressly prohibited from operating within the City of Albion.

22-208. MINIMUM OPERATIONAL STANDARDS OF GROWER FACILITY.

The following minimum standards for a Grower Facility shall apply:

(A) The Grower Facility shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act,

and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time.

(B) The premises shall be open for inspection upon probable cause that a violation of this Chapter has occurred during the stated hours of operation and at such other times as anyone is present on the premises.

(C) Any Grower Facility shall maintain a log book and/or database indicating the number of Marihuana Plants. Each Marihuana Plant will be tagged as required by the MMMA and Medical Marihuana Facilities Licensing Act.

(D) All Marihuana shall be contained within an Enclosed Locked Facility. All operations shall be conducted within the facility so as not to be exposed to the public and all operations are expressed prohibited from being conducted outside the facility or outdoors.

(E) All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the Grower, growing or harvesting of Marihuana are located.

(F) That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Albion Department of Public Safety to ensure compliance with the Michigan Fire Protection Code.

(G) The dispensing of Marihuana at the Grower Facility shall be prohibited.

(H) All persons working in direct contact with Marihuana shall conform to hygienic practices while on duty, including but not limited to: 1. Maintaining adequate personal cleanliness; 2. Washing hands thoroughly in adequate hand washing areas before starting work and at any other time when the hands may have become soiled or contaminated; 3. Refraining from having direct contact with Marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.

(I) Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where Marihuana is exposed.

(J) Floors, walls and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.

(K) There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor

and minimize the potential for the waste development of odor and minimize the potential for waste becoming an attractant, harborage or breeding places for pests.

(L) Any buildings, fixtures and other facilities shall be maintained in a sanitary condition.

(M) Each Grower Facility shall provide its occupants with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair.

(N) Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.

(O) The Grower Facility shall be free from infestation by insects, rodents, birds, or vermin of any kind.

(P) Exterior signage or advertising identifying the facility as a Grower Facility shall be prohibited.

(Q) Odor Control – No person, tenant, occupant, or property owner shall permit the emission of marihuana odor from any source to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property. Whether or not a marihuana odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standards of a reasonable person of normal sensitivity. A grower or processor shall install and maintain in operable condition a system which precludes the emission of marihuana odor from the premises.

a. A plan for ventilation of the medical marihuana facility that describes the ventilation systems that will be used to prevent any odor of medical marihuana off the premises of the business. For medical marihuana facilities that grow medical marihuana plants, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises. For medical marihuana infused products, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process.

b. Cultivated, produced, or distributed by a medical marihuana business. A medical marihuana business shall be ventilated so that the odor of marihuana cannot be detected by a person with a normal sense of smell at the exterior of the medical marihuana business or at any adjoining use or property.

c. Sufficient measures and means of preventing smoke, odor, debris, dust, fluids and other substances from exiting a marihuana commercial entity must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a marihuana commercial entity, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

22-209. MINIMUM OPERATIONAL STANDARDS OF SAFETY COMPLIANCE FACILITY.

The following minimum standards for the Safety Compliance Facility shall apply:

(A) The Safety Compliance Facility shall comply at all times and in all circumstances with the MMMA and Medical Marihuana Facilities Licensing Act or applicable state laws and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time.

(B) Consumption and/or use of Marihuana shall be prohibited at the facility.

(C) The premises shall be open at all times to any Michigan Medical Marihuana Licensing Board investigators, agents, auditors, or the State Police, without a warrant and without notice to the licensee, to enter the premises, offices, facilities, or other places of business of a licensee, if evidence of compliance or noncompliance with the MMMA and Medical Marihuana Facilities Licensing Act or applicable state laws is likely to be found and consistent with constitutional limitations for the following purposes:

1. To inspect and examine all premises of Medical Marihuana Facilities;
2. To inspect, examine and audit relevant records of the licensee and, if the licensee or any managerial employees or employees fail to cooperate with an investigation, impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored;
3. To inspect the person and inspect or examine personal effects present in a Medical Marihuana Facility of any holder of State Operating License while that person is present in a Medical Marihuana Facility;

4. To investigate alleged violations of the MMMA and Medical Marihuana Facilities Licensing Act or applicable state laws.

(D) Any Safety Compliance Facility shall maintain a log book and/or database which complies with the MMMA and Medical Marihuana Facilities Licensing Act or applicable state laws.

(E) All Marihuana shall be contained within the building in an Enclosed Locked Facility in accordance with the MMMA, as amended, and Medical Marihuana Facilities Licensing Act or applicable state laws. All operations shall be conducted within the facility so as not to be exposed to the public and all operations are expressed prohibited from being conducted outside the facility or outdoors.

(F) There shall be no other accessory uses permitted within the same facility other than those associated with testing Marihuana.

(G) All persons working in direct contact with Marihuana shall conform to hygienic practices while on duty.

(H) Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where Marihuana is exposed.

(I) Floors, walls and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.

(J) Any buildings, fixtures and other facilities shall be maintained in a sanitary condition.

(K) Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.

(L) Exterior signage or advertising identifying the facility as a Safety Compliance Facility shall be prohibited.

22-210. MINIMUM OPERATIONAL STANDARDS OF PROCESSOR FACILITY.

The following minimum standards for the Processor Facility shall apply:

(A) The Processor Facility shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time.

(B) Consumption and/or use of Marihuana shall be prohibited at the Processor Facility.

(C) All activity related to the Processor Facility shall be done indoors.

(D) The premises shall be open at all times to any Michigan Medical Marihuana Licensing Board investigators, agents auditors, or the State Police, without a warrant and without notice to the licensee, to enter the premises, offices, facilities or other places of business of a licensee, if evidence of compliance or noncompliance with the MMMA and Medical Marihuana Facilities Licensing Act 21 or applicable state laws is likely to be found and consistent with constitutional limitations for the following purposes:

1. To inspect and examine all premises of Medical Marihuana Facilities;
2. To inspect, examine and audit relevant records of the licensee and, if the licensee or any managerial employees or employees fail to cooperate with an investigation, impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored;
3. To inspect the person and inspect or examine personal effects present in a Medical Marihuana Facility of any holder of state operating license while that person is present in a Medical Marihuana Facility.
4. To investigate alleged violations of the MMMA and Medical Marihuana Facilities Licensing Act or applicable state laws.

(E) Any Processor Facility shall maintain a log book and/or database which complies with the MMMA, as amended, and Medical Marihuana Facilities Licensing Act or applicable state laws.

(F) All Marihuana will be tagged as required by the MMMA, the Medical Marihuana Facilities Licensing Act or applicable state laws.

(G) All Marihuana shall be contained within an Enclosed Locked Facility in accordance with the MMMA, as amended. All operations shall be conducted within the facility so as not to be exposed to the public and all operations are expressed prohibited from being conducted outside the facility or outdoors.

(H) All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring for devices that support the processing of Marihuana are located.

(I) That portion of the structure where the storage of any chemicals shall be subject to inspection and approval by the Albion Department of Public Safety to insure compliance with the Michigan Fire Protection Code.

(J) The dispensing of medical Marihuana at the Processor Facility shall be prohibited.

(K) All persons working in direct contact with Marihuana shall conform to hygienic practices while on duty, including but not limited to:

1. Maintaining adequate personal cleanliness;
2. Washing hands thoroughly in adequate hand washing areas before starting work and at any other time when the hands may have become soiled or contaminated;
3. Refraining from having direct contact with Marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.

(L) Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where Marihuana is exposed.

(M) Floors, walls and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.

(N) There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste development of odor and minimize the potential for waste becoming an attractant, harborage or breeding places for pests.

(O) Any buildings, fixtures and other facilities shall be maintained in a sanitary condition.

(P) Each Processor Facility shall provide its occupants with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair.

(Q) Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.

(R) The Processor Facility shall be free from infestation by insects, rodents, birds, or vermin of any kind.

(S) The Processor Facility shall produce no products other than usable Marihuana intended for human consumption.

(T) Exterior signage or advertising identifying the facility as a Processor Facility shall be prohibited.

(U) Odor Control – No person, tenant, occupant, or property owner shall permit the emission of marihuana odor from any source to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property. Whether or not a marihuana odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standards of a reasonable person of normal sensitivity. A grower or processor shall install and maintain in operable condition a system which precludes the emission of marihuana odor from the premises.

- i. A plan for ventilation of the medical marihuana facility that describes the ventilation systems that will be used to prevent any odor of medical marihuana off the premises of the business. For medical marihuana facilities that grow medical marihuana plants, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises. For medical marihuana infused products, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process.
- ii. Cultivated, produced, or distributed by a medical marihuana business. A medical marihuana business shall be ventilated so that the odor of marihuana cannot be detected by a person with a normal sense of smell at the exterior of the medical marihuana business or at any adjoining use or property.
- iii. Sufficient measures and means of preventing smoke, odor, debris, dust, fluids and other substances from exiting a marihuana commercial entity must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a marihuana commercial entity, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

22-211. MINIMUM OPERATIONAL STANDARDS FOR A SECURE TRANSPORTER

The following minimum standards for a Secure Transporter shall apply:

- (A) A Secure Transporter shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time.
- (B) Each driver transporting marihuana shall have a valid chauffer's license issued by the State of Michigan;
- (C) Each vehicle shall be operated with a 2-person crew with at least 1 individual remaining with the vehicle at all times during the transportation of marihuana;
- (D) A route plan and manifest shall be carried in the transporting vehicle and presented to a law enforcement officer upon request;
- (E) The marihuana being transported shall only be transported in 1 or more sealed containers and not be accessible while in transit.
- (F) A Secure Transporter shall not bear marking or other indication that it is carrying marihuana or a marihuana-infused product.
- (G) A Secure Transporter shall be subject to administrative inspection by a law enforcement officer, including but not limited to the Albion Department of Public Safety, at any point during the transportation of marihuana in the City of Albion to determine compliance with this Ordinance and the Medical Marihuana Facilities Licensing Act.

22-212. LOCATION OF GROWER FACILITY, SAFETY COMPLIANCE FACILITY, PROCESSOR FACILITY AND SECURE TRANSPORTER.

- (A) No Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within five hundred (500) feet of real property comprising a public or private elementary, licensed child care facility, vocational or secondary school.
- (B) No Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within two hundred fifty (250) feet of real property comprising a public park. Any Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter located more than two hundred fifty (250) feet but less than five hundred (500) feet of real property comprising a public park shall be surrounded by a fence as required by city ordinance.
- (C) No Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within two hundred fifty (250) feet of real property

comprising a place of religious worship. Any Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter located more than two hundred fifty (250) feet but less than five hundred (500) feet of real property comprising a place of religious worship shall be surrounded by a fence as required by city ordinance.

(D) All Grower Facilities shall be limited to the M-1-P, M-2, and M-2-P Zoning Districts. Safety Compliance Facilities shall be limited to the B-3, M-1-P, M-2, and M-2-P Zoning Districts. Secure Transporters shall be limited to the B-3, M-1-P, M-2, and M-2-P Zoning Districts. Processor Facilities shall be limited to B-3, M-1-P, M-2, and M-2-P Zoning Districts.

22-213. DENIAL AND REVOCATION.

(A) A license issued under this Chapter may be revoked after an administrative hearing at which the City Clerk determines that any grounds for revocation under Subsection (B) exists. Notice of the time and place of the hearing and the grounds for revocation must be given to the holder of the license at least five (5) days prior to the hearing, by first class mail to the address given on the License Application or any address provided pursuant to this Ordinance.

(B) A license applied for or issued under this Chapter may be denied or revoked on any of the following basis:

1. Violation of this Chapter;
2. Any conviction of or release from incarceration for a felony under the laws of this State, or any other State, or the United States, within the past five (5) years by the applicant or any Stakeholder of the applicant as measured from the date of the application or the date of becoming a Stakeholder, whichever occurs later, or while licensed under this Chapter; or any conviction of a substance-related felony by the applicant or any Stakeholder of the applicant whenever or while licensed under this Chapter;
3. Commission of fraud or misrepresentation or the making of a false statement by the applicant or any Stakeholder of the applicant while engaging in any activity for which this Chapter requires a license;
4. Sufficient evidence that the applicant(s) lack, or have failed to demonstrate the requisite professionalism and/or business experience required to assure strict adherence to this Chapter and the rules and regulations governing the Medical Marihuana Program in the State of Michigan;
5. The Medical Marihuana Facility is determined by City of Albion to have become a public nuisance;

6. The Michigan Medical Marihuana Licensing Board has denied, revoked or suspended the applicant's State License.

22-214. PENALTIES AND DISCIPLINE.

(A) The City of Albion may require an applicant or holder of license of a Medical Marihuana Facility to produce documents, records, or any other material pertinent to the investigation of an application or alleged violation of this Chapter. Failure to provide the required material may be grounds for application denial, license revocation, or discipline.

(B) Any Person in violation of any provision of this Chapter or any provision of a license issued under this Chapter, is responsible for a misdemeanor, punishable by a fine of up to \$500.00 plus costs of prosecution, ninety (90) days imprisonment, or both, for each violation. This section is not intended to prevent enforcement of any provision of the state law by the Albion Department of Public Safety.

(C) All fines imposed under this Chapter shall be paid within forty-five (45) days after the effective date of the order imposing the fine or as otherwise specified in the order;

(D) The City Clerk may temporarily suspend the Medical Marihuana Facility license without a hearing if the City Clerk finds that public safety or welfare requires emergency action. The City Clerk shall cause the temporary suspension by issuing a Suspension Notice in connection with institution of proceedings for a hearing.

(E) If the City Clerk temporarily suspends a license without a hearing, the holder of the license is entitled to a hearing within thirty (30) after the Suspension Notice has been issued. The hearing shall be limited to the issues cited in the Suspension Notice.

(F) If the City Clerk does not hold a hearing within thirty (30) days after the date of suspension was issued, then the suspended license shall be automatically reinstated and the suspension vacated.

(G) In addition to any other remedy available at law, the City of Albion may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this Ordinance.

Section 2: Validity and Severability. The provisions of this Ordinance are severable and the invalidity of any phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

This Ordinance shall take effect March 19, 2018 after publication.

First Reading:
February 5, 2018

Ayes _____
Nays _____
Absent _____

Jill Domingo,
City Clerk

Second Reading & Adoption:
February 19, 2018

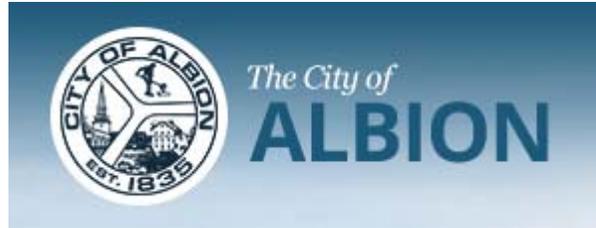
Ayes _____
Nays _____
Absent _____

Garrett Brown,
Mayor

CITY OF BATTLE CREEK
Medical Marihuana Facilities

| Department | Staff Time | Fee |
|--|--|------------|
| Inspections | | |
| Conditional Approval | | \$0 |
| Final Permit Approval: Building Plan Review (Building, Electrical, Mechanical, Plumbing) and Certificate of Occupancy Issuance | Incorporated in standard trade permit application and required inspections | \$0 |
| Renewal: Annual Inspection (Building, Electrical, Mechanical, Plumbing) | 8 hours (2 hrs per trade) | \$400.00 |
| City Attorney's Office | | |
| Legal Research | 2 hours | \$141.50 |
| Legal Advice | 1 hour | \$295.00 |
| Risk Management | | |
| Insurance Review | 1 hour | \$49.55 |
| Planning & Zoning | | |
| Project review (not including Site Plan Review) | 3 hours | \$200.00 |
| Fire Department | | |
| Alarm and Fire Suppression System | 2 hours | \$115.00 |
| Income Tax Department | | |
| Renewal Tax review | 1 hour | \$47.93 |
| Police Department | | |
| Building & Site Security Plan Review | 4 hours | \$180.00 |
| Onsite Security Assessment | 4 hours | \$180.00 |
| Quarterly Compliance Check for operational security plus random inspections | 4 hours 8 instances | \$1,440.00 |
| Random Vehicle Compliance check | 2 hours 10 instances estimated | \$600.00 |
| Extra Patrol and Calls for Service | 50 hours | \$1,500.00 |
| Materials Costs | | \$100.00 |
| Renewals | | \$3,640.00 |
| City Clerk's Office | | |
| Permit Processing and Routing | 2.5 hours | \$107.00 |
| Materials | | \$50.00 |
| Reporting Requirements | 1 hour | \$42.80 |

101.12.2110.451.015 Medical Marihuana Facilities Permit Fee, revenue



ROLES AND RESPONSIBILITIES OF CITY OFFICIALS

JANUARY 11, 2018

Presented by:

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CITY COUNCIL
CITY OF ALBION

ROLES AND RESPONSIBILITIES OF CITY OFFICIALS

I. General Authority for City Government.

A. 10th Amendment to the United States Constitution reserves to the states rights not delegated to the United States or prohibited to the states by the Constitution.

B. Michigan Constitution of 1963 left local control to cities.

1. Art. VII, § 21, Michigan Constitution of 1963:

“The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.”

2. Art VII, § 22, Michigan Constitution of 1963:

“Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.”

C. Concept is “home rule.”

1. As explained in the record of the 1907 Constitutional Convention:

“These provisions constitute a marked advance from the present constitutional provisions relating to cities and villages by doing away with the principle of classification and with special charters, granted and subject to amendment only by the state legislature. The purpose is to invest the legislature with power to enact into law such broad general principles relative to organization and administration as are or may be common to all cities and to all villages, each city being left to frame, adopt and amend those charter provisions which have reference of its local concerns. The most prominent reasons offered for this change are that each municipality is the best judge of its local needs and the best able to provide for its local necessities; that inasmuch as special charters and their amendments are now of local origin, the state legislature will become much more efficient and its terms much shorter if the labor of passing upon the great mass of detail incident to municipal affairs is taken from that body and given into the hands of the people primarily interested.

Under these provisions, cities and villages, as under the present Constitution, will remain subject to the Constitution and all general laws of the state.”

Proceedings and Debates of the Constitutional Convention of the State of Michigan, 1432 (1907).

2. “Home rule” was intended to grant broad local discretion to cities.

Art VII, § 34, Michigan Constitution of 1963 provides, in pertinent part: “The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor.”

3. Home rule is intended to limit the state legislature.

4. However, city authority is limited:

- a. Areas of zoning (e.g., with adult foster care and other “group” homes and day care homes), taxation, and public debt.

- b. More recently, the legislature restricted local authority regarding residency of city officers and employees, gun control, wetlands, private employment issues (e.g., prevailing wage, minimum wage, etc.), “right to farm,” construction codes, right-of-way control (e.g., the Metro Act), etc.

- c. Current legislative bills would restrict local control of rights-of-way related to micro cell antennas and local control of short-term (vacation) rental housing.

D. In this structure, a city charter essentially serves as the local constitution and city ordinances are like statutes.¹

1. Home Rule City Act, 1909 PA 279,² provides:

- a. Required provisions for city charters.

- b. Permissive provisions for city charters.

- c. Authority and processes for forming cities.

- d. Authority and processes for writing, proposing, approving, amending and revising city charters.

2. Other state laws affect city authority.

- a. Taxation is governed by General Property Tax Act, 1893 PA 206³ and myriad other laws.

- b. Authority and processes for undertaking debt is found in Revised Municipal Finance Act, 2001 PA 34,⁴ Revenue Bond Act, 1933 PA 94,⁵ and many other statutes.

- c. Elections are controlled by Michigan Election Law, 1954 PA 116.⁶

- d. Some statutes expressly supersede local charter provisions.

