



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.

AGENDA

COUNCIL MEETING Monday, October 1, 2018

7:00 P.M.

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

Scott Kipp
Interim City Manager

The Harkness Law Firm
Atty Cullen Harkness

Jill Domingo
City Clerk

NOTICE FOR PERSONS WITH
HEARING IMPAIRMENTS
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.

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. PRESENTATIONS
 - A. Domestic Violence Awareness Proclamation
 - B. November Ballot Proposal-Voters not Politicians
 - C. November Ballot Proposal-Promote the Vote
- VI. PUBLIC HEARINGS-Industrial Development District-Minerals Technologies Inc. (American Colloid Company/Harvard Site
 - A. Request Approval to Establish Industrial Development District for Minerals Technologies Inc. (American Colloid Company/Harvard Site
- VII. 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.)
- VIII. CONSENT CALENDAR (VV) (Items on Consent Calendar are voted on as one unit)
 - A. Approval Study Session Minutes, September 15, 2018
 - B. Approval Regular Session Minutes-September 17, 2018
 - C. Approval Special Session Minutes – September 24, 2018
- IX. ITEMS FOR INDIVIDUAL DISCUSSION
 - A. Request Approval for Medical Marijuana Grower License for Comco, LLC



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- B. Request Approval for Medical Marihuana Processor License for Comco, LLC.
- C. Request Approval for Medical Marihuana Grower License for Greenwell BioMedicinals, LLC.
- D. Request approval Contract with LaTonya Rufus as City Manager
- E. Discussion – Ordinance #2018-08, Ethics Ordinance
- F. Update on 608 Austin Avenue Demolition
- G. Discussion Property Adjacent to 409 W. Ash Street
- H. Request Approval Resolution # 2018-22. Resolution Supporting November 2018 Ballot Proposal #2
- I. Request Approval Resolution # 2018-23, Resolution Supporting November 2018 Ballot Proposal # 3
- J. Discussion/1st Reading & Approval Ordinance # 2018-09, Zoning Ordinance Amendments
- X. Future Agenda Items
- XI. Motion to Excuse Absent Council Member(s)
- XII. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to no more than three (3) minutes. Proper decorum is required.)
- XIII. CITY MANAGER REPORT
- XIV. MAYOR AND COUNCIL MEMBER COMMENTS
- XV. ADJOURN

**Proclamation Recognizing October as Domestic
Violence Awareness Month 2018**

Whereas, anyone can become a victim of domestic violence regardless of age, sex, ability, race, ethnicity, sexual orientation, socioeconomic status, or religion;

Whereas, on average, nearly 20 people per minute are physically abused by an intimate partner in the United States, the equivalent of more than 10 million women and men per year;

Whereas, approximately 50% of older adults with dementia are mistreated or abused

Whereas, the economic cost of intimate partner violence alone exceeds \$8.3 billion per year;

Whereas, between 21-60% of victims of intimate partner violence lose their jobs due to reasons stemming from the abuse;

Whereas, 50% of youth reporting dating violence and rape also reported attempting suicide;

Whereas, Children who've experienced domestic violence often meet the diagnostic criteria for Post-Traumatic Stress Disorder (PTSD) and the effects on their brain are similarly to those experienced by combat veterans

Whereas, A study of intimate partner homicides found that 20% of victims were not the intimate partners themselves, but family members, friends, neighbors, persons who intervened, law enforcement responders, or bystanders;

Whereas, every member of our community can play a role in preventing domestic violence. Observing October as Domestic Violence Awareness Month provides an excellent opportunity to increase awareness of domestic violence and therefore empower the community to prevent domestic violence and take meaningful action to break the cycle of abuse. Domestic Violence Awareness Month is also a yearly reminder of the importance of organizations like S.A.F.E.. Place to provide critical services such as free legal advocacy, counseling, and emergency shelter for victims of domestic and their dependent children.

Therefore, be it proclaimed on behalf of all of the members of the Albion City Council and the residents of the City of Albion, the month of October as Domestic Violence Awareness Month and urge our community to work together to end domestic violence in our community.

In witness whereof, I have hereunto set my hand and caused the seal of this city to be affixed.

Mayor _____

Date _____



INITIATIVE PETITION

AMENDMENT TO THE CONSTITUTION

The proposal, if adopted, would amend Article IV, Sections 1 through 6, Article V, Sections 1, 2 and 4, Article VI, Sections 1 and 4 as follows (new language capitalized, deleted language struck out with a line):

Article IV – Legislative Branch

§ 1 Legislative power.

Sec. 1. EXCEPT TO THE EXTENT LIMITED OR ABROGATED BY ARTICLE IV, SECTION 6 OR ARTICLE V, SECTION 2, ~~The~~ legislative power of the State of Michigan is vested in a senate and a house of representatives.

§ 2 Senators, number, term.

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

Senatorial districts, apportionment factors.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

Apportionment rules.

In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:

- (1) Counties with 13 or more apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. After each such county has been allocated one senator, the remaining senators to which this class of counties is entitled shall be distributed among such counties by the method of equal proportions applied to the apportionment factors.
- (2) Counties having less than 13 apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. Such counties shall thereafter be arranged into senatorial districts that are compact, convenient, and contiguous by land, as rectangular in shape as possible, and having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible, existing senatorial districts at the time of reapportionment shall not be altered unless there is a failure to comply with the above standards.
- (3) Counties entitled to two or more senators shall be divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.

§ 3 Representatives, number, term; contiguity of districts.

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Representative areas, single and multiple county.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

Apportionment of representatives to areas.

After the assignment of one representative to each of the representative areas, the remaining house seats shall be apportioned among the representative areas on the basis of population by the method of equal proportions.

Districting of single county area entitled to 2 or more representatives.

Any county comprising a representative area entitled to two or more representatives shall be divided into single member representative districts as follows:

- (1) The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the representative area by the number of representatives to which it is entitled.
- (2) Such single member districts shall follow city and township boundaries where applicable and shall be composed of compact and contiguous territory as nearly square in shape as possible.

Districting of multiple county representative areas.

Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population, adhering to county lines.

§ 4 Annexation or merger with a city.

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

§ 5 Island areas, contiguity.

~~Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.~~

§ 6 INDEPENDENT CITIZENS REDISTRICTING COMMISSION FOR STATE LEGISLATIVE AND CONGRESSIONAL DISTRICTS.
~~Commission on legislative apportionment.~~

Sec. 6.

(1) AN INDEPENDENT CITIZENS REDISTRICTING COMMISSION FOR STATE LEGISLATIVE AND CONGRESSIONAL DISTRICTS (HEREINAFTER, THE "COMMISSION") IS HEREBY ESTABLISHED AS A PERMANENT COMMISSION IN THE LEGISLATIVE BRANCH.

THE COMMISSION SHALL CONSIST OF 13 COMMISSIONERS. THE COMMISSION SHALL ADOPT A REDISTRICTING PLAN FOR EACH OF THE FOLLOWING TYPES OF DISTRICTS: STATE SENATE DISTRICTS, STATE HOUSE OF REPRESENTATIVE DISTRICTS, AND CONGRESSIONAL DISTRICTS. EACH COMMISSIONER SHALL:

- (A) BE REGISTERED AND ELIGIBLE TO VOTE IN THE STATE OF MICHIGAN;
- (B) NOT CURRENTLY BE OR IN THE PAST 6 YEARS HAVE BEEN ANY OF THE FOLLOWING:
 - (I) A DECLARED CANDIDATE FOR PARTISAN FEDERAL, STATE, OR LOCAL OFFICE;
 - (II) AN ELECTED OFFICIAL TO PARTISAN FEDERAL, STATE, OR LOCAL OFFICE;
 - (III) AN OFFICER OR MEMBER OF THE GOVERNING BODY OF A NATIONAL, STATE, OR LOCAL POLITICAL PARTY;
 - (IV) A PAID CONSULTANT OR EMPLOYEE OF A FEDERAL, STATE, OR LOCAL ELECTED OFFICIAL OR POLITICAL CANDIDATE, OF A FEDERAL, STATE, OR LOCAL POLITICAL CANDIDATE'S CAMPAIGN, OR OF A POLITICAL ACTION COMMITTEE;
 - (V) AN EMPLOYEE OF THE LEGISLATURE;
 - (VI) ANY PERSON WHO IS REGISTERED AS A LOBBYIST AGENT WITH THE MICHIGAN BUREAU OF ELECTIONS, OR ANY EMPLOYEE OF SUCH PERSON; OR
 - (VII) AN UNCLASSIFIED STATE EMPLOYEE WHO IS EXEMPT FROM CLASSIFICATION IN STATE CIVIL SERVICE PURSUANT TO ARTICLE XI, SECTION 5, EXCEPT FOR EMPLOYEES OF COURTS OF RECORD, EMPLOYEES OF THE STATE INSTITUTIONS OF HIGHER EDUCATION, AND PERSONS IN THE ARMED FORCES OF THE STATE;
- (C) NOT BE A PARENT, STEPPARENT, CHILD, STEPCHILD, OR SPOUSE OF ANY INDIVIDUAL DISQUALIFIED UNDER PART (1)(B) OF THIS SECTION; OR
- (D) NOT BE OTHERWISE DISQUALIFIED FOR APPOINTED OR ELECTED OFFICE BY THIS CONSTITUTION.
- (E) FOR FIVE YEARS AFTER THE DATE OF APPOINTMENT, A COMMISSIONER IS INELIGIBLE TO HOLD A PARTISAN ELECTIVE OFFICE AT THE STATE, COUNTY, CITY, VILLAGE, OR TOWNSHIP LEVEL IN MICHIGAN.

(2) COMMISSIONERS SHALL BE SELECTED THROUGH THE FOLLOWING PROCESS:

(A) THE SECRETARY OF STATE SHALL DO ALL OF THE FOLLOWING:

(I) MAKE APPLICATIONS FOR COMMISSIONER AVAILABLE TO THE GENERAL PUBLIC NOT LATER THAN JANUARY 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS. THE SECRETARY OF STATE SHALL CIRCULATE THE APPLICATIONS IN A MANNER THAT INVITES WIDE PUBLIC PARTICIPATION FROM DIFFERENT REGIONS OF THE STATE. THE SECRETARY OF STATE SHALL ALSO MAIL APPLICATIONS FOR COMMISSIONER TO TEN THOUSAND MICHIGAN REGISTERED VOTERS, SELECTED AT RANDOM, BY JANUARY 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS.

(II) REQUIRE APPLICANTS TO PROVIDE A COMPLETED APPLICATION.

(III) REQUIRE APPLICANTS TO ATTEST UNDER OATH THAT THEY MEET THE QUALIFICATIONS SET FORTH IN THIS SECTION; AND EITHER THAT THEY AFFILIATE WITH ONE OF THE TWO POLITICAL PARTIES WITH THE LARGEST REPRESENTATION IN THE LEGISLATURE (HEREINAFTER, "MAJOR PARTIES"), AND IF SO, IDENTIFY THE PARTY WITH WHICH THEY AFFILIATE, OR THAT THEY DO NOT AFFILIATE WITH EITHER OF THE MAJOR PARTIES.

(B) SUBJECT TO PART (2)(C) OF THIS SECTION, THE SECRETARY OF STATE SHALL MAIL ADDITIONAL APPLICATIONS FOR COMMISSIONER TO MICHIGAN REGISTERED VOTERS SELECTED AT RANDOM UNTIL 30 QUALIFYING APPLICANTS THAT AFFILIATE WITH ONE OF THE TWO MAJOR PARTIES HAVE SUBMITTED APPLICATIONS, 30 QUALIFYING APPLICANTS THAT IDENTIFY THAT THEY AFFILIATE WITH THE OTHER OF THE TWO MAJOR PARTIES HAVE SUBMITTED APPLICATIONS, AND 40 QUALIFYING APPLICANTS THAT IDENTIFY THAT THEY DO NOT AFFILIATE WITH EITHER OF THE TWO MAJOR PARTIES HAVE SUBMITTED APPLICATIONS, EACH IN RESPONSE TO THE MAILINGS.

(C) THE SECRETARY OF STATE SHALL ACCEPT APPLICATIONS FOR COMMISSIONER UNTIL JUNE 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS.

(D) BY JULY 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS, FROM ALL OF THE APPLICATIONS SUBMITTED, THE SECRETARY OF STATE SHALL:

(I) ELIMINATE INCOMPLETE APPLICATIONS AND APPLICATIONS OF APPLICANTS WHO DO NOT MEET THE QUALIFICATIONS IN PARTS (1)(A) THROUGH (1)(D) OF THIS SECTION BASED SOLELY ON THE INFORMATION CONTAINED IN THE APPLICATIONS;

(II) RANDOMLY SELECT 60 APPLICANTS FROM EACH POOL OF AFFILIATING APPLICANTS AND 80 APPLICANTS FROM THE POOL OF NON-AFFILIATING APPLICANTS. 50% OF EACH POOL SHALL BE POPULATED FROM THE QUALIFYING APPLICANTS TO SUCH POOL WHO RETURNED AN APPLICATION MAILED PURSUANT TO PART 2(A) OR 2(B) OF THIS SECTION, PROVIDED, THAT IF FEWER THAN 30 QUALIFYING APPLICANTS AFFILIATED WITH A MAJOR PARTY OR FEWER THAN 40 QUALIFYING NON-AFFILIATING APPLICANTS HAVE APPLIED TO SERVE ON THE

COMMISSION IN RESPONSE TO THE RANDOM MAILING, THE BALANCE OF THE POOL SHALL BE POPULATED FROM THE BALANCE OF QUALIFYING APPLICANTS TO THAT POOL. THE RANDOM SELECTION PROCESS USED BY THE SECRETARY OF STATE TO FILL THE SELECTION POOLS SHALL USE ACCEPTED STATISTICAL WEIGHTING METHODS TO ENSURE THAT THE POOLS, AS CLOSELY AS POSSIBLE, MIRROR THE GEOGRAPHIC AND DEMOGRAPHIC MAKEUP OF THE STATE; AND

(III) SUBMIT THE RANDOMLY-SELECTED APPLICATIONS TO THE MAJORITY LEADER AND THE MINORITY LEADER OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

(E) BY AUGUST 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS, THE MAJORITY LEADER OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES MAY EACH STRIKE FIVE APPLICANTS FROM ANY POOL OR POOLS, UP TO A MAXIMUM OF 20 TOTAL STRIKES BY THE FOUR LEGISLATIVE LEADERS.

(F) BY SEPTEMBER 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS, THE SECRETARY OF STATE SHALL RANDOMLY DRAW THE NAMES OF FOUR COMMISSIONERS FROM EACH OF THE TWO POOLS OF REMAINING APPLICANTS AFFILIATING WITH A MAJOR PARTY, AND FIVE COMMISSIONERS FROM THE POOL OF REMAINING NON-AFFILIATING APPLICANTS.

(3) EXCEPT AS PROVIDED BELOW, COMMISSIONERS SHALL HOLD OFFICE FOR THE TERM SET FORTH IN PART (18) OF THIS SECTION. IF A COMMISSIONER'S SEAT BECOMES VACANT FOR ANY REASON, THE SECRETARY OF STATE SHALL FILL THE VACANCY BY RANDOMLY DRAWING A NAME FROM THE REMAINING QUALIFYING APPLICANTS IN THE SELECTION POOL FROM WHICH THE ORIGINAL COMMISSIONER WAS SELECTED. A COMMISSIONER'S OFFICE SHALL BECOME VACANT UPON THE OCCURRENCE OF ANY OF THE FOLLOWING:

(A) DEATH OR MENTAL INCAPACITY OF THE COMMISSIONER;

(B) THE SECRETARY OF STATE'S RECEIPT OF THE COMMISSIONER'S WRITTEN RESIGNATION;

(C) THE COMMISSIONER'S DISQUALIFICATION FOR ELECTION OR APPOINTMENT OR EMPLOYMENT PURSUANT TO ARTICLE XI, SECTION 8;

(D) THE COMMISSIONER CEASES TO BE QUALIFIED TO SERVE AS A COMMISSIONER UNDER PART (1) OF THIS SECTION; OR

(E) AFTER WRITTEN NOTICE AND AN OPPORTUNITY FOR THE COMMISSIONER TO RESPOND, A VOTE OF 10 OF THE COMMISSIONERS FINDING SUBSTANTIAL NEGLECT OF DUTY, GROSS MISCONDUCT IN OFFICE, OR INABILITY TO DISCHARGE THE DUTIES OF OFFICE.

(4) THE SECRETARY OF STATE SHALL BE SECRETARY OF THE COMMISSION WITHOUT VOTE, AND IN THAT CAPACITY SHALL FURNISH, UNDER THE DIRECTION OF THE COMMISSION, ALL TECHNICAL SERVICES THAT THE COMMISSION DEEMS NECESSARY. THE COMMISSION SHALL ELECT ITS OWN CHAIRPERSON. THE COMMISSION HAS THE SOLE POWER TO MAKE ITS OWN RULES OF PROCEDURE. THE COMMISSION SHALL HAVE PROCUREMENT AND CONTRACTING AUTHORITY AND MAY HIRE STAFF AND CONSULTANTS FOR THE PURPOSES OF THIS SECTION, INCLUDING LEGAL REPRESENTATION.

(5) BEGINNING NO LATER THAN DECEMBER 1 OF THE YEAR PRECEDING THE FEDERAL DECENNIAL CENSUS, AND CONTINUING EACH YEAR IN WHICH THE COMMISSION OPERATES, THE LEGISLATURE SHALL APPROPRIATE FUNDS SUFFICIENT TO COMPENSATE THE COMMISSIONERS AND TO ENABLE THE COMMISSION TO CARRY OUT ITS FUNCTIONS, OPERATIONS AND ACTIVITIES, WHICH ACTIVITIES INCLUDE RETAINING INDEPENDENT, NONPARTISAN SUBJECT-MATTER EXPERTS AND LEGAL COUNSEL, CONDUCTING HEARINGS, PUBLISHING NOTICES AND MAINTAINING A RECORD OF THE COMMISSION'S PROCEEDINGS, AND ANY OTHER ACTIVITY NECESSARY FOR THE COMMISSION TO CONDUCT ITS BUSINESS, AT AN AMOUNT EQUAL TO NOT LESS THAN 25 PERCENT OF THE GENERAL FUND/GENERAL PURPOSE BUDGET FOR THE SECRETARY OF STATE FOR THAT FISCAL YEAR. WITHIN SIX MONTHS AFTER THE CONCLUSION OF EACH FISCAL YEAR, THE COMMISSION SHALL RETURN TO THE STATE TREASURY ALL MONEYS UNEXPENDED FOR THAT FISCAL YEAR. THE COMMISSION SHALL FURNISH REPORTS OF EXPENDITURES, AT LEAST ANNUALLY, TO THE GOVERNOR AND THE LEGISLATURE AND SHALL BE SUBJECT TO ANNUAL AUDIT AS PROVIDED BY LAW. EACH COMMISSIONER SHALL RECEIVE COMPENSATION AT LEAST EQUAL TO 25 PERCENT OF THE GOVERNOR'S SALARY. THE STATE OF MICHIGAN SHALL INDEMNIFY COMMISSIONERS FOR COSTS INCURRED IF THE LEGISLATURE DOES NOT APPROPRIATE SUFFICIENT FUNDS TO COVER SUCH COSTS.

