



CITY OF ALBION CITY COUNCIL REGULAR MEETING AGENDA

*Meetings: First and Third Mondays - 7:00 p.m.
Monday, February 1, 2021*

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

PLEASE TURN OFF CELL PHONES DURING MEETING

Page	
	I. CALL TO ORDER
	II. MOMENT OF SILENCE TO BE OBSERVED
	III. PLEDGE OF ALLEGIANCE
	IV. ROLL CALL
	V. APPROVAL OF AGENDA (Includes any proposed additions, deletions or changes to the agenda)
	A. AGENDA
	VI. PRESENTATIONS AND RECOGNITIONS
3	A. A PROCLAMATION PROCLAIMING MARCH 2021 AS THE 19TH ANNUAL MARCH FOR MEALS MONTH Proclamation Request (2)
	VII. PUBLIC HEARING
	VIII. 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.)
	IX. CLOSED SESSION
	X. CONSENT CALENDAR (VV) (ITEMS) (Items on Consent Calendar are voted on as one unit)
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7 - 19	B. JANUARY 19, 2021 REGULAR SESSION MINUTES CITY COUNCIL REGULAR MEETING - 19 Jan 2021
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- 47 - 49 B. 1ST READING & APPROVAL ORDINANCE # 2021-03, AN ORDINANCE TO AMEND CHAPTER 22, ARTICLE IV, TO AMEND SECTION 22-183, PERMIT PROCEDURES FOR OUTDOOR AND SIDEWALK CAFES AND TO AMEND SECTION 22-186 OPERATING RESTRICTIONS FOR OUTDOOR AND SIDEWALK CAFES
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- 50 - 53 C. APPROVAL OF 2021 CALHOUN COUNTY PARKS MILLAGE ALLOCATION
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- 54 - 57 D. APPROVAL OF BATTLE CREEK YMCA SERVICE AGREEMENT
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- 58 - 60 E. APPROVAL OF PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES
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- 63 H. DISCUSSION REGARDING POLICE INVESTIGATION
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- XII. FUTURE AGENDA ITEMS
- XIII. PUBLIC COMMENTS
(Persons addressing the City Council shall limit their comments to no more than three (3) minutes. Proper decorum is required.)
- XIV. CITY MANAGER REPORT
- 64 A. [CM Report 2.1.2021](#)
- XV. MAYOR AND COUNCIL MEMBER COMMENTS
- XVI. MOTION TO EXCUSE ABSENT COUNCIL MEMBER (S)
- XVII. ROLL CALL
- XVIII. ADJOURN



A PROCLAMATION PROCLAIMING MARCH 2021 AS THE 19th ANNUAL MARCH FOR MEALS MONTH

WHEREAS, on March 22, 1972, President Richard Nixon signed into law a measure that amended the Older Americans Act of 1965 and established a national nutrition program for seniors 60 years and older; and

WHEREAS, Meals on Wheels America established the March for Meals campaign in March 2002 to recognize the historic month, the importance of the Older Americans Act Nutrition Programs, both congregate and home-delivered, and raise awareness about the escalating problem of senior hunger in America; and

WHEREAS, the 2021 observance of March for Meals celebrates 19 years of providing an opportunity to support Meals on Wheels programs that deliver vital and critical services by donating, volunteering and raising awareness about senior hunger and isolation; and

WHEREAS, Meals on Wheels programs – both congregate and home-delivered, in the city of Albion have served our communities admirably for over 50 years; and

WHEREAS, volunteers for Meals on Wheels programs in Albion are the backbone of the program and they not only deliver nutritious meals to seniors and individuals with disabilities who are at significant risk of hunger and isolation, but also caring concern and attention to their welfare; and

WHEREAS, Meals on Wheels programs in Albion provide nutritious meals to seniors throughout the city that help them maintain their health and independence, thereby preventing unnecessary falls, hospitalizations and/or premature institutionalization; and

WHEREAS, Meals on Wheels programs in Albion provide a powerful opportunity for social connection for millions of seniors to help combat the negative health effects and economic consequences of loneliness and isolation; and

WHEREAS, Meals on Wheels programs in Albion deserve recognition for the heroic contributions and essential services they have provided amid the COVID-19 pandemic and will continue to provide to local communities, our State and our Nation long after it is over.

NOW, THEREFORE, I, Victoria Garcia, as Mayor of the City of Albion do hereby proclaim March 2021 as the 19th Annual March for Meals Month and urge every citizen to take this month to honor our Meals on Wheels programs, the seniors they serve and the volunteers who care for them. Our recognition of, and involvement in, the national 2021 March for Meals can enrich our entire community and help combat senior hunger and isolation in America.

Dated this 1st day of March, 2021

Mayor Victoria Garcia



MINUTES
CITY COUNCIL STUDY SESSION
Tuesday, January 19, 2021 @ 6:00 PM
Zoom Meeting

I. CALL TO ORDER

Mayor Pro Tempore Jackson called the Study Session to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

PRESENT: Lenn Reid (Precinct 2, Albion); Nora Jackson (Mayor Pro-Tempore, Precinct 3, Albion); Linda LaNoue (Precinct 5, Albion) and Shane Williamson (Precinct 6, Albion)

ABSENT: Vicky Clark (1), Marcola Lawler (4) and Mayor Snyder

ADMINISTRATION: Haley Snyder, Interim City Manager; Cullen Harkness, City Attorney and Jill Domingo, City Clerk

IV. ITEMS FOR INDIVIDUAL DISCUSSION

A. DISCUSSION - PRELIMINARY ALIGNMENT OF GOALS

The following were the Council Members City goals:

Council Member Williamson:

- Affordable senior housing at market rates
- Would like to design task forces that don't have as stringent of rules as for Boards & Commissions
- Suggested each Council Member following a Board throughout the year and report back to Council

- How to focus attention on gaining resources to provide to the community

Mayor Pro Tempore Jackson:

- Hire permanent City Manager
- Build relationships with the community
- Room for growth with Recreation and the Consolidation of the EDC, DDA and Chamber

Council Member Reid:

- Townhall meetings
- Reports from Boards & Commissions
- Recreation Committee
- Help to find programs for teenagers such as the Earn, Work & Play Program
- Help Seniors with City wide Clean-Up Day
- All entities of the City need to meet on what we do, how we do it and how it should be done

Council Member LaNoue:

- Building robust communications with City administration to provide best services for the residents
- Council Member training
 - Additional resources
 - Sub-Committees
- Increase public participation
- Workforce Development Committees to help create jobs in Albion
- The EDC provides the following services:
 - Posts jobs in Albion on Mondays
 - Round tables for businesses
 - Entrepreneurship Program
 - Workforce Development Taskforce that will be rolling out an employer survey
 - EDC has stated some Council Members may be part of the task force. Council Member LaNoue would like to be involved in this task force
- Public Infrastructure -Asset Management Plan
- Master Plan to be updated this year

Comments were received from Interim City Manager Snyder who stated the Asset Management Plan is currently being worked on by Wightman and Associates and will include transportation, bridges and structures. Once complete, it will go to Council for final approval

V. 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

VI. CITY MANAGER REPORT- None

VII. MAYOR AND COUNCIL MEMBER COMMENTS

Comments were received from Council Member Reid

VIII. ADJOURN

A.

Moved by (2) Reid, seconded by (5) LaNoue

To adjourn Study Session

Mayor Pro-Tempore Jackson adjourned the Study Session at 6:29 p.m.

	For	Against	Abstained	Absent
Snyder Mayor				x
Clark (1)				x
Reid (2)	x			
Jackson (3)	x			
Lawler (4)				x
LaNoue (5)	x			
Williamson (6)	x			
	4	0	0	3

Carried

Jill A. Domingo, City Clerk



MINUTES
CITY COUNCIL REGULAR MEETING
Tuesday, January 19, 2021 @ 7:00 PM
Zoom Meeting

I CALL TO ORDER

Mayor Pro Tempore Jackson called the regular session to order at 7:00 p.m.

II MOMENT OF SILENCE TO BE OBSERVED

III PLEDGE OF ALLEGIANCE

IV ROLL CALL

PRESENT: Vicky Clark (Precinct 1, Albion)(joined at 7:24 p.m.); Lenn Reid (Precinct 2, Albion); Nora Jackson (Mayor Pro-Tempore, Precinct 3, Albion); Linda LaNoue (Precinct 5, Albion) and Shane Williamson (Precinct 6, Albion)

ABSENT: Marcola Lawler (4) and Mayor Snyder

ADMINISTRATION: Haley Snyder, Interim City Manager; Cullen Harkness, City Attorney; Jill Domingo, City Clerk; Patrick Miller, Director of Public Services and John Tracy, Director of Planning, Building & Code Enforcement

V APPROVAL OF AGENDA

(Includes any proposed additions, deletions or changes to the agenda)

A. AGENDA

Moved by (6) Williamson, seconded by (5) LaNoue

To approve agenda as presented

	For	Against	Abstained	Absent
Snyder Mayor				x
Jackson (3)	x			
Clark (1)				x
Reid (2)	x			
Lawler (4)				x
LaNoue (5)	x			
Williamson (6)	x			
	4	0	0	3

Carried

VI PRESENTATIONS AND RECOGNITIONS

A. CALHOUN COUNTY LAND BANK UPDATE-KRISTA TROUT-EDWARDS

Krista Trout-Edwards, Director Calhoun County Land Bank provided the Council with the following update:

The purpose of the Calhoun County Land Bank is to return properties to productive use, foster neighborhood revitalization and encourage redevelopment. The Land Bank operates its own programs to manage its inventory and also coordinates partnerships with local municipalities, non profits, citizens, businesses and community groups.