- i. Revenue Bond Act and Michigan Election Law are examples.

¹ Like the Michigan Constitution, a city charter can either be amended by votes of the city’s electors, either via a ballot proposal made by the city’s council/commission or by a proposal initiated by city electors. MCL 117.21 – 117.24. A charter revision can similarly result from proposal put on the ballot by a 3/5 vote of the city council/commission or can be initiated by city electors. MCL 117.18; MCL 117.25. Charter revisions are required for fundamental changes in city government structure. *Midland v Arbury*, 38 Mich App 771(1972). A charter revision results in the election of a charter commission which (like a constitutional convention called for the Michigan Constitution) has no obligation to maintain any parts or concepts in the current charter except as mandated by state law. *Kelly v Laing*, 259 Mich 212, 217(1932).

² MCL 117.1 *et seq.*

³ MCL 211.1 *et seq.*

⁴ MCL 141.2101 *et seq.*

⁵ MCL 141.101 *et seq.*

⁶ MCL 168.1 *et seq.*

ii. Municipal Partnership Act, 2011 PA 258, allows additional powers despite local charter limits.⁷

3. Taxation, borrowing and zoning powers are limited to those expressly provided by law, while for others aspects of local government, cities have necessary and implied powers.

4. Concept is that the people of a city confer certain powers and limits of powers upon the city government.

II. Albion Government Structure.

A. Albion has a “council – manager,” as opposed to a “strong mayor,” form of government.⁸

1. How do we know?

a. “The **council** shall exercise all of the **legislative and policy-making powers** of the city and shall provide for the performance of all duties and obligations imposed upon the city by law.” City Charter § 5.1 (emphasis added).

b. “The legislative power of the city is vested exclusively in the council, except as otherwise provided by law.” City Charter § 6.1.

c. “The mayor shall be recognized as the ceremonial head and chief executive officer of the city and shall perform all duties provided or required of him by law or by the council.” City Charter § 5.4(a).

d. “The office of the **city manager shall be the chief administrative office** of the city. The city manager shall be responsible for the supervising of the administrative departments of the city” City Charter § 7.2(b) (emphasis added).

e. “Except as otherwise provided by the Charter, the city manager shall have the supervision of and the responsibility to implement all matters in the city personnel policy as it relates to city personnel.” City Charter § 7.2(c).

2. This generally means that the Council sets the policy and the manager is the day-to-day administrative officer implementing the Council’s policy.

3. But, each city charter is unique.

⁷ MCL 124.119 states in pertinent part, “Except as otherwise provided in this section, if any provision of this act conflicts with any local charter provision or any local ordinance, the provisions of this act shall control. The authority to enter into a contract pursuant to this act shall not be affected by any condition or limitation that may be imposed by any local charter provision or local ordinance.”

⁸ Proponents of a council/commission-manager form of government contend its advantages include:

It frees up the council to establish policy, rather than engaging in operational matters.

Policy is carried out by a professional city manager and administrative staff.

A city manager working at the pleasure of the majority of the council diffuses the power of special interests while responding to the policy directed by a council majority.

Removes (partisan) politics from municipal personnel and contracting decisions and enables the city manager to select department heads based on qualifications and merit.

Each council member has an equal voice in policy development.

Proponents of a strong mayor (also called “mayor-council” or “mayor-commission”) form of government contend its advantages include:

Day-to-day city operations are overseen by the mayor.

There is more direct accountability to the electors.

Citizens and neighbors know who to address with concerns and requests.

City administrative staff have less control and more accountability.

For a viewpoint, see *Council-Manager or “Strong Mayor,” the Choice is Clear*, dated 2009, Document No. 106142 entitled *Forms of Local Government*, dated 1999, from International City/County Management Association’s website, <http://www.icma.org>.

Detroit, Lansing and Kentwood have strong mayors. Allegan, Battle Creek, Grand Haven, Grand Rapids, Grandville, Holland, Mt. Pleasant, Muskegon, Plainwell, Saline, South Haven, and Wyoming, have a council/commission-manager form of government.

B. Duties and authority of the Manager, the Mayor, and the Council.

1. Manager's duties and authority.

a. Supervision of the administrative departments of the city, including appointing administrative officers, other than the city attorney and members of the city boards. City Charter §§ 7.2(b), 8.2(b).

b. Supervision of and responsibility for all administrative departments of the city and implementing all matters in the city personnel policy. City Charter § 7.2(c).

c. Additionally, under City Charter § 7.2(d):

i. Responsible to the Council for the efficient administration of all administrative departments of the city government.

ii. Recommends to the Council adoption of such measures the Manager deems necessary or expedient and attends Council meetings with the right to take part in discussion, but without the right to vote.

iii. Exercise and perform all administrative functions of the city that are not imposed by law, the Charter or ordinance upon another official.

iv. Enforce all ordinances except as otherwise provided.

v. Appoint the emergency preparedness coordinator.

vi. Compile the annual budget proposal of the city and administer the annual budget.

vii. Perform such other duties as may be prescribed by ordinance or by direction of the Council.

A. Enters into employment agreements with city employees. City Code § 2-27.

B. Adopts administrative regulations. City Code § 2-61.

C. Appoints the planning and community development director. City Code § 2-148.

D. Either the Manager or the Manager's designee serves as purchasing agent. City Code § 2-383.

d. May recommend to the Council to prescribe by ordinance additional powers and duties to city officers and departments. City Charter § 8.17.

e. No other city officer may perform the Manager's duties. City Charter § 7.2(e).

f. If there is a vacancy in the office of Manager, the Council must appoint non-elected person to serve as an interim Manager. City Charter § 7.2(f).

2. Mayor's duties and authority.

a. Ceremonial head and chief executive officer of the city who performs all duties provided or required by law or by the Council. City Charter § 5.4(a).

b. Presiding officer of the Council. City Charter § 5.4(b).

c. Member of the Council with all the powers and duties of that office, including the right and duty to vote on questions before the Council. City Charter § 5.4(c).

- d. Advise the Council concerning the public affairs of the city and makes recommendations thereon. City Charter § 5.4(d).
 - e. In emergencies, has powers conferred by law upon peace officers and shall exercise such powers to prevent disorder, to preserve the public peace and health, and to provide for the safety of persons and property. City Charter § 5.4(e).
 - f. Makes all appointments, subject to Council approval, unless law or ordinance requires appointment by another officer or agency. City Charter §§ 5.4(f), 8.2(b).
 - g. Does not have veto power. City Charter § 5.4(g).
3. Council's duties and authority.
- a. Works through ordinances, resolutions, or motions. This is the only way the Council can act.
 - i. Ordinances. Council Rule 10.
 - A. May be required by law (e.g., to establish some types of authorities or to issue some type of bonds).
 - B. Is required for all acts for which there is a penalty for violation (e.g., city health, safety, traffic codes, etc.).
 - C. Is needed for acts where the city wishes to regulate actions or conduct of persons other than city officers, employees and agents.
 - ii. Resolutions are normally limited to internal affairs or concerns of the city government (e.g., approval of contracts), though resolutions may be specifically authorized for other purposes. Council Rule 9.
 - iii. Motions, by themselves, as opposed to motions to approve a resolution or an ordinance, are generally limited to routine procedural matters and to making decisions placed before the body. Council Rule 11.
 - b. Works as a body.
 - i. The City Charter refers to the powers of the Council, as opposed to the powers of individual Council members.
 - ii. Individual Council members have no authority to act on behalf of or represent the city except as approved by an ordinance, resolution, or motion approved by the Council. Examples include designation to serve as a delegate to an MML body or to serve as the city's representative on another body.
 - c. Sets policy by its actions, adopts budget, approves tax levies (even if vote of the electors is required), approves any borrowing (even if a vote of electors is required), sets city utility rates, and may specially assess.
 - d. Appoints the Manager and city attorney. City Charter § 8.2(a).
 - e. May prescribe duties to, change and consolidate city departments. City Charter § 7.1(h).
 - f. May remove Council members and members of appointive boards from office. City Charter § 8.2(d).
 - g. Meetings.
 - i. Shall hold at least 2 regular meetings in each month. City Charter § 5.6(a).

- ii. Special meetings shall be held at the regular meeting place of the Council or at an alternate meeting place when notice of such alternate meeting place is posted at the main entrance to the city hall during such meeting. Special meetings shall be called by the clerk on the written request of the Mayor, or of any 2 Council members. City Charter § 5.6(b); Council Rule 3(b).
- iii. At least 18 hours' written notice shall be given designating the time and purpose of a special meeting. Open Meetings Act, MCL 15.265; Council Rule 3.
- iv. No business shall be transacted at any special meeting of the Council except that which is stated or given in the notice of the meeting. City Charter § 5.6(f).
- v. All regular and special meetings of the Council shall be public meetings and the public shall have a reasonable opportunity to be heard. City Charter § 5.6(g); Open Meetings Act, MCL 15.263.
- vi. 4 members of the Council shall be a quorum for the transaction of business. If less than a quorum is present, those present may adjourn a meeting to a later date. City Charter § 5.6(h); Council Rule 3.
- vii. Determines its own rules and order of business and keeps of its proceedings signed by the clerk. City Charter § 5.6(i).
- viii. Votes on all matters considered to be taken by "Yes" or "No" votes that, upon the request of any Council member, shall be entered upon the record. City Charter § 5.6(i); Council Rule 17(c).
- ix. Council may compel members and any city officers or employees to attend meetings. City Charter § 5.6(j).
- x. Council members must vote on any question unless excused by a vote of other Council members due to a substantial direct or indirect financial interest. Council Rule 17(b).
 - A. If a Council members asks to be excused from voting due to a conflict of interest, that question must be voted on before the question to which it applies is voted upon and Council members affected may not vote on such determination. City Charter § 5.6(k); Council Rule 17(b).
 - B. Requires a substantial financial interest different than the public at large.
- xi. All official action requires at least 4 votes for approval, unless a larger majority is required by law. City Charter § 5.6(l); Council Rule 17(e).
 - A. May therefore require unanimous vote of those present.
 - B. This is a reason for the duty to vote.
- xii. Clerk, Manager and staff prepare the agenda. City Charter § 5.6(m); Council Rule 8(a).
 - A. No business can be considered by the Council, unless placed upon the agenda by 12:00 p.m., on the day of the meeting
 - B. But, by a vote of at least 5 Council members, agenda may be amended after that to consider another item.
- xiii. Conduct of meetings. Council Rule 5.
 - A. Mayor chairs and presides at meeting.

- B. Mayor arranges seating, preserves decorum and interprets rules.
- C. Council members speak only to the issue on the floor.
- D. Personal comments and attacks are out of order.
- E. Council members may speak only twice until every other Council member has had an opportunity to speak.
- F. Public comments are limited to 3 minutes at public comment periods, which are at the beginning and end of the meeting and during public hearings.
- G. Public comments that are personal, disrespectful, slanderous or profane are out of order, as are debates with other audience members.
- H. Audience applause or cheering is out of order.
- I. Audience members must submit handouts before the meeting, and audio and electronic visual displays are out of order.

III. Particular Matters.

A. Ordinances.

1. Must be in writing to be considered and are to state: "The City of Albion Ordains:" City Charter § 6.3(a).
2. May not be passed at the same meeting introduced, unless declared to be an emergency ordinance by a vote of at least 5 Council members. City Charter § 6.3(b).
3. May be repealed or amended only by an ordinance passed in the manner provided in this section. City Charter § 6.3(c).
 - a. May be repealed by reference to its number or title only. City Charter § 6.3(d).
 - b. If a section of an ordinance is amended, such section shall be re-enacted at length. City Charter § 6.3(e).
 - i. This does not apply to zoning ordinance amendments or to the schedules of one-way streets and of parking limitations in a traffic ordinance. City Charter § 6.3(e).
 - ii. State law also allows publications of summaries for many ordinances rather than of the whole ordinance. MCL 117.3(k).
4. Each shall, after adoption, be identified by a number. City Charter § 6.3(f).
5. Penalties for violations are either municipal civil infractions or misdemeanors with penalties as provided by law, generally \$500 fine and up to 90 days in jail.
6. 2-year statute of limitations on ordinance violations. City Charter § 6.6.

B. Contracts. City Charter § 15.1.

1. Council generally has contracting power to be exercised in accordance with the law.
2. All contracts, except for purchasing in accordance with city purchasing ordinance, must be approved by the Council and signed by the Mayor and the clerk.

C. Budget.

1. Proposed budget presented by Manager. City Charter § 9.2.
2. Approved and amended by Council. City Charter § 9.3.
3. Generally budget approval incorporates annual tax levy. City Charter § 10.11.

IV. Open Government Laws.

A. Purpose and background.

1. Michigan's Open Meetings Act, 1976 PA 267 ("OMA")⁹ and Michigan Freedom of Information Act, 1976 PA 442 ("FOIA")¹⁰ were enacted in 1976 as part of a nationwide effort to open government decision making and communication.
2. Both therefore predate e-mail, text messaging, Twitter, Facebook, cell phones, and other modern forms of electronic communication.
3. Neither has been amended to specifically refer to electronic communications.
4. Michigan courts and the Attorney General interpret the OMA and FOIA to apply to electronic communications.

B. Open Meetings Act.

1. Generally: All decisions and deliberations of a public body are required to be made at an open public meeting.
2. Exceptions: Certain exceptions apply under limited circumstances (*i.e.*, a closed session to consider information exempt from disclosure, like legal opinions under FOIA). Exceptions are narrowly construed.

C. Freedom of Information Act.

1. Generally: All public records of a public body are subject to disclosure.
2. Exemptions: Certain public records "may" be withheld from disclosure, but exemptions are narrowly construed.

D. Communications by and among Council members are governed by the OMA and FOIA.

1. Communications aimed at making a decision outside a public meeting violate the OMA.
 - a. Applies whether in person, verbally, or in a written form, even if on a personally owned electronic device.
 - b. Applies to communications during a meeting.
 - c. "Politicking," lobbying, or informal canvassing are not violations of the OMA.
2. Electronic communications and documents that stored on a computer or on the computer server of a public body are public records under the FOIA.
3. If used for or in relation to any city matter, a personally owned computer or other electronic device (*i.e.*, personal cell phone) may also be subject to the FOIA and subpoena.
4. State mandated records retention requirements compel that even those messages stored on personally owned devices be maintained.

⁹ MCL 15.261 *et seq*

¹⁰ MCL 15.241 *et seq*.

5. In case of a FOIA lawsuit or a subpoena in any lawsuit, a personally owned electronic device could be subject to forensic examination.
 - a. Personal records could also be viewed.
 - b. It is difficult to fully delete information on electronic devices.
6. Everything on a publicly owned electronic device may be a public record. (There are a few exceptions, but they are very narrowly construed.)

V. Best Practices.

- A. You are a city official, so:
 1. Whatever you do or say reflects on the city.
 2. Some will perceive that whatever you say reflects city policies or attitudes.
- B. The city will designate one or more spokespersons on issues.
 1. If you are a spokesperson:
 - a. Be careful in choosing words and phrases.
 - b. Check your facts.
 - c. Be sure you know and understand the nuances of applicable ordinances, resolutions and policies.
 - d. Be positive.
 2. If you are not the spokesperson, don't speak on for the city except to refer an inquiry to the right person(s).
- C. Support city policies and personnel.
 1. When disagreeing with a policy, advocate change. But, support it until it is changed.
 2. When disagreeing with personnel, inquire of the Manager.
 3. When disagreeing with the Manager, discuss concerns:
 - a. First with the Manager.
 - b. Then, if unsatisfied, with other Council members.
- D. Council
 1. When approached by interested entities, persons or media representatives:
 - a. Refer them to appropriate personnel.
 - b. Ask questions to understand.
 - c. Inquire of the Manager.
 - d. Advocate for a change in an appropriate manner.
 2. Do not try to direct, counsel, or otherwise influence city personnel, except the Manager.
 3. Periodically:
 - a. Establish written goals and objectives for the City Manager.
 - b. Provide written feedback to (evaluate) the City Manager.

- c. Hold the Manager accountable for:
 - i. Meeting goals and objectives.
 - ii. City operations.
 - iii. Complying with budget.
 - iv. Other parts of job description.
 - v. Providing information to the Council.
 - vi. Treating everyone fairly and equally in compliance with the law and city policies.
- 4. Expect all Council members will have the same information.
- 5. Advocate for policies, not for particular businesses, individuals or in particular cases.
- 6. Refrain from making promises to citizens or staff outside of official Council action.
- 7. Allow and enable the City Manager to manage.
 - a. To extent possible, publicly support City Manager and staff.
 - b. Concerns should, to extent possible, be expressed in non-public settings.
 - c. Encourage innovation.
 - d. Collaborate on goals, outcomes, and measurements.
 - e. Protect City Manager from politics.
- 8. Accept and support decisions of the body until a majority of the body decides to change a policy.
- E. City Manager:
 - 1. Respect and listen to Council members.
 - 2. Understand individual Council members may have views, but policy is set and direction given by a majority of Council members.
 - 3. Keep Council members fully informed about city matters.
 - 4. Treat everyone, including all Council members, fairly and equally in compliance with the laws and city policies.
 - 5. Comply with laws and city policies.
 - 6. Respect and listen to business owners, citizens and others.
 - 7. Advise Council based on experience, expertise, research and other available information, presenting all relevant information.
 - 8. Stay out of politics – be aware, but not a participant.
 - 9. Accept and implement Council decisions.
- F. Be careful about written words.
 - 1. Avoid defamation.
 - 2. Ensure they are accurate and carefully phrased.
 - 3. Ensure they comply with laws and policies.

4. Ensure they are not deliberations outside of meetings.
 5. Assume they could become public.
- G. Assume every word or action could be recorded.

VI. Hypotheticals.

- A. A citizen seeking a change in snow plowing.
- B. A business wants assurances of city contract.
- C. Concerns are raised about police conduct.
- D. Staff member or her representative has a request, wanting to know if she can “count on you.”
- E. Public comment includes a personal attack.
- F. You have concerns about a closed session.
- G. A developer is seeking full support for a new project.
- H. You believe official statements are inaccurate or incomplete.
 - I. Speaker at a public hearing comments on matters outside the scope of the hearing.
 - J. Speaker turns to or addresses one or more audience members.

VII. Questions.

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Albion City Council

Rules of Procedure

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RULE 1. AUTHORITY

(a) All City Council meetings shall operate in accordance with the State Constitution, the Open Meetings Act, the Home Rule City Act, the City Charter and all other pertinent laws.

(b) All regular and special meetings of the City Council shall be open to the public and the rules of order of the City Council shall provide that the citizens shall have reasonable opportunity to be heard, except as otherwise provided by law. [Section 5.6g]

(c) These rules of order provide the common rules and procedures for deliberation and debate to provide for constructive and democratic meetings. These rules are to help, not hinder, the business of the City Council and are adopted to expedite and facilitate the transaction of the business of the City Council in an orderly fashion. The failure to strictly observe any such rules shall not affect the jurisdiction of, or invalidate any action taken by, the City Council.

(d) The following words or phrases shall have the following meanings:

Administration means the City Manager or his or her designees.

City Council or Council means the Mayor and six (6) Council Members.

Council Member or member are used interchangeably and means members of the City Council.

Dates - whenever a date used in these rules for the doing or completion of an act falls on a Saturday, Sunday or holiday, such act shall be done or completed on the next succeeding day which is not a Saturday, Sunday or holiday.

Decision means a determination action, vote or disposition upon a motion, proposal, recommendation, resolution, order, ordinance or measure on which a vote by City Council has occurred.

Meeting means the convening of a public body (the City Council) at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy.