(6) THE COMMISSION SHALL HAVE LEGAL STANDING TO PROSECUTE AN ACTION REGARDING THE ADEQUACY OF RESOURCES PROVIDED FOR THE OPERATION OF THE COMMISSION, AND TO DEFEND ANY ACTION REGARDING AN ADOPTED PLAN. THE COMMISSION SHALL INFORM THE LEGISLATURE IF THE COMMISSION DETERMINES THAT FUNDS OR OTHER RESOURCES PROVIDED FOR OPERATION OF THE COMMISSION ARE NOT ADEQUATE. THE LEGISLATURE SHALL PROVIDE ADEQUATE FUNDING TO ALLOW THE COMMISSION TO DEFEND ANY ACTION REGARDING AN ADOPTED PLAN.

(7) THE SECRETARY OF STATE SHALL ISSUE A CALL CONVENING THE COMMISSION BY OCTOBER 15 IN THE YEAR OF THE FEDERAL DECENNIAL CENSUS. NOT LATER THAN NOVEMBER 1 IN THE YEAR IMMEDIATELY FOLLOWING THE FEDERAL DECENNIAL CENSUS, THE COMMISSION SHALL ADOPT A REDISTRICTING PLAN UNDER THIS SECTION FOR EACH OF THE FOLLOWING TYPES OF DISTRICTS: STATE SENATE DISTRICTS, STATE HOUSE OF REPRESENTATIVE DISTRICTS, AND CONGRESSIONAL DISTRICTS.

(8) BEFORE COMMISSIONERS DRAFT ANY PLAN, THE COMMISSION SHALL HOLD AT LEAST TEN PUBLIC HEARINGS THROUGHOUT THE STATE FOR THE PURPOSE OF INFORMING THE PUBLIC ABOUT THE REDISTRICTING PROCESS AND THE PURPOSE AND RESPONSIBILITIES OF THE COMMISSION AND SOLICITING INFORMATION FROM THE PUBLIC ABOUT POTENTIAL PLANS. THE COMMISSION SHALL RECEIVE FOR CONSIDERATION WRITTEN SUBMISSIONS OF PROPOSED REDISTRICTING PLANS AND ANY SUPPORTING MATERIALS, INCLUDING UNDERLYING DATA, FROM ANY MEMBER OF THE PUBLIC. THESE WRITTEN SUBMISSIONS ARE PUBLIC RECORDS.

(9) AFTER DEVELOPING AT LEAST ONE PROPOSED REDISTRICTING PLAN FOR EACH TYPE OF DISTRICT, THE COMMISSION SHALL PUBLISH THE PROPOSED REDISTRICTING PLANS AND ANY DATA AND SUPPORTING MATERIALS USED TO DEVELOP THE PLANS. EACH COMMISSIONER MAY ONLY PROPOSE ONE REDISTRICTING PLAN FOR EACH TYPE OF DISTRICT. THE COMMISSION SHALL HOLD AT LEAST FIVE PUBLIC HEARINGS THROUGHOUT THE STATE FOR THE PURPOSE OF SOLICITING COMMENT FROM THE PUBLIC ABOUT THE PROPOSED PLANS. EACH OF THE PROPOSED PLANS SHALL INCLUDE SUCH CENSUS DATA AS IS NECESSARY TO ACCURATELY DESCRIBE THE PLAN AND VERIFY THE POPULATION OF EACH DISTRICT, AND A MAP AND LEGAL DESCRIPTION THAT INCLUDE THE

POLITICAL SUBDIVISIONS, SUCH AS COUNTIES, CITIES, AND TOWNSHIPS; MAN-MADE FEATURES, SUCH AS STREETS, ROADS, HIGHWAYS, AND RAILROADS; AND NATURAL FEATURES, SUCH AS WATERWAYS, WHICH FORM THE BOUNDARIES OF THE DISTRICTS.

(10) EACH COMMISSIONER SHALL PERFORM HIS OR HER DUTIES IN A MANNER THAT IS IMPARTIAL AND REINFORCES PUBLIC CONFIDENCE IN THE INTEGRITY OF THE REDISTRICTING PROCESS. THE COMMISSION SHALL CONDUCT ALL OF ITS BUSINESS AT OPEN MEETINGS. NINE COMMISSIONERS, INCLUDING AT LEAST ONE COMMISSIONER FROM EACH SELECTION POOL SHALL CONSTITUTE A QUORUM, AND ALL MEETINGS SHALL REQUIRE A QUORUM. THE COMMISSION SHALL PROVIDE ADVANCE PUBLIC NOTICE OF ITS MEETINGS AND HEARINGS. THE COMMISSION SHALL CONDUCT ITS HEARINGS IN A MANNER THAT INVITES WIDE PUBLIC PARTICIPATION THROUGHOUT THE STATE. THE COMMISSION SHALL USE TECHNOLOGY TO PROVIDE CONTEMPORANEOUS PUBLIC OBSERVATION AND MEANINGFUL PUBLIC PARTICIPATION IN THE REDISTRICTING PROCESS DURING ALL MEETINGS AND HEARINGS.

(11) THE COMMISSION, ITS MEMBERS, STAFF, ATTORNEYS, AND CONSULTANTS SHALL NOT DISCUSS REDISTRICTING MATTERS WITH MEMBERS OF THE PUBLIC OUTSIDE OF AN OPEN MEETING OF THE COMMISSION, EXCEPT THAT A COMMISSIONER MAY COMMUNICATE ABOUT REDISTRICTING MATTERS WITH MEMBERS OF THE PUBLIC TO GAIN INFORMATION RELEVANT TO THE PERFORMANCE OF HIS OR HER DUTIES IF SUCH COMMUNICATION OCCURS (A) IN WRITING OR (B) AT A PREVIOUSLY PUBLICLY NOTICED FORUM OR TOWN HALL OPEN TO THE GENERAL PUBLIC.

THE COMMISSION, ITS MEMBERS, STAFF, ATTORNEYS, EXPERTS, AND CONSULTANTS MAY NOT DIRECTLY OR INDIRECTLY SOLICIT OR ACCEPT ANY GIFT OR LOAN OF MONEY, GOODS, SERVICES, OR OTHER THING OF VALUE GREATER THAN \$20 FOR THE BENEFIT OF ANY PERSON OR ORGANIZATION, WHICH MAY INFLUENCE THE MANNER IN WHICH THE COMMISSIONER, STAFF, ATTORNEY, EXPERT, OR CONSULTANT PERFORMS HIS OR HER DUTIES.

(12) EXCEPT AS PROVIDED IN PART (14) OF THIS SECTION, A FINAL DECISION OF THE COMMISSION REQUIRES THE CONCURRENCE OF A MAJORITY OF THE COMMISSIONERS. A DECISION ON THE DISMISSAL OR RETENTION OF PAID STAFF OR CONSULTANTS REQUIRES THE VOTE OF AT LEAST ONE COMMISSIONER AFFILIATING WITH EACH OF THE MAJOR PARTIES AND ONE NON-AFFILIATING COMMISSIONER. ALL DECISIONS OF THE COMMISSION SHALL BE RECORDED, AND THE RECORD OF ITS DECISIONS SHALL BE READILY AVAILABLE TO ANY MEMBER OF THE PUBLIC WITHOUT CHARGE.

(13) THE COMMISSION SHALL ABIDE BY THE FOLLOWING CRITERIA IN PROPOSING AND ADOPTING EACH PLAN, IN ORDER OF PRIORITY:

(A) DISTRICTS SHALL BE OF EQUAL POPULATION AS MANDATED BY THE UNITED STATES CONSTITUTION, AND SHALL COMPLY WITH THE VOTING RIGHTS ACT AND OTHER FEDERAL LAWS.

(B) DISTRICTS SHALL BE GEOGRAPHICALLY CONTIGUOUS. ISLAND AREAS ARE CONSIDERED TO BE CONTIGUOUS BY LAND TO THE COUNTY OF WHICH THEY ARE A PART.

(C) DISTRICTS SHALL REFLECT THE STATE'S DIVERSE POPULATION AND COMMUNITIES OF INTEREST. COMMUNITIES OF INTEREST MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, POPULATIONS THAT SHARE CULTURAL OR HISTORICAL CHARACTERISTICS OR ECONOMIC INTERESTS. COMMUNITIES OF INTEREST DO NOT INCLUDE RELATIONSHIPS WITH POLITICAL PARTIES, INCUMBENTS, OR POLITICAL CANDIDATES.

(D) DISTRICTS SHALL NOT PROVIDE A DISPROPORTIONATE ADVANTAGE TO ANY POLITICAL PARTY. A DISPROPORTIONATE ADVANTAGE TO A POLITICAL PARTY SHALL BE DETERMINED USING ACCEPTED MEASURES OF PARTISAN FAIRNESS.

(E) DISTRICTS SHALL NOT FAVOR OR DISFAVOR AN INCUMBENT ELECTED OFFICIAL OR A CANDIDATE.

(F) DISTRICTS SHALL REFLECT CONSIDERATION OF COUNTY, CITY, AND TOWNSHIP BOUNDARIES.

(G) DISTRICTS SHALL BE REASONABLY COMPACT.

(14) THE COMMISSION SHALL FOLLOW THE FOLLOWING PROCEDURE IN ADOPTING A PLAN:

(A) BEFORE VOTING TO ADOPT A PLAN, THE COMMISSION SHALL ENSURE THAT THE PLAN IS TESTED, USING APPROPRIATE TECHNOLOGY, FOR COMPLIANCE WITH THE CRITERIA DESCRIBED ABOVE.

(B) BEFORE VOTING TO ADOPT A PLAN, THE COMMISSION SHALL PROVIDE PUBLIC NOTICE OF EACH PLAN THAT WILL BE VOTED ON AND PROVIDE AT LEAST 45 DAYS FOR PUBLIC COMMENT ON THE PROPOSED PLAN OR PLANS. EACH PLAN THAT WILL BE VOTED ON SHALL INCLUDE SUCH CENSUS DATA AS IS NECESSARY TO ACCURATELY DESCRIBE THE PLAN AND VERIFY THE POPULATION OF EACH DISTRICT, AND SHALL INCLUDE THE MAP AND LEGAL DESCRIPTION REQUIRED IN PART (9) OF THIS SECTION.

(C) A FINAL DECISION OF THE COMMISSION TO ADOPT A REDISTRICTING PLAN REQUIRES A MAJORITY VOTE OF THE COMMISSION, INCLUDING AT LEAST TWO COMMISSIONERS WHO AFFILIATE WITH EACH MAJOR PARTY, AND AT LEAST TWO COMMISSIONERS WHO DO NOT AFFILIATE WITH EITHER MAJOR PARTY. IF NO PLAN SATISFIES THIS REQUIREMENT FOR A TYPE OF DISTRICT, THE COMMISSION SHALL USE THE FOLLOWING PROCEDURE TO ADOPT A PLAN FOR THAT TYPE OF DISTRICT:

(I) EACH COMMISSIONER MAY SUBMIT ONE PROPOSED PLAN FOR EACH TYPE OF DISTRICT TO THE FULL COMMISSION FOR CONSIDERATION.

(II) EACH COMMISSIONER SHALL RANK THE PLANS SUBMITTED ACCORDING TO PREFERENCE. EACH PLAN SHALL BE ASSIGNED A POINT VALUE INVERSE TO ITS RANKING AMONG THE NUMBER OF CHOICES, GIVING THE LOWEST RANKED PLAN ONE POINT AND THE HIGHEST RANKED PLAN A POINT VALUE EQUAL TO THE NUMBER OF PLANS SUBMITTED.

(III) THE COMMISSION SHALL ADOPT THE PLAN RECEIVING THE HIGHEST TOTAL POINTS, THAT IS ALSO RANKED AMONG THE TOP HALF OF PLANS BY AT LEAST TWO COMMISSIONERS NOT AFFILIATED WITH THE PARTY OF THE COMMISSIONER SUBMITTING THE PLAN, OR IN THE CASE OF A PLAN SUBMITTED BY NON-AFFILIATED COMMISSIONERS, IS RANKED AMONG THE TOP HALF OF PLANS BY AT LEAST TWO COMMISSIONERS AFFILIATED WITH A MAJOR PARTY. IF PLANS ARE TIED FOR THE HIGHEST POINT TOTAL, THE SECRETARY OF STATE SHALL RANDOMLY SELECT THE FINAL PLAN FROM THOSE PLANS. IF NO PLAN MEETS THE REQUIREMENTS OF THIS SUBPARAGRAPH, THE SECRETARY OF STATE SHALL RANDOMLY SELECT THE FINAL PLAN FROM AMONG ALL SUBMITTED PLANS PURSUANT TO PART (14)(C)(I).

(15) WITHIN 30 DAYS AFTER ADOPTING A PLAN, THE COMMISSION SHALL PUBLISH THE PLAN AND THE MATERIAL REPORTS, REFERENCE MATERIALS, AND DATA USED IN DRAWING IT, INCLUDING ANY PROGRAMMING INFORMATION USED TO PRODUCE AND TEST THE PLAN. THE PUBLISHED MATERIALS SHALL BE SUCH THAT AN INDEPENDENT PERSON IS ABLE TO REPLICATE THE CONCLUSION WITHOUT ANY MODIFICATION OF ANY OF THE PUBLISHED MATERIALS.

(16) FOR EACH ADOPTED PLAN, THE COMMISSION SHALL ISSUE A REPORT THAT EXPLAINS THE BASIS ON WHICH THE COMMISSION MADE ITS DECISIONS IN ACHIEVING COMPLIANCE WITH PLAN REQUIREMENTS AND SHALL INCLUDE THE MAP AND LEGAL DESCRIPTION REQUIRED IN PART (9) OF THIS SECTION. A COMMISSIONER WHO VOTES AGAINST A REDISTRICTING PLAN MAY SUBMIT A DISSENTING REPORT WHICH SHALL BE ISSUED WITH THE COMMISSION'S REPORT.

(17) AN ADOPTED REDISTRICTING PLAN SHALL BECOME LAW 60 DAYS AFTER ITS PUBLICATION. THE SECRETARY OF STATE SHALL KEEP A PUBLIC RECORD OF ALL PROCEEDINGS OF THE COMMISSION AND SHALL PUBLISH AND DISTRIBUTE EACH PLAN AND REQUIRED DOCUMENTATION.

(18) THE TERMS OF THE COMMISSIONERS SHALL EXPIRE ONCE THE COMMISSION HAS COMPLETED ITS OBLIGATIONS FOR A CENSUS CYCLE BUT NOT BEFORE ANY JUDICIAL REVIEW OF THE REDISTRICTING PLAN IS COMPLETE.

(19) THE SUPREME COURT, IN THE EXERCISE OF ORIGINAL JURISDICTION, SHALL DIRECT THE SECRETARY OF STATE OR THE COMMISSION TO PERFORM THEIR RESPECTIVE DUTIES. MAY REVIEW A CHALLENGE TO ANY PLAN ADOPTED BY THE COMMISSION, AND SHALL REMAND A PLAN TO THE COMMISSION FOR FURTHER ACTION IF THE PLAN FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS CONSTITUTION, THE CONSTITUTION OF THE UNITED STATES OR SUPERSEDING FEDERAL LAW. IN NO EVENT SHALL ANY BODY, EXCEPT THE INDEPENDENT CITIZENS REDISTRICTING COMMISSION ACTING PURSUANT TO THIS SECTION, PROMULGATE AND ADOPT A REDISTRICTING PLAN OR PLANS FOR THIS STATE.

(20) THIS SECTION IS SELF-EXECUTING. IF A FINAL COURT DECISION HOLDS ANY PART OR PARTS OF THIS SECTION TO BE IN CONFLICT WITH THE UNITED STATES CONSTITUTION OR FEDERAL LAW, THE SECTION SHALL BE IMPLEMENTED TO THE MAXIMUM EXTENT THAT THE UNITED STATES CONSTITUTION AND FEDERAL LAW PERMIT. ANY PROVISION HELD INVALID IS SEVERABLE FROM THE REMAINING PORTIONS OF THIS SECTION.

(21) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO EMPLOYER SHALL DISCHARGE, THREATEN TO DISCHARGE, INTIMIDATE, COERCE, OR RETALIATE AGAINST ANY EMPLOYEE BECAUSE OF THE EMPLOYEE'S MEMBERSHIP ON THE COMMISSION OR ATTENDANCE OR SCHEDULED ATTENDANCE AT ANY MEETING OF THE COMMISSION.

(22) NOTWITHSTANDING ANY OTHER PROVISION OF THIS CONSTITUTION, OR ANY PRIOR JUDICIAL DECISION, AS OF THE EFFECTIVE DATE OF THE CONSTITUTIONAL AMENDMENT ADDING THIS PROVISION, WHICH AMENDS ARTICLE IV, SECTIONS 1 THROUGH 6, ARTICLE V, SECTIONS 1, 2 AND 4, AND ARTICLE VI, SECTIONS 1 AND 4, INCLUDING THIS PROVISION, FOR PURPOSES OF INTERPRETING THIS CONSTITUTIONAL AMENDMENT THE PEOPLE DECLARE THAT THE POWERS GRANTED TO THE COMMISSION ARE LEGISLATIVE FUNCTIONS NOT SUBJECT TO THE CONTROL OR APPROVAL OF THE LEGISLATURE, AND ARE EXCLUSIVELY RESERVED TO THE COMMISSION. THE COMMISSION, AND ALL OF ITS RESPONSIBILITIES, OPERATIONS,

FUNCTIONS, CONTRACTORS, CONSULTANTS AND EMPLOYEES ARE NOT SUBJECT TO CHANGE, TRANSFER, REORGANIZATION, OR REASSIGNMENT, AND SHALL NOT BE ALTERED OR ABROGATED IN ANY MANNER WHATSOEVER, BY THE LEGISLATURE. NO OTHER BODY SHALL BE ESTABLISHED BY LAW TO PERFORM FUNCTIONS THAT ARE THE SAME OR SIMILAR TO THOSE GRANTED TO THE COMMISSION IN THIS SECTION.

A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.

Eligibility to membership.

No officers or employees of the federal, state or local governments, excepting notaries public and members of the armed forces reserve, shall be eligible for membership on the commission. Members of the commission shall not be eligible for election to the legislature until two years after the apportionment in which they participated becomes effective.

Appointment, term, vacancies.

The commission shall be appointed immediately after the adoption of this constitution and whenever apportionment or districting of the legislature is required by the provisions of this constitution. Members of the commission shall hold office until each apportionment or districting plan becomes effective. Vacancies shall be filled in the same manner as for original appointment.

Officers, rules of procedure, compensation, appropriation.

The secretary of state shall be secretary of the commission without vote, and in that capacity shall furnish, under the direction of the commission, all necessary technical services. The commission shall elect its own chairman, shall make its own rules of procedure, and shall receive compensation provided by law. The legislature shall appropriate funds to enable the commission to carry out its activities.

Call to convene; apportionment; public hearings.

Within 30 days after the adoption of this constitution, and after the official total population count of each federal decennial census of the state and its political subdivisions is available, the secretary of state shall issue a call convening the commission not less than 30 nor more than 45 days thereafter. The commission shall complete its work within 180 days after all necessary census information is available. The commission shall proceed to district and apportion the senate and house of representatives according to the provisions of this constitution. All final decisions shall require the concurrence of a majority of the members of the commission. The commission shall hold public hearings as may be provided by law.

Apportionment plan, publication; record of proceedings.

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

Disagreement of commission; submission of plans to supreme court.

