



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, May 7, 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. MAYOR AND COUNCIL MEMBER'S COMMENTS
- VI. CITY MANAGER REPORT
- VII. PRESENTATIONS
 - A. Older Americans Month Proclamation-CareWell Services Southwest
 - B. Ride the River During Albion Week Proclamation
- VIII. PUBLIC HEARINGS-Amendment to Medical Marijuana Zoning Ordinance
 - A. Request Approval 1st Reading Ordinance # 2018-04, An Ordinance to Amend Chapter 30 of the 1984 Zoning Code of the City of Albion, by Amending the Section 30-04 Definitions, Division 8 B-3 Highway Service District, Division 9 Section 30-269 M-1-P Light Industrial Parks, Division 10 Section M-2 Heavy Industrial District and Section 30-285 Heavy Industrial Parks M-2 (P) (RCV)
- IX. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to **agenda items only** and to no more than three (3) minutes. Proper decorum is required.)
- X. CONSENT CALENDAR (VV) (Items on Consent Calendar are voted on as one unit)
 - A. Approval Regular Session Minutes, April 16, 2018
 - B. Approve Special Session Minutes, April 23, 2018



CITY OF ALBION

CITY COUNCIL MEETING AGENDA

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

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- C. Approve Study Session Minutes, April 26, 2018
- D. Approve Poppy Days Campaign on May 17th, 18th & 19th, 2018
- E. Approve Assembly Permit for Annual French Market, Saturday, June 9th, 2018 from 9 a.m. to 2 p.m., Stoffer Plaza
- F. Approve Assembly Permit for Juneteenth Celebration, June 16th, 2018, Holland Park

XI. ITEMS FOR INDIVIDUAL DISCUSSION

- A. Request Approval Five (5) Medical Marihuana Grower Licenses for Greenhouse Farms, LLC (RCV)
- B. Request Approval One (1) Medical Marihuana Processor License for Greenhouse Farms, LLC (RCV)
- C. Discussion-Asbestos Inspection of 608 Austin Avenue
- D. Request Approval Resolution # 2018-13, Approve Ballot Language for Recreation Millage
- E. Request Approval Resolution # 2018-14, A Resolution to Approve Proposal for "Heavy Equipment" Noxious Vegetation Abatement and Mowing Bid and to Approve Contract for "Heavy Equipment" Noxious Vegetation Abatement and Mowing with John J. Hawkins Construction Contractor (RCV)
- F. Request Approval 2nd Reading and Adoption of Ordinance # 2018-05, An Ordinance to Amend Article V of Chapter 22, Section 22-205, of the Albion Code of Ordinances, Medical Marihuana Facilities License Applications Evaluation (RCV)
- G. Discussion-Purchase Offer of City Owned Property at 702, 704, 706 & 708 W. Erie St (RCV)
- H. Request Approval of Firm for City Manager Search (RCV)

XII. Future Agenda Items

XIII. Motion to Excuse Absent Council Member(s)

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

XV. ADJOURN

Older Americans Month – May 2018
Older Michiganians Day – May 16, 2018
Calhoun County Centenarians Day – May 17, 2018

Whereas, Calhoun County includes a thriving community that includes **over 28,500 citizens aged 60 and over** who enrich and strengthen our community; and

Whereas, Calhoun County is committed to engaging and supporting older adults, their families, and caregivers; and

Whereas, Calhoun County Senior Services, CareWell Services Southwest (Region 3B Area Agency on Aging), and other service providers for older adults are committed to raising awareness about issues faced by seniors age 60 and overs, and to helping all individuals to thrive in communities of their choice for as long as possible; and

Whereas, Calhoun County provides opportunities to enrich the lives of older adults by:

- Promoting and funding home- and community-based services that support independent living;
- Involving older adults in community planning, events, and other activities; and
- Providing opportunities for older adults to exercise, be as healthy and active as possible, work, volunteer, learn, lead, and mentor.

Now Therefore, We, the Commissioners of Calhoun County, Michigan, do hereby proclaim May 2018 as **Older Americans Month**; declare May 16, 2018 as **Older Michiganians Day** to be celebrated with a rally of older adults and advocates at the Capitol Building in Lansing; and designate May 17, 2018 as **Calhoun County Centenarians' Day** where all Calhoun County residents age 99 and over will be recognized in a luncheon celebration at Schuler's Restaurant in Marshall.

Dated this 10th day of April, 2018
Calhoun County Board of Commissioners

By _____
Chairperson



City of Albion
Celebrates
**Ride the River during
Albion Week**
May 14, 2018

Whereas: The Albion Recreation Department began a Bike Program in May 2015 to celebrate Albion Week and promote Albion as a destination for parks, recreation, and trails; and

Whereas: The City of Albion honors the increased importance of the Albion Recreation Department as a source of inclusive programming that connects residents across generations, neighborhoods, and activities - including the arts; and

Whereas: The residents of Albion and surrounding communities are invited to share in the fun and beauty of biking the City of Albion each year on the day after Mother's Day; and

Whereas: The Albion City Council recognizes Albion Week is celebrated annually during the week following Mother's Day, to celebrate the city's local history, culture, and resources.

NOW, THEREFORE, I, Garrett Brown, Mayor of the City of Albion do hereby proclaim the day following Mother's Day as Ride the River Day in Albion.

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

Mayor _____

Date _____

Notice of Public Hearing Before The Albion City Council

Monday, May 7, 2018 at 7:00 p.m.
City Hall – Council Chambers – Second Floor
William L. Reiger Municipal Building
112 West Cass Street, Albion, Michigan

PLEASE TAKE NOTICE that due to a lack of a quorum at the April 16, 2018 Albion City Council meeting, this Notice of Public Hearing is being re-posted for the May 7, 2018 Albion City Council Meeting.

PLEASE TAKE NOTICE that the Albion City Council will meet as noticed above to consider the following amendments to the Code of Ordinance, City of Albion:

CHAPTER 30 OF THE CITY OF ALBION ZONING ORDINANCE

Chapter 30, Section 30-04. Definitions.

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.

Chapter 30, Division 8, B-3 Highway service district, Section 30-243. Permitted uses.

I. State Licensed Medical 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.

- 1. No Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within five hundred (500) feet of real property comprising a public or private elementary, licensed child care facility, vocational or secondary school.
- 2. No Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within two hundred fifty (250) feet of real property comprising of 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 purposes, including metal, vinyl or wood.

3. No Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within two hundred fifty (250) feet of real property comprising a place of religious worship. Any 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 purposes, including metal, vinyl or wood.

Chapter 30, Division 9, Section 30-269. Light industrial parks (M-1-P).

Sec. 30-269.1 Permitted Use. 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.

1. No Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within five hundred (500) feet of real property comprising a public or private elementary, licensed child care facility, vocational or secondary school.
2. No Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter 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 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 purposes, including metal, vinyl or wood.
3. No Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within two hundred fifty (250) feet of real property comprising a place of religious worship. Any Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter located more than two hundred fifty (250) feet but less than five hundred (500) feet of real property comprising a place of religious worship shall 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 purposes, including metal, vinyl or wood.

Renumber Sec. 30-269 to Sec. 30-269.2

Chapter 30, Division 10, M-2 Heavy industrial District, Section 30-283 Permitted uses.
Change existing letting ff. to gg.

ff. 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.

1. No Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within five hundred (500) feet of real property comprising a public or private elementary, licensed child care facility, vocational or secondary school.
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3. No Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within two hundred fifty (250) feet of real property comprising a place of religious worship. Any Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter located more than two hundred fifty (250) feet but less than five hundred (500) feet of real property comprising a place of religious worship shall 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 purposes, including metal, vinyl or wood.
4. 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.

All concerned citizens are encouraged to be present at this meeting to express their opinions on this matter, as public input is an important element in the Commission deliberations. Furthermore, a Commission decision on this matter is likely at the meeting.

To comply with the **Americans Disabilities Act (ADA)**, any citizen requesting accommodations to attend this meeting/function, and/or obtain this notice in alternate format, please contact the Planning Department at (517) 629-7189 at least five business days prior to the meeting/function.