Procedural matters mean votes upon motions having no other purpose than to adjourn, to receive and file, to refer a matter, to approve the minutes or accept or decline an invitation may be taken by a voice vote and the chair shall announce the result of the voting. Upon any such matter, a majority of the quorum present shall be sufficient to carry such a motion, unless the Charter or other rule shall specifically require a greater majority in any such matter.

Unanimous means that all the members of the City Council are present and have voted the same way. In case of a vacancy on the City Council, the word “unanimous” shall apply to the remaining members of the City Council and the minutes of the meeting shall indicate that a vacancy exists.

(e) On all matters of procedure not addressed in these rules, the Council shall refer to the most current edition of *Robert’s Rules of Order*, for guidance in developing procedures for the conduct of meetings and shall not be inconsistent with the standing rules and order of the Council and not contrary to the Albion City Charter or any existing laws of the State of Michigan.

(f) The Mayor shall hold regular, weekly meetings or conference calls with the City Manager to confer on city business and upcoming agendas. It is expected that the City Attorney shall be present, as needed to provide legal counsel and perspective. The dates and times are to be set, along with regular council meetings, and announced to council and the community, though flexibility shall be allowed from meeting to meeting.

(g) Roles and Responsibilities of City Officials are clarified in Appendix A.

RULE 2. OATH OF OFFICE; DUTIES ASSUMED; MAYOR PRO TEM APPOINTED

(a) On the first Monday in December following their election, newly elected members of City Council shall take the oath of office and assume the duties of their office. [*Section 5.3*] See *Appendix B for Sine Die procedure*.

(b) On the first Monday in December after each City general election, the City Council shall appoint one of its elected members to serve as Mayor Pro Tem. [*Section 5.5*]

RULE 3. REGULAR AND SPECIAL MEETINGS; STANDING COMMITTEES

(a) *Regular meetings*: Regular meetings of the City Council shall be held each month on the days prescribed by resolution beginning at 7:00 p.m. Each calendar year there shall be posted within 10 days after the first meeting of the Council a public notice stating the dates, times and places of the regular meetings. If there is a change in the schedule of regular meetings, a notice shall be posted within 3 days after the meeting at which the change is made listing the new dates, times and places of the regular meetings. [*Open Meetings Act; Section 5.6*]

(b) *Special meetings*: (*City Charter 5.6*) Special meetings of the council shall be held at the regular meeting place of the council or at an alternate meeting place when notice of such alternate meeting place is posted at the main entrance to the city hall during such meeting. Special meetings shall be called by the clerk on the written request of the mayor, or of any two (2) members of the council. If the capacity of the council Chambers is deemed insufficient to hold the audience that wishes to attend the council meeting, council may decide to move the meeting to a larger venue.

At least eighteen 18 hours written notice shall be given designating the time and purpose of a special meeting. Such notice shall be given personally by the clerk to each member of the council or written notice may be left at their usual place of residence or business by the clerk or by someone designated by him. A copy of such notice shall also be delivered at the place of business of each newspaper printed and published in the city, but this requirement shall not be jurisdictional to the holding of any such meeting.

(c) *Study Sessions*: In addition to regular and special meetings, the Council may hold study sessions from time to time for deliberating towards a decision on any matter or to adopt a motion. All other decisions as a result of deliberations during study sessions shall be made only at a subsequent regular or special meeting. The study sessions shall be open to the public and shall comply with the posting requirements of Act 267, Michigan Public Acts for 1976, as may be amended. For the purpose of posting only, the study sessions shall be considered as special meetings.

(d) Closed Meetings/Executive Sessions - In accordance with the Open Meetings Act, MCL 15.268, the council may meet in a closed session only for one or more of the permitted purposes:

- (1) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing.
- (2) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing
- (3) To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.

- (4) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the city.
- (5) To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, all interviews by the city for employment or appointment to a public office shall be held in an open meeting pursuant to the Open Meetings Act.
- (6) To consider material exempt from discussion or disclosure by state or federal statute.

(e) *Standing committees*: In accordance with [Section 5.6(b)] of the City Charter, there shall be no standing committees of the City Council. This does not, however, prohibit the designation of three (3) or less Council Members working together, without compensation, to gather information and/or research a specific subject and to report back to the full City Council at a later date.

RULE 4. QUORUM

At any regular or special meeting, four (4) members of the City Council shall be a quorum for the transaction of business. In the absence of a quorum, any number of members less than a quorum may adjourn any regular or special meeting. [5.6(h)] Regular meetings that have been adjourned due to a lack of a quorum shall have the agenda material carried over to the next regular meeting unless a special meeting is scheduled prior to that time to deal with those items. Special meetings adjourned due to a lack of quorum shall be rescheduled to a date determined by the authority who called for the meeting. Notices shall be posted in accordance with state law.

RULE 5. CONDUCT OF MEETINGS

(a) *Chair*: The Mayor, or in the Mayor's absence, the Mayor Pro Tem, shall be the chair and preside over the meetings. If both the Mayor and Mayor Pro Tem are absent, the City Clerk shall call the City Council to order and call the roll. If a quorum is present, the Council shall elect, by a majority of those members present, a temporary chair to act until the Mayor or the Mayor Pro Tem appear.

(b) *Preservation of order*: The Chair shall conduct the meeting, arrange the seating, preserve decorum, and decide all questions of order and the interpretation of these rules. Appeals of such interpretation may be made by any Council Member present. The City Attorney normally shall be the advisor of the chair on any point of order or procedure under these rules. While the Chair is putting any questions or while the roll is being called by the Clerk/Treasurer, no Council Member shall leave their seat or entertain private discourse. When a Council Member is speaking, said Council Member shall not be unduly interrupted. The Chair shall, at all times, preserve order and decorum. The Chair may call upon the Director of Public Safety or any other Public Safety Officer in attendance at meetings of the Council to perform such duties as directed by the Chair in preserving order and decorum.

(c) *Council Members*: When a Council Member is about to speak, said member shall respectfully address the Mayor only. When two or more Council Members wish to speak at the same time, the Mayor shall name the Council Member who is first to speak. The Council Member seeks recognition by raising their hand. The Council Member shall confine their speech to the question under debate and avoid personalities. Personal comments about or attacks upon other Council Members and/or City Staff members are prohibited. No Council Member shall speak more than twice on any question until every other Councilperson has had an opportunity to speak at least once on the subject under debate. No Council Member shall speak for more than ten minutes at any time without leave from the Council by a majority vote of the members present.

5.c.1 Call Member to Order: If any Council Member, in speaking or otherwise, transgresses the rules of the Council, the Mayor shall, or any Council Member may, call said Council Member to order. The question of order shall be decided by the Mayor, without debate, subject to appeal.

5.c.2 Preserving Order: While the Mayor is putting any questions or while the roll is being called by the Clerk/Treasurer, no Council Member shall leave his/her seat or entertain private discourse. When a Council Member is speaking, said Council Member shall not be unduly interrupted.

(d) *Legal counsel*: The Chair, or any member of the City Council, may call upon the City's legal counsel in any meeting of the Council, to decide upon any pertinent question of law, but not to decide upon the interpretation of any rule of order or procedure.

(e) As outlined in the City Charter [*Section 7.2(d)(2)*] the City Manager is a non-voting member of all meetings of council

RULE 6. PUBLICATION OF NOTICES

Official notices or proceedings requiring publication or posting shall be displayed on the bulletin board located in City Hall or on the City's official web site. In the event publication is required by law in a newspaper of general circulation, *The Recorder*, and the *Albion E-News* which are circulated in Albion, and are designated as the official newspapers for the City of Albion.

RULE 7. CITIZEN PARTICIPATION

Members of the audience attending regular or special meetings shall have a reasonable opportunity to be heard, except as otherwise may be provided by law, as follows:

(a) *Regular and Special meetings*: The chair will recognize each person wishing to make comments and the person shall state their name, address and group affiliation (if appropriate) prior to speaking. No citizen shall speak more than once during each of the following segments unless permission is given by the chair:

- (1) *Public hearings*: When a public hearing on a matter has been scheduled, City Council will hear and consider any comments presented by interested parties or audience members on the specific subject of the hearing. The chair may, if appropriate, limit the amount of time per person based on the requests and determine when the public has had its opportunity to be heard. Public speakers may address the council on the issue of the public hearing for one three (3) minute period.
- (2) *Public comment*: Speakers have two opportunities to speak. At the start of the council meeting, speakers may address the City Council on agenda items only, for one three (3) minute period. Additionally, at the conclusion of the agenda, speakers may address the council on any issue they wish to speak, also for one three (3) minute period.

(c) *Time Deviation*: The chair may deviate from the standard amount of time allowed for public comment during meetings and shall announce the reason for any deviation. Reasons include, but are not limited to, the number and complexity of agenda items and the number of persons wishing to address the City Council.

(d) Conduct of speakers and audience members: Persons addressing the City Council shall make responsible comments and shall refrain from making personal, disrespectful, slanderous or profane remarks. Personal debates within the audience are not permitted. To preserve the order and decorum of Council meetings, the audience shall refrain from cheering and applauding during the course of the meeting.

(e) Disorderly conduct: The chair may call to order any person or persons who are being disruptive, disorderly, speaking out of turn or beyond the allotted time, etc. Such persons shall promptly obey the rulings of the chair if called to order. If the person does not obey the ruling, the chair may order the removal of the person from this meeting.

(f) Written communications: Individuals or groups are encouraged to submit written comments to the City Council via mail, e-mail or delivered to the City Clerk's office for distribution. If requested by the writer, the communication may be added to the appropriate agenda for receipt and/or action as deemed appropriate by the City Council.

(g) Handouts, supporting materials, photographs, etc.: Persons wishing to provide copies of comments, handouts, presentations, supporting materials, photographs, etc., are encouraged to submit such items to the City Clerk's office prior to the start of the meeting for distribution to the City Council. The use of audio or electronically displayed materials by citizens during public comment segments is not allowed. An exception may be given if prior permission is given by the chair and the material is provided to the City Clerk's office at least two (2) business days prior to a meeting.

RULE 8. AGENDAS AND ORDER OF BUSINESS

(a) Regular meeting agendas: The City Clerk, with the City Manager and supporting staff, shall be responsible for the preparation of the agenda and supporting material for each regular meeting as follows:

- (1) All requests by members of the City Council, the Mayor, and the Administration for resolutions and documents to come before the City Council at any regular meeting shall be submitted before 12:00 noon to the City Clerk and City Manager five business days prior to the next council meeting. Items not received by the deadline may be considered at the subsequent regularly scheduled meeting.
- (2) All requests by members of the City Council or the Mayor, or staff, for administration to prepare simple and uncomplicated resolutions or proposed ordinances, or to take specific action, provided said request is permitted by state law and/or the City Charter, shall be made, in writing, through the City Manager, Mayor, and Clerk five (5) days prior to the regular meeting in which it is desired. Said requests for action may be added to the agenda for a vote by the council.
- (3) The Council Member who placed an item on the agenda shall have the right to ask to withdraw it prior to any action being taken. Council shall vote to remove any agenda item.
- (4) The agenda shall be furnished to the City Council on the Wednesday prior to the regular meeting. On the day following delivery of the agenda to the City Council, if practicable, the agenda will be available on the City's web site and a paper copy can be viewed at the City Clerk's office during normal business hours.
- (5) The City Council may by an affirmative vote of at least five (5) members approve the addition, or removal, of agenda items. The motion to add, or remove an item shall occur at the beginning of the meeting, immediately after the previous minutes have been approved.

(b) Special meeting agendas: If necessary, the City Clerk shall prepare an agenda for special meetings, in consultation with the Mayor, the council, and the City Manager, based on a written request for a special meeting.

(c) Order of Business - regular meetings: The order of business at any regular meeting shall be as follows:

- Call to order
- Moment of Silence
- Pledge of Allegiance
- Roll call
- Mayor and Council Members Comments
- Reports from the City Manager, and other City officers, committees, boards or commissions
- Presentations: These items include proclamations, commendations and recognitions or items prepared by City administration, City boards and commissions or other City-related agencies.
- Public Hearings: Resolutions and/or ordinances applicable to a public hearing shall be considered immediately following the hearing.
- Public Comment – Persons addressing the City Council shall limit their comments to agenda item only, and to no more than 3 minutes. Proper decorum is required.
- Consent Calendar: Approval of all meeting minutes called by council (regular, special, study sessions, etc.)
- Items for Individual Discussion – The work of the council; approval of resolutions, ordinances, Tabled items, action of the City Manager that requires approval of council, council items of discussion, approval of board appointments, Approval of contracts, etc.
- Future Agenda Items – Individual members of council and the Mayor may bring future agenda items to the floor for discussion and approval.
- Motion to Excuse Absent Council Member.
- Public Comment – Persons addressing the City Council shall limit their comments to no more than three (3) minutes. Proper decorum is required.
- Adjournment

RULE 9. RESOLUTIONS

(a) A resolution or motion shall be limited to matters required or permitted to be done by the Charter, or by state or federal laws, or pertaining to the internal affairs or concerns of the city government. Resolutions, and any long or complicated motions or amendments, shall be put in writing by the mover before being acted upon by the City Council.

(b) Upon the reading by the Mayor of the Title of the resolution, and a brief summary, it shall be for any member of the City Council to move for its adoption. City Council Members can request the Mayor to allow for explanatory or clarifying comments from the City Manager or relevant staff member before an initial motion is made. Before the question is put to a vote, an opportunity for debate, amendment or other appropriate action shall be afforded the City Council.

(c) A resolution is an official City Council action in the form of a motion adopted by an affirmative vote of at least four (4) members, unless otherwise provided by law. A resolution becomes effective on the same day on which it is adopted unless a subsequent date is contained within the resolution.

RULE 10. ORDINANCES

- a) An ordinance is a legislative act establishing a more permanent influence on the City other than a resolution and requires greater formalities in its adoption. In addition to other acts required by law or by specific provision of the City Charter to be adopted by ordinance, acts which do any of the following shall be by ordinance:
 - a. Each proposed ordinance shall be introduced in written form. The style of all ordinances passed by the council shall be, "The City of Albion Ordains:"
 - b. No ordinance shall be passed at the same meeting at which it is introduced, unless it is declared to be an emergency ordinance by a vote of not less than five (5) members of the council.
 - c. An ordinance may be repealed or amended only by an ordinance passed in the manner provided in this section.
 - d. An ordinance may be repealed by reference to its number or title only.
 - e. If a section of an ordinance is amended, such section shall be re-enacted and published at length. This requirement shall not apply to zoning ordinance amendments or to the schedules of one-way streets and of parking limitations contained in any traffic ordinance.
 - f. Each ordinance, after adoption, shall be identified by a number.
 - g. Each ordinance shall be recorded by the clerk forthwith in the ordinance book, and the enactment of such ordinance shall be certified by him therein by his signature.

State law reference—Mandatory that charter provide for ordinance adoption procedures, MCL 117.3(k).

RULE 11. MOTIONS

(a) *Generally*: All motions shall be moved and seconded before being considered. Long or complicated motions shall be put in writing. An opportunity for debate, amendments, or other appropriate action, shall be afforded the members of the City Council, except as otherwise stated in these rules. Each amendment proposed shall be considered a separate question.

(b) *Debate*: Council Members wishing to speak during debate shall first obtain the approval of the Chair and each member who speaks shall address the Chair. A Council member cannot speak against his or her own motion, but may vote in the negative. The member making the motion may speak on it first, if he or she expresses a desire to do so.

(c) *Withdrawal*: A Council Member has the right to withdraw his or her motion. If no member objects, the motion is modified or withdrawn. If a member objects to the withdrawal of a motion and a second is received, a vote is immediately taken on the request to withdraw the motion. Friendly revisions to motions agreed to by the Council Member moving and seconding the motion may be made.

(d) *Passage*: Passage of all motions or appeals of the chair shall be on the affirmative vote of at least four (4) members, unless otherwise provided for by law, the Albion City Charter, or by these rules.

(e) *Motion under consideration*: Whenever a main motion or question is under consideration, no other motion can be made except:

- to adjourn – undebatable
- to rise to a question or privilege – undebatable
- to lay on the table – undebatable
- to call for the previous question – undebatable
- to limit or extend limits of debate – undebatable

- to postpone to a certain day – undebatable
- to commit or refer, or recommit, to a committee –undebatable
- to amend – debatable
- to postpone indefinitely – debatable
 - (f) See Appendix “A” for a “Chart of Motions” listing details about the handling of the various types of motions.

(f) *Division of Question*: On the call of any member, supported by a majority vote of the members present, a division of any question shall be made when the question will admit of a division so distinct that if one part be taken away, the other will stand as an entire question for decision.

(g) *Ask for Previous Question*: When the previous question is moved, it shall be put in these words: “I move the previous question.” This shall be ordered only by a majority of the members present. The effect of the previous question shall be to put an end to all debate and to bring the Council to a direct vote on the pending question or questions in their order down to, and including, the main question. If the previous question is not ordered, the consideration of the subject shall be resumed as though no motion for the previous question has been made.

(h) *Questions Put and Calling Roll*: Questions shall be distinctly put in the following form: “All in favor say ‘Yes’.” And after the affirmative vote is expressed, “All opposed, ‘No’.” The Mayor may order a roll call vote, but a roll call vote is mandatory upon the request of any member or on the following actions of Council or a Committee of the Council: ordinances, resolutions, the appointment or election of officers, except as provided otherwise by law or the rules of the Council. The calling of the roll shall be on a rotating basis, so as to permit Councilmembers to first vote on an equal basis. It shall be the privilege of any member of the council to change his or her vote upon any question prior to the announcement of the vote by the Mayor.

(i) *Debate During Roll*: While the Mayor is putting any question, or once roll call voting has started, there shall be no interruption.

RULE 12. APPEALS

Any Council Member may appeal a ruling/decision of the chair and the appeal is debatable. The chair shall then put the question, generally phrased as, “Shall the decision of the chair stand as the decision of the Council?” If adopted, the ruling of the chair is sustained (stands); otherwise, it is overruled (ruled against). If an appeal is tabled, it does not carry with it the subject matter being discussed at the time of the appeal.

RULE 13. POINT OF ORDER

When a member believes the rules are not being followed, a member may demand the ruling of the chair. The chair shall promptly rule and enforce the rules, if appropriate. The chair’s ruling on a Point of Order may be appealed.

RULE 14. RESCIND

Any vote taken may be rescinded, unless something has been done as a result of the vote that the Council cannot undo. Legal counsel shall determine whether or not reconsideration creates a potential legal liability for the city and will advise accordingly.

RULE 15. SUSPEND THE RULES

Any rule may be temporarily suspended by an affirmative vote of at least five (5) members, unless a different number of votes are specifically stated in a rule. Rule 18 shall not be suspended, nor shall any rule be suspended if it is a restatement of a requirement of state law, the City Charter or City Code.

RULE 17. VOTING

(a) The chair determines when to close debate after determining if all Council Members have been given an opportunity to be heard and to order the roll call of the question.

(b) Council Members in attendance shall have a duty to vote for or against all measures before the City Council, unless there is a financial conflict of interest and they have been excused by the remaining council members. Conflicts shall be governed as follows:

- (1) Except for public contracts governed by the Contracts of Public Servants with Public Entities Act (Act 317 of 1968), no member of the City Council shall have an interest, directly or indirectly, in any contract, job or work with the City. No member of the City Council shall be financially interested directly or indirectly in the sale to the City of any land, materials, supplies or services. This does not apply to the official services of his or her office.
- (2) The foregoing prohibitions of paragraph (a) above, as they apply to a Council Member or Council Members, shall not apply if the City Council shall declare on its records by an affirmative vote of five (5) of the remaining members of the City Council that the best interests of the City are served despite a personal interest, direct or indirect, and if in compliance with the Contracts of Public Servants with Public Entities Act (Act 317 of 1968).
- (3) If a Council Member shall have a conflict or believes he/she may have a potential conflict of interest as shown in paragraph (a), the member shall immediately disclose the nature and extent of his or her interest prior to the consideration of the agenda item involved. If it is determined, in consultation with legal counsel and review of the Charter and state law that a conflict does not exist, or the City Council has declared on its record the best interests are served despite the personal interest, the member may participate in the deliberations and shall vote on such matter.