If a majority of the commission cannot agree on a plan, each member of the commission, individually or jointly with other members, may submit a proposed plan to the supreme court. The supreme court shall determine which plan complies most accurately with the constitutional requirements and shall direct that it be adopted by the commission and published as provided in this section.

Jurisdiction of supreme court on elector's application.

Upon the application of any elector filed not later than 60 days after final publication of the plan, the supreme court, in the exercise of original jurisdiction, shall direct the secretary of state or the commission to perform their duties, may review any final plan adopted by the commission, and shall remand such plan to the commission for further action if it fails to comply with the requirements of this constitution.

Article V – Executive Branch

§ 1 Executive power.

Sec. 1. EXCEPT TO THE EXTENT LIMITED OR ABROGATED BY ARTICLE V, SECTION 2, OR ARTICLE IV, SECTION 6, the executive power is vested in the governor.

§ 2 Principal departments.

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and duties, except for the office of governor and lieutenant governor, and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

Organization of executive branch; assignment of functions; submission to legislature.

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full regular session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

EXEMPTION FOR INDEPENDENT CITIZENS REDISTRICTING COMMISSION FOR STATE LEGISLATIVE AND CONGRESSIONAL DISTRICTS.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS CONSTITUTION OR ANY PRIOR JUDICIAL DECISION, AS OF THE EFFECTIVE DATE OF THE CONSTITUTIONAL AMENDMENT ADDING THIS PROVISION, WHICH AMENDS ARTICLE IV, SECTIONS 1 THROUGH 6, ARTICLE V, SECTIONS 1, 2 AND 4, AND ARTICLE VI, SECTIONS 1 AND 4, INCLUDING THIS PROVISION, FOR PURPOSES OF INTERPRETING THIS CONSTITUTIONAL AMENDMENT THE PEOPLE DECLARE THAT THE POWERS GRANTED TO INDEPENDENT CITIZENS REDISTRICTING COMMISSION FOR STATE AND CONGRESSIONAL DISTRICTS (HEREINAFTER, "COMMISSION") ARE LEGISLATIVE FUNCTIONS NOT SUBJECT TO THE CONTROL OR APPROVAL OF THE GOVERNOR, AND ARE EXCLUSIVELY RESERVED TO THE COMMISSION. THE COMMISSION, AND ALL OF ITS RESPONSIBILITIES, OPERATIONS, FUNCTIONS, CONTRACTORS, CONSULTANTS AND EMPLOYEES ARE NOT SUBJECT TO CHANGE, TRANSFER, REORGANIZATION, OR REASSIGNMENT, AND SHALL NOT BE ALTERED OR ABROGATED IN ANY MANNER WHATSOEVER, BY THE GOVERNOR. NO OTHER BODY SHALL BE ESTABLISHED BY LAW TO PERFORM FUNCTIONS THAT ARE THE SAME OR SIMILAR TO THOSE GRANTED TO THE COMMISSION IN ARTICLE IV, SECTION 6.

§ 4 Commissions or agencies for less than 2 years.

Sec. 4. EXCEPT TO THE EXTENT LIMITED OR ABROGATED BY ARTICLE V, SECTION 2 OR ARTICLE IV, SECTION 6, temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Article VI – Judicial Branch

§ 1 Judicial power in court of justice; divisions.

Sec. 1. EXCEPT TO THE EXTENT LIMITED OR ABROGATED BY ARTICLE IV, SECTION 6, OR ARTICLE V, SECTION 2, the judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

§ 4 General superintending control over courts; writs; appellate jurisdiction.

Sec. 4. EXCEPT TO THE EXTENT LIMITED OR ABROGATED BY ARTICLE IV, SECTION 6, OR ARTICLE V, SECTION 2, the supreme court shall have general superintending control over all courts; power to issue, hear and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.

Provisions of existing Constitution altered or abrogated by the proposal if adopted.

Article IV – Legislative Branch

§1 Legislative power.

Sec. 1. The legislative power of the State of Michigan is vested in a senate and a house of representatives.

§ 2 Senators, number, term.

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

Senatorial districts, apportionment factors.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

Apportionment rules.

In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:

- (1) Counties with 13 or more apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. After each such county has been allocated one senator, the remaining senators to which this class of counties is entitled shall be distributed among such counties by the method of equal proportions applied to the apportionment factors.
- (2) Counties having less than 13 apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. Such counties shall thereafter be arranged into senatorial districts that are compact, convenient, and contiguous by land, as rectangular in shape as possible, and having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible, existing senatorial districts at the time of reapportionment shall not be altered unless there is a failure to comply with the above standards.
- (3) Counties entitled to two or more senators shall be divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.

§ 3 Representatives, number, term; contiguity of districts.

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Representative areas, single and multiple county.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

Apportionment of representatives to areas.

After the assignment of one representative to each of the representative areas, the remaining house seats shall be apportioned among the representative areas on the basis of population by the method of equal proportions.

Districting of single county area entitled to 2 or more representatives.

Any county comprising a representative area entitled to two or more representatives shall be divided into single member representative districts as follows:

- (1) The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the representative area by the number of representatives to which it is entitled.
- (2) Such single member districts shall follow city and township boundaries where applicable and shall be composed of compact and contiguous territory as nearly square in shape as possible.

Districting of multiple county representative areas.

Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population, adhering to county lines.

§ 4 Annexation or merger with a city.

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

§ 5 Island areas, contiguity.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

§ 6 Commission on legislative apportionment.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization:

- (1) the upper peninsula;
- (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana;
- (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale;
- (4) southeastern Michigan, the remaining counties of the state.

Eligibility to membership.

No officers or employees of the federal, state or local governments, excepting notaries public and members of the armed forces reserve, shall be eligible for membership on the commission. Members of the commission shall not be eligible for election to the legislature until two years after the apportionment in which they participated becomes effective.

Appointment, term, vacancies.

The commission shall be appointed immediately after the adoption of this constitution and whenever apportionment or districting of the legislature is required by the provisions of this constitution. Members of the commission shall hold office until each apportionment or districting plan becomes effective. Vacancies shall be filled in the same manner as for original appointment.

Officers, rules of procedure, compensation, appropriation.

The secretary of state shall be secretary of the commission without vote, and in that capacity shall furnish, under the direction of the commission, all necessary technical services. The commission shall elect its own chairman, shall make its own rules of procedure, and shall receive compensation provided by law. The legislature shall appropriate funds to enable the commission to carry out its activities.

Call to convene; apportionment; public hearings.

Within 30 days after the adoption of this constitution, and after the official total population count of each federal decennial census of the state and its political subdivisions is available, the secretary of state shall issue a call convening the commission not less than 30 nor more than 45 days thereafter. The commission shall complete its work within 180 days after all necessary census information is available. The commission shall proceed to district and apportion the senate and house of representatives according to the provisions of this constitution. All final decisions shall require the concurrence of a majority of the members of the commission. The commission shall hold public hearings as may be provided by law.

Apportionment plan, publication; record of proceedings.

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

Disagreement of commission; submission of plans to supreme court.

If a majority of the commission cannot agree on a plan, each member of the commission, individually or jointly with other members, may submit a proposed plan to the supreme court. The supreme court shall determine which plan complies most accurately with the constitutional requirements and shall direct that it be adopted by the commission and published as provided in this section.

Jurisdiction of supreme court on elector's application.

Upon the application of any elector filed not later than 60 days after final publication of the plan, the supreme court, in the exercise of original jurisdiction, shall direct the secretary of state or the commission to perform their duties, may review any final plan adopted by the commission, and shall remand such plan to the commission for further action if it fails to comply with the requirements of this constitution.

Article V – Executive Branch

§ 1 Executive power.

Sec. 1. The executive power is vested in the governor.

§ 2 Principal departments.

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and duties, except for the office of governor and lieutenant governor, and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

Organization of executive branch; assignment of functions; submission to legislature.

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full regular session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

§ 4 Commissions or agencies for less than 2 years.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Article VI – Judicial Branch

§ 1 Judicial power in court of justice; divisions.

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

§ 4 General superintending control over courts; writs; appellate jurisdiction.

Sec. 4. The supreme court shall have general superintending control over all courts; power to issue, hear and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.

REDISTRICTING COMMISSION SELECTION PROCESS

1 VOTERS APPLY

An open application is available to any registered Michigan voter, and the Secretary of State mails applications to a minimum of 10,000 randomly selected Michigan voters.

2 SoS COLLECTS & VERIFIES

The Secretary of State verifies that each application meets the necessary requirements and disqualifies elected officials, lobbyists, and other political influencers as specified in the Michigan Constitution.

3 APPLICATIONS ARE WEIGHTED

"Weighting" is a common statistical tool that allows random selection while helping the pool of applications match Michigan's geographic and demographic makeup as closely as possible.

4 200 APPLICATIONS ARE RANDOMLY SELECTED

Using the weighted applications, 200 applications are randomly selected. 50% are from the open application process, and 50% are from the randomly mailed invitation process.

5 STRIKING BY EACH PARTY

Majority and minority party leaders of the state legislature (4 total) are each given up to 5 "strikes" to remove any application they see as problematic. This is a maximum of 20 strikes out of 200.

6 APPLICATIONS ARE PUT IN POOLS

The remaining applications are split into three pools: Republican*, Democrat*, and Unaffiliated (applicants self-identify their political affiliation).

**Or the two political parties with the largest representation in the state legislature.*

7 13 APPLICATIONS ARE RANDOMLY CHOSEN

Applications are randomly chosen from each pool: 4 Republicans, 4 Democrats, and 5 Unaffiliated.



**A PROPOSED CONSTITUTIONAL AMENDMENT TO ESTABLISH A COMMISSION OF CITIZENS
WITH EXCLUSIVE AUTHORITY TO ADOPT DISTRICT BOUNDARIES FOR THE MICHIGAN
SENATE, MICHIGAN HOUSE OF REPRESENTATIVES AND U.S. CONGRESS, EVERY 10 YEARS**

This proposed constitutional amendment would:

- Create a commission of 13 registered voters randomly selected by the Secretary of State:
 - 4 each who self-identify as affiliated with the 2 major political parties; and
 - 5 who self-identify as unaffiliated with major political parties.
- Prohibit partisan officeholders and candidates, their employees, certain relatives, and lobbyists from serving as commissioners.
- Establish new redistricting criteria including geographically compact and contiguous districts of equal population, reflecting Michigan's diverse population and communities of interest. Districts shall not provide disproportionate advantage to political parties or candidates.
- Require an appropriation of funds for commission operations and commissioner compensation.

Should this proposal be adopted?

☐ YES

☐ NO



It's time **WE** draw the line!

APPLYING TO BE ON THE INDEPENDENT CITIZENS REDISTRICTING COMMISSION

- **2 Application Streams**
 - 10,000 invitations to apply are randomly sent to Michigan registered voters
 - Open application for all Michigan registered voters

WHO CAN SERVE ON THE COMMISSION?

- Any Michigan voter can serve **unless they were any of the following** in the past 6 years:
 - A **candidate or elected official** to a partisan political office
 - An officer or member of leadership of a **political party**
 - A paid **consultant** or employee of a politician, candidate, PAC or the legislature
 - A registered **lobbyist** or their employee
 - A parent, stepparent, child, stepchild, or spouse of any of the above

SELECTING THE COMMISSIONERS

- 200 finalists will be **randomly** selected from the applications:
 - 60 Republicans, 60 Democrats, and 80 who are not affiliated with either party
 - Half will come from applicants who responded to the random invitations
 - Finalists selected to **reflect the geographic/demographic makeup of Michigan**
 - Party leaders can strike a total of 20 applications from the 200 finalists
 - **13 Commissioners** are randomly selected from remaining finalists

MEMBERS OF THE COMMISSION

- 4 Republicans
- 4 Democrats
- 5 who are not affiliated with either of these major parties

DRAWING THE MAPS

- The Commission's process will be completely **transparent**
 - **15+ public hearings**
 - Maps and supporting data must be published
- The Commission **must follow a set of strict criteria** in their maps
 - Districts must be equal in population
 - Compliance with the Voting Rights Act
 - Districts must be single, unbroken shapes
 - Incorporate public feedback about **Michigan's communities**
 - Maps **cannot give an unfair advantage to any political party**
 - Maps cannot favor or disfavor any politician or candidate
 - Maps must take existing boundaries into account (cities, townships, etc)
 - Districts must be reasonably compact
- The Commission's budget and duties will be **constitutionally protected** from interference
- Final approval requires 7 votes (at least 2 Rep, 2 Dem, and 2 from neither major party)



NOTICE OF PUBLIC HEARING

RE: Public Hearing to consider an Industrial Development District- MINERALS TECHNOLOGIES INC.
(American Colloid Company)/Harvard Site

A Public Hearing will be held in the matter of establishing an Industrial Development District.

Legal Description:

Parcel Number: 51-001-791-05 (601 N. Albion Street)

A parcel of land being a part of the W 1/2 of Section 34, Town 2 South, Range 4 West, City of Albion, Calhoun County, Michigan, more particularly described as follows:

Commencing at the NW corner of said Section 34; thence S 00°15'27" W 2373.93 feet along the West line of said Section 34; thence S 89°44'33" E 2105.20 feet perpendicular to the West line of said Section 34 to the NE corner of Lot 20, "Industrial Park Subdivision No. 2"; thence N 16°17'04" E 7.08 feet to the SW'ly line of Austin Avenue; thence S 67°18'23" E 259.51 feet on said SW'ly line to the Point of Beginning; thence S 67°06'17" E 622.39 feet; thence S 02°45'18" W 598.65 feet; thence S 89°52'18" E 99.68 feet; thence S 89°32'45" E 447.0 feet; thence N 02°48'23" E 19.20 feet; thence S 86°40'46" E 219.70 feet; thence S 01°11'09" W 1219.58 feet on the West line of Albion Street to the Northerly line of Michigan Central Railroad right of way; thence N 73°41'09" W 2035.91 feet on said Northerly line; thence 363.06 feet along a curve to the left having a radius of 400.0 feet, delta 52°00'19", chord bears N 58°55'03" E 350.73 feet; thence N 33°16'37" E 139.0 feet; thence N 39°29'04" E 53.0 feet; thence 237.05 feet along a curve to the right having a radius of 425.0 feet, delta 31°57'26", chord bears N 59°41'23" E 233.99 feet; thence N 03°04'41" E 1030.06 feet to the Point of Beginning.

Contains 1,991,171 square feet or 45.711 acres of land, more or less. Subject to all easements and restrictions of record, if any.

Parcel Number: 51-001-791-20 (807 Austin Avenue)

BUILDINGS ON LEASED LAND: ALBION CITY, SEC 34 BEG INT OF S LINE AUSTIN AVE AND W LINE ALBION ST, S 1504.9 FT, N 73DEG 53MIN W 2076.5 FT, N 16DEG 30MIN E 1645.5 FT, S 67DEG 21MIN E TO POB. CONTAINING 66.65 ACRES M/L INCLUDING 7.55 ACRES FOR MCAULIFFE PARK: PROPERTY ADDRESS: 807 AUSTIN AVE PARCEL CODE OF LAND: 13-51-001-791-00 PARCEL CODE FOR PERSONAL PROPERTY: 13-51-100-108-00

Parcel Number: 51-001-791-06 (601 N. Albion Street)

A parcel of land being a part of the W 1/2 of Section 34, Town 2 South, Range 4 West, City of Albion, Calhoun County, Michigan, more particularly described as follows:

Commencing at the NW corner of said Section 34; thence S 00°15'27" W 2373.93 feet along the West line of said Section 34; thence S 89°44'33" E 2105.20 feet perpendicular to the West line of said Section 34 to the NE corner of Lot 20, "Industrial Park Subdivision No. 2"; thence N 16°17'04" E 7.08 feet to the SW'ly line of Austin Avenue; thence S 67°18'23" E 259.51 feet on said SW'ly line; thence S 03°04'41" W 412.13 feet to the Point of Beginning; thence continuing S 03°04'41" W 617.93 feet; thence 237.05 feet along a curve to the left having a radius of 425.0 feet, delta 31°57'26", chord bears S 59°41'23" W 233.99 feet; thence S 39°29'04" W 53.0 feet; thence S 33°16'37" W 139.0 feet; thence 363.06 feet along a curve to the right having a radius of 400.0 feet, delta 52°00'19", chord bears S 58°55'03" W 350.73 feet; thence N

73°41'09" W 41.81 feet to the Easterly line of "Industrial Park Subdivision No. 2"; thence N 16°34'41" E 1214.52 feet on said Easterly line; thence S 73°11'11" E 354.27 feet to the Point of Beginning. Contains 432,114 square feet or 9.920 acres of land, more or less. Subject to all easements and restrictions of record, if any.

The Public Hearing is scheduled at the City Council session on Monday, October 1st, 2018 at 7 p.m.

In the Albion City Council Chambers, 112 West Cass Street, Albion, MI 49224.

This notice is offered under the provisions of Act 198 of 1974 and as subsequently amended.

Jill Domingo
City Clerk
City of Albion



Minerals Technologies Inc.
622 Third Avenue
38th Floor
New York, NY 10017-6707

Date: September 14, 2018

Clerk for the City of Albion
112 W. Cass Street
Albion, Michigan 49224

Attention: Amy Deprez

Dear Ms. Deprez

American Colloid Company (ACC) a Delaware Company which is wholly-owned by Minerals Technologies Inc. (NYSE Symbol MTX). ACC wishes to invest up to \$8.7 million to re-build its existing Albion Facility. By this letter, we are requesting that the City of Albion establish a Industrial Development District encompassing the proposed site of the new plant. We are required to file this written request prior to any construction activities.

Background Information about the Company

American Colloid Company (ACC) a Delaware Company which is wholly-owned by Minerals Technologies Inc. (NYSE Symbol MTX) wishes to invest up to \$8.7 million to re-build its existing Albion Facility.

Since the 1970's, ACC has been operating a facility in the City of Albion on land now leased from the Calhoun County Land Bank, since the 1970s. ACC is proposing to invest up to \$8.7 million to re-build its Albion Facility on this site.

The company plans to acquire a parcel of land adjacent to the existing location for future development options at a cost of \$135,000, and to construct a completely new facility on the existing building site.

Information about the Albion Facility

The Albion, Michigan facility currently produces Greensand Bond (Additrol©) for the Metalcastings industry in the Michigan area. Additrol blends are customized for each foundry to provide the best technical solution for a myriad of mold properties and characteristics important to our foundry customers. A typical Additrol blend is composed of sodium and calcium bentonites, along with carbonaceous additives – mainly ground bituminous coal (referred to as "seacoal" in the industry), and FLOCARB (ground leonardite). Other additives are also included in smaller percentages to help with flowability and other critical properties, including CELLFLO, Cereal, and soda ash.

Foundries mix Additrol product with silica or other specialty sands to create molds for castings. MTI is the leader in providing a "one stop shop" blend that is specifically formulated for the types of castings being produced, as well as the type of equipment used to produce these castings. Our "mine to market" mentality and vertical integration

Request to City of Albion for Industrial Development District

of foundry grade clay supplies, coupled with our technical service, superior supply chain and logistics capabilities are seen as a competitive advantage in an industry where consistency and on time delivery is critical to our customer's productivity.