Calhoun County Programs:

Lease & Maintenance Programs:

- Adopt a Lot or Garden Lease-Citizens can take responsibility for mowing & maintaining a vacant Land Bank property for a small yearly adoption fee
- Neighborhood Mow & Maintenance-Allows community groups and organizations to earn funds by mowing & maintaining vacant properties owned by the Land Bank in exchange for a stipend
- Quiet Title- The Land Bank has the ability to expedite a Quiet Title for real property in Calhoun County, which takes a clouded title through the legal process for resolution

Land Transfer Programs

- Side Lot-Homeowners can expand their side yard, build an accessory structure or an addition to their home
- Transform this Home-This program is for those who want to purchase & restore a home for their primary residence or for investors who wish to transfer a residence into a viable rental unit
- Transform this Commercial Property-Calhoun County Land Bank Authority assists buyers in rehabilitating distressed commercial properties into productive commercial and mixed use facilities
- Develop this Lot-The Calhoun County Land Bank Authority partners with interested buyers in the purchase and redevelopment process to transform vacant land; for housing, commercial, industrial, or mixed use projects

Purchase Property from the Land Bank must meet the following qualifications:

- Good standing with code office
- Current on all property tax payments
- Meet program requirements

Cost:

Side lots-\$200-\$700 plus recording fees

Vacant Land-Fair Market Value

Transform this Home and Transform this Commercial Property-Fair Market Value

Comments were received from Council Members LaNoue, Clark and Reid and Mayor Pro Tempore Jackson

VII PUBLIC HEARING

Michigan Community Development Block Grant (CDBG) Funding for 1917 E. Michigan Avenue

Mayor Pro-Tempore Jackson opened the public hearing at 7:31 p.m.

Christine Bowman, Albion Economic Development Corporation provided an overview of the Michigan Community Development Block Grant (CDBG) Funding for 1917 E. Michigan Avenue stating in Spring of 2020

a grant application was submitted to the MEDC for the site readiness program for 1917 E. Michigan Avenue also known as the 425 property. The AEDC was looking for property to develop for industrial development as the industrial park is running out of properties. The AEDC has owned this property since 2005 through a 425 agreement with Sheridan Township. When awarded the grant, the funding changed from the MEDC to CDBG funds. The City of Albion must be the grant recipient for CDBG funds. The 425 property is zoned as M-2 and this grant will help to develop the property and make the site more marketable. It will also help to determine what additional infrastructure may be needed and the type and size of manufacturing facility.

No Public Comments were received

Council Comments were as follows:

Council Member LaNoue asked why the funding was changed from MEDC funds to CDBG funds?

Christine Bowman stated there was a large pool of applicants and they wanted to award as many grants as possible

Mayor Pro Tempore Jackson asked if the property is divided into lots and is the property located in Albion?

Christine Bowman stated the parcel the AEDC owns which is 1917 E. Michigan is a 40 acre parcel. There are other properties (lots) around the property which have been marketed for development. The property is located in Sheridan Township but is owned by the AEDC through the 425 agreement. City water has been extended out and there are City sewer connections on both sides of the road

Council Member Clark asked if there are any plans to market the old Albion Malleable property on Albion Street?

Christine Bowman stated the AEDC is always willing to look at marketing properties however, many times they run into environmental issues

Mayor Pro Tempore Jackson closed the Public Hearing at 7:42 p.m.

- A. RESOLUTION # 2021-01, A RESOLUTION TO AUTHORIZE THE CITY MANAGER, INTERIM CITY MANAGER OR ACTING CITY MANAGER AS THE AUTHORIZED SIGNER OF GRANT DOCUMENTS FOR THE 1917 E. MICHIGAN AVE MASTER SITE DEVELOPMENT PLAN

PROJECT

AIR-21-163

Moved by (6) Williamson, seconded by (5) LaNoue

AIR-21-163

Approve Resolution # 2021-01, A Resolution to Authorize the City Manager, Interim City Manager or Acting City Manager as the Authorized Signer of Grant Documents for the 1917 E. Michigan Ave Master Site Development Plan Project

	For	Against	Abstained	Absent
Snyder Mayor				x
Jackson (3)	x			
Clark (1)	x			
Reid (2)	x			
Lawler (4)				x
LaNoue (5)	x			
Williamson (6)	x			
	5	0	0	2

Carried

VIII 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

IX CLOSED SESSION

The City Attorney requests a Closed Session under the Open Meetings Act (Section 15.268 (h), P.A. 267 of 1976, as amended) to consider material exempt from discussion or disclosure by state or federal statute

Moved by (6) Williamson, seconded by (5) LaNoue

To adjourn to Closed Session

	For	Against	Abstained	Absent
Snyder Mayor				x

Jackson (3)	x			
Clark (1)	x			
Reid (2)	x			
Lawler (4)				x
LaNoue (5)	x			
Williamson (6)	x			
	5	0	0	2

Carried

Mayor Pro Tempore Jackson adjourned to Closed Session at 7:46 p.m.

Mayor Pro Tempore Jackson re-convened the regular session at 7:59 p.m.

ROLL CALL:

PRESENT: Vicky Clark (1); Lenn Reid (2); Nora Jackson (Mayor Pro Tempore) (3); Linda LaNoue (5) and Shane Williamson (6)

ADMINISTRATION: Haley Snyder, Interim City Manager; Cullen Harkness, City Attorney; Jill Domingo, City Clerk; Patrick Miller, Director of Public Services and John Tracy, Director of Planning, Building & Code Enforcement

X CONSENT CALENDAR (VV) (items)

(Items on Consent Calendar are voted on as one unit)

A. JANUARY 4, 2021 REGULAR SESSION MINUTES

Moved by (6) Williamson, seconded by (5) LaNoue

To Approve Consent Calendar as presented

	For	Against	Abstained	Absent
Snyder Mayor				x
Jackson (3)	x			
Clark (1)	x			
Reid (2)	x			
Lawler (4)				x
LaNoue (5)	x			
Williamson (6)	x			
	5	0	0	2

Carried

XI ITEMS FOR INDIVIDUAL DISCUSSION

- A. 1ST READING & APPROVAL ORDINANCE # 2021-01, AN ORDINANCE TO AMEND CHAPTER 22, TO AMEND ARTICLE V, SECTIONS 22-201 TO 22-213, MEDICAL MARIHUANA FACILITIES

AIR-21-164

Comments were received from City Attorney Harkness

Moved by (6) Williamson, seconded by (1) Clark

AIR-21-164

1st Reading & Approval Ordinance # 2021-01, An Ordinance to Amend Chapter 22, To Amend Article V, Sections 22-201 to 22-213, Medical Marihuana Facilities

	For	Against	Abstained	Absent
Snyder Mayor				x
Jackson (3)	x			
Clark (1)	x			
Reid (2)	x			
Lawler (4)				x
LaNoue (5)	x			
Williamson (6)	x			
	5	0	0	2

Carried

- B. APPROVE RESOLUTION # 2021-02, TO APPROVE BALLOT LANGUAGE TO RENEW THE LEVY OF 2 MILLS FOR THREE YEARS TO RAISE DEDICATED FUNDING OF \$185,600 PER YEAR FOR THE CONTINUED OPERATION OF THE RECREATION PROGRAMS OF THE CITY OF ALBION

AIR-21-165

Comments were received from Council Member Williamson and Interim City Manager Snyder

Moved by (6) Williamson, seconded by (2) Reid

AIR-21-165

Approve Resolution # 2021-02, To Approve Ballot Language to Renew the Levy of 2 Mills for Three Years to Raise Dedicated Funding of \$185,600 Per Year for the Continued Operation of the Recreation Programs for the City of Albion

	For	Against	Abstained	Absent
Snyder Mayor				x
Jackson (3)	x			
Clark (1)	x			
Reid (2)	x			
Lawler (4)				x
LaNoue (5)	x			
Williamson (6)	x			
	5	0	0	2

Carried

C. APPROVAL ENTERPRISE FLEET MANAGEMENT PROGRAM

AIR-21-169

Comments were received from Council Members Reid, Clark and LaNoue; Interim City Manager Snyder and Director of Public Services Miller

Moved by (6) Williamson, seconded by (1) Clark

Approve Fleet Management Program as presented

	For	Against	Abstained	Absent
Snyder Mayor				x
Jackson (3)	x			
Clark (1)	x			
Reid (2)	x			
Lawler (4)				x
LaNoue (5)	x			
Williamson (6)	x			
	5	0	0	2

Carried

D. APPROVE RESOLUTION # 2021-03, A RESOLUTION TO APPROVE

AN AMENDMENT TO SCHEDULE OF FEES TO INCLUDE DONATION BIN FEES

AIR-21-170

Comments were received from Council Members Clark, LaNoue and Williamson; Mayor Pro Tempore Jackson; Interim City Manager Snyder and City Attorney Harkness

AIR-21-170

Approve Resolution # 2021-03, A Resolution to Approve an Amendment to Schedule of Fees to Include Donation Bin Fees

Carried

Moved by (6) Williamson, seconded by (5) LaNoue

Approve Resolution # 2021-03, A Resolution to Approve an Amendment to Schedule of Fees to Include Donation Bin Fees

	For	Against	Abstained	Absent
Snyder Mayor				x
Jackson (3)	x			
Clark (1)	x			
Reid (2)	x			
Lawler (4)				x
LaNoue (5)	x			
Williamson (6)	x			
	5	0	0	2

Carried

E. DISCUSSION BARNES PARK

AIR-21-166

Mayor Pro Tempore Jackson stated she appreciated the quick response and City's work on Barnes Park. The dock has been roped off and secured until it can be fixed properly.