(c) Roll call votes shall be called by the City Clerk in a rotating order and entered upon the record, except that when the vote is unanimous, it shall only be necessary to so state. The Chair shall always vote last. Once voting begins, no Council Member shall be entitled to speak on the question, nor shall any motion be in order, until the roll call is finished, and the results declared.

(d) Procedural matters may be decided by a voice vote if declared by the chair. Such procedural matters include motions to adjourn, receive and file, refer a matter, approve the minutes or to accept or decline an invitation. The chair shall announce the result of the voting. Upon any such matter, a majority of the quorum present shall be sufficient to carry such a motion, unless the Charter or other rule herein specifically requires a greater majority.

(e) All resolutions, ordinances, motions or declarations shall be adopted or passed by an affirmative vote of at least four (4) members, unless otherwise provided by law.

(f) A Council Member may change their vote if he or she makes a request to do so immediately following the vote and prior to the time that the next item in the order of business is taken up. The vote shall be changed and the record shall reflect the Council Member’s changed vote. Such member shall not be permitted to make any other change of vote upon the same question, except upon a properly introduced motion to reconsider.

RULE 18. AMEND/REPEAL RULES

These rules may be amended or repealed by resolution of the City Council and shall not be finally passed at the same meeting at which it is introduced, and such resolution shall be postponed for final

consideration until the next regular meeting or until such further time as the City Council shall determine. This rule shall not be suspended.

Appendix A: Roles and Responsibilities of City Officials.

Insert from Scott Smith document

Appendix “B Chart of Motions

NOTE: Each item below lists if a motion can be debated, amended, tabled or reconsidered.

| Motion | Explanation |
|--|--|
| General Information about Motions | <ul style="list-style-type: none"> ➤ All motions moved & seconded ➤ Long/complicated motions reduced to writing by mover ➤ Each amendment is a separate question ➤ During debate, members shall speak once, except in rebuttal or explanation, or unless chair or members consent ➤ Passage requires at least four (4) affirmative votes of the members, unless state law or a rule provides otherwise <ul style="list-style-type: none"> ➤ Mover of motion may: <ul style="list-style-type: none"> • Speak first • Cannot speak against own motion • Can vote in the negative • May withdraw own motion if there are no objections; otherwise four (4) affirmative votes are required to withdraw a pending motion |
| Adjourn | Ends the meeting. Cannot offer to adjourn if a motion to fix time to adjourn is pending. |
| Adjourn, Fix time to | Sets the time for continuation of a meeting. Debatable, Amendable, Reconsider |
| Amendments | An amendment proposes a change to a main motion. Each amendment proposed shall be considered a separate question and shall be dealt with before any other amendment is offered. Debatable, Table, Reconsider |
| Appeals | Any Council Member may appeal a ruling or decision of the chair. The chair shall then put the question, generally phrased as, “Shall the decision of the chair stand as the decision of the Council?” If adopted, the ruling of the chair is sustained (stands); otherwise it is overruled (rejected). *If an appeal is tabled, it does not carry with it the subject matter being discussed at the time of the appeal. Debatable, Table* (see above sentence), Reconsider |
| Call the Question | Any member, <i>except the member who moved the pending motion</i> , can move to close debate. The motion may be limited by the mover to one or more questions preceding the main question. If this motion is adopted, the vote on the pending motion is immediately taken. If rejected, debate continues. Reconsider |
| Clear the Floor of Motions | Used if procedural matters have become sufficiently confusing. If adopted, it shall clear the floor of all procedural motions as though they have been withdrawn. *Reconsider (*Only a failed motion can be reconsidered.) |
| Divide the Question | The division must divide the motion into two or more separate motions capable of standing as a complete proposition without the others. Debatable, Amendable, Reconsider* (*Only if a different division is offered.) |
| Object to Consideration | Motion is used to avoid consideration of a motion that is undesirable, impractical or improper matter. Must be made before or immediately after a main motion is opened for debate and before any amendments are made to it. |

Chart of Motions

NOTE: Each item below lists if a motion can be debated, amended, tabled or reconsidered.

| Motion | Explanation |
|--|---|
| Postpone to Another Day or Time | If adopted, the motion under consideration at the time is postponed until the stated date and/or time. The matter resumes under “Unfinished Business” if the date stated is another meeting. The matter does not require another motion and second before considering continues. Debatable, Amendable, Reconsider |
| Postpone Indefinitely | This motion is used to reject the main motion. Can be made only while a main motion is pending. If amendments are on the floor, this motion cannot be offered. Debatable, Reconsider* (<i>*Only an affirmative vote can be reconsidered.</i>) |
| Recess | Establishes a brief break in the meeting. Amendable, Reconsider |
| Reconsideration | See Rule 14 for complete details. Below is a general description of this rule: <ul style="list-style-type: none"> ➤ Be made on the same day of initial vote or at next regularly scheduled meeting following. ➤ Be made by a member on the <u>prevailing</u> side of the vote, or a member who did not participate in the original question, and shall be seconded by any Council Member. ➤ Requires the affirmative vote of the same majority of Council Members as was required for the original question. If the time limit has lapsed to reconsider a question, the rules may be suspended and the motion to suspend the rules shall require an affirmative vote of at least five (5) members. Debatable, Table |
| Rescind | Any vote taken may be rescinded, unless something has been done as a result of the vote that the Council cannot undo. This motion cannot be made if the question can be reached by a motion to reconsider. It shall require an affirmative vote depending on whether or not notice of the intent to rescind was provided at a previous meeting: <ul style="list-style-type: none"> ➤ If notice was given: Requires an affirmative vote of at least four (4) members. ➤ If notice was <u>not</u> given: Requires an affirmative vote of at least five (5) members. Debatable, Amendable, Table, Reconsider |
| Suspend Rules | Any rule may be temporarily suspended by an affirmative vote of at least four (4) members , unless a different number of votes are specifically stated in a rule. Rule 18 shall not be suspended, nor shall any rule be suspended if it is a restatement of a requirement of state law, the City Charter or City Code. Debatable |
| To Table | This motion temporarily suspends debate/action on a motion and all of its pending subsidiary motions. If adopted, only the main motion and any adopted or pending amendments to the main motion are tabled. If the tabled motion is not taken from the table by the end of the current meeting or the next regular meeting following, the main motion dies. |
| Take from the Table | This motion would take up a matter previously tabled. This motion is <u>not</u> in order unless some business has been transacted since the question to table was adopted. The same question can be again tabled after additional debate has occurred. NOTE: Tabled motions to reconsider cannot be taken from the table. |

APPENDIX C – SINE DIE PROCEDURE

The City Council biennially after the November City election adjourns the former Council “sine die,” Latin for “indefinitely.” The following is a recommended procedure for the transfer of Councils.

1. Call To Order (by current Mayor)
2. Moment of Silence
3. Pledge of Allegiance
4. Roll Call
5. *Council Comments* (This time is offered for outgoing Council Members to make final comments prior to the expiration of their term of office.)
6. Adjournment Sine Die

Mayor requests a motion and support to adjourn “sine die.” Once voted, the Council is adjourned “indefinitely”.

7. Reorganization of the Council
 - a. Mayor and Council Members step down from their places.
 - b. New Council Members and Mayor take their places at the Council table.
 - c. Clerk offers oath of office to new Mayor.
 - d. Clerk offers oath of office to each new Council Member.
 - e. Clerk presents the Albion City Council to the Mayor and requests a “call to order”.
8. Call To Order (By new Mayor)
9. Roll Call
10. Nomination of the Mayor Pro Tempore
 - a. A motion to receive nominations is made and supported.
 - b. Nominations are received. No support for each nomination is required.
 - c. A motion to close nominations is made and supported.

11. Election of the Mayor Pro Tempore

A motion to elect the first nominee is made. If there is support, discussion is requested. If none, a vote is made, generally a roll call vote. If approved by the vote the nominee is elected Mayor Pro Tempore.

If the motion fails, a motion to elect the second nominee is made and supported, discussed if needed and voted. If approved, the nominee is elected Mayor Pro Tempore. (And so on.)

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*Note: The index is provided for convenience and may be altered when necessary to add additional indexing items

From: Scott G. Smith [<mailto:SGSmith@dickinson-wright.com>]

Sent: Thursday, February 15, 2018 2:54 PM

To: Garrett Brown <gbrown@cityofalbionmi.gov>

Cc: Sheryl Mitchell <smitchell@cityofalbionmi.gov>; Sonya Brown <sonyabrown41@yahoo.com>; Andy French <afrench@cityofalbionmi.gov>; Cullen Harkness <charkness@cityofalbionmi.gov>

Subject: RE: Follow-up

Mayor,

I am having difficulty estimating the time needed to provide the desired assistance. So, I am going to suggest a modified hourly rate.

I would bill the City \$220 per hour for the work involved. I will not bill for travel time to attend one or two meetings.

I am thinking the time involved may be fairly minimal to meet, review, comment and draft some suggested changes.

Scott

Scott G. Smith Member

200 Ottawa Ave., N.W.
Suite 1000
Grand Rapids MI 49503

Phone 616-336-1044

Fax 844-670-6009

Email SGSmith@dickinsonwright.com



From: Garrett Brown [<mailto:gbrown@cityofalbionmi.gov>]

Sent: Wednesday, February 14, 2018 11:07 PM

To: Scott G. Smith <SGSmith@dickinson-wright.com>

Cc: Sheryl Mitchell <smitchell@cityofalbionmi.gov>; Sonya Brown <sonyabrown41@yahoo.com>; Andy French <afrench@cityofalbionmi.gov>; Cullen Harkness <charkness@cityofalbionmi.gov>

Subject: Re: Follow-up

Mr. Smith, please see attachments. I had to track down (1) the final version we adopted and (2) the version that includes proposed amendments. Both are attached.

N.B. The current, adopted version is found at pages 22 through 35 in the attached PDF council packet.

----- Original message -----

From: "Scott G. Smith" <SGSmith@dickinson-wright.com>

Date: 2/13/18 1:27 PM (GMT-05:00)

To: Garrett Brown <gbrown@cityofalbionmi.gov>

Cc: Sheryl Mitchell <smitchell@cityofalbionmi.gov>, Sonya Brown <sonyabrown41@yahoo.com>, Andy French <afrench@cityofalbionmi.gov>, Cullen Harkness <charkness@cityofalbionmi.gov>

Subject: Re: Follow-up

Yes

Sent from my iPhone
Scott G . Smith
Dickinson Wright PLLC
616.336.1044
sgsmith@dickinsonwright.com

On Feb 13, 2018, at 1:24 PM, Garrett Brown <gbrown@cityofalbionmi.gov> wrote:

Hi Mr. Smith,

Tomorrow morning works for me. Does 9:00 AM work?

Dr. Mitchell does that work?

Thanks,
Garrett

----- Original message -----

From: "Scott G. Smith" <SGSmith@dickinson-wright.com>
Date: 2/13/18 1:18 PM (GMT-05:00)
To: Garrett Brown <gbrown@cityofalbionmi.gov>
Subject: RE: Follow-up

I am running to a series of meetings now.
How about tomorrow morning? Thursday before 2:00 and Friday before 11:00 and after 1:00 will also work.
Scott

Scott G. Smith Member

200 Ottawa Ave., N.W.
Suite 1000
Grand Rapids MI 49503

Phone 616-336-1044

Fax 844-670-6009

Email SGSmith@dickinsonwright.com

<[imagebe9eb5.JPG](#)><[image2c1b57.JPG](#)>
<[imagef773bb.JPG](#)>

From: Garrett Brown [<mailto:gbrown@cityofalbionmi.gov>]

Sent: Tuesday, February 13, 2018 12:39 PM

To: Scott G. Smith <SGSmith@dickinson-wright.com>

Subject: Re: Follow-up

Are you available this afternoon? Thanks!

----- Original message -----

From: "Scott G. Smith" <SGSmith@dickinson-wright.com>

Date: 2/2/18 2:11 PM (GMT-05:00)

To: Garrett Brown <gbrown@cityofalbionmi.gov>

Subject: Follow-up

Mayor,

I tried to telephone this afternoon. I was unable to leave a message.

I apologize for the delay in getting back with you. But, I have been out of town attending meetings over the last couple days.

I would be happy to assist the City as you consider rules changes. Let's talk about what you are seeking and how we could best work in a way that cost effectively provides the desired result.

Scott

Scott G. Smith Member

200 Ottawa Ave., N.W.
Suite 1000
Grand Rapids MI 49503

Phone 616-336-1044

Fax 844-670-6009

Email SGSmith@dickinsonwright.com

<[image001.jpg](#)><[image002.jpg](#)>

<[image004.jpg](#)>

The information contained in this e-mail, including any attachments, is confidential, intended only for the named recipient(s), and may be legally privileged. If you are not the intended recipient, please delete the e-mail and any attachments, destroy any printouts that you may have made and notify us immediately by return e-mail.

Neither this transmission nor any attachment shall be deemed for any purpose to be a "signature" or "signed" under any electronic transmission acts, unless otherwise specifically stated herein. Thank you.

The information contained in this e-mail, including any attachments, is confidential, intended only for the named recipient(s), and may be legally privileged. If you are not the intended recipient, please delete the e-mail and any attachments, destroy any printouts that you may have made and notify us immediately by return e-mail.

Neither this transmission nor any attachment shall be deemed for any purpose to be a "signature" or "signed" under any electronic transmission acts, unless otherwise specifically stated herein. Thank you.

Scott G. Smith Member

200 Ottawa Ave., N.W.
Suite 1000
Grand Rapids MI 49503

Phone 616-336-1044

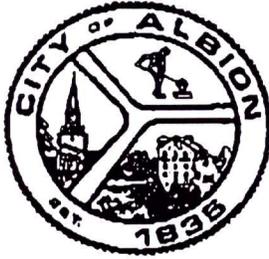
Fax 844-670-6009

Email SGSmith@dickinsonwright.com



DICKINSON **WRIGHT** LLC

ARIZONA · FLORIDA · KENTUCKY · MICHIGAN · NEVADA · OHIO
TENNESSEE · TEXAS · WASHINGTON D.C. · TORONTO



City of Albion

William L. Rieger Municipal Building
112 West Cass Street • Albion, Michigan 49224
(517) 629-5535 • Fax (517) 629-4168

APPLICATION FOR MEMBERSHIP AND/OR REAPPOINTMENT ON CITY BOARDS OR COMMISSIONS

Mail or Deliver Completed Application to: City Clerk
City of Albion
112 W. Cass Street
Albion, MI 49224

The information in this Application is requested to assist the Mayor and/or City Council in selecting individuals to serve on City Boards & Commissions. Completion of the Application and Consent and Certification is mandatory for consideration of appointment.

Thank you for your interest in serving on a City of Albion board or commission. The Albion City Council requires that every member of a board or commission meet the following qualifications:

- Appointee is not in default to the City (appointee does not have unpaid water/sewer bills, property taxes, income taxes).
- For most Boards & Commissions, appointee should be a resident of the City.

Name: Jacqueline Ann Slaby
(First) (Middle) (Last)

Home Address: 10 Guest St. Battle Creek, MI Telephone #: 269-589-7242
49017

Place of Employment: City of Marshall (May 2017 - Jan 2018)

Business Address: 323 W. Michigan Ave Marshall, MI Telephone #: 269-589-7242
49068

E-Mail: Jacqueline Slaby Fax: _____

Title/Type of Work: Director of Community Services

US Citizen: Y N

Educational Background: Master of City Planning

University of Pennsylvania, May 2013

B.A. in Growth + Structure of Cities, Bryn Mawr College, May 2015

Community Activities: Board Trustee, Battle Creek Public Schools

Member, Calhoun County Lead Poisoning Prevention task force
Board member, Voices (Battle Creek, MI)

Application for Membership

List Board or Commission on which you are interested in serving (see detailed descriptions on the City of Albion website):

- 1) Planning Commission 2) _____
- 3) _____ 4) _____

Additional information on experience, qualifications, etc.:

Education - Master of City Planning
Professional Experience - Director of Community Services
Training - Citizen Planner Certificate, MSU Extension, Aug 2017

Please comment briefly on why you wish to serve on a particular board or commission. Be specific as to your goals and ideas regarding how you wish to contribute to the work of the board or commission:

My goal is to get further involved in other cities in Calham County to help in a concerted effort to continue strengthening the county and welcome developers to Albion while ensuring that we protect the safety and welfare of residents.
Relationship to City Officials/Department Heads: Are you, your spouse, or other close family members related to any City Officials or Department Heads? If yes, please explain: None

Business relationship: Do you, your spouse, or any close family member currently have a business relationship with the City of Albion? If yes, please explain: None

Convictions: Have you ever been convicted of any criminal violation? Have you ever been convicted of a felony while holding public office or public employment? If yes, please explain: None

REFERENCES:

Name: Dennis McKinley Relationship: Former Co-Worker, City of Battle Creek
 Telephone #: 269-966-3306 x1101

Name: Jeremy Andrews Relationship: Friend, former Planning Commission member for the City of Battle Creek.

Telephone #: 269-832-0777
Application for Membership

Page 3 of 3

The following information and consent is necessary in order to conduct a proper review of your application for appointment. This information will be kept confidential.

CONSENT AND CERTIFICATION

I consent to the release of information concerning my ability and fitness for the position to which I seek appointment by my employer(s), school(s), law enforcement agencies, and other individuals and organizations to the City of Albion Office of the City Manager.

I hereby authorize the City of Albion to verify all the information I have provided on my application. I also agree to execute any additional written authorizations necessary for the City to obtain access to and copies of records pertaining to this information. I release the City of Albion and agencies who have released information from all liability arising from information given or received.

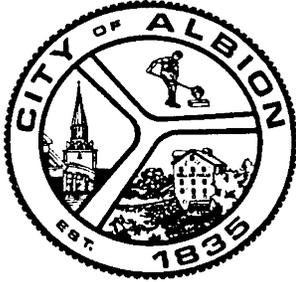
I certify that I can and will, upon request, substantiate all statements made by me on this application; that such statements are true, complete and correct to the best of my knowledge. I understand that a false statement, dishonest answer, misrepresentation or omission to any question will be sufficient for rejection of my application, removal of my name from the eligible list or my immediate removal should such falsifications or misrepresentation be discovered after I am sworn in to any Board or Commission.

I, _____ (Please Print) _____, certify that the information provided

in this application is, to the best of my knowledge, true and accurate.

Date of Birth: 07/20/1993

Signature: [Handwritten Signature] Date: 01/18/2018



City of Albion

William L. Rieger Municipal Building
112 West Cass Street • Albion, Michigan 49224
(517) 629-5535 • Fax (517) 629-4168

APPLICATION FOR MEMBERSHIP AND/OR REAPPOINTMENT ON CITY BOARDS OR COMMISSIONS

Mail or Deliver Completed Application to: City Clerk
City of Albion
112 W. Cass Street
Albion, MI 49224

The information in this Application is requested to assist the Mayor and/or City Council in selecting individuals to serve on City Boards & Commissions. Completion of the Application and Consent and Certification is mandatory for consideration of appointment.

Thank you for your interest in serving on a City of Albion board or commission. The Albion City Council requires that every member of a board or commission meet the following qualifications:

- Appointee is not in default to the City (appointee does not have unpaid water/sewer bills, property taxes, income taxes).
- For most Boards & Commissions, appointee should be a resident of the City.