The Albion, Michigan facility is part of our Additrol network of 8 blending locations designed to serve the North American market. The plant typically ships to foundry customers located in Michigan and surrounding areas. MTI is the market leader in the U.S. greensand bond industry. The Albion, Michigan facility is close to large ferrous foundries in the Southern Michigan area has been a competitive advantage in terms of speed that enables us to keep delivery costs and inventory low. The competition has not been able to penetrate this geographic territory primarily due to MTI's key advantages in logistics just in time delivery, and customer service. Safe operations as well as reliability are crucial for MTI to protect our share and market leadership position in the industry.

Areas of the Albion plant show signs of deterioration and rust. The electrical distribution system at the Albion facility consists of 480V overhead distribution from the main service panel to the various areas of the plant, which is very old.

Location Information

The project will be located at 807 Austin Ave, Albion MI 49224 (a portion of 601 N, Albion Street larger parcel). The proposed industrial development district should include the following parcel numbers:

- Parcel 51-001-791-03 (Real Property Parcel, on leased land)
- Parcel 51-100-108-00 (Personal Property Parcel on leased land)
- Parcel 51-001-791-03 (Owned by Calhoun County Land Bank, 55.99 acre site that includes the above two parcels for real and personal property).

Legal Description

Parcel Number: 51-001-791-05 (601 N. Albion Street)

A parcel of land being a part of the W 1/2 of Section 34, Town 2 South, Range 4 West, City of Albion, Calhoun County, Michigan, more particularly described as follows:

Commencing at the NW corner of said Section 34; thence S 00°15'27" W 2373.93 feet along the West line of said Section 34; thence S 89°44'33" E 2105.20 feet perpendicular to the West line of said Section 34 to the NE corner of Lot 20, "Industrial Park Subdivision No. 2"; thence N 16°17'04" E 7.08 feet to the SW'ly line of Austin Avenue; thence S 67°18'23" E 259.51 feet on said SW'ly line to the Point of Beginning; thence S 67°06'17" E 622.39 feet; thence S 02°45'18" W 598.65 feet; thence S 89°52'18" E 99.68 feet; thence S 89°32'45" E 447.0 feet; thence N 02°48'23" E 19.20 feet; thence S 86°40'46" E 219.70 feet; thence S 01°11'09" W 1219.58 feet on the West line of Albion Street to the Northerly line of Michigan Central Railroad right of way; thence N 73°41'09" W 2035.91 feet on said Northerly line; thence 363.06 feet along a curve to the

Request to City of Albion for Industrial Development District

left having a radius of 400.0 feet, delta 52°00'19", chord bears N 58°55'03" E 350.73 feet; thence N 33°16'37" E 139.0 feet; thence N 39°29'04" E 53.0 feet; thence 237.05 feet along a curve to the right having a radius of 425.0 feet, delta 31 °57'26", chord bears N 59°41'23" E 233.99 feet; thence N 03°04'41" E 1030.06 feet to the Point of Beginning.

Contains 1,991,171 square feet or 45. 711 acres of land, more or less. Subject to all easements and restrictions of record, if any.

Parcel Number: 51-001-791-20 (807 Austin Avenue)

BUILDINGS ON LEASED LAND: ALBION CITY, SEC 34 BEG INT OF S LINE AUSTIN AVE AND W LINE ALBION ST, S 1504.9 FT, N 73DEG 53MIN W 2076.5 FT, N 16DEG 30MIN E 1645.5 FT, S 67DEG 21MIN E TO POB. CONTAINING 66.65 ACRES M/L INCLUDING 7.55 ACRES FOR MCAULIFFE PARK: PROPERTY ADDRESS: 807 AUSTIN AVE PARCEL CODE OF LAND: 13-51-001-791-00 PARCEL CODE FOR PERSONAL PROPERTY: 13-51-100-108-00

Parcel Number: 51-001-791-06 (601 N. Albion Street)

A parcel of land being a part of the W 1/2 of Section 34, Town 2 South, Range 4 West, City of Albion, Calhoun County, Michigan, more particularly described as follows:

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73°41'09" W 41.81 feet to the Easterly line of "Industrial Park Subdivision No. 2"; thence N 16°34'41" E 1214.52 feet on said Easterly line; thence S 73°11'11" E 354.27 feet to the Point of Beginning.

Contains 432,114 square feet or 9.920 acres of land, more or less. Subject to all easements and restrictions of record, if any.

Description of Project

ACC proposes to invest approximately \$8.9 million to rebuild the Albion facility, on the same site of the existing facility. The project's aim would be to strengthen Albion's competitive position to be able to serve both base and new customers, and to improve the safety and reliability of its operations.

The project proposes the construction of a 25 tons per hour Additrol blending facility, as well as enhancing controls over manufacturing by-products and combustible dust. The project cost includes the demolition of the existing facility and additional infrastructure requirements needed to facilitate the new facility for continuing operations within local,

Request to City of Albion for Industrial Development District

state, federal, and internal EHS standards, ensuring our ability to continually supply foundries in the Michigan area and maintain the logistics in the Michigan area.

The list of estimated project costs is shown below:

Rebuilding Capital Cost Estimates Plus Land Purchase	
	Cost
New Silo and Blender	4.400 M
Instrumentation and Electrical	1.400 M
Demolition of existing facility	1.000 M
Engineering and Project Management	0.800 M
Freight	0.070M
Total	7.670 M
Contingency (approx 12%)	1.000 M
Total Cost to Re-build (w/contingency)	8.700 M
Cost to purchase land from Calhoun Land Bank	0.135M
Total Investment	8.835M

There are currently 11 employees at the Albion facility. The re-built facility is expected to retain all current employees.

Alternatives to Albion Investment

ACC has a facility in Archibold Ohio, which would be used to perform many of the functions currently occurring at Albion. Michigan is a strategic location to the U.S. foundry industry, and ACC prefers to invest in the City of Albion. Customer feedback about a potential rebuild of Albion has been very positive.

Project Timing

We have estimated that all required permitting and approvals can be obtained between now and early January, 2019. Construction is estimated to begin in April 2019, with a targeted completion date of November 2019.

Additional Comments

As mentioned above, ACC plans to purchase 51-001-791-03 from Calhoun Land Bank for an estimated price of \$135,000, which is adjacent to the existing Albion facility land.

Closing Comments

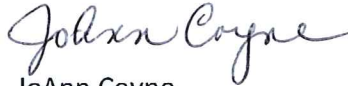
We are excited about our business prospects if the Albion facility can be rebuilt. This written request to the City of Albion to establish Industrial Development District is evidence of our enthusiasm for this project. We hope the City of Albion shares this excitement with us.

Request to City of Albion for Industrial Development District

We have asked Derrick Jones, the Director of our U.S. Specialty Plants, to travel from Belle Fouché South Dakota to attend the City Council meeting which would have our request on the City Council agenda – our hope is that this request can be placed on the agenda for the next City Council meeting, which is scheduled for October 1, 2018.

Please do not hesitate to contact me if you have any questions. My contact information is shown below.

Sincerely



JoAnn Coyne

Vice President

Metalcasting & Basic Minerals Division

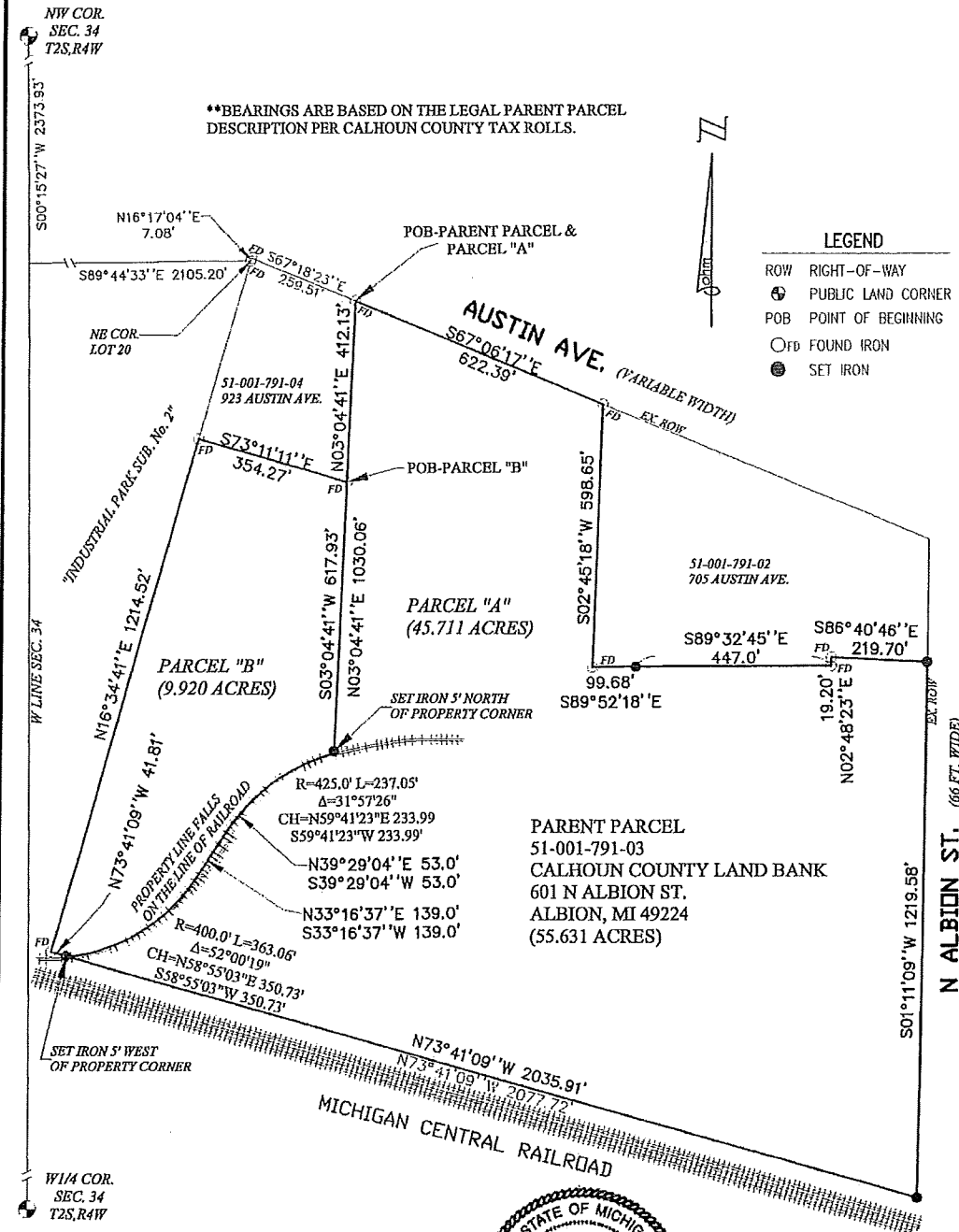
35 Highland Avenue | Bethlehem | PA | 18017

Office: 484-403-7938

Cell: 484-934-7081

Email: joann.coyne@mineralstech.com

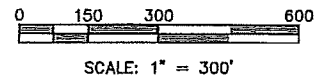
CERTIFICATE OF SURVEY



We hereby certify that we have surveyed and mapped the land above platted and/or described on June 20, 2018, and that the ratio of closure on the unadjusted field observations of such survey was 1/5000 or greater, and that all of the requirements of P.A. 132 of 1970, as amended, have been complied with.

OHM Advisors

Andrew W. Schripsema
Andrew W. Schripsema, P.S.
Michigan Professional Surveyor No. 55483



CERTIFICATE OF SURVEY PART OF THE W 1/2 OF SECTION 34 T.2S., R.4W., CITY OF ALBION, CALHOUN COUNTY PARCEL ID# 51-001-791-03		SCALE 1" = 300' SHEET 1 OF 3	
DATE: 06-27-18	CLIENT: CITY OF ALBION	JOB #: 0524-18-0010	
34000 Plymouth Road Livonia, MI 48150 P (734) 522-6711 F (734) 522-6427 WWW.OHM-ADVISORS.COM <small>Copyright 2018 OHM All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, without prior written consent of OHM.</small>			

CERTIFICATE OF SURVEY

PARENT PARCEL DESCRIPTION (51-001-791-03) (PER CALHOUN COUNTY TAX ROLLS)

A parcel of land being a part of the W 1/2 of Section 34, Town 2 South, Range 4 West, City of Albion, Calhoun County, Michigan, more particularly described as follows:

Commencing at the NW corner of said Section 34; thence S 00°15'27" W 2372.93 feet (recorded as 2373.29 feet) along the West line of said Section 34; thence S 89°44'33" E 2105.20 feet (recorded as 2105.40 feet) perpendicular to the West line of said Section 34 to the NE corner of Lot 20, "Industrial Park Subdivision No. 2"; thence N 16°17'04" E 7.08 feet (recorded as N 16°34'45" E 7.04 feet) to the SW'ly line of Austin Avenue; thence S 67°18'23" E 259.51 (recorded as S 67°22'39" E 259.61 feet) on said SW'ly line to the Point of Beginning; thence S 67°06'17" E 622.39 feet (recorded as S 67°22'39" E 620.97 feet); thence S 02°45'18" W 598.65 feet (recorded as S 02°43'07" W 601.71 feet); thence S 89°52'18" E (recorded as S 89°54'29" E) 99.68 feet; thence S 89°32'45" E 447.0 feet (recorded as S 89°27'58" E 446.78 feet); thence N 02°48'23" E 19.20 feet (recorded as N 01°51'35" E 19.30 feet); thence S 86°40'46" E (recorded as S 87°37'34" E) 219.70 feet; thence S 01°11'09" W (recorded as S 01°08'00" W) 1219.58 feet on the West line of Albion Street to the Northerly line of Michigan Central Railroad right of way; thence N 73°41'09" W (recorded as N 73°47'31" W) 2077.72 feet on said Northerly line to the Easterly line of "Industrial Park Subdivision No. 2"; thence N 16°34'41" E 1214.52 feet (recorded as N 16°34'45" E 1213.54 feet) on said Easterly line; thence S 73°11'11" E 354.27 feet (recorded as S 73°31'39" E 354.25 feet); thence N 03°04'41" E 412.13 feet (recorded as N 02°41'28" E 412.03) feet to the NE corner of said Lot 20 to the Point of Beginning.

Contains 2,423,285 square feet or 55.631 acres of land, more or less. Subject to all easements and restrictions of record, if any.

SECTION CORNER WITNESSES

NORTHWEST CORNER SECTION 34, T2S,R4W (G-11)
BERNTSEN MONUMENT IN MONUMENT BOX.

-N35°E 45.45' NAIL & TAG IN 24" CHERRY
-N30°E 91.10' NAIL & TAG IN UTILITY POLE
-N35°W 35.18' NAIL&TAG IN 38" BURR OAK
-S25°E 80.50' NAIL&TAG IN UTILITY POLE

WEST 1/4 CORNER SECTION 34, T2S,R4W (G-12)
HARRISON MONUMENT IN MONUMENT BOX.

-56 FEET SOUTH OF THE INTERSECTION OF STREETS IN PLAT
-N70°E 40.47' NAIL & TAG IN UTILITY POLE
-EAST 112.10' NAIL&TAG IN UTILITY POLE
-N40°W 169.50' NAIL&TAG IN 18" TWIN CHERRY

CERTIFICATE OF SURVEY		SCALE 1"=100'
PART OF THE W 1/2 OF SECTION 34 T.2S., R.4W., CITY OF ALBION, CALHOUN COUNTY PARCEL 10# 51-001-791-03		SHEET 2 OF 2
DATE: 06-27-18	CLIENT: CITY OF ALBION	JOB # 0524-18-0010
34000 Plymouth Road Livonia, MI 48150 P (734) 622-6711 F (734) 622-6427 WWW.OHM-ADVISORS.COM		
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CERTIFICATE OF SURVEY

PARCEL "A" DESCRIPTION

A parcel of land being a part of the W 1/2 of Section 34, Town 2 South, Range 4 West, City of Albion, Calhoun County, Michigan, more particularly described as follows:

Commencing at the NW corner of said Section 34; thence S 00°15'27" W 2373.93 feet along the West line of said Section 34; thence S 89°44'33" E 2105.20 feet perpendicular to the West line of said Section 34 to the NE corner of Lot 20, "Industrial Park Subdivision No. 2"; thence N 16°17'04" E 7.08 feet to the SW'ly line of Austin Avenue; thence S 67°18'23" E 259.51 feet on said SW'ly line to the Point of Beginning; thence S 67°06'17" E 622.39 feet; thence S 02°45'18" W 598.65 feet; thence S 89°52'18" E 99.68 feet; thence S 89°32'45" E 447.0 feet; thence N 02°48'23" E 19.20 feet; thence S 86°40'46" E 219.70 feet; thence S 01°11'09" W 1219.58 feet on the West line of Albion Street to the Northerly line of Michigan Central Railroad right of way; thence N 73°41'09" W 2035.91 feet on said Northerly line; thence 363.06 feet along a curve to the left having a radius of 400.0 feet, delta 52°00'19", chord bears N 58°55'03" E 350.73 feet; thence N 33°16'37" E 139.0 feet; thence N 39°29'04" E 53.0 feet; thence 237.05 feet along a curve to the right having a radius of 425.0 feet, delta 31°57'26", chord bears N 59°41'23" E 233.99 feet; thence N 03°04'41" E 1030.06 feet to the Point of Beginning.

Contains 1,991,171 square feet or 45.711 acres of land, more or less. Subject to all easements and restrictions of record, if any.

PARCEL "B" DESCRIPTION

A parcel of land being a part of the W 1/2 of Section 34, Town 2 South, Range 4 West, City of Albion, Calhoun County, Michigan, more particularly described as follows:

Commencing at the NW corner of said Section 34; thence S 00°15'27" W 2373.93 feet along the West line of said Section 34; thence S 89°44'33" E 2105.20 feet perpendicular to the West line of said Section 34 to the NE corner of Lot 20, "Industrial Park Subdivision No. 2"; thence N 16°17'04" E 7.08 feet to the SW'ly line of Austin Avenue; thence S 67°18'23" E 259.51 feet on said SW'ly line; thence S 03°04'41" W 412.13 feet to the Point of Beginning; thence continuing S 03°04'41" W 617.93 feet; thence 237.05 feet along a curve to the left having a radius of 425.0 feet, delta 31°57'26", chord bears S 59°41'23" W 233.99 feet; thence S 39°29'04" W 53.0 feet; thence S 33°16'37" W 139.0 feet; thence 363.06 feet along a curve to the right having a radius of 400.0 feet, delta 52°00'19", chord bears S 58°55'03" W 350.73 feet; thence N 73°41'09" W 41.81 feet to the Easterly line of "Industrial Park Subdivision No. 2"; thence N 16°34'41" E 1214.52 feet on said Easterly line; thence S 73°11'11" E 354.27 feet to the Point of Beginning.

Contains 432,114 square feet or 9.920 acres of land, more or less. Subject to all easements and restrictions of record, if any.

CERTIFICATE OF SURVEY		SCALE
PART OF THE W 1/2 OF SECTION 34		1"=100'
T.2S., R.4W., CITY OF ALBION, CALHOUN COUNTY		SHEET
PARCEL ID# 51-001-791-03		3
DATE:	CLIENT:	OF 3
06-27-18	CITY OF ALBION	
34000 Plymouth Road Livonia, MI 48150 P (734) 522-6711 F (734) 522-6427 WWW.OHM-ADVISORS.COM		
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Albion-Blending Plant

Upgrade and re-side warehouse

Take existing plant to grade and pave

Refurbish

Demo

Refurbish

Truck Load

Blending Plant

"New" Plant

Property to be acquired

Albion-Blending Plant

Upgrade and re-side warehouse

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Blending Plant

"New" Plant

Property to be acquired

City of Albion
Study Session
September 15, 2018 Minutes

I. CALL TO ORDER

Mayor Brown called the meeting to order at 8:15 a.m.