Interim City Manager Snyder stated there have been on-going issues with the dock and it is in need of repair. The City does not have the proper equipment to secure the deck. Director of Public Services Miller is looking into repairing the dock properly.

F. RENTAL CERTIFICATION UPDATE

AIR-21-167

Council Member Clark stated that she, Council Member Williamson, Director of Planning, Building & Code Enforcement Tracy and the former City Manager had met to obtain additional information on rentals in the City of Albion. They requested how many homeowners and how many landlords there were in the City. Direction of Planning, Building & Code Enforcement Tracy provided the following information collected in 2020:

- 1352 rental units in the City (this number does not include college dorms)
- 195 individuals owning rental property live in the City
- 164 individuals owning rental property live in the Albion mailing district
- 256 individuals owning rental property live outside Albion but in Michigan
- 66 individuals owning rental property live out of state
- there are 372 non-taxable rental properties

Director Tracy also provided the Council with a list of common code violations. He suggested that Council review Three Rivers platform for rental certification to move forward. Three Rivers is approximate in size to Albion and has had rental certification for a few years.

Council Member Clark asked if something can be done with abandoned houses

City Attorney Harkness stated some communities use a vacant property ordinance. He will provide Council with sample ordinances at a future Council meeting.

Additional comments were received from Council Member Williamson, LaNoue and Reid and Mayor Pro Tempore Jackson

G. DISCUSSION BOARDS & COMMISSIONS

AIR-21-168

Interim City Manager Snyder stated she wanted to make the Council and residents aware that there are several vacant board seats and encourages residents to apply for these seats.

Council Member Clark asked if previous applications are being reviewed

for these seats.

Interim City Manager Snyder stated the information has been passed on to Mayor Snyder

Council Member LaNoue stated the Equity Task Force is a citizen advisory board. The goals of the task force are to achieve solutions to address the legacy of structural and systemic racism in the City of Albion and to provide recommendations on City of Albion policies and procedures to ensure racial equity is a core element of organization practices in the City of Albion. All seats for this Task Force are open.

XII FUTURE AGENDA ITEMS

The following items were requested for the next agenda:

Council Member Williamson asked for a discussion on recreational sales of marihuana and a presentation from the Albion Economic Development Corporation on revenues from sales of recreational marihuana sales

Council Member Clark asked for a presentation from Sunnie's Cannabis Company

City Attorney Harkness stated the property taxes and license fees were all the revenue that would be captured from recreational marihuana sales. The State has not been distributing any revenue funds to municipalities

XIII 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 Paul Egnatuk, Assistant to State Representative Haadsma and Calhoun County Commissioner Tompkins

XIV CITY MANAGER REPORT

Interim City Manager Snyder provided the Council with the following City Manager report:

Granger Billing – With 2021 unfolding, Albion residents have brought forth many questions and concerns regarding the Granger Yard Waste

collection fee. Previously, the yard waste collection fee was prorated over 8 months and charged only during the months of pick-up (April-November). Under the new contract, the fee is equally spread out over 12 months to provide a more consistent billing. Please note, residents are not being charged extra for the yard waste collection service. For 2021, the monthly fee increased \$1.29 and many additional services have been added under the new service contract – unlimited yard waste collection, blue bag recycling, and monthly bulk item collection. The city is looking to coordinate the citywide cleanup with the annual Calhoun County scrap tire and electronics collection event. Tentative 2021 citywide cleanup has been scheduled for Saturday, June 26th - more information to come.

Director of Planning & Building Position – Ian Arnold has formally accepted the Director of Planning & Building position and will begin on Tuesday, January 19th. Mr. Arnold has a Bachelor’s Degree in Public and Nonprofit Administration – Community Development and Planning from Grand Valley State University.

COVID-19 Vaccine Information – Currently, the Calhoun County Public Health Department (CCPHD) is providing COVID-19 vaccinations to: Health Care Workers, staff & residents of long-term care facilities, seniors 65+ years of age, and frontline essential workers. Due to extremely high demand, all current Calhoun County clinics are full. Seniors age 65+ are encouraged to call 269-441-0912 to be put on a waiting list. Once more clinics are scheduled, based on vaccine availability, the CCPHD will contact you to schedule an appointment. For more information please visit – www.calhouncountymi.gov

City Hall Operations – City Hall’s front lobby is open to the public Monday-Friday from 10a-3p. Residents are encouraged to continue to utilize the front drop box (no cash payments allowed) and online payment option for property tax and utility billing payments. Residents can call anytime during regular business hours to schedule an appointment to handle any other department business.

XV MAYOR AND COUNCIL MEMBER COMMENTS

Comments were received from Council Members Clark and Williamson and Mayor Pro Tempore Jackson

XVI MOTION TO EXCUSE ABSENT COUNCIL MEMBER (S)

Moved by (5) LaNoue, seconded by (1) Clark

To Excuse Council Member Lawler (4) and Mayor Snyder

	For	Against	Abstained	Absent
Snyder Mayor				x
Jackson (3)	x			
Clark (1)	x			
Reid (2)	x			
Lawler (4)				x
LaNoue (5)	x			
Williamson (6)	x			
	5	0	0	2

Carried

XVII ROLL CALL

PRESENT: Vicky Clark (1) ; Lenn Reid (2); Nora Jackson (Mayor Pro-Tempore) (3), Linda LaNoue (5) and Shane Williamson (6)

ABSENT: Marcola Lawler (4) and Mayor Snyder

ADMINISTRATION: Haley Snyder, Interim City Manager; Cullen Harkness, City Attorney; Jill Domingo, City Clerk; Patrick Miller, Director of Public Services and John Tracy, Director of Planning, Building & Code Enforcement

XVIII ADJOURN

Mayor Pro Tempore Jackson adjourned the regular session at 9:20 p.m.

Jill A. Domingo, City Clerk

CITY COUNCIL REGULAR MEETING AGENDA ITEM REPORT



To: City Council
Subject: APPROVAL OF DELL FORENSIC COMPUTER PURCHASE
Meeting: CITY COUNCIL - 01 Feb 2021
Department: City Manager
Staff Contact: Haley Snyder, Assistant City Manager/HR Coordinator

FINANCIAL IMPACT:

Purchase amount - \$5,500.00 - in which ADPS will be reimbursed for the full purchase amount by IRS Criminal Investigations Division.

ATTACHMENTS:

[scan](#)



Albion Department of Public Safety

112 W Cass St. Albion, MI., 49224 (517) 629-3933

Scott Kipp, Chief

To: Interim City Manager Haley Snyder
From: Deputy Chief Jason Kern
Date: 01-27-2021
Subject: Purchase of Dell Forensic Computer

City Manager Snyder,

As you are aware, we are reimbursed for purchases of equipment and other specialized items as part of my duties and participation with IRS Criminal Investigations Division. One such purchase is the upgrade that has been budgeted and approved by IRS CI for a new forensic computer located in the forensic laboratory at the Marshall Regional Law Enforcement Center (MRLEC) in Marshall. This specially built computer by Dell Computers will be used for criminal investigations into child pornography, homicides, and other serious felony investigations not only by ADPS, but by several of our Local, State, and Federal agencies we work these cases with. The cost of this computer is approximately \$5500.00, in which we will be reimbursed for the entire purchase cost. Just like other approved purchases with IRS CI, ADPS will request the reimbursement of this purchase on our monthly reimbursement forms for either January 2021 or February 2021, which has a turn around time of 1-2 months after submission.

Please let me know if you have any further questions.