Name: William S. Rafail
(First) (Middle) (Last)

Home Address: 203 Irwin Ave Telephone #: 517/630-0035 (home), 517/554-0178 (cell)

Place of Employment: Rafail & Associates, LLC

Business Address: 203 Irwin Ave Telephone #: 517/554-0178 (cell)

E-Mail: wsrafail@rafaill.com Fax: none

Title/Type of Work: Owner; web development, graphic design, technology training

Length of Residence in City: 14 years Own/Rent: Own US Citizen: Y N

Educational Background: BA, Albion College, 1970; MS, University of Missouri, 1972; PhD, University of Missouri, 1978

Community Activities: CURRENT: Member, Greater Albion Chamber of Commerce; Finance and Trustees committees, Albion First United Methodist Church; Member, MAEDA, Marshall; Member, Small Business Association of Michigan; PAST: Director, Board of Directors, Friends of the Albion District Library; Director, Albion Historical Society; Vice President, Board of Directors, Albion College Alumni Association; Director, Board of Directors, Kids 'N' Stuff; Member-at-Large, Board of Directors,

Rotary Club of Albion; Co-Chairman, Campaign Finance Committee, Albion United Methodist Church; Interim Executive Director, Albion Volunteer Service Organization

List Board or Commission on which you are interested in serving (see detailed descriptions on the City of Albion website):

- 1) Albion District Library Board of Trustees

Additional information on experience, qualifications, etc.:

Please comment briefly on why you wish to serve on a particular board or commission. Be specific as to your goals and ideas regarding how you wish to contribute to the work of the board or commission:

A Library is a vital part of any community, it serves many purposes above and beyond simply being a place to borrow books for reading. I have experienced this first hand having taught a number of technology classes at the Library and having served on the Friends of the Library board. I also served on a short term ad hoc committee that reviewed the facilities needs of the Library. In that capacity I have reviewed the 2008 "Facility Condition Assessment" report. The City of Albion is currently experiencing a rebirth. I want to ensure that the Library, itself, continues to grow and be a vital part of our community.

Relationship to City Officials/Department Heads: Are you, your spouse, or other close family members related to any City Officials or Department Heads? If yes, please explain: NO

Business relationship: Do you, your spouse, or any close family member currently have a business relationship with the City of Albion? If yes, please explain: NO

Convictions: Have you ever been convicted of any criminal violation? Have you ever been convicted of a felony while holding public office or public employment? If yes, please explain: NO

REFERENCES:

Name: David Farley Relationship: Friend

Telephone #: 517/629-8396

Name: James Seidl Relationship: Friend

Telephone #: 517/629-5736

The following information and consent is necessary in order to conduct a proper review of your application for appointment. This information will be kept confidential.

CONSENT AND CERTIFICATION

I consent to the release of information concerning my ability and fitness for the position to which I seek appointment by my employer(s), school(s), law enforcement agencies, and other individuals and organizations to the City of Albion Office of the City Manager.

I hereby authorize the City of Albion to verify all the information I have provided on my application. I also agree to execute any additional written authorizations necessary for the City to obtain access to and copies of records pertaining to this information. I release the City of Albion and agencies who have released information from all liability arising from information given or received.

I certify that I can and will, upon request, substantiate all statements made by me on this application; that such statements are true, complete and correct to the best of my knowledge. I understand that a false statement, dishonest answer, misrepresentation or omission to any question will be sufficient for rejection of my application, removal of my name from the eligible list or my immediate removal should such falsifications or misrepresentation be discovered after I am sworn in to any Board or Commission.

I, William S. Rfaill, certify that the information provided
(Please Print)

in this application is, to the best of my knowledge, true and accurate.

Date of Birth: February 5, 1948

Signature: 

Date: February 2, 2018

Austin Avenue 600 Block update:

- **P.N. 51-001-729-00 a.k.a. 608 Austin Avenue.**
 - Per Calhoun County Treasurers office as of 01-31-18 no delinquent property taxes.
 - City attorney obtained court order for property owner to bring into compliance, or city may have structure raised/demolished.
 - City can move forward with process for demolition of structure, it is important to take into consideration what is involved:
 - Cost to have asbestos/hazmat assessment: approx. base price +or- \$1,200
If hazardous material is found and believed to be in additional surfaces, price increases with each additional assessment/area.
 - Approx. cost for removal of hazardous material found in similar structures: +or- \$8,000
 - Approx. cost for similar structure demolition: +or- \$9,500

It is important to note approx. prices listed above are based on similar demolitions performed by county land bank and typically priced by contractors taking down multiple structures at the same time allowing for a cost brake. The approx. total of above cost comes to **\$18,700.00** and is exactly as stated, only an approx. cost that could be less, but most likely higher with this being a single demolition and unknown contaminates at this time.

- **P.N. 51-010-501-03 a.k.a. 610 Austin Avenue.**
 - Per Calhoun County Treasurers office as of 01-31-18 no delinquent property taxes.
 - Per Building inspector, scheduled to perform follow-up inspection on 02-01-18 of action taken by property owner to bring structure into compliance as it stands vacant.
- **P.N. 51-010-502-00 a.k.a. 612 Austin Avenue.**
 - Per Calhoun County Treasurers office as of 01-31-18 no delinquent property taxes.
 - On 10-20-15 a follow-up inspection was performed of corrections made by property owner.
At that time the property/structure was found to be in acceptable condition under the International property maintenance code as adopted by the City of Albion and referenced to by the State of Michigan Code.
 - On 12-26-17 an inspection was performed of said address, along with inspections of other properties located on the north side of the 600 block of Austin Avenue. At that time the inspector found the property to still be in pretty good condition except for some siding on the lower portions of the walls that now needs repair. Since 12-06-17 two notices regarding repair being required have been sent to the property owner and mailing address of record without reply. If not action has been taken to correct/repair siding, or reply received by inspector from property owner with a plan of action to be taken, by the next follow-up inspection, legal action by the city will need to be taken.
- **P.N. 51-010-503-00 a.k.a. 614 Austin Avenue.**
 - Per Calhoun County Treasures office as of 01-31-18 there are delinquent property taxes:
 - 2015 \$1,256.72
 - 2016 \$734.33
 - Multiple notices have been sent by the building inspector to the property owner and mailing address of record, with the owner failing to correct violations.
 - Due to non-compliance – building inspector/city is taking legal action.

- **P.N. 51-010-504-00 a.k.a. 618 Austin Avenue.**
 - Per Calhoun County Treasurers office as of 01-31-18 no delinquent property taxes.
 - Current property owner of record is deceased. Prior notices may not have been received by executor of estate or probate.
 - Building inspector scheduling to meet with sibling of deceased. Accurate documentation for responsible party of estate required. Hopeful outcome of meeting between building inspector and responsible party by law:
 - Intended use, leave vacant, rehab or demolish.
 - Timeline for rehab of structure.
 - Possible business.
 - Non-compliance will result in city moving forward with legal action.
 - As of 01-31-18 owner of record still listed as deceased with P.O. Box mailing address.

A list of additional addresses on Austin Avenue in violation of property maintenance codes will be forwarded shortly.

John Tracy
Director of Planning, Building, Code Enforcement
City of Albion
112 W. Cass Street
Albion, Michigan 49224
Office: 517-629-7189
Fax: 517-629-7454
jtracy@cityofalbionmi.gov

| GL NUMBER | DESCRIPTION | 2016 ACTIVITY | 2017 ORIGINAL BUDGET | 2017 ACTIVITY THRU 11/30/17 | 2017 PROJECTED ACTIVITY | 2018 REQUESTED BUDGET | 2018 MGR RECOMM'D BUDGET | 2018 COUNCIL APPR'D BUDGET |
|--------------------|--|---------------|----------------------|-----------------------------|-------------------------|-----------------------|--------------------------|----------------------------|
| Dept 000-GENERAL | | | | | | | | |
| ESTIMATED REVENUES | | | | | | | | |
| 226-000-402.00 | CURRENT PROPERTY TAXES | 225,214 | 208,500 | 220,366 | 220,366 | 200,000 | 200,000 | 200,000 |
| 226-000-402.01 | PROPERTY TAX CHARGEBACKS | (3,709) | (7,500) | (1,184) | (5,000) | 0 | 0 | 0 |
| 226-000-410.00 | DELINQUENT PERSONAL PROPERTY T | 664 | 500 | 539 | 539 | 600 | 600 | 600 |
| 226-000-424.00 | PAYMENTS IN LIEU OF TAXES | 1,644 | 2,000 | 5,670 | 5,670 | 2,000 | 2,000 | 2,000 |
| 226-000-441.00 | LOCAL COMMUNITY STABILIZATION SHAI | 0 | 0 | 0 | 11,500 | 15,000 | 15,000 | 15,000 |
| 226-000-445.00 | PENALTY & INTEREST ON TAXES | 1,903 | 1,250 | 1,447 | 1,700 | 1,300 | 1,300 | 1,300 |
| 226-000-573.00 | LOCAL COMMUNITY STABILIZATION STA | 15,690 | 5,750 | 0 | 0 | 0 | 0 | 0 |
| 226-000-590.00 | LOCAL GRANTS | 500 | 500 | 500 | 500 | 500 | 500 | 500 |
| 226-000-664.03 | UNREALIZED GAIN ON INVESTMENT | 187 | 250 | 60 | 50 | 250 | 250 | 250 |
| 226-000-665.00 | INTEREST | 1,443 | 1,250 | 1,467 | 1,675 | 1,250 | 1,250 | 1,250 |
| 226-000-676.00 | REIMBURSEMENTS & RESTITUTIONS | (386) | 500 | 0 | 0 | 500 | 500 | 500 |
| | TOTAL ESTIMATED REVENUES | 243,150 | 213,000 | 228,865 | 237,000 | 221,400 | 221,400 | 221,400 |
| | NET OF REVENUES/APPROPRIATIONS - 000-GENERAL | 243,150 | 213,000 | 228,865 | 237,000 | 221,400 | 221,400 | 221,400 |

| GL NUMBER | DESCRIPTION | ACTIVITY | 2016 | ORIGINAL BUDGET | THRU 11/30/17 | 2017 ACTIVITY | 2017 PROJECTED ACTIVITY | 2018 REQUESTED BUDGET | 2018 MGR RECOM'D BUDGET | 2018 COUNCIL APPR'D BUDGET |
|--|--------------------------------|----------|----------|-----------------|---------------|---------------|-------------------------|-----------------------|-------------------------|----------------------------|
| Dept 523-LEAF PICKUP | | | | | | | | | | |
| APPROPRIATIONS | | | | | | | | | | |
| 226-523-702.00 | SALARIES AND WAGES | 12,714 | 16,500 | 3,799 | 10,500 | 5,500 | 5,500 | 5,500 | 5,500 | 5,500 |
| 226-523-703.00 | PART TIME WAGES | 5,198 | 9,750 | 1,833 | 2,500 | 500 | 500 | 500 | 500 | 500 |
| 226-523-704.00 | OVERTIME | 995 | 250 | 0 | 750 | 400 | 400 | 400 | 400 | 400 |
| 226-523-714.00 | MEDICARE | 265 | 400 | 80 | 125 | 55 | 55 | 55 | 55 | 55 |
| 226-523-715.00 | FICA | 1,134 | 1,750 | 340 | 900 | 350 | 350 | 350 | 350 | 350 |
| 226-523-716.00 | HOSPITALIZATION INSURANCE | 5,914 | 9,000 | 1,318 | 5,290 | 2,325 | 2,325 | 2,325 | 2,325 | 2,325 |
| 226-523-717.00 | LIFE INSURANCE | 35 | 50 | 5 | 25 | 10 | 10 | 10 | 10 | 10 |
| 226-523-719.00 | PENSION CONTRIBUTION | 402 | 1,950 | 110 | 500 | 250 | 250 | 250 | 250 | 250 |
| 226-523-719.01 | MERS DB CONTRIBUTION | 0 | 0 | 210 | 550 | 250 | 250 | 250 | 250 | 250 |
| 226-523-720.00 | WORKERS COMPENSATION | 0 | 1,050 | 0 | 600 | 475 | 475 | 475 | 475 | 475 |
| 226-523-721.00 | UNEMPLOYMENT INSURANCE | 1 | 40 | 2 | 25 | 20 | 20 | 20 | 20 | 20 |
| 226-523-723.00 | RETIREE HEALTH SAVINGS CONTRIB | 266 | 600 | 73 | 325 | 150 | 150 | 150 | 150 | 150 |
| 226-523-776.00 | MATERIALS AND SUPPLIES | 0 | 450 | 0 | 450 | 250 | 250 | 250 | 250 | 250 |
| 226-523-900.00 | PUBLISHING | 0 | 400 | 0 | 400 | 400 | 400 | 400 | 400 | 400 |
| 226-523-943.00 | EQUIPMENT RENTAL | 25,876 | 17,500 | 5,769 | 12,500 | 9,000 | 9,000 | 9,000 | 9,000 | 9,000 |
| FOR 2017 AND 2018, A DECISION WAS MADE TO LEAVE SOME MONEY BUDGETED IN LEAF PICKUP SINCE WE ARE UNCERTAIN AT THIS TIME WHAT COSTS MAY BE INCURRED BY THE CITY AS WE TRANSITION TO THE NEW LEAF REMOVAL PRACTICE. | | | | | | | | | | |
| TOTAL APPROPRIATIONS | | 52,800 | 59,690 | 13,829 | 35,440 | 19,935 | 19,935 | 19,935 | 19,935 | 19,935 |
| NET OF REVENUES/APPROPRIATIONS - 523-LEAF PICKUP | | (52,800) | (59,690) | (13,829) | (35,440) | (19,935) | (19,935) | (19,935) | (19,935) | (19,935) |

| GL NUMBER | DESCRIPTION | 2016 ACTIVITY | 2017 ORIGINAL BUDGET | 2017 ACTIVITY THRU 11/30/17 | 2017 PROJECTED ACTIVITY | 2018 REQUESTED BUDGET | 2018 MGR RECOM'D BUDGET | 2018 COUNCIL APPR'D BUDGET |
|--------------------|--------------------------------|---------------|----------------------|-----------------------------|-------------------------|-----------------------|-------------------------|----------------------------|
| Dept 524-TREE DUMP | | | | | | | | |
| APPROPRIATIONS | | | | | | | | |
| 226-524-702.00 | SALARIES AND WAGES | 694 | 2,000 | 817 | 5,000 | 5,100 | 5,100 | 5,100 |
| 226-524-704.00 | OVERTIME | 1,637 | 2,500 | 1,462 | 3,500 | 3,575 | 3,575 | 3,575 |
| 226-524-714.00 | MEDICARE | 32 | 60 | 31 | 125 | 127 | 127 | 127 |
| 226-524-715.00 | FICA | 137 | 250 | 134 | 535 | 540 | 540 | 540 |
| 226-524-716.00 | HOSPITALIZATION INSURANCE | 994 | 1,560 | 1,067 | 3,825 | 3,975 | 3,975 | 3,975 |
| 226-524-717.00 | LIFE INSURANCE | 7 | 10 | 9 | 25 | 25 | 25 | 25 |
| 226-524-719.00 | PENSION CONTRIBUTION | 41 | 60 | 21 | 300 | 340 | 340 | 340 |
| 226-524-719.01 | MERS DB CONTRIBUTION | 0 | 0 | 198 | 465 | 535 | 535 | 535 |
| 226-524-720.00 | WORKERS COMPENSATION | 0 | 250 | 113 | 400 | 590 | 590 | 590 |
| 226-524-721.00 | UNEMPLOYMENT INSURANCE | 0 | 15 | 0 | 20 | 25 | 25 | 25 |
| 226-524-723.00 | RETIREE HEALTH SAVINGS CONTRIB | 47 | 75 | 46 | 172 | 175 | 175 | 175 |
| 226-524-741.00 | UNIFORMS | 250 | 250 | 125 | 200 | 200 | 200 | 200 |
| 226-524-802.00 | CONTRACTUAL SERVICES | 0 | 0 | 600 | 600 | 200 | 200 | 200 |
| 226-524-900.00 | PUBLISHING | 0 | 300 | 0 | 150 | 200 | 200 | 200 |
| 226-524-943.00 | EQUIPMENT RENTAL | 2,008 | 2,150 | 1,844 | 6,500 | 5,500 | 5,500 | 5,500 |

FOR 2017, A SIGNIFICANT INCREASE IS BEING PROJECTED AS THE CITY PLANS TO HAVE THE TREE DUMP OPEN THE ENTIRE MONTH OF NOVEMBER TO ACCEPT RESIDENTIAL LEAVES. IT MAY OR MAY NOT BE STAFFED DEPENDING ON HOW MANY ISSUES ARE ENCOUNTERED AS RESIDENTS DUMP LEAVES.

| TOTAL APPROPRIATIONS | 6,070 | 9,480 | 6,467 | 21,817 | 21,107 | 21,107 | 21,107 |
|--|---------|---------|---------|----------|----------|----------|----------|
| NET OF REVENUES/APPROPRIATIONS - 524-TREE DUMP | (6,070) | (9,480) | (6,467) | (21,817) | (21,107) | (21,107) | (21,107) |

| GL NUMBER | DESCRIPTION | 2016 ACTIVITY | 2017 ORIGINAL BUDGET | 2017 ACTIVITY THRU 11/30/17 | 2017 PROJECTED ACTIVITY | 2018 REQUESTED BUDGET | 2018 MGR RECOM'D BUDGET | 2018 COUNCIL APPR'D BUDGET |
|----------------------|--------------------------------|---------------|----------------------|-----------------------------|-------------------------|-----------------------|-------------------------|----------------------------|
| Dept 528-SOLID WASTE | | | | | | | | |
| APPROPRIATIONS | | | | | | | | |
| 226-528-702.00 | SALARIES AND WAGES | 18,010 | 22,620 | 14,590 | 22,620 | 24,200 | 24,200 | 24,394 |
| 226-528-703.00 | PART TIME WAGES | 648 | 1,000 | 294 | 1,000 | 0 | 0 | 22,620 |
| 226-528-704.00 | OVERTIME | 3,335 | 4,700 | 3,650 | 5,500 | 5,500 | 5,500 | 5,500 |
| 226-528-714.00 | MEDICARE | 304 | 390 | 1,257 | 415 | 420 | 420 | 751 |
| 226-528-715.00 | FICA | 1,301 | 1,650 | 1,099 | 1,760 | 1,790 | 1,790 | 3,204 |
| 226-528-716.00 | HOSPITALIZATION INSURANCE | 8,748 | 10,850 | 7,366 | 10,850 | 11,400 | 11,400 | 11,400 |
| 226-528-717.00 | LIFE INSURANCE | 79 | 160 | 67 | 160 | 160 | 160 | 160 |
| 226-528-718.00 | DISABILITY INSURANCE | 1 | 75 | 0 | 0 | 0 | 0 | 0 |
| 226-528-719.00 | PENSION CONTRIBUTION | 311 | 1,250 | 293 | 950 | 1,100 | 1,100 | 1,100 |
| 226-528-719.01 | MERS DB CONTRIBUTION | 0 | 4,500 | 559 | 2,000 | 1,600 | 1,600 | 1,600 |
| 226-528-720.00 | WORKERS COMPENSATION | 0 | 1,050 | 385 | 1,400 | 2,145 | 2,145 | 2,373 |
| 226-528-721.00 | UNEMPLOYMENT INSURANCE | 3 | 60 | 2 | 40 | 45 | 45 | 120 |
| 226-528-723.00 | RETIREE HEALTH SAVINGS CONTRIB | 421 | 750 | 364 | 570 | 580 | 580 | 584 |
| 226-528-744.00 | POSTAGE | 0 | 0 | 125 | 450 | 400 | 400 | 400 |
| 226-528-776.00 | MATERIALS AND SUPPLIES | 0 | 250 | 0 | 250 | 250 | 250 | 250 |
| 226-528-802.00 | CONTRACTUAL SERVICES | 37,908 | 45,000 | 37,466 | 45,000 | 45,000 | 45,000 | 45,000 |