II. ROLL CALL

PRESENT:

Maurice Barnes (1), Lenn Reid (2), Sonya Brown (3), Marcola Lawler (4), Jeanette Spicer (5) and Andrew French (6) and Mayor Brown.

STAFF PRESENT:

Scott Kipp, Interim City Manager, Cullen Harkness, City Attorney and Jill Domingo, City Clerk.

III. ITEMS FOR INDIVIDUAL DISCUSSION

A. Interviews of Candidates for Position of City Manager

Jaymes Vettraino, GovHR Consultant gave a brief overview of the Interview process and provided Council with community member comments received from the Meet and Greet held on Friday, September 14th, 2018.

- LaTonya Rufus

Mayor and Council Members alternated asking scripted questions provided by Consultant Jaymes Vettraino, GovHR. If time allowed, additional non-scripted questions were asked by Mayor and Council.

Comments were received from Council Members Barnes and Lawler and Mayor Brown.

Mayor Brown recessed the Study Session at 9:12 A.M. and reconvened the Study Session at 9:20 A.M.

- Jeffrey D. Watson

Mayor and Council Members alternated asking scripted questions provided by Consultant Jaymes Vettraino, GovHR. If time allowed, additional non-scripted questions were asked by Mayor and Council.

Comments were received from Council Members Barnes, Lawler and Spicer and Mayor Brown.

Mayor Brown recessed the Study Session at 10:05 A.M. and reconvened the Study Session at 10:15 A.M.

- Meagan Duffy

Mayor and Council Members alternated asking scripted questions provided by Consultant Jaymes Vettraino, GovHR. If time allowed, additional non-scripted questions were asked by Mayor and Council.

Comments were received from Council Members Barnes, Spicer, Lawler and French; Mayor Brown and Consultant Jaymes Vettraino, GovHR.

Mayor Brown recessed the Study Session at 10:55 A.M. and reconvened the Study Session at 11:05 A.M.

Comments were received from Council Members

- Patrick Reagan

Mayor and Council Members alternated asking scripted questions provided by Consultant Jaymes Vettraino, GovHR. If time allowed, additional non-scripted questions were asked by Mayor and Council.

Comments were received from Council Members Brown, Barnes, French, Lawler and Spicer and Mayor Brown.

Mayor Brown recessed the Study Session at 12:10 P.M. and reconvened the Study Session at 12:13 P.M.

Jaymes Vettraino, GovHR Consultant suggested to the Council an open debate regarding the candidates or to communicate which candidate they preferred up front.

Each Council Member wrote down their preference and Jaymes Vettraino, GovHR Consultant read the results. They were as follows:

Council Member Barnes-Requested a new pool of candidates
Council Member Reid-Patrick Reagan
Council Member Brown-LaTonya Rufus
Council Member Lawler-LaTonya Rufus
Council Member Spicer-LaTonya Rufus
Council Member French-Patrick Reagan
Mayor Brown-LaTonya Rufus

IV. 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 Jaymes Vettraino, GovHR Consultant thanked the Mayor and Council and city staff for helping in the process. He has completed his part of the search, however if Council needed additional help he would be willing to do so.

Mayor Brown thanked Jaymes Vettraino, GovHR Consultant for all his work on the City Manager search and felt it was a complete and competent process.

V. ADJOURNMENT

Barnes moved, Spicer supported, CARRIED, to ADJOURN Study Session. (7-0, vv).

Mayor Brown adjourned the Study Session at 12:25 p.m.

Date

Jill Domingo
City Clerk

City of Albion
Council Session Minutes
September 17, 2018

I. CALL TO ORDER

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

II. MOMENT OF SILENCE TO BE OBSERVED

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

PRESENT: Maurice Barnes (1), Lenn Reid (2), Sonya Brown (3), Marcola Lawler (4), Jeanette Spicer (5), Andrew French (6) and Mayor Brown.

ABSENT: All members were present.

STAFF PRESENT:

Scott Kipp, Interim City Manager; Cullen Harkness, City Attorney, Jill Domingo, City Clerk; Jim Lenardson, Director Public Services; Tom Mead, Finance Director and John Tracy, Director Planning, Building & Code Enforcement.

V. PRESENTATIONS

A. Certificate of Appreciation for Harry Longon Retirement

Mayor Brown read aloud the Certificate of Appreciation for Harry Longon Retirement and presented to Harry Longon.

Comments were received from Harry Longon and Mayor Brown.

B. 2018 Arbor Day Proclamation

Mayor Brown read aloud the 2018 Arbor Day Proclamation and proclaimed April 27, 2018 as Arbor Day in the City of Albion.

VI. PUBLIC HEARINGS-None

- VII. PUBLIC Comments (Persons addressing the City Council shall limit their comments to agenda items and to no more than three (3) minutes. Proper decorum is required.)

Comments were received from Al Smith, 1209 Adams St and Dave Atchison, 108 W. Erie St.

- VIII. CONSENT CALENDAR (vv) (Items on Consent Calendar are voted on as one unit)

- A. Approval Regular Session Minutes, September 4, 2018

French moved, Lawler supported, CARRIED, to Approve Consent Calendar as presented. (7-0, vv)

- IX. ITEMS FOR INDIVIDUAL DISCUSSION

- A. Discussion/Approval of Conditional Offer of Employment for the City Manager Position

Council Member Lawler moved to Approve Conditional Offer of Employment to Patrick Reagan for the City Manager Position.

Comments were received from Council Members French, Lawler, Barnes, Reid, Brown and Spicer; Mayor Brown and City Attorney Harkness.

Council Member French moved to Call the Question.

French moved, Barnes supported, CARRIED, to Call the Question. (7-0, vv)

Lawler moved, French supported, **FAILED**, to Approve Conditional Offer of Employment to Patrick Reagan for the City Manager Position. (3-4, rcv) (Brown, Lawler, Spicer & Mayor Brown dissenting).

Council Member Brown moved to Approve Conditional Offer of Employment to LaTonya Rufus for the City Manager Position.

Comments were received from Council Members Brown and Barnes and Mayor Brown.

Council Member Brown asked for Point of Order for Council Member Barnes being off-topic to the motion on the table.

Council Member Barnes agreed to keep refrain from comments that were off-topic to the motion.

Council Member Brown again asked for Point of Order for Council Member Barnes being off-topic to the motion on the table and making disparaging remarks.

Mayor Brown ruled in favor of Council Member Brown and asked Council Member Barnes to remain on topic to the motion on the table of offering employment to LaTonya Rufus.

Council Member Barnes appealed the Mayor's ruling.

Council voted 4-3, rcv (Barnes, Reid, French dissenting) to uphold the Mayor's ruling.

Council Member Brown asked to restrict Council Member Barnes comments.

Council voted 4-3, rcv (Barnes, Reid, French dissenting) to restrict Council Member Barnes comments.

Brown moved, Spicer supported, CARRIED, To Approve Conditional Offer of Employment to LaTonya Rufus for the City Manager Position. (6-1, rcv) (Barnes dissenting).

B. Request Approval to Discuss City Attorney Legal Opinion

Comments were received from Council Members Barnes and Brown; Mayor Brown and City Attorney Harkness.

Brown moved, Spicer supported, CARRIED, To Approve Discussion of City Attorney Legal Opinion as presented. (7-0, rcv)

C. Request Approval Resolution # 2018-20, A Resolution Authorizing the Sale of Beer and Wine from 7:00 AM to 12:00 PM on Sundays

Comments were received from Council Member Brown, Interim City Manager Kipp and City Attorney Harkness.

French moved, Lawler supported, CARRIED, To Approve Resolution # 2018-20, A Resolution Authorizing the Sale of Beer and Wine from 7:00 AM to 12:00 PM on Sundays as presented. (6-1, rcv) (Reid dissenting).

D. Request Approval Resolution # 2018-21, To Approve the Initial Payment, Installment Purchase Agreement and Set Date for Annual Payment for Vactor Truck

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

French moved, Lawler supported, CARRIED, to Approve Resolution # 2018-21, To Approve the Initial Payment, Installment Purchase Agreement and Set Date for Annual Payment for Vactor Truck as presented. (7-0, rcv)

E. Discussion/Approval City Attorney Contract

Comments were received from City Attorney Harkness and Mayor Brown.

French moved, Brown supported, CARRIED, to Approve City Attorney Contract as presented. (7-0, rcv)

F. Request Approval of Ash Street Parking Lot Project with an Additional \$ 28,656.50 Cost to the City

Comments were received from Council Members Brown and French; Mayor Brown; Interim City Manager Kipp and Director of Public Services Lenardson.

French moved, Barnes supported, CARRIED, to Approve Ash Street Parking Lot Project with an Additional Cost to the City as presented. (6-1, rcv) (Brown dissenting).

G. Discussion/Approval for Repair or Replacement of City Hall Boiler

Comments were received from Council Members French, Lawler and Spicer; Interim City Manager Kipp; Director of Public Services Lenardson and Finance Director Mead.

Barnes moved, Brown supported, to Approve Replacement Cost of City Hall Boiler System. (7-0, rcv)

X. Future Agenda Items

The following items were requested for the next agenda:

- Council Member Brown asked for discussion/approval for property adjacent to 409 W. Ash St.
- Council Member Barnes asked for an update on demolition of 608 Austin Avenue
- Council Member French asked for approval of amended Council Rules & Procedures
- City Attorney Harkness asked for discussion on ethics ordinance

- Mayor Brown asked for a resolution supporting Proposals # 2 & 3 for the November 6, 2018 General Election

***Council Member Reid announced the Employee Picnic will be held on Friday, September 28th, 2018 from noon to 3:00 pm at Victory Park*

XI. Motion to Excuse Absent Council Member (s)

No action was necessary as all members were present.

XII. 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 LaToya Johnson, 608 S. Dalrymple St; Mike Bearman, 11016 29 Mile Rd; Rob Reed, 414 Allen Place; Christina Estrada, 600 S. Dalrymple St.

Council Member Barnes asked for Point of Order that some public comments received pertained to complaints regarding Albion Housing which Council has no authority.

Mayor Brown overruled Council Member Barnes point of order stating this time was for public comment on any topic.

Council Member Barnes asked for a motion to appeal Mayor Brown's decision.

Barnes moved, no second, FAILED, to appeal Mayor Brown's decision on Council Member Barnes Point of Order.

Public Comments continued with comments received from Lonnie Brewer, 1200 Hillside Rd; Quiana Davis, 603 E. Broadwell; Cindy Stanczak, Albion District Library Manager; Eric Worley, President Greater Albion Chamber of Commerce & Visitors Bureau and Eric Tobin, 409 W. Ash St.

XIII. CITY MANAGER REPORT-None

XIV. MAYOR AND COUNCIL MEMBER'S COMMENTS

Comments were received from Council Members Barnes, Brown, Lawler and Spicer and Mayor Brown.

***Council Member Lawler asked to be excused. She left at 9:05 p.m.*

XV. ADJOURNMENT

Brown moved, Spicer supported, CARRIED, to adjourn the regular session. (6-0, vv)

Mayor Brown adjourned the Regular Session at 9:07 p.m.

Date

Jill Domingo
City Clerk

City of Albion
Special Council Session Minutes
September 24, 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: Maurice Barnes (1), Lenn Reid (2), Sonya Brown (3), Jeanette Spicer (5), Andrew French (6) and Mayor Brown.

ABSENT: Marcola Lawler (4).

STAFF PRESENT:

Scott Kipp, Interim City Manager, Cullen Harkness, City Attorney (via phone), and Haley Snyder, City Deputy Clerk/Treasurer.

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

No comments were received.

VI. ITEMS FOR INDIVIDUAL DISCUSSION

A. Approve Negotiation Sub-Committee

French moved, Spicer supported to discuss the negotiation sub-committee.
(5-0, vv)

Brown moved, French supported, to amend the motion to approve the negotiation sub-committee to include Council Member Brown, French, and Mayor Brown with the initial meeting scheduled for Thursday, September 27th.
(5-0, rcv)

Comments were received from Council Members Reid, Brown, Spicer, and French; Mayor Brown and City Attorney Harkness.

VII. Motion to Excuse Absent Council Member (s)

French moved, Brown supported to excuse Council Member Lawler. (5-0, vv)

VIII. 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 Leveda Weeks, 917 Luther Drive.

IX. MAYOR AND COUNCIL MEMBER COMMENTS

Comments were received from Council Member French.

X. ADJOURNMENT

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

Mayor Brown adjourned the Special Session at 7:30 p.m.

Date

Haley Snyder
Deputy Clerk/Treasurer

CITY OF ALBION ORDINANCE 2018-08

AN ORDINANCE TO PROVIDE A PROCESS FOR THE SALE OF SURPLUS REAL PROPERTY AND TO CREATE SECTION 1-28 OF THE ALBION CODE OF ORDINANCES

FINDINGS AND PURPOSE: The Albion City Council recognizes that the citizens of Albion are entitled to have fair, ethical, and accountable local government that has earned the public's full confidence for integrity. The Albion City Council further recognizes that the effective functioning of democratic government requires that public officials comply with all aspects of the law affecting the operations of government, be impartial and fair in their judgment and actions, use the public office for public good, and conduct process openly in an atmosphere of respect and civility. To that end, it is recommended that the City of Albion adopted the following ethics ordinance.

THAT THE CODE OF ORDINANCES, CITY OF ALBION, MICHIGAN, IS HEREBY AMENDED BY ADDING SECTION 1-28, WHICH READS AS FOLLOWS:

Section 1:

CHAPTER 1, SECTION 1-28: ETHICS

1-28:

- A. **Acting in the Public Interest:** Members of the City Council will work for the common good of the people of Albion and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims, and transactions coming before the Albion City Council.
- B. **Compliance with the Law:** Members of the City Council shall comply with the laws of the United States, the State of Michigan, and the City of Albion in the performance of their public duties.
- C. **Respect for Process:** The City Council shall perform their duties in accordance with the processes and rules of order established by the City Council which govern the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by the City Staff.
- D. **Preparation for Public Meetings:** Members of the City Council shall prepare themselves for council meetings and public issues.
- E. **Full Disclosure:** A City Council member, in the performance of their public duties, shall not act upon any matter in which they have a direct or indirect

financial interest, or where they have a legal or fiduciary duty to another organization or entity or personal relationship that may give the appearance of a conflict of interest, without disclosing the full nature and extent of the interest to the other members of the City Council at a public meeting. Such disclosure shall be made before the time to perform their duty.

- F. **Confidential Information**: City Council members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither divulge to an unauthorized person confidential information acquired in the course of their duties in advance of the time prescribed for its authorized release to the public without proper legal authorization, nor use such information to advance their personal, financial or other private interests.
- G. **Public Resources**: Public resources, including city staff time, equipment, supplies, and facilities, not available to the public in general shall not be used for the benefit of the public and not for a council member's personal or private use.
- H. **Representation of Private Interests**: A City Council member shall represent the official policies or positions of the City Council to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, City Council members shall neither state nor imply that they represent the opinions or positions of the City Council of the City of Albion.
- I. **Policy Role of Council**: Members of the City Council shall respect and adhere to the Council-manager City of Albion form of government as provided in the City of Albion Charter. Members of the City Council shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement City Council policy decisions.
- J. **Independence of Boards and Commissions**: Members of the City council shall, except when the council member is a member of the subordinate public body, limit their participation in the proceedings of subordinate boards, committees, and commissions to the communication of requested information and providing factual information relevant to the discussion at hand and shall not otherwise attempt to unduly influence the deliberations or outcomes of the proceedings.
- K. **Positive Workplace**: Under no circumstances shall a member of the City Council, either in public or private, intimidate, humiliate, or otherwise abuse a City employee.
- L. **Continuing Training**: A biennial workshop shall be held after the general election in every odd numbered year not later than 60 days after the general

election for training to be provided by the city attorney, the Michigan Municipal League or similar entity, or any other entity or group retained by the city regarding the role and duties of the council members and the requirements of this ordinance. Unless excused by a majority vote of the remaining council member, all council members shall attend this workshop, or a make-up session as soon as may be practicably scheduled.

M. **Affirmation**: At the first meeting immediately following a general election, newly elected council members and the mayor shall sign an affirmation shall sign a statement affirming that they have read and understood this ordinance. In the event of the appointment of councilperson or mayor to a partial term, said affirmation shall be signed at the next regularly scheduled meeting of the council.

N. **Enforcement and Penalties**: All City Councilmembers and the Mayor shall have the primary responsibility to assure that they understand and meet the standards set forth in this ordinance and that the public can continue to have full confidence in the integrity of government. The disciplinary procedure shall be as follows:

- i. A councilmember shall intervene when the council member learns of actions of another council member that appear in violation of this ordinance. Upon acquiring reasonable suspicion of a violation of this ordinance, a council member may request that the mayor meet personally with the council member to notify them of the suspected misconduct and attempt to resolve the issue. In the event the Mayor is suspected of violating this ordinance, said meeting may be held with any two members of council.
- ii. In the event the meeting as described in subsection (N)(i) does not satisfactorily resolve the issue, or in the event the suspected council member has repeatedly violated this ordinance, or if the violation is viewed to be especially serious, any three council members may call for a public hearing before council to determine whether the alleged violation has occurred, and if so, what sanctions, if any should be imposed. Said public hearing shall occur within 30 days of the date of the alleged violation.
- iii. If it has been determined to hold a public hearing as provided in subsection (N)(ii), all council members shall be provided with a written summary of the facts giving rise to the alleged violation at least 10 days prior to the public hearing.
- iv. City staff required to participate in the public hearing, including but not limited to the city attorney and city clerk, shall not be

subject to any discipline, sanction, or any other adverse action whatsoever as a result of the performance of their duties as required by this ordinance.

- v. The mayor, or if the mayor is the subject of the alleged violation, the mayor pro tem, shall preside over the public hearing.
- vi. The presiding council member may determine whether the evidence presented against the council member, or in defense of the council member, is relevant to the allegation(s) against the council member and may preclude its consideration. The presiding council member shall seek guidance from the city attorney regarding hearing procedural and evidentiary issues.
- vii. Witnesses shall be sworn by the city clerk or the clerk's designee is the designee is legally authorized to administer oaths.
- viii. The council as a body, and the accused council member, may each be entitled to have an attorney present at the hearing for consultation. However, there shall be no right for attorneys to make opening or closing statements, questions witnesses, present evidence, or offer arguments.
- ix. The rules of evidence and civil procedure shall not apply to public hearings held under this ordinance.
- x. Any member of council may ask questions of witnesses.
- xi. The accused council member may present witnesses in their defense after the presiding council member has presented all evidence supporting a violation. The accused council member shall be provided 10 minutes to provide closing comments at the conclusion of evidence.
- xii. At the conclusion of the presentation of evidence or the closing comments of the accused council member, whichever is later, council members, excluding the accused council member, shall vote to determine whether or not there is a violation by a 3/5 vote.
- xiii. The council may impose sanctions on a council member who violates this article. After a majority vote finding a violation of this article, a second majority vote shall determine what sanctions, if any, shall be imposed.
- xiv. Sanctions may include reprimand, formal censure, a civil fine, loss of committee assignment, restrictions on budget or travel,

and a request to the governor for removal from office in the manner and for the causes provided by law.

xv. Sanctions shall be imposed based upon the perceived severity level of the violation, with the following guidance:

1. For a level 1 violation, penalty options include a verbal reprimand, a civil fine not to exceed \$100.00, or an additional and/or greater sanction as may be determined by a majority vote of council. A violation of the following subsections of section 1-28 shall minimally result in a level 1 violation: A, C, D, E, K, or L;
2. For a Level 2 violation, penalty options shall include censure, which shall be defined as a formal council resolution for specified conduct, a civil fine not to exceed \$500.00 and/or a greater sanction as may be determined appropriate by the majority of council. A violation of the following subsections of section 1-28 shall minimally result in a level 2 violation: B, F, G, H, I, J;
3. For a level 3 violation, the penalty options shall include censure, a civil fine not to exceed \$500.00, and/or a request to the governor for removal. A third level 1 violation, or a second level 2 violation within 6 months of a prior violation found by the council.