Jason Kern
Deputy Chief
Albion Public Safety

CITY COUNCIL REGULAR MEETING AGENDA ITEM REPORT



To: CITY COUNCIL
Subject: 2ND READING & ADOPTION ORDINANCE # 2021-01, AN ORDINANCE TO AMEND CHAPTER 22, TO AMEND ARTICLE V, SECTIONS 22-201 TO 22-213, MEDICAL MARIHUANA FACILITIES
Meeting: CITY COUNCIL REGULAR MEETING - 19 Jan 2021
Department: Attorney
Staff Contact: Cullen Harkness, City Attorney

SUMMARY OF PREVIOUS COUNCIL ACTION:

Council Approved 1st Reading & Approval at the January 19, 2021 regular Council Meeting

ATTACHMENTS:

[Ordinance 2021-01 \(9\)](#)

**CITY OF ALBION
ORDINANCE #2021-01**

AN ORDINANCE TO AMEND CHAPTER 22, TO AMEND ARTICLE V, SECTIONS 22-201 TO 22-213, MEDICAL MARIHUANA FACILITIES

Purpose and Finding: There has been increasing litigation across the state regarding medical marihuana facilities. One issue is the distinction between whether a local municipality can issue a “license” for a medical marihuana facility or a permit. Recent litigation indicates a leaning of the courts towards the ability of municipalities to issue permits for the facilities. As such, it is recommended that the ordinance be modified to issue permits rather than licenses. Additionally, amendments have been made to remove any sections that might encroach upon areas solely regulated by the state to avoid any potential issues of preemption, which is another issue that has been litigated recently. Approval is recommended.

THE CITY OF ALBION ORDAINS:

Section 1. Chapter 22, of the Codified Ordinances of the City of Albion, is hereby amended, by amending Article V, Sections 22-201 through 22-213 as follows:

Sec. 22-201. - Definitions, interpretation and conflicts.

For the purposes of this chapter:

- a. Any term defined by the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26421 et seq., as amended ("MMMA") or the Medical Marihuana Facilities Licensing Act, 2016 PA 281, shall have the definition given in the MMMA, as amended, or the Medical Marihuana Facilities Licensing Act, as amended. If the definition of a word or phrase set forth in this chapter conflicts with the definition in the MMMA or the Medical Marihuana Facilities Licensing Act, or if a term is not defined but is defined in the MMMA or the Medical Marihuana Facilities Licensing Act, then the definition in the MMMA or the Medical Marihuana Facilities Licensing Act shall apply.
- b. Any term defined by 21 USC 860(E) referenced in this chapter shall have the definition given by 21 USC 860(E).
- c. This article shall not limit an individual's or entity's rights under the MMMA or the Medical Marihuana Facilities Licensing Act. The MMMA and the Medical Marihuana Facilities Licensing Act supersede this article where there is a conflict between them.
- d. All activities related to marihuana, including those related to, a grower facility, secure transporter, processor facility or a safety compliance facility, shall be in compliance the rules, regulations, and ordinances of the City of Albion

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

f. The following terms shall have the definitions given:

"Chapter" means this chapter.

"City" means the City of Albion, Michigan.

"Council" or *"city council"* means the City Council of the City of Albion, Michigan.

"Enclosed locked facility" means a closet, room, or other comparable, stationary, and fully enclosure, equipped with secured locks or other functioning security devices. Marihuana plants grown outdoors are considered to be in an enclosed locked facility if they are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure and are grown within a stationary structure that is enclosed on all sides, except for the base, by chain-link fencing, wooden slats, or similar material that prevents access by the general public and that is anchored, attached, or affixed to the ground and as defined in the MMMA.

"Grower" or *"grower facility"* means a commercial entity that cultivated, dries, trims or cures and packages marihuana for sale to a processor or provisioning center.

"Marihuana plant(s)" means any plant of the species cannabis sativa.

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

"Medical marihuana facility(ies)" means any facility, establishment and/or center that is required to be licensed under this chapter, including a provisioning center, grower, processor, safety compliance facility, and secure transporter.

"Ordinance" means the ordinance adopting this chapter.

"Permit application" refers to the requirements and procedures set forth in sections 22-204 and 22-205.

"Permittee" a commercial entity holding a valid and current permit issued under this Chapter.

"Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.

"Processor" or *"processor facility"* means a commercial entity that purchases marihuana from a grower and that extracts resin from the marihuana or creates a

marihuana-infused product for sale and transfer in packaged form to a provisioning center.

"Provisioning center" means a commercial entity that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the MMMA is not a provisioning center for the purposes of this article.

"Restricted/limited access area" means a building, room or other area under the control of the licensee with access governed by the MMMA or other applicable state law.

"Safety compliance facility" means a commercial entity that receives marihuana from a medical marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the medical marihuana facility.

"Secure transporter" means a commercial entity that stores marihuana and transports marihuana between medical marihuana facilities for a fee.

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

"State" means the State of Michigan.

- g. Any term defined by the MMMA or the Medical Marihuana Facilities Licensing Act and not defined in this chapter shall have the definition given in the MMMA or the Medical Marihuana Facilities Licensing Act.

Sec. 22-202. - Permit 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 permit to do so from the city clerk and a license from the State of Michigan. Subject to any other condition contained in this article, the city clerk, after approval from the city council, may issue up to an aggregate total of 20 marihuana facility permits. Said permits may be issued to any of the following types of medical marihuana facilities:
 - i. Grower facilities;
 - ii. Processor facilities;
 - iii. Provisioning centers;
 - iv. Secure transporters;
 - v. Safety compliance facilities;

The term of each permit shall be one year. Not more than two of the permits described above may be issued to provisioning centers.

- b. The non-refundable application fee for a medical marihuana facility permit shall be established by the city council by resolution.
- c. Authorization to operate in the City of Albion granted in the form of a city issued license, prior to this amendatory ordinance, shall remain in effect until the expiration of the license. Subsequent to expiration of the licenses referenced in this subsection, authorization to operate in the City of Albion shall only be via city issued and approved permits.

Sec. 22-203. - Permit applications submission.

- a. Application for each medical marihuana facility permit 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 permit, a permittee shall be required to reapply if the permittee seeks to continue operations.
- b. An application for a medical marihuana facility permit required by this chapter shall contain the following:
 - i. The appropriate non-refundable application fee in the amount per section 22-202(b);
 - ii. 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;
 - iii. 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;
 - iv. The name and address of the proposed medical marihuana facility and any additional contact information deemed necessary by the city clerk;

- v. For the applicant, for each stakeholder of the applicant, an affirmation under oath as to whether they are at least 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. Said affirmation shall be dated no more than thirty (30) days prior to the application submission;
- vi. Before hiring a prospective agent or employee of the applicant, and after, the holder of a permit shall conduct a background check of the prospective employee. Copies of said background checks shall be provided to the City of Albion upon request. If the background check indicated a pending charge or conviction within the past ten years for a controlled substance related felony, the applicant shall not hire the prospective employee or agent without written permission from the city clerk;
- vii. A copy of an ICHAT criminal history report for the applicant, each stakeholder of the applicant, each managerial employee and employee of the applicant meeting the criteria set forth in this article;
 - 1. Said report may not be dated more than fourteen (14) days prior to the date of the application submission;
- viii. 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;
- ix. An affirmation under oath as to whether the applicant has ever applied for or has been granted any commercial license, permit, 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. Said affirmation shall be dated no more than thirty (30) days prior to the application submission;

- x. 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 a permit under this chapter along with a copy of the lease for the premises;
- xi. Proof of an adequate premise liability and casualty insurance policy in the amount not less than \$100,000.00, 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. Proof of said insurance shall be provided not later than 60 days after a state operating license is issued or renewed;
- xii. 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;
- xiii. 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;
- xiv. 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. Said affidavit shall be dated no more than thirty (30) days prior to the application submission;
- xv. 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. Said affidavit shall be dated no more than thirty (30) days prior to the application submission.
- xvi. A staffing plan. The staffing plan shall, at a minimum, include: the exact number of employee roles and positions within the facility, the required education, qualifications, and

skills for each employee in each position, and how the facility will screen each employee's background;

- xvii. Any proposed text or graphical materials to be shown on the exterior of the proposed medical marijuana facility;
- xviii. A patient education plan. The patient education plan shall, at a minimum, detail: how the facility will educate the patients who visit the facility on the different types of medical marijuana and medical marijuana derivatives, the potential benefits of medical marijuana, potential negative effects and side-effects of medical marijuana, methods of uses of medical marijuana;
- xix. A business plan. The business plan shall, at a minimum, include: business goals, methods to achieve business goals, financial projections, strategies to attain financial projections, number of employees for the facility, whether the facility intends to make an effort to hire local residents, and background on the origins of the facility;
- xx. A location area map of the medical marijuana facility and surrounding area that identifies the relative locations and the distances (closest property line to the subject medical marijuana facility's building) to the subject medical marijuana 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;
- xxi. A facility sanitation plan to protect against any marijuana being ingested by any person or animal, indicating how the waste will be stored and disposed of, and how any marijuana will be rendered unusable upon disposal. Disposal by on-site burning or introduction in the sewerage system is prohibited;
- xxii. Verification of the sources and total amount of capitalization to operate a proposed marijuana facility. The total amounts of required capitalization for each type of marijuana facility are as follows:
 - 1. Grower: Class A - \$150,000.00;
 - 2. Grower: Class B - \$300,000.00;
 - 3. Grower: Class C - \$500,000.00;
 - 4. Processor: \$300,000.00;
 - 5. Provisioning center: \$300,000.00;