INCLUDES:

- \$7,000 TO COUNTY FOR ANNUAL RECYCLING CENTER COST;
- \$10,000 TO MATCH THE GENERAL FUND FOR TREE TRIMMING (CLEAN UP).
- \$10,500 FOR THE ANNUAL SUMMER CLEAN UP/RECYCLING DAY
- \$10,000 IN 2017 TO THE COUNTY FOR THE CITY SHARE OF THE COST TO DEMO HOUSES (AND A SIMILAR AMT BUDGETED IN 2018 IN CASE FUTURE DEMOLITIONS GRANTS ARE ACQUIRED).
- \$7,500 FOR EMERGENCY REMOVAL OF FIRE DAMAGED STRUCTURES AND/OR OTHER SOLID WASTE HEALTH AND SAFETY CONCERNS.

| | | | | | | | | |
|--|---------------------|----------|-----------|----------|-----------|-----------|-----------|-----------|
| 226-528-840.00 | ADMINISTRATION FEES | 7,500 | 7,725 | 6,438 | 7,725 | 8,035 | 8,035 | 8,035 |
| 2017 - REFLECTS A 3% INCREASE OVER PRECEDING YEAR. | | | | | | | | |
| 2018 - REFLECTS A 4% INCREASE OVER PRECEDING YEAR. | | | | | | | | |
| 226-528-900.00 | PUBLISHING | 0 | 150 | 224 | 150 | 150 | 150 | 150 |
| 226-528-922.00 | ELECTRICITY | 492 | 750 | 361 | 500 | 500 | 500 | 500 |
| 226-528-941.00 | BUILDING RENTAL | 6,675 | 6,675 | 5,563 | 6,675 | 6,675 | 6,675 | 6,675 |
| 226-528-943.00 | EQUIPMENT RENTAL | 8,549 | 11,500 | 4,300 | 8,500 | 9,000 | 9,000 | 9,000 |
| TOTAL APPROPRIATIONS | | 94,285 | 121,105 | 83,403 | 116,515 | 118,950 | 118,950 | 143,816 |
| NET OF REVENUES/APPROPRIATIONS - 528-SOLID WASTE | | (94,285) | (121,105) | (83,403) | (116,515) | (118,950) | (118,950) | (143,816) |

| GL NUMBER | DESCRIPTION | 2016 ACTIVITY | 2017 ORIGINAL BUDGET | 2017 ACTIVITY THRU 11/30/17 | 2017 PROJECTED ACTIVITY | 2018 REQUESTED BUDGET | 2018 MGR RECOM'D BUDGET | 2018 COUNCIL APPR'D BUDGET |
|---|--|------------------|----------------------------|-----------------------------------|-------------------------------|-----------------------------|-------------------------------|----------------------------------|
| Dept 965-TRANSFER OUT | TRANSFER OUT | 11,500 | 25,500 | 25,500 | 25,500 | 25,500 | 25,500 | 25,500 |
| APPROPRIATIONS | | | | | | | | |
| 226-965-999.00 | | | | | | | | |
| 2016: | | | | | | | | |
| | \$12,500 TO GEN FUND FOR DISPOSAL OF BRUSH, GRASS, LIMBS, ETC. | | | | | | | |
| | \$10,000 TO GENERAL FUND FOR TRASH/DUMPSTERS. | | | | | | | |
| | \$1,500 FOR DPW BLDG PMT | | | | | | | |
| 2017: | | | | | | | | |
| | \$14,000 TO GEN FUND FOR DISPOSAL OF BRUSH, GRASS, LIMBS, ETC. | | | | | | | |
| | \$10,000 TO GENERAL FUND FOR TRASH/DUMPSTERS. | | | | | | | |
| | \$1,500 FOR DPW BLDG PMT | | | | | | | |
| 2018: | | | | | | | | |
| | \$14,000 TO GEN FUND FOR DISPOSAL OF BRUSH, GRASS, LIMBS, ETC. | | | | | | | |
| | \$10,000 TO GENERAL FUND FOR TRASH/DUMPSTERS. | | | | | | | |
| | \$1,500 FOR DPW BLDG PMT | | | | | | | |
| TOTAL APPROPRIATIONS | | 11,500 | 25,500 | 25,500 | 25,500 | 25,500 | 25,500 | 25,500 |
| NET OF REVENUES/APPROPRIATIONS - 965-TRANSFER OUT | | (11,500) | (25,500) | (25,500) | (25,500) | (25,500) | (25,500) | (25,500) |
| ESTIMATED REVENUES - FUND 226 | | 243,150 | 213,000 | 228,865 | 237,000 | 221,400 | 221,400 | 221,400 |
| APPROPRIATIONS - FUND 226 | | 164,655 | 215,775 | 129,199 | 199,272 | 185,492 | 185,492 | 210,358 |
| NET OF REVENUES/APPROPRIATIONS - FUND 226 | | 78,495 | (2,775) | 99,666 | 37,728 | 35,908 | 35,908 | 11,042 |
| BEGINNING FUND BALANCE | | 39,214 | 117,706 | 117,706 | 117,706 | 155,434 | 155,434 | 155,434 |
| ENDING FUND BALANCE | | 117,709 | 114,931 | 217,372 | 155,434 | 191,342 | 191,342 | 166,476 |

**INFORMATION
ONLY**

To The Albion City Council,
I am writing in regard to Superior
St. From the beginning, I believed that
repairing the 1993 brick pavement was
the better option, and that digging it up
was a mistake, but I realize that there
were other jurisdictions involved.
Some are in favor of asphalt paving. But
the asphalt section has fared no better.
My next door neighbor found herself with
no telephone service. She is 100 years old
and she needs her telephone. Service was
soon restored, but it required pitching a
tent beside the post office, in the middle
of the intersection.
I believe that the only option now is
to abandon the road. I don't believe
that it can be fixed now. Not for any
reasonable sum. Maybe it could be

like a town square, probably could be repaired enough for bike and foot traffic. Like the hospital and the schools, it is just too big for us to manage.

Drivers are used to the Eaton St detour and perhaps it could carry the traffic instead (with no stopping, standing, or parking). The new hotel faces Clinton St so it would have no impact there. The Bohm patrons mostly park in the Market Place. The section in front of the post office might be salvageable.

Decommissioning the railroad crossing will result in a payment from the railroad company, which offers an incentive to eliminate crossings.

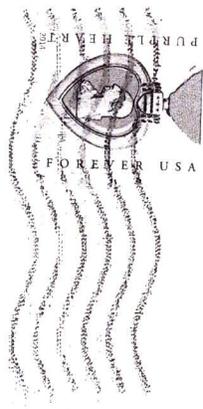
Farewell Superior St. Its time has passed. Nothing is forever. Let's not put good money after bad. Leave it as is, a monument to misplaced ambition.

Thomas Leary
Thomas Leary
819 Burr Oak St
Ann Arbor, MI 48104

PS. I feel bad about this, I lived on (3)
the 200 block of S. Superior St from
1981-1986 and it is such a shame, if
only they'd just leveled the few bad places.
All in all, it wasn't a bad road on the
whole, And the sidewalks and trees were in
mostly good shape too, better than most
other places in the city. Hindsight,
But it is ruined now, so much so that it
doesn't seem worth fixing. In any case, it will
be closed again. The project was a terrible
mistake, and it is time for the wallet to
close and give up. Perhaps a sign of the
times, maybe big public works projects
have seen their day and won't work anymore,
Certainly this one didn't.

819 BURK OAK ST
ALBION MI 49310

ALBION MI 49310



ALBION CITY HALL
112 W. CASS ST
ALBION, MI 49310

ATTN: CITY COUNCIL



REVENUE AND EXPENDITURE REPORT FOR CITY OF ALBION
 PERIOD ENDING 12/31/2017
 % Fiscal Year Completed: 100.00

| GL NUMBER | DESCRIPTION | 2016 | | YTD BALANCE | | 2017 | | % BGD USED |
|--|-------------|----------------|---------------------------|-------------------|--------------|----------------|--------------|---------------|
| | | AMENDED BUDGET | END BALANCE 12/31/2016 | NORMAL (ABNORMAL) | 12/31/2017 | AMENDED BUDGET | | |
| Fund 101 - GENERAL FUND | | | | | | | | |
| 000-GENERAL | | 3,348,339.00 | 3,501,227.22 | | 3,411,983.41 | | 3,478,812.00 | 98.08 |
| 209-ASSESSING | | 0.00 | 784.29 | | 5.00 | | 5.00 | 100.00 |
| 215-CLERK | | 5,161.00 | 5,100.89 | | 36.60 | | 37.00 | 98.92 |
| 260-FINANCE DEPT AND/OR ABA GENERAL | | 400.00 | 78 | | 2,360.50 | | 350.00 | 674.43 |
| 276-CEMETERY | | 70,300.00 | 74,198.22 | | 69,312.74 | | 60,000.00 | 115.52 |
| 345-PUBLIC SAFETY | | 80,250.00 | 71,080.54 | | 59,670.82 | | 52,527.80 | 113.60 |
| 422-CODE ENFORCEMENT | | 116,722.00 | 111,618.57 | | 95,873.72 | | 93,308.00 | 102.75 |
| 758-ALBION RIVER/BIKE TRAIL | | 0.00 | 0.00 | | 223,514.08 | | 401,200.00 | 55.71 |
| 775-PARKS | | 3,312.00 | 3,312.00 | | 2,625.00 | | 2,625.00 | 100.00 |
| 778-HOLLAND PARK TRANSFORMATION PROJECT | | 14,927.00 | 45,874.92 | | 84,531.05 | | 84,531.00 | 100.00 |
| 930-TRANSFER IN | | 10,000.00 | 10,000.00 | | 10,000.00 | | 10,000.00 | 100.00 |
| TOTAL REVENUES | | 3,649,411.00 | 3,823,726.43 | | 3,959,912.92 | | 4,183,395.80 | 94.66 |
| | | | | | | | | |
| 101-CITY COUNCIL | | 34,895.00 | 33,856.86 | | 37,474.62 | | 41,460.00 | 90.39 |
| 172-CITY MANAGER | | 106,315.54 | 90,090.62 | | 108,068.92 | | 113,791.00 | 94.97 |
| 209-ASSESSING | | 50,500.00 | 47,943.38 | | 46,834.14 | | 51,050.00 | 91.74 |
| 210-ATTORNEY | | 93,025.00 | 90,763.92 | | 92,982.41 | | 93,025.00 | 99.95 |
| 215-CLERK | | 110,576.00 | 109,556.35 | | 87,872.84 | | 90,030.00 | 97.60 |
| 226-HUMAN RESOURCES | | 36,926.00 | 29,785.65 | | 23,710.24 | | 24,330.00 | 97.45 |
| 260-FINANCE DEPT AND/OR ABA GENERAL | | 269,817.00 | 251,397.46 | | 290,599.33 | | 318,180.00 | 91.33 |
| 265-MUNICIPAL BLDG AND/OR 201 N CLINTON ST | | 76,308.00 | 68,044.15 | | 84,450.03 | | 96,445.00 | 87.56 |
| 276-CEMETERY | | 154,334.00 | 142,006.58 | | 158,876.34 | | 174,520.00 | 91.04 |
| 345-PUBLIC SAFETY | | 1,891,795.69 | 1,788,682.96 | | 2,038,054.06 | | 2,045,862.78 | 99.62 |
| 422-CODE ENFORCEMENT | | 199,591.00 | 203,504.00 | | 163,040.56 | | 175,847.00 | 92.72 |
| 442-CITY MAINTENANCE | | 200,210.00 | 184,738.58 | | 191,590.79 | | 197,821.00 | 96.85 |
| 444-TREE TRIMMING | | 13,099.00 | 9,478.38 | | 14,920.14 | | 18,202.00 | 81.97 |
| 447-ENGINEERING | | 10,332.00 | 8,735.77 | | 10,738.67 | | 10,886.00 | 98.65 |
| 526-EPA LANDFILL | | 11,000.00 | 11,040.77 | | 8,284.51 | | 8,600.00 | 96.33 |
| 758-ALBION RIVER/BIKE TRAIL | | 0.00 | 0.00 | | 222,611.87 | | 401,200.00 | 55.49 |
| 775-PARKS | | 186,810.00 | 175,248.29 | | 211,100.76 | | 212,222.00 | 99.47 |
| 778-HOLLAND PARK TRANSFORMATION PROJECT | | 14,927.00 | 45,874.92 | | 80,826.89 | | 84,531.00 | 95.62 |
| 895-GENERAL APPROPRIATION | | 210,985.00 | 197,335.13 | | 172,862.25 | | 190,200.00 | 90.88 |
| TOTAL EXPENDITURES | | 3,671,446.23 | 3,488,083.77 | | 4,044,899.37 | | 4,348,202.78 | 93.02 |
| | | | | | | | | |
| Fund 101 - GENERAL FUND: | | | | | | | | |
| TOTAL REVENUES | | 3,649,411.00 | 3,823,726.43 | | 3,959,912.92 | | 4,183,395.80 | 94.66 |
| TOTAL EXPENDITURES | | 3,671,446.23 | 3,488,083.77 | | 4,044,899.37 | | 4,348,202.78 | 93.02 |
| NET OF REVENUES & EXPENDITURES | | (22,035.23) | 335,642.66 | | (84,986.45) | | (164,806.98) | 51.57 |

REVENUE AND EXPENDITURE REPORT FOR CITY OF ALBION
 PERIOD ENDING 12/31/2017
 % Fiscal Year Completed: 100.00

| GL NUMBER | DESCRIPTION | 2016 | | YTD BALANCE | | 2017 | | % BDGT USED |
|--------------------------------|-------------|-------------------|--|-------------------|---------------------------------|----------------|--|----------------|
| | | AMENDED BUDGET | END BALANCE 12/31/2016 NORMAL (ABNORMAL) | NORMAL (ABNORMAL) | 12/31/2017 NORMAL (ABNORMAL) | AMENDED BUDGET | | |
| Fund 202 - MAJOR STREETS FUND | | | | | | | | |
| 000-GENERAL | | 532,052.00 | 551,164.71 | 624,450.03 | 640,612.00 | | | 97.48 |
| 487-M-99 TRUNKLINE | | 29,391.00 | 57,318.00 | 37,152.43 | 37,000.00 | | | 100.41 |
| TOTAL REVENUES | | <u>561,443.00</u> | <u>608,482.71</u> | <u>661,602.46</u> | <u>677,612.00</u> | | | <u>97.64</u> |
| 454-ACT 51 NON-MOTORIZED | | 6,467.00 | 6,466.50 | 0.00 | 23,800.00 | | | 0.00 |
| 461-MAINTENANCE | | 325,035.00 | 283,064.21 | 343,406.67 | 363,512.00 | | | 94.47 |
| 465-TRAFFIC SERVICES | | 3,893.00 | 531.52 | 3,164.56 | 4,403.00 | | | 71.87 |
| 467-WINTER MAINTENANCE | | 31,076.00 | 20,381.69 | 22,937.07 | 29,415.00 | | | 77.98 |
| 486-I-94 TRUNKLINE | | 23,446.00 | 22,145.18 | 15,519.04 | 19,292.00 | | | 80.44 |
| 487-M-99 TRUNKLINE | | 22,947.00 | 19,289.38 | 14,889.42 | 20,467.00 | | | 72.75 |
| 488-M-199 TRUNKLINE | | 12,430.00 | 9,973.56 | 8,842.61 | 12,402.00 | | | 71.30 |
| 965-TRANSFER OUT | | 139,366.00 | 139,366.00 | 203,000.00 | 203,000.00 | | | 100.00 |
| TOTAL EXPENDITURES | | <u>564,660.00</u> | <u>501,218.04</u> | <u>611,759.37</u> | <u>676,291.00</u> | | | <u>90.46</u> |
| Fund 202 - MAJOR STREETS FUND: | | | | | | | | |
| TOTAL REVENUES | | 561,443.00 | 608,482.71 | 661,602.46 | 677,612.00 | | | 97.64 |
| TOTAL EXPENDITURES | | 564,660.00 | 501,218.04 | 611,759.37 | 676,291.00 | | | 90.46 |
| NET OF REVENUES & EXPENDITURES | | (3,217.00) | 107,264.67 | 49,843.09 | 1,321.00 | | | 3,773.13 |

REVENUE AND EXPENDITURE REPORT FOR CITY OF ALBION
 PERIOD ENDING 12/31/2017
 % Fiscal Year Completed: 100.00

| GL NUMBER | DESCRIPTION | 2016 | | YTD BALANCE | | 2017 | | % BGD USED |
|--------------------------------|-------------|-------------------|-------------------|---------------------------|------------|-------------------|--|---------------|
| | | AMENDED BUDGET | NORMAL (ABNORMAL) | END BALANCE 12/31/2016 | 12/31/2017 | AMENDED BUDGET | | |
| Fund 203 - LOCAL STREETS FUND | | | | | | | | |
| 000-GENERAL | | 192,710.00 | | 197,919.48 | | 210,807.80 | | 101.76 |
| 930-TRANSFER IN | | 136,366.00 | | 136,366.00 | | 200,000.00 | | 100.00 |
| TOTAL REVENUES | | <u>329,076.00</u> | | <u>334,285.48</u> | | <u>410,807.80</u> | | <u>100.89</u> |
| 461-MAINTENANCE | | 298,443.00 | | 261,301.47 | | 329,470.21 | | 93.28 |
| 465-TRAFFIC SERVICES | | 2,815.00 | | 2,089.47 | | 6,082.32 | | 79.82 |
| 467-WINTER MAINTENANCE | | 32,385.00 | | 15,043.21 | | 20,998.70 | | 74.40 |
| 965-TRANSFER OUT | | 3,000.00 | | 3,000.00 | | 3,000.00 | | 100.00 |
| TOTAL EXPENDITURES | | <u>336,643.00</u> | | <u>281,434.15</u> | | <u>359,551.23</u> | | <u>91.71</u> |
| Fund 203 - LOCAL STREETS FUND: | | | | | | | | |
| TOTAL REVENUES | | <u>329,076.00</u> | | <u>334,285.48</u> | | <u>410,807.80</u> | | <u>100.89</u> |
| TOTAL EXPENDITURES | | <u>336,643.00</u> | | <u>281,434.15</u> | | <u>359,551.23</u> | | <u>91.71</u> |
| NET OF REVENUES & EXPENDITURES | | <u>(7,567.00)</u> | | <u>52,851.33</u> | | <u>51,256.57</u> | | <u>338.91</u> |