Copies of the proposed amendments are available in City Hall Monday through Friday from 8 a.m. – 5 p.m. Written comments or suggestions regarding this matter are also welcome and should be provided to the Planning Department by no later than 5:00 p.m. on Monday, May 7, 2018.

Respectfully Submitted,

John Tracy
Director of Planning, Building, Code Enforcement

CITY OF ALBION
ORDINANCE #2018-04

AN ORDINANCE TO AMEND CHAPTER 30 OF THE 1984 ZONING CODE OF THE CITY OF ALBION, BY AMENDING THE SECTION 30-04 DEFINITIONS, DIVISION 8 B-3 HIGHWAY SERVICE DISTRICT, DIVISION 9 SECTION 30-269 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 the Commercial Zoned Highway Service District B-3, Industrial Zoned District M-2, M-2-P and M-1 (P) to better address the proposed location of State Licensed Medical Marihuana Grower Facility, Safety Compliance Facility, Processor Facility and Secure Transporter with an approved State Licensed Medical Marihuana Facilities, pursuant to Chapter 22, Article V of the City of Albion Code of Ordinance.

It is the intention of the City Council that the provisions of this Ordinance shall become and be made part of the City Code of Ordinances and the Zoning Code of Ordinances, City of Albion, Michigan, and the Sections of this Ordinance may be renumbered to accomplish such intention.

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-2, M-2-P and M-1 (P) to address State Licensed Medical Marihuana Facilities, pursuant to Chapter 22, Article V of the City of Albion Code of Ordinance.

Section 2. Amendment.

That section 30-40. Definitions. Of the Code of the City of Albion (1984) Chapter 30 Zoning is hereby amended to add new definition to read as follows:

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.

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

- I. State Licensed Medical 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.
 1. No Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within five hundred (500) feet of real property comprising a public or private elementary, licensed child care facility, vocational or secondary school.
 2. No Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within two hundred fifty (250) feet of real property comprising of 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 purposed, including metal, vinyl or wood.
 3. No Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within two hundred fifty (250) feet of real property comprising a place of religious worship. Any 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 purposes, including metal, vinyl or wood.

That Division 9. Section 30-269. Light industrial parks M-1 (P). of the Code of the City of Albion (1984) Chapter 30 Zoning is hereby amended to renumber and add:

Sec. 30-269.1 Permitted Use. 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.

1. No Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within five hundred (500) feet of real property comprising a public or private elementary, licensed child care facility, vocational or secondary school.
2. No Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter 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 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 purposes, including metal, vinyl or wood.

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Renumber Sec. 30-269 to Sec. 30-269.2

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

ff. 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.

1. No Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within five hundred (500) feet of real property comprising a public or private elementary, licensed child care facility, vocational or secondary school.
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4. 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.

That Division 10. M-2 Heavy industrial district. Section 30-285. Heavy industrial parks M-2 (P). of the Code of the City of Albion (1984) Chapter 30 Zoning is hereby amended to read:

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.

City of Albion
Council Session Minutes
April 16, 2018

I. CALL TO ORDER

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

There was not a quorum of the Council.

II. MOMENT OF SILENCE TO BE OBSERVED

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

PRESENT: Lenn Reid (2), Jeanette Spicer (5) and Mayor Brown.

ABSENT: Council Members Maurice Barnes (1), Sonya Brown (3), Marcola Lawler (4) and Andrew French (6).

STAFF PRESENT:

Scott Kipp, Interim City Manager; Stacey Levin, Assistant City Manager; Cullen Harkness, City Attorney; Jill Doming, City Clerk, Tom Mead, Finance Director and John Tracy, Director Planning, Building & Code Enforcement.

V. MAYOR AND COUNCIL MEMBER'S COMMENTS

Comments were received from Mayor Brown.

VI. CITY MANAGER REPORT

Interim City Manager Kipp updated the Council on the following:

- A new Public Services Facebook page has been created to help citizens obtain information on the MDOT project, water tower and other projects going on throughout the City.
- The first of the three Run Albion races will be this Friday at 6:30 p.m. You can pre-register for the race up until April 18th, 2018 or sign up the night of the race.
- The Substance Abuse Prevention Services will host a community forum on "The Opioid Dilemma." Thursday, April 19th at 6:00 PM at the Ludington Center in downtown Albion. The Forum is open for everyone to attend.
- An MDOT representative was unable to make the meeting but the construction schedule will be as follows:

- They are starting on Stage 3 (temporary asphalt section) the quantity of bricks for this section are on hand. This is anticipated as May 7th thru June 3rd.
- Stages 1 and 2 (2017 bricks) is anticipated from June 4th to Sept 2nd. The bricks are being manufactured for this section
- May 7th thru June 3rd
- M-99 (Superior St) Northbound and Southbound – Detour to thru traffic from Irwin Ave to Austin Ave
- Posted Detour – Irwin Ave Westbound to Eaton St Northbound to I-94 Eastbound to Exit 124 (M-99)
- M-99 (Superior St) Northbound and Southbound – Local traffic detoured from Cass St to Mulberry St
- No detour posted
- I-94BL (Michigan Ave) Eastbound and Westbound – Detour to all traffic from Ionia St to Clinton St
- Posted detour I-94BL (Michigan Ave) Eastbound to I-94 Westbound to Exit 121 (C Drive N) Eastbound to Eaton St Southbound to I-94BL
- ALL BUSINESSES OPEN' sign with directional arrows posted at Erie St, Porter St, Center St, Cass St, Michigan Ave and Superior St
- 'PARKING' signs with direction arrows will be placed at the Cass St / Eaton St and Erie St / Eaton St Intersections
- June 4th thru Sept 2nd
- M-99 (Superior St) Northbound and Southbound – Detour to thru traffic from Irwin Ave to Austin Ave
- Posted Detour – Irwin Ave Westbound to Eaton St Northbound to Austin Ave Eastbound to Superior St Southbound to M-99 (Michigan Ave) Eastbound
- 'ALL BUSINESSES OPEN' sign with directional arrows posted at Erie St, Porter St, Center St, Cass St, and Superior St
- 'PARKING' signs with direction arrows will be placed at the Cass St / Eaton St and Erie St / Eaton St Intersections
- Erie St and Cass St will not be closed at the same time – one day exception Ultra This HMA (during asphalt paving) Week of June 18th
- One block sections will be open to local traffic upon completion of new brick roadway one block beyond the intersection. Example: working south – Cass St will open when brick is completed thru Center St. Center St will open when brick is completed thru Porter St.

VII. PRESENTATIONS

A. AEDC Update-Amy Deprez, President & CEO, AEDC

Amy Deprez, President & CEO Albion Economic Development Corporation gave the following update:

- Quarterly Update-1st Qtr. 2018
- **Business, Development, Attraction & Retention**
 - Retention Contacts-3
 - Prospect Proposal-3
 - Prospect Activity-35
 - Entrepreneurship-Small Business-15
- **Community Development & ARC**
 - Development Activity-57

Highlights:

- AEDC moved offices to 1002 N. Eaton St on 3-1-2018
- Economic Forecast presented on 3-1-18
- **Retention, Attraction & Workforce**
 - Prospect Tracking System implemented with reporting activities
 - Approved 5 A/P lots for sale, all with contingencies to close
 - Executed an agreement with SBDC for on site counseling once a month and up to 4 workshops in Albion
 - Started planning for a May 15th Job Fair with KCC
 - Courtyard by Marriott grand opening 3-16-18
- **Community Development**
 - 3 public presentations held to discuss the Big Albion Plan
 - Participated in several discussions relative to senior options in Albion
 - CCLBA Transform This Commercial Property RFP released for first set of land bank owned properties to be redeveloped.
 - Staff continues to work with interested developers for a variety of housing developments, including senior friendly.
- **Albion Food Hub & Farmer's Market**
 - Improved marketing and outreach for Albion Food Hub and the Farmer's Market
 - Launched a new logo for Albion Farmer's Market, more demonstrative of the diversity of the market
 - Farmer's Market: lunch cart/vendor alternative offered each week to drive attendance
 - Approved as an accepted vendor for the Greater Albion Chamber of Commerce Bucks
 - Albion Malleable Brewing Company awarded a scholarship to test recipes in the Albion Food Hub
 - Wakey Bakery Pastry Shoppe launched a pop-up bakery out of the Albion Food Hub
- **Marketing & Public Relations**
 - Implemented an Albion Policy Outreach Day for community leaders to engage with State election officials and agencies
 - Launched a new Albion EDC logo with plans to revamp the website and image in 2018
- **Albion Reinvestment Corporation (ARC)**
 - Coordinated and implemented monthly conference calls for 2018 with ARC Board

- Coordinated and scheduled quarterly ARC Board Meetings
- Conference call with MEDC on potential funding sources for Big Albion Plan
- Preliminary work on a potential business plan competition for ARC retail space

Comments were received from Council Member Spicer and Mayor Brown.