6. Secure transporter: \$200,000.00;
 7. Safety compliance facility: \$200,000.00.
- xxiii. An applicant shall provide proof to the City of Albion of the capitalization amounts described in section 22-203(b)(xxii) from sources as follows:
1. Not less than twenty-five (25%) percent is in liquid assets to cover the initial expenses of operating and maintaining the proposed marijuana facility. For purposes of this subsection, liquid assets include assets easily convertible to cash, including, but not limited to, cash, CDs, 401(k), stocks and bonds, and marijuana inventory that meet all of the following conditions:
 2. The marijuana inventory is possessed by an applicant who is a registered qualifying patient or registered primary caregiver or by an applicant who applies for a state operating license and possesses marijuana inventory in compliance with the Michigan Medical Marijuana Act;
 3. No more than 15 ounces of usable marijuana or 72 marijuana plants may be utilized as marijuana inventory in this subsection or utilized towards the capitalization requirement;
 4. Proof of the remaining capitalization to cover the initial expenses of operating and maintaining the proposed marijuana facility may include, but is not limited to additional liquid assets or equity in real property, supplies, equipment, fixtures, or any other non-liquid asset;
 5. The applicant shall provide proof that there is no lien or encumbrance on the asset(s) provided as a source of capitalization;
 6. The capitalization amounts and source must be validated by CPA-attested financial statements. The applicant shall disclose any of the capitalization sources that are foreign and a foreign CPA or its equivalent shall attest to the validation and a domestic CPA shall attest that foreign validation.
 7. Documents provided to verify the source(s) and total amount of capitalization shall be dated no more than thirty (30) days prior to application submission.

xxiv. As it relates to a grower facility, the following additional items shall be requested:

1. 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;
2. 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;
3. 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;
4. 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;
5. All growers must be performed within an enclosed locked facility which may include indoors or in an enclosed greenhouse.

xxv. All documents submitted in support of an application for a marihuana facility permit must be legible.

- b. Upon receipt of a completed medical marihuana facility application meeting the requirements of this chapter and confirmation that the number of existing permits do not exceed the maximum number established pursuant to section 22-202(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 or their designee, 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.
- c. No application shall be approved unless:

- i. 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;
 - ii. The applicant, each stakeholder of the applicant, and the managerial employees and employees of the applicant, have passed a criminal background check. The Albion Department of Public Safety may request additional background materials prior to approval;
 - iii. The director of planning and development, has confirmed that the proposed location complies with the City's zoning ordinance;
 - iv. The finance director or the designee has confirmed that the applicant and each stakeholder of the applicant are not in default to the city;
 - v. The city attorney or his designee has completed a detailed review of the medical marijuana facility application for compliance with the applicable state laws and city ordinances.
- d. If written approval is given by each individual or department identified in subsection (i)—(v), the city clerk shall submit the application to the planning commission for recommendation to the city council for the issuing of a permit to the applicant. All permits issued are contingent upon the State of Michigan issuing a license for the operation under state law.
- e. Permittees shall report any 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.

Sec. 22-204. - Permit applications evaluation.

- a. The city council will assess all applications referred to it by the planning commission.
- b. In its application deliberations, the city council shall assess each application in each of the following categories:
 - i. The applicant's experience in operating other similarly licensed or permitted businesses.
 - ii. The applicant's general business management experience.
 - iii. The applicant's general business reputation.
 - iv. 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.

- v. The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance.
 - vi. The sources and total amount of the applicant's capitalization to operate and maintain the proposed medical marihuana facility.
 - vii. 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.
 - viii. Past convictions of the applicant involving any of the following, but not limited to:
 - 1. Gambling;
 - 2. Prostitution;
 - 3. Weapons;
 - 4. Violence;
 - 5. Tax evasion;
 - 6. Fraudulent activity;
 - 7. Serious moral turpitude; and
 - 8. Felony drug convictions.
 - ix. 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;
 - x. Whether the applicant has filed, or had filed against it, a proceeding for bankruptcy within the past seven years;
 - xi. 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 or more years;
 - xii. Whether the applicant has a history of noncompliance with any regulatory requirements in this state or any other jurisdiction;
 - xiii. 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 22-204(b)(i) through (xiii) and may issue a permit to the applicant that meets the categories in this section.

- i. 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.
- ii. Within 30 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.
- iii. 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.
- iv. A conditionally authorized applicant shall receive full authorization from the city to operate the medical marihuana facility within the city upon the applicant providing to the clerk proof that the applicant has received a state operating license for the medical marihuana facility in the city and the applicant has met all other requirements of this ordinance for operation including but not limited to any zoning approval for the location of the facility within the city.
- v. 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. 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 30 days prior to cancellation, upon the reasonable discretion of the city council finding good cause for the extension.

Sec. 22-205. - Permits generally.

- a. To the extent permissible, all information submitted in conjunction with an application for a permit or permit renewal required by this chapter is confidential and exempt from disclosure under the Michigan Freedom of Information Act, 1976 PA 442, MCL 15.231 et seq. Furthermore, no personal information concerning the applicant shall be submitted to the city council.
- b. Permittees may transfer a permit issued under this chapter to a different location upon receiving written approval from the city clerk. In order to request approval to transfer a permit location, the permittee must make a written request to the city clerk indicating the current permit location and the proposed permit location. Upon receiving the written request, the city clerk shall refer a copy of the written request to each of the following for approval: the Albion Department of Public Safety or his designee, the director of planning and development or their designee, the finance director or its designee, the City Attorney, or their designee, and the city council. No permit transfer shall be approved unless each such individual or department gives written approval that the permittee and the proposed permit location meet the standards identified in this article.
- c. Permittees may transfer a permit issued under this chapter to a different individual or entity upon receiving written approval by the city clerk. In order to request approval to transfer a permit to a different individual or entity, the permittee must make a written request to the city clerk, indicating the current permittee and the proposed permittee. Upon receiving the written request, the city clerk shall consider the request as a new application for a permit and the procedures set forth in this article and the act shall be followed.
- d. Permittees shall report any other change in the information required by this chapter to the city clerk within ten (10) business days of the change. Failure to do so may result in suspension or revocation of the permit.

Sec. 22-206. - 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 marijuana 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. The premises shall be open for inspection upon probable cause that a violation of this chapter has occurred during the stated hours of operation and at such other times as anyone is present on the premises.
- d. 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 not less than fourteen (14) days.
- e. 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.
- f. 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.
- g. 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.
- h. A drive-through window on the premises of a provisioning center shall not be permitted.
- i. The provisioning center shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.
- j. 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.
- k. The permit required by this chapter shall be prominently displayed on the premises of a provision center.
- l. 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.
- m. All marihuana delivered to a patient shall be packaged and labeled as provided by state law.
- n. 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.

- 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 marijuana 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.

Sec. 22-207. - Minimum operational standards of grower facility.

The following minimum standards for a grower facility shall apply:

- a. The grower facility shall comply at all times and in all circumstances the City of Albion Code of Ordinances.
- b. The premises shall be open for inspection to the City of Albion to ensure compliance with this Chapter during the stated hours of operation and at such other times as anyone is present on the premises.
- c. Any grower facility shall maintain a log book of those persons who enter the facility.
- d. All marijuana shall be contained within an enclosed locked facility. Unless otherwise permitted by law, all operations shall be conducted within the facility so as not to be exposed to the public and all operations are expressly prohibited from being conducted outside the facility or outdoors.
- e. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the grower, growing or harvesting of marijuana are located.
- f. That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Albion Department of Public Safety to ensure compliance with the BOCA National Fire Prevention Code.
- g. The dispensing of marijuana at the grower facility shall be prohibited.

- h. All persons working in direct contact with marihuana shall conform to hygienic practices while on duty, including but not limited to: 1. Maintaining adequate personal cleanliness; 2. Washing hands thoroughly in adequate hand washing areas before starting work and at any other time when the hands may have become soiled or contaminated; 3. Refraining from having direct contact with marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.
- i. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where marihuana is exposed.
- j. Floors, walls and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.
- k. There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste development of odor and minimize the potential for waste becoming an attractant, harborage or breeding places for pests.
- l. Any buildings, fixtures and other facilities shall be maintained in a sanitary condition.
- m. Each grower facility shall provide its occupants with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair. Toilet facilities must comply with the plumbing code.
- n. Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.
- o. The grower facility shall be free from infestation by insects, rodents, birds, or vermin of any kind.
- p. Exterior signage or advertising identifying the facility as a grower facility shall be prohibited.
- q. Odor control - No person, tenant, occupant, or property owner shall permit the emission of marihuana odor from any source to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property. Whether or not a marihuana odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standards of a reasonable person of normal sensitivity. A grower shall install and maintain in operable condition a system which precludes the emission of marihuana odor from the premises. The grower shall also:

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

Sec. 22-208. - Minimum operational standards of safety compliance facility.