REVENUE AND EXPENDITURE REPORT FOR CITY OF ALBION
 PERIOD ENDING 12/31/2017
 % Fiscal Year Completed: 100.00

| GL NUMBER | DESCRIPTION | 2016 | | 2017 | | % BGD USED |
|--------------------------------|-------------|----------------|---------------------------|---------------------------|----------------|---------------|
| | | AMENDED BUDGET | END BALANCE 12/31/2016 | YTD BALANCE 12/31/2017 | AMENDED BUDGET | |
| Fund 208 - RECREATION FUND | | | | | | |
| 780-RECREATION | | 139,040.00 | 160,445.81 | 155,655.26 | 140,991.00 | 110.40 |
| 781-POSITIVE YOUTH DEVELOPMENT | | 10,000.00 | 10,000.00 | 0.00 | 0.00 | 0.00 |
| 782-JUNIOR OPTMISTS - JOOI | | 0.00 | 300.00 | 50.00 | 50.00 | 100.00 |
| TOTAL REVENUES | | 149,040.00 | 170,745.81 | 155,705.26 | 141,041.00 | 110.40 |
| 780-RECREATION | | 138,145.00 | 133,800.50 | 122,518.83 | 137,495.00 | 89.11 |
| 781-POSITIVE YOUTH DEVELOPMENT | | 8,380.00 | 10,580.00 | 0.00 | 0.00 | 0.00 |
| 782-JUNIOR OPTMISTS - JOOI | | 45.00 | 215.00 | 424.34 | 500.00 | 84.87 |
| TOTAL EXPENDITURES | | 146,570.00 | 144,595.50 | 122,943.17 | 137,995.00 | 89.09 |
| Fund 208 - RECREATION FUND: | | | | | | |
| TOTAL REVENUES | | 149,040.00 | 170,745.81 | 155,705.26 | 141,041.00 | 110.40 |
| TOTAL EXPENDITURES | | 146,570.00 | 144,595.50 | 122,943.17 | 137,995.00 | 89.09 |
| NET OF REVENUES & EXPENDITURES | | 2,470.00 | 26,150.31 | 32,762.09 | 3,046.00 | 1,075.58 |

REVENUE AND EXPENDITURE REPORT FOR CITY OF ALBION
 PERIOD ENDING 12/31/2017
 % Fiscal Year Completed: 100.00

| GL NUMBER | DESCRIPTION | 2016 | | 2017 | | % BDGT USED |
|--------------------------------|-------------|-------------------|---------------------------|---------------------------|-------------------|----------------|
| | | AMENDED BUDGET | END BALANCE 12/31/2016 | YTD BALANCE 12/31/2017 | AMENDED BUDGET | |
| Fund 226 - SOLID WASTE FUND | | | | | | |
| 000-GENERAL | | 220,758.00 | 243,148.63 | 264,470.75 | 237,000.00 | 111.59 |
| TOTAL REVENUES | | <u>220,758.00</u> | <u>243,148.63</u> | <u>264,470.75</u> | <u>237,000.00</u> | <u>111.59</u> |
| 523-LEAF PICKUP | | 57,355.00 | 52,800.09 | 13,888.82 | 35,440.00 | 39.19 |
| 524-TREE DUMP | | 8,486.00 | 6,070.56 | 6,465.78 | 21,817.00 | 29.64 |
| 528-SOLID WASTE | | 118,061.00 | 94,286.31 | 89,358.02 | 116,515.00 | 76.69 |
| 965-TRANSFER OUT | | 24,000.00 | 11,500.00 | 25,500.00 | 25,500.00 | 100.00 |
| TOTAL EXPENDITURES | | <u>207,902.00</u> | <u>164,656.96</u> | <u>135,212.62</u> | <u>199,272.00</u> | <u>67.85</u> |
| Fund 226 - SOLID WASTE FUND: | | | | | | |
| TOTAL REVENUES | | 220,758.00 | 243,148.63 | 264,470.75 | 237,000.00 | 111.59 |
| TOTAL EXPENDITURES | | <u>207,902.00</u> | <u>164,656.96</u> | <u>135,212.62</u> | <u>199,272.00</u> | <u>67.85</u> |
| NET OF REVENUES & EXPENDITURES | | 12,856.00 | 78,491.67 | 129,258.13 | 37,728.00 | 342.61 |

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REVENUE AND EXPENDITURE REPORT FOR CITY OF ALBION
 PERIOD ENDING 12/31/2017
 % Fiscal Year Completed: 100.00

| GL NUMBER | DESCRIPTION | 2016 | | YTD BALANCE | | 2017 | | % BDGT USED |
|---------------------------------------|-------------|------------------|-------------------|---------------------------|-------------------|------------------|-------------------|----------------|
| | | AMENDED BUDGET | NORMAL (ABNORMAL) | END BALANCE 12/31/2016 | NORMAL (ABNORMAL) | AMENDED BUDGET | NORMAL (ABNORMAL) | |
| Fund 265 - DRUG LAW ENFORCEMENT FUND | | | | | | | | |
| 000-GENERAL | | 4,565.00 | | 8,285.33 | | 27,771.94 | | 101.54 |
| 400-FED DRUG LAW ENFOR - REIMBUR | | 55,529.00 | | 44,330.70 | | 29,244.11 | | 116.98 |
| TOTAL REVENUES | | <u>60,094.00</u> | | <u>52,616.03</u> | | <u>57,016.05</u> | | <u>108.91</u> |
| | | | | | | | | |
| 333-DRUG LAW ENFORCEMENT | | 54,195.00 | | 47,545.69 | | 76,389.05 | | 103.97 |
| 400-FED DRUG LAW ENFOR - REIMBUR | | 38,027.00 | | 30,454.27 | | 20,684.14 | | 110.04 |
| TOTAL EXPENDITURES | | <u>92,222.00</u> | | <u>77,999.96</u> | | <u>97,073.19</u> | | <u>105.20</u> |
| | | | | | | | | |
| Fund 265 - DRUG LAW ENFORCEMENT FUND: | | | | | | | | |
| TOTAL REVENUES | | 60,094.00 | | 52,616.03 | | 57,016.05 | | 108.91 |
| TOTAL EXPENDITURES | | <u>92,222.00</u> | | <u>77,999.96</u> | | <u>97,073.19</u> | | <u>105.20</u> |
| NET OF REVENUES & EXPENDITURES | | (32,128.00) | | (25,383.93) | | (40,057.14) | | 100.34 |

REVENUE AND EXPENDITURE REPORT FOR CITY OF ALBION
 PERIOD ENDING 12/31/2017
 % Fiscal Year Completed: 100.00

| GL NUMBER | DESCRIPTION | 2016 | | YTD BALANCE | | 2017 | | % BDGT USED |
|--|-------------|----------------|-------------------|---------------------------|------------|----------------|--|----------------|
| | | AMENDED BUDGET | NORMAL (ABNORMAL) | END BALANCE 12/31/2016 | 12/31/2017 | AMENDED BUDGET | | |
| Fund 275 - ALBION BUILDING AUTHORITY FUND | | | | | | | | |
| 000-GENERAL | | 36,611.00 | | 36,780.49 | | 4,567.62 | | 103.06 |
| 264-EDC BUILDING | | 10,880.00 | | 10,880.04 | | 27,991.94 | | 103.70 |
| 265-MUNICIPAL BLDG AND/OR 201 N CLINTON ST | | 0.00 | | 0.00 | | 1,512.00 | | 100.00 |
| 270-101 N GALE ST | | 7,000.00 | | 7,000.00 | | 0.00 | | 0.00 |
| 271-FIRE/AMBULANCE BUILDING | | 29,264.00 | | 29,264.00 | | 36,000.00 | | 120.00 |
| 273 | | 0.00 | | 1.00 | | 1.00 | | 100.00 |
| TOTAL REVENUES | | 83,755.00 | | 83,925.53 | | 70,072.56 | | 111.34 |
| | | | | | | | | |
| 260-FINANCE DEPT AND/OR ABA GENERAL | | 8,818.00 | | 8,445.04 | | 6,170.54 | | 65.89 |
| 264-EDC BUILDING | | 12,820.00 | | 8,281.17 | | 19,124.11 | | 85.85 |
| 265-MUNICIPAL BLDG AND/OR 201 N CLINTON ST | | 3,790.00 | | 2,248.30 | | 2,000.06 | | 93.90 |
| 270-101 N GALE ST | | 6,840.00 | | 1,947.48 | | 0.00 | | 0.00 |
| 271-FIRE/AMBULANCE BUILDING | | 26,000.00 | | 15,235.45 | | 15,710.68 | | 62.84 |
| 273-112 E ERIE ST | | 30,354.00 | | 26,829.56 | | 1,614.93 | | 89.08 |
| TOTAL EXPENDITURES | | 88,622.00 | | 62,987.00 | | 44,620.32 | | 73.65 |
| | | | | | | | | |
| Fund 275 - ALBION BUILDING AUTHORITY FUND: | | | | | | | | |
| TOTAL REVENUES | | 83,755.00 | | 83,925.53 | | 70,072.56 | | 111.34 |
| TOTAL EXPENDITURES | | 88,622.00 | | 62,987.00 | | 44,620.32 | | 73.65 |
| NET OF REVENUES & EXPENDITURES | | (4,867.00) | | 20,938.53 | | 25,452.24 | | 1,081.69 |

REVENUE AND EXPENDITURE REPORT FOR CITY OF ALBION
 PERIOD ENDING 12/31/2017
 % Fiscal Year Completed: 100.00

| GL NUMBER | DESCRIPTION | 2016 | | 2017 | | % BGD USED |
|-----------------------------------|-------------|-------------------|---------------------------|---------------------------|-------------------|---------------|
| | | AMENDED BUDGET | END BALANCE 12/31/2016 | YTD BALANCE 12/31/2017 | AMENDED BUDGET | |
| Fund 277 - ABA SEC 8 MAPLE GROVE | | | | | | |
| 000-GENERAL | | 425,700.00 | 455,447.69 | 459,071.20 | 442,516.00 | 103.74 |
| TOTAL REVENUES | | <u>425,700.00</u> | <u>455,447.69</u> | <u>459,071.20</u> | <u>442,516.00</u> | <u>103.74</u> |
| 701-ABA SEC 8 MAPLE GROVE | | 359,835.00 | 344,264.48 | 316,282.33 | 376,525.00 | 84.00 |
| 905-DEBT SERVICE - BONDS | | 64,963.00 | 64,962.50 | 62,487.50 | 62,488.00 | 100.00 |
| TOTAL EXPENDITURES | | <u>424,798.00</u> | <u>409,226.98</u> | <u>378,769.83</u> | <u>439,013.00</u> | <u>86.28</u> |
| Fund 277 - ABA SEC 8 MAPLE GROVE: | | | | | | |
| TOTAL REVENUES | | 425,700.00 | 455,447.69 | 459,071.20 | 442,516.00 | 103.74 |
| TOTAL EXPENDITURES | | 424,798.00 | 409,226.98 | 378,769.83 | 439,013.00 | 86.28 |
| NET OF REVENUES & EXPENDITURES | | 902.00 | 46,220.71 | 80,301.37 | 3,503.00 | 2,292.36 |

REVENUE AND EXPENDITURE REPORT FOR CITY OF ALBION
 PERIOD ENDING 12/31/2017
 % Fiscal Year Completed: 100.00

| GL NUMBER | DESCRIPTION | 2016 | | 2017 | | % BDGT USED |
|-----------------------------------|-------------|-------------------|---------------------------|---------------------------|-------------------|----------------|
| | | AMENDED BUDGET | END BALANCE 12/31/2016 | YTD BALANCE 12/31/2017 | AMENDED BUDGET | |
| Fund 367 - SIDEWALK PROGRAM FUND | | | | | | |
| 000-GENERAL | | 133,850.00 | 154,081.85 | 145,390.00 | 133,904.00 | 108.58 |
| TOTAL REVENUES | | <u>133,850.00</u> | <u>154,081.85</u> | <u>145,390.00</u> | <u>133,904.00</u> | <u>108.58</u> |
| 443-TRANSFER OUT | | 133,000.00 | 110,406.63 | 450.00 | 5,500.00 | 8.18 |
| TOTAL EXPENDITURES | | <u>133,000.00</u> | <u>110,406.63</u> | <u>450.00</u> | <u>5,500.00</u> | <u>8.18</u> |
| Fund 367 - SIDEWALK PROGRAM FUND: | | | | | | |
| TOTAL REVENUES | | 133,850.00 | 154,081.85 | 145,390.00 | 133,904.00 | 108.58 |
| TOTAL EXPENDITURES | | <u>133,000.00</u> | <u>110,406.63</u> | <u>450.00</u> | <u>5,500.00</u> | <u>8.18</u> |
| NET OF REVENUES & EXPENDITURES | | 850.00 | 43,675.22 | 144,940.00 | 128,404.00 | 112.88 |

REVENUE AND EXPENDITURE REPORT FOR CITY OF ALBION
 PERIOD ENDING 12/31/2017
 % Fiscal Year Completed: 100.00

| GL NUMBER | DESCRIPTION | 2016 | | 2017 | | % BGD USED |
|---------------------------------------|-------------|----------------|---------------------------|---------------------------|----------------|---------------|
| | | AMENDED BUDGET | END BALANCE 12/31/2016 | YTD BALANCE 12/31/2017 | AMENDED BUDGET | |
| Fund 590 - SEWER FUND | | | | | | |
| 000-GENERAL | | 1,186,774.00 | 1,226,952.45 | 1,212,197.24 | 1,135,186.00 | 106.78 |
| 544-SAW GRANT PROJECT | | 700,000.00 | 591,503.63 | 479,353.78 | 635,494.00 | 75.43 |
| 546-MEDC GRANT - DIGESTER, PUMP, ETC. | | 0.00 | 0.00 | 498,678.85 | 950,000.00 | 52.49 |
| TOTAL REVENUES | | 1,886,774.00 | 1,818,456.08 | 2,190,229.87 | 2,720,680.00 | 80.50 |
| | | | | | | |
| 536-SEWER UTILITY OPERATIONS | | 1,156,283.00 | 1,108,753.35 | 1,188,333.96 | 1,341,789.00 | 88.56 |
| 542-WWTP ENERGY IMPROVEMENTS | | 7,800.00 | 7,827.03 | 7,983.48 | 7,500.00 | 106.45 |
| 544-SAW GRANT PROJECT | | 700,498.00 | 591,503.63 | 501,403.78 | 635,494.00 | 78.90 |
| 546-MEDC GRANT - DIGESTER, PUMP, ETC. | | 0.00 | 0.00 | 852,981.92 | 950,000.00 | 89.79 |
| 965-TRANSFER OUT | | 153,000.00 | 151,447.00 | 148,400.00 | 148,400.00 | 100.00 |
| TOTAL EXPENDITURES | | 2,017,581.00 | 1,859,531.01 | 2,699,103.14 | 3,083,183.00 | 87.54 |
| | | | | | | |
| Fund 590 - SEWER FUND: | | | | | | |
| TOTAL REVENUES | | 1,886,774.00 | 1,818,456.08 | 2,190,229.87 | 2,720,680.00 | 80.50 |
| TOTAL EXPENDITURES | | 2,017,581.00 | 1,859,531.01 | 2,699,103.14 | 3,083,183.00 | 87.54 |
| NET OF REVENUES & EXPENDITURES | | (130,807.00) | (41,074.93) | (508,873.27) | (362,503.00) | 140.38 |

REVENUE AND EXPENDITURE REPORT FOR CITY OF ALBION
 PERIOD ENDING 12/31/2017
 % Fiscal Year Completed: 100.00

| GL NUMBER | DESCRIPTION | 2016 | | 2017 | | % BGD USED |
|---------------------------------|-------------|-------------------|---------------------------|---------------------------|---------------------|---------------|
| | | AMENDED BUDGET | END BALANCE 12/31/2016 | YTD BALANCE 12/31/2017 | AMENDED BUDGET | |
| Fund 591 - WATER FUND | | | | | | |
| 000-GENERAL | | 940,572.00 | 973,881.31 | 959,872.66 | 917,170.00 | 104.66 |
| TOTAL REVENUES | | <u>940,572.00</u> | <u>973,881.31</u> | <u>959,872.66</u> | <u>917,170.00</u> | <u>104.66</u> |
| 536-WATER UTILITY OPERATIONS | | 945,390.00 | 908,269.44 | 944,674.46 | 971,968.00 | 97.19 |
| 540-WELLHEAD PROTECTION | | 500.00 | 0.00 | 0.00 | 500.00 | 0.00 |
| 548-WATERTOWER PAINTING PROJECT | | 0.00 | 0.00 | 7,360.42 | 0.00 | 100.00 |
| 905-DEBT SERVICE-BONDS | | 6,990.00 | 6,240.00 | 3,224.00 | 3,974.00 | 81.13 |
| 965-TRANSFER OUT | | 11,668.00 | 11,668.00 | 111,450.00 | 111,450.00 | 100.00 |
| TOTAL EXPENDITURES | | <u>964,548.00</u> | <u>926,177.44</u> | <u>1,066,708.88</u> | <u>1,087,892.00</u> | <u>98.05</u> |
| Fund 591 - WATER FUND: | | | | | | |
| TOTAL REVENUES | | 940,572.00 | 973,881.31 | 959,872.66 | 917,170.00 | 104.66 |
| TOTAL EXPENDITURES | | <u>964,548.00</u> | <u>926,177.44</u> | <u>1,066,708.88</u> | <u>1,087,892.00</u> | <u>98.05</u> |
| NET OF REVENUES & EXPENDITURES | | (23,976.00) | 47,703.87 | (106,836.22) | (170,722.00) | 62.58 |

REVENUE AND EXPENDITURE REPORT FOR CITY OF ALBION
 PERIOD ENDING 12/31/2017
 % Fiscal Year Completed: 100.00