B. Certificate of Recognition Robert (Bob) Holt-100-Year Old Birthday

Mayor Brown read aloud the Certificate of Recognition for 100-Year-Old Birthday and presented to Robert (Bob) Holt.

Comments were received from Robert (Bob) Holt and his daughter, Council Member Reid and Mayor Brown.

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

No public comments were received.

IX. ADJOURNMENT

Reid moved, Spicer supported, CARRIED, to ADJOURN Regular Council Session. (3-0, vv).

Mayor Brown adjourned the Regular Session at 7:25 p.m.

Date

Jill Domingo
City Clerk

City of Albion
Special Council Session Minutes
April 23, 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), Marcola Lawler (4), Jeanette Spicer (5), Andrew French (6) and Mayor Brown.

ABSENT: All members were present.

STAFF PRESENT:

Scott Kipp, Interim City Manager; Stacey Levin, Assistant City Manager; Cullen Harkness, City Attorney; Jill Domingo, City Clerk; Tom Mead, Finance Director and John Tracy, Director Planning, Building & Code Enforcement.

V. MAYOR AND COUNCIL MEMBER'S COMMENTS

Comments were received from Council Member French and Lauren Freeman, AmeriCorps Vista member.

VI. CITY MANAGER REPORT

Interim City Manager Kipp stated the City has received two grants: one for the Albion Marshall Connector from the Albion Community Foundation and the other a grant for healthcare for LucyJo. He thanked PSO Officer Karilynn Noppe and Assistant City Manager Levin for writing the grants.

MDOT will soon be re-asphalting and making repairs on Eaton Street and on Irwin Avenue between Eaton and Superior Street.

VII. PRESENTATIONS-None

VIII. PUBLIC HEARINGS-None

- IX. 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 public comments were received.

- X. CONSENT CALENDAR (vv) (Items on Consent Calendar are vote4d on as one unit)

- A. Approval Regular Session Minutes, March 19, 2018
- B. Approval Regular Session Minutes, April 2, 2018
- C. Approve Study Session Minutes, April 9, 2018
- D. Approval Assembly Permit for The Big Read Program at Holland Park on September 29, 2018 from 8 a.m. to 5 p.m.
- E. Approve Lions Club Sale of White Canes from April 27, 2018 to May 5, 2018
- F. Approve National Day of Prayer on Thursday, May 3, 2018 at Noon on the Steps of City Hall
- G. Approve Use of Stoffer Plaza for Red, White & Blue Cruise-In to be held on Friday, June 29, 2018 from 4-9 p.m.

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

- XI. ITEMS FOR INDIVIDUAL DISCUSSION

- A. Request Approval Resolution # 2018-12, A Resolution for the Michigan Community Development Block (CDBG) Funding for the Peabody Project (RCV)

Comments were received from Interim City Manager Kipp.

French moved, Reid supported, CARRIED, to Approve Resolution # 2018-12, A Resolution for the Michigan Community Development Block (CDBG) Funding for the Peabody Project as presented. (7-0, rcv)

- B. Discussion- 2018 Recreation Millage

Tom Mead, Finance Director stated the Recreation millage will expire at the end of this year. We currently are operating with 1.5 mills. It has been discussed to ask for an additional .5 mills to cover the cost of using the Marshall Opportunity High School. The cost for the use of the building is approximately \$25,000 which the .5 mil would more than cover. Currently \$8700.00 of the millage funds is given to the Forks Senior Center. The initial outlook is for the taxable value to increase this year. It has not increased since 2008. Staff would like direction from the Council on if they would like to renew the current 1.5 mills for three years or increase to 2 mills for three years.

Mayor Brown asked for a report/presentation from Recreation Director Williams on the number of usage for programming so funds can be prioritized. Council Member French supports increasing the recreation millage to 2 mills.

Additional comments were received from Interim City Manager Kipp.

The consensus of the Council is to increase the recreation millage to 2 mills.

C. Discussion-Update on Union Steel Building

Council Member Lawler stated she has spoken with Krista Trout-Edwards, Calhoun County Landbank Director and they are working on the paperwork for the EPA for the Union Steel Building. Precincts two (2) and four (4) will be working together to see what they would like to use the property for once the building has been removed. The estimated cost for the EPA is \$5800.00 and no time frame has been indicated.

Comments were received from Council Members Brown and Reid.

D. Discussion/Update on Asbestos Inspection of 608 Austin Avenue

Director of Planning, Building & Code Enforcement Tracy stated about sixty (60) asbestos samples were taken last week and the reports should be available either Tuesday or Wednesday of this week. He will email the report to Council once it has been received.

Comments were received from Council Member French.

E. Discussion/Approval to Set Date for Council Rules & Procedures Study Session with Attorney Scott Smith

Mayor Brown stated the Council will identify areas of discussion for the Council Rules & Procedures with Attorney Scott Smith. The suggested dates are Tuesday, May 1st, 2018 or Thursday, May 3rd, 2018 at 6:30 p.m. Interim City Manager Kipp will contact Mr. Smith for his availability.

Comments were received from Council Member French.

F. Request Approval for Purchase of 114 W. Ash St. from Calhoun County Land Bank for \$1.00 and \$370.00 for Title Insurance (RCV)

Comments were received from Interim City Manager Kipp.

French moved, Brown supported, CARRIED, to Approve Purchase of 114 W. Ash St. from Calhoun County Land Bank for \$1.00 and \$370.00 for Title Insurance as presented. (7-0, rcv)

G. Request Approval 1st Reading Ordinance # 2018-05, An Ordinance to Amend Article V of Chapter 22, Section 22-205, of the Albion Code of Ordinances, Medical Marihuana Facilities License Applications Evaluation (RCV)

City Attorney Harkness asked for clarification on whether the Council wanted the distance from real property, schools, day cares and parks should be measured from the facility as it is currently written or from the property line. (Ordinance # 2018-05, Section 22-212) and also suggested adding must have no less than \$250,000.00 in immediate liquid, available funds **per license** to Section 22-204 (22). The ordinance will take effect on June 7, 2018.

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

The consensus of the Council is to keep the distance from the real property, schools, day cares and parks should be measured from the facility as it is currently written and to add per license to Section 22-204.

Brown moved, Barnes supported, CARRIED, to Approve 1st Reading Ordinance # 2018-05, An Ordinance to Amend Article V of Chapter 22, Section 22-205, of the Albion Code of Ordinances, Medical Marihuana Facilities License Applications Evaluation with the addition of must have no less than \$250,000.00 in immediate liquid, available funds **per license** to Section 22-204 (22). (7-0, rcv)

H. Discussion-Council Goals

Mayor Brown asked to have an additional study session for Council goals. He would like to add specific needs and prioritize the seven (7) goals set by Council.

Consensus from the Council is to hold the Council Goal Setting Session on Thursday, April 26, 2018 at 7:00 p.m. in the Council Chambers.

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

I. Update on Rising Tide Project

Mayor Brown stated the State has requested the City to identify the top three (3) goals for the Rising Tide Project. He suggested re-convening the panel from the original Rising Tide Project meeting to identify the top three (3) goals and make those recommendations to the Council.

There was discussion on whether all of those invited to the initial Rising Tide meeting should be included or just the inner circle that spoke with the Governor.

Interim City Manager Kipp and Mayor Brown will contact the State to see when the goals need to be submitted.

The consensus of the Council is to have the inner circle panel make the recommendation to Council for the top three (3) goals and contact the others that were invited to the meeting to ask for their ideas as well.