The following minimum standards for the safety compliance facility shall apply:

- a. The safety compliance facility shall comply at all times and in all circumstances with the City of Albion Code of Ordinances.
- b. The premises shall be open for inspection to the City of Albion to ensure compliance with this Chapter during the stated hours of operation and at such other times as anyone is present on the premises.
- c. Consumption and/or use of marihuana shall be prohibited at the facility.
- d. Any safety compliance facility shall maintain a log book of person who enter the facility.
- e. All marihuana shall be contained within the building in an enclosed locked facility in accordance with the MMMA, as amended, and Medical Marihuana Facilities Licensing Act or applicable state laws. Unless otherwise permitted by law, all operations shall be conducted within the facility so as not to be exposed to the

public and all operations are expressed prohibited from being conducted outside the facility or outdoors.

- f. There shall be no other accessory uses permitted within the same facility other than those associated with testing marihuana.
- g. All persons working in direct contact with marihuana shall conform to hygienic practices while on duty.
- h. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where marihuana is exposed.
- i. Floors, walls and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.
- j. Any buildings, fixtures and other facilities shall be maintained in a sanitary condition.
- k. Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.
- l. Exterior signage or advertising identifying the facility as a safety compliance facility shall be prohibited.

Sec. 22-209. - Minimum operational standards of processor facility.

The following minimum standards for the processor facility shall apply:

- a. The processor facility shall comply at all times and in all circumstances with the City of Albion Code of Ordinances.
- b. The premises shall be open for inspection to the City of Albion to ensure compliance with this Chapter during the stated hours of operation and at such other times as anyone is present on the premises.
- c. Consumption and/or use of marihuana shall be prohibited at the processor facility.
- d. All activity related to the processor facility shall be done indoors.
- e. Any processor facility shall maintain a log book of all non-employees who enter the premises.
- f. Unless otherwise permitted by law, all operations shall be conducted within the facility so as not to be exposed to the public and all operations are expressed prohibited from being conducted outside the facility or outdoors.
- g. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring for devices that support the processing of marihuana are located.
- h. That portion of the structure where the storage of any chemicals shall be subject to inspection and approval by the Albion Department of Public Safety to ensure compliance with the BOCA National Fire Prevention Code.

- i. The dispensing of medical marihuana at the processor facility shall be prohibited.
- j. All persons working in direct contact with marihuana shall conform to hygienic practices while on duty, including but not limited to:
 - i. Maintaining adequate personal cleanliness;
 - ii. Washing hands thoroughly in adequate hand washing areas before starting work and at any other time when the hands may have become soiled or contaminated;
 - iii. Refraining from having direct contact with marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.
- k. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where marihuana is exposed.
- l. Floors, walls and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.
- m. There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste development of odor and minimize the potential for waste becoming an attractant, harborage or breeding places for pests.
- n. Any buildings, fixtures and other facilities shall be maintained in a sanitary condition.
- o. Each processor facility shall provide its occupants with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair. The toilet facilities shall comply with the Michigan Plumbing Code.
- p. Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.
- q. The processor facility shall be free from infestation by insects, rodents, birds, or vermin of any kind.
- r. The processor facility shall produce no products other than usable marihuana intended for human consumption.
- s. Exterior signage or advertising identifying the facility as a processor facility shall be prohibited.
- t. Odor control - No person, tenant, occupant, or property owner shall permit the emission of marihuana odor from any source to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property. Whether or not a marihuana odor emission interferes with the reasonable

and comfortable use and enjoyment of a property shall be measured against the objective standards of a reasonable person of normal sensitivity. A processor shall install and maintain in operable condition a system which precludes the emission of marihuana odor from the premises. The Processor shall also:

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

Sec. 22-210. - Minimum operational standards for a secure transporter.

The following minimum standards for a secure transporter shall apply:

- a. A secure transporter shall comply at all times and in all circumstances with the City of Albion Code of Ordinances.
- b. Each driver transporting marihuana shall have a valid chauffeur's license issued by the State of Michigan.
- c. Each vehicle shall be operated with a two-person crew with at least 1 individual remaining with the vehicle at all times during the transportation of marihuana.
- d. A route plan and manifest shall be carried in the transporting vehicle and presented to a law enforcement officer upon request.

- e. The marihuana being transported shall only be transported in one or more sealed containers and not be accessible while in transit.
- f. A secure transporter shall not bear marking or other indication that it is carrying marihuana or a marihuana-infused product.
- g. A secure transporter shall be subject to administrative inspection by a law enforcement officer, including but not limited to the Albion Department of Public Safety, at any point during the transportation of marihuana in the City of Albion to determine compliance with this article.

Sec. 22-211. - 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 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 250 feet of real property comprising a public park. Any grower facility, safety compliance facility, processor facility or secure transporter located more than 250 feet but less than 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 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 250 feet but less than 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 250 feet of any residential zoning district of the city. Any provisioning center located more than 250 feet but less than 500 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.
- e. All grower facilities shall be limited to the M-1 and M-2, zoning districts. Safety compliance facilities shall be limited to the C, M-1, and M-2, zoning districts. Secure transporters shall be limited to the C, M-1, and M-2, zoning districts.

Processor facilities and provisioning centers shall be limited to C, M-1, and M-2 zoning districts.

Sec. 22-212. - Denial and revocation.

- a. A permit issued under this chapter may be revoked after an administrative hearing at which the city clerk determines that any grounds for revocation under subsection (b) exists. Notice of the time and place of the hearing and the grounds for revocation must be given to the holder of the permit at least five (5) days prior to the hearing, by first class mail to the address given on the permit application or any address provided pursuant to this article.
- b. A permit applied for or issued under this chapter may be denied or revoked on any of the following basis:
 - i. Violation of this chapter;
 - ii. Any conviction of or release from incarceration for a felony under the laws of this state, or any other state, or the United States, within the past five years by the applicant or any stakeholder of the applicant as measured from the date of the application or the date of becoming a stakeholder, whichever occurs later, or while permitted under this chapter; or any conviction of a substance-related felony by the applicant or any stakeholder of the applicant whenever or while permitted under this chapter;
 - iii. Commission of fraud or misrepresentation or the making of a false statement by the applicant or any stakeholder of the applicant while engaging in any activity for which this chapter requires a permit;
 - iv. Sufficient evidence that the applicant(s) lack, or have failed to demonstrate the requisite professionalism and/or business experience required to assure strict adherence to this chapter and the rules and regulations governing the medical marihuana program in the State of Michigan;
 - v. The medical marihuana facility is determined by City of Albion to have become a public nuisance;
 - vi. The Michigan Medical Marihuana Regulatory Agency has denied, revoked or suspended the applicant's state license.

Sec. 22-213. - Penalties and discipline.

- a. The City of Albion may require an applicant or holder of permit of a medical marihuana facility to produce documents, records, or any other material pertinent to the investigation of an application or alleged violation of this chapter. Failure to provide the required material may be grounds for application denial, permit revocation, or discipline.
- b. Any person in violation of any provision of this chapter or any provision of a license issued under this chapter, is responsible for a civil infraction, punishable

by a fine of up to \$500.00 plus costs for each violation. This section is not intended to prevent enforcement of any provision of state or federal law by the Albion Department of Public Safety or any other law enforcement agency.

- c. All fines imposed under this chapter shall be paid within 45 days after the effective date of the order imposing the fine or as otherwise specified in the order.
- d. The city clerk may temporarily suspend the medical marihuana facility permit without a hearing if the city clerk finds that public safety or welfare requires emergency action. The city clerk shall cause the temporary suspension by issuing a suspension notice in connection with institution of proceedings for a hearing.
- e. If the city clerk temporarily suspends a permit without a hearing, the holder of the license is entitled to a hearing within thirty (30) days after the suspension notice has been issued. The hearing shall be limited to the issues cited in the suspension notice.
- f. If the city clerk does not hold a hearing within 30 days after the date of suspension was issued, then the suspended permit shall be automatically reinstated and the suspension vacated.
- g. In addition to any other remedy available at law, the City of Albion may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this article.

Section 2. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

Section 3. Repeal. Any ordinance(s) inconsistent with this ordinance are hereby repealed.

This Ordinance shall take effect on March 1, 2021 after publication.

First Reading:

Second Reading & Adoption:

January 19, 2021

February 1, 2021

Ayes _____
Nays _____

Ayes _____
Nays _____

Absent _____

Absent _____

Jill Domingo,
Clerk

Victoria Snyder,
Mayor

CITY COUNCIL REGULAR MEETING **AGENDA ITEM REPORT**



To: CITY COUNCIL

Subject: 1ST READING & APPROVAL ORDINANCE # 2021-03, AN ORDINANCE TO AMEND CHAPTER 22, ARTICLE IV, TO AMEND SECTION 22-183, PERMIT PROCEDURES FOR OUTDOOR AND SIDEWALK CAFES AND TO AMEND SECTION 22-186 OPERATING RESTRICTIONS FOR OUTDOOR AND SIDEWALK CAFES

Meeting: CITY COUNCIL - 01 Feb 2021

Department: Attorney

Staff Contact: Cullen Harkness, City Attorney

ATTACHMENTS:

[Ordinance 2021-03](#)

**CITY OF ALBION
ORDINANCE #2021-03**

AN ORDINANCE TO AMEND CHAPTER 22, ARTICLE IV, TO AMEND SECTION 22-183, PERMIT PROCEDURES FOR OUTDOOR AND SIDEWALK CAFES AND TO AMEND SECTION 22-186 OPERATING RESTRICTIONS FOR OUTDOOR AND SIDEWALK CAFES

Purpose and Finding:

As the City Council is aware, the City previously modified its permit procedures ordinance to extend the time period for the permits to allow for outdoor dining in light of the pandemic. Given that the pandemic continues, it has been requested that the time period provision be modified to allow the council for extend the time period for the permits.