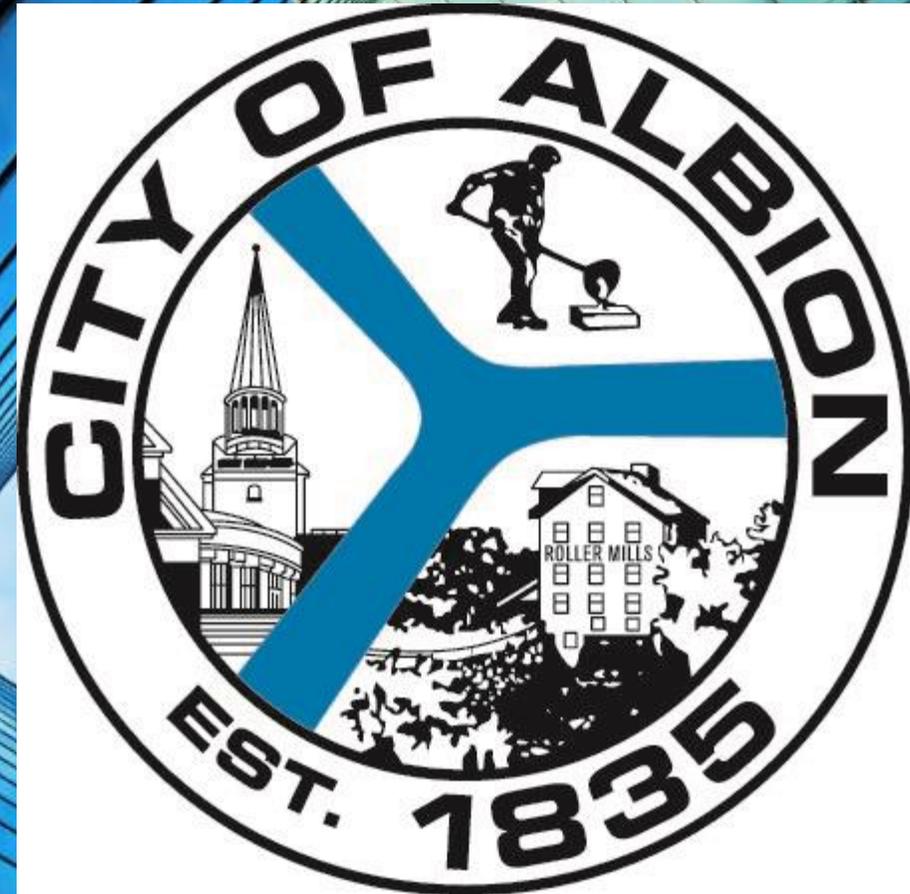
| GL NUMBER | DESCRIPTION | 2016 | | 2017 | | % BDGT USED |
|---------------------------------|-------------|---------------------|--|--|----------------------|----------------|
| | | AMENDED BUDGET | END BALANCE 12/31/2016 NORMAL (ABNORMAL) | YTD BALANCE 12/31/2017 NORMAL (ABNORMAL) | AMENDED BUDGET | |
| Fund 661 - EQUIPMENT POOL FUND | | | | | | |
| 000-GENERAL | | 279,818.00 | 301,906.41 | 296,886.52 | 296,202.00 | 100.23 |
| TOTAL REVENUES | | <u>279,818.00</u> | <u>301,906.41</u> | <u>296,886.52</u> | <u>296,202.00</u> | <u>100.23</u> |
| 770-EQUIPMENT POOL | | 267,290.00 | 260,686.23 | 259,887.25 | 295,053.00 | 88.08 |
| 905-DEBT SERVICE - BONDS | | 158.00 | 157.61 | 220.25 | 220.00 | 100.11 |
| 906-DEBT SERVICE - LOANS | | 430.00 | (26.00) | 0.00 | 0.00 | 0.00 |
| 965-TRANSFER OUT | | 18,265.00 | 18,159.00 | 17,850.00 | 17,850.00 | 100.00 |
| TOTAL EXPENDITURES | | <u>286,143.00</u> | <u>278,976.84</u> | <u>277,957.50</u> | <u>313,123.00</u> | <u>88.77</u> |
| Fund 661 - EQUIPMENT POOL FUND: | | | | | | |
| TOTAL REVENUES | | 279,818.00 | 301,906.41 | 296,886.52 | 296,202.00 | 100.23 |
| TOTAL EXPENDITURES | | <u>286,143.00</u> | <u>278,976.84</u> | <u>277,957.50</u> | <u>313,123.00</u> | <u>88.77</u> |
| NET OF REVENUES & EXPENDITURES | | (6,325.00) | 22,929.57 | 18,929.02 | (16,921.00) | 111.87 |
| TOTAL REVENUES - ALL FUNDS | | | | | | |
| | | 8,720,291.00 | 9,020,703.96 | 9,631,038.05 | 10,271,976.76 | 93.76 |
| TOTAL EXPENDITURES - ALL FUNDS | | | | | | |
| | | <u>8,934,135.23</u> | <u>8,305,294.28</u> | <u>9,839,048.62</u> | <u>10,835,372.21</u> | <u>90.80</u> |
| NET OF REVENUES & EXPENDITURES | | | | | | |
| | | (213,844.23) | 715,409.68 | (208,010.57) | (563,395.45) | 36.92 |



City of Albion

Boards & Commissions

Recruitment,
Application Process,
Orientation, and
Training



City of Albion Boards & Commissions

Labor Relations Committee

Albion Building Authority (ABA)

Albion Trust

Albion Housing Commission

Albion District Library Board of Trustees

Board of Review

Building Board of Appeals

Downtown Development Authority (DDA)

Economic Development Corporation (EDC)

Tax Increment Finance Authority

Brownfield Redevelopment Authority Board

Election Commission

Local Officers Compensation Commission

Planning Commission

Public Safety Pension Board

Zoning Board of Appeals (ZBA)

Function of Boards & Commissions

Labor Relations Committee: To oversee the labor relations process and provide Council input regarding labor relations issues.

Albion Building Authority: The responsibilities of the Authority include, but are not limited to, the acquisition, ownership, maintenance, furnishing, equipping, improving or renovating of an existing building or facility or the construction of a new building or facility. Currently, the Authority manages Maple Grove Apartments, a City-owned housing project for elderly and/or handicapped persons.

Albion Trust: To manage funds generated through the operation of the Maple Grove Apartments.

Function of Boards & Commissions (cont'd.)

Albion Housing Commission: To provide decent, safe and sanitary housing for low to moderate-income housing for residents of the City of Albion.

Albion District Library Board of Trustees: To make rules and regulations as necessary for the proper operation of the Albion District Library.

Board of Review: Revising and correcting property assessments and hearing hardship appeals.

Building Board of Appeals: To consider appeals from the decisions of the officials charged with the enforcement of property maintenance codes and tree appeals.

Function of Boards & Commissions (cont'd.)

Downtown Development Authority: To conduct downtown development activities in accordance with the provisions of PA 197 of 1975, as amended, including, but not limited to, the definition of a development area, the creation and implementation of a development plan, etc. (The power to levy and collect a tax according to Section 12(1) of 1997 is not included.)

Economic Development Corporation: To strengthen and revitalize the local economy by alleviating and preventing conditions of unemployment, ultimate responsibility for attracting, assisting and retaining local industries and commercial enterprises, providing means and methods for encouragement of attracting new and expanding current industries and commercial business.

Function of Boards & Commissions (cont'd.)

Tax Increment Finance Authority: To finance public improvements within a TIFA district by allocation of tax increment revenue, to assist with redevelopment or new development of industrial properties within the district, to sell “tax allocation bonds” as necessary to assist public improvements within the district.

Brownfield Redevelopment Authority Board: To facilitate the implementation of Brownfield Plans relating to the identification and treatment of environmentally distressed (functionally obsolete and/or blighted) areas so as to promote revitalization within the municipal limits of Albion.

Function of Boards & Commissions (cont'd.)

Election Commission: To attend to all matters of the election process as defined by State Law, Federal Law or City Charter. Also, to mitigate conflicts between State Law and City Charter in any case where election procedure is in doubt.

Local Officers Compensation Commission: To determine salaries of all local elected officials.

Planning Commission: Possesses powers and functions required of Planning Commissions under the provisions of PA 285 of 1931, State of Michigan, as amended, including, but not limited to, comprehensive planning, initiating zoning amendments, granting special use permits and planned unit developments (under certain situations), and recommending the Public Improvements Program.

Function of Boards & Commissions (cont'd.)

Public Safety Pension Board: To oversee the State regulations governing Act 345 pensions for the Public Safety Department.

Zoning Board of Appeals: To hear appeals and make decisions necessary for the enforcement of the Zoning Ordinance.

Specific Roles of Boards & Commissions

Advisory:

- Deliberates and makes recommendations to City Council which may or may not be adopted

Administrative:

- Statute or local mandates guide process
- Can make independent decisions which may be appealed to the City Council or Circuit Court

Boards & Commissions Terms & Residency Requirements

| BOARD NAME | TERM OF OFFICE | RESIDENCY |
|--|--|--|
| Albion Building Authority | 3 years | Except for the member from Maple Grove Apartments, residency is at the discretion of the appointing authority |
| Albion Trust | 5 years | At the discretion of the appointing authority. |
| Albion Housing Commission | 5 years | At the discretion of the appointing authority |
| Albion District Library Board | 4 years | Members appointed must be qualified electors of the participating municipality that makes the appointment |
| Board of Review | 2 years | Must be City resident and taxpayer |
| Building Board of Appeals | 5 years | At the discretion of appointing authority |
| DDA | 4 years | At discretion of appointing authority. Goal is to maintain a majority of residents on the Board |
| EDC | 6 years | At the discretion of appointing authority. Goal is to maintain a majority of residents on the board. |
| TIFA | 6 years | At the discretion of appointing authority. Goal is to maintain a majority of residents on the Board |
| Brownfield | 6 years | At the discretion of appointing authority. Goal is to maintain a majority of residents on the Board |
| Election Commission | Clerk/City Attorney/Chief of Public Safety | N/A |
| Local Officers Compensation Commission | 5 years | Must be a City resident |
| Planning Commission | 3 years | One member may be a non-resident, with the consent of Council, who possesses an interest in planning in the City of Albion. Except for one member as indicated above, all must be City residents |
| Public Safety Pension Board | 4 years | At large members – at discretion of appointing authority |
| Zoning Board of Appeals | 3 years | At discretion of appointing authority. Goal is to have all members be residents of the City |

Boards & Commissions Recruitment

Expectations:

- The Albion City Council requires that every member of a board or commission meet the following qualifications:
 - Appointee is not in default to the City (appointee does not have unpaid water/sewer bills, property taxes, income taxes).
 - For most Boards & Commissions, appointee should be a resident of the City.

Boards & Commissions Application Process

- Applications may be obtained online, in the City Clerk's office, or the office of the City Manager.

Application Link:

http://www.cityofalbionmi.gov/document_center/BoardsCommissions/Rev_Application_CityBoard_Commission_1.doc

- Completed and signed applications shall be submitted to the City Clerk's office.
- A list will be maintained in the City Clerk's office of the applications that have been received.
- A copy of the list of applicants will be provided to the Mayor and City Manager as it is updated.

Boards & Commissions Application Process (cont'd.)

- The City Clerk will provide the notification to the following for background/status checks:
 - Human Resources
 - Water Billing
 - Code Enforcement
 - Income Tax
- The departments are to forward a written communication (email or hard copy) of the background/status results to the City Clerk. The Clerk will complete and attach the checklist in the applicant's file.
- Upon receipt of all of the background/status checks, a hard copy of only the first two (2) pages of application will be provided to the Mayor. Any outstanding issues will be noted in the notice to the Mayor.

Boards & Commissions Appointments

- The Mayor will advise the City Manager of his recommendations for appointment and those names will be placed on the earliest available Council agenda for consideration.
- Upon approval by City Council, the City Clerk will notify the applicant and arrange for them to be sworn in.

Boards & Commissions Appointments

For appointments to open seats, the following are taken into consideration:

- City Charter rules and statutes (e.g., one 1 member of Planning Commission can be a non-resident)
- Representation across precincts
- Balanced demographics
- Skill sets and expertise in areas relevant to specific positions

Newly Appointed Boards & Commissions Members Orientation

Newly appointed board/commission members will be provided a copy of:

- Board/Commission bylaws
- Most recent minutes
- Meeting dates:
http://www.cityofalbionmi.gov/government/city_boards_commissions_and_committees/schedule_of_city_board_and_commission_meetings.php
- List of members and their contact information
- A City precinct map, current zoning map, and future land use map:
[City of Albion Precinct Map - color.pdf](#)
[City of Albion Zoning Ordinance Districts Rev. 08-10-2017.pdf](#)
[Future Land Use Map 08-15-17.pdf](#)
- An updated electronic copy of the City's Comprehensive Plan
http://www.cityofalbionmi.gov/document_center/BoardsCommissions/Comprehensive%20Plan%20Update_Final_Planning%20Commission%20adopted%2011282016.pdf
- Planning Commission Annual Report
http://www.cityofalbionmi.gov/government/city_boards_commissions_and_committees/planning_commission.php
- City Employee Handbook: [City of Albion Policy and Procedure Manual Handbook 2000.pdf](#)
- Appropriate Communications: [Memo - Appropriate Communications.pdf](#)
- Governance & Protocol Policy: [Protocols Policy.pdf](#)

The Clerk will maintain and update the Boards and Commissions Handbook and each January provide a hard and electronic copy to the Mayor, City Council, City Manager, City Attorney, and Human Resources. Updated pages throughout the year will also be provided.

Newly Appointed Boards & Commissions Members Education and Training

Newly appointed board/commission members will be:

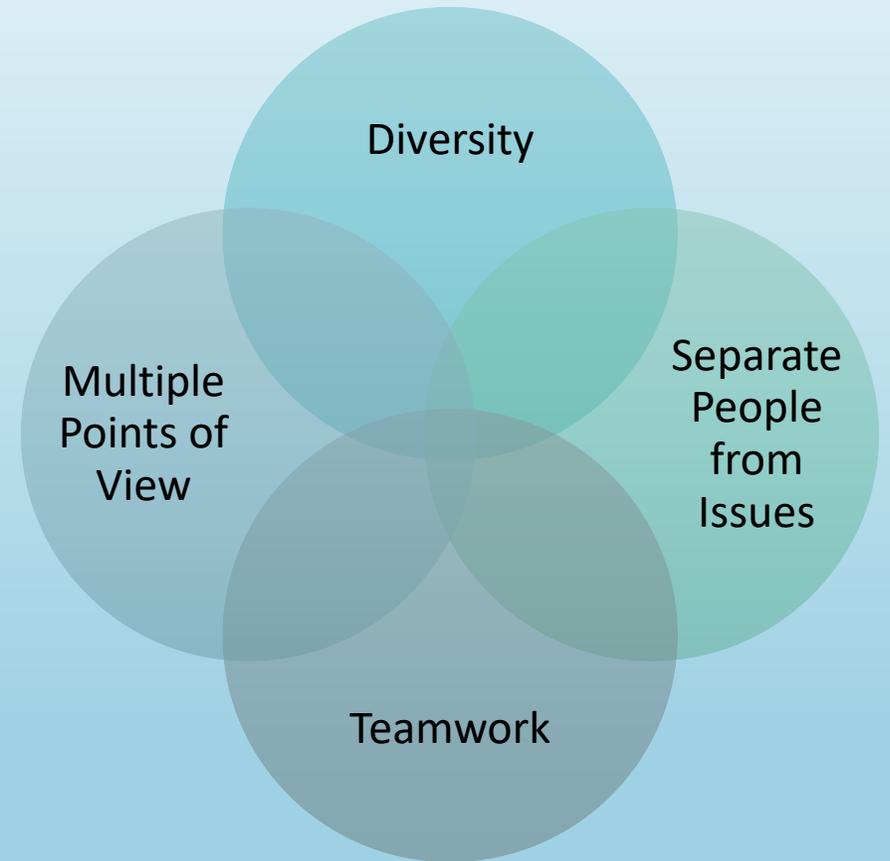
- Able to meet with the Director of Planning, Building, and Code who will review planning, zoning, and development information.
- Invited to participate in collaborative work sessions between boards and commissions, including joint trainings on development topics.
- Provided with Newly Elected or Appointed Officials Training (e.g., MML)
- Notified of additional trainings relevant to accomplishing stated goals and objectives.
- Provided with notes from trainings by a member of their board or commission.
- Able to request additional trainings.

Boards & Commissions Responsibilities

- Regular attendance
- Advanced preparation and review of materials
- Observe and model decorum at all times
- Follow parliamentary procedure to conduct meetings
- Make recommendations to City Council as required by law or upon request
- Abide by the requirements of the Open Meetings Act
- A quorum is required to conduct business and is defined as a majority of the members appointed and serving
- Members must either contact the Board Chair and/or staff if they are unable to attend so that the presence of a quorum can be determined

Boards & Commissions

- Diversity on Boards & Commissions ensures that a breadth of community perspectives can be heard
- Thoughtful consideration of all points of view is strongly encouraged
- Separate people from issues when conflict arises
- Teamwork and consensus building are paramount



Boards & Commissions Training

Role of the Chairperson:

- As the presiding officer, the chair is key to the effectiveness of meetings
- The chair must use parliamentary procedure to conduct smooth meetings
- The chair must set the tone by ensuring that all voices are heard and divergent perspectives are given consideration
- The chair must treat the public with courtesy and diplomacy

Boards & Commissions Training

Successful Meetings:

- Public hearings are public meetings...*not meetings of the public*
- Refrain from displaying negative gestures and sounds of disagreement
- Technical jargon should be clarified so all can follow the meeting
- Treat the public with dignity and respect and thank them for their participation

Boards & Commissions Training

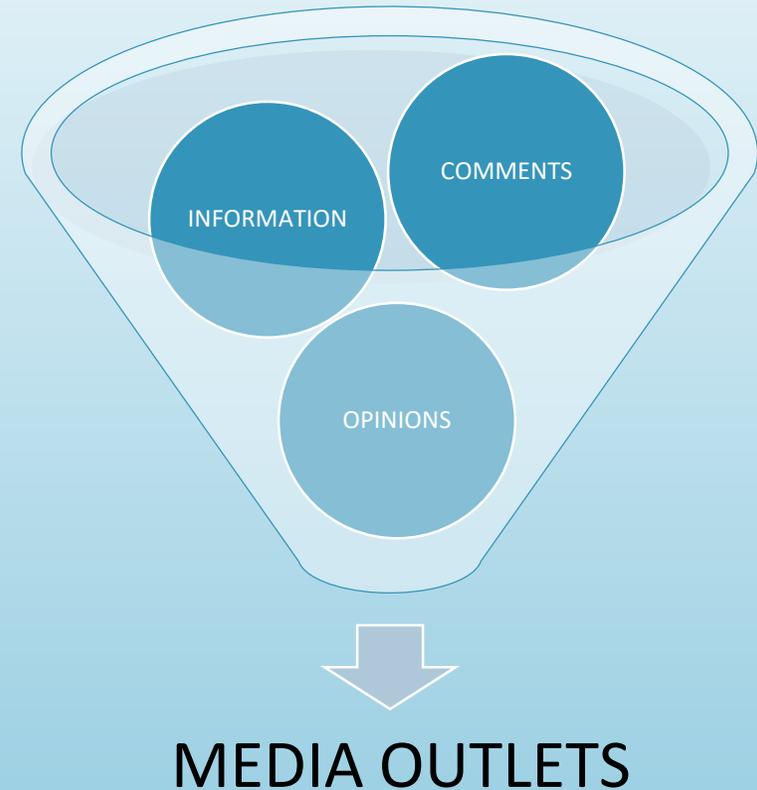
The Challenging Meeting:

- Plan the agenda strategically and carefully
- Convey that you are aware of concerns so that all will remain calm and receptive during deliberations
- Anticipate and prepare in advance, responses to difficult questions that may arise
- Request that the issue(s) be restated so that all are working with the same set of facts
- Explain the rules relative to public comment from the outset of the meeting
- Ensure that all who wish to speak have the opportunity to do so
- Model polite listening behavior
- Apply speaking time limits impartially and consistently

Boards & Commissions Training

Media Relations:

- Albion is covered by all forms of media
- Weigh whether you are the appropriate person to speak with the media on a given topic
- Be mindful of the possibility that the media may misquote or misrepresent your comments
- You have the right to expression as a private citizen, but be sure to clarify with the media that you are expressing your viewpoint and not representing the opinion of others



Boards & Commissions Training

Helpful Resources:

- City of Albion Community Engagement Statement: http://www.cityofalbionmi.gov/document_center/BoardsCommissions/Community%20Engagement%20Statement.pdf
- City of Albion Comprehensive Plan 2017-2021: http://www.cityofalbionmi.gov/document_center/BoardsCommissions/Comprehensive%20Plan%20Update_Final_Planning%20Commission%20adopted%2011282016.pdf
- City of Albion Capital Improvement Plan 2017-2022: http://cityofalbionmi.gov/visitors/2017-2022_capital_improvement_plan.php
- Future Land Use and Zoning Plan: http://www.cityofalbionmi.gov/document_center/BoardsCommissions/FLU_Zoning%20Plan_PlanCommEdits_08152017.pdf
- City of Albion Planning Commission Annual Report: http://www.cityofalbionmi.gov/government/city_boards_commissions_and_committees/planning_commission.php
- City of Albion Planning Commission Meeting Agendas & Minutes: http://www.cityofalbionmi.gov/government/city_boards_commissions_and_committees/plagovernment/city_boards_commissions_and_committees/planning_commission_packets.php
- Michigan Planning Enabling Act: <http://www.legislature.mi.gov/documents/mcl/pdf/mcl-Act-33-of-2008.pdf>
- Michigan Zoning Enabling Act: [http://www.legislature.mi.gov/\(x3eqqx2ix0ez34nsk1zysl45\)/documents/mcl/pdf/mcl-Act-110-of-2006.pdf](http://www.legislature.mi.gov/(x3eqqx2ix0ez34nsk1zysl45)/documents/mcl/pdf/mcl-Act-110-of-2006.pdf)