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

J. Request Approval for Sale of Property for 702, 704, 706 & 708 W. Erie St. (RCV)

City Attorney Harkness stated the individual who wishes to purchase this property must make an offer to the City with the purchase price for the property. They may either give a purchase price of all the lots as one or a price per lot. The potential purchaser would need to send a letter to either the Interim City Manager or City Clerk stating they are interested in purchasing the property and the purchase amount.

Council Member Barnes stated the sale of this property has come before the Council previously and at that time, the Council wanted the property to remain as part of the Urban development.

Mayor Brown asked if we previously had a public hearing for sale of city owned property.

Council Member French stated we have sold city property since the Charter amendment has been passed and the City did hold a public hearing.

Interim City Manager Kipp asked if the City was able to set a price for the property and stipulate that only two parcels could be combined instead of one large lot.

City Attorney Harkness stated there are regulations pertaining to combining parcels.

Additional comments were received from Council Member Brown, Reid and Lawler.

French moved, Brown supported, CARRIED, to **TABLE** Sale of Property for 702, 704, 706 & 708 W. Erie St. until an offer has been received. (7-0, vv)

K. Update City Hall Staff

Interim City Manager Kipp stated Assistant City Manager Stacey Levin's last day will be Friday, April 27, 2018. He plans to hire a temporary employee to

help with secretarial duties and does not have any intention of replacing the Assistant City Manager position as he feels this is something the permanent Manager will do.

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

- Gregg Strand, Planning Commission, Reappointment, Term to Expire 12-31-2018
- Joe Domingo, ABA, Initial Appointment, Term to Expire 12-31-2020

Comments were received from Council Member French.

French moved, Reid supported, CARRIED, to Approve Gregg Strand, Planning Commission, Reappointment, Term to Expire 12-31-2018 as presented. (7-0, rcv)

Brown moved, Reid supported, CARRIED, to Approve Joe Domingo, ABA, Initial Appointment, Term to Expire 12-31-2020 as presented. (7-0, rcv)

XII. Future Agenda Items

- Council Member Barnes asked for an update on the asbestos inspection on 608 Austin Avenue be added to the next agenda.
- Mayor Brown asked for sale of property be added to the next agenda.
- Council Member French asked for approval of modifications to Council Rules & Procedures be added to the next agenda.

XIII. Motion to Excuse Absent Council Member (s)

No action was necessary as all members were present.

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

Comments were received from Stacey Levin, Assistant City Manager; Lonnie Brewer, 1200 Hillside Rd; Calhoun County Commissioner Gary Tompkins and Interim City Manager Kipp.

XV. ADJOURNMENT

Brown moved, Lawler supported, CARRIED, to ADJOURN Special Council Session. (7-0, vv).

Mayor Brown adjourned the Special Session at 8:35 p.m.

Date

Jill Domingo
City Clerk

City of Albion
Study Session Minutes
April 26, 2018

I. CALL TO ORDER

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

II. ROLL CALL

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

ABSENT: Mayor Brown

STAFF PRESENT:

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

III. 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).

No public comments were received.

IV. ITEMS FOR INDIVIDUAL DISCUSSION

A. Council Goal Setting Session

Interim City Manager Kipp requested the 2018 recreation millage as a discussion item and added to Council goals.

The consensus of the Council is to add the 2018 recreation millage to Council goals.

Interim City Manager Kipp stated the staff would like direction from the Council on whether they would like to renew the millage for the 1.5 mills or to increase the millage to 2 mills.

Recreation Millage:

Finance Director Mead gave a brief overview of the current recreation millage stating the millage will be up for renewal at the end of 2018. It has been discussed with the previous Manager and Recreation Director to increase the millage .5 mills to cover the \$25,000 cost for the use of Marshall Opportunity High School. In comparing the 2018 budget with a projected 2019 budget the .5 mills would more than cover the cost for the use of the school. The program expenses have been

significantly cut in the past and the additional funding from the .5 mills would help with programming costs. In 2018 the program costs were \$7500.00, with the additional millage funds this could be raised to \$25,000 in 2019. The recreation millage also allocates \$8700.00 to the Forks Senior Center and may be able to offer additional funding with the added millage. There will be a 1 mill decrease in taxes for 2019 as the debt millage was paid off in 2018. For a home with a market value of \$100,000, 1 mill would be \$50.00 and the additional .5 mill would be \$25.00

Questions/Comments from Council were as follows:

- Is the \$25,000 fee for the school a flat fee? How is the fee negotiated? Would any increases be expected?
- Concern of having Recreation Director negotiating fees as he is also a member of the Marshall School Board.
- Council needs to consider what mileages should be placed on the August ballot i.e. recreation, streets, sidewalks, water/sewer.
- Would like sample ballot language for renewal and additional millage

Infrastructure:

- A water/sewer rate study is being done that will come to Council for approval.
- The City is in the final stages of the SAW grant and recommendations will come before the Council in the near future.
- New water/sewer rates will help with grant funding for the new water tower and also to create sustainability.
- Updating the water & sewer infrastructure while doing street projects has worked well.
- The MEDC has asked the City to re-apply for the ICE grant that we did not receive the first time and also indicated a very good chance of receiving it this time. If the ICE grant is received, we would be able to complete all of Irwin Avenue which would also include the water & sewer infrastructure. The cost would be approximately \$2.2 million and the grant is \$2 million. If the ICE grant is received, the grant we received for the \$375,000 that was earmarked for Irwin Avenue may be able to be used for another street.
- The USDA Rural grant will be ready to submit in the next few weeks. The new water tower is on hold until the grant is submitted.
- Painting will begin on the water tower in mid to late May.
- We received the Albion River Trail Expansion II grant.
- We currently have a 3-mill street millage which is a five (5) year millage and will expire in 2020. We receive approximately \$250,000 from this millage per year.
- The state had \$70 million they were allocating to municipalities for street repairs, however the City's portion of that was only \$68,000.
- We have an 80/20 split with MDOT for major street repairs.
- Would like to layer the street repairs into the GIS system
- Council would like a 3-5 major & local street repair plan in place

***Council Member Lawler left at 8:00 p.m.*

Sidewalks:

- The \$50.00 sidewalk assessment was complete in 2018
- The current ordinance requires residents to take care of repairs to sidewalks
- It may be a tough sell for another sidewalk millage
- May be able to change ordinance for sidewalks and work on a 50/50 or some sort of share plan with the residents and the City.
- A .5 mill for sidewalks would capture about \$43,000 and the \$50.00 assessment brought in \$150,000.
- Would like to see a sidewalk evaluation and identify owners whose sidewalks are in need of repair.
- Work in conjunction with the Neighborhood Planning Councils as communication will be a key factor in determining what needs to be done with sidewalk repairs.
- May be able to use the non-motorized funding from Act 51 funds.

***Council Member Barnes left at 8:12 p.m.*

Neighborhood Stabilization:

- Creates structures for Council and the Community
- Programming to bring community together for dialogue
- Get people talking to one another
- Neighborhood Planning Councils
- Communication via facebook and city newsletter
- Removal of blighted homes
- Habitat for Humanity is looking for a few small houses to rehabilitate
- Implement master calendar
- Vision should start with Neighborhood Planning Councils
- There are currently ten (10) houses to be demolished in the next few months.
May be an additional ten (10) to twenty (20) houses demolished this year

Comments were received from Council Members Barnes, Reid, Lawler, Spicer and French; Mayor Pro Tem Brown; Interim City Manager Kipp; Director of Public Services Lenardson; Finance Director Mead and Director of Planning, Building & Code Enforcement Tracy.

- V. 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 Interim City Manager Kipp and Finance Director Mead.

- VI. ADJOURNMENT

Spicer moved, French supported, CARRIED, to ADJOURN Study Session. (4-0, vv).

Mayor Pro Tem Brown adjourned the Study Session at 8:27 p.m.

Date

Jill Domingo
City Clerk

April 16, 2018

TO: Albion City Council
FROM: American Legion Auxiliary Unit 55

To Whom It May Concern:

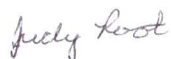
Please be advised that May 25, 2018 will be observed as National Poppy Day. With that in mind, members of the Legion and Auxiliary will again be distributing poppies at various businesses throughout the City of Albion.