THE CITY OF ALBION ORDAINS:

Section 1. Chapter 22, Article IV, Section 22-183, sub-section (c) of the Codified Ordinances of the City of Albion, is hereby amended as follows:

ARTICLE IV: OUTDOOR AND SIDEWALK CAFES

Sec. 22-183. Permit Procedures

- c. The permit for the operation of an outdoor or sidewalk café shall be valid for one (1) year from the date of its issuance.

Section 2. Chapter 22, Article IV, Section 22-186, sub-section (e) of the Codified Ordinances of the City of Albion, is hereby amended as follows:

ARTICLE IV: OUTDOOR AND SIDEWALK CAFES

Sec. 22-186. Operating Restriction

- e. The only signage permitted on the public space, including the public sidewalk and the sidewalk café area, is an A-frame sandwich board, whose height shall not exceed four (4) feet and, which in no instance shall any face be larger than six (6) square feet.
 - 1. In the event a sidewalk café seeks to place any additional temporary signage, the sidewalk café must first obtain written permission from the City of Albion Director of Planning and Code Enforcement or their designee. Said written permission shall

specify the type of sign, its dimensions, location of placement, and the time period for which it may be temporarily displayed.

Section 3. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

This Ordinance shall take effect on March 15, 2021 after publication.

First Reading:

Second Reading & Adoption:

February 1, 2021

February 15, 2021

Ayes _____

Ayes _____

Nays _____

Nays _____

Absent _____

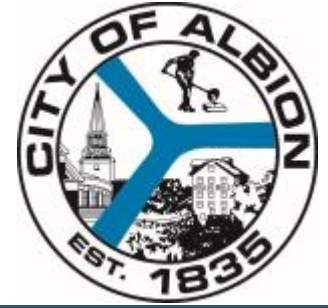
Absent _____

Jill Domingo,
Clerk

Victoria Garcia-Snyder,
Mayor.

CITY COUNCIL REGULAR MEETING

AGENDA ITEM REPORT



To: City Council
Subject: APPROVAL OF 2021 CALHOUN COUNTY PARKS MILLAGE ALLOCATION
Meeting: CITY COUNCIL - 01 Feb 2021
Department: City Manager
Staff Contact: Haley Snyder, Assistant City Manager/HR Coordinator

BACKGROUND INFORMATION:

The Calhoun County Parks millage was approved by voters in August 2020. The millage rate is .2 mills for five years. The millage will generate approximately \$730,000 per year to be used to operate, preserve, acquire, maintain, and develop parks in Calhoun County. The City of Albion's 2021 park millage allocation is \$23,960.06.

Sheridan Township has graciously offered to forego their 2021 allocation to the City of Albion. There are no current park spaces in the township and many township residents utilize the city's parks.

SUMMARY OF PREVIOUS COUNCIL ACTION:

Albion City Council adopted Resolution 2020-43 to authorize the expenditure of up to \$10,000 to support repairs and maintenance of the Victory Park tennis and basketball courts. The city is also in the process of updating the current 5-year Parks and Recreation Master Plan.

RECOMMENDATION:

The Parks and Recreation Advisory Commission and City Administration recommend the city accepts the 2021 parks millage allocation in the amount of \$23,960.06.

ATTACHMENTS:

[City of Albion 2021 Allocation](#)

**CALHOUN COUNTY PARKS AND RECREATION COMMISSION
2021 REQUEST FOR LOCAL MILLAGE DISTRIBUTION**

_____ Millage Allocation Overview

_____ 2021 Park's Millage Allocation is _____.

Municipal allocation commitment

- _____ accepts our millage allocation.
- _____ declines our millage allocation.

General Instructions:

- Communities accepting their allocation can continue to page 2.
- Communities declining their allocation please leave the form blank, other than your notice of decline above, then sign and submit the form. Documentation of approval of this form by a local government body such as meeting minutes when action was taken or a resolution by the governing body, is still required.

Financial and reporting guide:

- Municipalities must be able to report on Parks Millage funds separately from general park expenditures. Though not needed for this first year, the end of year millage report requires millage expenses be separated from general or other operating fund parks expenses.
- The allocation request form and year-end millage report are due on February 15th. Municipalities will be contacted prior to the due date with a reminder and instructions.
- Municipalities can have a balance of funds at the end of the year for up to three years and need to have the proper financial reporting in place to account for the fund balance.
- Municipalities that fail to complete this form will forfeit their allocation. Forfeited funds will be placed back into the municipal allocation pool and divided proportionately among remaining municipalities.

What can millage funds be used for?

Millage funds must be used in accordance to the ballot language citizens approved on Aug. 4, 2020. It reads, millage funds will “be used and dispersed for the purpose of maintaining, operating, preserving, acquiring, and developing parks in Calhoun County.” See the list below for examples.

Capital repairs or replacements	Park acquisitions	New park amenities
Additional park maintenance	Matching funds	Park planning and engineering

What can't millage funds be used for?

Parks requiring an entry fee	Parks that are not open to the public
Recreation leagues	Athletic fields that are not open to the public
Sports programming	Replacing local municipality parks funding
Cemeteries	

*Municipalities that have ideas that may fall outside the guidelines of this document must contact Calhoun County Parks staff to discuss the proposal. All proposals will be reviewed on a case-by-case basis.

Timeline/Due dates

Notification of allocation amount	Mid-September 2020
Allocation request and previous year's report	February 15 th , 2021
Allocations sent to municipalities	Early March 2021
Six-month check-in report	July 15 th , 2021

**CALHOUN COUNTY PARKS AND RECREATION COMMISSION
2021 REQUEST FOR LOCAL MILLAGE DISTRIBUTION**

_____ Millage Allocation Request and Planning

This information will be used to advise citizens on how the County Parks Millage funds are being spent by local municipalities.

- Project Type(s):** Capital Replacement New Capital Improvement
Check all that apply Additional Maintenance Equipment
 Planning or Engineering No project in 2021:
 Other:

Estimated Budget:	Salaries and fringe	\$ _____
	Contractual services	\$ _____
	Supplies and equipment	\$ _____
	Other:	\$ _____
	Other:	\$ _____
	Total Budget	\$ _____

Project(s) Description

How would your municipality fund the ongoing maintenance of this project(s) if the millage isn't renewed at the end of the five-year period?

_____ does hereby certify that Calhoun County Parks Millage funding is not being used to replace existing municipal park funding and that these funds are being used to expand the quality of parks in our community.

Date

Authorized official signature

Date of approval of local governing board
(township board, city or village council).

Authorized official printed name

Authorized official title

Documentation

Must provide documentation of approval of this form by a local government body such as meeting minutes where action was taken or a resolution by the governing body.

**CALHOON COUNTY PARKS AND RECREATION COMMISSION
2021 MILLAGE ALLOCATION REPORT (Due Feb. 2022)**

_____ Millage Allocation Report

2021 Financial Report:

1.	County millage revenue	\$ _____
2.	Millage expenses	
	2a. Salaries and fringe	\$ _____
	2b. Contractual services	\$ _____
	2c. Supplies and equipment	\$ _____
	2d. Other _____	\$ _____
	_____	\$ _____
3.	Total millage expenditures (Add lines 2a through 2d)	\$ _____
4.	Ending Millage balance (Subtract line 3 from line 1)	\$ _____

What did you accomplish with your 2021 millage allocation?

How did your results differ from your original proposal?

_____ does hereby certify that Calhoun County Parks Millage funding is not being used to take the place of existing municipal park funding and that these funds are being used to expand the quality of parks in our community.

Date

Authorized official signature

Date of approval of local governing board
(township board, city or village council).

Authorized official printed name

Authorized official title

Documentation

Must provide documentation of approval of this form by a local government body such as meeting minutes where action was taken or a resolution by the governing body.

(This section will not be used until its due date in Feb 2022)

CITY COUNCIL REGULAR MEETING

AGENDA ITEM REPORT



To: City Council
Subject: APPROVAL OF BATTLE CREEK YMCA SERVICE AGREEMENT
Meeting: CITY COUNCIL - 01 Feb 2021
Department: City Manager
Staff Contact: Haley Snyder, Assistant City Manager/HR Coordinator

BACKGROUND INFORMATION:

On December 7, 2020, the Albion City Council approved to enter into a one (1) year agreement with the Battle Creek YMCA to provide all recreation programming for the City of Albion. The recreation programs will be available at no cost to Albion residents. Recreation programs will be designed for all ages, from children to senior.