O. **Appellate Review.** If ordered to pay a civil penalty, an appeal may be taken in the form of a trial de novo in the 10th District Court for the County of Calhoun, which shall hear the case in accordance with the Michigan Court Rules. This appeal must be taken within 21 days of the decision by the City Council. If a council member is disciplined or removed from office that council member may seek any other available remedies which exists at law or in equity.

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 November 24, 2018 after publication.

First Reading:
October 1, 2018

Ayes _____
Nays _____
Absent _____

Jill Domingo,
City Clerk

Second Reading & Adoption:
October 24, 2018

Ayes _____
Nays _____
Absent _____

Garrett Brown,
Mayor

Resolution #2018-22

A RESOLUTION SUPPORTING NOVEMBER 2018 BALLOT PROPOSAL 2

WHEREAS, the citizens of Michigan deserve a fair, fully transparent, and impartial process each decennial for the drawing of the State legislative and Congressional voting districts, and

WHEREAS, legislative and congressional redistricting has often resulted in gerrymandering of districts to favor one political party or another, and

WHEREAS, the current redistricting process creates a conflict of interest—as state legislators are effectively choosing their constituents with input from lobbyists and special interests; and

WHEREAS, the redistricting process should be conducted openly with real opportunities for public dialogue and feedback, not behind closed doors; and

WHEREAS, elected officials are more responsive to constituents when voters have a choice of candidates, thus increasing accountability and serving the best interests of the voters of Michigan; and

WHEREAS, public input and involvement in the redistricting process will empower our communities allowing them to elect representatives who represent their interests on issues that are important to their lives; and

WHEREAS, the creation of a truly independent citizens redistricting commission devoid of political motivation or partisanship will help to ensure a transparent, fair and accurate legislative and congressional district process that uses impartial and sound methodology that respects the crucial requirements of the Michigan Constitution calling for districts that are equal in population; compact in size and respecting existing local government boundaries,

Council Member _____ moved, supported by Council Member _____, to approve the following resolution.

RESOLVED, that the Albion City Council on this 1st day of October, 2018 does hereby support Proposal 2 of 2018 to establish an Independent Citizens Redistricting Commission, representative of Michigan's diversity, partisan balance, and geography, and that will operate with transparency for all future redistricting in compliance with the U.S. Constitution and federal law, including the Voting Rights Act;

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the office of the Mayor and City Manager, all elected city officials, and all elected officials representing the City of Albion at state and federal levels of government.

Date: October 1, 2018

Ayes: _____

Nays: _____

Absent: _____

I certify that this resolution was adopted by the City Council of the City of Albion on October 1, 2018.

Haley Snyder
Deputy City Clerk

Resolution #2018-23

A RESOLUTION SUPPORTING NOVEMBER 2018 BALLOT PROPOSAL 3

WHEREAS, voting is a fundamental right of all U.S. citizens; and;

WHEREAS, while the Michigan Constitution grants all Michigan residents the right to vote, Michigan residents lack the same access to the ballot that citizens in a majority of states in our Union enjoy, and;

WHEREAS, a broad coalition of individuals and organizations from across Michigan including the League of Women Voters of Michigan, the American Civil Liberties Union of Michigan, Michigan League for Public Policy, NAACP Michigan State Conference and Detroit Branch, United Auto Workers and many other groups support Promote the Vote's proposed amendment to the Michigan Constitution, and;

WHEREAS, Promote the Vote's proposed amendment to the Michigan Constitution, which will appear on the November 2018 statewide ballot as Proposal 3, provides a common-sense approach to safeguarding elections, putting voters first, and removing barriers for working families to vote by:

- Ensuring military service members and overseas voters get their ballots in time for their votes to count;
- Protecting the right to vote a secret ballot;
- Automatically registering citizens to vote at the Secretary of State's office unless the citizen declines;
- Providing all registered voters access to an absentee ballot for any reason;
- Allowing citizens with proof of residency to register to vote anytime up to and on Election Day;
- Ensuring the accuracy and integrity of elections by auditing election results; and
- Providing voters with the option to vote straight party, and;

WHEREAS, many of these reforms have been adopted in various states across the country to increase accessibility to the ballot, and Michigan residents deserve this same access.

Council Member _____ moved, supported by Council Member _____, to approve the following resolution.

RESOLVED, that the Albion City Council on this 1st day of October, 2018 does hereby support voting rights, and ensuring that voting is accessible and all votes are secure and counted;

BE IT FURTHER RESOLVED, that the Albion City Council supports the Promote the Vote proposed amendment to the Michigan Constitution, which will appear on the statewide November 2018 ballot as Proposal 3;

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the office of the Mayor and City Manager, all elected city officials, and all elected officials representing the City of Albion at state and federal levels of government.

Date: October 1, 2018

Ayes: _____

Nays: _____

Absent: _____

I certify that this resolution was adopted by the City Council of the City of Albion on October 1, 2018.

Jill Domingo
City Clerk

CITY OF ALBION
ORDINANCE #2018-09

AN ORDINANCE TO AMEND CHAPTER 30 OF THE 1984 ZONING CODE OF THE CITY OF ALBION, BY AMENDING THE SECTION OF 30-04 DEFINITIONS, DIVISION 8 B-3 HIGHWAY SERVICE DISTRICT, DIVISION 9 SECTION 30-269.1 M-1-P LIGHT INDUSTRIAL PARKS, DIVISION 10 SECTION M-2 HEAVY INDUSTRIAL DISTRICT AND SECTION 30-285 HEAVY INDUSTRIAL PARKS M-2 (P).

Findings and Purpose:

The Mayor and Council of the City of Albion, based upon recommendation by the Planning Commission, find that there is a need to amend Section 30-04 Definitions, Commercial Zoned Highway Service District B-3, Industrial Zoned District M-1 (P), M-2 and M-2-P to better address the proposed location of State Licensed Medical Marihuana Provisioning Center, pursuant to Chapter 22, Article V of the City of Albion Code of Ordinance.

Section 1-Title. *An ordinance to amend Chapter 30 of the 1984 Zoning Code of the City of Albion by amending Section 30-04 Definitions, amend Highway Service District B-3, Industrial District M-1 (P), M-2 and M-2-P to address State Licensed Medical Marihuana Provisioning Centers, pursuant to Chapter 22, Article V of the City of Albion Code of Ordinance.*

Section 2. Amendment.

That Section 30-04. Definitions. Of the Code of the City of Albion (1984) Chapter 30 Zoning is hereby amended to add new definition to read as follows:

Chapter 30, Section 30-04 Definitions.

Medical Marihuana Facilities: State Licensed Medical Marihuana Grower Facility, Processor Facility, Secure Transporter, Provisioning Center, or Safety Compliance Facility with an approved Medical Marihuana Facilities license pursuant to Chapter 22, Article V of the City Code of Ordinance.

- a) *Grower Facility:* A commercial entity that cultivated, dries trims or cures and packages Marihuana for sale to Processor or Provisioning Center.
- b) *Processor Facility:* 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.
- c) *Safety Compliance Facility:* A commercial entity that receives Marihuana from a Medical Marihuana Facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinols, returns the test results, and may return Marihuana to the Medical Marihuana Facility.
- d) *Secure Transporter:* A commercial entity that store Marihuana and transports Marihuana between Medical Marihuana Facilities for a fee.
- e) *Provisioning Centers:* A licensed 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.

That Division 8. B-3 Highway service district. Section 30-243. Permitted uses, l., Of the Code of the City of Albion (1984) Chapter 30 Zoning is hereby amend to read:

l. State Licensed Medical Safety Compliance Facility, Processor Facility, Secure Transporter, and Provisioning Center with an approved Medical Marihuana Facilities license pursuant to Chapter 22, Article V of the City Code of Ordinance.

1. No Safety Compliance Facility, Processor Facility, Secure Transporter or Provisioning Center 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.
2. No Safety Compliance Facility, Processor Facility, Secure Transporter or Provisioning Center shall be located within two hundred fifty (250) feet of real property comprising of a public park. Any Safety Compliance Facility, Processor Facility, Secure Transporter or Provisioning Center located more than two hundred fifty (250) feet but less than five hundred (500) feet of real property comprising a public park shall have perimeter surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purpose, including metal, vinyl or wood. The fence requirement contained herein may be waived if the City deems a fence to be impractical with the location of the facility and if the facility has other adequate security measures to insure the security of the premises and safety of the public.
3. No Safety Compliance Facility, Processor Facility, Secure Transporter or Provisioning Center shall be located within two hundred fifty (250) feet of real property comprising a place of religious worship. Any Safety Compliance Facility, Processor Facility, Secure Transporter located more than two hundred fifty (250) feet but less than five hundred (500) feet of real property comprising of religious worship shall have perimeter surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purpose, including metal, vinyl or wood. The fence requirement contained herein may be waived if the City deems a fence to be impractical with the location of the facility and if the facility has other adequate security measures to insure the security of the premises and safety of the public.
4. No Provisioning Center shall be located within two hundred fifty (250) feet of any residential zoning district of the City. Any Provisioning Center located more than two hundred fifty (250) feet but less than five hundred (500) feet of any residential zoning district shall be surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purpose, including metal, vinyl or wood. The fence requirement contained herein may be waived if the City deems a fence to be impractical with the location of the facility and if the facility has other adequate security measures to insure the security of the premises and safety of the public.

That Division 9. Section 30-269.1, Light industrial parks M-1 (P). of the Code of the City of Albion (1984) Chapter 30 Zoning is hereby amended to read:

Sec. 30-269.1 Permitted Uses. State Licensed Medical Marihuana Grower Facility, Safety Compliance Facility, Processor Facility, Secure Transporter and Provisioning Center with an approved Medical Marihuana Facilities license pursuant to Chapter 22, Article V or the City Code of Ordinance.

1. No Grower Facility, Safety Compliance Facility, Processor Facility, Secure Transporter or Provisioning Center 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.
2. No Grower Facility, Safety Compliance Facility, Processor Facility, Secure Transporter or Provisioning Center shall be located within two hundred fifty (250) feet of real property comprising of a public park. Any Grower Facility, Safety Compliance Facility, Processor Facility, Secure Transporter or Provisioning Center located more than two hundred fifty (250) feet but less

than five hundred (500) feet of real property comprising a public park shall have perimeter surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purpose, including metal, vinyl or wood. The fence requirement contained herein may be waived if the City deems a fence to be impractical with the location of the facility and if the facility has other adequate security measures to insure the security of the premises and safety of the public.

3. No Grower Facility, Safety Compliance Facility, Processor Facility, Secure Transporter or Provisioning Center shall be located within two hundred fifty (250) feet of real property comprising a place of religious worship. Any Safety Compliance Facility, Processor Facility, Secure Transporter located more than two hundred fifty (250) feet but less than five hundred (500) feet of real property comprising of religious worship shall have perimeter surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purpose, including metal, vinyl or wood. The fence requirement contained herein may be waived if the City deems a fence to be impractical with the location of the facility and if the facility has other adequate security measures to insure the security of the premises and safety of the public.
4. No Provisioning Center shall be located within two hundred fifty (250) feet of any residential zoning district of the City. Any Provisioning Center located more than two hundred fifty (250) feet but less than five hundred (500) feet of any residential zoning district shall be surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purpose, including metal, vinyl or wood. The fence requirement contained herein may be waived if the City deems a fence to be impractical with the location of the facility and if the facility has other adequate security measures to insure the security of the premises and safety of the public.

That Division 10. M-2 Heavy industrial district. Section 30-283. Permitted uses. ff. Of the Code of the City of Albion (1984) Chapter 30 Zoning is hereby amended to read:

ff. State licensed Medical Marihuana Grower Facility, Safety Compliance Facility, Processor Facility, Secure Transporter and Provisioning Center with an approved Medical Marihuana Facilities license pursuant to Chapter 22, Article V of the City Code of Ordinance.

1. No Grower Facility, Safety Compliance Facility, Processor Facility, Secure Transporter or Provisioning Center 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.
2. No Grower Facility, Safety Compliance Facility, Processor Facility, Secure Transporter or Provisioning Center shall be located within two hundred fifty (250) feet of real property comprising of a public park. Any Grower Facility, Safety Compliance Facility, Processor Facility, Secure Transporter or Provisioning Center located more than two hundred fifty (250) feet but less than five hundred (500) feet of real property comprising a public park shall have perimeter surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purpose, including metal, vinyl or wood. The fence requirement contained herein may be waived if the City deems a fence to be impractical with the location of the facility and if the facility has other adequate security measures to insure the security of the premises and safety of the public.
3. No Grower Facility, Safety Compliance Facility, Processor Facility, Secure Transporter or Provisioning Center shall be located within two hundred fifty (250) feet of real property

comprising a place of religious worship. Any Safety Compliance Facility, Processor Facility, Secure Transporter located more than two hundred fifty (250) feet but less than five hundred (500) feet of real property comprising of religious worship shall have perimeter surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purpose, including metal, vinyl or wood. The fence requirement contained herein may be waived if the City deems a fence to be impractical with the location of the facility and if the facility has other adequate security measures to insure the security of the premises and safety of the public.

4. No Provisioning Center shall be located within two hundred fifty (250) feet of any residential zoning district of the City. Any Provisioning Center located more than two hundred fifty (250) feet but less than five hundred (500) feet of any residential zoning district shall be surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purpose, including metal, vinyl or wood. The fence requirement contained herein may be waived if the City deems a fence to be impractical with the location of the facility and if the facility has other adequate security measures to insure the security of the premises and safety of the public.
5. Lot area, setback and structure height:
 - i. no minimum lot area required.
 - ii. Front yard setback shall be no less than thirty (30) feet.
 - iii. Side yard setback shall be no less than twenty (20) feet.
 - iv. Rear yard setback shall be no less than thirty (30) feet.
 - v. Structure height shall not exceed three (3) stories or fifty (50) feet.

Section 30-285. Heavy industrial parks – M-2 (P).

Heavy industrial parks shall permit all uses allowed in light industrial districts, light industrial parks and heavy industrial districts, and shall conform to all the requirements of Section 30-269.2 of this Code.

Section 30-4. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section:

Accessory use or structure: A use or structure customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Agriculture: The use of land and buildings for the production of crops and livestock on a farm and the necessary accessory uses for packing, treating and storing the products; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities. Excluded are such commercial uses as slaughtering, commercial meat packing, commercial milk processing and other uses not totally secondary to the normal agricultural activities.

Alley: A public or private way not more than thirty-three (33) feet wide which affords only a secondary means of access to abutting property.

Alter: As applied to a building or structure means a change or rearrangement in the structural parts or in the exit facilities; or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Apartment Building: A use which is a dwelling designed for or occupied by three or more families, with separate housekeeping, cooking, and bathroom facilities for each. {Definition added by Ordinance #97-3.}

Automobile repair--Major: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, collision service, including body repair and frame straightening; painting and upholstering; vehicle steam-cleaning and undercoating.

Automobile repair--Minor: Minor repairs, incidental replacement of parts and motor service to passenger automobiles and trucks not exceeding one and one-half (1 1/2) tons capacity but not including any operation specified under "automobile repair--major."

Automobile service station or gasoline station: A place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises, minor repairs, and replacement of minor parts and accessories, but not including major repair work such as motor overhaul, body or fender repair, or spray painting.

Automobile wrecking: The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, or their parts.

Base Flood: The flood having a one percent of being equaled or exceeded in any given year. {added by Ordinance #2000-11, 4/5/2000}

Base flood elevation: The area of lands adjacent to and including a river, stream, lake or other body of water that will be inundated by the base flood. {added by Ordinance #2000-11, 4/5/2000}

Base flood elevation: Indicates the expected depth of water should a flood occur. {added by Ordinance #2000-11, 4/5/2000}

Basic manufacture: The first operation of operations which transform a material from its raw state to a form suitable for fabrication.

Bed and Breakfast Inn: A structure which was originally constructed for single family residential use and is currently the private residence of the innkeeper, but which is used for renting bedrooms, on a nightly basis to transient tenants and serves a breakfast at no extra cost to the transient tenants. {added by ordinance #2000-03, 3/6/2000.}

Bed and breakfast operation: The actual or intended rental of a lodging room or lodging rooms in an owner-occupied dwelling for periods of not more than fourteen (14) continuous days, without the provision of separate cooking facilities or meals except breakfast.

Billboards and signs: (See Article V, Division 4 of this chapter.)

Board: The zoning board of appeals.

Buildable area: The space remaining on a zoning lot after the minimum open-space requirements (coverage, yards, and setbacks) have been met. {added by Ordinance #2000-11, 4/5/2000}

Building: Structure enclosed or partially enclosed within exterior walls or fire walls, built, erected and framed of component structural parts, designed for the housing, shelter, enclosure and support of individuals, animals or property of any kind.

Building coverage: The amount of land covered by or permitted to be covered by a building, usually measured in terms of percentage of a lot. {added by Ordinance #2000-11, 4/5/2000}

Building envelope: The space within which a structure is permitted to be built on a zoning lot as defined by the standards of this ordinance including height, yards, building coverage and floor area ratio. {added by Ordinance #2000-11, 4/5/2000}

Building, height of: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for a gable, hip or gambrel roof.

Bulk regulations: regulations that are specifically related to height, yards, building coverage and floor area ratio. {added by Ordinance #2000-11, 4/5/2000}

Campground: A use on a parcel or tract of land licensed by the State under the control of a person in which sites are offered for the use of the public or members of an organization either free of charge or for a fee, for the establishment of temporary living quarters for three or more recreational units which includes trailers as defined in this Code. {Definition added by Ordinance #97-3.}

Clinic, dental or medical: A building in which a group of physicians, dentists or physicians and dentists and allied professional assistants are associated for the purpose of practicing their profession. The clinic may include a medical or dental laboratory. It shall not include in-patient care or operating rooms for major surgery.