We would request the City's official sanction of our Poppy Days Campaign. This year the dates are May 17, 18 & 19.

We will, of course, obtain written permission from each of the business locations. Our presence will not impede the flow of business in any way.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Judy Root".

Judy Root
President
American Legion Auxiliary Unit 55



City of Albion

William L. Rieger Municipal Building
112 West Cass Street * Albion, Michigan 49224
(517) 629-5535 * Fax (517) 629-2238

ASSEMBLIES FOR PARK RESERVATION FACILITIES OVER 100 OR MORE

ASSEMBLIES: Annual French Market (Sister City Committee and Albion Farmers Market)

DATE: Saturday, June 9th, 2018 9am - 2pm

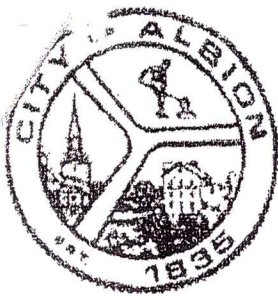
FACILITIES: Stoffer Market Plaza

NUMBER OF
PEOPLE(S): ~ 150-200

CONTACT PERSON: Denise Porter - Sister City Committee

INSURANCE: City of Albion organization

PHONE NUMBER: 517-629.3607



City of Albion

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

PARKS RESERVATION APPLICATION

I, SISTER CITY COMMITTEE request permission from the
(Responsible Party/Organization)

City of Albion to use the following park facilities:

STOFFER MARKET PLAZA - Annual French Market
(Park and Park area requested)

Date(s)	Beginning time(s)	Ending time(s)
On <u>SATURDAY, JUNE 9, 2018</u>	from <u>7:00 AM</u>	to <u>4:30 PM</u>
On _____	from _____	to _____
On _____	from _____	to _____

Description of events or functions: ANNUAL FRENCH MARKET

Number of people expected to attend? ~ 150 - 200

Non-profit organization? ☒ Yes ☐ No

Will amplified sound be used? ☒ Yes ☐ No

Will Electricity be required? ☒ Yes ☐ No

Has your organization conducted this event in the requested area before?

☒ Yes ☐ No If yes, when: @ JUNE 2017, MAY 2015, MAY 2015, JUNE 2014

Number of tables needed (allow 8 persons per table)? _____

• - PICNIC TABLES PLACED IN AND AROUND THE PLAZA

• - TRASH CANS PLACED IN PLAZA

• - FRENCH + AMERICAN FLAGS

To: Mayor Brown & the Albion City Council

From: City of Albion Juneteenth Committee

Re: City of Albion Juneteenth Celebration

Dear Mayor and Albion City Council,

The Juneteenth Committee will be having its yearly Juneteenth Celebration on June 15th and 16th this year. We will be hosting a "Pastors salute" at Tennant Hall on Friday the 15th and our yearly celebration in Holland park on Saturday the 16th. More information will be published in the Albion Recorder.

We are requesting, as has been the usual, a police escort for the parade walk from the steps of the Albion City Hall to Holland Park where the parade will end, and a day of fun will begin.

We are also requesting a Proclamation for the day be presented from the mayor of the City of Albion in celebration of Albion's recognition of Juneteenth. We would also appreciate ALL council members helping by leading the parade. Your participation is requested and greatly appreciated.

Sincerely,

Council Member- Lenn Reid, Chairperson Council Member Sonya Brown

Mrs. Charmaine Bogan Mr. Ronnie Sims Mr. Wes Dick

Mrs. Alfredia Dysart Mrs. Eddie Williams

RESOLUTION #2018-13 (Option A)

TO APPROVE BALLOT LANGUAGE TO RENEW THE LEVY OF 1.5 MILLS FOR THREE YEARS TO RAISE DEDICATED FUNDING OF \$129,500 PER YEAR FOR THE CONTINUED OPERATION OF THE RECREATION PROGRAMS OF THE CITY OF ALBION

History: The recreation programs of the City of Albion are a critical component in the efforts of the City to provide recreational and educational experiences and activities for young people, adults, families and senior citizens of the City of Albion. Taxes within the Downtown Development Authority (DDA) and Tax Increment Finance Authority (TIFA) districts will be distributed as prescribed by law. The City of Albion provides after school activities for students in the City. Regularly levied operating millage and collected tax revenues are inadequate to fund the recreation programs to meet community needs. In order to obtain the necessary resources to continue the recreation programs, the voters of the City of Albion must vote to renew the current 1.5 mills for three (3) years to adequately fund the recreation program of the City of Albion. It is in the public interest that the Mayor and City Council approve ballot language for the primary election on August 7, 2018 to approve a millage levy of 1.5 mills for three (3) years on all taxable property in the City of Albion for the continued operation of the City of Albion's recreation programs.

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

RESOLVED, that the following ballot proposal shall be published in the Albion Recorder and appear on the Primary election on the August 7, 2018 ballot as follows:

Shall the City of Albion renew the current levy of a total of one and one half mills (\$1.50 per \$1,000.00) on taxable value of property located in the City of Albion for three years beginning with the 2019 tax levy year and running through the 2021 tax levy year (inclusive), which will raise in the first year of such tax levy an estimated revenue of One Hundred Twenty Nine Thousand Five Hundred Dollars (\$129,500.00) to be used for the specific purpose of continuing to operate City of Albion recreation programs for young people, adults, families, and senior citizens? Taxes within the Downtown Development Authority (DDA) and Tax Increment Finance Authority (TIFA) districts will be distributed as prescribed by law. If approved this would be a renewal of the current millage levy.

I hereby certify that the above resolution was adopted on May 7, 2018 in a regular session of the Albion City Council, and this is a true copy of that resolution.

Ayes _____

Nays _____

Absent _____

Jill Domingo, Clerk

May 7, 2018

RESOLUTION #2018-13 (Option B)

TO APPROVE BALLOT LANGUAGE TO INCREASE THE LEVY TO 2 MILLS FOR THREE YEARS TO RAISE DEDICATED FUNDING OF \$172,000 PER YEAR FOR THE CONTINUED OPERATION OF THE RECREATION PROGRAMS OF THE CITY OF ALBION

History: The recreation programs of the City of Albion are a critical component in the efforts of the City to provide recreational and educational experiences and activities for young people, adults, families and senior citizens of the City of Albion. Taxes within the Downtown Development Authority (DDA) and Tax Increment Finance Authority (TIFA) districts will be distributed as prescribed by law. The City of Albion provides after school activities for students in the City. Regularly levied operating millage and collected tax revenues are inadequate to fund the recreation programs to meet community needs. In order to obtain the necessary resources to continue the recreation programs, the voters of the City of Albion must vote to increase the current recreation millage to 2 mills for three (3) years to adequately fund the recreation program of the City of Albion. It is in the public interest that the Mayor and City Council approve ballot language for the primary election on August 7, 2018 to approve a millage levy of 2 mills for three (3) years on all taxable property in the City of Albion for the continued operation of the City of Albion's recreation programs.

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

RESOLVED, that the following ballot proposal shall be published in the Albion Recorder and appear on the Primary election on the August 7, 2018 ballot as follows:

Shall the City of Albion increase the current levy to a total of two mills (\$2.00 per \$1,000.00) on taxable value of property located in the City of Albion for three years beginning with the 2019 tax levy year and running through the 2021 tax levy year (inclusive), which in the first year of such tax levy will raise an estimated revenue of One Hundred Seventy Two Thousand Dollars (\$172,000.00) used for the specific purpose of continuing operation of City of Albion recreation programs for young people, adults, families, and senior citizens? Taxes within the Downtown Development Authority (DDA) and Tax Increment Finance Authority (TIFA) districts will be distributed as prescribed by law. If approved, this would be an additional one-half mill increase of the current millage levy.

I hereby certify that the above resolution was adopted on May 7, 2018 in a regular session of the Albion City Council, and this is a true copy of that resolution.