The Battle Creek YMCA has provided a tentative program calendar for February/March in accordance with current COVID-19 orders. Please note, basketball is considered a contact sport and is not allowed at this time. The YMCA will utilize the Bohm Theater stage in the short term until the Washington Gardner gymnasium is available.

FINANCIAL IMPACT:

Total for comprehensive 12-month recreation service agreement for children to seniors - \$115,000

ATTACHMENTS:

[Services Agmt - Albion and BC YMCA](#)
[BC YMCA Feb-Mar Calendar](#)

SERVICE AGREEMENT

This Service Agreement (Agreement”) is made on _____, _____, by and between the **CITY OF ALBION** (“City”), whose address is 112 W Cass St., Albion, MI 49224, and **BATTLE CREEK FAMILY YMCA** (“BC YMCA”), whose address is 182 Capital Ave NE, Battle Creek, MI 49017, collectively referred to as the “Parties”.

For valid consideration given and received, the parties agree as follows:

- I. *Term.* This Agreement shall commence on February 15, 2021 (“Effective Date”) and shall continue until February 15, 2022 (“Termination Date”).
- II. *Consideration.* The Parties agree that the City shall pay BC YMCA the sum of One Hundred Fifteen Thousand (\$115,000.00) dollars for BC YMCA’s services as specified in this Agreement. BC YMCA shall be responsible for any and all fees associated with future rental agreements to perform services under this Agreement.
- III. *Services.* BC YMCA shall provide the following services for the City for the duration of this Agreement:
 - a. Any and all recreational programming for the residents of the City, including the City’s youth, adults, and seniors;
 - b. All staffing and personnel required to meet the needs of such programming; and
 - c. Any and all supplies necessary for such programming
- IV. *Local Advisory Board.* In the event that a local advisory board (“Board”) is created in contemplation of this Agreement and such Board is comprised of nine (9) members, the City shall appoint two (2) members, and BC YMCA shall appoint three (3) members.
- V. *Insurance.* For the duration of this Agreement, BC YMCA shall maintain a general liability insurance policy naming the City as an additional insured under said policy. BC YMCA shall provide proof of said insurance policy prior to the Effective Date.
- VI. *Termination.* Either party may terminate this Agreement by giving 30-day notice to the other party. The party exercising their termination rights under this section shall provide notice to the other party in writing.
- VII. *Severability.* If any part of this Agreement is determined to be invalid, the rest of the agreement remains in full effect.
- VIII. *No Oral Modification.* This Agreement may not be modified orally. This Agreement may only be modified through a written agreement signed by both parties.
- IX. *Applicable Law.* Any and all disputes regarding the terms of this Agreement shall be determined under Michigan law.
- X. *Entire Agreement.* This Agreement constitutes the entire agreement and understandings between the parties and supersedes all other agreements and understandings, both written and oral, of the parties relating to the subject matter of this Agreement.

_____, on behalf
of the City of Albion

_____, on behalf
of the Battle Creek Family YMCA

Date

Date

2021

February

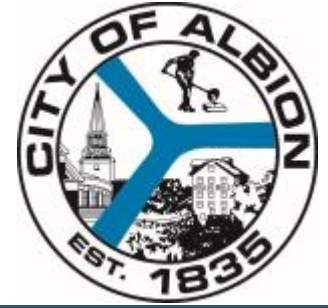
MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
01 6pm - Zumba	02 6pm - Kids Cardio Drumming	03 6pm - Adult Cardio Drumming	04	05 1pm - Fitness & Feature	06 11am - Step Class	07
08 6pm - Zumba	09 6pm - Kids Cardio Drumming	10 6pm - Adult Cardio Drumming	11	12 1pm - Fitness & Feature	13 11am - Step Class	14
15 6pm - Zumba	16 6pm - Kids Cardio Drumming	17 6pm - Adult Cardio Drumming	18	19 1pm - Fitness & Feature	20 11am - Step Class	21
22 6pm - Zumba	23 6pm - Kids Cardio Drumming	24 6pm - Adult Cardio Drumming	25	26 1pm - Fitness & Feature	27 11am - Step Class	28

2021

March

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
01 6pm - Zumba	02 6pm - Kids Cardio Drumming	03 6pm - Adult Cardio Drumming	04	05 1pm - Fitness & Feature	06 11am - Step Class	07
08 6pm - Zumba	09 6pm - Kids Cardio Drumming	10 6pm - Adult Cardio Drumming	11	12 1pm - Fitness & Feature	13 11am - Step Class	14
15 6pm - Zumba	16 6pm - Kids Cardio Drumming	17 6pm - Adult Cardio Drumming	18	19 1pm - Fitness & Feature	20 11am - Step Class	21
22 6pm - Zumba	23 6pm - Kids Cardio Drumming	24 6pm - Adult Cardio Drumming	25	26 1pm - Fitness & Feature	27 11am - Step Class	28
29 6pm - Zumba	30 6pm - Kids Cardio Drumming	31 6pm - Adult Cardio Drumming	01	02 1pm - Fitness & Feature	03 11am - Step Class	04

CITY COUNCIL REGULAR MEETING AGENDA ITEM REPORT



To: City Council
Subject: APPROVAL OF PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES
Meeting: CITY COUNCIL - 01 Feb 2021
Department: City Manager
Staff Contact: Haley Snyder, Assistant City Manager/HR Coordinator

BACKGROUND INFORMATION:

A Performance Resolution is required by the Michigan Department of Transportation (MDOT) for purposes of issuing an "Individual Permit for Use of State Highway Right of Way" or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way" to a municipality.

ATTACHMENTS:

[MDOT Performance Resolution](#)

PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way", or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".

RESOLVED WHEREAS, the _____
(city, village, township, etc.)

hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the GOVERNMENTAL AGENCY is performed by a contractor, the GOVERNMENTAL AGENCY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the GOVERNMENTAL AGENCY. Failure of the GOVERNMENTAL AGENCY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.
4. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

- 5. The GOVERNMENTAL AGENCY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.
- 6. With respect to any activities authorized by a PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
- 7. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
- 8. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

Title and/or Name:

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the _____
 (Name of Board, etc)

of the _____ of _____
 (Name of GOVERNMENTAL AGENCY) (County)

at a _____ meeting held on the _____ day

of _____ A.D. _____.

Signed _____ Title _____

CITY COUNCIL REGULAR MEETING **AGENDA ITEM REPORT**



To: City Council
Subject: DISCUSSION CITY MANAGER POSITION
Meeting: CITY COUNCIL - 01 Feb 2021
Department: Council
Staff Contact: Victoria Snyder, Mayor

CITY COUNCIL REGULAR MEETING **AGENDA ITEM REPORT**



To: City Council
Subject: DISCUSSION ADULT RECREATIONAL MARIHUANA SALES
Meeting: CITY COUNCIL - 01 Feb 2021
Department: Council
Staff Contact: Shane Williamson, (6)

BACKGROUND INFORMATION:

City Council approved Ordinance 2020-05 on July 6, 2020, which took effect on September 6, 2020. The ordinance allows for adult use grow facilities and processing facilities only.

CITY COUNCIL REGULAR MEETING

AGENDA ITEM REPORT



To: City Council
Subject: DISCUSSION REGARDING POLICE INVESTIGATION
Meeting: CITY COUNCIL - 01 Feb 2021
Department: Council
Staff Contact: Vicky Clark, (1)



CITY OF ALBION

Office of the City Manager

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

MEMO

TO: Honorable Mayor and City Council
FROM: Haley Snyder, Interim City Manager
DATE: January 27, 2021
RE: City Manager's Report – February 1, 2021

2021 Local Government State of the Community – I will be participating in the 2021 Local Government State of the Community on Friday, January 29th. The County wide event will be put on virtually by the Calhoun County and City of Battle Creek Communications Departments. The event will be streamed live on the City of Battle Creek's YouTube Channel - <https://www.youtube.com/cityofbattlecreekmichigan>

Sidewalk Improvements Project Update – Council approved to repair, replace and install handicap accessible ramps at street intersections (approximately 312 ramps) at the June 1, 2020 regular meeting. Upon Wightman's completion of the field inventory of the sidewalk ramp assessment, a discrepancy was discovered between the inventory provided by the city and what their team had identified (526 ramps). Wightman has designed the project to push the city's investment to intersection ramps for local streets. The project has been put out for bid, with bid openings scheduled for Tuesday, February 16th.

John Tracy's Retirement – After dedicating almost 23 years of service to the City of Albion, John Tracy will be retiring on Friday, January 29th. Thank you John for your many years of dedication to the city!

City Hall Operations – City Hall's front lobby continues to remain open to the public Monday-Friday from 10a-3p. Residents are encouraged to continue to utilize the front drop box (**no cash payments allowed**) and online payment option for property tax and utility billing payments. Residents can call anytime during regular business hours to schedule an appointment to handle any other department business.