Common parking element: A parking plan in which the specific space requirements for permitted or special uses within the “CD” Campus Development or “CDBG” Central Business Districts are coordinated on a district wide-wide basis rather than through on-site development regulations. This plan must be presented as part of specific site plan review for intended uses without sufficient on-site parking. {added by Ordinance #2005-10, 6/15/2005}

Condominium: The term “condominium” as used in this Ordinance shall conform to the definition used in the Condominium Act, P.A. 59 of 1978, as amended, MCL 559.11 et. seq. {added by Ordinance #2000-11, 4/5/2000}

Condominium general commons area: The land area of the development owned by the condominium association. {added by Ordinance #2000-11, 4/5/2000}

Condominium limited commons area: The area around the building envelope, similar to a traditional subdivision lot, used exclusively by the owner of the unit but not technically owned by the owner of the unit. {added by Ordinance #2000-11, 4/5/2000}

Condominium Project: A plan or project consisting of not less than two condominium units if established and approved in conformity with the Condominium Act. {added by Ordinance #2000-11, 4/5/2000}

Condominium Project: A plan or project consisting of not less than two (2) condominium units if established and approved in conformity with the Condominium Act. {added by Ordinance #2000-11, 4/5/2000}

Condominium Unit: The portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, or any other type of use as approved by the administrator of the Condominium Ordinance. {added by Ordinance #2000-11, 4/5/2000}

Condominium Lot: Described as an area designed to facilitate the building envelope and the limited commons area. Limited commons areas are designed for the exclusive use of the owner of the unit, although not technically owned by the owner. (Referred to as a Site Condominium) {added by Ordinance #2000-11, 4/5/2000}

Density: The average number of families, persons, or housing units per unit of land. {added by Ordinance #2000-11, 4/5/2000}

Duplex: A use which is a dwelling designed for or occupied by two families, with separate housekeeping, cooking, and bathroom facilities for each which complies with the standards given in this Code. {Definition added by Ordinance #97-3.}

Dwelling: A use which is a structure, mobile home, premanufactured or precut dwelling structure designed and used for the complete living accommodations of a single family which complies with the standards given in this Code. {Definition as amended by Ordinance #97-3.}

{Definitions made redundant or conflicting by Ordinance #97-3.}

Dwelling: Any building or portion thereof designated to be used exclusively as the residence or sleeping place of one or more persons.

Dwelling group: A group of three (3) or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

Dwelling unit: One room or suite of two (2) or more rooms designed for or occupied by one family for the living and sleeping purposes and having one kitchen or kitchenette.

Dwelling, single-family: A building designed for or occupied exclusively by one family.

Dwelling, two-family: A building designed for or occupied exclusively by two (2) families living independently of each other.

Dwelling multiple-family: A building or portion thereof designed for or occupied by three (3) or more families living independently of each other.

Fabrication: Manufacturing, excluding the refining or other initial processing of basic raw materials such as metal ores or rubber. Fabrication relates to stamping, cutting or otherwise shaping the processed materials into useful objects.

Family: This term shall mean “*traditional family*” or “*functional family*” as defined below:
{Definition as amended by Ordinance #2006-02, 5/1/2006}

traditional family--an individual or group of two or more persons related by blood, marriage or adoption, or other legal relationship, together with foster children, with a maximum of not more than (3) three additional unrelated persons, who are domiciled together as a single domestic housekeeping unit in a dwelling.

Functional family--a collective number of individuals domiciled together in one dwelling unit of not more than four (4) unrelated persons, and who are in fact cooking and living as a single nonprofit housekeeping unit. A functional family shall not include any

society, club, fraternity, sorority, association, lodge, combine, federation group, coterie, or other organization.

Any person or group of persons seeking the legal rights and privileges of a “*family*” as defined in subparagraph a. or b. above in any administrative, judicial, or quasi-judicial proceeding, whether as the proponent or by way of defense, shall have the burden of proving that their domestic relationship satisfies the criteria in either subparagraph a. or b. above.

Fine arts: Individual art pieces not mass produced which may consist of one or more of the following: Paintings, etchings, ceramics, inlays, needlework, knitting, weaving, sculptures, and/or craftwork.

Float zone: A zoning district whose requirements are fully described in the text of the ordinance but which is unmapped. A planned unit development would be an example of a float zone. {added by Ordinance #2000-11, 4/5/2000}

Floor area, gross: The sum of the horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading spaces for motor vehicles, or any space where the floor-to-ceiling height is less than six feet. {Definition as amended by Ordinance #92-3.}

Floor to area ratio: The ratio of floor area permitted on a zoning lot to the size of that lot. (FAR) {added by Ordinance #2000-11, 4/5/2000}

Funeral Home: A building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for internment or cremation. {Definition as amended by Ordinance #2000-02, 3/6/2000.}

Garage:

Garage, community: An accessory building, having no public shop or service in connection therewith, for the storage only of non-commercial vehicles. In the case of hotels, motels, or other building of public assembly such community garage may be a part of or attached to the principal building.

Garage, private: An accessory building, having not more than one thousand (1,000) square feet of usable floor area, to be used for the storage of non-commercial motor vehicles, and not more than one commercial vehicle of not more than one ton capacity. There shall be no public shop or services in connection therewith.

Garage, public: A building or part of a building used for the storage, sale, hire, care, repair or refinishing of motor vehicles.

Grade: A reference plane representing the average of finished ground level adjoining the buildings at all exterior walls.

Home occupation: In this chapter the term "home occupation" refers to incidental economic enterprises as permitted in specified residential districts, subject to enumerated limitations.

Hotel: A building containing guest rooms in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests, or both, and where no provision is made for cooking in any guest room except suites where compact pullman-type kitchenettes may be provided.

Institution: A building occupied by an established non-profit society or non-profit corporation for public use.

Intensity: The degree to which land is used; the level of concentration or activity in uses. { added by Ordinance #2000-11, 4/5/2000 }

Junkyard: A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including wrecked motor vehicles, used building materials, structural steel materials and equipment and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.

Laboratory:

Medical or dental: A laboratory which provides analytical or diagnostic services to physicians and dentists. No fabrication is conducted on the premises except the custom fabrication of dentures or surgical supports.

Experimental: A building or part of a building devoted to the testing and analysis of any product or animal.;

Laundromat: A business that provides home type washing, drying, and/or ironing machines for hire to be used by customers on the premises or operated for the benefit of retail customers who bring in and call for laundry.

Loading berth: A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks, having a minimum dimension of twelve (12) by thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet.

Lot: A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this chapter, and having frontage on a public street or on a street which is a private street as of the date of adoption of this chapter.

Lot corner: A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street lines is the "corner."

Lot, interior: A lot other than a corner lot.

Lot width: The width of the lot at the building line.

Lot of record: A lot which is part of a subdivision, the map of which has been recorded in the office of the register of deeds of Calhoun County, Michigan or a parcel of land described by metes and bounds, the description of which has been recorded in the office of county register of deeds of Calhoun County, Michigan. (See Section 30-41.)

Manufacture: All operations required to produce the material named.

Mechanical amusement arcade: A mechanical amusement arcade is any business establishment which contains five (5) or more mechanical amusement devices.

Mechanical amusement device: A mechanical amusement device shall include, but not be limited to, a machine, action game table, or electronic device, which for valuable consideration, may be operated for use as a game, contest, video display, or amusement of any description.

Medical Marihuana Facilities: State Licensed Medical Marihuana Grower Facility, Safety Compliance Facility, Processor Facility and Secure Transporter with an approved Medical Marihuana Facilities license pursuant to Chapter 22, Article V of the City Code of Ordinance.

- a) *Grower Facility:* A commercial entity that cultivated, dries, trims or cures and packages Marihuana for sale to a Processor or Provisioning Center.
- b) *Processor Facility:* 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.
- c) *Safety Compliance Facility:* 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.
- d) *Secure Transporter:* A commercial entity that store Marihuana and transports Marihuana between Medical Marihuana Facilities for a fee.
- e) ***Provisioning Centers: A licensed 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.

Mobile Home: A dwelling, transportable in one or more sections which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein and is installed by a Michigan Licensed Mobile Home dealer or Michigan Licensed Mobile Home installer as required by Public Act 96 of 1987, as amended, being the Mobile Home Commission Act, MCL 125.2301 et.seq., (MSA 19.855(101) et.seq.), and administrative rules promulgated thereunder. {Definition amended by Ordinance #97-3.}

Mobile Home Park: A use which is a parcel of land under the control of a person upon which three or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary mobile home or trailer. {Definition added by Ordinance #97-3.}

Motel: A building or group of buildings on the same lot, whether detached or in connected rows containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking space located on the lot, and designed for, or occupied by automobile travelers. The term shall include any building or building groups designated as motor lodges, motor inns, or by any other title intended to identify them as providing lodging, with or without meals, for compensation.

Parking area, space, lot: An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors or employees.

Planned unit development: An area of land, under centralized ownership, to be developed as a single entity for one, or a number of combination of residential, commercial, and/or industrial uses, the plan for which does not correspond in lot size, bulk, or type of residential, commercial, or industrial use, density, lot coverage and required open space to the regulations established in any one or more districts created, from time to time, under the provisions of the zoning ordinance. Planned unit development requirements are designed to accomplish the objectives of the zoning ordinance through a land development project-review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

Processing: Any operations changing the nature of material or materials such as the chemical composition or physical qualities. [The term] does not include operation described as fabrication.

Professional Office – The office of a member of a recognized profession maintained for the

conduct of that profession. {Definition added by Ordinance #92-3.}

Public utility: Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under federal, state or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, or water.

Rooming and/or boarding houses: A building containing guest rooms in which lodging is provided with or without meals for compensation and which is open to permanent guests only and where no provision is made for cooking in any guest room.

Story: That portion of a building included between the upper surface of a floor and upper surface of one floor or roof next above.

Story, first: The lowermost story entirely above the grade plane.

Story, half: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than three (3) feet above the floor of such story, except that any partial story used for residence purposes, other than by a family occupying the floor immediately below it, shall be deemed a full story.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

Tourist home: A building or part thereof, other than a hotel, boarding house, lodging house or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

Trailer: A vehicle which can be drawn on a highway and is used for recreational or camping purposes. It includes the terms motor home, pole-trailer, trailer coach, trailer, mobile home as defined in Public Act 300 of 1949, as amended, being the Michigan Motor Vehicle Code, MCL 257.1 et.seq. (MSA 9.1801 et.seq.), as amended, and including camping units, tents, or any other temporary dwellings. {Definition added by Ordinance #97-3.}

Use, by right: A use which is listed as a use by right in any given zoning district in this chapter. Uses by right are not required to show need for their location.

Use special: A use permitted within certain zoning districts but of such a nature that the public has reserved the right to approve its exact location, subject to conditions stated in this chapter and to any special conditions imposed by the competent authority to protect the use by right of the other properties in the neighborhood.

Uses by temporary permit: Listed uses which may be permitted in any given zoning district, provided that need for the use in the district can be established to the satisfaction of the zoning inspector.

Use, transitional: Transitional use is one in which a permitted use of land or structure is less restrictive than the use normally permitted in the zoning district in which the land or structure is located. To qualify for transitional use, the property or structure must meet the following requirements:

- (a) The property (or lot) must be immediately adjacent to the zoning boundary between the zoning district in which the property is located and a zoning district which is the next less restrictive.
- (b) The transitional use must be one which is permitted in the above-described less restrictive zoning district.

Variance: A variance is defined as a modification of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the chapter would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces, establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or adjoining zoning districts.

Warehouse: A warehouse is defined as a property where goods are stored by contract and/or for a valuable consideration, which goods are not intended for sale on those premises.

Wetland, Regulated: Land characterized by the presence of water at a frequency and duration sufficient to support (and under normal circumstances does support) wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is regulated by the Michigan Department of Environmental Quality (MEDQ) authorized by Part 303, Wetland Protection, or the Natural Resources and Environmental Protection Act, 1994 P.A. 451, as amended. {added by Ordinance #2000-11, 4/5/2000}

Wholesaling: Wholesaling is defined as the on-premise sale of goods for resale.

Yard, front: An open space extending the full width of the lot between any part of a building and the front lot lines, unoccupied and unobstructed from the ground upward, except as hereinafter specified. For purposes of this chapter, in the case of corner lots, the front lot line shall be deemed to be that lot line adjacent to one street which is the narrower dimension of the lot.

Yard, side: An open space of a lot which extends from the front yard to the rear yard between the side lot line of a lot and the nearest wall or supporting member of a building or structure except as hereinafter specified. Section: 30-48(1)(2)(3). {amended by Ordinance #2000-11, 4/5/2000}

Yard, rear: An open space extending across the rear of the lot between the inner side yard lines and between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified. In the case of through lots and reversed frontage corner lots, there will be no rear yard.

(Code 1980, § 20.4; Ord. No. 1984-1, § 3, 4-2-84; Ord. No. 1984-2, § 2, 6-18-84; Ord. No. 1985-2, § 2, 5-6-85; Ord. No. 1985-12, § 2, 10-7-85; Ord. No. 1987-3, § 2, 4-6-87; Ord. No. 1987-9, § 2, 10-5-87)

DIVISION 8. B-3 HIGHWAY SERVICE BUSINESS DISTRICT

Section 30-241. Scope.

The provisions of this division shall apply to the B-3 highway service district.

Section 30-242. Generally.

This district is intended to provide for retail business and services in areas which abut federal and state highways, and major arterial streets designated as such on the "street plan" of the City of Albion of current adoption.

(Code 1980, § 20.13-1)

Section 30-243. Permitted uses.

No land shall be used or occupied and no structure shall be designed, erected, altered, or used except for either one or several of the following uses by right and lawful accessory uses thereto or for one or several of the following conditional uses:

(1) *Uses by right* The following uses may be operated as uses by right:

- a. Motels, restaurants, drive-in establishments, serving food and beverages, souvenir stands, and uses of a similar nature.
- b. Offices and banks.
- c. Store and shops for the conducting of any retail business.
- d. Personal service shops.
- e. Offices and shops of crafts or trades which do not involve:
 1. The outdoor storage of materials or supplies.
 2. Shop power in excess of ten (10) horsepower.
- f. Commercial recreation facilities.
- g. Any other retail business, service establishment, or use similar to the above.
- h. Accessory uses and buildings.

- i. Dance hall, including discos and similar uses where the primary activity is dancing and where non-alcoholic and/or alcoholic beverages and snacks are served; provided:
 - 1. That dance halls serving non-alcoholic beverages be limited to the same hours of operation as establishments which are permitted to serve alcoholic beverages.
 - 2. That the maximum number of people permitted in a dance hall at any one time be restricted according to the usage square foot area of the building and based on "floor area in square feet per occupant" requirements of the BOCA Code as adopted by reference by the City of Albion.
 - 3. That all other related building, fire and safety code requirements be met.
- j. Wholesale business, provided that the business or buildings connected with this business have an area of no more than twenty thousand (20,000) square feet.
- k. Mechanical amusement arcades, provided that any such establishment shall comply with Chapter 3 of the Code of Ordinances.

Add as permitted use.

- 1. State Licensed Medical Safety Compliance Facility, Processor Facility, Secure Transporter and **Provisioning Center** with an approved Medical Marihuana Facilities license pursuant to Chapter 22, Article V of the City Code of Ordinance.
 - 1. No Safety Compliance Facility, Processor Facility, Secure Transporter or **Provisioning Center** 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.
 - 2. No Safety Compliance Facility, Processor Facility, Secure Transporter or **Provisioning Center** shall be located within two hundred fifty (250) feet of real property comprising a public park. Any 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 have perimeter surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purpose, including metal, vinyl or wood.
 - 3. No Safety Compliance Facility, Processor Facility, Secure Transporter or **Provisioning Center** shall be located within two hundred fifty (250) feet of real property comprising a place of religious worship. Any 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 have perimeter surrounded by an eight (8) foot fence. Fence shall not consist of

over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purpose, including metal, vinyl or wood.

Add

4. *No Provisioning Center shall be located within two hundred fifty (250) feet of any residential zoning district of the City. Any Provisioning Center located more than two hundred fifty (250) feet but less than five hundred (500) feet of any residential zoning district shall be surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purpose, including metal, vinyl or wood. The fence requirement contained herein may be waived if the City deems a fence to be impractical with the location of the facility and if the facility has other adequate security measures to insure the security of the premises and safety of the public.*

(A) *Permitted uses with conditions* {Ordinance #99-17, 1/15/2000.}

Churches

Site Development.

Landscaping and Screening:

Abutting side lot lines shall consist of an undulating berm or solid fence or screening. The berm shall be at a ratio of 3:1; (vertical rise over horizontal run)

Vegetation shall consist of tree and shrub plantings to correspond to the peaks and valleys in the berm. (Trees within the valleys and shrubs along the peaks)

Special uses requiring planning commission authorization. The following special uses may be permitted upon application to the planning commission and approval by it, based on their conformity with the general special use conditions listed in sections 30-81 through 30-85, and with the special conditions listed below for each:

- a. Automobile service station and/or public garage, provided that:
 1. Premises used for such purposes shall not have an entrance or exit for motor vehicles within two hundred (200) feet from any place of public assembly including any hospital, sanitarium, or institution. Such measurement shall be along the usual line of street travel. (Whenever, in the judgment of the board, the operation of such business would tend to impede or congest traffic, or create an undue hazard or danger to pedestrians and other traffic in the street,

a permit may be denied.)

2. Building used for such purposes shall not be nearer than fifty (50) feet from and R district.
 3. Any minor automobile repair work as defined in this chapter, shall be done within the principal building on the premises.
 4. No overnight or weekend outside storage of trucks, trailers, and/or tractors shall be permitted on the premises and no partially dismantled, wrecked or junked vehicles shall be stored for more than a total of eight (8) hours outside the buildings on the premises, except within an area enclosed by a solid wall or fence or shrubbery hedge designed to conceal such vehicles from public view.
 5. When such use abuts the side and/or rear line of a lot in any R district, a compact evergreen hedge, solid wall, or painted board fence, not less than five (5) feet in height, shall be maintained at the property line.
- b. Automobile, truck and trailer display, hire, sales, wash and repair, provided all operations other than display and sales, shall be conducted within a completely enclosed building. Buildings used for repair and washing operations, if less than fifty (50) feet from any R district, shall have no openings adjoining said R district other than stationary windows or required fire exists.
 - c. Roadside markets.
 - d. Wholesale business whose building or buildings occupy more than twenty thousand (20,000) square feet provided that the applicant provide a site plan and other information demonstrating that, in terms of bulk, architectural design, parking and loading arrangements, and impact on traffic and public utilities, the proposed wholesale use is compatible with surrounding uses.

Accessory uses and buildings.

- a. Any accessory use or building may be operated or constructed if it is clearly incidental and customary to and commonly associated with the operation of the use by right.
- b. Business sign which pertains only to a permitted use on the premises.
- c. Mechanical amusement devices, provided that the number of said devices shall not exceed four (4), and all requirements for such devices in Chapter 3 of the Code of Ordinances have been met.

(Code 1980, § 20.13-2; Ord. No. 1984-2, § 2, 6-18-84; Ord. No. 1985-2, § 2, 5-6-85; Ord. No.

1987-8, § 2, 10-5-87)

Section 30-244. Height of structures.

No use by right or accessory use structure shall exceed two (2) stories or twenty-five (25) feet in height.

(Code 1980, § 20.13-3)

Section 30-245. Lot area and yard requirements.

The following minimum requirements shall be observed:

- (1) *Lot area.* No minimum lot area shall be required for use by right or accessory use structures.
- (2) *Front yard.* Every lot shall be provided with a front yard not less than twenty-five (25) feet in depth, and buildings constructed at a street corner shall have the minimum setback from each street line.
- (3) *Side yard widths (each side yard).* None required, except adjoining any R district or abutting a street, then not less than fifteen (15) feet in width.
- (4) *Rear yard.* Every lot shall be provided with a rear yard not less than ten (10) feet in depth, provided, however, when such lot abuts any R district, it shall have a rear yard not less than fifteen (15) feet in depth.