Ayes _____

Nays _____

Absent _____

Jill Domingo, Clerk

May 7, 2018

Resolution #2018-14

A RESOLUTION TO APPROVE PROPOSAL FOR “HEAVY EQUIPMENT” NOXIOUS VEGETATION ABATEMENT AND MOWING BID AND TO APPROVE CONTRACT FOR “HEAVY EQUIPMENT” NOXIOUS VEGETATION ABATEMENT AND MOWING WITH JOHN J. HAWKINS CONSTRUCTION CONTRACTOR

Purpose and Finding: The City of Albion has a current need for noxious vegetation abatement and mowing. Pursuant to Section 2-384, of the City of Albion Code of Ordinances, a Request for Proposals was published, seeking bidders to provide both small and heavy equipment abatement and mowing services, etc., for the City. The City, having received multiple bids from various contractors, has selected the lowest bid for each respective category, submitted pursuant to Section 2-396, of the City of Albion Code of Ordinances. In addition, in selecting the lowest bid, the City has also considered the additional criteria listed in Section 2-396(a) (1-9) of the City of Albion Code of Ordinances, and desires to enter into a contract with John J. Hawkins Construction Contractor for the provision of “heavy equipment” noxious vegetation abatement and mowing.

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

RESOLVED, that the bid for “heavy equipment” noxious vegetation abatement and mowing, submitted by John J. Hawkins Construction Contractor, is hereby accepted at the rates specified in its 2018 bid, which is hereby incorporated by reference.

BE IT FURTHER RESOLVED, that in addition to being the lowest bidder, John J. Hawkins Construction Contractor has met the additional criteria for consideration set forth in Section 2-396(a) (1-9) of the City of Albion Code of Ordinances.

BE IT FURTHER RESOLVED, that the City of Albion shall enter into a written contract with John J. Hawkins Construction Contractor for the provision of “heavy equipment” noxious vegetation abatement and mowing as set forth in the 2018 request for proposals. The contract referenced herein shall contain by reference the service requirements as set forth in the request for proposal. Said contract shall be at the rate(s) set for in John J. Hawkins Construction Contractor 2018 bid and shall contain such other terms as contained in the request for proposals and as the parties deem necessary.

Date: May 7, 2018

Ayes: _____

Nays: _____

Absent: _____

I certify that this resolution was adopted by the City Council of the City of Albion on May 7, 2018

Jill Domingo
City Clerk

BID SHEET TWO

Part Two – Heavy Equipment

Category	Combined labor plus tool charges per hour	Minimum total per site
----------	--	---------------------------

Walk site, remove
obstacle, trim, collect
and haul as needed

\$ 38.25 /hour

Remove and haul brush

\$ 38.25 /hour

Heavy – Duty Mower
capable of chopping
2' dia. woodstock

\$ 59.25 /hour

* Hauling to Landfill

Minimum per site: \$ 118.50

\$ 59.25 x 2 hours min
Mowing, loader work on
Hauling Garbage to the Landfill

Company Name: John J. Hawkins Construction Contractor

Address: 6645 25¹/₂ Mile Road
Homer, Michigan 49245

Business Phone: 517-568-5333 Fax: 517-568-4296

Cell Phone: 517-812-2710 E-mail: hjhawkins@aol.com

The undersigned is authorized to agree as contractor to provide the above listed services per the bid specifications.

Print Name: John J. Hawkins Title: Owner

Signature: John J. Hawkins Date: April 26, 2018

John J. Hawkins Construction Contractor

2018

List of Equipment

Type of Equipment	Manufacturer	Model/year/size
Vehicle(s) (Include trailers)	2014 - Ford F350 Truck	1 Ton Full size 4x4
	1999 - 2014 Tandem Axle Equipment Trailer	14,000 lbs GVW
Heavy-Duty Mower/Tractor	2002 John Deere 4300 Tractor w/ Loader	32 HP 4x4
Riding Mower(s) Attachments	2003 - 5ft John Deere Flail Finish Mower - 5ft John Deere Brush Mower	
Hand Mower(s)	4 - Brush & weed whips 2016 - Stihl FS90 R Model 2013 - Husqvarna 324D Model 2010 - 324LD Model 2009 - 324LD Model	
Trimmer(s)	1 - Husqvarna 356BT Backpack blower 2 - Stihl chain saw on a stick 1 - Stihl chain saw 025 - 16 in blade	
Power Saw(s)	1 - Stihl chain saw 036 - 24 in blade	

Name	References Address	Phone
City of Albion John Tracy	112 W. Cass Street Albion, MI	517-629-7189
Lance Lohrke	5445 Calhoun Road Albion, MI	517-990-4815



Smith-Pulling Agency, Inc.
800 Superior Street
Aubion, MI 49224
Lance Johnson

ASFLC4M1
(Frac)
Placed John Hawkins DBA
Issued

DATE OF BIRTH	EXPIRATION DATE	X	EXPIRATION DATE	EXPIRATION DATE	EXPIRATION DATE
01/29/18	01/29/19				

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[illegible]

JOHNH.2

VEHICLE DESCRIPTION

[illegible]

ACORD 129 (1996)

©ACORD CORPORATION 1993

CITY OF ALBION
CODE ENFORCEMENT

MEMORANDUM

To: Jim Lenardson, Director of Public Services & Chief Scott Kipp, Interim City Manager
C.c.: File
From: John Tracy, Director of Planning, Building, Code Enforcement
Ref.: 2018 Noxious Vegetation Abatement / Mowing Bids
Date: April 30, 2018

Advertisement for 2018 Mowing Bids were advertised in the Recorder, Salesmen and posted at City Hall.

On April 30, 2018, shortly after 2:00 P.M., Mowing Bid was opened, read and recorded. A total of only one (1) contractor submitted a bid by the time and date specified. Below is the name and addresses of the contractor.

- John J. Hawkins Construction Contractor, 6645 25½ Mile Rd., Homer, Michigan 49245

John J. Hawkins Construction Contractor
2018 Bid for heavy equipment:

2017 Contract Comparison
John J. Hawkins Construction Cont.

Walk site, remove obstacles, trim, collect and haul as needed:	\$38.25 per hr.	<i>\$37.75 per hr. increase of \$0.50 per hr.</i>
Remove and haul brush:	\$38.25 per hr.	<i>\$37.75 per hr. increase of \$ 0.50 per hr.</i>
Heavy-duty mowing, capable of chopping 2" dia. woodstock:	\$59.25 per hr.	<i>\$58.50 per hr. increase of \$0.75 per hr.</i>
Minimum total per site:	\$118.50	<i>\$117.00 min. per site, increase of \$1.50</i>

After review of bid submitted for heavy equipment, and in review of the performance of John J. Hawkins Construction Contractor for the past several years of having provided reliable and competent abatement of noxious vegetation, it is of my opinion to award the 2018 Mowing/Grass and Brush Abatement Contract for heavy equipment to John J. Hawkins Construction Contractor.

John Tracy
Director of Planning, Building, Code Enforcement

CITY OF ALBION ORDINANCE 2018-05

AN ORDINANCE TO AMEND ARTICLE V OF CHAPTER 22, SECTION 22-205, OF THE ALBION CODE OF ORDINANCES, MEDICAL MARIHUANA FACILITIES LICENSE APPLICATIONS EVALUATION

FINDINGS AND PURPOSE: The Albion City Council recently approved the City's medical marihuana facility ordinance via Ordinance 2018-01. Initially the City Council approved only 4 of the 5 medical marihuana facilities authorized by the state. Subsequent thereto, the City Council authorized provisioning centers be added to the list of authorized medical marihuana that may operate with the City of Albion. The amendment allows for the addition of said provisioning centers.

THAT THE CODE OF ORDINANCES, CITY OF ALBION, MICHIGAN, IS HEREBY AMENDED BY AMENDING ARTICLE V TO CHAPTER 22, Sections 22-203 through 22-205, Section 22-207, and Section 22-212, and by adding Section 22-202, AS FOLLOWS:

22-203. LICENSE ALLOCATION AND ANNUAL FEES.

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

- a. Grower Facilities:
- b. Processor Facilities:
- c. Provisioning Centers;
- d. Secure Transporters:
- e. Safety Compliance Facilities

The term of each license shall be one (1) year. Not more than two (2) of the licenses described above may be issued to provisioning centers

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

22-204. LICENSE APPLICATIONS SUBMISSION.

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

operation. Upon the expiration of an existing license, a licensee shall be required to reapply.

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

1. The appropriate non-refundable application fee in the amount per 22-203(B);
2. If the applicant is an individual, the applicant's name, date of birth, physical address, copy of government issued photo identification, email address, and one or more phone numbers, including emergency contact information;
3. If the applicant is not an individual, the names, dates of birth, physical addresses, copy of government issued photo identification, email addresses, and one or more phone numbers of each Stakeholder/shareholder/member of the applicant, including designation of the highest ranking Stakeholder/shareholder/member as an emergency contact person and contact information for the emergency contact person, articles of incorporation, assumed name registration documents, Internal Revenue Service SS-4 EIN confirmation letter, and a copy of the operating agreement of the applicant, if a limited liability company, a copy of the partnership agreement, if a partnership, or a copy of the by-laws or shareholder agreement, if a corporation or;
4. The name and address of the proposed Medical Marihuana Facility and any additional contact information deemed necessary by the City Clerk;
5. For the applicant, for each Stakeholder of the applicant, an affirmation under oath as to whether they are at least eighteen (18) years of age and have never been indicted for, charged with, arrested for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning, or had expunged any criminal offense under the laws of any jurisdiction, either felony or controlled substance related misdemeanor not including traffic violations, regardless of whether the offense has been expunged, pardoned, reversed on appeal or otherwise, including the date, name and location of the court, arresting agency, and prosecuting agency, the case caption, the docket number, the offense, the disposition, and the location and length of incarceration;
6. Before hiring a prospective agent or employee of the applicant, and after, the holder of a license shall conduct a background check of the prospective employee. If the background check indicated a pending charge or conviction within the past ten (10) years for a controlled substance related felony, the

applicant shall not hire the prospective employee or agent without written permission from the City Clerk;

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

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

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

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

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

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

13. A floor plan of the Medical Marihuana Facility, as well as a scale diagram illustrating the property upon which the Medical Marihuana Facility is to be operated, including all available parking spaces, and specifying which parking spaces, if any, are handicapped accessible;

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

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

16. A staffing plan;

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

18. A patient education plan;

19. A business plan;

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

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

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

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

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

ii. A production testing plan that includes at a minimum a description of how and when samples for laboratory testing by a state approved

Safety Compliance Facility will be selected, what type of testing will be required, and how the test results will be used;

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

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

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

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

(D) No application shall be approved unless:

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

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

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

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

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

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

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

22-205. LICENSE APPLICATIONS EVALUATION.

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

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

1. The applicant's experience in operating other similarly licensed businesses.
2. The applicant's general business management experience.
3. The applicant's general business reputation.
4. The integrity, moral character, and reputation; personal and business probity; financial ability and experience; and responsibility or means to operate or maintain a Medical Marihuana Facility of the applicant.
5. The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance.
6. The sources and total amount of the applicant's capitalization to operate and maintain the proposed Medical Marihuana Facility.
7. Whether the applicant has been indicted for, charged with, arrested for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning, or had expunged any relevant criminal offense under the laws of any jurisdiction, either felony or misdemeanor, not including traffic violation,

regardless of whether the offense has been expunged, pardoned, or reversed as appealed or otherwise.

8. Past convictions of the applicant involving any of the following, but not limited to:

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

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

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

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

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

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

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

(1) On and after March 20, 2018 (June 7, 2018 for Provisioning Centers), the City shall accept applications for authorization to operate a medical marihuana facility within the City. Application shall be made on a City form and must be submitted to the City Clerk "Clerk"). Once the Clerk receives a complete application including the initial annual medical marihuana facility fee, the application shall be time and date stamped. Complete applications shall be considered for authorization in consecutive time and date stamped order. Upon consideration, if the facility type authorization is available within the number specified above, then the applicant shall receive conditional authorization to operate such medical marihuana facility within the City.

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

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

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

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

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

22-207. MINIMUM OPERATING STANDARDS FOR PROVISIONING CENTERS

The following minimum standards for a Provisioning Center shall apply.

- (A) No Provisioning Center shall be open between the hours of 8:00 p.m. and 9:00 a.m.

- (B) Consumption of Marihuana shall be prohibited on the premises of a Provisioning Center and a sign shall be posted on the premises of each Provisioning Center indicating that consumption is prohibited on the premises.
- (C) Provisioning Centers shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. The video recordings shall be maintained in a secure, off-site location for a period of fourteen (14) days.
- (D) Unless permitted by the MMMA and Medical Marihuana Facilities Licensing Act or applicable state law, public or common areas of the Provisioning Center must be separated from restricted or non-public areas of the provisioning center by a permanent barrier. Unless permitted by the MMMA and Medical Marihuana Facilities Licensing Act or applicable state law, no Marihuana is permitted to be stored, displayed or transferred in an area accessible to the general public.
- (E) All Marihuana storage areas within Provisioning Centers must be separated from any customer/patient areas by a permanent barrier. Unless permitted by the MMMA and Medical Marihuana Facilities Licensing Act or applicable state law, no Marihuana is permitted to be stored in an area accessible by the general public or registered customers/patients. Marihuana may be displayed in a sales area only if permitted by the MMMA or the Medical Marihuana Facilities Licensing Act.
- (F) Any usable Marihuana remaining on the premises of a Provisioning Center while the Provisioning Center is not in operation shall be secured in a safe permanently affixed to the premises.
- (G) A drive-through window on the premises of a Provisioning Center shall not be permitted.
- (H) The Provisioning Center shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.
- (I) No Provisioning Center shall be operated in a manner creating noise, dust, vibration, glare, fumes or odors detectable to normal senses beyond the boundaries of the property on which the Provisioning Center is operated.
- (J) The license required by this Chapter shall be prominently displayed on the premises of a Provision Center.
- (K) Disposal of Marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in nonconformance with state laws.

- (L) All Marihuana delivered to a patient shall be packaged and labeled as provided by state law.
- (M) All registered patients must present both their Michigan Medical Marihuana patient/caregiver identification card and a government issued photo identification prior to entering restricted/limited areas or non-public areas of the Provisioning Center, and if no restricted/limited area is required, then promptly upon entering the Provisioning Center.
- (N) The premises shall be open at all times to any Michigan Medical Marihuana Licensing Board investigators, agents, auditors, the State Police, or Albion Department of Public Safety Officers without a warrant and without notice to the holder of the license, to enter the premises, offices, facilities, or other places of business of a licensee, if evidence of compliance or noncompliance with the MMMA and Medical Marihuana Facilities Licensing Act or applicable state laws is likely to be found and consistent with constitutional limitations for the following purposes:
- (1) To inspect and examine all premises of the Medical Marihuana Facility;
 - (2) To inspect, examine and audit relevant records of the licensee and, if the holder of the license or any of the managerial employees or employees fails to cooperate with an investigation, impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored;
 - (3) To inspect the person, and inspect or examine personal effects present in a Medical Marihuana Facility, of any holder of state operating license while that person is present in a Medical Marihuana Facility;
 - (4) To investigate alleged violations of the MMMA and Medical Marihuana Facilities Licensing Act or applicable state laws.
- (O) It shall be prohibited to display any signs that are inconsistent with local laws or regulations or state law.
- (P) It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors.
- (Q) It shall be prohibited to use the symbol or image of a Marihuana leaf in any exterior building signage.
- (R) No provisioning center shall allow a physician to conduct a medical examination or issue a medical certification document on the premises for the purpose of

obtaining a registry identification card, regardless of whether the Stakeholder was present at the time the prohibited conduct took place.

- (S) Certified laboratory testing results that meet the MMMA and Medical Marijuana Facilities Licensing Act or applicable state laws must be available to all Provisioning Center patients/customers upon request.