(Code 1980, § 20.13-4)

Section 30-246. Signs.

The provisions of [Article V, Division 4](#) of this chapter shall be in full force and effect in this district.

(Code 1980, § 20.13-5)

Section 30-247. Off-street parking requirements.

The provisions of [Article V, Division 2](#) of this chapter shall be in full force and effect in this district.

(Code 1980, § 20.13-6)

Section 30-248. Off-street loading requirements.

The provisions of [Article V, Division 3](#) of this chapter shall be in full force and effect in this district.

(Code 1980, § 20.13-7)

Section 30-249. Reserved.

DIVISION 10. M-2 HEAVY INDUSTRIAL DISTRICT

Section 30-281. Scope.

The provisions of this division shall apply to the M-2 heavy industrial district.

Section 30-282. Generally.

This district is composed of certain land so situated as to be suitable for industrial development, but where the modes of operation of the industry may directly affect nearby nonindustrial development. The regulations are so designed as to permit the normal operations of almost all industries, subject only to those needed for their mutual protection and the equitable preservation of nearby nonindustrial uses of land.

(Code 1980, § 20.15-1)

Section 30-283. Permitted uses.

No land shall be used or occupied and no structure shall be designed, erected, altered, or used except for either one or several of the following uses by right and lawful accessory uses thereto or for one or several of the following conditional uses:

- (1) *Manufacturing (basic, processing, and/or fabrication).* Any of the following uses, provided that any building or premise used for such purpose shall be located not less than three hundred (300) feet from any R district:
 - a. Any use permitted in Section 14--Light industry.
 - b. Abrasives, acid, alcohol, ammonia and asbestos.
 - c. Bone black, carbon black and lamp black.
 - d. Brick, clay, tile, manufacture.
 - e. Canning and preserving plants.
 - f. Charcoal and coke, basic manufacturing.
 - g. Chemicals, manufacture or processing.
 - h. Cinder block fabrication.
 - i. Creosote treatment.
 - j. Detergents, soaps and by-products.

- k. Forge plant, foundries.
- l. Fungicides and insecticides.
- m. Galvanizing and anodizing processes.
- n. Gases, manufacture.
- o. Glue, size or gelatin, manufacture.
- p. Grain milling and mixing.
- q. Graphite manufacture.
- r. Insulation, manufacture, or fabrication.
- s. Meat slaughtering or packing.
- t. Metals, ingots, castings, sheets, bars or rods.
- u. Oils and fats, animal or vegetable, manufacture.
- v. Paints, pigments, enamels, japans, laquer, varnishes and wood fillers.
- w. Paper, pulp and cellulose.
- x. Paraffin wax and wax products.
- y. Petroleum and petroleum products, refining and processing (buildings and/or plant to be located not less than one hundred fifty (150) feet from boundary line of lot).
- z. Plastics, basic manufacture.
- aa. Rubber and rubber products, manufacture.
- bb. Sauerkraut, vinegar and yeast manufacture.
- cc. Sawmill or planing mill.
- dd. Serums, toxins, viruses, manufacture.
- ee. Sound deadeners, caulking, mastic and undercoating manufacture.

Add as permitted use.

ff. State Licensed Medical Marihuana Grower Facility, Safety Compliance Facility, Processor Facility, Secure Transporter and **Provisioning Center** with an approved Medical Marihuana Facilities license pursuant to Chapter 22, Article V of the City Code of Ordinance.

1. No Grower Facility, Safety Compliance Facility, Processor Facility, Secure Transporter or **Provisioning Center** 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.
2. No Grower Facility, Safety Compliance Facility, Processor Facility, Secure Transporter or **Provisioning Center** 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 have perimeter surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purpose, including metal, vinyl or wood.
3. No Grower Facility, Safety Compliance Facility, Processor Facility, Secure Transporter or **Provisioning Center** 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 have perimeter surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purpose, including metal, vinyl or wood.

Add

4. ***No Provisioning Center shall be located within two hundred fifty (250) feet of any residential zoning district of the City. Any Provisioning Center located more than two hundred fifty (250) feet but less than five hundred (500) feet of any residential zoning district shall be surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purpose, including metal, vinyl or wood. The fence requirement contained herein may be waived if the City deems a fence to be impractical with the location of the facility and if the facility has other adequate security measures to insure the security of the premises and safety of the public.***

5. Lot area, setback and structure height:

- i. No minimum lot area required.
- ii. Front yard setback shall be no less than thirty (30) feet.
- iii. Side yard setback shall be no less than twenty (20) feet.
- iv. Rear yard setback shall be no less than thirty (30) feet.
- v. Structure height shall not exceed three (3) stories or fifty (50) feet.

gg. Any other basic manufacturing, processing and/or fabrication, but not including any uses specifically listed in paragraph (2) below and/or those prohibited by any other law or ordinance.

(2) *Special uses requiring planning commission authorization.* The following special uses may be permitted upon application to the planning commission and approval by it, based on their conformity with the general special use conditions listed in sections 30-81 through 30-85, and with the special conditions listed below for each:

- a. Alkali plants manufacture.
- b. Asphalt plants.
- c. Automobile wrecking and salvage yards.
- d. Bulk storage of explosives.
- e. Building materials salvage yard.
- f. Cement manufacture and concrete mixing operations.
- g. Fertilizer manufacture.
- h. Gravel and rock crushing operations.
- i. Gypsum and other forms of plaster base manufacture.
- j. Incinerators or reduction of garbage.
- k. Junkyard.
- l. Sanitary landfill and/or dumps.
- m. Stock yards, livestock auction yard.

- n. Any other use not prohibited by any other law or ordinance.

Every building or premises used for such purposes shall be located not less than five hundred (500) feet from any R or B district.

Every building or premises used for such purposes shall be located not less than one hundred (100) feet from any enumerated uses in Section 30-263, clauses (1)a and (1)b. The board may prescribe such additional limitations as are in its opinion necessary to secure the objectives of this chapter.

- (3) *Accessory uses*, which are clearly incidental and customary to and commonly associated with the operation of the uses by right.

- a. *Reserved.*

- b. *Reserved.*

- c. Mechanical amusement devices and/or arcades, provided that all requirements of Chapter 3 of the Code of Ordinances have been met.

(Code 1980, § 20.15-2; Ord. No. 1985-2, § 2, 5-6-85; Ord. No. 1987-8, § 2, 10-5-87)

Section 30-284. Other requirements.

Section 20.14 shall be applicable to the heavy industrial district.

(Code 1980, § 20.15-3)

Section 30-285. Heavy industrial parks--M-2 (P).

Heavy industrial parks shall permit all uses allowed in light industrial districts, light industrial parks and heavy industrial districts, and shall conform to all the requirements of Section 30-269.2 of this Code.

(Code 1980, § 20.15-4)

Sections 30-286--30-289. Reserved.

DIVISION 9. M-1 LIGHT INDUSTRIAL DISTRICT

Section 30-261. Scope.

The provisions of this division shall apply to the M-1 light industrial district.

Section 30-262. Generally.

This district is composed of certain land so situated as to be suitable for light industrial development, but where the modes of operations of the industry may directly affect nearby nonindustrial development. The regulations are so designed as to permit the normal operations of almost all light industries, subject only to those needed for their mutual protection and the equitable preservation of nearby nonindustrial uses of land.

(Code 1980, § 20.14-1)

Section 30-263. Permitted uses.

No land shall be used or occupied and no structure shall be designed, erected, altered or used except for either one or several of the following uses by right and lawful accessory uses thereto:

(1) Uses by right

- a. Manufacturing, processing and/or fabrication. Any of the following uses, provided that any building used for such purposes shall be located not less than one hundred (100) feet from any R district:
 1. Automotive and aircraft parts (not including tires).
 2. Automotive assembling and including major repair.
 3. Bag, rug and carpet cleaning.
 4. Bakery, large, wholesale, and chain types.
 5. Bottling plant, brewery, dairy products plant.
 6. Candy, potato chips, flavoring, extracts.
 7. Cleaning or dyeing plants and laundries.
 8. Cold storage plant.
 9. Electric foundry or foundry for nonferrous metals.

10. Electric equipment and motor assembly.
 11. Experimental laboratory.
 12. Flexible hose, lines, fittings--Basic manufacture.
 13. Garage maintenance tools and equipment.
 14. Garment making--Apparel and accessories.
 15. Heating and air conditioning equipment.
 16. Mattress making and box springs.
 17. Metalworking, provided that the operations produce no more noise or vibrations at the boundary of the M-1 light industrial district than is produced at the point from other causes.
 18. Paper products fabrication.
 19. Parks.
 20. Pharmaceuticals, cosmetics and toiletries.
 21. Plating of metals.
 22. Professional and scientific instruments.
 23. Surgical supports and hospital equipment.
 24. Tool and die shops--Screw machine products.
 25. Tube fabrication--Bending and welding.
 26. Wire fabricators.
 27. Wood products assembly.
 28. Any other light manufacturing, processing, and/or fabrication but not including any uses specifically listed as heavy industry.
 29. Glass insulation and related products.
- b. Sale at wholesale and retail, warehousing and storage; and repair, rental and servicing.

The sale, warehousing, storage, repair, rental, and servicing of any of the uses enumerated in paragraph (1), provided any building or premises used for such purposes shall be located not less than seventy-five (75) feet from any R district.

Additional uses permitted are:

1. Billboards, subject to [Article V, Division 4](#) of this chapter.
2. Contractors' yards for vehicles, equipment, materials and/or supplies, but not including asphalt and cement mixing, provided that such yards shall be not less than two hundred (200) feet from any R district.
3. Gasoline service station, provided buildings used for such purposes shall not be nearer than fifty (50) feet from any R district.
4. Landing field for aircraft or rotocraft, provided any hangar or servicing facilities shall not be less than five hundred (500) feet from any R district.
5. Office and/or meeting halls, provided buildings used for such purposes shall not be nearer than twenty (20) feet from any R district. Also, motels, subject to the same regulations.
6. Parking and/or storage yards for motor vehicles (no junked vehicles) and not including transport equipment, providing such yards shall be not less than two hundred (200) feet from any R district.
7. Restaurants, including but not limited to drive-in establishments, providing buildings used for such purposes shall not be nearer than twenty (20) feet from any R district and subject to the number of off-street parking spaces required pursuant to sections 30-311 through 30-315 of this Code.
8. Sewage disposal plant.
9. Storage of liquid petroleum gas, five hundred (500) gallons or over if stored above ground, shall be no closer to any boundary line of the premises on which storage is maintained than fifty (50) feet.
10. Storage of flammable liquids, three thousand (3,000) gallons or over, if stored above ground, shall be no closer to any boundary line of the premises on which storage is maintained than one hundred (100) feet.
11. Trucking freight terminal yards, provided such buildings and premises shall be not less than two hundred (200) feet from any R district.

(2) *Accessory uses:*

- a. Is clearly incidental and customary to and commonly associated with the operations of the use by right.
- b. Does not include dwellings except for caretakers or watchmen.
- c. Exterior signs which pertain only to a permitted use on the premises.
- d. Mechanical amusement devices and/or arcades, provided that all requirements of chapter 3 of the Code of Ordinances have been met.

(3) *Reserved.*

(4) *Special uses requiring authorization by the planning commission:* The following uses may be operated with a special use permit, upon approval by the planning commission and issuance by the zoning administrator pursuant to sections 30-81 through 30-85 of chapter 30, the zoning ordinance.

- a. Incinerators for the burning of solid waste, provided that:
 1. Such facilities simultaneously generate energy in a usable manner in the form of steam and/or electricity, and;
 2. Such facilities comply with all ordinances and regulations of the City of Albion, County of Calhoun, State of Michigan and United States of America.
- b. Foundry for ferrous metals; provided, that:
 1. All production processes are conducted within an enclosed building;
 2. All raw materials storage is within an area enclosed by a roof and at least two (2) sides;
 3. All operations are screened from each side and/or rear lot lines with a solid earthberm;
 4. Such facilities comply with all ordinances and regulations of the City of Albion, County of Calhoun, State of Michigan and the United States of America; and
 5. Before commencement of construction of such facility copies of necessary pollution control permit applications, and after issuance, copies of pollution control permits, shall be submitted to the zoning administrator who shall retain them on file.

(Code 1980, § 20.14-2; Ord. No. 1985-2, § 2, 5-6-85; Ord. No. 1986-1, § 2, 1-20-86; Ord. No. 1986-2, § 2, 3-3-86; Ord. No. 1987-8, § 2, 10-5-87; Ord. No. 1988-8, § 2.9-6-88)

Section 30-264. Height of structures.

The following minimum requirements shall be observed: No use by right or accessory use structure hereafter erected or structurally altered shall exceed three (3) stories or fifty (50) feet in height within three hundred (300) feet of any R district.

(Code 1980, § 20.14-3)

Section 30-265. Lot area and yard requirements.

The following minimum requirements shall be observed:

- (1) *Lot area.* No minimum lot area required.
- (2) *Front yard.* Every front yard shall be no less than thirty (30) feet deep.
- (3) *Side yard.* None required, except adjoining an R district or abutting a street, then the required distance from R district as stated in sections 20.14-2(A) and 20.14-2(B).
When abutting a street, across from any other district, then not less than ten (10) feet in width.
- (4) *Rear yard.* The depth of a rear yard shall be thirty (30) feet, provided, however, the required distance from an R district when stated in section 30-263, paragraphs (1) and (2) of this Code shall take precedent over the above stated rear yard depth.

(Code 1980, § 20.14-4)

Section 30-266. Permitted signs.

The provisions of [Article V, Division 4](#) of this chapter, shall be in full force and effect in this district, provided, however, that no sign or billboard constituting a nuisance and producing glare in an adjacent residential district or considered hazardous to traffic safety shall be erected or continued in operation.

(Code 1980, § 20.14-5)

Section 30-267. Off-street parking requirements.

The provisions of [Article V, Division 2](#) of this chapter shall be in full force and effect in this district.

(Code 1980, § 20.14-6)

Section 30-268. Off-street loading requirements.

The provisions of section 20.16-3 shall be in full force and effect in this district.

(Code 1980, § 20.14-7)

Section 30-269. Light industrial parks (M-1-P).

Add as permitted use

Sec. 30-269.1 Permitted Use. State Licensed Medical Marihuana Grower Facility, Safety Compliance Facility, Processor Facility, Secure Transporter and **Provisioning Center** with an approved Medical Marihuana Facilities license pursuant to Chapter 22, Article V of the City Code of Ordinance.

1. No Grower Facility, Safety Compliance Facility, Processor Facility, Secure Transporter or **Provisioning Center** 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.
2. No Grower Facility, Safety Compliance Facility, Processor Facility, Secure Transporter or **Provisioning Center** 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 have perimeter surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purpose, including metal, vinyl or wood.
3. No Grower Facility, Safety Compliance Facility, Processor Facility, Secure Transporter or **Provisioning Center** 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 have perimeter surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purpose, including metal, vinyl or wood.
4. *No Provisioning Center shall be located within two hundred fifty (250) feet of any residential zoning district of the City. Any Provisioning Center located more than two hundred fifty (250) feet but less than five hundred (500) feet of any residential zoning district shall be surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purpose, including metal, vinyl or wood. The fence requirement contained herein may be waived if the City deems a fence to be impractical with the*

Add

location of the facility and if the facility has other adequate security measures to insure the security of the premises and safety of the public.

Section 30-269.2 Light industrial parks shall conform to all the requirements of the light industrial district and shall meet the following additional requirements:

- (1) Minimum lot size, one-half acre;
- (2) Minimum front yard, fifty (50) feet;
- (3) Minimum side yard, twenty (20) feet;
- (4) Minimum rear yard, seventy-five (75) feet.

(Code 1980, § 20.14-8)

INFORMATION ONLY

Callie Taylor

From: Maurice Barnes <mauricebarnes477@yahoo.com>
Sent: Wednesday, September 26, 2018 10:51 AM
To: c_taylor@wowway.biz
Subject: Fw: Message from the Office of Rep. Justin Amash (Intranet Quorum IMA00105364)
Attachments: BARNES_ Maurice - response from HUD.pdf; IQFormatFile.txt

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Tuesday, September 25, 2018, 1:52 PM, Office of U. S. Representative Justin Amash (imailagent) <MI03JAIMA@mail.house.gov> wrote:

September 25, 2018

Dear Mr. Barnes,

Thank you for contacting our office regarding your concerns.

Our office received the attached response to your inquiry from the U.S. Department of Housing and Urban Development.

Please feel free to call our office at (616) 451-8383 if we can be of further assistance. We hope this information is helpful.

Sincerely,

Office of U.S. Representative Justin Amash
Third District of Michigan

P.S. Representative Amash explains every vote he takes in the House of Representatives on his Facebook Page. You can find his Page by searching for "Justin Amash" on Facebook. You can "like" his Page to receive real-time updates and interact with him while you are logged in to Facebook, but you do not need a Facebook account to view his posts.

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you have received this communication in error, please notify us immediately. Thank you.





U.S. Department of Housing and Urban Development

Detroit Field Office
Office of the Director
Patrick V. McNamara Federal Building
477 Michigan Avenue, Room 1710
Detroit, MI 48226-2592
Tel. (313) 224-7502 FAX (313) 226-5611

September 24, 2018

Representative Justin Amash
110 Michigan St. NW Ste. 460
Grand Rapids, MI 49503

SUBJECT: Maurice Vernon Barnes Jr.
Albion Housing Commission
ACORN #2018-149/150

Dear Representative Amash:

The U.S. Department of Housing & Urban Development (HUD) received your letter dated September 14, 2018 regarding the Mayor of Albion, Mr. Garrett Brown, and procedures of the Albion City Council. The letter details issues pertaining to the Albion Housing Commission (AHC) being raised during City of Albion council meetings. The intent of this letter is to clarify the roles of the City of Albion and Albion Housing Commission, as well as to state the limitations that the HUD Field Office of Public Housing has in resolving the issues.

The AHC is a Public Housing Authority (PHA) governed by the Code of Federal Regulations (CFR) and Annual Contributions Contract (ACC) with HUD. HUD is responsible for the oversight and monitoring of the AHC and funds it receives from the HUD Office of Public Housing. The municipality is primarily responsible for appointing Board Members to the PHA's Board of Commissioners. It is, however, afforded various rights and powers under Michigan Public Act 18, as amended. For instance, the AHC may be asked to provide annual financial reports and to set pay scales consistent with the municipality.

The municipality does not have authority to approve or deny the AHC's actions to execute the day to day operations of its programs. For example, management of personnel, procurements and capital planning are exclusive roles of the AHC. A Cooperation Agreement was executed between the City of Albion and AHC which further establishes roles for both public entities in the administration of public housing.

HUD does not have jurisdiction over compliance with Public Act 18 or other laws and regulations enacted by the State of Michigan. As such, this office is unable to issue any formal corrective actions on how the City of Albion should run City Council meetings. Yet, it is highly recommended that the City of Albion and the AHC, with appropriate legal counsel, review and assess compliance with Public Act 18 and the Cooperation Agreement. This office is willing to provide guidance on any contracts executed by the municipality and/or AHC, as well as to provide background on lessons learned relevant to Public Act 18.

It is hoped that this letter provides clarification that will aid the City of Albion and the AHC to resolve concerns pertaining to the oversight of the AHC.

Sincerely,

Director
Detroit Field Office