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

- (A) No Grower Facility, Safety Compliance Facility, Processor Facility, Provisioning Center or Secure Transporter shall be located within five hundred (500) feet of real property comprising a public or private elementary, licensed child care facility, vocational or secondary school.
- (B) No Grower Facility, Safety Compliance Facility, Processor Facility, Provisioning Center, or Secure Transporter shall be located within two hundred fifty (250) feet of real property comprising a public park. Any Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter located more than two hundred fifty (250) feet but less than five hundred (500) feet of real property comprising a public park shall be surrounded by a fence as required by city ordinance. 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 ensure the security of the premises and safety of the public.
- (C) No Grower Facility, Safety Compliance Facility, Processor Facility, Provisioning Center, or Secure Transporter shall be located within two hundred fifty (250) feet of real property comprising a place of religious worship. Any Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter located more than two hundred fifty (250) feet but less than five hundred (500) feet of real property comprising a place of religious worship shall be surrounded by a fence as required by city ordinance. 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 ensure the security of the premises and safety of the public.
- (D) 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 feet of any residential zoning district shall be surrounded by a fence as required by ordinance. 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 ensure the security of the premises and safety of the public.

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

Renumbering: The following Ordinances shall be renumbered as follows:

- (A) 22-203 shall be 22-202;
- (B) 22-204 shall be 22-203;
- (C) 22-205 shall be 22-204;
- (D) 22-206 shall be 22-205;
- (E) 22-207 shall be 22-206;
- (F) 22-208 shall be 22-207;
- (G) 22-209 shall be 22-208;
- (H) 22-210 shall be 22-209;
- (I) 22-211 shall be 22-210;
- (J) 22-212 shall be 22-211;

Repealer: All other ordinances in conflict or inconsistent with this ordinance are hereby repealed.

Severability: The provisions of this Ordinance are deemed to be severable and should any provision, section, or party thereof be declared to be invalid, the remainder of the ordinances shall continue in full force and effect.

This Ordinance shall take effect after publication on June 7, 2018.

First Reading:
April 23, 2018

Second Reading:
May 7, 2018

Ayes _____
Nays _____
Absent _____

Ayes _____
Nays _____
Absent _____

Jill Domingo
City Clerk

Garrett Brown,
Mayor

To: Albion City Council
112 W. Cass St.
Albion, MI 49224

Re: Offers to Purchase City property

Date: April 27, 2018

Please consider this communication as a follow-up of the letter that I previously submitted regarding the purchase of lots, 702, 704, 706 & 708 Erie St. I would like to submit two offers for your consideration.

#1: I would like to purchase each lot for \$1. This would be a total of \$4 and it would allow the properties to be added to the tax base for the city and eliminate the need for the city to maintain them.

- Or

#2: I would like to purchase each lot for \$10 with the elimination of any sidewalk assessment fees for each lot. This would be a total of \$40 and it would allow the properties to be added to the tax base for the city and eliminate the need for the city to maintain them.

My plan for the properties is to combine lots 706 & 708 and build a home. I will keep lots 702 & 704 as individual lots and keep them manicured.

Feel free to contact me if you have any questions or concerns. Thanks so much for your time and support.

Ronnie Sims, City Resident
710 W. Erie St.
Albion, MI 49224
517-894-5441

RFQ FOR CITY MANAGER SEARCH

	SEARCH FIRM	Standard Search Fee	Not to Exceed Fee
1.	The Mercer Group	\$16,400	\$18,900
2.	SGR	\$18,500	\$28,000
3.	Slavin Management Consultants	\$15,215	\$23,583.25
4.	Michigan Municipal League (MML)	\$17,000	\$19,200
5.	Springsted/Waters	\$24,500	\$24,500
6.	Rehmann	\$20,000	\$30,000
7.	Gov HR USA	\$20,000	

INFORMATION
ONLY

April 19, 2018

Mrs. Jill A. Domingo
City Clerk
Albion
112 W. Cass St.
Albion, MI 49224-1731

Dear Jill,

This letter is to ask that your community support the efforts of the City of Escanaba regarding the fight to preserve the correct assessment of large big box stores—a fight that will have a significant impact on local governments state wide. For those of you who are on the Michigan Municipal Executives listserv, you may have seen the recent request by the city manager. The League supports his request.

The “dark store” or “obsolescence” property valuation theory cast a cloud over the ability of local governments to defend their assessments of a wide variety of commercial and large industrial facilities, especially corporate headquarters and unique properties found in many communities. The City of Escanaba won a significant victory in the Michigan Supreme Court for equitable property assessments in the “dark store” litigation of *Menard Inc. v City of Escanaba*. During the several stages of the litigation, the League’s Legal Defense Fund and the League financially assisted Escanaba, as did the Michigan Townships Association, the Michigan Association of Counties, the Michigan Association of School Boards, the Michigan School Business Officials, the Michigan Assessors Association, and the Government Law Section of the State Bar of Michigan. The case has been remanded back to the Michigan Tax Tribunal (MTT) for a determination of actual valuation. Local governments throughout Michigan have a huge stake in the Tribunal’s decision.

The remand hearing before the Tribunal could undermine what was won in the Court of Appeals and subsequently upheld by the Supreme Court. Big box retailers and appraisers are preparing studies to either support or undermine the *Menard* decision. Both the Tax Tribunal and *Menard* have stated that this case will be precedent setting and will determine how big box stores should be assessed.

The City of Escanaba, with a population of 12,616 and a taxable value of \$299,460,000 has expended close to \$190,000 on the *Menard* appeal; other Delta County taxing entities have added approximately \$40,000 to the city’s defense. We understand, however, that their contributions represent all they can provide. Because city leaders recognize the state-wide impact of their case, exceptionally high costs have been incurred by the city to achieve an outcome from which many more communities will also benefit.

Approximately 80% of MML member communities are also members of our Legal Defense Fund (LDF). We greatly appreciate your contribution and if this were a normal LDF case, there would be sufficient funds to make sure the city was getting the assistance it needs. This is not, however, a normal case, due

We love where you live.



to its cost and potential impact. The LDF and the League itself have already expended and committed approximately \$40,000 on “big box store” litigation, an amount that is much greater when counting the assistance of the other state associations mentioned above. We and the other state associations will do more, but we don’t have sufficient financial resources to give the city all the financial help it needs.

Because we are not likely to see a legislative fix pass before the Tribunal hears this case, it is imperative that the City prevails in this case, establishing a standard for valuation that is clear and fair. Many cities and townships stepped up to support one of several *amicus* briefs filed when this case was before the Supreme Court, indicating a strong statewide interest to play a part in a successful outcome. Additionally, the Michigan Department of Treasury recognizes the importance of this case and is considering providing a level of financial support for technical appraisal experts. However, more will be needed, and it is not fair that Escanaba fights this battle alone when many more communities will share in a fair and positive outcome.

For those communities that don’t currently have, and don’t expect to have, the sort of big box store at issue in this case—please note the following quote from a recent article by S&P Global Market Intelligence entitled “‘Dark Store’ Tactic By Big-Box Retailers Could Pressure U.S. Municipal Budgets And Credit Quality”:

We have also observed the use of dark store arguments by pharmacies, auto parts stores, and, in a few instances, fast food chains, and believe there’s some potential for these arguments to be employed more widely than they have been. The basic argument regarding functional obsolescence seems to apply equally well to other types of properties, giving rise to the potential for a domino effect of property tax appeals across the commercial and industrial portions of the tax base, which, were it to occur, could have a much more profound effect on some governments’ ability to levy ad valorem property taxes on a significant cross-section of taxpayers.

Thus, the Escanaba case may have a significant impact on all Michigan local governments. If your community can offer financial assistance at this critical juncture, this is your opportunity. Checks can be made payable to the City of Escanaba, P.O. Box 948, Escanaba, MI 49829-0948. Please enclose a notation that the check is intended for the *Menards* Tax Tribunal appeal as the city has established a segregated account for this purpose. If you prefer, checks may be sent to the Municipal League’s Ann Arbor address, payable to “MML LDF – Escanaba” and we will forward the funds gathered to Escanaba. For more information regarding a community’s authority to make a contribution, please have your municipal attorney review *Hess v. Cannon and Grattan Townships*, (265 Mich. App. 582, 696 N.W.2d 742) regarding pertinent municipal authority and the court’s deference to legislative determinations of public purpose.

Thanks for your consideration. If you have any questions, please do not hesitate to contact Bill Mathewson at 734-669-6305 or wmathewson@mml.org.

Sincerely,



Daniel P. Gilmartin
Executive Director/CEO

